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January 3, 2022

VIA EMAIL AND HAND DELIVERY

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Ms. Allison M. Laff, AICP
Deputy Director – Planning and Development
TED Business Group
City of Naperville
400 South Eagle Street
Naperville, Illinois 60540

RE: Board of Trustees of the Young Men’s Christian Association of Chicago
(Kroehler Family YMCA)
34 South Washington Street, Naperville, Illinois 60540
Written Opposition to Application Requesting Landmark Designation

Dear Ms. Laff:

Enclosed are two copies (in binders) submitted on behalf of the Board of Trustees of the Young Men’s Christian Association of Chicago (YMCA) as their written opposition to Naperville Preservation, Inc.’s application requesting landmark designation of the Kroehler Family YMCA located at 34 South Washington Street, Naperville, Illinois 60540.

Should you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

/s/ *Scott M. Day*

Scott M. Day

SMD:kg

Enclosures

cc: Board of Trustees of the Young Men’s Christian Association of Chicago
Rebecca Simon (napervillepreservation@gmail.com)

**YMCA’S WRITTEN OPPOSITION TO
APPLICATION REQUESTING LANDMARK DESIGNATION**

I. INTRODUCTION.

On September 24, 2021, Naperville Preservation, Inc. (“Naperville Preservation”), a 501(3)(c) self-proclaimed advocacy group encouraging historic preservation of Naperville buildings, filed an application asking the City of Naperville (“City”) to impose a “landmark designation” on the Kroehler Family YMCA building located at 34 South Washington Street, Naperville Illinois. This property is owned by the Board of Trustees of the Young Men’s Christian Association of Chicago, a charter entity constituted pursuant to Special Acts of the Illinois General Assembly in 1861, as amended in 1867, with its principal place of business at 1030 West VanBuren Street, Chicago, Illinois 60607 (“YMCA”). YMCA is a 501(3)(c) organization currently owning and operating a corporate headquarters in the Chicago West Loop, 14 YMCA membership centers, 5 standalone childcare facilities, and 5 camps through Illinois, Michigan and Wisconsin. Additionally, the YMCA has a presence in over 100 off-site locations throughout the Chicagoland area where they offer programming. YMCA is the fourth largest charitable organization in Chicago.

The application filed by Naperville Preservation is unwelcomed. The YMCA has not consented to having the application submitted, and is opposed to having the restrictions and property right deprivations of historic landmark designation imposed on their property without their consent. The purpose of this submittal is to formally document the YMCA’s opposition to the landmark designation requested by Naperville Preservation, and to detail the reasons why landmark status should be withdrawn by the applicant. Should the request for withdrawal not be honored by the applicant, the YMCA asks that the City deny the application.

II. STATUS OF THE KROEHLER FAMILY YMCA PROPERTY.

Over the past 14 months, the Kroehler Family YMCA building has been the subject of an extensive effort by the YMCA to sell the property at what valuation experts and Illinois valuation law define as the property’s “highest and best use.” Most appraisal textbooks define highest and best use as the most profitable, legally permitted, economically feasible and physically possible use of a piece of real estate. The highest and best use might be its current use, or alternatively for demolition and resale as vacant land. Based on the extensive work undertaken at significant expense, the YMCA has concluded that the highest and best use for this property is for demolition and sale as vacant land for a use consistent with Naperville zoning.

As of the date this application was filed, the YMCA had negotiated mutually acceptable terms of a purchase sale agreement (“PSA”) with an economically viable and well-financed purchaser. As of the date of this submittal, the YMCA Board of Trustees (“YMCA Board”) has chosen to liquidate the property under the PSA, which will generate well in excess of \$1.6 million to reinvest in the core charitable purposes of YMCA’s mission. The YMCA does not want forced historic preservation to defeat their core mission.

The decision to sell was neither carelessly nor whimsically made. Rather, this decision was carefully examined, openly and collaboratively processed with City planning staff, and amply justified by the economic and functional obsolescence of the property that Naperville Preservation now asks the YMCA to preserve in perpetuity. In fairness, a detailed explanation is required.

III. YMCA DECISION TO SELL THE KROEHLER FAMILY YMCA PROPERTY.

The Kroehler Family YMCA has served the Naperville area for more than a century. That said, as of 2020, the YMCA programs and operations at this site were losing in excess of \$400,000 each year and had been suffering those unsustainable losses for several years prior. Membership at the aging facility was declining regularly as YMCA customers were being drawn to other recreational opportunities. Restoration to a current standard YMCA was fully evaluated and determined to be far beyond economic viability as detailed hereafter.

In 2013, the YMCA retained the services of Charles Vincent George Architects (“CVG”) (Jeffrey Lietz) to do a full evaluation of the building with the goal being to define the scope and costs of upgrades needed to bring the facilities up to functional and programing standards for current YMCA operations and activities. The CVG evaluation and analysis (Exhibit 1) concluded that an investment of over \$13 million would be necessary to bring this obsolete collection of rooms and additions up to current standards. The YMCA Board determined the existing building did not justify such an enormous economic investment because even with the completion of all proposed upgrades, all elements of functional obsolescence could not be eliminated. The site simply has too many constraints related to the size of the lot and rooms.

In 2019, with full renovation of the building having been deemed not viable, the YMCA retained the firm of Dude Solutions to complete a full building review and to inventory the cost of eliminating all deferred maintenance issues presented by the then-existing condition of the structure. As of 2019, to simply address the deferred maintenance issues within the building would cost the YMCA in excess of \$6.5 million (Exhibit 2). This investment was also deemed not viable by the YMCA Board as it required capital expenditures that could not be justified by the anticipated revenue generated from such an obsolete building and declining membership. This brought the YMCA to the year 2020.

In 2020, with excessive unsustainable losses continuing to accumulate and no structural renovation pathway forward, the YMCA was hit with Covid-19 and government ordered closures for both the Kroehler Family YMCA and the Fry Family YMCA on 95th Street, Naperville. Covid-19 generated a complete economic shut down of YMCA facilities and the YMCA losses mounted.

The YMCA Board then made the decision to save the Fry Family YMCA in Naperville, and permanently close the Kroehler Family YMCA. This YMCA Board painful decision was publicly released on May 29, 2020 (*see* Press Release, Exhibit 3).

At the time the Kroehler Family YMCA became an economic liability threatening the YMCA core mission, the Washington Street location had a highly marketable property value. The YMCA Board recognized this property value potential because: (1) it had street wall frontage along a high traffic count arterial corridor; (2) it had highly marketable downtown core commercial zoning

encouraging much taller buildings (5 stories and 60 feet) and more intense development than the current structure; (3) it had been specifically identified as a redevelopment “opportunity site” by the City of Naperville Downtown 2030 Plan;¹ and (4) it had completely underutilized potential scenic vistas overlooking Central Park. Because of this redevelopment potential, the YMCA Board determined that badly needed revenues from the sale of the valuable Washington Street property could be best captured through a sale of the property with the proceeds being reinvested in other YMCA sites that more effectively served the core charitable purpose of the YMCA, including properties like the Fry Family YMCA on 95th Street in Naperville.

The YMCA Board then set forth to maximize the return on the sale of the property. First, they hired the services of The Lakota Group, an innovative and collaborative real estate and design firm in Chicago. Scott Freres, an architect with The Lakota Group, worked collaboratively with Basil Fitzsimons, Vice President of Real Estate and Facilities for the YMCA, and City planning staff to create and publicly circulate a Request for Qualifications (“RFQ”) in the fall of 2020 to find a purchaser for the Kroehler Family YMCA property. This professionally assembled RFQ (Exhibit 4) was then circulated to no fewer than 35 separate development candidates (*see* circulation inventory, Exhibit 5). The deadline for submittal of RFQ responses was established as part of a clearly detained timeline with all interested parties’ submittals due no later than November 20, 2020.

The YMCA RFQ incorporated computer links to both the Naperville Downtown 2030 Plan and the detailed and carefully-planned Downtown Design Guidelines. The Lakota Group RFQ advised the potential developers that a five story, up to 70,000 square foot mixed-use concept could be accommodated by the site. This RFQ and circulation effort was praised by City Planning staff as an excellent marketing tool, and YMCA was told that City staff wished that every property owner selling downtown Naperville property would do as thorough and professional marketing piece as had been prepared by The Lakota Group and the YMCA. Ultimately, the YMCA invested a considerable expenditure in professional consultation and marketing services with The Lakota Group to assure that the YMCA could sell the property at its highest and best use.

In October 2020, the YMCA retained the appraisal services of Michael S. MaRous, MAI, CRE, to complete an evaluation of the fair cash market value of the YMCA property at its highest and best use. He concluded the highest and best use of the property was for demolition of the structure and sale of the site for a mixed-use development consistent with the City zoning. Mr. MaRous reported the fair cash market value of the property to be \$2,150,000, less the cost of demolition.

After circulating the RFQ to the 35 different development firms and potential purchasers, in late 2020, the YMCA team selected the three parties who had submitted the most preferred and timely qualifications in response to the RFQ. These three parties were then advanced to the Request for Proposals (“RFP”) round. The RFP asked that each party submit their detailed purchase and development plan for the property to the YMCA.

¹ The Naperville Downtown 2030 Plan was approved by City Council on April 6, 2011 (Ordinance 11-055).

In December 2020, the YMCA selected the purchaser who submitted a detailed and fully vetted development proposal with a purchase price and Letter of Intent (“LOI”). This proposal, which was consistent with the fair market value opinion of appraiser Michael S. MaRous, contemplated full demolition of the site. The parties began negotiating the terms of a PSA consistent with the LOI. This potential purchaser was told with transparent clarity that the YMCA Board would not be willing to sell the property for less than the full appraised value at its highest and best use. Due diligence then came into play because the proposed purchaser wanted the site vacant and fully remediated prior to closing.

Knowing the need for site remediation, the YMCA retained the services of Nova Group, GBC to complete a detailed asbestos survey of the building. This asbestos survey was prepared at the expense of the YMCA. Extensive asbestos was found within the building and demolition of the structure was deemed to require full asbestos abatement and removal. The asbestos survey was circulated to three separate asbestos abatement contractors for competitive bids to assure that the cost of asbestos removal was fully vetted and to maximize the retained purchase proceeds from the sale of the property. Asbestos abatement was added to the cost of demolition.

Asbestos was not the only item requiring remediation. By way of background, in 1996 the YMCA conducted a Phase I Environmental Site Assessment of the property and discovered the site confronted chemical contamination from a dry-cleaning establishment that once occupied the adjacent lot immediately north of the YMCA. This Phase I Site Assessment was submitted to Nova Group, GBC for an updated Phase I report in 2021 at a cost paid by the YMCA. The YMCA then procured a Phase II Site Remediation Plan from the Nova Group, GBC and paid the cost of the site remediation plan. The Phase II Plan was similarly circulated for proposals to complete the site remediation, and the cost of remediation of the below-grade chemical contamination added to the YMCA cost of demolition.

In January 2021, with PSA negotiations proceeding, the YMCA procured demolition costs to tear down and remove all materials from the property once the asbestos abatement and Phase II remediation work was fully completed. Demolition of the structure and removal of all materials from the property was studied by Taylor Excavating & Construction, Inc. The Taylor Excavating proposal to complete the building demolition with proper and secured below-and-at-grade shoring to the property to Kroehler Family YMCA’s immediate north was added to the YMCA cost of demolition. Thus, completing the asbestos abatement, the Phase II contamination remediation and building demolition to create a clean vacant site ready for the new mixed-use development therefore totals approximately \$568,700. Subtracted from the purchase price under the PSA, proceeds from the sale of the YMCA property would therefore deliver \$1.6 million to the YMCA to reinvest in other YMCA properties like the Fry Family YMCA on 95th Street in Naperville.

As of 2021, when Naperville Preservation filed their application to landmark the property, the YMCA had invested in excess of \$400,000 in preparing and executing an RFQ/RFP process; completing asbestos, site remediation and demolition due diligence; bringing down title (Exhibit 6), surveying the property (Exhibit 7) and documenting the PSA in an effort to sell the property at its highest and best use in the open market. It is also worth noting that this \$400,000+ to-date expenditure does not include the YMCA’s attorneys’ fees spent in negotiating the PSA or the preparation and representation of this response, which is a cost exceeding nearly \$100,000. These

costly and time-consuming efforts were on schedule to generate \$1.6 million after demolition costs for the YMCA to reinvest in its core mission. Importantly, the YMCA undertook all of this costly and time-consuming work to identify a purchaser willing to pay the appraised value of the property pursuant to terms the YMCA was willing to accept and sell the site at its highest and best use.

It was only after this over yearlong costly work had occurred that the non-consensual application to impose landmark designation on the property filed. Not surprisingly, with this application now on file, the sale process has ground to a halt nullifying a full year of costly efforts by the YMCA to maximize the liquidation proceeds from the sale of this valuable downtown asset.

As set forth earlier, the highest and best use of the property is to demolish the building and sell the property for redevelopment as a mixed-use consistent with the zoning assigned by the City, consistent with the Naperville Downtown 2030 Plan, Downtown Design Guidelines and the Central Park Master Plan. To achieve the highest and best use the building must be demolished in full. By definition, the landmark designation sought by Naperville Preservation will prevent the YMCA from achieving the highest and best use because it will not only prevent the YMCA or any other subsequent owner from demolishing the building, it will also impose the obligation to fully solicit and underwrite the time and cost to vet and process proposals from developers to use this site for something other than its highest and best use. Landmark designation would compel the YMCA to start an entirely new search for developers interested in the site knowing that adaptive reuse would be compelled by the landmark restrictions. The YMCA is not willing to do this without objection.

In no uncertain terms, the burden that Naperville Preservation asks the City to impose upon the YMCA would, if not withdrawn, and if granted by the City over this objection, render all of the time, expense and effort the YMCA has invested in liquidating the property for its maximum return, to be a waste. To be clear, the YMCA does not believe that any member from Naperville Preservation is acting with ill will or anything other than a motivation driven by a passion for old buildings and history. Simply stated, the YMCA does not oppose the application because the applicant is unworthy of respect or because historic preservation is inherently bad. The YMCA opposes the application because of the devastating impact it will have on the marketability of the site, and the fact that it will take away significant sale proceeds that would further the YMCA mission elsewhere, including the continued presence in Naperville via its Fry Family YMCA.

Not only will forced landmark status deliver a devastating economic injury to the YMCA, as detailed hereafter, it will also deprive the YMCA of a key property right they hold -- the right to dispose of the property at its highest and best use. And to be crystal clear, the application filed by Naperville Preservation completely ignores any effort to define or even consider the value of the property at its highest and best use.

IV. THE LAW OF REGULATORY TAKING AND INVERSE CONDEMNATION.

Every **voluntary** landmark designation has the potential to fulfill an economic or cultural passion of the property owner. If done voluntarily, landmark designation can be collaborative, productive and benign of economic unfairness. Unfortunately, every **involuntary** landmark designation has the potential to inflict an unwelcome economic injustice trampling property rights of the unwilling

owner. Compulsory landmark imposition is a public policy decision that raises the specter of an unconstitutional deprivation of private property rights called a “regulatory taking.” Because very often advocate groups promoting involuntary landmark designation do not fully understand the law of regulatory takings, the YMCA provides the following explanation and overview.

A regulatory taking is a legal term applied to a land use regulation that so detrimentally impacts the private property being regulated, that either the U.S. or Illinois Constitution requires the government imposing the regulation to pay the property owner just compensation for the damage it inflicts. This would prohibit the City from imposing a land use regulation on the YMCA that goes so far as to inflict an economic wound to the YMCA’s property rights without paying for the damage.

The “takings clause” within the U.S. Constitution prohibits the government from taking private property for a public use unless just compensation is paid to the property owner. A regulatory taking does not appear in either the U.S. Constitution or Illinois Constitution, and one could validly argue that the physical connotation of the word “taken” suggests the founding fathers intended to require compensation only for physical expropriations of property. Yet, as Chief Justice Rehnquist stated, the U.S. Supreme Court has “not read the Taking Clause literally,” and most scholars agree this non-literal, expanded view of the Fifth Amendment as also prohibiting regulatory takings began roughly 100 years ago when Supreme Court Justice Oliver Wendall Holmes wrote that “if a regulation goes too far it will be recognized as a taking.” *Pennsylvania Coal Co. v. Mahon*, 260 US 393 (1922).

A. The *Penn Central* Regulatory Taking Test.

The modern era of regulatory takings law is less than 50 years old and began in 1978 in the seminal case of *Penn Central Transportation Co. v. New York City*, 438 U.S. 104 (1978). The municipal regulation in dispute was a historic preservation regulation not unlike the one at issue here. New York City declared Grand Central Station to be a historic landmark and required the owner to seek a certificate of appropriateness to make changes to the structure. After the landmark designation was imposed by the City, Penn Central Station leased the airspace above the train station to a developer who planned to build a 55-story office complex. The New York City landmark commission thereafter denied a certificate of appropriateness for the proposed development. The railroad then went to court and claimed its inability to build in the airspace was a regulatory taking and sought compensation for a total taking of their property within the airspace.

The Supreme Court admitted the regulatory taking issue was “**a problem of considerable difficulty**,” and that there was no “**‘set formula’ for determining when ‘justice and fairness’ require that economic injuries caused by public action be compensated by the government, rather than remain disproportionately concentrated on a few persons.**” While the Court admitted the test involved “essentially ad hoc, factual inquiries,” it attempted to be more concrete in its analysis than Justice Holmes had been half a century earlier in *Pennsylvania Coal*. The Supreme Court in *Penn Central* listed three factors to consider in determining if the historic preservation ordinance imposed a regulatory taking:

1. the economic impact of the historic preservation regulation on the property owner;

2. the extent to which the historic preservation regulation interfered with investment-backed expectations of the property owner; and
3. the character or extent of the government action in imposing the historic preservation regulation.

In weighing these factors, the U.S. Supreme Court held that the New York City historic preservation ordinance was not a total taking of Grand Central Station because it left the existing station exactly as it had been and permitted an **economically viable use** because the zoning continued to allow the station owner to profitably operate the station as it had for decades. Prohibiting development in the airspace did not amount to a physical invasion of the property and **it did not upset the original investment-backed expectations of the owner who always intended to continue use of the property as a train station.**

B. The Evolution of Non-Categorical Regulatory Takings – Unconstitutional Diminishment of Value.

Historic preservation advocates very frequently misrepresent the scope of the precedent of *Penn Central*, and do so because the case law immediately following this decision misunderstood the holding. Simply put, the *Penn Central* decision was interpreted as an all or nothing proposition and if anything less than a total deprivation of all economically viable use was caused by the regulation, it was not a taking requiring just compensation. This interpretation eventually led to multiple incorrect Illinois Appellate Court decisions that followed this “bright line” test of total economic loss. *Suhadolnik v. City of Springfield*, 184 Ill.App.3d 155, 180 (1989); *St. Lucas Association v. City of Chicago*, 212 Ill.App.3d 817 (1st Dist. 1991).

Things changed in 1992 when the United States Supreme Court, in *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (1992), shed further light on when a regulation goes too far so as to constitute a regulatory taking. Responding to criticism of the generally perceived rule that a regulatory taking occurred only when the regulation denied all economically beneficial or productive use of the land, the majority in a footnote stated:

“This analysis errs in its assumption that the landowner whose deprivation is one step short of complete is not entitled to compensation. Such an owner might not be able to claim the benefit of our **categorical** formulation, **but, as we have acknowledged time and again, ‘[t]he economic impact of the regulation on the claimant and ... the extent to which the regulation has interfered with distinct investment-backed expectations’ are keenly relevant to takings analysis generally.** *Penn Central Transportation Co. v. New York City*, 438 U.S. 104, 124, 57 L.Ed.2d 631, 98 S.Ct. 2646, 2659 (1978). It is true that in at least some cases the landowner with 95% loss will get nothing, while the landowner with total loss will recover in full.” (Emphasis in original.) *South Carolina Coastal*, 505 U.S. at — n. 8, 112 S.Ct. at 2895 n. 8, 120 L.Ed.2d at 815 n. 8.

After the Supreme Court’s decision in *South Carolina Coastal*, Illinois courts corrected their misreading of *Penn Central*. In 1993, the Second District Appellate Court addressed **partial**

deprivation of value in *Tim Thompson, Inc. v. Village of Hinsdale*, 247 Ill.App.3d 863 (2d Dist. 1993) and held:

“It is our opinion that the majority in *South Carolina Coastal* envisioned that a situation may exist where a landowner has suffered a deprivation of viable economic use at something less than 100% and yet still be able to establish a regulatory taking.”

Following this precedent, Illinois and Federal courts now conclude that a plaintiff can state a legally viable regulatory taking claim based upon a **deprivation of beneficial economic use that is something less than 100% that results from application of a historic preservation regulation**. *Keeler v. Mayor and City Council of Cumberland*, 940 F. Supp. 879 (1996); *Broadview Apartments Company. v Commission for Historical and Architectural Preservation*, 49 Md.App. 538, 433 A.2d 1214 (1981); *Citizens Committee to Save Historic Rhodes Tavern v. District of Columbia Department of Housing and Community Development*, 432 A.2d 710 (1981).

It is difficult to predict where any given trial court judge might draw the line and conclude that an involuntary landmark designation so materially damages the fair cash market value of the property at its highest and best use that it requires the municipality to pay just compensation. But to be clear, the YMCA submits the trial court will look to the highest and best use of the property as it always does in land valuation litigation, and the cost of obtaining an occupancy permit will not be the judicial measure.

C. The Illinois Constitution Provides More Expansive Protection for YMCA’s Right to Dispose of Buildings on the YMCA Property.

The U.S. Constitution is substantively different than the Illinois Constitution with respect to restrictions imposed upon governmental actions that impact private property. While the U.S. Constitution prevents a “taking” of property, the Illinois Constitution goes further and states in relevant part:

“Private property shall not be **taken or damaged for public use** without just compensation as provided by law. Such compensation shall be determined by a jury as provided by law.” Ill. Const. 1970 Art. I Section 15.

As a result, in no uncertain terms whatever protection the YMCA property has from a regulatory taking under the U.S. Constitution, that protection is greater under the Illinois Constitution because it also prevents damage to property as expressly acknowledged by the Illinois Supreme Court as recently as 2016 in *Hampton v. Metropolitan Water Reclamation District of Greater Chicago*, **2016 IL 119861 (2016)**.

Recognizing the Illinois Constitution provides broader protection to YMCA’s private property rights, it is critical to explore how the Illinois Supreme Court has defined the term “property” for purposes of this broader constitutional protection. The Illinois Supreme Court specifically answered this question in *Citizens Utilities Company of Illinois v. Metropolitan Sanitary District of Greater Chicago*, 25 Ill.App.3d 252 (1974) by stating:

“Property”, within the meaning of our constitution, is a word of general import which applies to every specie of right and interest capable of being enjoyed as such and on which it is practicable to base a money value. *See, Father Basil’s Lodge v. City of Chicago*, 393 Ill. 246, 65 N.E.2d 805; *City of Belleville v. St. Clair County Turnpike Co.*, 234 Ill. 428, 84 N.E. 1049; 11 I.L.P. Constitutional Law s 461. **“The term comprehends not only the thing possessed, but also, in strict legal parlance, means the rights of the owner in relation to land or a thing; the right of a person to possess, use, enjoy, and dispose of it, and the corresponding right to exclude others from the use.”** Am. Jur.2d Eminent Domain s 173; *see, Drainage Commissioners of District No. 8 v. Knox*, 237 Ill. 148, 86 N.E. 636; *Transportation Oil Co. v. Emmerson*, 298 Ill. 394, 131 N.E. 645. **It is in recognition of these rights that our constitution prohibits private property from being damaged for public use without just compensation....”**

Applying this law to the facts here, Naperville Preservation is doing nothing short of asking the City to deprive YMCA of what the Illinois Supreme Court and Illinois law have clearly defined is a YMCA “property” right; namely, the right to **dispose** of the Kroehler Family YMCA building and sell the property at its highest and best use. The taking of this valuable property right without YMCA’s consent rests in the hands of the City with the City also being aware of the economic harm it will inflict on the YMCA.

To be clear, the YMCA is a longstanding charitable citizen of the City of Naperville and they are proud of their heritage and the two facilities they have operated in the City. The YMCA wants to continue their excellent relations with a City that has provided a supportive home. And while the YMCA has no desire to consider the court as an efficient means of dispute resolution, it is critical for Naperville Preservation and the City to be aware of the legal framework governing involuntary landmarking. This is the controlling law that is almost universally raised in forced landmark designations and is highly relevant to the YMCA’s opposition. Notwithstanding, nowhere in the Historic Regulations is this law explained, addressed or even made subject to the Historic Commission deliberations. The YMCA submits it is vital that the public judging the decisions of the City be made aware of this legal framework. This law defines the central and controlling legal boundary limiting the unfettered discretion of the City in an involuntary landmark designation.

V. LANDMARK DESIGNATION IS A SIGNIFICANT DEPRIVATION OF PRIVATE PROPERTY RIGHTS THAT SHOULD BE SPARINGLY AND VERY CAREFULLY, IF EVER, IMPOSED OVER THE OBJECTION OF THE PRIVATE PROPERTY OWNER.

The history of historic preservation within the City has a well-documented and detailed evolution. This evolution is instructive as to why the YMCA believes compulsory imposition of landmark designation to the Kroehler Family YMCA would be a haphazard and misdirected departure from the core building blocks that first introduced historic preservation to the City.

Historical preservation in the City traces back to an application to define and “list” a historic district with the National Register of Historic Places, which is an agency of the National Park Service, U.S. Department of the Interior. The application to get a Naperville Historic District listed

on the National Register was filed by Robert Wagner, an employee of the Illinois Department of Conservation on April 27, 1977. Thus, the first idea of listing a large portion of downtown Naperville as being historically significant was not precipitated by City Council, but rather by an outside element of the state government holding an administrative interest in historical buildings. The application was submitted with a detailed property survey identifying no fewer than 20 “Sites and Structures of Special Significance.” The survey was certified as accurate by Illinois State Historic Preservation Officer, David Kenny. Of critical importance to this application, while the YMCA address was located within the Naperville Historic District in 1977, **the YMCA structure and site were *not* listed as either a site or a structure of special significance in the application. Simply put, as of 1977 the historic experts evaluating and reporting upon the Naperville Historic District did not think the YMCA was a historically significant building or site.**

It is important for all to understand that having the Naperville Historic District listed on the National Register means nothing as to regulating demolition of a structure located within that district. Listing on the National Register is simply a “stop, look and listen” statute that requires a brief delay for investigation to determine if the demolition of a building within an area listed on the National Register possibly includes either federal funding or federal licensing before the proposed demolition can occur. In fact, in response to concerns raised by City of Naperville property owners in 1977 claiming that the listing on the National Register would “stop future development” in Naperville, the Illinois Department of Conservation stated, “the protection of the District is only from federally funded or federally licensed projects and does not extend to private developments.” It is telling that even almost 45 years ago, property owners in the City already recognized that historic preservation listings or designations would threaten to block beneficial new development in downtown Naperville.

Then, from 1982 through 1984, the City itself proposed to establish the Naperville Historic District which created new land use regulations that were to apply to every structure within the Naperville Historic District regardless of the age or architectural significance of the structure. This 1982 proposal was converted to regulatory law on December 17, 1984 under Ordinance No. 84-201. This was the first and only historic preservation district ordinance adopted by the City. It created the only regulatory historic district in the City and restricted demolition of any building within the district without a certificate of appropriateness from the City.

Two key elements related to the creation of the Naperville Historic District are of import to this effort to force landmark designation on the Kroehler Family YMCA property:

1. The Naperville Historic District is fundamentally different from the historic district listed on the National Register at the request of outside preservation parties. When City Council decided where historic preservations would restrict private property rights the Naperville Historic District **expressly and deliberately excluded the commercial areas of downtown Naperville from the Naperville Historic District the City created.** The properties excluded from historic preservation included the Kroehler Family YMCA.
2. The Historic Sites Regulations originally proposed by the City in 1982 permitted the City to impose a “landmark designation” on property outside of the recognized historic district. That said, the new Historic Site Regulations originally proposed in

1982 prohibited landmark designation if the owner of the property proposed for landmark did not consent to the landmark imposition. When the final landmark regulations were adopted in 1984, nonconsensual landmark designation was expressly permitted throughout the City.

It is undisputed that as of 1982, the Kroehler Family YMCA was not even within the Naperville Historic District. Downtown Naperville was intentionally excluded from the Naperville Historic District. As originally proposed, none of the commercial properties located outside of the Naperville Historic District could be subjected to compulsory landmark designation without the consent of the property owner. It was only when the Naperville Historic District was formally adopted two years later in 1984 that the City reversed course and ultimately adopted a public policy that commercial properties within downtown Naperville would not be protected from the deprivation of property rights attached to the Naperville Historic District, and further that downtown commercial property owners were vulnerable to being subjected to non-consensual landmark designation.

However, since 1982 and continuing over the past four decades, while a compulsory landmark designation over the objection of a property owner has been **permitted** under the Naperville City code, **it has almost never been undertaken**. In this regard, the YMCA truly confronts and opposes a very rare application. Naperville Preservation is asking the City to impose an involuntary landmark designation outside of the Naperville Historic District in downtown. This is new ground. The Naperville Historic District is administered and planned by the Historic Commission. Downtown Naperville is planned by the Plan Commission and City Council. YMCA is located in downtown Naperville, and not within the Naperville Historic District.

As detailed further in Section VI of this submittal, in 2010 the City began working on the Naperville Downtown 2030 Plan update to the Comprehensive Plan. In conjunction with this planning process, the City contracted with Granacki Historic Consultants to intensively survey a select number of buildings within the City's downtown so that appropriate historic preservation planning policies could be addressed within the Naperville Downtown 2030 Plan (the "Granacki Report").

The Granacki Report evaluated the YMCA building with glaring inconsistencies from the architectural evaluation completed for the 1977 National Register application. The Granacki Report acknowledged the YMCA building (at least the original building exclusive of both major additions) as being a "key structure" in the City's downtown. The Granacki Report architecturally classified the YMCA original building (exclusive of additions) as "Classical Revival." In contrast, in 1977 **the Illinois State Historic Preservation Officer did not list the YMCA as either a significant building or significant site**. The YMCA submits this clear contradiction between experts reveals the subjective nature of evaluating the "historical significance" of a property. And in no uncertain terms, reasonable experts can and have made diametrically opposite conclusions when it comes to the historical significance of the YMCA building.

Two years **after** the Granacki Report, in 2012, Johnson Lasky Architects filed an update to the 1977 National Register of Historic Places listing for the Naperville Historic District in an effort to incorporate more detailed information on historic buildings within the district, and evaluate those

buildings that **“contributed” to the historic significance of the district.** The Kroehler Family YMCA site and building was one of the properties inventoried and reported on within the 2012 update. Important to this application, Johnson Lasky Architects contradicted the Granacki Report and found the YMCA to be architecturally classified as “Brick Colonial, Arts and Crafts, and Prairie Architecture” rather than “Classical Revival.” And rather than concluding the YMCA property was a “key structure” as the Granacki Report had, Johnson Lasky Architects concluded the YMCA building was **“not contributing” as a resource to the historic district.**

The Johnson Lasky Architect report is a second example of a professional expert concluding that the YMCA is not a significant historic structure. In evaluating the building, it must be fully understood that while the Kroehler Family YMCA is a single building consisting of 41,205 square feet, more than half of it is less than 50 years old. To this end, additions consisting of 23,276 square feet were made after 1971. The portion of the building Naperville Preservation asks the City to involuntarily landmark is just 17,929 square feet. As a result, Naperville Preservation asks the City to conclude the YMCA is a significant historic resource when the majority of the building does not even qualify for landmark designation of any kind because it is simply too new.

As the experts’ evaluations have revealed, the “historical significance” of a structure is highly subjective. This very subjective and ambiguous evaluation of “historical significance” being forced on less than half of the YMCA building again raises the specter of a regulatory taking preventing the YMCA from liquidating their property at its highest and best use.

In summary, the YMCA was **not a significant building or site** when the 1977 Naperville Historic District was listed on the National Register of Historic Places. The YMCA property, along with virtually the entire commercial area of downtown Naperville, was **intentionally excluded** from district-wide regulation when the 1982 Naperville Historic District was first created. The YMCA property was still defined as **not contributing to the historical significance** of the Naperville Historic District when the National Historic District registration was updated in 2012. Ample evidence exists in the City’s own record to establish that experts have point blank disagreed as to whether or not the YMCA original structure is contributing anything to historical heritage to the area in which it is located.

Going further, the record is replete with architects actually contradicting each other over whether the architecture sought to be preserved is “Classical Revival” or “Colonial,” “Arts and Crafts” and “Prairie Architecture.” And to further emphasize the questionable value of permanent compulsory preservation of the YMCA building, the Naperville Preservation application asserts that the original building should be landmarked and preserved because it presents “Italianate” architecture. Notably, none of the other architectural experts on historical architecture agrees with Naperville Preservation. And again, the disputed architecture at issue is located on less than half the building. Accordingly, no experts have tendered consistent opinions on: (1) the actual architectural style of the property; and (2) whether the architecture is unique enough to validate preservation. These two key points definitively cut against Naperville Preservation’s application.

Forced landmark designation should be recognized as a severe deprivation of private property rights and imposed by the City rarely, and carefully. Within downtown Naperville, that has been the practice for four decades. Landmark designation should only be involuntarily considered when

it can be clearly and convincingly done without the infliction of an unconstitutional economic wound to the private property rights of the property owner. Forced landmark designation should be avoided when the property presents such an unclear and contradictory record of “historical significance” to the neighborhood in which it is situated, and such an unidentifiably vague architectural style that its educational value through preservation is dubious at best. Simply put, the conflicting historical City record relevant to this application speaks loudly against involuntary landmark designation.

Lastly, while the YMCA understands that Naperville is not the only City that allows landmark designation without the consent of the property owner, that is far from a universally embraced public policy. Numerous communities recognize the need for owner consent to protect economic justice. To this end, the following local municipal governments have adopted historical preservation ordinances that expressly prohibit the forcible imposition of landmark designation and require consent from the property owner: the Village of Downers Grove, the Village of Glen Ellyn, the Village of Hinsdale, the City of Highland Park and Kane County (Certified Local Governments), as well as the City of Elmhurst and the Village of Glenco (not Certified Local Governments, but require owner consent). True and accurate copies of these ordinances are attached as Exhibit 8.

VI. INVOLUNTARY LANDMARK DESIGNATION OF DOWNTOWN NAPERVILLE PROPERTIES SHOULD NOT DISREGARD THE NAPERVILLE DOWNTOWN 2030 PLAN OR THE CENTRAL PARK MASTER PLAN.

The City has the most dynamic and economically productive downtown destination of any community in DuPage County. Downtown Naperville has evolved into an economic powerhouse that fuels what must be acknowledged to be an extraordinary place to live and work. This evolution has not been the result of happenstance or whimsey. In no small part, the evolution of downtown Naperville has been the result of disciplined and detailed planning. Because the involuntary landmark designation of the Kroehler Family YMCA building would permanently insert a structure of disputed architectural pedigree into downtown adjacent to Central Park, the YMCA submits the City must look to those disciplined and detailed plans for guidance. These plans include both the Naperville Downtown 2030 Plan and the Central Park Master Plan.

A. Naperville Downtown 2030 Plan.

As referenced earlier, the Naperville Downtown 2030 Plan was approved in 2011 by adoption of Ordinance 11-055. This plan was the result of a very collaborative process coordinated by the Downtown Advisory Commission (“DAC”) with a “business, resident, civic and government cooperative focus.” The resulting Naperville Downtown 2030 Plan is a continuation of the “never ending story” of vision, cooperation, and economic development for Naperville’s downtown. It is a testament to the success enjoyed when public and private interests are merged for the benefit of the community. Naperville has captured the essence of human commitment and married it with the brick and mortar to spell success. It is a model for any city and a road map to carry the City forward. (Naperville Downtown 2030 Plan, p. iv).

Within the content of the Naperville Downtown 2030 Plan, the City introduced the concept of “opportunity sites.” The City “**identified more than 30 such sites for change.**” The Naperville Downtown 2030 Plan specifically identified the **Kroehler Family YMCA parcel as such an “opportunity site” suitable for future change** (Naperville Downtown 2030 Plan, p. 25). The text of the Naperville Downtown 2030 Plan states:

Opportunity sites include vacant, deteriorated and underutilized properties or properties where reuse or redevelopment is already being considered. An opportunity site may currently be occupied by a viable land use in compliance with existing code requirements, **but new investment in the site would have a significant positive impact on achieving the objectives of Naperville Downtown 2030.**

Of note, the Naperville Downtown 2030 Plan also identifies three former “opportunity site” locations where the City allowed old, historical structures to be demolished to afford new development; namely, the Cock Robin Ice Cream, Beidelman-Kunsch Funeral Home and Crematory and two old homes on Chicago Avenue. These structures were demolished to create Fredenhagen Park, Wentz Concert Hall Auditorium and Main Street Promenade. These three key new downtown improvements which replaced old buildings with history were found to have “significantly added to the architectural character, business vitality, and culture of downtown.” To be clear, the sale and demolition of the YMCA property for redevelopment consistent with the articulated planning objectives could undoubtedly have a significant positive impact on achieving the objectives of the Naperville Downtown 2030 Plan and would add to the architectural and cultural character and vitality of downtown.

Section 7.4 of the Naperville Downtown 2030 Plan specifically addresses how the City should address buildings of historic interest. Two such points deserve focus and comment within this submittal. The City’s official adopted policy and plan promotes architectural design concepts that support the vitality of downtown by retaining “architectural characteristics” (not necessarily the building) which include:

1. “Develop and communicate a clear process and expectation of design requirements for historic buildings. **Avoid the creation of cumbersome requirements or restrictions that curtail property rights relative to expansion or new construction.**”
2. Focus attention on retaining the unique architectural or character-defining features of buildings that are identified as “**significant**” through an architectural survey of the Downtown Core.

The application filed by Naperville Preservation arguably violates both preservation policies. First, there is no provision within the historic preservation regulations that is more cumbersome nor one that more clearly curtails new construction than landmark designation. Second, it is hard to even imagine a more compelling example of a building that lacks a consensus for having features that are “**significant**”. The multiple experts in this case cannot even agree as to what type of architectural style those features are, let alone if they contribute anything to the historical district.

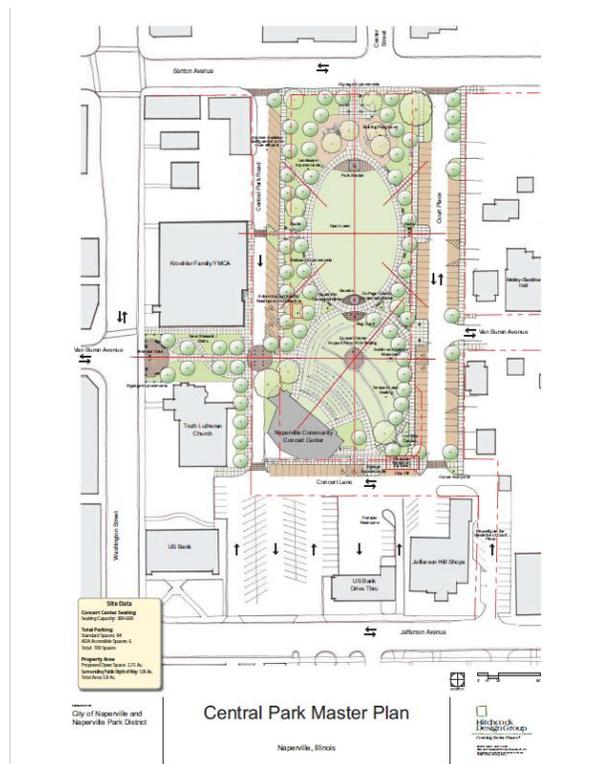
And there is a clear disagreement among the experts as to whether the building as a whole is in any way “significant.”

B. Central Park Master Plan.

In 2009, the City adopted a Center Park Master Plan to guide the future development and use of the Central Park and surrounding area. This master plan recognizes that Central Park is no longer the central gathering space within downtown Naperville. Notwithstanding, the master plan concludes that Central Park remains an important downtown open space and cultural asset that should be respected and improved (Central Park Master Plan, p. 1).

Central Park currently lacks an image and identity consistent with the history and culture of the site and its location in downtown Naperville. As development has occurred, including periodic expansions to the YMCA, Central Park has become secluded without significant frontage on major roadways and is rather surrounded by the service areas (garbage dumpsters, delivery, trash removal) of adjacent properties. The service area of the YMCA is actually reported as one of the factors isolating Central Park (Central Park Master Plan, p. 7).

The pedestrian walkway immediately to the south of the YMCA is an important visual and pedestrian link between the downtown core and Central Park. This walkway presents what the Naperville Downtown 2030 Plan calls a “Terminated Vista” with a critical visual entry point to Central Park from Washington Street (Naperville Downtown 2030 Plan, p. 82). The walkway is featured prominently for landscape and visual enhancements deemed important to the future improvement of Central Park as a cultural resource.



The entire length of this Termination Vista and pedestrian walkway is visually impacted by the south edifice of the YMCA. YMCA submits that this entire south edifice is relatively non-descript, devoid of any articulation and presents an unremarkable, but more importantly uninteresting, architectural wall that renders this walkway less desirable.



Simply put, preservation of this south edifice fails to serve the Termination Vista goals of the Naperville Downtown 2030 Plan and fails to enhance the pedestrian entryway to Central Park. YMCA believes that allowing redevelopment of the YMCA parcel, inclusive of full demolition, would provide new downtown construction in harmony with the Downtown Design Standards and consistent with the articulated goals of the Central Park Master Plan. Imposing landmark designation would perpetuate a non-descript wall and metal fire escape which lacks any clear architectural interest at a location that is planned to be a much more inviting key visual entry to Central Park.

In summary, both the Naperville Downtown 2030 Plan and the Central Park Master Plan provide strong arguments against landmark designation. Such a designation may very well defeat the vital planning and development goals embraced by the careful and detailed planning that has produced a downtown that drives the economics of this great City.

VII. CONCLUSION.

The YMCA has no use for the existing building. It no longer allows YMCA to fulfill their core mission at this location and it cannot responsibly be converted to fulfill that mission despite extensive efforts to find a way to do so.

The YMCA has spent more than a year carefully evaluating the “highest and best use” of the property, gaining MAI appraisal advice and spending hundreds of thousands of dollars broadly marketing the property to achieve a return on investment. This was a very public process including work with City staff over the course of a year.

With a suitable purchaser identified and an acceptable PSA being negotiated to sell the site as vacant, the YMCA respectfully asks Naperville Preservation to withdraw the application and allow YMCA to fulfill their core mission. YMCA asks Naperville Preservation to refrain from asking the City to compel YMCA to start this process over in an effort to locate an adaptive reuse for less than half of the building. YMCA also asks Naperville Preservation to withdraw their request that YMCA liquidate their property at something other than its highest and best use.

The City has a once in a century achievable downtown redevelopment opportunity at a site specifically identified as an “opportunity site” within the Naperville Downtown 2030 Plan. This opportunity would allow for removal of a building with dubious and ambiguous architectural style and provide for redevelopment with a mixed-use PUD consistent with the zoning and Naperville Downtown 2030 Plan. This opportunity would provide for construction of a signature development fronting on Washington, an improved entry passageway between Washington Street and Central Park and a vibrant new structure overlooking Central Park rather than the YMCA service area.

The YMCA asks both Naperville Preservation and the City to recognize that demolition and a fresh start is not only good for the YMCA and those it serves, but also for a promising and better downtown Naperville and Central Park.

Respectfully Submitted,

BOARD OF TRUSTEES OF THE YOUNG MEN’S
CHRISTIAN ASSOCIATION OF CHICAGO

BY: /s/ Scott M. Day
Scott M. Day
Day & Robert, P.C.

January 3, 2022



charles vincent george
ARCHITECTS

YMCA of Metropolitan Chicago Kroehler Center YMCA Cost Estimate

The Kroehler center YMCA is comprised of approximately 53,500 gross sqft. The original structure was built in the early 1900's with additions built in the 1960's. The original structure is made up of 3 stories and 1 intermediate level above the 1st floor. The additions do not align with the main floors.

The following cost estimate is put together by using historical data from projects of similar size and Scope. It is assumed that 100% of the interior will be renovated. Handicap accessibility will be provided including an elevator with stops at each level. Due to the age of the structure we will assume hazardous material abatement procedures will be required. The cost estimate is developed as follows:

Demolition:	\$ 200,000.00
Hazardous material abatement:	\$ 250,000.00
Lower level construction: (Pool, locker rooms, miscellaneous Spaces and Mechanical)	\$ 2,950,000.00
First floor Construction: (Gymnasium, wellness, Daycare, Lobby, washrooms, pool viewing, miscellaneous spaces)	\$ 1,650,000.00
Second floor Construction: (exercise, lounge area, washrooms)	\$ 1,000,000.00
Third Floor Construction: (Offices)	\$ 1,200,000.00
Mechanical, Electrical, Plumbing, Fire Protection	\$ 2,625,000.00
Elevator	\$ 250,000.00
Sub-total:	\$ 10,125,000.00
Contingency @ 5%:	\$ 506,250.00
General Conditions @ 2% of sub-total	\$ 202,500.00
Contractors OH&P: @ 2.5% of	\$ 253,125.00
Insurance: 2% of sub-total	\$ 202,500.00

Total Construction Cost \$11,289,375.00

Kroehler Center YMCA Soft Costs

Fixtures, Furniture, and Equipment :	\$ 250,000.00
Communications and security:	\$ 300,000.00
Fitness Equipment	\$ 500,000.00
A&E Fees @ 7% of Cost of Construction:	\$ 708,750.00
Printing and Misc. Expenses:	\$ 15,000.00
Zoning process including legal fees:	\$ 30,000.00
Permitting/Inspections:	\$ 75,000.00
Total Soft Cost:	\$ 1,878,750.00

Total Project Cost: \$ 13,168,125.00

9/9/2019											
Facility	Building	Uniformat Code	ID	Cost Description	Lifespan (EUL)	Estimated Age	Remaining useful life	Quantity	Unit	Unit Cost *	Subtotal
Kroehler Family		B1015	1245339	Exterior Stairs, Metal, Refinish	10	5	5	100	SF	\$1.69	\$169
Kroehler Family		B2011	1252512	Exterior Wall, Steel, 1-2 Stories, Repair	0	47	0	150	SF	\$51.60	\$7,739
Kroehler Family		B2011	1245397	Exterior Wall, Brick or Brick Veneer, 3+ Stories, Repair/Repoint	0	-5	5	2000	SF	\$62.51	\$125,020
Kroehler Family		B2021	1245437	Window, SF, Replace	30	20	10	5	EA	\$942.20	\$4,711
Kroehler Family		B2021	1245366	Window, SF, Replace	30	20	10	4	EA	\$1,535.46	\$6,142
Kroehler Family		B2021	1245380	Window, SF, Replace	30	20	10	54	EA	\$2,207.76	\$119,219
Kroehler Family		B2031	1245329	Exterior Door, Fully-Glazed Aluminum-Framed Swinging, Replace	30	20	10	8	EA	\$2,466.79	\$19,734
Kroehler Family		B2032	1245363	Exterior Door, Steel, Replace	25	24	1	1	EA	\$1,112.59	\$1,113
Kroehler Family		C1021	1245392	Interior Door, Steel, Replace	25	15	10	41	EA	\$1,112.59	\$45,616
Kroehler Family		C1021	1245299	Interior Door, Wood Solid-Core, Replace	20	9	11	51	EA	\$1,666.46	\$84,990
Kroehler Family		C1021	1245372	Interior Door, Steel, Replace	25	9	16	2	EA	\$1,112.59	\$2,225
Kroehler Family		C1023	1245429	Door Hardware System, School (per Door), Replace	20	5	15	115	EA	\$439.13	\$50,499
Kroehler Family		C3012	1245286	Interior Wall Finish, Generic Surface, Prep & Paint	8	0	8	56000	SF	\$1.70	\$95,085
Kroehler Family		C3024	1245343	Interior Floor Finish, Vinyl Tile (VCT), Replace	15	5	10	3000	SF	\$5.62	\$16,862
Kroehler Family		C3024	1245374	Interior Floor Finish, Vinyl Sheeting, Replace	15	0	15	650	SF	\$8.21	\$5,336
Kroehler Family		C3024	1245347	Interior Floor Finish, Vinyl Sheeting, Replace	15	0	15	800	SF	\$8.21	\$6,567
Kroehler Family		C3031	1245305	Interior Ceiling Finish, Exposed/Generic, Prep & Paint	10	3	7	15000	SF	\$2.66	\$39,873
Kroehler Family		C3032	1245371	Interior Ceiling Finish, Suspended Acoustical Tile (ACT), Replace	20	10	10	16500	SF	\$3.64	\$60,090
Kroehler Family		D2029	1245315	Plumbing System, Domestic Supply, Replace	40	30	10	37152	SF	\$6.84	\$254,069
Kroehler Family		D3041	1245310	HVAC System Ductwork, Sheet Metal, Replace	30	6	24	37152	SF	\$17.57	\$652,575
Kroehler Family		D3049	1245365	HVAC System Hydronic Piping, 2-Pipe, Replace	30	19	11	37152	SF	\$7.61	\$282,782
Kroehler Family		D3051	1245408	Unit Heater, Hydronic, 85 MBH, Replace	20	15	5	1	EA	\$2,225.23	\$2,225
Kroehler Family		D3051	1245421	Unit Heater, Hydronic, 85 MBH, Replace	20	10	10	1	EA	\$2,225.23	\$2,225
Kroehler Family		D3068	1279213	BAS/HVAC Controls, Basic System or Legacy Upgrades, Install	15	12	3	37152	SF	\$2.93	\$108,762
Kroehler Family		D4019	1245386	Sprinkler System, Full Retrofit, School (per SF), Renovate	50	44	6	37152	SF	\$7.32	\$271,906
Kroehler Family		D4031	1245427	Fire Extinguisher, , Replace	15	5	10	8	EA	\$417.51	\$3,340
Kroehler Family		D5012	1245324	Distribution Panel, 208 Y, 120 V, 225 Amp, Replace	30	5	25	1	EA	\$9,310.62	\$9,311
Kroehler Family		D5019	1279153	Full Electrical System Upgrade, Medium Density/Complexity, Replace	40	18	22	37152	SF	\$21.08	\$783,090
Kroehler Family		D5029	1245373	Lighting System, Interior, School, Upgrade	25	10	15	37152	SF	\$17.99	\$668,237
Kroehler Family		D5037	1245344	Fire Alarm System, School, Install	20	10	10	37152	SF	\$3.67	\$136,171
Kroehler Family		D5038	1245376	Security/Surveillance System, Cameras and CCTV, Install	10	5	5	37152	SF	\$5.09	\$189,247
Kroehler Family		D5038	1279155	Security/Surveillance System, Cameras and CCTV, Install	15	8	7	37152	SF	\$5.86	\$217,525

Kroehler Family		D5092	1245285	Exit Lighting Fixture, w/ Battery, Replace	10	5	5	19	EA	\$490.59	\$9,321
Kroehler Family		D5092	1245307	Emergency Lighting Pack, 2 Light w/ Battery, Replace	10	0	10	12	EA	\$1,437.84	\$17,254
Kroehler Family		Z105X	1254645	ADA, Miscellaneous, Level III Study, Includes Measurements, Evaluate/Report	0	108	0	1	EA	\$8,782.50	\$8,783
Kroehler Family	1st Floor	B2011	1252514	Exterior Wall, Brick or Brick Veneer, 3+ Stories, Repair/Repoint	0	108	0	50	SF	\$62.51	\$3,125
Kroehler Family	1st Floor	C3024	1245297	Interior Floor Finish, Vinyl Sheeting, Replace	15	0	15	2700	SF	\$8.21	\$22,164
Kroehler Family	1st Floor	C3024	1245302	Interior Floor Finish, Maple Sports Floor, Replace	30	0	30	2700	SF	\$12.00	\$32,407
Kroehler Family	1st Floor	C3025	1252485	Interior Floor Finish, Carpet Standard-Commercial Medium-Traffic, Replace	10	5	5	6600	SF	\$8.50	\$56,110
Kroehler Family	1st Floor	D2018	1245391	Drinking Fountain, Refrigerated, Replace	10	5	5	3	EA	\$1,472.54	\$4,418
Kroehler Family	1st Floor	D3041	1245341	Fan Coil Unit, 1.5 Ton, Replace	15	10	5	1	EA	\$2,200.12	\$2,200
Kroehler Family	1st Floor	D3041	1245381	Fan Coil Unit, 3 TON, Replace	15	3	12	1	EA	\$4,001.06	\$4,001
Kroehler Family	1st Floor	D3042	1245294	Exhaust Fan, Propeller, 2,000 CFM, Replace	15	10	5	1	EA	\$2,135.62	\$2,136
Kroehler Family	1st Floor	D3051	1245309	Radiator, Cast Iron, Replace	50	40	10	2	EA	\$793.47	\$1,587
Kroehler Family	1st Floor	D5037	1245360	Fire Alarm Control Panel, Multiplex, Replace	15	9	6	1	EA	\$5,016.97	\$5,017
Kroehler Family	1st Floor	F1041	1245379	Swimming Pool Gutter System, , Replace	50	45	5	220	LF	\$533.64	\$117,400
Kroehler Family	1st Floor	F1041	1245364	Swimming Pool Ladder, , Replace	50	45	5	4	EA	\$1,048.47	\$4,194
Kroehler Family	1st Floor	F1041	1245417	Swimming Pool Ladder, , Replace	50	10	40	2	EA	\$1,048.47	\$2,097
Kroehler Family	1st Floor	F1041	1245311	Swimming Pool Lifeguard Chair, , Replace	50	4	46	2	EA	\$4,320.26	\$8,641
Kroehler Family	1st Floor	G2047	1245337	Sports Apparatus, Basketball Backstop, Replace	10	0	10	2	EA	\$11,049.13	\$22,098
Kroehler Family	1st Floor	H0001	1245439		0	0	0	1	EA	\$0.00	\$0
Kroehler Family	2nd Floor	C3024	1252488	Interior Floor Finish, Maple Sports Floor, Replace	30	25	5	1300	SF	\$12.00	\$15,604
Kroehler Family	2nd Floor	C3024	1245288	Interior Floor Finish, Vinyl Sheeting, Replace	15	5	10	1000	SF	\$8.21	\$8,209
Kroehler Family	2nd Floor	C3024	1245313	Interior Floor Finish, Maple Sports Floor, Replace	30	20	10	2100	SF	\$12.00	\$25,206
Kroehler Family	2nd Floor	D2011	1245332	Toilet, Flush Tank (Water Closet), Replace	20	9	11	2	EA	\$1,235.58	\$2,471

Kroehler Family	2nd Floor	D2014	1245292	Sink/Lavatory, Vitreous China, Replace	20	9	11	2	EA	\$1,008.83	\$2,018
Kroehler Family	2nd Floor	D2014	1245328	Sink/Lavatory, Vitreous China, Replace	20	9	11	1	EA	\$1,008.83	\$1,009
Kroehler Family	2nd Floor	D5012	1245426	Distribution Panel, 100 AMP, Replace	30	29	1	1	EA	\$5,948.60	\$5,949
Kroehler Family	3rd Floor	C1021	1245428	Interior Door, Fully-Glazed Wood-Framed, Replace	15	5	10	3	EA	\$2,321.29	\$6,964
Kroehler Family	3rd Floor	C1021	1245362	Interior Door, Fire 90-Minutes and Over, Replace	20	6	14	1	EA	\$1,931.05	\$1,931
Kroehler Family	3rd Floor	C3025	1245413	Interior Floor Finish, Carpet Standard-Commercial Medium-Traffic, Replace	10	5	5	4100	SF	\$8.50	\$34,856
Kroehler Family	3rd Floor	D3051	1245283	Air Conditioner, MBH TON, Replace	10	2	8	18	EA	\$2,339.45	\$42,110
Kroehler Family	3rd Floor	D5012	1245436	Distribution Panel, 208 Y, 120 V, 200 Amp, Replace	30	25	5	1	EA	\$9,258.16	\$9,258
Kroehler Family	3rd Floor	D5012	1245304	Distribution Panel, 208 Y, 120 V, 200 Amp, Replace	30	10	20	1	EA	\$9,258.16	\$9,258
Kroehler Family	Lower Level	B2032	1245404	Exterior Door, Steel Insulated, Replace	25	15	10	5	EA	\$1,847.29	\$9,236
Kroehler Family	Lower Level	C1021	1245318	Interior Door, Fire 90-Minutes and Over, Replace	20	19	1	1	EA	\$1,931.05	\$1,931
Kroehler Family	Lower Level	C1031	1245319	Toilet Partitions, Metal Overhead-Braced, Replace	20	9	11	3	EA	\$995.35	\$2,986
Kroehler Family	Lower Level	C1031	1245296	Toilet Partitions, Metal Overhead-Braced, Replace	20	5	15	9	EA	\$995.35	\$8,958
Kroehler Family	Lower Level	C1031	1245433	Toilet Partitions, Metal Overhead-Braced, Replace	20	4	16	10	EA	\$995.35	\$9,953
Kroehler Family	Lower Level	C1031	1245327	Toilet Partitions, Metal Overhead-Braced, Replace	20	4	16	1	EA	\$995.35	\$995
Kroehler Family	Lower Level	C1033	1245359	Lockers, Steel Baked Enamel 12" W x 15" D x 72" H, 1 to 5 Tiers, Replace	20	9	11	197	EA	\$565.01	\$111,306
Kroehler Family	Lower Level	C1033	1245370	Lockers, Steel Baked Enamel 12" W x 15" D x 72" H, 1 to 5 Tiers, Replace	20	9	11	62	EA	\$565.01	\$35,030
Kroehler Family	Lower Level	C3012	1245375	Interior Wall Finish, Laminated Paneling, Replace	20	10	10	2000	SF	\$17.93	\$35,856
Kroehler Family	Lower Level	C3012	1245352	Interior Wall Finish, Ceramic Tile, Replace	25	15	10	400	SF	\$19.38	\$7,752
Kroehler Family	Lower Level	C3024	1252486	Interior Floor Finish, Maple Sports Floor, Replace	30	25	5	2400	SF	\$12.00	\$28,807
Kroehler Family	Lower Level	C3024	1252487	Interior Floor Finish, Ceramic Tile, Replace	50	25	25	2600	SF	\$18.45	\$47,983

Kroehler Family	Lower Level	C3024	1245338	Interior Floor Finish, Ceramic Tile, Replace	50	4	46	5800	SF	\$18.45	\$107,039
Kroehler Family	Lower Level	C3031	1252513	Interior Ceiling Finish, Gypsum Board/Plaster, Replace	50	49	1	50	SF	\$8.35	\$417
Kroehler Family	Lower Level	D2011	1245438	Toilet, Flush Tank (Water Closet), Replace	20	9	11	1	EA	\$1,235.58	\$1,236
Kroehler Family	Lower Level	D2011	1245410	Toilet, Flush Tank (Water Closet), Replace	20	9	11	1	EA	\$1,235.58	\$1,236
Kroehler Family	Lower Level	D2012	1245336	Urinal, Vitreous China, Replace	20	0	20	2	EA	\$1,397.52	\$2,795
Kroehler Family	Lower Level	D2014	1245405	Sink/Lavatory, Vitreous China, Replace	20	9	11	2	EA	\$1,008.83	\$2,018
Kroehler Family	Lower Level	D2014	1245357	Sink/Lavatory, Vitreous China, Replace	20	9	11	8	EA	\$1,008.83	\$8,071
Kroehler Family	Lower Level	D2017	1245383	Shower, Ceramic Tile, Replace	30	9	21	6	EA	\$2,323.01	\$13,938
Kroehler Family	Lower Level	D2018	1245420	Drinking Fountain, Refrigerated, Replace	10	6	4	2	EA	\$1,472.54	\$2,945
Kroehler Family	Lower Level	D2019	1245323	Emergency Eye Wash, , Replace	15	5	10	1	EA	\$1,659.35	\$1,659
Kroehler Family	Lower Level	D2019	1245335	Emergency Eye Wash, , Replace	15	5	10	1	EA	\$1,659.35	\$1,659
Kroehler Family	Lower Level	D2021	1245431	Water Flow Meter, 2", Replace	25	20	5	1	EA	\$3,227.62	\$3,228
Kroehler Family	Lower Level	D2023	1245348	Water Storage Tank, 1,001 to 2,500 GAL, Replace	20	16	4	1	EA	\$11,364.33	\$11,364
Kroehler Family	Lower Level	D2023	1245424	Domestic Circulator or Booster Pump, .5 HP, Replace	20	4	16	1	EA	\$3,998.26	\$3,998
Kroehler Family	Lower Level	D2023	1245416	Domestic Boiler, 726 MBH, Replace	22	6	16	1	EA	\$40,469.03	\$40,469
Kroehler Family	Lower Level	D2023	1245401	Domestic Circulator or Booster Pump, .5 HP, Replace	20	4	16	1	EA	\$3,998.26	\$3,998
Kroehler Family	Lower Level	D2023	1245320	Domestic Circulator or Booster Pump, .5 HP, Replace	20	4	16	1	EA	\$3,998.26	\$3,998
Kroehler Family	Lower Level	D2023	1245422	Domestic Circulator or Booster Pump, .5 HP, Replace	20	4	16	1	EA	\$3,998.26	\$3,998
Kroehler Family	Lower Level	D2023	1245316	Domestic Circulator or Booster Pump, .5 HP, Replace	20	4	16	1	EA	\$3,998.26	\$3,998
Kroehler Family	Lower Level	D2023	1245395	Domestic Boiler, 726 MBH, Replace	22	4	18	1	EA	\$40,469.03	\$40,469
Kroehler Family	Lower Level	D2043	1245331	Sump Pump, 3 HP, Replace	15	10	5	1	EA	\$2,415.55	\$2,416

Kroehler Family	Lower Level	D2091	1245303	Compressed Air Dryer, , Replace	15	6	9	1	EA	\$5,945.18	\$5,945
Kroehler Family	Lower Level	D2091	1245425	Air Compressor, 5 HP, Replace	20	6	14	1	EA	\$11,302.74	\$11,303
Kroehler Family	Lower Level	D3021	1245369	Boiler, 3000 MBH, Replace	25	19	6	1	EA	\$141,579.93	\$141,580
Kroehler Family	Lower Level	D3021	1245282	Boiler, 2000 MBH, Replace	25	9	16	1	EA	\$54,411.00	\$54,411
Kroehler Family	Lower Level	D3022	1245435	Expansion Tank, 100 GAL, Replace	25	16	9	1	EA	\$3,805.21	\$3,805
Kroehler Family	Lower Level	D3022	1245326	Condensate Return Station, 15 GAL, Replace	25	4	21	1	EA	\$9,054.95	\$9,055
Kroehler Family	Lower Level	D3022	1245394	Condensate Return Station, 15 GAL, Replace	25	0	25	1	EA	\$9,054.95	\$9,055
Kroehler Family	Lower Level	D3023	1245432	Heat Exchanger, Steam-to-Water, 26 to 40 GPM, Replace	35	19	16	1	EA	\$6,263.95	\$6,264
Kroehler Family	Lower Level	D3023	1245414	Heat Exchanger, 21 - 25 GPM, Replace	35	19	16	1	EA	\$4,589.42	\$4,589
Kroehler Family	Lower Level	D3041	1245389	Air Handler (AHU), Interior, 10,000 CFM, Replace	30	25	5	1	EA	\$57,379.00	\$57,379
Kroehler Family	Lower Level	D3041	1245406	Air Handler, 4000 CFM, Replace	20	15	5	1	EA	\$15,658.00	\$15,658
Kroehler Family	Lower Level	D3041	1245377	Air Handler, Interior, 2,000 CFM, Replace	20	10	10	1	EA	\$11,023.75	\$11,024
Kroehler Family	Lower Level	D3041	1245353	Air Handler, Interior, 5000 CFM, Replace	30	10	20	1	EA	\$22,894.61	\$22,895
Kroehler Family	Lower Level	D3042	1245368	Exhaust Fan, Centrifugal, 2,000 CFM, Replace	15	10	5	1	EA	\$3,119.75	\$3,120
Kroehler Family	Lower Level	D3044	1245403	Distribution Pump, 3 HP, Replace	20	20	0	1	EA	\$5,447.83	\$5,448
Kroehler Family	Lower Level	D3044	1245350	Distribution Pump, 3 HP, Replace	20	9	11	1	EA	\$5,447.83	\$5,448
Kroehler Family	Lower Level	D3044	1245346	Distribution Pump, 3 HP, Replace	20	9	11	1	EA	\$5,447.83	\$5,448
Kroehler Family	Lower Level	D3068	1245330	HVAC Controls, Building Automation System (BAS), Upgrade	20	0	20	44307	SF	\$6.28	\$278,096
Kroehler Family	Lower Level	D4019	1245361	Sprinkler Heads (per SF), , Replace	20	16	4	37152	SF	\$1.56	\$57,862
Kroehler Family	Lower Level	D5012	1245434	Distribution Panel, 208 Y, 120 V, 225 Amp, Replace	30	20	10	1	EA	\$9,310.62	\$9,311
Kroehler Family	Lower Level	D5012	1245388	Distribution Panel, 208 Y, 120 V, 200 Amp, Replace	30	19	11	1	EA	\$9,258.16	\$9,258

Kroehler Family	Lower Level	D5012	1245340	Switchboard, 1200 AMP, Replace	30	19	11	1	EA	\$34,432.51	\$34,433
Kroehler Family	Lower Level	D5012	1245358	Distribution Panel, 225 AMP, Replace	30	6	24	1	EA	\$9,310.62	\$9,311
Kroehler Family	Lower Level	E1028	1245306	Defibrillator (AED), Cabinet Mounted, Replace	5	1	4	1	EA	\$1,650.52	\$1,651
Kroehler Family	Lower Level	E1028	1245301	Defibrillator (AED), Cabinet Mounted, Replace	5	1	4	1	EA	\$1,650.52	\$1,651
Kroehler Family	Lower Level	F1041	1245396	Swimming Pool Filtration System, , Replace	15	10	5	1	EA	\$7,884.68	\$7,885
Kroehler Family	Lower Level	F1041	1245290	Circulation Pump, Swimming Pool, 10 HP, Replace	20	9	11	1	EA	\$7,304.33	\$7,304
Kroehler Family	Lower Level	F1041	1245423	Circulation Pump, Swimming Pool, 3 HP, Replace	20	9	11	1	EA	\$5,447.83	\$5,448
Kroehler Family	Lower Level	F1041	1245399	Circulation Pump, Swimming Pool, 5 HP, Replace	20	9	11	1	EA	\$6,462.61	\$6,463
Kroehler Family	Lower Level	F1041	1245400	Swimming Pool Lift Transfer Device, ADA, Replace	20	7	13	1	EA	\$12,178.40	\$12,178
Kroehler Family	Lower Level	F1041	1245382	Swimming Pool Heater, Gas-Fired, 266 MBH, Replace	15	1	14	1	EA	\$8,501.46	\$8,501
Kroehler Family	Outdoor	B1015	1245334	Exterior Stairs, Concrete, Replace	50	40	10	35	SF	\$57.31	\$2,006
Kroehler Family	Outdoor	B1015	1245378	Exterior Stairs, Concrete, Replace	50	40	10	70	SF	\$57.31	\$4,012
Kroehler Family	Outdoor	B1015	1245349	Exterior Stairs, Concrete, Replace	50	40	10	40	SF	\$57.31	\$2,292
Kroehler Family	Outdoor	D3032	1245430	Condensing Unit/Heat Pump, 1 TON, Replace	15	12	3	1	EA	\$2,481.28	\$2,481
Kroehler Family	Outdoor	D3032	1245354	Condensing Unit/Heat Pump, 3 TON, Replace	15	3	12	1	EA	\$4,190.62	\$4,191
Kroehler Family	Outdoor	G2022	1245398	Parking Lots, Asphalt Pavement, Seal & Stripe	5	2	3	7000	SF	\$0.44	\$3,115
Kroehler Family	Outdoor	G2022	1245284	Parking Lots, Asphalt Pavement, Cut & Patch	25	20	5	100	SF	\$5.81	\$581
Kroehler Family	Outdoor	G2022	1245351	Parking Lots, Asphalt Pavement, Mill & Overlay	25	10	15	7000	SF	\$3.84	\$26,886
Kroehler Family	Outdoor	G2031	1245298	Pedestrian Pavement, Sidewalk, Concrete Large Areas, Replace	30	20	10	2200	SF	\$10.54	\$23,186
Kroehler Family	Outdoor	G2031	1245333	Roadways, Concrete Curb & Gutter, Replace	25	15	10	150	SF	\$10.54	\$1,581
Kroehler Family	Outdoor	G2041	1245322	Fences & Gates, Metal Tube, 4' High, Replace	30	15	15	50	LF	\$64.64	\$3,232
Kroehler Family	Outdoor	G2044	1245312	Signage, Property, Monument/Pylon, Replace/Install	20	10	10	1	EA	\$10,072.94	\$10,073
Kroehler Family	Outdoor	G2048	1245295	Flagpole, Metal, Replace	20	10	10	1	EA	\$2,962.63	\$2,963
Kroehler Family	Roof	B3011	1245356	Roof, Single-Ply EPDM Membrane, Replace	20	17	3	5000	SF	\$12.32	\$61,595
Kroehler Family	Roof	B3011	1245419	Roof, Built-Up, Replace	20	17	3	5000	SF	\$15.18	\$75,881
Kroehler Family	Roof	B3011	1245367	Roof, Single-Ply TPO/PVC Membrane, Replace	20	6	14	8200	SF	\$18.65	\$152,963
Kroehler Family	Roof	B3016	1245321	Gutters & Downspouts, INCH, Replace	10	9	1	400	LF	\$9.80	\$3,921
Kroehler Family	Roof	D3042	1245385	Exhaust Fan, Centrifugal, 2,000 CFM, Replace	15	10	5	1	EA	\$3,119.75	\$3,120
Kroehler Family	Roof	D3042	1245402	Exhaust Fan, Centrifugal, 2,000 CFM, Replace	15	10	5	1	EA	\$3,119.75	\$3,120
Kroehler Family	Roof	D3042	1245393	Exhaust Fan, Centrifugal, 2,000 CFM, Replace	15	10	5	1	EA	\$3,119.75	\$3,120
Kroehler Family	Roof	D3042	1245412	Exhaust Fan, Centrifugal, 801 to 2,000 CFM, Replace	15	8	7	1	EA	\$3,119.75	\$3,120

Kroehler Family	Roof	D3052	1245308	Packaged Unit (RTU), 5 TON, Replace	15	6	9	1	EA	\$13,161.21	\$13,161
Kroehler Family	Roof	D3052	1245387	Packaged Unit (RTU), 10 TON, Replace	15	6	9	1	EA	\$21,727.25	\$21,727
Kroehler Family	Roof	D3052	1245281	Packaged Unit (RTU), 10 TON, Replace	15	6	9	1	EA	\$21,727.25	\$21,727
Kroehler Family				TOTAL							\$6,593,826

NOT FOR DISTRIBUTION UNTIL
May 29, 2020, 2PM

Contact: Man-Yee Lee
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***** PRESS RELEASE *****

YMCA of Metro Chicago Announces Permanent Closure of the Kroehler Family YMCA Amid the Coronavirus (COVID-19) Pandemic

Two other Y center locations will not reopen

NAPERVILLE, IL – The YMCA of Metropolitan Chicago announced today that it must make the painful decision to permanently close the Kroehler Family YMCA effective June 1, 2020. The Kroehler Family Y is one of three centers that will not reopen - the other two locations are Lattof YMCA in Des Plaines and the Leaning Tower YMCA in Niles. The closures are necessary to safeguard the financial stability of the overall association so that it can continue to serve families and youth across the Chicagoland area.

“The overwhelming stress that the coronavirus (COVID-19) pandemic has put on the global economy has also put an enormous strain on our organization. We’ve reached the point where we are no longer able to sustain these centers during and after the pandemic,” said Richard Malone, President and CEO, YMCA of Metropolitan Chicago.

The three facilities have been operating at a loss for several years prior to the coronavirus outbreak, mainly due to the rising costs of maintaining the aging buildings that house the operations. Consequently, the centers have experienced declining membership and program enrollment in recent years. The Kroehler Family YMCA building located at 34 S. Washington Street has reached the end of its serviceable life. It requires millions of dollars in repairs and improvements, after having received significant capital investments over the last five years.

“We have always done everything we can to keep the Kroehler Family YMCA open because we know how much the Naperville community values the Y’s unique and family-centered programs and services. That is what has made this a painful decision for us. But the sad reality is we can no longer afford to operate the center at its loss rate,” added Malone.

The association temporarily closed the doors of all of its 17 membership centers, five overnight camps, and dozens of extension sites on March 16 to help contain the spread of the coronavirus. With suddenly vanishing revenues, the nonprofit association stands to lose many millions of dollars that have severely

restricted its financial flexibility. The organization has considered fundraising for the affected locations but concluded that forecasted funds would not be enough to prevent the closures.

Once facilities reopen, Kroehler Family Y members will be offered a three-month complimentary membership to the Fry Family YMCA located six miles away at 2120 95th Street. The spacious center offers family locker rooms, two basketball courts, group exercise studios, an eight-lane 25-yard pool, and ample parking. Program participants who have already enrolled or paid for any upcoming programming at Kroehler will receive a full refund.

The Y remains committed to families and youth in Naperville. In addition to the Fry Family YMCA, the Y already operates Safe 'n Sound, a popular and robust child care and camp program that will continue to be offered at local schools in Naperville. Existing partnerships with the Naperville Park District, Artful Impact, The Alive Center, and Kids Matter will continue uninterrupted.

“While it is with great sadness that the Y is leaving our home at Kroehler, we ask that the community try to focus on the positive future ahead and the new opportunities that will come about as a result of this transition. We hope it will allow the City of Naperville to continue to build towards its Comprehensive Master Plan for the downtown area and that the potential new use of the Kroehler site will continue to pay dividends for the entire Naperville community for years to come. We thank all of our Kroehler Family Y members, program participants, and supporters for their continuous support over the years and for their understanding as we move forward with this difficult but necessary closure,” said Malone.

About the YMCA OF METROPOLITAN CHICAGO

The YMCA of Metro Chicago is an association of 14 Y centers, five overnight camps, and dozens of extension sites located in the city and across the suburbs. We serve more than 200,000 members annually and help children, families, and communities learn, grow, and thrive through programs that promote academic readiness, character development, violence prevention, and fitness and healthy living. Our impact is felt every day when an individual makes a healthy choice, when a mentor inspires a child, and when a community comes together for the common good. Learn about how the Y is working for a better us at ymcachicago.org



REQUEST FOR QUALIFICATIONS & STATEMENT OF INTEREST

KROEHLER FAMILY YMCA SITE
NAPERVILLE, ILLINOIS

ISSUED BY THE YMCA OF METROPOLITAN CHICAGO
OCTOBER 13, 2020



*This site is centrally
located in the heart of
Naperville's bustling and
expanding Downtown.*



INTRODUCTION

The request for Developer/Investor for the Statement of Interest and Request for Qualifications (RFQ) is presented by the YMCA of Metropolitan Chicago to sell their Kroehler Family YMCA facility in Downtown Naperville. The YMCA seeks a developer or investor team with strong experience and qualifications to acquire and successfully implement a new and vibrant development. This site's unique location is in the very heart of Naperville's active and vibrant Downtown and provides an exciting opportunity for a range of mixed-use development options.

Most importantly, the YMCA worked closely with the City of Naperville's Planning and Economic Development team on the facility's closure and subsequent disposition. Proposed redevelopment of this site or its facilities should align with the City of Naperville's vision for an active, vibrant, and pedestrian-focused Downtown as identified in the [Naperville Downtown 2030 Plan](#).

To identify and select the right developer or investor team for this site, the YMCA has elected to undertake a two-step RFQ/RFP process:

- **Part 1 — RFQ | Request for Qualifications & Statement of Interest**

From the pool of developer or investor interest, the YMCA will evaluate and select a short list of qualified candidates to prepare their specific proposals for the property.

- **Part 2 — RFP | Request for Proposal**

The YMCA will provide a formal Request for Proposal package to a short-list of qualified selected developer/investor teams. Individuals or teams will be asked to provide a more formal outline of their development concept plan, metrics, and purchase offer. The YMCA will review and interview candidates prior to making a final selection.

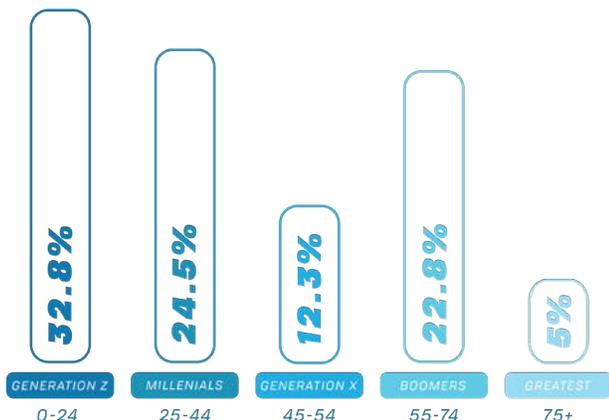
BACKGROUND AND PROJECT DESCRIPTION

YMCA FACILITIES MASTER PLAN

In 2018, the YMCA initiated a master planning effort, led by The Lakota Group to foster a broader, long-term vision for the YMCA of Metropolitan Chicago facilities. This planning process aligns with the recently updated Strategic Plan, which seeks to reposition YMCA as a family-focused center that offers a wide range of child and family services, in addition to its traditional fitness and recreation offerings. The on-going Facilities Master Plan refocuses the growth and necessary improvements for the region's key YMCA of Metropolitan Chicago facilities into clear and definable action steps.

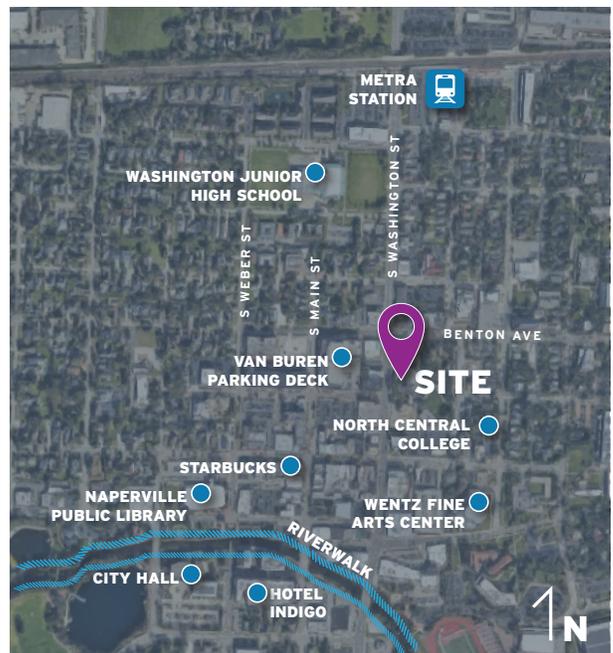
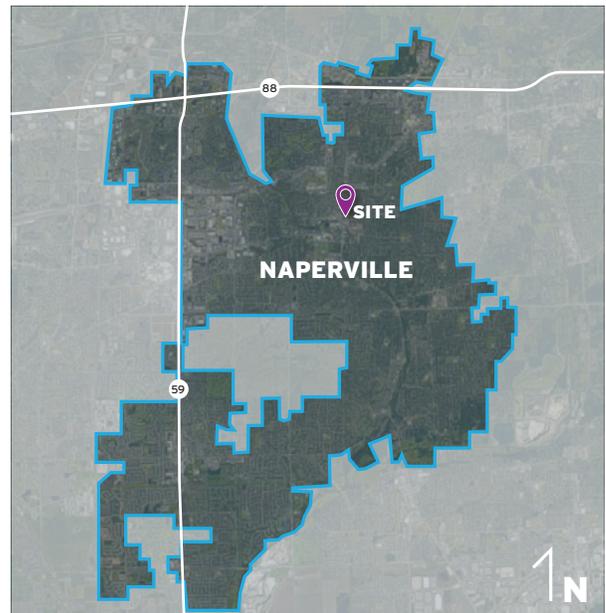
THE NAPERVILLE COMMUNITY

Naperville, the third largest city in Illinois, has continued to successfully grow to outpace other suburban communities with a population of 146,339. It is considered a vibrant, family-oriented, transit-connected community in Chicago's western suburbs. Located in DuPage County, Naperville is known for its eclectic feel, which merges a small modern city vibe with community-focused residential neighborhoods.



POPULATION BY AGE GROUP

source: ESRI Business Analyst Online



DOWNTOWN NAPERVILLE

Downtown Naperville is a jewel among suburban downtowns, offering a transit-oriented mixed-use, day-long vibe with thriving businesses, including restaurants, retail, hotel, entertainment, and other business services. With nationally acclaimed schools, open spaces, libraries, and public services, Naperville truly has a defined **Sense Of Place**.



THE SITE

The 0.54 acre Kroehler YMCA site is centrally-located within Naperville, just northeast of the DuPage Riverwalk and in the heart of the community's Downtown core. The original facility, built in 1911, is one of the oldest Metropolitan YMCA facilities that has significantly outlived its useful life. The primary street frontage, west of the site, is Washington Street. Washington Street is the main north-south thoroughfare through Downtown Naperville between the intersections of Benton Avenue to the north and Jefferson Avenue to the south. Kroehler YMCA is strategically located four blocks south of the Naperville Metra Station and two blocks north of the Naperville Riverwalk. The site is also situated directly west of Central Park, an active community park featuring a bandshell, and the North Central College Campus.

Inherent in realizing this special site's vision is a carefully crafted recipe of local and regional market understanding, balanced with a clear understanding of Downtown's regulatory framework.



Context image looking east | source: John Green Realtor

EXISTING CONDITIONS

Currently home to the Kroehler Family YMCA, the site is located on 34 S. Washington Street. The current Downtown zoning on the site is **B4**, which allows for a range of mixed-use development. As previously noted, the YMCA has worked closely with City Planning and Economic Development staff to best optimize the redevelopment process. The current B4 zoning, supported by the Downtown Master Plan vision seeks a “mixed-use development” and provides development flexibility through a Planned Unit Development (PUD) overlay. Inherent in this mixed-use vision, is the need to balance the Downtown character through certain bulk, use and design standards. Important components of achieving this developmental balance are:

- Off street parking
- An active first floor commercial/retail streetscape
- Articulated building height, massing, character

Key metrics pertaining to the site include:

- **Site Size:** 0.54 acres
- **Site Zoning:** Naperville’s Downtown Core District (B4)
- **Existing Building Size:** 40,000 SF
- **B4 - Parking Requirement:** 2.25 parking spaces/unit
- **B4 - Allowable Height:** 60 feet
- **B4 - Maximum FAR:** 2.5
- **B4 - PUD:** allowed

YMCA’S OBJECTIVES FOR THE SITE

As part of their site and facilities master planning study, the YMCA has identified and tested a range of allowable uses under the current zoning and development regulations. Our work has been shared with the City Planning and Economic Development team to optimize the land value and ensure that an achievable, viable, and quality redevelopment that re-energizes this special downtown site can be implemented.

Redevelopment of the *Central Park Place* immediately to the south indicates the general mixed-use nature, scale, and character of new development in Downtown Naperville. The site’s proximity to Central Park, the Veteran’s Valor / greenway, North Central College, and Washington Street suggests the need and demand for further vibrant mixed-use development. Naperville Downtown planning initiatives that should be clearly understood and factored into this request include, but are not limited to:



Water Street Naperville



Central Park Place | source: John Green Realtor

NAPERVILLE DOWNTOWN 2030 PLAN [LINK](#)

The Naperville Downtown 2030 Plan pertains to a 12-block area centered on planning a unique and special cultural Downtown experience. The Downtown Plan establishes the community's vision for a compact mixed-use, pedestrian scaled district that preserves the district's small town character. The Plan also focuses on the need to provide a mix of uses to live, work, and play - further emphasizing outstanding cultural landmarks and unique dining and shopping experiences.

BUILDING DESIGN GUIDELINES [LINK](#)

The purpose of these design guidelines is to promote high quality building design that will further enhance the quality of life in the City of Naperville. With four design categories - context fit, pedestrian friendliness, visual attractiveness, and sustainable design - these guidelines are designed to complement the City's Municipal Code. This Plan also provides a summary of the design review process which includes a preliminary design review and a formal design review.

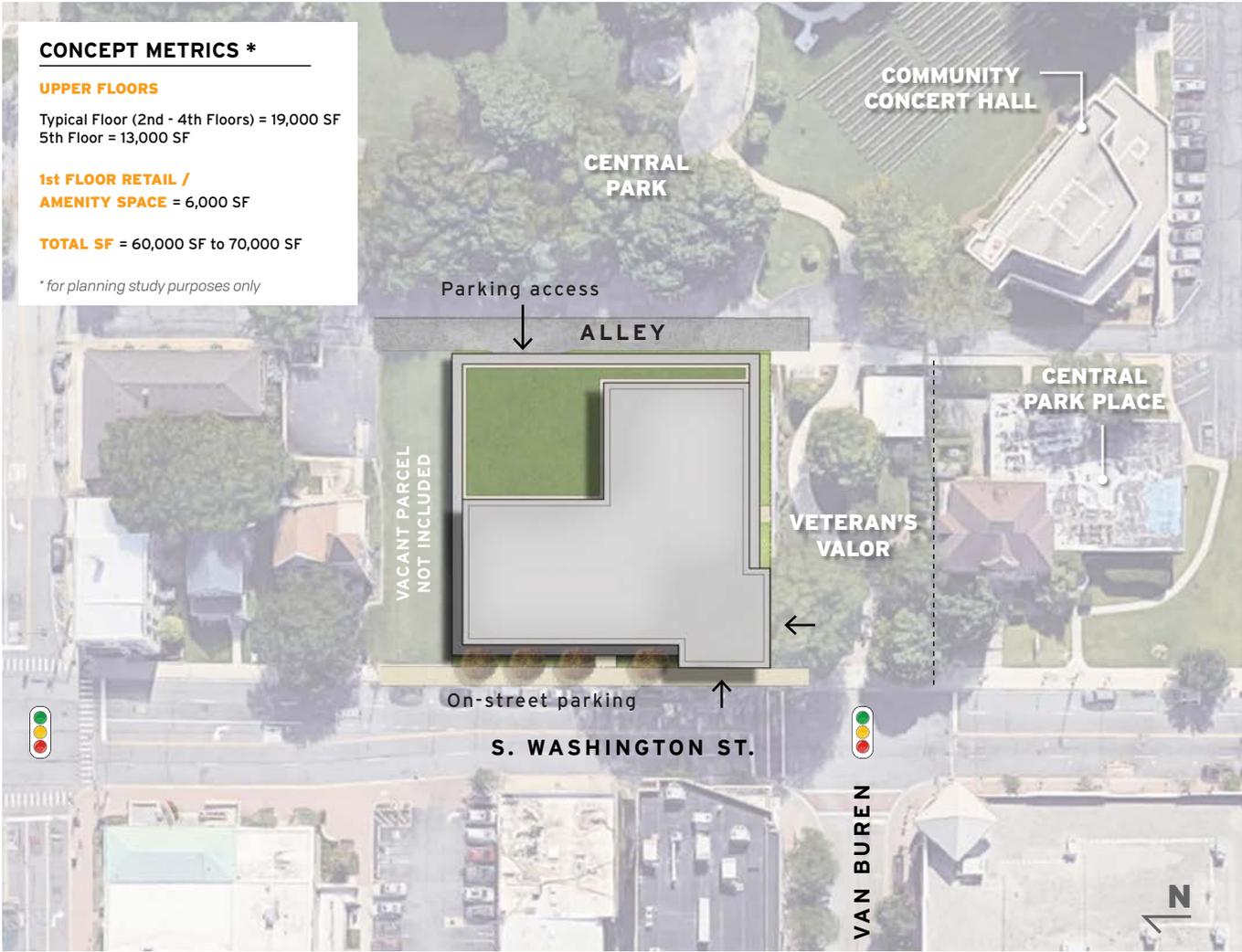
VISIONING STUDY

In an effort to share ideas with staff and identify site development capacities, a simple visioning/massing study was completed. This study **does not reflect** a design or land use direction, but rather seeks to illustrate the scale, character, and orientation of optimal development on this site. The following narrative identifies the general thinking and discussion behind this study. As part of this RFQ/RFP process, we will encourage proposals to identify creative solutions to optimize development, balancing both community and economic benefits.

The visioning study, presented on the next page, shows a general building character, scale and range of uses that are acceptable under the underlying zoning. The YMCA team anticipates the use of the PUD ordinance to help meet or exceed the urban design and economic development goals of the Naperville Downtown 2030 Plan vision.

The illustrative concept plan shows a 5-story development that identifies first floor retail/commercial space framing Washington Street and Veteran's Valor frontages. These uses seek to activate the street life with retail display, indoor/outdoor dining options, or the like. The north portion of the first floor (Washington Street) frontage may be used for both the upper floor lobby or as amenity spaces. The rear (east) portions of the building would house access to grade level indoor parking and lower level (below grade parking). Access for parking is provided off the public alley only. All parking for this building would be provided in both covered grade and lower level parking, as exhibited in the following exhibits. A service corridor could be provided on the south first floor frontage.

Upper floors of the building would be slightly stepped back from the first-floor footprint and provide a range of floor plates accommodating residential, commercial, or institutional uses. This concept plan does not seek to determine upper floor uses. However, residential floor plates were used for planning purposes. The top floor can be additionally stepped back to allow for outdoor /rooftop amenity space at the northeast corner of the property.



CONCEPT METRICS *

UPPER FLOORS

Typical Floor (2nd - 4th Floors) = 19,000 SF
 5th Floor = 13,000 SF

1st FLOOR RETAIL / AMENITY SPACE = 6,000 SF

TOTAL SF = 60,000 SF to 70,000 SF

** for planning study purposes only*

PLAN CONCEPT



SCALE AND MASSING STUDY (LOOKING SOUTHEAST)



THE QUALITIES
PORTRAYED IN THE
VISIONING PLAN'S
DESIGN ILLUSTRATES
THE STYLE AND
CHARACTER OF
ANTICIPATED NEW
DEVELOPMENT.



MARKET CONTEXT

The site's unique location adjacent to Central Park, North Central College and the 5th Avenue Metra Station, only four blocks north of the site, supports a mixed-use, transit-supported development. The site is situated directly north of Central Park Place Development, a four story mixed-use development with on-site underground parking for residents. The development features ground floor commercial/retail spaces with the upper levels consisting of up to 21 residential condominium spaces with access to a roof-top outdoor amenity space for residents. Located directly south of the restored Nichols Library, the development anticipates incorporating new retail use into the original library building and on the first floor of the development.

STATEMENT OF QUALIFICATIONS / LETTER OF INTEREST

YMCA of Metropolitan Chicago is seeking to sell the Kroehler YMCA facility to a qualified and experienced developer/investor team capable of entitling and delivering a successful mixed-use project that aligns with the YMCA objectives and City of Naperville's Downtown Plan vision. Identification of qualified individuals or firms will focus on previous history in developing and delivering downtown mixed-use projects and experience working and effectively communicating with communities and civic leadership. Our intent with this RFQ process is to identify and simplify the requested materials from each respondent. We ask that your Statement of Qualifications / Letter of Interest be thorough, but also direct and relevant. At a minimum, the Statement of Qualifications submission must include the following:

A. Letter of Interest. The letter of interest should highlight your interest in the property, your firm or organization's experience and capabilities, and your understanding of YMCA's goals and objectives for the site and how you would achieve them. Identify and introduce the project lead firm and key personnel. If you will be partnering with another firm(s), please identify them and describe their role in the development process.

B. Development Team. Provide resumes and a brief overview of the development team, identifying key personnel and their roles and experience on similar



projects. If appropriate, include resumes of key members or any partners who will contribute to critical elements of the project, including members of the planning/design team.

C. Approach to the Project. Describe how you expect to approach the development of this site. What critical factors will lead to the long-term success of mixed-use development on the target site, and contribute to the City’s Downtown vision? How does your experience inform your strategy?

D. Relevant Project Experience. Provide examples/narrative for at least three (3) built similar mixed-use or downtown developmental projects relevant to this site and Naperville’s Downtown vision for a successful high-quality mixed-use development. While we understand that no one project may be completely analogous in its entirety, portions of past assignments should be selected to provide insight into your development success, skills, expertise, and collaborative approach. It is desired that the proposing team has collaborated on previous development projects.

E. Financial Capability. Please provide an overview of the individual or firm’s financial capacity to fully execute and complete the project. Briefly identify how you propose to finance the project and provide a current financial summary demonstrating adequate equity resources, reference letter(s), or other written evidence of financial support from your lending institutions or partnerships. Additional detail will be expected as part of a later Part 2 Request for Proposal (RFP).

F. References. Provide at least three (3) current references, including name, title, organization, telephone, and email address for previously executed projects of a similar scope or program. The reference must speak of direct experience with the key firm or individual team member(s) identified in this qualifications package.



EVALUATION CRITERIA

While not exhaustive, the following evaluation criteria will be considered when selecting qualified applicants:

- The Applicant's overall qualifications and record of performance on previous similar projects.
- Demonstrated experience and proven track record in mixed-use downtown development projects that achieve successful, sustained operational outcomes.
- Experience in and understanding of the Naperville/Chicago metro marketplace.
- Specific experience in the development of projects that exhibit high-quality design.
- Sustainability strategies to deliver a high-performance building.
- The applicant's experience or strategy involved with public engagement.
- The experience, and efficiency of the Applicant and all members of the development team.
- The specific qualifications of key personnel and their time commitment to the project.
- The Applicant's capability and financial capacity to bring the project to a successful completion and stabilization.
- The Applicant's general approach and project understanding.
- The Applicant's familiarity with and insights into the site's strengths and challenges.
- The ability of the Applicant to work with the YMCA, City staff, and decision-makers in a supportive and cooperative manner throughout the entitlement and development process.
- The applicant's ability to provide a "value-added" approach to the process.
- A demonstrated creative problem solving capacity or approach.

With a bustling Downtown, thriving businesses, and wonderful open spaces, Naperville has a true Sense of Place.

OUR PROCESS

This RFQ requests a Letter of Interest/Statement of Qualifications with information that demonstrates the Applicant's interest in this property and their qualifications to execute a development project of this nature. **It does not include a request for a detailed submittal of a formal proposal or offer.** All Applicants interested in being selected must respond to this RFQ, which is Part 1 of the YMCA's sales solicitation process. An internal YMCA Evaluation Committee will review all RFQ submittals. The YMCA will select a short-list of applicant(s) from the submittals to extend a formal **Part 2 Request for Proposal (RFP)**, for the sale and development of the Kroehler Family YMCA site.

PART 1 – TIMELINE

Part 1 - RFQ anticipated schedule is as follows:

October 13, 2020: RFQ solicitation distributed to developers/interested parties

October 14, 2020: YMCA follow-up confirmation for RFQ receipt

October 19-28, 2020: Applicants to submit questions

October 20-21, 2020: Optional two-hour Kroehler YMCA site tours with advanced reservation -
timeslots to be released in a future addendum

October 30, 2020: YMCA will post questions and responses to all identified Applicants by 4pm CST

November 6, 2020: Final date for submission of qualifications package - Friday Nov. 6, 2020 by 4pm CST

November 20, 2020: YMCA selection of qualified developer/investor team to move to Part 2 - RFP

Please deliver one hard copy and an electronic copy via email to the project manager contact identified below, no later than 4:00 PM CST on November 6, 2020.

Copies shall be addressed to:

Swathi Staley, Vice President, Legal and Risk Management
YMCA of Metropolitan Chicago
sstaley@ymcachicago.org

AND

Basil Fitzsimons, Vice President, Real Estate and Facilities
YMCA of Metropolitan Chicago
bfitzsimons@ymcachicago.org

Hard copies addressed to:

YMCA of Metropolitan Chicago - 1030 W Van Buren St, Chicago, IL 60607

PART 2 – REQUEST FOR PROPOSAL

Based on RFQ submissions, a short list of finalists will be asked to submit detailed proposals and invited to interview at the next stage **Part 2: Formal Request for Proposal (RFP)**. The YMCA will request proposals for a detailed development program/plan, fee offer including a proposed transaction structure; estimated project costs and pro forma; project schedule; and required forms from selected Applicant(s). These proposals will be evaluated by the YMCA Evaluation Committee. Applicant(s) will be asked to present their proposals to the Committee at an informal interview. Following the final selection of a preferred developer/investor, the YMCA may choose to enter into an exclusive negotiating agreement with the selected applicant.

PART 2 – TIMELINE

Part 2 - RFP - anticipated schedule is as follows:

November 30, 2020: RFP package distributed to selected developer/investor teams

December 1-14, 2020: Applicants to submit questions

December 18, 2020: YMCA will post questions and responses to all intended Applicants by 4pm CST

January 15, 2021: Final date for RFP submissions - Friday Jan. 15, 2020 by 4pm CST

January 28-29, 2021: Interviews

February 5, 2021: Final firm selection

TBD: Negotiations

The YMCA of Metropolitan Chicago reserves the right to amend or withdraw this RFQ, and to withdraw at any time from the process and negotiations with no recourse for any Applicant. YMCA reserves the right to adjust the timeline, and to waive minor deficiencies in meeting the stated requirements of the qualifications package. YMCA also reserves the right to request additional information from Applicants. The YMCA of Metropolitan Chicago is not be liable to pay or reimburse any costs incurred by Applicants in the development, submission or review of qualifications packages.



KROEHLER YMCA DEVELOPER LIST					
Developer	Contact Name	Address	Email	Phone	Area of Expertise
Geneva Capital Investments	Alan Miller, Commercial Real Estate Investor	316 S. 7th St. Geneva, IL 60134	amiller65@gmail.com	847.774.6026	Commercial Development
FarPoint Development	Scott Goodman	120 N. Racine Ave. Chicago, IL 60607	sgoodman@fourpointdev.com	312.971.0522	Mixed Use Development
Greystone Development	Christine Kolb	311 S. Wacker Dr. Suite 5410 Chicago, IL 60604	christine.kolb@greystar.com	312.259.0936 m; 847.441.0479	Mixed Use Development
Harlem Irving Companies	Richard Filler, President	4104 Harlem Ave. Norridge, IL 60706	rck@harlemirving.com	773.625.3036	Mixed Use, Commercial
Holladay Properties	Drew Mitchell, VP of Development	324 W. Burlington Ave. LaGrange, IL 60525	dmitchell@holladayproperties.com	312.545.5123	Mixed Use Development
JDL	James Letchinger, CEO	908 N. Halsted St. Chicago, IL 60642	jm@jdl.com	312.642.9797	Mixed Use Development
J Jeffers & Company	Josh Jeffers	225 E. Michigan St. Suite 110 Milwaukee, WI 53202	joshua@jeffers.com	414.501.5610	Mixed Use, Historic
Kensington Development	John Schoditsch, Principal	700 Commerce Dr. Suite 130 Oak Brook, IL 60523	john@kensingtondev.com	630.402.6065	Commercial Development
Kitchens ToGo	Steve Rubin, Partner	131 W. Jefferson Avenue, Suite 223, Naperville, IL 60540	steve.rubin@kitchenstogo.com	o 630-355-1660 d. 630-364-3081 c. 630-631-8115	Local Contact Interest
KM Real Estate Capital, Inc.	Daniel R. Knorps, Managing Principal	1850 N. Clark St. Chicago, IL 60614	dknorps@kmrecapital.com	Direct: 312.550.1640, Cell: 630.346.1426	
Lexington Development	Nate Wynsma	866 Hadley Run Ln. Schaumburg, IL 60173	nwynsma@lexingtonchicago.com	847.240.1373	Residential, Mixed Use
L and M Development		1865 Palmer Ave. #203 Larchmont, NY 10538		914.636.7368	
Madison Corporate Group	Tom Eilers Sr., President	650 Roosevelt Rd. #204 Glen Ellyn, IL 60137	eilersthomas@yahoo.com	630.858.5205	Commercial Development
NAI Hiffman	Adam Johnson, Executive Vice President Office Services	One Oakbrook Terrace, Suite 400 Oakbrook Terrace, IL 60181	ajohnson@hiffman.com	630.317.0729	Mixed Use, Commercial
Nicholas and Associates	Nick Papanicholas, Jr., President	1001 Feehanville Dr. Mt. Prospect, IL 60056	nickjr@nicholasquality.com	847.394.6200	Mixed Use Development
North Central College	Steve Rubin, Partner	131 W. Jefferson Avenue, Suite 223, Naperville, IL 60540	steve.rubin@kitchenstogo.com	630.355.1660 630.364.3081 630.631.8115	Institutional
Optima Inc.	David Hovey Jr., President	630 Vernon Ave. #E Glencoe, IL 60022	davidhovey@optimaweb.com	847.835.8400	Residential, Mixed Use
Related Midwest	Curt Bailey, President	350 W. Hubbard St. Chicago, IL 60654	cbailey@relatedmidwest.com	312.595.7400	Mixed Use Development
Reva Development Parters	Warren James, Principal	116 W. Illinois St. Floor 7 Chicago, IL 60654	warren.james@revadevelopment.com	312.464.8800	Residential, Mixed Use
Shodeen Group		77 N. 1st St. Geneva, IL 60134		630.232.8181	Residential, Mixed Use
RAS Development LLC	Richard Stein	225 N. Columbus Dr. Suite 100 Chicago, IL 60601	rstein@rasdevelopment.com	312.278.2010	Mixed Use Development
Sterling Bay	Keating Crown, Principal	1330 W. Fulton St. Chicago, IL 60607	kcrown@sterlingbay.com	312.466.4100	Mixed Use Development
Structured Development	Hide Kashima, Senior Program Director	211 N. Clinton St. Chicago, IL 60661	hkashima@strdev.com	312.261.5775	Mixed Use Development
The Ryan Companies	Jim McDonald, Market Leader Great Lakes Region	111 Shuman Boulevard, Suite 400 Naperville, IL 60563	jm.mcdonald@ryancompanies.com	630.328.1100	Mixed Use Development
Urban Street Development	Jonathan Dennis, Director of Development	401 W. Superior St. Suite 200 Chicago, IL 60654	jdennis@urbanstreetgroup.com	312.726.9966	Mixed Use Development
Witico Development Corporation	Landon Thomas, Project Manager	5732 95th Ave #400 Kenosha, WI 53144	landon.thomas@witicodev.com	262-764-0105	
Focus Development	Tim Anderson, CEO and Co-Founder	600 S. Wacker Dr. Suite 2100 Chicago, IL 60606	tima@focusrealestate.com	847.441.0474 847.441.0476	Mixed Use Development
Atlantic Realty Partners	Mitzi Jones, Senior Director of Development	3500 Menox Rd. NO #1250 Atlanta, GA 30326	mitzi.jones@atlantic-realty.com	404.591.2900	Mixed Use Development
Lennar Multi-Family	Peter Chmielewski, City President	151 N. Franklin St., Suite 2665, Chicago, IL 60606	peter.chmielewski@livelmc.com	847.592.3350 312-513-2159	Residential
Kinzie Group	Steve Spinell, President	116 W. Illinois St. Floor 7 Chicago, IL 60654	sspinell@kinziegroup.com	312.806.6068	
Caton Commercial Real Estate Group	Beth Petri, Real Estate Broker	1296 Rickerl Dr. Naperville, IL 60540	beth.catonrealty@gmail.com	630.209.8029	
Tucker Development	Richard Tucker, CEO	799 Central Ave. #300 Highland Park, IL 60035	tucker@tuckerdevelopment.com	c 847.404.9191 o 847.926.9999	
Elliss Park Partners	Peter Eisenberg	747 Lake Cook Rd. Deerfield, IL 60015	peisenberg@ellisspark.com	o 847.349.4540	
GW Properties	Mitch Goltz, Principal	2211 N. Elston, Suite 304 Chicago, IL 60614	mitch@gwproperties.com	773.382.0445	
Regency Centers	Nick Wibbenmeyer, Senior Managing Director - West Region	420 Stevens Ave. Suite 320 Solano Beach, CA 92075	nickwibbenmeyer@regencycenters.com	o 858.847.4600	

ALTA COMMITMENT FOR TITLE INSURANCE

Issued By:



CHICAGO TITLE
INSURANCE COMPANY

Commitment Number:

CCHI1900930LD

NOTICE

IMPORTANT - READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACTIONAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and the Commitment Conditions, Chicago Title Insurance Company, a Florida corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I-Requirements have not been met within one hundred eighty (180) days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

Chicago Title Insurance Company

By:

Randy Quirk, President

Attest:

Marjorie Nemzura, Secretary

Countersigned By:

Michael J. Nolan
Authorized Officer or Agent

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Transaction Identification Data for reference only:

ORIGINATING OFFICE:	FOR SETTLEMENT INQUIRIES, CONTACT:
Chicago Title Insurance Company 10 South LaSalle Street, Suite 3100 Chicago, IL 60603 Main Phone: (312)223-4627 Email: chicagocommercial@ctt.com	

Order Number: CCHI1900930LD**Property Ref.: Kroehler YMCA****SCHEDULE A**

1. Commitment Date: March 1, 2021
2. Policy to be issued:
 - (a) ALTA Owner's Policy 2006

Proposed Insured:	Purchaser with contractual rights under a purchase agreement with the vested owner identified at Item 4 below
Proposed Policy Amount:	\$10,000.00
3. The estate or interest in the Land described or referred to in this Commitment is:

Fee Simple
4. The Title is, at the Commitment Date, vested in:

[The Board of Trustees of the Young Men's Christian Association of Chicago, an Illinois corporation](#)
5. The Land is described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

END OF SCHEDULE A

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EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 07-13-420-005 and 07-13-420-006

THE SOUTH 5.0 FEET OF LOT 4, AND ALL OF LOTS 5, 6 AND 7 IN BLOCK 3 IN HOSMER'S ADDITION TO THE TOWN OF NAPERVILLE, BEING A SUBDIVISION OF PART OF THE EAST 1/2 OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND OF PART OF THE WEST 1/2 OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 26, 1843 AS [DOCUMENT 414](#), IN DUPAGE COUNTY, ILLINOIS.

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AMERICAN
LAND TITLE
ASSOCIATION



**SCHEDULE B, PART I
REQUIREMENTS**

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.
6. Be advised that the "good funds" of the title insurance act (215 ILCS 155/26) became effective 1-1-2010. This act places limitations upon the settlement agent's ability to accept certain types of deposits into escrow. Please contact your local Chicago Title office regarding the application of this new law to your transaction.
7. Effective June 1, 2009, pursuant to Public Act 95-988, satisfactory evidence of identification must be presented for the notarization of any and all documents notarized by an Illinois notary public. Satisfactory identification documents are documents that are valid at the time of the notarial act; are issued by a state or federal government agency; bear the photographic image of the individual's face; and bear the individual's signature.
8. **The Proposed Policy Amount(s) must be increased to the full value of the estate or interest being insured, and any additional premium must be paid at that time. An Owner's Policy should reflect the purchase price or full value of the Land. A Loan Policy should reflect the loan amount or value of the property as collateral. Proposed Policy Amount(s) will be revised and premiums charged consistent therewith when the final amounts are approved.**

END OF SCHEDULE B, PART I

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SCHEDULE B, PART II EXCEPTIONS

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

General Exceptions

1. **Rights or claims of parties in possession not shown by Public Records.**
2. **Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the Land.**
3. **Easements, or claims of easements, not shown by the Public Records.**
4. **Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.**
5. **Taxes or special assessments which are not shown as existing liens by the Public Records.**
6. **We should be furnished a properly executed ALTA statement and, unless the land insured is a condominium unit, a survey if available. Matters disclosed by the above documentation will be shown specifically**
7. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met.
8. Note for additional information: the County Recorder requires that any documents presented for recording contain the following information:
 - A. The name and address of the party who prepared the document;
 - B. The name and address of the party to whom the document should be mailed after recording;
 - C. All permanent real estate tax index numbers of any property legally described in the document;
 - D. The address of any property legally described in the document;
 - E. All deeds should contain the address of the grantee and should also note the name and address of the party to whom the tax bills should be sent.
 - F. Any deeds conveying unsubdivided land, or, portions of subdivided and, may need to be accompanied by a properly executed "plat act affidavit."

In addition, please note that the certain municipalities located in the County have enacted transfer tax ordinances. To record a conveyance of land located in these municipalities, the requirements of the transfer tax ordinances must be met. A conveyance of property in these cities may need to have the

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**SCHEDULE B, PART II
EXCEPTIONS**
(continued)

appropriate transfer tax stamps affixed before it can be recorded.

This exception will not appear on the policy when issued.

- W 9. Taxes for the years 2020 and 2021.
- Taxes for the years 2020 and 2021 are not yet due or payable.
- Permanent tax no. 07-13-420-005, 1 of 2, affects the South 5 feet of Lot 4 and all of Lot 5 and the North 20 feet of Lot 6.
- Permanent tax no. 07-13-420-006, 2 of 2, affects the South 30 feet of Lot 6 and all of Lot 7.
- Both Pins are marked exempt on the Collector's Warrants for the year 2019. Unless satisfactory evidence is submitted to substantiate said exemption, our policy, if and when issued, will be subject to said taxes.
- P 10. Mortgage dated January 29, 2003 and recorded January 30, 2003 as document [R2003-039234](#) in DuPage County and recorded January 31, 2003 as document [R2003-022345](#) in Will County made by Heritage YMCA Group, formerly known as Young Men's Christian Association of Naperville, Illinois to Fifth Third Bank, to secure a note for \$8,968,274.00.
- Affects the Land and other property.
- A 11. Existing unrecorded leases and all rights thereunder of the lessees and of any person or party claiming by, through or under the lessees.
- B 12. The Company should be furnished a statement that there is no property manager employed to manage the Land, or, in the alternative, a final lien waiver from any such property manager.
- L 13. Municipal Real Estate Transfer Tax Stamps (or proof of exemption) must accompany any conveyance and certain other transfers or property located in City of Naperville. Please contact said municipality prior to closing for its specific requirements, which may include the payment of fees, an inspection or other approvals.
- M 14. The Land described in Schedule A either is unsubdivided property or constitutes part of a subdivided lot. As a result, a Plat Act Affidavit should accompany any conveyance to be recorded. In the alternative, compliance should be had with the provisions of the Plat Act (765 ILCS 205/1 et seq.)
- N 15. The Company will require the following documents for review prior to the issuance of any title insurance predicated upon a conveyance or encumbrance by the corporation named below:
- Name of Corporation: The Board of Trustees of the Young Men's Christian Association of Chicago, an

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**SCHEDULE B, PART II
EXCEPTIONS**
(continued)

Illinois corporation

(a) A Copy of the corporation By-laws and Articles of Incorporation

(b) An original or certified copy of a resolution authorizing the transaction contemplated herein

(c) If the Articles and/or By-laws require approval by a 'parent' organization, a copy of the Articles and By-laws of the parent

(d) A current dated certificate of good standing from the proper governmental authority of the state in which the entity was created

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

O 16. For each policy to be issued as identified in Schedule A, Item 2; the Company shall not be liable under this commitment until it receives a designation for a Proposed Insured, acceptable to the Company. As provided in Commitment Condition 4, the Company may amend this commitment to add, among other things, additional exceptions or requirements after the designation of the Proposed Insured.

C 17. The land lies within the boundaries of special service area no. 10 as disclosed by Ordinance recorded as document [R89-116684](#), and is subject to additional taxes under the terms of said ordinance and subsequent related ordinances.

Note: a full payment letter must be presented in conjunction with any deed to be recorded.

D 18. The land lies within the boundaries of a special service area as disclosed by ordinance recorded as document [R89-116685](#), and is subject to additional taxes under the terms of said ordinance and subsequent related ordinances.

Note: a full payment letter must be presented in conjunction with any deed to be recorded.

E 19. The land lies within the boundaries of a special service area as disclosed by ordinance recorded as document [R89-116686](#), and is subject to additional taxes under the terms of said ordinance and subsequent related ordinances.

Note: a full payment letter must be presented in conjunction with any deed to be recorded.

F 20. The land lies within the boundaries of a special service area as disclosed by ordinance recorded as document [R95-149225](#) and [R95-149226](#), and is subject to additional taxes under the terms of said ordinance and subsequent related ordinances.

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**SCHEDULE B, PART II
EXCEPTIONS**
(continued)

Note: a full payment letter must be presented in conjunction with any deed to be recorded.

- H 21. The land lies within the boundaries of a special service area as disclosed by ordinance recorded as document [R2000-188123](#) and amended by ordinance recorded as document [R2000-188124](#), and is subject to additional taxes under the terms of said ordinance and subsequent related ordinances.

Note: a full payment letter must be presented in conjunction with any deed to be recorded.

- J 22. Ordinance No. 03-23 granting a conditional use for the property located at 34 South Washington Street, a copy of which was recorded July 10, 2006 as document [R2006-130189](#), and the terms and conditions contained therein.

- R 23. The land lies within the boundaries of special service area no. 26 as disclosed by ordinance recorded as document [R2015-118379](#), and is subject to additional taxes under the terms of said ordinance and subsequent related ordinances.

Note: a full payment letter must be presented in conjunction with any deed to be recorded.

- T 24. The land lies within the boundaries of a special service area as disclosed by ordinance recorded as document [R2020-139648](#), and is subject to additional taxes under the terms of said ordinance and subsequent related ordinances.

Note: a full payment letter must be presented in conjunction with any deed to be recorded.

- U 25. The land lies within the boundaries of a special service area as disclosed by ordinance recorded as document [R2020-145868](#), and is subject to additional taxes under the terms of said ordinance and subsequent related ordinances.

Note: a full payment letter must be presented in conjunction with any deed to be recorded.

- V 26. The land lies within the boundaries of a special service area as disclosed by ordinance recorded as document [R2020-6796](#), and is subject to additional taxes under the terms of said ordinance and subsequent related ordinances.

Note: a full payment letter must be presented in conjunction with any deed to be recorded.

- X 27. Due to office closures in place or that might occur, we should be provided with our standard form of indemnity (GAP Indemnity) for defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the Commitment Date but prior

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**SCHEDULE B, PART II
EXCEPTIONS**
(continued)

to the date of recording of the instruments under which the Proposed Insured acquires the estate or interest or mortgage covered by this commitment. Note: Due to office closures related to covid-19 we may be temporarily unable to record documents in the normal course of business.

END OF SCHEDULE B, PART II

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COMMITMENT CONDITIONS**1. DEFINITIONS**

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I-Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I-Requirements;
- (f) Schedule B, Part II-Exceptions; and
- (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - (i) comply with the Schedule B, Part I-Requirements;
 - (ii) eliminate, with the Company's written consent, any Schedule B, Part II-Exceptions; or
 - (iii) acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I-Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.

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(continued)

- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II-Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is Two Million And No/100 Dollars (\$2,000,000.00) or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

END OF CONDITIONS**1031 EXCHANGE SERVICES**

If your transaction involves a tax deferred exchange, we offer this service through our 1031 division, IPX1031. As the nation's largest 1031 company, IPX1031 offers guidance and expertise. Security for Exchange funds includes segregated bank accounts and a 100 million dollar Fidelity Bond. Fidelity National Title Group also provides a 50 million dollar Performance Guaranty for each Exchange. For additional information, or to set-up an Exchange, please call Scott Nathanson at (312)223-2178 or Anna Barsky at (312)223-2169.

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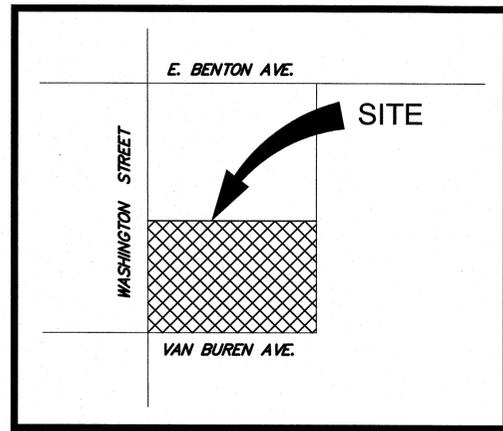
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ALTA/NSPS LAND TITLE SURVEY

OF

PIN NUMBERS: 07-13-420-005
07-13-420-006



LOCATION MAP
NOT TO SCALE

SURVEYORS NOTES:

1. THE SURVEY IS BASED ON CHICAGO TITLE INSURANCE COMPANY, COMMITMENT NUMBER CCHI1900930LD, DATED MARCH 01, 2021. ANY EASEMENT OR ENCUMBRANCES ON THE PROPERTY SHOWN ARE LIMITED TO THOSE NAMED IN THE TITLE.
2. UPON REVIEW OF THE NATIONAL FLOOD INSURANCE PROGRAM, FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP, PANEL 144 OF 287, MAP NUMBER 170430144J, MAP REVISED AUGUST 1, 2019, DUPAGE COUNTY, ILLINOIS, THE PROPERTY FALLS IN FLOOD ZONE X UNSHADED, BEING DEFINED AS "AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN." (TABLE A, ITEM 3)
3. UTILITIES SHOWN ARE BASED ON OBSERVED EVIDENCE OF UTILITIES DURING THE PROCESS OF CONDUCTING THE FIELD WORK, AND A J.U.L.I.E. DESIGN STAGE DIG REQUEST ORDERED 4/02/2021, DIG NO. A0920680. THE FOLLOWING UTILITY COMPANIES ARE NAMED ON THE DIG REQUEST. IF THEY RESPONDED WITH INFORMATION, IT IS NOTED AFTER THE COMPANY INFORMATION.

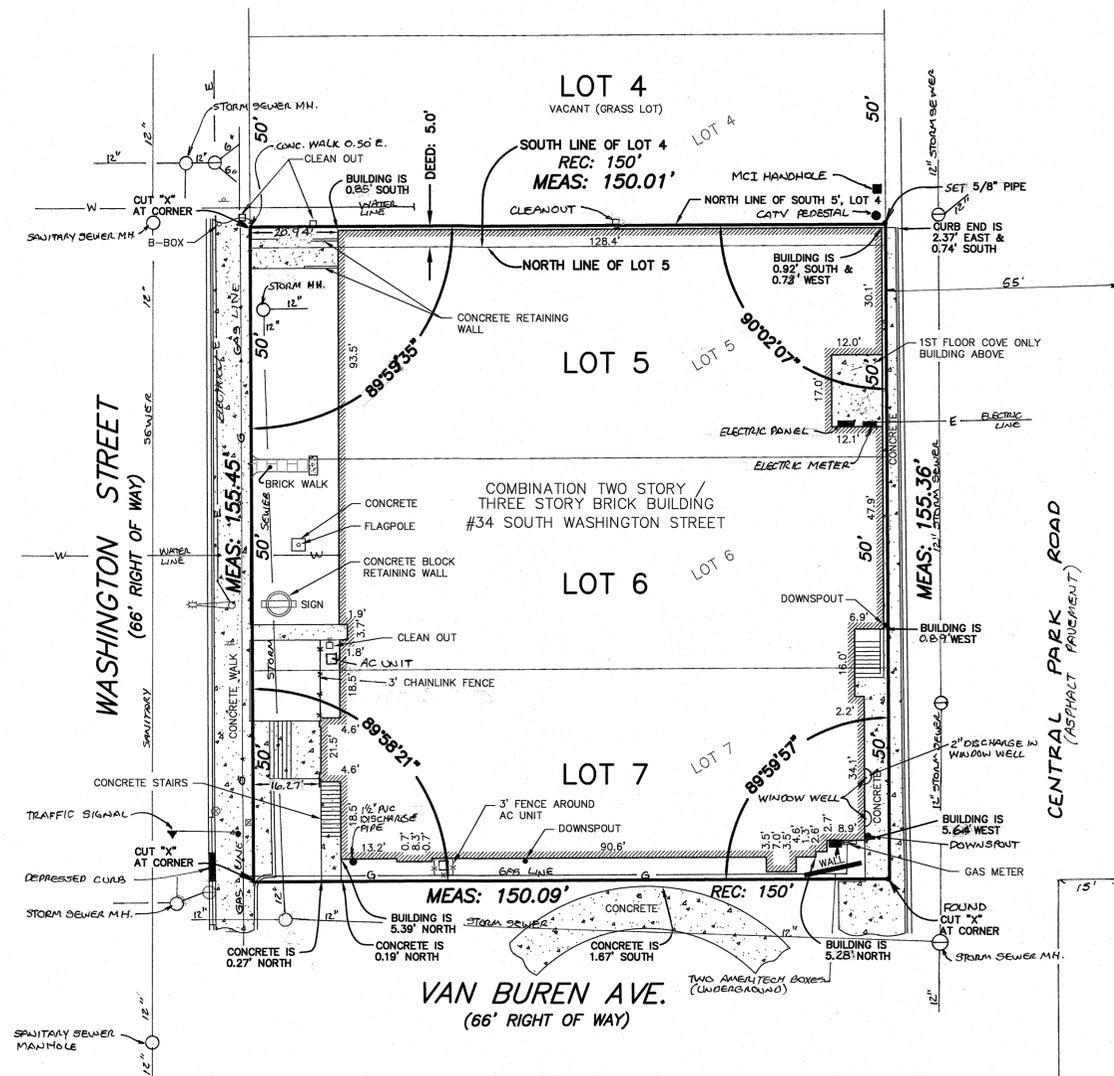
1. WIDE OPEN WEST (PAUL FLINKOW) 630-536-3139
 2. AT&T TRANSMISSION (KEN COLWELL) 630-383-9249
 3. AT&T DISTRIBUTION (G11629@ATT.COM)
 4. COMCAST (MARTHA GIERAS) 224-229-5862
 5. MCI (INVESTIGATIONS@VERIZON.COM) RESPONDED- NO SITE CONFLICT
 6. NICOR GAS (630-388-2362) RESPONDED WITH MAP
 7. CITY OF NAPERVILLE (PATRICK SAMEK) 630-420-6187, RESPONDED WITH MAP
- ALL UTILITIES ARE CONSIDERED APPROXIMATE IN LOCATION AND SHOULD BE FIELD VERIFIED BY THE RESPECTIVE UTILITY COMPANIES PRIOR TO ANY CONSTRUCTION OR DESIGN (CONTACT J.U.L.I.E. AT 1-800-892-0123) (TABLE A, ITEM 11)
4. THERE WAS NO EVIDENCE OF RECENT EARTHMOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELD WORK. (TABLE A, ITEM 16)
 5. THERE WERE NO PLOTTABLE OFFSITE EASEMENTS NAMED IN THE TITLE COMMITMENT SUPPLIED TO THE SURVEYOR AND USED FOR THIS SURVEY. (TABLE A, ITEM 18)

NOTES FOR SCHEDULE B, PART II EXCEPTIONS, CHICAGO TITLE INSURANCE COMPANY COMMITMENT NUMBER CCHI1900930LD, DATED MARCH 1, 2021.

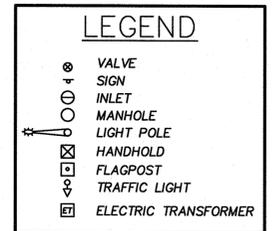
- C-17 REFERENCE IS MADE TO: THE LAND LIES WITHIN THE BOUNDARIES OF SPECIAL SERVICE AREA NO. 10 AS DISCLOSED BY ORDINANCE RECORDED AS DOCUMENT R89-116684 AND IS SUBJECT TO ADDITIONAL TAXES UNDER THE TERMS OF SAID ORDINANCE AND SUBSEQUENT RELATED ORDINANCES.
- NOTE: FULL PAYMENT LETTER MUST BE PRESENT IN CONJUNCTION WITH ANY DEED TO BE RECORDED.
- (NOTHING TO PLOT) REFER TO ORDINANCE NO. 89-185.
- D-18 REFERENCE IS MADE TO: THE LAND LIES WITHIN THE BOUNDARIES OF A SPECIAL SERVICE AREA AS DISCLOSED BY ORDINANCE RECORDED AS DOCUMENT R89-116685 AND IS SUBJECT TO ADDITIONAL TAXES UNDER THE TERMS OF SAID ORDINANCE AND SUBSEQUENT RELATED ORDINANCES
- NOTE: A FULL PAYMENT LETTER MUST BE PRESENTED IN CONJUNCTION WITH ANY DEED TO BE RECORDED.
- (NOTHING TO PLOT) REFER TO ORDINANCE NO.89-158.
- E-19 REFERENCE IS MADE TO: THE LAND LIES WITHIN THE BOUNDARIES OF A SPECIAL SERVICE AREA AS DISCLOSED BY ORDINANCE RECORDED AS DOCUMENT R89-116686 AND IS SUBJECT TO ADDITIONAL TAXES UNDER THE TERMS OF SAID ORDINANCE AND SUBSEQUENT RELATED ORDINANCES.
- NOTE: A FULL PAYMENT LETTER MUST BE PRESENTED IN CONJUNCTION WITH ANY DEED TO BE RECORDED.
- (NOTHING TO PLOT) REFER TO ORDINANCE NO.89-159.
- F-20 REFERENCE IS MADE TO: THE LAND LIES WITHIN THE BOUNDARIES OF A SPECIAL SERVICE AREA AS DISCLOSED BY ORDINANCE RECORDED AS DOCUMENT R95-149226 AND R95-149228 AND IS SUBJECT TO ADDITIONAL TAXES UNDER THE TERMS OF SAID ORDINANCE AND SUBSEQUENT RELATED ORDINANCES.
- (NOTHING TO PLOT) REFER TO ORDINANCE NO'S 95-154 & 95-233.
- H-21 REFERENCE IS MADE TO: THE LAND LIES WITHIN THE BOUNDARIES OF A SPECIAL SERVICE AREA AS DISCLOSED BY ORDINANCE RECORDED AS DOCUMENT R200-188123 AND AMENDED BY ORDINANCE RECORDED AS DOCUMENT R2000-188124 AND IS SUBJECT TO ADDITIONAL TAXES UNDER THE TERMS OF SAID ORDINANCE AND SUBSEQUENT RELATED ORDINANCES.
- NOTE: A FULL PAYMENT LETTER MUST BE PRESENTED IN CONJUNCTION WITH ANY DEED TO BE RECORDED.
- (NOTHING TO PLOT) REFER TO ORDINANCE NO.'S 00-163 & 00-172
- J-22 REFERENCE IS MADE TO: ORDINANCE NO. 03-23 GRANTING A CONDITIONAL USE FOR THE PROPERTY LOCATED AT 34 SOUTH WASHINGTON STREET, A COPY OF WHICH WAS RECORDED JULY 10, 2006 AS DOCUMENT R2006-130189, AND THE TERMS AND CONDITIONS CONTAINING THEREIN.
- (NOTHING TO PLOT) DOCUMENT IS FOR THE SURVEYED SITE.
- R-23 REFERENCE IS MADE TO: THE LAND LIES WITHIN THE BOUNDARIES OF SPECIAL SERVICE AREA NO. 26 AS DISCLOSED BY ORDINANCE RECORDED AS DOCUMENT R2015-118379 AND IS SUBJECT TO ADDITIONAL TAXES UNDER THE TERMS OF SAID ORDINANCE AND SUBSEQUENT RELATED ORDINANCES.
- NOTE: A FULL PAYMENT LETTER MUST BE PRESENTED IN CONJUNCTION WITH ANY DEED TO BE RECORDED.
- (NOTHING TO PLOT) REFER TO ORDINANCE NO.15-173.

THE SOUTH 5.0 FEET OF LOT 4, AND ALL OF LOTS 5, 6 AND 7 IN BLOCK 3 IN HOSMER'S ADDITION TO THE TOWN OF NAPERVILLE, BEING A SUBDIVISION OF PART OF THE EAST HALF OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN AND OF PART OF THE WEST HALF OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 26, 1843 AS DOCUMENT 414, IN DU PAGE COUNTY, ILLINOIS.

COMMONLY KNOWN AS: KROEHLER YMCA, 34 S. WASHINGTON STREET, NAPERVILLE, ILLINOIS 60540



SCALE: 1" = 20'
BASIS OF BEARING - NONE



SITE AREA: 23,318 SQ.FT. = 0.5353 ACRES
(TABLE A, ITEM 4)

- T-24 REFERENCE IS MADE TO: THE LAND LIES WITHIN THE BOUNDARIES OF A SPECIAL SERVICE AREA AS DISCLOSED BY ORDINANCE RECORDED AS DOCUMENT R2020-139648, AND IS SUBJECT TO ADDITIONAL TAXES UNDER THE TERMS OF SAID ORDINANCE AND SUBSEQUENT RELATED ORDINANCES
- NOTE: A FULL PAYMENT LETTER MUST BE PRESENTED IN CONJUNCTION WITH ANY DEED TO BE RECORDED.
- (NOTHING TO PLOT) REFER TO ORDINANCE NO. 20-106
- U-25 REFERENCE IS MADE TO: THE LAND LIES WITHIN THE BOUNDANES OF A SPECIAL SERVICE AREA AS DISCLOSED BY ORDINANCE RECORDED AS DOCUMENT R2020-145968, AND IS SUBJECT TO ADDITIONAL TAXES UNDER THE TERMS OF SAID ORDINANCE AND SUBSEQUENT RELATED ORDINANCES.
- NOTE: A FULL PAYMENT LETTER MUST BE PRESENTED IN CONJUNCTION WITH ANY DEED TO BE RECORDED.
- (NOTHING TO PLOT) REFER TO ORDINANCE NO. 20-106
- V-26 REFERENCE IS MADE TO: THE LAND LIES WITHIN THE BOUNDARIES OF A SPECIAL SERVICE AREA AS DISCLOSED BY ORDINANCE RECORDED AS DOCUMENT R2020-6796, AND IS SUBJECT TO ADDITIONAL TAXES UNDER THE TERMS OF SAID ORDINANCE AND SUBSEQUENT RELATED ORDINANCES.
- NOTE: A FULL PAYMENT LETTER MUST BE PRESENTED IN CONJUNCTION WITH ANY DEED TO BE RECORDED.
- (NOTHING TO PLOT) REFER TO ORDINANCE NO. 20-106

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

TO: THE BOARD OF TRUSTEES OF THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF CHICAGO, AN ILLINOIS CORPORATION
CHICAGO TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 3, 4, 8, 11, 16, 18 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON April 5, 2021

DATE OF PLAT OR MAP: April 26, 2021

BY: Mark J. Stine
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-2587
MY LICENSE EXPIRES/RENEWS 11-30-2022



INTECH CONSULTANTS, INC.
ENGINEERS / SURVEYORS
1989 UNIVERSITY LANE, SUITE D LISLE, ILLINOIS
TEL: (630) 964-5656 FAX: (630) 964-5052
E-MAIL: CAD@INTECHCONSULTANTS.COM
ILLINOIS REGISTRATION No. 184-001040

PREPARED: 04/26/2021

SHEET No. 1 of 1 JOB No.: 5282

12 HISTORIC PRESERVATION

Article 12.I In General

Article 12.II Definitions

Article 12.III Landmarks

Article 12.IV Historic Districts

Article 12.V Certificate Of Appropriateness

Article 12.VI Certificate Of Economic Hardship

Article 12.VII Remediying Of Dangers Conditions

Article 12.VIII Demolition By Natural Causes

Article 12.IX Penalties

Article 12.I In General

Sec 12.100 Findings

Sec 12.100 Findings

The purpose of this Chapter is to promote the protection, enhancement, perpetuation and use of improvements of special character or historical interest or value in the Village by:

- (a) Providing a mechanism to identify and preserve the historic and architectural characteristics of the Village which represent elements of the Village's cultural, social, economic, political and architectural history;
- (b) Promoting civic pride in the beauty and noble accomplishments of the past as represented in the Village's landmarks and historic districts;
- (c) Stabilizing and improving the economic vitality and value of the Village's landmarks and historic areas;
- (d) Protecting and enhancing the attractiveness of the Village to home buyers, visitors and shoppers and thereby supporting business, commerce, industry and providing economic benefit to the Village;
- (e) Fostering and encouraging preservation and restoration of structures, areas and neighborhoods and thereby preventing future urban blight;
- (f) Encouraging the completion of historic building surveys to identify buildings, structures and sites that are potential landmarks or potential historic districts which may contain potential contributing, potential non-contributing or potential significant buildings;
- (g) Implementing the policies and goals contained within the Comprehensive Plan and other officially adopted plans of the Village.

(Ord. 5519, Amended, 12/15/2015; Ord. 4881, Add, 07/03/2007)

Article 12.II Definitions

Sec 12.200 Definitions

Sec 12.200 Definitions

For the purposes of this Chapter, the following words and phrases shall have the meanings ascribed to them as follows. Words that are not expressly defined in Chapter 1 or this Chapter have the meaning given in the latest edition of *Merriam-Webster's Unabridged Dictionary*.

Addition. Any act or process which changes one (1) or more of the exterior architectural features of a structure by adding to, joining with or increasing the size or capacity of the structure.

Alteration. Any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, or relocation of any structure.

Architectural Integrity. The authenticity of a building or structure's historic identity, evidenced by the survival of physical characteristics that existed during the building or structure's historic period.

Board. The Downers Grove Architectural Design Review Board.

Building. Any structure with a permanent roof, separated on all sides from adjacent open areas by walls, built for shelter or enclosure of persons, animals, personal property or property of any kind.

Building Survey. A written report conducted by an Illinois licensed architect or other qualified third party professional identifying at a minimum the architectural style, historical status and condition of all structures and properties within a proposed historic district.

Certificate of Appropriateness. A certificate issued by the Board pursuant to Article V of this Chapter.

Certificate of Economic Hardship. A certificate issued by the Board pursuant to DGMC Section 12.600 of this Chapter authorizing an addition, alteration, construction, relocation or demolition even though a Certificate of Appropriateness has previously been denied.

Construction. The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property or the alteration, repair or rehabilitation to a building, site or structure.

Contributing Building. A building, site or structure that is part of a historic district that is at least fifty (50) years old and possesses a moderate to good degree of architectural integrity of location, setting, feeling and association and a majority of its architectural features and elements as designated by resolution of the Council.

Council. The Village Council of the Village of Downers Grove.

Demolition. Any act or process that destroys in part or in whole a building, structure or accessory structure, excluding demolition associated with routine maintenance and repair.

Department. The Department of Community Development.

Design Guideline. A standard of appropriate activity that will preserve the historic and architectural character of a structure or area.

Director. The Director of the Department of Community Development.

Exterior Architectural Appearance/Feature. The architectural character and style and general composition of the exterior of a structure, including, but not limited to, the kind and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs, and other appurtenant elements.

Exterior Modification. Any alteration, addition, construction, demolition, rehabilitation, relocation or repair.

Facade, Primary. The portion of the facade that abuts or is nearest to a street yard and is visible from a street.

Facade, Rear. The portion of a facade that abuts or is nearest to a rear yard and is not a primary or secondary facade.

Facade, Secondary. The portion of a facade that abuts or is nearest to a side yard and abuts a primary facade.

Historic District. A contiguous historic district or a thematic historic district.

Historic District, Contiguous. A specific geographic area containing two (2) or more contiguous properties designated by resolution of the Council.

Historic District, Thematic. An area designated as a "thematic historic district" by resolution of the Council composed of two (2) or more definable significant geographical areas, or properties, that are spatially discrete from one another or from other areas, or properties, and not part of an established "contiguous historic district" as defined elsewhere in this Ordinance. A thematic district is organized by "context" or "property type". The context could be historic events, significant persons (such as an architect), or architectural style or characteristic. The property type of a group of buildings or structures included in such a district would be common physical and associative attributes (such as ranch style and residential).

In-kind. The repair or replacement of existing materials or features using the same material type, design, dimension, texture, detailing and exterior appearance.

Landmark. Any building, structure or site which has been designated as a landmark by resolution of the Council.

National Register Landmark. A building, structure or site that is listed in the National Register of Historic Places.

Non-Contributing Building. A building, structure or site that is part of a historic district that has not been designated as a contributing or significant building by resolution of the Council.

Owner Consent Form. A form provided by the Village identifying the owner(s) of record and their consent to landmark or historic district designation.

Owner(s) of Record. The person(s), corporation, or other legal entity listed on the records of the County Recorder of Deeds.

Potential Contributing Building. A building, site or structure that was identified in a building survey that is at least fifty (50) years old and possesses a moderate to good degree of integrity and a majority of its architectural features and elements.

Potential Historic District. A specific geographic area containing two (2) or more contiguous properties ("contiguous historic district") or an area composed of two (2) or more definable significant geographical areas, or properties, that are spatially discrete from one another or from other areas ("thematic historic district"), or properties that have been identified in a building survey as possessing characteristics that could qualify the area as a contiguous historic district or a thematic historic district.

Potential Landmark. Any building, structure or site which has been identified in a building survey that may meet the requirements to be a landmark.

Potential Non-Contributing Building. A building, structure or site that was identified in a building survey which may be part of a historic district but does not possess individual historic, architectural, archaeological significance, or architectural integrity that would not qualify as a potential contributing building or a potential significant building.

Potential Significant Building. A building, site or structure that was identified in a building survey that is at least fifty (50) years old and possesses a high majority of its architectural features and elements typical to its form and style and a high degree of integrity of location, setting, feeling and association.

Rehabilitation. The process of returning a property to a state of utility, through repair or alteration of the exterior of the property, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.

Relocation. Any relocation of a structure on its site or to another site.

Repair. Any external change that does not require a building permit or that is not construction, relocation or alteration.

Significant Building. A building, site or structure that is at least fifty (50) years old and possesses a high majority of its architectural features and elements typical to its form and style and a high degree of integrity of location, setting, feeling and association as designated by resolution of the Council.

Street. For the purpose of this Ordinance only, a private or public thoroughfare, including road, highway, drive, lane, avenue, place, boulevard and any other thoroughfare (excluding alleys) that affords the principal means of access to a property.

Structure. Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but not limited to buildings, fences, gazebos, advertising signs, backstops for tennis courts, radio and television antennae, including supporting towers, swimming pools, satellite dishes, solar panels and wind generation devices.

Structural Change. Any change or repair in the supporting members of a building, structure, roof or exterior walls or which would expand, reduce, or otherwise substantially modify the building in height, width or bulk.

Supplementary Listing Record. A form provided by the Village and substantiating documentation provided by the applicant to modify or add to a landmark or active landmark nomination.

Yard, Rear. See DGMC Section 28.15.280 of the Municipal Code.

Yard, Side. See DGMC Section 28.15.280 of the Municipal Code.

Yard, Street. See DGMC Section 28.15.280 of the Municipal Code.

(Ord. 5648, Amended, 10/03/2017; Ord. 5519, Amended, 12/15/2015; Ord. 4881, Add, 07/03/2007)

Article 12.III Landmarks

Sec 12.301 Landmark Designation Procedures

Sec 12.302 Landmark Designation Criteria

Sec 12.301 Landmark Designation Procedures

- (a) An application for landmark designation may be submitted by the owner(s) of record of the property on which the proposed landmark is located or the owner of record's authorized representative. A filing fee may be required as identified in the User-Fee, License and Fine Schedule.
- (b) A complete application for landmark designation must be filed with the Department. An application for landmark designation shall be deemed to be complete only if the application is accompanied by an owner consent form containing the signatures of all owners of record of a property on which the proposed landmark is located.

- (c) 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 Article V of this Chapter 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 DGMC Section 12.700.
- (d) Within thirty (30) days of the receipt by the Department of a complete application for landmark designation, the Board shall schedule a public hearing on the application, said hearing shall be held no more than sixty (60) days after such receipt.
- (1) Notice of the required public hearing on a landmark application shall be published in accordance with DGMC Section 28.12.010(f) of the Municipal Code.
 - (2) Failure to provide any form of courtesy notice that is not required by State law or any defect in such courtesy notice does not invalidate, impair or otherwise affect any application, public hearing or decision rendered in respect to the matter under consideration.
 - (3) During the public hearing, the Board shall review and evaluate the application according to the criteria set forth in DGMC Section 12.302. A majority vote of the Board shall be necessary to make a recommendation to the Council regarding the application.
 - (4) Within thirty (30) days following the date of the closing of the public hearing, the Board shall prepare its written evaluation, recommendation and all available information for submission to the Council. Within ninety (90) days of receipt of the Board's findings and recommendation, the Council may act to approve or deny the landmark application. A resolution passed by majority vote of the Council is necessary for approval of a landmark. If the Council approves or denies the application, a notice shall be sent to the property owner(s) of record via certified mail and filed with the Village Clerk's office.
 - (5) If the Council approves the application, the Village shall:
 - a. Cause the approved landmark designation to be recorded with the County Recorder of Deeds within thirty (30) days.
 - b. Place such designation on the Village's official Zoning Map.
 - (6) If the Council denies the application, such denial shall constitute a final administrative decision subject to administrative review as provided by State law. If an application is denied, the owner(s) of record may not reapply for landmark status for the same property for two (2) years from the date of the denial by the Council.
 - (7) Landmark designation may be amended by the same procedure and according to the same criteria set forth herein for designation.
 - (8) Landmark designation or nomination may be amended or added to by submitting a Supplementary Listing Record. An additional public hearing is not required before the Board nor Council. At the next regularly scheduled meeting, the Board will evaluate the Record according to the same criteria set forth herein for designation, and if determined to meet the criteria, shall be added to the official designation or nomination.

(Ord. 5648, Amended, 10/03/2017; Ord. 5519, Renumbered, 12/15/2015; Ord. 4881, Add, 07/03/2007)

Sec 12.302 Landmark Designation Criteria

Exhibit 8

The following criteria shall be utilized by the Board in determining the designation of landmarks:

- (a) The proposed landmark is either over fifty (50) years old, in whole or in part, or is under fifty (50) years of age and possesses exceptional importance such as might be recognized immediately for its reflection of an extraordinary event or architectural innovation; and
- (b) That one or more of the following conditions exist:
 - (1) The property has significant value as part of the historic, heritage or cultural characteristics of the community, county, State or Nation;
 - (2) The property was owned or occupied by a person or persons of historic significance to the community, county, State or Nation;
 - (3) The property represents the distinguishing characteristics of an architectural period, style, type, method of construction or use of indigenous materials;
 - (4) The property represents notable work of a master builder, designer, architect or artist whose individual work has influenced the development of the community, county, State or Nation;
 - (5) An area that has yielded or may be likely to yield, information important in history or prehistory.
 - (6) A source of civic pride or identity for the community.
 - (7) The property is included in the National Register of Historic Places.

(Ord. 5519, Renumbered, 12/15/2015; Ord. 4881, Add, 07/03/2007)

Article 12.IV Historic Districts

Sec 12.401 Historic District Designation Procedures

Sec 12.402 Historic District Criteria

Sec 12.401 Historic District Designation Procedures

- (a) An application for the designation of a historic district may be submitted by property owner(s) of record within a proposed historic district or an authorized representative of a property owner(s) of record within a proposed historic district. A filing fee may be required as identified in the Administrative Regulation entitled "User-Fee, License & Fine Schedule".
- (b) A complete application for designation of a historic district must be filed with the Department. An application for historic district designation shall be deemed to be complete only if the application is accompanied by:
 - (1) *Thematic historic district* - an owner consent form containing the signatures of one hundred percent (100%) of all owners of record of the properties within the proposed thematic historic district.
Contiguous historic district - an owner consent form containing the signatures of at least fifty-one percent (51%) of all owners of record of the properties within the proposed contiguous historic district.
For purposes of condominium developments, an affirmative vote of the condominium board shall be considered as owner consent for the condominium development.
 - (2) A written statement by the owner(s) of record included on the owner consent form indicating that they have received copies of this Ordinance and acknowledge its requirements.

- (c) From the date that a complete application for a historic district designation is filed to the date that the application is granted, denied or expires, whichever comes first, no exterior architectural feature of any building within the proposed historic district 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 Article V of this Chapter 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 DGMC Section 12.700.
- (d) A preliminary public hearing concerning the application for a proposed contiguous historic district shall be scheduled by the Board within thirty (30) days of the receipt by the Department of a complete application. The hearing shall be held no later than sixty (60) days after the date of receipt by the Department of a complete application.
- (1) Notice of the required preliminary public hearing on a proposed contiguous historic district application shall be published in accordance with DGMC Section 28.12.010(f) of the Municipal Code.
 - (2) Failure to provide any form of courtesy notice that is not required by State law or any defect in such courtesy notice does not invalidate, impair or otherwise affect any application, public hearing or decision rendered in respect to the matter under consideration.
 - (3) During the preliminary public hearing, the Board shall review and evaluate the application according to the criteria established by DGMC Section 12.402 and shall make a preliminary determination by majority vote regarding designation of the proposed historic district. Such preliminary determination shall be sent via certified mail to all owners of record within the proposed historic district.
- (e) The Board shall, within thirty (30) days of receipt by the Department of a complete application for a proposed thematic historic district or the preliminary determination for a proposed contiguous historic district, schedule a public hearing on the application, said hearing to be held no more than sixty (60) days after such receipt.
- (1) Notice of the required public hearing on a proposed historic district application shall be published in accordance with DGMC Section 28.12.010(f) of the Municipal Code.
 - (2) Failure to provide any form of courtesy notice that is not required by State law or any defect in such courtesy notice does not invalidate, impair or otherwise affect any application, public hearing or decision rendered in respect to the matter under consideration.
 - (3) During the public hearing, the Board shall review and evaluate the application according to the criteria established by DGMC Section 12.402. A majority vote of the Board shall be necessary to make a recommendation to the Council regarding the application.
 - (4) Within thirty (30) days following the date of the closing of the public hearing, the Board shall prepare its written evaluation, recommendation and all available information for submission to the Council. Within ninety (90) days of receipt of the Board's findings and recommendation, the Council may act to approve or deny the historic district application. A resolution passed by majority vote of the Council is necessary for approval of a historic district. If the Council approves or denies the application, a notice shall be sent to the property owner(s) of record via certified mail and filed with the Village Clerk's office.
 - (5) If the Council approves the historic district application, the Village shall within thirty (30) days:
 - a. Cause the approved historic district designation to be recorded with the County

Recorder of Deeds; and

b. Place such historic district designation on the Village's official Zoning Map.

- (6) If the Council denies the historic district application, such denial shall constitute a final administrative decision subject to administrative review as provided by State law. If an application is denied, the owner(s) of record may not reapply for historic district status for two (2) years from the date of the denial by the Council.

(Ord. 5519, Renumbered, 12/15/2015; Ord. 4881, Add, 07/03/2007)

Sec 12.402 Historic District Criteria

The following criteria shall be utilized by the Board in determining the designation of historic districts:

- (a) Not less than fifty-one percent (51%) of properties within the proposed historic district must be over fifty (50) years old; and
- (b) That one or more of the following conditions exists:
- (1) The proposed historic district has a sense of cohesiveness expressed through a similarity or evolution of architectural style, time period, method of construction or use of indigenous materials that reflect a significant aspect of the architectural heritage of the Village;
 - (2) Some architectural or land use characteristics are prevalent within the proposed historic district in a manner which distinguishes it from the rest of the Village and which is relevant to the historical development of the Village;
 - (3) The proposed historic district establishes a sense of time and place unique to the Village of Downers Grove; or
 - (4) The proposed historic district is listed in the National Register of Historic Places.

(Ord. 5519, Renumbered, 12/15/2015; Ord. 4881, Add, 07/03/2007)

Article 12.V Certificate Of Appropriateness

Sec 12.501 Certificate Of Appropriateness - Not Required

Sec 12.502 Certificate Of Appropriateness - Required

Sec 12.503 Certificate Of Appropriateness Application And Procedure

Sec 12.504 Reviewing Criteria For Certificate Of Appropriateness

Sec 12.505 Design Guidelines For A Certificate Of Appropriateness

Sec 12.506 Appeal Of Denial Of A Certificate Of Appropriateness

Sec 12.507 Appeal Of Director's Decision

Sec 12.501 Certificate Of Appropriateness - Not Required

A Certificate of Appropriateness is not required for the following items:

- (a) Secondary or Rear Façade: Any work (e.g. addition, demolition, alteration, change in material, repair or rehabilitation) performed on the secondary or rear façade of the principal building or structure if such work will result in no change to the exterior architectural appearance or feature of the building or structure that is visible from a street measured by a line of sight perpendicular to the primary façade(s).
- (b) Detached garages: New detached garages or changes to existing detached garages, including

demolition (unless the garage has been deemed a landmark or significant building via resolution by the Council).

- (c) Rear yard improvements: Any accessory building or structure (e.g. shed, rear deck, rear porch, patio or trellis) located behind the principal building or structure.
- (d) Driveways and sidewalks: new construction, repair or replacement.
- (e) Fences: Any fence altered or constructed in compliance with fence regulations in DGMC Section 28.10.010 of the Municipal Code.
- (f) Reversible Appurtenances: air conditioning units, gutters, downspouts, antennas, satellite dishes and mail boxes.
- (g) Painting.
- (h) Landscaping.
- (i) Repairing damaged architectural features to their original state.
- (j) Replacement of roof materials.
- (k) Routine maintenance and cleaning.
- (l) Installation, repair or removal of storm doors.
- (m) Replacement of aluminum clad or vinyl clad windows not original to the structure or contributing to the historic significance as defined in a Council resolution.
- (n) Replacement of aluminum or vinyl siding when associated with a structure not contributing to the significance as defined in a Council resolution.
- (o) Signs and graphics.

(Ord. 5519, Renumbered, 12/15/2015; Ord. 4881, Add, 07/03/2007)

Sec 12.502 Certificate Of Appropriateness - Required

A Certificate of Appropriateness shall be required before any addition, alteration, construction, demolition, rehabilitation, relocation or repair requiring a building permit from the Village that affects the primary façade(s) exterior architectural features of any designated landmark, contributing building or significant building within a historic district.

(a) Certificate of Appropriateness – Minor Exterior Modification

- (1) The Director may issue a Certificate of Appropriateness for proposed minor exterior modifications. Minor exterior modifications include the following work performed on the primary façade(s) of the principal building or structure or where such a projection of the work would be visible from a street measured by a straight line of sight perpendicular to the primary façade(s):
 - a. Doors: In-kind replacement with use of wood or original material.
 - b. Windows: In-kind replacement with use of wood or aluminum clad wood.
 - c. Exterior Building Materials: In-kind replacement of fifty percent (50%) or more of the primary façade(s) with use of original material or fiber cement board in place of wood.
 - d. 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.

(b) Certificate of Appropriateness – Major Exterior Modification

- (1) The Board may issue a Certificate of Appropriateness for proposed major exterior modifications. If the proposed work does not fall within the categories as set forth in DGMC Section 12.501 or DGMC Section 12.502(a), then the proposed work shall be considered a major exterior modification. Major exterior modifications include, but are not limited to, the following work performed on the primary façade(s) of the principal building or structure or where such a projection of the work would be visible from a street measured by a straight line of sight perpendicular to the primary façade(s) that is visible from a street and any building plane that connects the primary façade and the projecting plane that is visible from a street:
 - a. Demolition of principal structure.
 - b. Additions.
 - c. Attached garages.
 - d. New primary facades.
 - e. Roofs: Any work that will result in a change in height or pitch; or use of material other than asphalt, wood or original material.

(Ord. 5519, Add, 12/15/2015)

Sec 12.503 Certificate Of Appropriateness Application And Procedure

- (a) An application for a Certificate of Appropriateness shall be on a form provided by the Department and shall be submitted to the Department. A filing fee may be required as identified in the User-Fee, License & Fine Schedule.
- (b) The Director shall determine whether or not the proposed work is minor or major, in accordance with DGMC Section 12.502. The Director shall review any work not listed in DGMC Section 12.501 and DGMC Section 12.502 to determine whether a Certificate of Appropriateness shall be required and what type of review is required. An appeal of the Director's decision shall be made in accordance with the procedures described in DGMC Section 12.507.
- (c) If the proposed work is not identified in DGMC Section 12.501 (Certificate of Appropriateness - Not Required) or DGMC Section 12.502(a) (Certificate of Appropriate - Minor Exterior Modification) as set forth above, then the proposed work shall be considered a major exterior modification and the consideration of the Certificate of Appropriateness shall be by the Board as follows:
 - (1) Within thirty (30) days from the receipt by the Department of a complete application for a Certificate of Appropriateness, the Board shall schedule a public hearing on the application, such hearing shall be held not more than sixty (60) days after such receipt.
 - (2) Notice of the required public hearing on a Certificate of Appropriateness application shall be published in accordance with DGMC Section 28.12.010(f) of the Municipal Code.
 - (3) Failure to provide any form of courtesy notice that is not required by State law or any defect in such courtesy notice does not invalidate, impair, or otherwise affect any application, public hearing or decision rendered in respect to the matter under consideration.

- (4) During the public hearing, the Board shall review and evaluate the application according to the criteria set forth in DGMC Section 12.504 and DGMC Section 12.505. A simple majority vote of the Board shall be necessary for the approval of a Certificate of Appropriateness.
- (5) The Board shall notify the applicant of its decision in writing within fifteen (15) days of the date of the hearing. If approved, the Director shall issue the Certificate of Appropriateness. If denied, the notice shall state the reasons for such denial.
- (6) The Certificate of Appropriateness shall remain valid for one (1) year or until a building permit is issued, whichever is less. If substantial changes to the plans submitted with the application for the Certificate of Appropriateness are required, a new Certificate of Appropriateness shall be required.
- (7) Applicant(s) denied the issuance of a Certificate of Appropriateness may appeal the decision of the Board to the Council as provided by DGMC Section 12.506 or apply for a Certificate of Economic Hardship as provided by DGMC Section 12.600. Either application must be completed within thirty (30) days from the date of mailing of the notice of the decision of the Board.
- (8) All permits involving the issuance of a Certificate of Appropriateness shall be subject to a Certificate of Appropriateness compliance inspection. Such inspection shall be completed by the Department prior to the issuance of any Certificate of Occupancy.

(Ord. 5519, Renumbered, 12/15/2015; Ord. 4881, Add, 07/03/2007)

Sec 12.504 Reviewing Criteria For Certificate Of Appropriateness

In making a determination whether to approve or deny an application for a Certificate of Appropriateness, the Board shall be guided by the Secretary of the Interior's "Standards for Rehabilitation", as follows:

- (a) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site environment;
- (b) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided;
- (c) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken;
- (d) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved;
- (e) Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site shall be treated with sensitivity;
- (f) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities, and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence;
- (g) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of the structures, if appropriate, shall be undertaken using the gentlest means possible;
- (h) Significant archaeological resources affected by a project shall be protected and preserved. If

such resources must be disturbed, mitigation measures shall be undertaken;

- (i) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment;
- (j) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(Ord. 5519, Renumbered, 12/15/2015; Ord. 4881, Add, 07/03/2007)

Sec 12.505 Design Guidelines For A Certificate Of Appropriateness

Design guidelines for applying the criteria for review of Certificates of Appropriateness shall, at a minimum, consider the following architectural criteria:

- (a) Height - the height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures in a historic district;
- (b) Proportions of Windows and Doors - The proportions and relationships between doors and windows should be compatible with the architectural style and character of the landmark;
- (c) Relationship of Building Masses and Spaces - The relationship of a structure within a historic district to the open space between it and adjoining structures should be compatible;
- (d) Roof Shape - The design of the roof, fascia, and cornice should be compatible with the architectural style and character of the landmark;
- (e) Scale - The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures in a historic district;
- (f) Directional Expression - Facades in historic districts should blend with other structures with regard to directional expression. Structures in a historic district should be compatible with the dominant horizontal or vertical expression of surrounding structures. Directional expression of a landmark after alteration, construction or partial demolition should be compatible with its original architectural style and character;
- (g) Architectural Details - Architectural details including types of materials, colors, and textures should be treated so as to make the landmark compatible with its original architectural style and character of a landmark or historic district;
- (h) New Structures - New structures in a historic district shall be compatible with the architectural styles and design in said districts.

(Ord. 5519, Renumbered, 12/15/2015; Ord. 4881, Add, 07/03/2007)

Sec 12.506 Appeal Of Denial Of A Certificate Of Appropriateness

- (a) When a minor Certificate of Appropriateness is denied for either a landmark or a structure within a historic district, the applicant may, within thirty (30) days of the date of the decision, appeal the Director's decision to the Board. Notice of such appeal shall be in writing to the Director, who shall notify the Board. The Department shall prepare the record and forward it to the Board. The Board shall consider the findings of fact of the Director and shall determine whether the Certificate of Appropriateness should be approved or denied.

- (b) When a major Certificate of Appropriateness is denied for either a landmark or a structure within a historic district, the applicant may, within thirty (30) days, appeal the Board's decision to the Council. Notice of such appeal shall be in writing to the Village Manager, who shall notify the Department. The Department shall prepare the record and forward it to the Council. The Council may receive comments on the contents of the record but no new material may be considered by the Council. The Council may affirm or overturn the decision and may also send the application back to the Board with recommended changes. Decisions of the Council shall constitute final administrative decisions subject to administrative review as provided by State law.

(Ord. 5519, Renumbered, 12/15/2015; Ord. 4881, Add, 07/03/2007)

Sec 12.507 Appeal Of Director's Decision

- (a) The Board is authorized to hear and decide appeals where it is alleged there has been an error in any order, requirement, decision or determination made by the Director in the administration, interpretation or enforcement of this Ordinance.
- (b) Appeals of the Director's decision may be filed by any person aggrieved by the Director's decision or action. The Board is authorized to make determinations about whether individuals filing appeals are "aggrieved" by the decision or action.
- (c) Complete applications for appeals of the Director's decision must be filed with the Director.
- (d) Appeals of the Director's decision must be filed within thirty (30) days of the date of the decision being appealed.
- (e) The filing of a complete notice of appeal stays all proceedings in furtherance of the action appealed, unless the Director certifies to the Board, after the appeal is filed, that, because of facts stated in the certification, a stay would cause immediate peril to life or property, in which case the proceedings will not be stayed unless by a restraining order, which may be granted by the Board or by a court of record based on due cause shown.
- (f) Upon receipt of a complete application of appeal, the Director whose decision is being appealed must transmit to the Board all papers constituting the record upon which the action appealed is taken.
- (g) Notice of the required public hearing must be published in accordance with DGMC Section 28.12.010(f) of the Municipal Code.
- (h) The Board must hold a public hearing on the appeal within sixty (60) days of the date that the appealed is filed.
- (i) Within forty-five (45) days of the close of the public hearing, the Board must take action on the appeal. The Board's decision must be in writing and be supported by written findings of fact.
- (j) In exercising the appeal power, the Board has all the powers of the Director from whom the appeal is taken. The Board may affirm or may, upon the concurring vote of at least four (4) members, reverse, wholly or in part, or modify the decision being appealed.
- (k) In acting on the appeal, the Board must grant to the Director's decision a presumption of correctness, placing the burden of persuasion of error on the appellant.
- (l) All decisions of the Board shall constitute final administrative decisions subject to administrative review as provided by State law.
- (m) An appeal may be sustained only if the Board finds that the Director erred.

(Ord. 5519, Add, 12/15/2015)

Article 12.VI Certificate Of Economic Hardship**Sec 12.600 Certificate Of Economic Hardship****Sec 12.600 Certificate Of Economic Hardship**

- (a) Following denial of a Certificate of Appropriateness by the Board or by the Council on appeal, the owner(s) of record or designated representative may apply for a Certificate of Economic Hardship by submitting to the Board a completed application for a Certificate of Economic Hardship.
- (b) Within thirty (30) days of the receipt by the Department of a complete application for a Certificate of Economic Hardship, the Board shall schedule a public hearing on the application, said hearing to be held no more than sixty (60) days after such receipt.
 - (1) Notice of the required public hearing on a Certificate of Economic Hardship shall be published in accordance with DGMC Section 28.12.010(f) of the Municipal Code.
 - (2) Failure to provide any form of courtesy notice that is not required by State law or any defect in such courtesy notice does not invalidate, impair, or otherwise affect any application, public hearing or decision rendered in respect to the matter under consideration.
 - (3) At the public hearing, the Board shall take testimony presented by the owner(s) of record and any other interested parties concerning the effect of the proposed alteration, construction, relocation or demolition of a landmark or relocation or demolition of a contributing or significant building, structure or improvement within a historic district based upon the criteria set forth in DGMC Section 12.600(c) and DGMC Section 12.600(d) of this Chapter.
- (c) Standards For Board Decision And Factors To Be Considered:
 - (1) The Board shall issue a Certificate of Economic Hardship only if the Board finds that the subject property cannot be put to any reasonably beneficial use or that the owner(s) of record/applicant will suffer a substantial economic loss thereon without the alteration, construction, relocation or demolition being sought by the owner(s) of record/applicant and that the owner(s) of record/applicant is not responsible in any way for the hardship from which he or she is seeking relief. The factors to be considered by the Board and the Council on the issue of economic hardship shall include, but are not limited to, the following:
 - a. A substantial decrease in the fair market value of the property as a result of the denial of the Certificate of Appropriateness;
 - b. A substantial decrease in the pretax or after-tax return to owner(s) of record or other investors in the property as a result of the denial of the Certificate of Appropriateness;
 - c. The cost of the proposed construction, alteration, relocation or demolition, and an estimate of any additional cost that would be incurred to comply with the recommendations of the Board for changes necessary for the issuance of a Certificate of Appropriateness;
 - d. The structural soundness of any structures on the property and their suitability for rehabilitation;
 - e. The economic feasibility of rehabilitation or reuse of the existing structure or improvement on the property in the case of a proposed demolition;
 - f. The owner(s) of record/applicant's purchase of the subject property after a Council

resolution designating the property as a landmark or contributing significant structure within a historic district without making said purchase contingent upon the owner(s) of record/applicant first obtaining necessary Council and/or Board approvals under this Ordinance shall be deemed to be conclusive evidence of the fact that the applicant is responsible for his or her own economic hardship, if any.

(d) The Board may solicit expert testimony. The owner(s) of record/applicant may be required to submit evidence at the hearing to support any of the factors, including those listed above, which the owner(s) of record/applicant believes to have contributed to the economic hardship which the applicant alleges he or she would suffer if the owner(s) of record/applicant is not granted a Certificate of Appropriateness. Specific information and documentation which should be presented by the owner(s) of record/applicant as competent evidence at the hearing shall include, but not be limited to, the following:

- (1) The amount paid for the property, the date of purchase and the party from whom the property was purchased (including description of the relationship, if any, between the owner(s) of record and the person from whom the property was purchased);
- (2) The assessed value of the land and improvements thereon according to the two (2) most recent assessments;
- (3) Real estate taxes for the previous two (2) years;
- (4) Remaining balance on mortgage, if any, and annual debt service, if any, for the previous two (2) years;
- (5) All appraisals obtained within the previous two (2) years by the owner(s) of record/applicant in connection with his purchase, financing or ownership of the property;
- (6) Any listing of the property for sale or rent, price asked and offers received, if any;
- (7) Any consideration by the owner(s) of record/applicant as to profitable adaptive uses for the property;
- (8) If the property is income-producing, the annual gross income from the property for the previous two (2) years, itemized operating and maintenance expenses for the previous two (2) years, and annual cash flow, if any, during the same period;
- (9) Any executed construction agreements or proposals;
- (10) Engineering or architectural reports on the structural integrity of the building or structure upon which work is being proposed;
- (11) Any other relevant information, including, without limitation, income tax bracket of the owner(s) of record/applicant or principal investors in the landmark or property in the designated historic district, reasonably necessary for a determination as to whether the building can be reasonably sold or yield a reasonable return to present or future owners;
- (12) In the event that any of the required information is not reasonably available to the owner(s) of record/applicant and cannot be obtained by the owner(s) of record/applicant, the owner(s) of record/applicant shall provide to the Board a statement of the information which cannot be obtained and describe the reasons why such information cannot be obtained.

(e) Issuance or Denial of Certificate Of Economic Hardship

- (1) If the Board finds that the owner(s) of record/applicant has not established that the owner(s) of record/applicant will suffer a demonstrable economic hardship as a result of

the denial of a Certificate of Appropriateness, then the Board shall deny the owner(s) of record's/applicant's application for a Certificate of Economic Hardship.

- (2) If the Board makes an initial determination that the owner(s) of record/applicant has presented a case which may establish that without approval of the proposed work all reasonable use of, or return from, a landmark or contributing or significant building, structure, or improvement within a historic district will be denied an owner(s) of record/applicant, but the Board finds that reasonable alternatives may exist which should be addressed by the owner(s) of record/applicant, then the application shall be delayed for a period of no more than sixty (60) days following the finding.

During this period of delay, the Board shall investigate plans and make recommendations to the Council to allow for a reasonably beneficial use or a reasonable economic return, or to otherwise preserve the landmark or property within the historic district. Such plans and recommendations may include, without limitation, a relaxation of the provisions of this Ordinance, financial assistance, or other appropriate relief.

If, at the end of this sixty (60) day period, after reviewing its initial finding and its subsequent proposals and the owner(s) of record's/applicant's response thereto, the Board finds that without approval of the proposed work the property cannot be put to any reasonable use or the owner(s) of record/applicant cannot obtain a reasonable economic return therefrom, then the Board shall issue a Certificate of Economic Hardship approving the proposed work. If the Board finds otherwise, it shall deny the application for a Certificate of Economic Hardship. The Board shall notify the applicant of its decision in writing within fifteen (15) days of the date of the decision.

- (3) The Certificate of Economic Hardship shall remain valid for one (1) year or until a building permit is issued, whichever is less. If substantial changes to the plans submitted with the application for a Certificate of Economic Hardship are required, a new certificate shall be required.
- (f) When a Certificate of Economic Hardship is denied for either a landmark or a contributing or significant building within a historic district, structure or improvement within a historic district, the applicant may, within thirty (30) days of the date of the decision, appeal the Board's decision to the Council. Notice of such appeal shall be in writing to the Village Manager, who shall notify the Department. The Department shall prepare the record and forward it to the Council. The Council may receive comments on the contents of the record but no new material may be considered by the Council. The Council may affirm or overturn the decision and may also send the application back to the Board with recommended changes. Decisions of the Council shall constitute final administrative decisions subject to administrative review as provided by State law.

(Ord. 5519, Add, 12/15/2015)

Article 12.VII Remediating Of Dangers Conditions

Sec 12.700 Remediating Of Dangerous Conditions

Sec 12.700 Remediating Of Dangerous Conditions

- (a) In the event that a condition on a landmark or contributing or significant building, structure or site located within a historic district or on a building, structure or site 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 Village, 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

additional construction, reconstruction, alteration or demolition shall be processed in accordance with the provisions of Article V of this Chapter.

- (b) Under the circumstances described in DGMC Section 12.700(a), the owner(s) of record of the property shall notify the Director 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(s) of record shall provide written notification to the Director within seven (7) calendar days of commencement of such work. In either case, the written notice shall include the following:

- (1) A detailed description of the dangerous condition in question;
- (2) The time frame needed to complete the work; and
- (3) The specific actions to be taken in the performance of such work.

(Ord. 5519, Add, 12/15/2015)

Article 12.VIII Demolition By Natural Causes

Sec 12.800 Demolition By Natural Causes

Sec 12.800 Demolition By Natural Causes

- (a) For the purposes of this Section, natural demolition shall occur when a landmark or contributing or significant building within a historic district is damaged by fire, explosion or other casualty or act of God as defined in DGMC Section 28.15.040 of the Municipal Code.
- (b) In the case of demolition by natural causes of all or part of a landmark or a contributing or significant building located within a historic district, the owner(s) of record shall obtain a Certificate of Appropriateness prior to the reconstruction when required under the provisions of this Ordinance.

(Ord. 5519, Add, 12/15/2015)

Article 12.IX Penalties

Sec 12.900 Penalties

Sec 12.900 Penalties

- (a) Demolition occurring under the provisions of DGMC Section 12.700 and DGMC Section 12.800 of this Chapter shall not be considered illegal demolition for the purposes of this Ordinance, provided that the Director is properly notified in writing as provided in DGMC Section 12.700(b) and DGMC Section 12.800(b) of this Chapter.
- (b) It shall be unlawful to demolish any portion of any landmark or contributing or significant building structure, improvement or site located within a historic district unless specifically permitted through a Certificate of Appropriateness issued for that property.
- (c) It shall be unlawful to complete any construction or alteration to any landmark or contributing or significant building, structure, improvement or site located within a historic district unless specifically permitted through the Certificate of Appropriateness provisions in DGMC Section 12.501 or DGMC Section 12.502 of this Chapter.
- (d) Any person who violates any provision of this Ordinance shall be guilty of an offense subject to the general penalties for ordinance violations pursuant to DGMC Section 1.15. of the Downers Grove Municipal Code.

(Ord. 5519, Renumbered, 12/15/2015; Ord. 4881, Add, 07/03/2007)

Chapter 21 - HISTORIC PRESERVATION

Article I. - General

21.10 - Title.

This Chapter shall be known and may be cited as the Historic Preservation Ordinance and may be referred to herein as "the ordinance" or "this Chapter."

(Ord. 18-2006 § 2 (part))

21.11 - Findings.

The City Council finds:

- (a) That properties, buildings, structures and objects of or relating to the City which are sources of its tradition and stability are threatened with deterioration or disappearance due to lack of maintenance, development or redevelopment in the City and in areas adjacent thereto;
- (b) That the public health, safety and general welfare and sound land planning require that properties, buildings, structures, sites and objects having special historic or architectural significance should be preserved, enhanced, continued or restored to use;
- (c) That the City's economic vitality and tax base cannot be maintained and enhanced without regard for Elmhurst's heritage represented by its older historic and architecturally significant properties, buildings, structures, sites, objects and neighborhoods;
- (d) That according to surveys of City residents, a substantial majority thereof believe the City should provide for the designation of historically and/or architecturally significant buildings; and
- (e) That state and federal governments encourage the preservation of historic and architecturally significant buildings, structures, properties, sites and objects.

(Ord. 18-2006 § 2 (part))

21.12 - Intent and purpose.

- (a) The intent of this Chapter is to promote historic and architectural preservation in the City. The City seeks to protect, enhance, and perpetuate those historical and architecturally significant structures, buildings, sites, objects and areas valued by the City and its residents that are significant to the City's history, culture, and architecture, preserving the community character, encouraging respect for past and providing a historical context for the City.
- (b) The purpose of this Chapter is to:
 - (1) Foster civic pride in the beauty and accomplishments of the past as represented in the City's landmarks and historic districts;
 - (2) Preserve, promote, maintain and enhance the City's historic and architecturally significant resources and character as a community comprised principally of well-maintained single-family residential neighborhoods, cultural and educational institutions and thriving business areas oriented to serve the day-to-day needs of local residents;
 - (3) Foster and encourage preservation, restoration and rehabilitation of areas, properties, structures and

sites thereby preventing future blight and deterioration;

- (4) Protect and enhance the attractiveness of the City to homeowners, home buyers, tourists, visitors, businesses, and shoppers, and the support and promotion of business, commerce, industry, cultural activities, education and tourism, thereby providing economic benefits to the City, its residents, institutions and businesses;
- (5) Maintain and improve property values in the City;
- (6) Protect, preserve, and enhance the City's aesthetic appearance and character;
- (7) Encourage the designation of landmark status upon structures, buildings, properties, sites, objects and areas on a local, state, and national level while recognizing the property rights of the owners of historic and architecturally significant properties, structures, buildings, sites and objects;
- (8) Educate the general public as to the significance of historic preservation;
- (9) Continue the preparation of surveys and studies of the City's historical and architectural resources and maintain and update a register of areas, properties, structures, buildings, sites, objects and areas that may be worthy of landmark designation; and
- (10) Encourage public participation in identifying and preserving historical and architectural resources through public hearings on proposed designations, applications for changes to historic properties, buildings, sites, structures, and applications for changes to same due to economic hardships.

(Ord. 18-2006 § 2 (part))

21.13 - Definitions.

For purposes of this Chapter, the following definitions shall control:

"Alteration" means any act or process requiring a building permit or demolition permit, or any act or process included in Article IV of this Chapter, 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, building, structure, site or object, or land altering activities.

"Applicant" means a person who submits an application for designation of a landmark, for issuance of a certificate of appropriateness or for a certificate of economic hardship.

"Application" means a form submitted for designation of a landmark, for approval of alteration, construction, demolition or relocation that requires issuance of a certificate of appropriateness or certificate of economic hardship.

"Area" means a specific geographic division of the City of Elmhurst.

"Building" means any structure built, used, designed, or intended for the support, shelter, protection, or enclosure of persons, animals, chattels, or property of any kind, and which is permanently affixed to the land.

"Building Department" means the City of Elmhurst Building Department.

"Business day" means a day on which the City of Elmhurst is open for business. Sections of this Chapter, which refer to time periods in which "business days" are not specified, shall be understood to refer to calendar days.

"Certificate of appropriateness" means 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.

"Certificate of economic hardship" means a certificate issued by the Commission ~~a~~fter 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.

"Commission" means the Elmhurst Historic Preservation Commission.

"Commissioners" means persons appointed by the Mayor, with the advice and consent of the Council, to the Elmhurst Historic Preservation Commission and the ex-officio members of the Commission.

"Construction" means the act of adding an addition to a building or structure or the erection of a new principal or accessory building or structure on a property or site that requires a building permit under the ordinances of the City.

"Corporate authorities" means the Mayor and City Council of the City of Elmhurst.

"Council" means the City Council of the City of Elmhurst.

"Demolition" means 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.

"Department of Planning, Zoning and Economic Development" or "department" means City of Elmhurst Department of Planning, Zoning and Economic Development.

"Design guideline" means 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 U.S. Secretary of Interior's "Standards for Rehabilitation of Historic Properties," as amended.

"District" means an identifiable area with definable boundaries designated as a "historic district" by an ordinance adopted 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, buildings, 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 or the zoning lots (as determined by the Zoning Administrator) associated with buildings, structures and objects located in the district.

"Exterior architectural appearance" means 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.

"Land altering activity" means 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.

"Landmark" means a property, building, structure, site or object designated as a "landmark" by ordinance adopted by the City Council. Landmarks shall have a high degree of historic, cultural, architectural or archaeological significance to the City. 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 or zoning lots (as determined by the Zoning Administrator), as the case might be, associated with the property, building, structure, site or object designated as a landmark.

"Lot of record" means a lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Deeds of DuPage County; or a parcel of land, the deed to which was recorded in the office of said Recorder of Deeds prior to the adoption of the ordinance codified in this Chapter.

"Members" means members including ex officio members of the Commission, also referred to throughout this Chapter as "Commissioners."

"Nominator" means a person or persons who submit a form for the designation of a landmark or district.

"Object" means 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.

"Owner of record" for purposes of this Chapter, owner of record means any person having a legal or equitable interest in a property. The owner of record shall be established by the records of the DuPage County Recorder.

"Person" means an individual, corporation, governmental agency, business trust, estate, trust, partnership, corporation, firm, association, two or more persons having a joint or common interest, or any other legal entity.

"Project" means any proposed or actual alteration, construction, demolition or relocation of an area, property, building, structure, site, area or object.

"Property" means land and structures or land and objects identified as a separate lot for purposes of the subdivision and zoning regulations of the City.

"Relocation" means any repositioning of a structure or object on its site or to another site.

"Repair" means any change to an area, property, structure, site or object that is not alteration, construction, relocation or demolition.

"Rules" means the rules and procedures of the Elmhurst Preservation Commission, as amended from time to time.

"Site" means the location of an event, activity, structure or object.

"Structure" means 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.

"Zoning and Planning Commission" means the City of Elmhurst Zoning and Planning Commission.

"Zoning lot" means a single tract of land located within a single block, which is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a "zoning lot or lots" may or may not coincide with a lot of record.

(Ord. 18-2006 § 2 (part))

Article II. - Administration

21.20 - Historic Preservation Commission.

- (a) Compositions, Qualifications, Terms, Conditions, and Officers.

- (1) The Elmhurst Historic Preservation Commission is established pursuant to Section 4.08 of the Elmhurst Municipal Code. The Commission shall consist of seven members, appointed by the Mayor with the consent of the City Council, one of whom shall be designated as Chair. Each Commissioner shall have one vote, and shall serve without compensation. The Mayor, the City Manager and the Director of the Department of Planning, Zoning and Economic Development or the Director of the Department of Public Works shall be ex officio members of the Commission. Ex officio members shall be nonvoting and shall not be counted for purposes of establishing a quorum of the Commission.
- (2) The Commissioners shall be appointed on the basis of expertise, experience or interest in the area of architectural history, building construction, engineering, finance, historical preservation, architectural preservation or real estate, at least one of which shall be a licensed architect and at least another which shall be a licensed attorney whose practice concentrates in real estate law. All Commissioners shall be residents of the City.
- (3) The term of each Commissioner shall be three years or until a successor shall be appointed and qualified provided that the initial appointments on the Commission shall be as follows: two members for one year; three members for two years and two members for three years. Notwithstanding the foregoing, all terms shall expire on May 30 of the last year of the individual member's term.

The Mayor shall have the power to remove any member of the Commission for cause and after public hearing before the Mayor.

Vacancies on the Commission shall be filled for the unexpired term of the member whose position has become vacant, in the same manner as provided in this Chapter with respect to appointments to a full term.

- (4) Officers of the Commission shall consist of a Chair and Secretary. The Chair shall be designated by the Mayor with the advice and consent of the City Council. The Secretary shall be the Director of Planning, Zoning and Economic Development or his/her designee.

In the absence of the Chair, the Commissioners present shall elect a Commissioner to serve as the presiding officer of the meeting who shall have the same powers as the Chair.

The Secretary shall have the following duties:

- (A) Take minutes or cause same to be taken of each Commission meeting;
 - (B) Maintain a permanent record of all resolutions, motions, transactions and determinations;
 - (C) The Secretary shall publish and distribute copies of the minutes, reports and decisions of the Commission to Commissioners;
 - (D) Give notice as provided herein or by the rules of the Commission for all public hearings conducted by the Commission;
 - (E) Prepare and submit to the City Council a complete record of the proceedings before the Commission.
- (b) Meetings, Hearings, Procedures and Decisions. Regular meetings of the Commission shall be held no less frequently than four times per year. Special meetings may be called, or meetings may be canceled by the Chair or any four Commissioners. All meetings, hearings and deliberations shall be open to the public except as otherwise permitted by the Illinois Open Meetings Act as amended from time to time. Testimony at any hearing required by the Commission shall be under oath.
- (1) The Commission, by its rules, may create a subcommittee structure to enhance efficiency in consideration of Commission business.

- (2) No Commissioner shall be in any manner financially interested directly in his own name or indirectly in the name of any other person, association, trust, corporation, or other entity in any property, building, structure, site or object which is the subject of an application for landmark designation, a certificate of appropriateness or certificate of economic hardship or the performance of any work relating thereto upon a Commissioner may be called upon to act or vote. No Commissioner may represent, either as agent or otherwise, any person, association, trust, corporation, or other entity, with respect to an application for landmark designation, a certificate of appropriateness or certificate of economic hardship upon which a Commissioner may be called upon to vote, nor may any such Commissioner take or receive, or offer to take or receive, either directly or indirectly, any money or other thing of value as a gift or bribe or means of influencing his or her official capacity.
 - (3) No motion shall be passed by the Commission which could in any manner deprive or restrict the owner of a property, building, 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 hearing or public meeting of the Commission.
 - (4) Every final decision of the Commission and every recommendation it makes to the Council or its duly authorized committee in connection with a landmark designation, certificate of appropriateness, or certificate of economic hardship shall include written findings of fact, and shall specify the reason or reasons for such decision or recommendation.
 - (5) The Secretary shall endeavor to provide notice of any decision of the Commission to the applicant and any designated interested parties within fifteen (15) business days of such decision, but the failure to do so shall not affect the validity of the decision.
 - (6) A quorum shall consist of four Commissioners for any regular or special meeting. A meeting of the Commission shall not be conducted without establishment of a quorum.
- (c) Powers and Duties of the Commission. The Commission shall have the following powers and duties:
- (1) To adopt its own procedural rules. In the absence of such rules, the Commission shall conduct its business, as nearly as practicable, in accordance with Robert's Rules of Order, newly revised, latest edition;
 - (2) To conduct a survey of structures, buildings, objects, sites, and areas in the City in order to identify those with historical and architectural significance;
 - (3) To keep a register of all buildings, structures, objects, sites, and areas that have been designated as landmarks, including all information required for each designation;
 - (4) To determine an appropriate system of markers and make recommendations for the design and implementation of specific markings of the streets and routes leading from one landmark to another;
 - (5) To investigate the need, desirability and practicability of designating areas of the City as historic districts and to make recommendations to the City Council on same and the criteria and procedures therefor, should historic districts be proposed to be established;
 - (6) To provide information to owners of landmarks, structures and buildings, as well as to residents of the City, regarding physical and financial aspects of preservation, renovation, rehabilitation, and reuse, including information about incentives that may be available and possible designation under this Chapter, and procedures for inclusion on the State of Illinois or National Register of Historic Places;
 - (7) To inform and educate the residents of the City concerning the historic and architectural heritage of the City by publishing appropriate maps, newsletters, brochures, and pamphlets, and holding programs and seminars;
 - (8) To hold public hearings and review applications for construction, alteration, removal or demolition

affecting proposed or designated landmarks or structures and issue or deny certificates of appropriateness and certificates of economic hardship for such actions;

- (9) To make recommendations regarding the designation and withdrawal of designation of landmarks;
- (10) To request technical advice and assistance from City staff members and to retain specialists or consultants when expressly authorized by the City Council;
- (11) To perform such other functions as directed by the City Council, including without limitation regulatory, informational, and incentive-oriented functions;
- (12) To administer on behalf of the City of Elmhurst any property or full or partial interest in real property, including a conservation right as that term is used in the Real Property Conservation Rights Act (765 ILCS 120/1 et seq.), which the City may have or accept as a gift or otherwise, as directed by the City Council;
- (13) To administer on behalf of the City as directed by the City Council, such gifts, grants and money as may be appropriate for the purpose of this Chapter;
- (14) To pursue and 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 (upon acceptance), 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;
- (15) To review proposed planned unit development applications, zoning amendments, applications for conditional uses and applications for zoning variances that materially affect proposed or designated landmarks and districts; and
- (16) To periodically review the City of Elmhurst Zoning Ordinance and to recommend to Zoning and Planning Commission and City Council any amendments appropriate for the protection and continued use of landmarks or property and structures within historic districts.
- (17) When authorized by the City Council, the Commission shall undertake an ongoing survey and research effort in the City to identify neighborhoods, areas, properties, sites, structures, objects and buildings that have historic, community, architectural, or importance, interest, or value. As part of the survey, the Commission shall review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts, and photographs.

(Ord. 18-2006 § 2 (part))

Article III. - Landmark Designation

21.30 - Criteria for the recommendation of landmark designation.

- (a) To be eligible for landmark designation, a property, area, building, structure, object or site shall satisfy the following criteria:
 - (1) Be of an age of at least fifty (50) years; and
 - (2) Be listed on the National or State Register of Historic Places, before the filing of an application of designation by the City; or
 - (3) Be of an age of at least fifty (50) years;
 - (4) Have sufficient integrity of location, design, materials and workmanship to make it worthy of

preservation or restoration; and

- (5) Satisfy any two of the following criteria:
- (A) Distinctive architectural style (period, type, method of construction, materials); architecturally significant; example of best remaining architectural type in the City,
 - (B) 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,
 - (C) Its identification with a person or persons who significantly contributed to the historic, cultural, architectural, archaeological or related aspect of the development of the City, state, Midwest Region or the United States,
 - (D) Its exemplification of an architectural type, style or design distinguished by innovation, rarity, uniqueness or overall quality of design, detail, materials or craftsmanship,
 - (E) 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, the state, the Midwest Region or the United States,
 - (F) Its exemplification of important planning and urban design techniques distinguished by innovation, rarity, uniqueness or overall quality of design or detail,
 - (G) Its association with important cultural or social aspects or events in the history of the City, the state, the Midwest Region or the United States,
 - (H) Its location as a site of an important archaeological resource; unique location or established and familiar visual feature of a neighborhood,
 - (I) Its representation of a historic, cultural, architectural, archaeological or related theme expressed through distinctive areas, properties, structure, sites or objects that may or may not be contiguous,
 - (J) Its unique location or distinctive physical appearance or presence representing an established and familiar visual feature of a neighborhood, community or the City,
 - (K) Its exemplification of a pattern of neighborhood development or settlement significant to the cultural history or traditions of the City, whose components may lack individual distinction,
 - (L) Fine or unique example of a utilitarian structure, and
 - (M) It is likely to yield important information regarding Elmhurst history or pre-history.

The Commission shall limit their consideration to the foregoing criteria in making a determination on a nomination of an area, property, structure, site or object for designation by ordinance as a landmark.

(Ord. 18-2006 § 2 (part))

21.31 - Applications for landmark nominations.

- (a) Nominations. Nomination of an area, property, structure, site or object for consideration and designation as a landmark or district shall be submitted to the Director of Zoning, Planning and Economic Development on a form prepared by the Department of Zoning, Planning and Economic Development, and may be initiated by any of the following:
 - (1) An owner of record of the area, property, structure, site or object being nominated;
 - (2) A Commissioner or member of the Historic Preservation Commission;
 - (3) A member of the City Council;
 - (4) The Mayor;

- (5) Any resident of the City of Elmhurst;
- (6) Any not-for-profit organization with its principal place of business in the City;
- (7) Any corporation, partnership, firm or other business entity.

All property owners of the proposed landmark must consent to consideration of designation. Owner consent shall be submitted with the application. If the property owner(s) do/does not consent to the nomination, the Commission shall reject the application as incomplete.

An application to nominate an area, property, structure, site or object filed by any person or entity other than the owner(s) thereof shall be subject to payment of a filing fee of one hundred dollars (\$100.00). Such application shall not be deemed completed until payment of such fee has been made.

- (b) Applications. Applications for a landmark nomination shall be filed with the Planning, Zoning and Economic Development Department, on forms provided by the department and shall, at a minimum; include the following information and specifications:
- (1) The name and address of the applicant and owner of record;
 - (2) The legal description and common street address of the property;
 - (3) A written statement describing the structure, building, or site and setting forth reasons in support of the proposed designation, including a list of significant exterior architectural features that should be protected;
 - (4) Qualifying criteria for landmark designation and why the proposed structure meets such criteria;
 - (5) Written documentation and evidence establishing that the applicant(s) is/are the current owner(s) of record of the nominated property and that each owner of record consents to the proposed landmark designation. Such documentation or evidence of record ownership shall include a recent title policy in the name of the applicant or other evidence of ownership acceptable to City Attorney. In the event legal and equitable title is held by separate parties, written consent of each shall be required;
 - (6) An overall site plan and photographs of the landmark. The plan shall also include a front, side, and rear elevation drawing;
 - (7) Such other relevant information as requested by the City Attorney or the Commission.

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 provided however, that such withdrawal shall not be effective until the City is reimbursed for costs incurred up to the date of withdrawal.

(Ord. 18-2006 § 2 (part))

21.32 - Landmark designation procedures.

- (a) Public Hearing Required. The Commission shall conduct a public hearing as hereunder provided after the filing of a complete application with the Planning, Zoning and Economic Department.
- (1) The completed forms and associated materials shall be forwarded by the department to the Commission for its consideration.
 - (2) Upon receipt of the application, the Secretary of the Commission shall schedule a public hearing, to be held within sixty (60) days after the department staff have determined that the application is complete.
 - (3) Notice of time and place of the public hearing shall be published at least once in a newspaper of general circulation within the City of Elmhurst not more than thirty (30) days or less than fifteen (15) days before

such hearing. In addition, notices shall be sent by first class mail, postage prepaid, to all owners of all property (as determined from current property tax records) located within five hundred (500) feet of any lot line of the nominated property.

- (4) The hearing shall be conducted in accordance with the rules of the Commission. The Commission shall consider all testimony or other evidence relating to the designation criteria set forth in Section 21.20(a) of this Chapter from any person who makes written submittals or appears at the public hearing. The owner(s) or authorized representatives thereof of a property, building, structure, site or object nominated shall be allowed a reasonable opportunity to present testimony or other evidence concerning the applicability and satisfaction of the designation criteria set forth in Section 21.20(a).
 - (5) A certificate of appropriateness shall be required for alteration, construction, removal or demolition of a proposed landmark from the date when the nomination form, with owner(s) consent, is presented to the Commission until the final disposition of the request.
- (b) Deliberations and Decisions. A decision shall be made within sixty (60) days following the date of the public hearing is closed.
- (1) Following the public hearing, the Secretary of the Commission shall prepare the Commission's evaluation, recommendation and all available information for submittal to the City Council within sixty (60) days thereof.
 - (2) If the Commission decides that the landmark should be designated, it shall do so by a majority vote of the members appointed to the Commission.
 - (3) The nomination process shall end, if: (A) the Commission fails to make its recommendation within sixty (60) days after the close of the public hearing; or (B) if the Commission finds that the nominated landmark does not meet the criteria for designation.
 - (4) If the Commission fails to make its recommendation within sixty (60) days after the close of the public hearing, or if the Commission fails to recommend a proposed designation to the City Council, the Commission may not reconsider the proposed designation for a period of one year from the date of the Commission's final action or the close of the public hearing, whichever is later, provided however that the reconsideration shall be permitted within such one year period, if: (A) significant new information concerning the previously nominated landmark relating to the criteria for designation is provided; and (B) the Commission votes by an affirmative vote of at least four Commissioners to reconsider the previously nominated landmark.
 - (5) The owner(s) of record shall be notified by a letter within ten (10) business days after a final decision by the Commission.
 - (6) The designation of a nominated landmark shall be by ordinance and such landmark designation shall be incorporated as part of this Chapter. If the City Council approves the application for a designation, notices will be sent to the property owners, the Planning, Zoning and Economic Development Department, the Building Commissioner, and the City Clerk and a certified copy of the ordinance shall be filed of record with the DuPage County Recorder.
 - (7) Properties, buildings, structures, sites and objects designated as landmarks shall be subject to the issuance of certificates of appropriateness in accordance with Section 21.30 of this Chapter.

(Ord. 18-2006 § 2 (part))

- (a) The structure known as the John L. Pentecost House located at 259 Cottage Hill Avenue is hereby granted historic designation.
- (b) The structure known as The Glos Museum, located at 142 East Park Avenue is hereby granted historic landmark designation.
- (c) [The structure known as] the Almerico House, 208 South Arlington Avenue [is hereby granted historic landmark designation].

(Ord. No. HPO-02-2007, § 3, 9-11-07; Ord. No. 01-2008, § 3; Ord. No. HPO-01-2011, § 3, 9-19-11)

Article IV. - Enforcement

21.40 - Certificates of appropriateness.

- (a) Certificates Required. A certificate of appropriateness issued by the Commission shall be required before any building permit, moving permit, demolition permit, sign or other permit is issued for any designated landmark. A certificate of appropriateness is required if, in the opinion of the Director of the Department of Zoning, Planning and Economic Development or such Director's designee, the building, structure, property, object or site will be altered, added to, extended or repaired in such a manner as to produce a major change in the exterior appearance of such property, building, structure, site or object. A certificate of appropriateness is required for front exterior facades of landmarks and those facades visible from public view. This Chapter does not regulate the interiors of privately owned landmarked structures.

Such major changes to a landmark include, but are not limited to:

- (1) Major changes by addition, alteration, maintenance, reconstruction, rehabilitation, renovation or repair;
 - (2) Any new construction and demolition in whole or in part requiring a permit from the City;
 - (3) Moving a building; or
 - (4) Any construction, alteration, demolition, or removal affecting a significant exterior architectural feature as specified in the ordinance designating the landmark, including but not limited to changes to the roofline.
- (b) Exceptions. An exception to the certificate of appropriateness shall be made if the applicant shows to the Commission that a failure to grant the permit will cause an imminent threat to life, health or property or if without Commission approval if the Fire Chief, Building Commissioner or City Manager so determine.

(Ord. 18-2006 § 2 (part))

21.41 - Application for certificate of appropriateness.

- (a) Certificate of Appropriateness Required. Any person proposing an alteration to, or seeking a building, demolition, sign, or other permit for, any designated landmark shall submit an application for a certificate of appropriateness. Issuance of a certificate of appropriateness is a precondition to commencing such alteration or obtaining such permit. Every application for a demolition permit or a building permit, including plans and specifications, shall be forwarded by the Planning, Zoning and Economic Development Department to the Commission within fifteen (15) days following receipt of the application.
- (b) Application Requirements. The application for a certificate of appropriateness shall include the following information and specifications: Exhibit 8

- (1) Applicant's name;
- (2) The names of and written consent of all owners (whether legal or equitable) of the property, building, structure, site or object, if different from applicant;
- (3) Street address and legal description of the site;
- (4) An overall site plan of the site, including front, side; rear elevation drawings shall be included in the case of alteration or partial demolition;
- (5) Brief description of the structures, buildings, and objects on the site and the structures, buildings, and objects on site adjacent to and across from such original site;
- (6) Detailed description of the proposed alteration or demolition, together with any architectural drawings, sketches, and photographs indicating how and to what extent such alteration or demolition shall affect a landmark or historic district;
- (7) Names and addresses of the owners of property adjacent to and across a street or alley from the site;
- (8) A list and photographs of significant architectural features in relation to the structures, buildings, or objects on the site previously designated by the Commission as being worthy of protection and preservation;
- (9) Identification of any architect or developer involved in the alteration or demolition;
- (10) Payment of filing fee of one hundred dollars (\$100.00);
- (11) Such other relevant information as requested by City staff or the Commission.

It shall be unlawful to undertake any of the work specified in this Section and Section 21.40 of this Chapter without first obtaining a certificate of appropriateness from the Commission. Applications for a certificate of appropriateness shall be made on forms prepared by the Planning, Zoning and Economic Development Department, and shall be submitted to the Commission Secretary. Application forms shall be available from the department.

(Ord. 18-2006 § 2 (part))

21.42 - Standards for certificates of appropriateness.

In making a determination whether to approve or deny an application for a certificate of appropriateness, the Commission shall be guided by the Secretary of the Interior's "Standards for Rehabilitation," as follows:

- (a) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building, structure or object and its site and environment.
- (b) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- (c) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- (d) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- (e) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize an historic property shall be preserved.
- (f) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color,

texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

- (g) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- (h) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- (i) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- (j) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(Ord. 18-2006 § 2 (part))

21.43 - Design guidelines.

The Commission when determining whether to approve or deny any application for a certificate of appropriateness, shall at a minimum, consider the following architectural criteria:

- (a) Height. The height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures in an historic district;
- (b) Proportions of Windows and Doors. The proportions and relationships between doors and windows should be compatible with the architectural style and character of the landmark;
- (c) Relationship of Building Masses and Spaces. The relationship of a structure within an historic district to the open space between it and adjoining structures should be compatible;
- (d) Roof Shape. The design of the roof, fascia, and cornice should be compatible with the architectural style and character of the landmark;
- (e) Landscaping. Landscaping should be compatible with the architectural character and appearance of the landmark;
- (f) Scale. The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures in an historic district, as applicable;
- (g) Directional Expression. Facades in historic districts should blend with other structures with regard to directional expression. Structures in an historic district should be compatible with the dominant horizontal or vertical expression of surrounding structures;
- (h) Compatibility. The directional expression of a landmark after alteration, construction, or partial demolition should be compatible with its original architectural style and character; and
- (i) Architectural Details. Architectural details including types of materials, colors, and textures should be treated so as to make landmark compatible with its original architectural style and character of a landmark or historic district.

(Ord. 18-2006 § 2 (part))

21.44 - Hearing on applications for certificate of appropriateness.

(a) Hearing Procedures.

- (1) Applications for a certificate of appropriateness shall be available from the Planning, Zoning and Economic Development Department. Such applications shall be completed and submitted to the department, which shall be forwarded to the Historic Preservation Commission. The Commission Secretary shall schedule a public hearing for consideration of the application within forty-five (45) days after receipt of application.
- (2) Notice of time and place of the public hearing shall be published at least once in a newspaper of general circulation within the City of Elmhurst not more than thirty (30) days nor less than fifteen (15) days before such hearing. In addition, notices shall be sent by first class mail, postage prepaid, to all owners of property (as determined from current property tax records) located within five hundred (500) feet of any lot line of the subject property.
- (3) The hearing shall be conducted within forty-five (45) days after receipt of an application in accordance with the rules of the Commission. The Commission shall consider all relevant and material testimony or evidence relating to the standards set forth in Section 21.32 and design guidelines set forth in Section 21.33 of this Chapter from any person who makes written submittals or appears at the public hearing. The owner of the landmark shall be allowed a reasonable opportunity to present testimony or evidence concerning the applicability of the standards and guidelines in the aforesaid Sections.
- (4) The Commission shall review the application and vote to issue or deny the application within sixty (60) days after receipt of the application. The time to consider the application may be extended with the consent of the applicant.

(b) Issuance of a Certificate of Appropriateness.

- (1) If the Commission votes 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 ten (10) business days following the decision of the Commission. Upon receipt of the certificate of appropriateness the applicant may complete applications to other City departments to obtain necessary permits, if any.
- (2) If the application is approved with conditions, the Commission shall notify the applicant in writing and shall specify the conditions to be imposed and the reasons in light of the applicable criteria. If the applicant notifies the Commission in writing that the conditions are acceptable, or if the applicant does not appeal the conditional approval to the City Council as set forth in Section 21.36 of this Chapter, the Commission shall issue the certificate of appropriateness, subject to the specified conditions.
- (3) Work performed pursuant to the certificate of appropriateness shall be substantially commenced within one hundred eighty (180) days from the date of issuance by the Commission and shall remain valid until a certificate of occupancy is issued by Building Department, provided however that in no event shall a certificate of appropriateness be valid for more than two years from its date of issuance without an extension having been issued by the Commission. Certificates of appropriateness shall not be transferable from the applicant to another or subsequent owner of the same property without the written consent of the Commission.

(c) Denial of a Certificate of Appropriateness.

If the Commission disapproves the certificate of appropriateness, no alteration shall be permitted to proceed, and no permits shall be issued for, the proposed alteration, demolition or any other physical modifications of the designated landmark.

If the Commission votes to disapprove the application, the applicant shall be notified within ten (10) business days and the notice shall be accompanied by recommendations to the applicant concerning those changes, if any, in the plans and specifications for the proposed alteration, construction, relocation or demolition that would protect the distinctive character of the landmark or district and that would cause the Commission to approve the application. The Commission shall make reasonable efforts to confer with the applicant, offer technical guidance, and attempt to resolve differences.

The applicant may submit a revised application that incorporates the recommendations of the Commission. At the discretion of the Commission, additional filing fees may be waived. The application shall be considered to be withdrawn if no such revised application is received within thirty (30) days after Commission disapproval.

(d) Process for Submittal of a Revised Application.

- (1) Submittal by the applicant of a revised application that incorporates the recommendations of the Commission. The Commission shall schedule a public hearing within thirty (30) days of receipt of a written revised application.
- (2) Notice of time and place of the public meeting shall be given in the same manner as with initial applications.
- (3) If the Commission denies the revised application, the applicant may appeal the decision to the City Council in accordance with Section 21.36 of this Chapter. The failure of the Commission to render a decision within the forty-five (45) days from the date the revised application is filed, shall be deemed a denial.

(Ord. 18-2006 § 2 (part))

21.45 - Certificate of economic hardship.

- (a) General. The Commission may issue a certificate of economic hardship to allow the performance of work for which a certificate of appropriateness has been denied. Applicants claiming economic hardship shall be required to apply to the Illinois State Historic Preservation Agency or other appropriate state agency to determine eligibility for rehabilitation assistance. The eligibility for and availability of financial aid shall be considered by the Commission in making its decision.
- (b) Application Required—Contents of Application. An applicant for a certificate of economic hardship may submit any or all of the following information in order to assist the Commission in making its determination on the application:
 - (1) The amount paid for the property, the date of purchase, and the party from whom purchased (including a description of the personal, business or familial relationship, if any, between the owner and the person or entity from whom or which the property was purchased);
 - (2) The equalized assessed value of the land and improvements thereon according to the two most recent assessments;
 - (3) Property taxes for the previous two years;
 - (4) Remaining mortgage balance, if any, and annual debt service, if any, for the previous two years;
 - (5) All appraisals, if any, obtained within the previous two years by the owner or applicant or their lenders in connection with this purchase, financing, or ownership of the property;

- (6) Any listing of the property for sale or rent, asking price, and offers received, if any;
 - (7) The profitable adaptive uses for the property considered by the owner, if any;
 - (8) If the property is income-producing, the annual gross income from the property for the previous two years, itemized operating and maintenance expenses for the previous two years, and annual cash flow before and after debt service, if any, during the same period;
 - (9) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or otherwise;
 - (10) Any other information including income tax bracket of the owner, applicant, or principal investors in the property, reasonably necessary for a determination as to whether the property can be reasonably sold or yield a reasonable return to present or future owners.
- (c) Action by Commission. If the Commission finds that without approval of the proposed work, the property cannot realize a reasonable economic return, then the application shall be delayed for a period not to exceed forty-five (45) days. During this delay period, the Commission shall investigate plans and make recommendations to the City Council to allow for a reasonably beneficial use or a reasonable economic return on, or to otherwise preserve the subject property. Such plans and recommendations may include, without limitation, the following: a relaxation of the provisions of this Chapter, availability of, financial assistance, building code modifications, and/or changes in zoning regulations. If, by the end of this forty-five (45) day period, the Commission finds that without approval of the proposed work, the property cannot be put to a reasonable beneficial use, or the owner cannot realize a reasonable economic return, then the Commission shall issue a certificate of economic hardship approving the proposed work. If the Commission finds otherwise, it shall deny such an application.

(Ord. 18-2006 § 2 (part))

21.46 - Appeals.

- (a) Right of Approval. When a certificate of appropriateness or a certificate of economic hardship for a designated landmark is denied, the applicant or the owner(s) may appeal the Commission's decision to the City Council by filing a written appeal with the office of the City Clerk within thirty (30) days after the Commission's denial. Such appeal shall be on forms prepared by the department and may be accompanied by other written material setting for the basis for such appeal. The Council shall allow written or oral argument by the applicant and the Commission.
- (b) Decision. After due consideration of the record of proceedings, the City Council may affirm the decision of the Commission or reverse such decision, with or without conditions, by a majority vote of the corporate authorities.
- (c) Time for Issuance of Certificate after Appeal Decision. If the Council votes to issue a certificate of appropriateness or certificate of economic hardship, as the case might be, the Secretary shall notify the applicant and the Building Department within seven days of the Council's decision and the Building Commissioner shall issue such permits as may be required within fifteen (15) days thereafter provided the applicable permit applications are complete, the proposed work complies with applicable codes and all applicable fees have been paid. If the Council affirms the Commission's decision, the secretary shall notify the applicant and the Building Department within seven days.

(Ord. 18-2006 § 2 (part))

- (a) Demolition. In the case of partial or complete demolition of a landmark, the owner of record shall be required to obtain a certificate of appropriateness from the Commission prior to reconstruction. Although exact duplication of the previous structure may not be required, the exterior design of the property shall be in harmony with the exterior design of the structure prior to demolition.
- (b) Destruction by Fire or Casualty.
- (1) A landmark building or structure that is destroyed or damaged by fire or other casualty or by act of God need not be rebuilt or restored if the cost of restoration to its condition prior to such occurrence exceeds fifty (50) percent of the cost of restoring the building or structure new, provided that if the owner of record chooses to restore such building or structure, such owner shall be required to obtain a certificate of appropriateness from the Commission prior to restoration. Although exact duplication of the previous structure may not be required, the exterior design shall be in harmony with the exterior design of the structure prior to the occurrence.
- (2) A landmark building or structure that is destroyed or damaged by fire or other casualty or by act of God shall be rebuilt or restored if the cost of restoration to its condition prior to such occurrence does not exceed fifty (50) percent of the cost of restoring the building or structure new, in which case the owner of record shall be required to obtain a certificate of appropriateness from the Commission prior to restoration. Although exact duplication of the previous structure may not be required, the exterior design shall be in harmony with the exterior design of the structure prior to such occurrence.

(Ord. 18-2006 § 2 (part))

21.48 - Fees and penalties.

Any person who undertakes or causes an alteration, construction, demolition, or removal of any nominated or designated landmark without a certificate of appropriateness shall be guilty of a petty offense and upon conviction thereof shall be punished by a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00). Every day such violation shall continue to exist shall constitute a separate violation. In addition to such penalties, the City of Elmhurst may institute any appropriate action or proceeding to enjoin, correct or abate any violation of this Chapter.

(Ord. 18-2006 § 2 (part))

Print

Glencoe, IL Code of Ordinances

CHAPTER 26A: HISTORIC PRESERVATION

(Ord. No. 90-32-1841; Ord. No. 2013-10-3340)

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ARTICLE I. STATEMENT OF PURPOSE AND GOALS

§ 26A-1 PURPOSE.

The purpose of this chapter is to promote historic and architectural preservation in the village. The village seeks to protect, enhance and perpetuate those historical structures, buildings, objects and sites valued by the village and its residents that are significant to the village's archaeology, history, culture and architecture.

(Ord. No. 90-32-1841; Ord. No. 2013-10-3340)

§ 26A-2 GOALS.

This chapter is created in order to:

- (a) Foster civic pride in the beauty and accomplishments of the past as represented in the village's landmarks and historic districts;
- (b) Preserve, promote and maintain the village's historic resources;
- (c) Protect and enhance the village's attractiveness to residents, visitors and prospective homebuyers;
- (d) Maintain and improve property values in the village;
- (e) Protect, preserve and enhance the village's aesthetic appearance and character;
- (f) Encourage the designation of landmark and historic district status upon structures, buildings, objects and sites on a local, state and national level; and
- (g) Educate the general public as to the significance of historic preservation.

(Ord. No. 90-32-1841; Ord. No. 2013-10-3340)

ARTICLE II. DEFINITIONS

§ 26A-3 DEFINITIONS.

For the purpose of this chapter, certain words, phrases and terms, shall be construed as set forth in this article.

ADDITION. Any act or process that changes the exterior architectural appearance of a structure by adding to, joining with or increasing the size or capacity of the structure.

ALTERATION. Any act or process other than demolition that changes the exterior architectural appearance of a certified landmark or any certified structure, building, object or site in an historic district, including without limitation the erection, construction, reconstruction, addition, repair, rehabilitation, removal, restoration or relocation of any structure.

AREA. A specific geographic division of the village.

BOARD OF TRUSTEES. The president and board of trustees of the Village of Glencoe.

BUILDING. A structure having a roof that is supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels.

CERTIFICATE OF APPROPRIATENESS. A certificate issued by the commission and signed by the chairperson or designee approving plans for the alteration or demolition of a certified landmark or a certified structure, building, object or site within an historic district established under this chapter.

CERTIFIED HISTORIC DISTRICT. An area established as a certified historic district by ordinance duly passed and published by the board of trustees and which may contain within definable geographic boundaries one or more landmarks and which may have within its boundaries other structures, buildings, objects or sites that, while not of such historic and/or architectural significance to be identified as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within such historic district.

CERTIFIED LANDMARK. A structure, building, object and/or site established as a certified landmark by ordinance duly passed and published by the board of trustees which has a special character or historical and/or architectural interest or value as part of the development, heritage or culture of the village, the State of Illinois or the United States, and as such is worthy of preservation, restoration and/or rehabilitation.

CERTIFIED STATUS. A structure, building, object, site, or area that has been approved pursuant to this Chapter 26A as a certified landmark, a certified historic district, or a certified structure, building, object or site in an historic district.

COMMISSION. The Glencoe historic preservation commission.

COMMISSIONERS. The members of the commission.

CONSTRUCTION. The act of adding an addition to, reconstructing or otherwise altering an existing structure or the act of erecting a new principal or accessory structure on a site.

DECLARATION. A notarized instrument executed by the legal and, if applicable, beneficial owner or owners of property, which instrument identifies the property and sets forth such owner's agreement to accept the certification of such property as a certified landmark or as a certified structure, building, object or site within an historic district established in accordance with article VI of this chapter.

DEMOLITION. Any act or process that destroys a structure, building or object in whole or in part to the extent of 50% of its volume.

DESIGN GUIDELINES. Standards of appropriate activity that will preserve the historic and architectural appearance and character of a structure, building, object, site or area.

EXTERIOR ARCHITECTURAL APPEARANCE. The architectural character, general composition and general arrangement of the exterior of a structure, building, object or site, including without limitation the

kind, color and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs and appurtenant elements.

HISTORIC DISTRICT. An area established as a certified historic district or a recognized historic area within the village (including, without limitation, any area identified as an Historic Preservation District by the United States Secretary of Interior in the National Register of Historic Sites and Places).

OBJECT. A material or natural thing of functional, architectural, cultural, historical, aesthetic or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

REHABILITATION. The process of returning a structure, building, object or site to a state of utility, through repair, construction or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.

RELOCATION. The process of moving a structure, building or object on its site or to another site.

RESTORATION. The process of restoring, repairing or reconstructing a property, through repair, construction or alteration, to a former or original condition that enhances those portions and features of the property that are significant to its historic, architectural and cultural values.

SITE. A single lot or parcel of property.

STRUCTURE. Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground or attached to something having a permanent location on or in the ground.

VILLAGE. The Village of Glencoe.

(Ord. No. 90-32-1841; Ord. No. 2013-10-3340)

§ 26A-4 INTERPRETATION.

Unless specifically defined herein, words or phrases in this chapter shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this chapter its most reasonable application.

(Ord. No. 90-32-1841; Ord. No. 2013-10-3340)

ARTICLE III. HISTORIC PRESERVATION COMMISSION

§ 26A-5 COMMISSION CREATED.

There is hereby created the historic preservation commission of the Village of Glencoe.

(Ord. No. 90-32-1841; Ord. No. 2013-10-3340)

§ 26A-6 COMMISSION MEMBERS.

The commission shall consist of five members who shall be residents of the village appointed by the village president and approved by the board of trustees. The president shall appoint one commissioner as chairperson and a second commissioner as vice chairperson.

(Ord. No. 90-32-1841; Ord. No. 2013-10-3340)

§ 26A-7 QUALIFICATIONS.

The commissioners shall be appointed on the basis of expertise, experience or interest in historic preservation or architectural history, building construction or engineering, architecture or landscaping, finance, neighborhood organization or real estate.

(Ord. No. 90-32-1841; Ord. No. 2013-10-3340)

§ 26A-8 TERMS OF OFFICE.

The term of office for commissioners shall be five years. Initially, the chairperson shall be appointed for a term of five years, the vice chairperson shall be appointed for a term of four years, and the remaining three commissioners shall be appointed for initial terms of three, two and one year, respectively; thereafter such commissioners or their successors shall be appointed for a term of five years as herein provided for the appointment and approval of such commissioners.

(Ord. No. 90-32-1841; Ord. No. 2013-10-3340)

§ 26A-9 REMOVAL AND VACANCY.

The board of trustees shall have the power to remove any commissioner for cause after a public hearing. Vacancies in the commission shall be filled for the remainder of the unexpired term in the manner herein provided for the appointment and approval of a commissioner.

(Ord. No. 90-32-1841; Ord. No. 2013-10-3340)

§ 26A-10 SECRETARY.

The board of trustees shall appoint a secretary to the commission. The secretary shall have the following duties:

- (a) To record the minutes of each commission meeting and public hearing;
- (b) To be responsible for the publication and distribution of copies of the minutes, reports and decisions of the commission to the commissioners, the board of trustees, the building official and the village clerk;
- (c) To cause notice to be sent or published for all public hearings conducted by the commission;
- (d) To advise the village president of vacancies on the commission and the expiring terms of the commissioners; and
- (e) To prepare and submit to the board of trustees a complete record of the proceedings before the commission pertaining to any matter requiring consideration by the board of trustees.

(Ord. No. 90-32-1841; Ord. No. 2013-10-3340)

§ 26A-11 MEETINGS.

(a) Meetings shall be held at regularly scheduled times to be established by resolution of the commission at the beginning of each calendar year or at any time upon the call of the chairperson. There shall be a minimum of four meetings per year.

(b) A quorum shall consist of three commissioners. A concurring vote of a majority of those members present and constituting a quorum is necessary to render a decision on any matter upon which the

Exhibit 8

commission is authorized to act; provided, however, that the affirmative vote of at least three commissioners shall be required to recommend that a structure, building, object, site or area be established as a certified landmark, a certified historic district, or a certified structure, building, object and/or site within an historic district.

(c) The chairperson shall preside over all meetings and hearings of the commission. In the absence of the chairperson, the vice-chairperson shall assume the duties and responsibilities of the chair.

(d) All meetings shall be conducted in accordance with the Open Meetings Act of the State of Illinois.

(e) No member of the commission shall vote on any matter involving any property in which such commissioner has a legal or beneficial ownership interest or any other matter where such commissioner's interest would violate § 3-14-4 of the Illinois Municipal Code or any other law.

(f) The commission may adopt its own rules of procedures. In the absence of such rules, the commission shall conduct its business, as nearly as practicable, in accordance with Robert's Rules of Order.

(g) The commissioners shall serve without compensation.

(Ord. No. 90-32-1841; Ord. No. 2013-10-3340)

§ 26A-12 AUTHORITY AND DUTIES.

Subject to the laws of the State of Illinois, the Glencoe village code and any other ordinances and resolutions of the village, the commission shall have and may exercise the authority and duties herein described:

(a) To conduct a survey of structures, buildings, sites, objects and areas in the village in order to identify those with architectural, historical, archaeological or cultural significance;

(b) To provide information and assistance relevant to the establishment of certified landmarks and historic districts;

(c) To assist persons in the preparation of an application for certification of landmarks and historic districts and the alteration or demolition of the same;

(d) To hold public hearings, review applications, make recommendations or decisions regarding the recognition of a structure, building, object and/or site as a certified landmark of a certified historic districts, the alteration or demolition of the same, the issuance of certificates of appropriateness for such actions (including certificates of appropriateness issued based on the economic hardship criteria in Section 26A-53 of this chapter);

(e) To keep a register of all structures, buildings, objects, sites and areas that have been certified as a landmark or an historic district, including all information required for the approval of each landmark or district;

(f) To determine an appropriate design of markers for certified landmarks and historic districts;

(g) To develop and maintain technical information relating to preservation, rehabilitation and restoration, and to provide assistance relating to such matters to architects, contractors, tradespersons, craftspersons, property owners and others;

(h) To inform and educate the village residents concerning the historic and architectural heritage of the village by publishing appropriate maps, newsletters, brochures and pamphlets, and by holding programs and seminars;

(i) To review, upon request of the board of trustees, the zoning board of appeals, the zoning commission or the plan commission, proposed zoning amendments, applications for special use permits, applications for

zoning variations or applications for appearance review that affect proposed or actual certified landmarks and certified historic districts;

(j) To request technical advice and assistance from village staff members, and to retain specialists or consultants when expressly authorized by the board of trustees;

(k) To seek certified local government status for the village pursuant to the United States Department of Interior's standards so as to take advantage of financial and other assistance which may become available through that Department and other sources;

(l) To seek certification of the village's historic preservation ordinance with the Illinois Historic Preservation Agency and the United States Department of the Interior so as to qualify structures, buildings, objects or sites certified as landmarks pursuant to this chapter as a "historic building" under the Revenue Act, 35 ILCS 200/10-40 et seq. or as a "certified historic structure" under the Tax Reform Act of 1986, 26 U.S.C. §§ 1 et seq. or under other legislation subsequently passed into law by the State of Illinois or the United States;

(m) To submit an annual written report to the board of trustees; and

(n) To perform such other functions as directed by the board of trustees, including, without limitation, regulatory, acquisitive, informational and incentive-oriented functions.

(Ord. No. 90-32-1841; Ord. No. 2013-10-3340)

§ 26A-13 SURVEYS AND RESEARCH.

The commission shall undertake an ongoing survey and research effort in the village to identify areas, sites, structures, buildings and objects that have historic, cultural, architectural or aesthetic importance, interest or value. As part of the survey, the commission may review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts and photographs.

(Ord. No. 90-32-1841; Ord. No. 2013-10-3340)

§ 26A-14 DEPOSITORY.

The office of the village clerk shall be the depository for all applications, maps, reports, records of proceedings, decisions and other materials created by and in conjunction with the commission. These historic preservation materials shall be made available to the public.

(Ord. No. 90-32-1841; Ord. No. 2013-10-3340)

§ 26A-15 RESERVED.

(Ord. No. 05-17-3137; Ord. No. 90-32-1841; Ord. No. 10-01-3259; Ord. No. 2013-10-3340)

ARTICLE IV. ESTABLISHMENT OF CERTIFIED LANDMARKS AND CERTIFIED HISTORIC DISTRICTS

§ 26A-20 CRITERIA.

The commission shall consider the criteria provided herein in order to recommend a structure, building, object or site for approval as a certified landmark, or an area for approval as a certified historic district.

(a) *General considerations.*

(1) The structure, building, object, site or area has significant character, interest or value as part of the historic, cultural, aesthetic or architectural characteristics of the village, the State of Illinois or the United States.

(2) The structure, building, object, site or area is closely identified with a person or persons who significantly contributed to the culture or development of the village, the State of Illinois or the United States.

(3) The structure, building, object, site or area involves the notable efforts of, or is the only known example of work by, a master builder, designer, architect, architectural firm or artist whose individual accomplishment has influenced the development of the village, State of Illinois or the United States.

(4) The unique location or singular physical characteristics of the structure, building, object, site or area make it an established or familiar visual feature.

(5) The activities associated with a structure, building, object, site or area make it a current or former focal point of reference in the village.

(6) The structure, building or object is of a type or is associated with a use once common but now rare, or is a particularly fine or unique example of a utilitarian structure and possesses a high level of integrity or architectural significance.

(7) The structure, building, object or site is in an area that has yielded or is likely to yield historically significant information or even prehistoric data.

(8) The structure, building, object or site is located within an historic district and exhibits features, characteristics, or lineage that contributes to the criteria upon which the historic district was established or recognized.

(b) *Architectural significance.*

(1) The structure, building, object, site or area represents certain distinguishing characteristics of architecture inherently valuable for the study of a time period, type of property, method of construction or use of indigenous materials.

(2) The structure, building, object, site or area embodies elements of design, detail, material or craftsmanship of exceptional quality.

(3) The structure, building, object, site or area exemplifies a particular architectural style in terms of detail, material and workmanship and has undergone little or no alteration since its original construction.

(4) The structure, building, object, site or area is one of the few remaining examples of a particular architectural style and has undergone little or no alteration since its original construction.

(5) The structure, building, object, site or area is, or is part of, a contiguous grouping that has a sense of cohesiveness expressed through a similarity of style characteristics, time period, type of property, method of construction or use of indigenous materials and accents the architectural significance of an area.

(6) The detail, material and workmanship of the structure, building, object or site can be valued in and of themselves as reflective of or similar to those of the majority of the other visual elements in the area.

(7) The structure, building, object or site is located within an historic district and exhibits features of architectural significance.

(c) *Historic significance.*

(1) The structure, building, object, site or area is an exceptional example of an historic or vernacular style or is one of the few such remaining properties of its kind in the village.

- (2) The structure, building, object, site or area has a strong association with the life or activities of a person or persons who have significantly contributed to or participated in the historic or cultural events of the United States, the State of Illinois or the village.
- (3) The structure, building, object, site or area is associated with an organization or group, whether formal or informal, from which persons have significantly contributed to or participated in the historic or cultural events of the United States, the State of Illinois or the village.
- (4) The structure, building, object, site or area is associated with a notable historic event.
- (5) The structure, building, object, site or area is associated with an antiquated use due to technological or social advances.
- (6) The structure, building, object, site or area is a monument to or a cemetery of an historic person or persons.
- (7) The structure, building, object or site is located within an historic district and exhibits features of historic significance.

(Ord. No. 90-32-1841; Ord. No. 2013-10-3340)

§ 26A-21 REVIEW AND APPROVAL PROCEDURES.

- (a) *Nominations.* Nominations for approval as a certified landmark or a certified historic district may be submitted by a commissioner, the owner of the nominated site, or 50% or more of the owners of property within an area to be nominated.
- (b) *Preliminary review.* Prior to submitting a complete application for landmark or historic district certification approval, an applicant may request the commission to conduct a preliminary review of whether a structure, building, object, site or area could qualify as a certified landmark or historic district. An applicant can seek preliminary review by submitting a request therefor to the village clerk that includes at least the information required in either § 26A-21(c)(1)A.1. through 7., or § 26A-21(c)(1)B.1. through 7., as applicable, and any other information that the applicant wishes to provide. The commission may then review the information and advise the applicant of its preliminary recommendation regarding certified landmark or historic district status based on the information provided. These preliminary review procedures shall be informal and shall not bind either the applicant or the commission in any way.
- (c) *Application.*
- (1) The application for nomination shall include as least the following information and specifications:
- A. *For a certified landmark.*
1. Applicant's name and address;
 2. Owner's name and address;
 3. Street address, legal description or real estate index number(s) of the site;
 4. A written statement describing the structure, building, object or site and setting forth reasons in support of the requested certification;
 5. Written documentation that the owner or occupant has consented to the requested approval of landmark status;
 6. Brief description of the structures, buildings and objects on the nominated site and the structures, buildings and objects on sites adjacent to and across from such site; and

7. A declaration signed by the owner(s) of record of the nominated structure, building, object or site setting forth, at a minimum, an intent to further promote and preserve the historic and architectural appearance and character of property affected by such certification and an agreement to be subject to and bound by the provisions of article VII of this Chapter regarding certificates of appropriateness, including any amendments thereto.

8. Whatever additional materials the commission requests.

B. For a certified historic district.

1. Applicant's name and address;

2. Owners' names and addresses;

3. A vicinity map delineating the boundaries of the area nominated for approval as an historic district;

4. A written statement describing the area and the structures, buildings, objects and sites located therein and setting forth reasons in support of the establishment of an historic district;

5. Written documentation that the owners or occupants have been notified of or consent to the proposed establishment of an historic district;

6. Brief description of the structures, buildings, objects and sites in the nominated area and the structures, buildings, objects and sites, adjacent to and across from such area; and

7. A declaration signed by at least 51% of the owners of record of properties within the proposed certified historic district setting forth, at a minimum, an intent to further promote and preserve the historic and architectural appearance and character of property affected by such certification and an agreement to be subject to and bound by the provisions of article VII of this Chapter regarding certificates of appropriateness, including any amendments thereto.

8. Whatever additional materials the commission requests.

C. For a certified structure, building, object or site in an historic district.

1. Applicant's name and address;

2. Owners' names and addresses;

3. A vicinity map delineating the location of the structure, building, object or site and the boundaries of the historic district in which it is located;

4. A written statement setting forth reasons in support of the certifying the structure, building, object or site, including the manner in which the structure, building, object or site contributes to the historic district;

5. Written documentation that the owners or occupants of the structure, building, object or site have been notified of or consent to the proposed certification;

6. Brief description of the nominated structure, building, object or site and the structures, buildings, objects and sites, adjacent to and across from such structure, building, object or site; and

7. A declaration signed by the owners of record of the structure, building, object or site setting forth, at a minimum, an intent to further promote and preserve the historic and architectural appearance and character of the structure, building, object or site affected by such certification and an agreement to be subject to and bound by the provisions of article VII of this chapter regarding certificates of appropriateness, including any amendments thereto.

8. Whatever additional materials the commission requests.

D. *For an honorary landmark as provided in Chapter 26B of the village code.*

1. Applicant's name and address;
2. Owners' names and addresses;
3. Information regarding the conferring of honorary landmark status upon the structure, building, object or site in question; and
4. A declaration signed by the owners of record of the structure, building, object or site setting forth, at a minimum, an intent to further promote and preserve the historic and architectural appearance and character of the structure, building, object or site affected by such certification and an agreement to be subject to and bound by the provisions of article VII of this chapter regarding certificates of appropriateness, including any amendments thereto.

(2) Complete application forms shall be filed with the village clerk, who shall forward each application to the commission and its secretary for action.

(d) *Notice.* Within 15 days after the filing of a nomination on a completed application form, the secretary of the commission shall schedule a public hearing on the whether such application should be recommended for approval by setting forth a date, time and place for such hearing. Such hearing shall be scheduled for the next available regular meeting of the commission. The secretary of the commission shall cause written notice to be sent to the applicant, the owner or owners of record, the occupants (either by name or to "occupants" of the site or sites in question), and, if known, to other persons having a legal or equitable interest in the site or sites nominated for certified status and shall also cause notice to be published in a newspaper of general circulation in the village. Such notice shall be given not less than 15 days prior to the scheduled hearing and shall set forth the nature of such hearing, the site or area involved, and the date, time and place of such hearing. If, upon diligent search, the identity or whereabouts of the owner or owners of record or legal or equitable interest holders is not ascertainable, notice mailed to the person or persons in whose name such site was last assessed is sufficient notice under this chapter.

(e) *Public hearing.* At the public hearing, the commission shall afford all persons present an opportunity to be heard and to express their views pertaining to the nomination for certified status. The secretary of the commission shall record these proceedings. The commission may adjourn or continue such public hearing without further public notice.

(f) *Recommendations.*

(1) The commission shall review all information presented to it at the public hearing and shall adopt a recommendation that the nominated landmark, district, or structure, building, object or site does or does not meet the criteria herein prescribed. The recommendation shall be accompanied by a report that shall contain the following information:

- A. The commission's rationale for recommending either approval or rejection of the nomination;
- B. In the case of a nominated landmark meeting the criteria for landmark status, the significant feature of features in the exterior architectural appearance of the landmark that should be protected and preserved;
- C. In the case of an area nominated as a certified historic district and meeting the criteria for certified historic district status, the significant features in the exterior architectural appearance of any structures, buildings, objects or sites within such historic district that should be protected and preserved;
- D. In the case of a the case of a nominated structure, building, object or sites within an historic district, the significant features in the exterior architectural appearance of such structure, building, object or site that contributes to such historic district and that should be protected and preserved; and
- E. Any other pertinent comments related to the nomination for certified status.

(2) The commission shall submit its recommendations on each nomination to the board of trustees, which shall promptly act upon such recommendation. All recommendations by the commission shall be filed with the village clerk and made available to persons requesting the same in writing.

(g) *Establishment of certified status.* An ordinance passed by the affirmative vote of at least four members of the board of trustees shall be required to approve a certified landmark, a certified historic district, or a certified structure, building, object or sites within an historic district. Upon passing an ordinance approving the nomination for certified status, the board of trustees shall direct that notice be sent to the building official, the owners of record, the occupants (either by name or to "occupants" of the site or sites in question), and, if known, to other persons having a legal or equitable interest in the approved site or sites, advising them of such approval and informing them that any structure, building, object, site or area granted certified status under this chapter shall thereafter be subject to the requirements of this chapter. The board of trustees shall also direct that the ordinance approving such certified status be recorded in the office of the Cook County Recorder of Deeds, along with the declaration executed by the owner(s) of record pursuant to section 26A-21(c)(1)(A)(7), 26A-21(c)(1)(B)(7), or 26A-21(c)(1)(C)(7).

(h) *Denial of certified status.* An applicant whose nomination for certified status is denied by the board of trustees may request reconsideration by filing a written request within ten days after a decision denying the application is rendered; provided, however, that the board of trustees shall reconsider a nomination only if substantial new evidence or information regarding the nomination for certified status is provided. Once a nomination has been denied by the board of trustees, no further nominations involving any site whose nomination was denied may be filed for 90 days.

(i) *Stay of proceedings.* No building, demolition, sign or other permit shall be issued for a structure, building, object, site or area nominated for certified status from the date when the nomination form is filed with the village clerk until the final disposition of the nomination, except upon completion of the procedures set forth in article V of chapter 26B of the village code.

(j) *Special procedures for certifying honorary landmarks.* Notwithstanding the procedures set forth in subsections 26A-21(d-g) for certifying a structure, building, object, or site as a landmark, for any structure, building, object, or site that has previously been conferred honorary landmark status as provided for in chapter 26B of the village code and for which an application has been filed in accordance with subsection 26A-21(c)(1)(D), the following procedures shall apply in considering the certification of such honorary landmark:

(1) Upon receipt of a completed application, the commission shall review the building permit files relating to the structure, building, object, or site that seeks certification to determine whether any permits have been issued relating to such structure, building, object, or site or alterations have been made to such structure, building, object, or site since it obtained honorary landmark status.

(2) If no permits have been issued or alterations made to the structure, building, object, or site since it obtained honorary landmark status, then the board of trustees may adopt an ordinance granting certified status to such structure, building, object, or site, which shall thereafter be subject to the requirements of this Chapter. If such ordinance is adopted, the board of trustees shall also direct that the ordinance approving such certified status be recorded in the office of the Cook County Recorder of Deeds, along with the declaration executed by the owner(s) of record pursuant to section 26A-21(c)(1)(D)(4).

(3) In the event that permits have been issued or alterations made to the structure, building, object, or site since it obtained honorary landmark status, the commission shall conduct a meeting with the applicant to review the nature of any alterations and whether the alterations were consistent with the criteria set forth in section 26A-53.

(a) If the commission determines that any alterations to the structure, building, object, or site were consistent with the criteria set forth in section 26A-53, then the commission shall recommend that the board of trustees adopt an ordinance granting certified status to such structure, building, object, or site. Upon adoption of such ordinance by the board of trustees, the structure, building, object, or site shall thereafter be a certified landmark and shall be subject to the requirements of this chapter. The board of trustees shall also

direct that the ordinance approving such certified status be recorded in the office of the Cook County Recorder of Deeds, along with the declaration executed by the owner(s) of record pursuant to section 26A-21(c)(1)(D)(4).

(b) If the commission determines that any alterations to the structure, building, object, or site were not consistent with the criteria set forth in section 26A-53, then the commission shall direct the applicant to file an application for certified status pursuant to section 26A-21(c)(1)(A) or 26A-21(c)(1)(C).

(Ord. No. 90-32-1841; Ord. No. 2013-10-3340)

§ 26A-22 WITHDRAWAL OF LANDMARK OR HISTORIC DISTRICT DESIGNATION.

(a) *Conditions for withdrawal.* The approval of a structure, building, object, site or area for certified status or as a certified historic district (or a part thereof) may be rescinded, and such certified status withdrawn, under any of the following conditions:

(1) The structure, building, object, site or area has ceased to meet the criteria for certified status because the qualities which caused it to be originally approved have been lost or destroyed or such qualities were lost subsequent to nomination, but before conferral of certified status;

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(2) Additional information shows conclusively that the structure, building, object, site or area does not possess sufficient significance to meet the criteria for approval of certified status;

(3) The original conferral of certified status was clearly in error; or

(4) There was prejudicial procedural error in the process of reviewing an application for certified status.

(b) *Requests for withdrawal.* Any commissioner, the owner of any structure, building, object or site having certified status, or 50% or more of the property owners in an area approved as a certified historic district may initiate a procedure to withdraw the certified status from such structure, building, object, site or area.

(c) *Application and hearing.* A procedure to withdraw the certified status from a structure, building, object, site or area shall be initiated by filing an application in accordance with subsection 26A-21(c) hereof. Upon the filing of a completed application, notice shall be given and a public hearing shall be held in accordance with subsections 26A-21(d) and (e) hereof.

(d) *Recommendation; determination.*

(1) Promptly after the close of the public hearing, the commission shall either:

A. Determine that withdrawal of certified status is not warranted, which determination shall be final; or

B. Recommend to the board of trustees that the certified status should be withdrawn.

(2) Such determination or recommendation shall be in writing and shall set forth the reasons therefor. Any determination or recommendation shall be submitted to the board of trustees, sent to the applicant and filed with the village clerk.

(e) *Board action.* The board of trustees shall promptly act upon a recommendation for withdrawal of certified status. An ordinance passed by the affirmative vote of at least four members of the board of trustees shall be required to rescind the approval of, and withdraw the certified status of a structure, building, object, site or area (which withdrawal in the case of a certified historic district may affect all or part of such district). Upon passing an ordinance approving the withdrawal of such certified status, the board of trustees shall direct that notice be sent to the building official, the owners of record, the occupants (either by name or to "occupants" of the site or sites in question), and, if known, to other persons having a legal or equitable interest in the site or sites, advising them that such certified status has been withdrawn. The board of trustees shall also direct that the ordinance withdrawing the certified status from a structure, building, object, site or area be recorded in the office of Cook County Recorder of Deeds.

(Ord. No. 90-32-1841; Ord. No. 2013-10-3340)

ARTICLE V. RESERVED

§ 26A-30 - 26A-39 RESERVED.

(Ord. 2013-10-3340)

ARTICLE VI. FINANCIAL BENEFITS

§ 26A-40 INTENT; COOPERATION WITH ILLINOIS HISTORIC PRESERVATION AGENCY.

To the extent that any tax advantages or public funds are made available to maintain or encourage historic preservation, it is the intent of this chapter that only (i) certified landmarks, (ii) certified structures, buildings, objects, or sites within an historic district, and (iii) properties within a certified historic districts for which a declaration has been signed and recorded as provided in this chapter shall be eligible for such advantages or funds. Any structures, buildings, objects, or sites previously identified under this chapter as a "designated landmark" shall no longer be deemed a landmark under this chapter, except for such designated landmarks for which a construction permit had been issued as of March 21, 2013, but only with respect to exterior alterations that the commission had previously made a favorable determination through advisory review. The village manager or the manager's designee shall cooperate with the Illinois Historic Preservation Agency (or any other department or officials providing or overseeing the granting of financial benefits in furtherance of historic preservation) to effect the intent of this chapter as set forth in this section 26A-40.

(Ord. No. 2013-10-2340)

§ 26A-41 - 26A-42 RESERVED.

(Ord. No. 2013-10-2340)

ARTICLE VII. CERTIFICATE OF APPROPRIATENESS

§ 26A-50 CERTIFICATE OF APPROPRIATENESS.

(a) Unless expressly exempted herein, no alteration shall be allowed to, and no permits shall be issued for the alteration, demolition, signage or any other physical modifications of, the exterior architectural appearance of a structure, building, object, site or area having certified status under this chapter 26A without the prior issuance of a certificate of appropriateness in accordance with the procedures and criteria specified in this article. This article shall not apply to individual structures, buildings, or sites within a certified historic district unless a declaration has been signed and recorded with respect to the affected property as provided in this chapter.

(b) A certificate of appropriateness shall not be required in connection with permits necessary for compliance with a lawful order of a village, including without limitation any permit necessary to correct what is determined by the issuing officer to be an immediate health or safety problem; provided such order expressly exempts the alteration, demolition, signage or other physical modifications from certificate of appropriateness procedures; and provided further that such order may be subject to appropriate conditions to advance the purpose and goals of this chapter.

(Ord. No. 90-32-1841; Ord. No. 2013-10-3340)

§ 26A-51 PROCEDURE.

(a) *Application.* Any person proposing an alteration to or seeking a building, demolition, sign or other permit for, any structure, building, object or site having certified status shall submit an application for and obtain a certificate of appropriateness as a precondition to commencing such alteration or to obtaining such building, demolition, sign or other permit. The application for the certificate of appropriateness shall include at least the following information and specifications:

- (1) Applicant's name;
- (2) Owner's name, if different from applicant;
- (3) Street address and legal description of the site;

- (4) An overall site plan of the site, including front, side and rear elevation drawings in the case of alteration or partial demolition;
- (5) Brief description of the structures, buildings and objects on the site and the structures, buildings and objects on site adjacent to and across from such original site;
- (6) Detailed description of the proposed alteration or demolition, together with any architectural drawings, sketches and photographs indicating how and to what extent such alteration or demolition shall affect a landmark or historic district;
- (7) Names and addresses of the owners of property adjacent to and across from the site;
- (8) A list and photographs of significant architectural features in relation to the structures, buildings or objects on the site previously identified by the commission as being worthy of protection and preservation;
- (9) Identification of any architect or developer involved in the alteration or demolition; and
- (10) Whatever additional materials the commission requests. Complete application forms shall be filed with the village clerk, who shall forward such application to the commission and its secretary for action.

(b) *Notice.* Within 15 days after the filing of a complete application for a certificate of appropriateness, the commission shall schedule a public hearing to consider the application. Such hearing shall be scheduled not sooner than 20 nor more than 45 days after the complete application is filed. The secretary of the commission shall cause written notice by certified or registered mail to be sent to the applicant, the legal and, if applicable, beneficial owner or owners of the site, the occupants (either by name or to "occupants" of the site or sites in question), and the owner or owners of property adjacent to or across from the site, and shall also cause notice to be published in a newspaper of general circulation in the Village of Glencoe. Such notice shall be given not less than 15 days prior to the scheduled hearing and shall set forth the nature of such hearing, the site involved, and the date, time and place of such hearing.

(c) *Public hearing.* At the public hearing, the commission shall afford all persons present an opportunity to be heard, to express their views, and to present evidence pertaining to the proposed alteration or demolition. The secretary of the commission shall record these proceedings. The commission may adjourn or continue such hearing without further public notice. Within 30 days after the close of such hearing, the commission shall review all information presented to it and shall either approve the certificate of appropriateness, approve the certificate of appropriateness with conditions, deny the certificate of appropriateness, or, in cases involving demolition, postpone the decision to approve or deny the certificate of appropriateness.

(d) *Approval.* If the application is approved without conditions, the commission shall issue the certificate of appropriateness permitting the building official to proceed with other required reviews and approvals.

(e) *Approval with conditions.* If the application is approved with conditions, the commission shall notify the applicant in writing and shall specify the conditions to be imposed and the reasons therefore in light of the criteria applicable to this article. If the applicant notifies the commission in writing that the conditions are acceptable, or if the applicant does not appeal the approval with conditions within the prescribed period of time, the commission shall issue the certificate of appropriateness, subject to the conditions.

(f) *Denial.* If the application is denied, the commission shall notify the applicant in writing and shall specify the particulars in which the application is inconsistent with the criteria applicable to this article.

(g) *Postponement.* In cases involving demolition where the commission decides to postpone action on an application for a certificate of appropriateness, the commission shall notify the applicant in writing. The period for postponement set forth by the commission shall not extend more than 12 months beyond the close of the public hearing. During the period set forth for postponement of the requested action, the commission shall explore alternatives to demolition. Such alternatives may include consultation with private civic groups, interested private citizens, and other public boards or agencies in an effort to find a means of preserving the certified landmark or the certified structure, building, object or site located within

an established historic district. If no alternative has been accepted by the applicant upon expiration of the period for postponement, the commission shall, within 15 days after such expiration date, either approve, approve with conditions or deny the certificate of appropriateness.

(h) *Validity.* A certificate of appropriateness shall be invalid if the plans approved by the commission are changed, if any conditions of the certificate are not satisfied, or if any building permit issued for the approved work becomes invalid. A certificate of appropriateness shall remain valid for a period of one year.

(Ord. No. 90-32-1841; Ord. No. 2013-10-3340)

§ 26A-52 APPEAL.

In the event the commission denies the application, approves the application with conditions, or, in cases involving demolition, decides to postpone action on an application, the applicant shall have the right to appeal such decisions directly to the board of trustees.

(a) *Time for filing appeal.* An applicant may appeal the commission's decision by filing an appeal in writing with the village clerk within 15 days after the applicant is served with notice by certified or registered mail of the commission's decision. For purposes of this section, the date of service shall be the date that notice by certified or registered mail is posted.

(b) *Hearing date.* Within 15 days after applicant files an appeal, the village clerk shall notify the village president, who shall set a date for hearing the appeal. Such hearing date shall be scheduled no later than 45 days after the filing of the appeal. After a hearing date has been scheduled, the village clerk shall notify the applicant in writing, by certified or registered mail, at least seven days prior to the hearing. The notice shall state the date, time and place of the hearing.

(c) *Record on appeal.* Upon the filing of an appeal, the village clerk shall obtain from the secretary of the commission a written summary of the proceedings from the commission's public hearing. The village clerk shall also notify the building official and chairperson of the commission of the appeal, who shall forward to the village clerk any other relevant records and materials regarding the application for a certificate of appropriateness. The foregoing shall constitute the record on appeal and shall be delivered to the board of trustees before the hearing date on the appeal.

(d) *Hearing.* At the hearing on appeal, the board of trustees shall permit the applicant to speak in support of the application and to present any additional evidence relating thereto. The board of trustees may also consider testimony from village employees or officials, members of the commission, or other interested persons. At the conclusion of the hearing, the board of trustees shall consider the record on appeal, the testimony presented on appeal, and any other evidence and shall determine whether the commission's decision is consistent with the criteria applicable to this article. The board of trustees shall then vote whether to affirm or reverse the decision of the commission in whole or in part, or to remand the application to the commission for further review. The village clerk shall notify the applicant in writing of the decision of the board of trustees on appeal. Except for decisions to postpone in cases involving demolition, or to remand to the commission for further consideration, such notice shall state that the decision of the board of trustees is final.

(e) *Approval.* If the application is approved without conditions on appeal, the board of trustees shall instruct the building official to issue the certificate of appropriateness.

(f) *Approval with conditions.* If the application is approved with conditions on appeal, the board of trustees shall specify the conditions to be imposed and the reasons therefore in light of the criteria applicable to this article. If the applicant notifies the board of trustees in writing that the conditions are acceptable, or if the applicant does not further appeal the approval with conditions, the board of trustees shall instruct the building official to issue the certificate of appropriateness, subject to the conditions.

(g) *Denial.* If the application is denied, the board of trustees shall notify the applicant in writing and shall specify the particulars in which the application is inconsistent with the criteria set forth in this article.

(h) *Postponement.* In cases involving demolition where the board of trustees affirms the postponement of action on an application for a certificate of appropriateness, the board of trustees shall notify the applicant in writing. The period for postponement as affirmed or modified by the board of trustees shall not extend more than 12 months beyond the close of the commission's public hearing.

(i) *Remand.* If the board of trustees votes to remand an application to the commission for further proceedings, the chairperson of the commission shall be notified and shall set a date for a new hearing. Such date shall be no later than 45 days after the board's decision to remand, unless the applicant waives or extends the 45-day period in writing. If the hearing is not commenced within such period, the commission shall instruct the building official to issue the certificate of appropriateness. In all other instances, the hearing on remand shall be conducted in the same manner as the original hearing before the commission.

(j) *Final decision; administrative review.* Any final decision on a certificate of appropriateness by the board of trustees shall be deemed a decision directing the owner of a structure, building, object, site or area having certified status to do or refrain from doing any specific thing, or refusing to permit such owner to do some specific thing he or she desires to do, in connection with such owner's property. As such, any final decision on a certificate of appropriateness by the board of trustees may be further appealed in accordance with the administrative review procedures of the Illinois Code of Civil Procedure, as may be amended from time to time.

(k) *Validity.* A certificate of appropriateness shall be invalid if any plans approved by the board of trustees are changed, if any conditions of such certificate are not satisfied, or if any building permit issued for the approved work becomes invalid. A certificate of appropriateness shall remain valid for a period of one year.

(Ord. No. 90-32-1841; Ord. No. 2013-10-3340)

§ 26A-53 CRITERIA.

In determining whether to issue a certificate of appropriateness, the commission and, if applicable, the board of trustees shall consider the following criteria, as applicable.

(a) *General standards.*

(1) Reasonable efforts should be made to use a property for its originally intended purpose or to provide a compatible use that requires minimal alteration of a structure, building, object or site and its environment.

(2) The distinguishing original qualities or character of a structure, building, object or site and its environment should not be destroyed. No alteration or demolition of any historic material or distinctive architectural feature should be permitted except when necessary to assure an economically viable use of a site.

(3) All structures, buildings, objects, sites and areas should be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance than the true age of the property are discouraged.

(4) Changes that may have taken place in the course of time are evidence of the history and development of a structure, building, object or site and its environment. These changes may have acquired significance in their own right, and this significance should be recognized and respected when dealing with a specific architectural period.

(5) Distinctive stylistic features or examples of skilled craftsmanship that characterize a structure, building, object, site or area should ordinarily be maintained and preserved.

(6) Deteriorated architectural features should be repaired rather than replaced, whenever 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 buildings or structures.

(7) The surface cleaning of structures, buildings and objects should be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the structures, buildings or objects should be avoided.

(8) New structures, buildings or objects or alterations to sites should not be discouraged when such structures or alterations do not destroy significant historical, architectural or cultural features and are compatible with the size, scale, color, material and character of the site, neighborhood or environment.

(9) Wherever possible, new structures, buildings or objects or alterations to the existing conditions of sites should be done in such a manner that, if such new structures or alterations were to be removed in the future, the essential form and integrity of the original structure, building, object, site or area would be unimpaired.

(10) Alterations that do not affect any essential architectural or historic features of a structure, building or object as viewed from the public way ordinarily should be permitted.

(11) Any permitted alteration or demolition should promote the purposes of this ordinance and general welfare of the village and its residents.

(12) Demolition should not be permitted if a structure, building, object or site is economically viable in its present condition or could be economically viable after completion of appropriate alterations, even if demolition would permit a more profitable use of such site.

(b) *Design guidelines.*

(1) *Height.* The height of a certified landmark after alteration should be compatible with the height of the original landmark. The height of a structure, building or object after alteration within an historic district should be compatible with the height of surrounding structures, buildings and objects within such historic district.

(2) *Relationship between mass and open space.* The relationship between a landmark and adjacent open space after its alteration should be compatible with such relationship prior to such alteration. The relationship between a structure, building or object and adjacent open spaces after alteration within an historic district should be compatible with the relationship between surrounding structures, buildings and objects and adjacent open spaces within such historic district.

(3) *Relationship among height, width and scale.* The relationship among the height, width and scale of a landmark after alteration should be compatible with such relationship prior to such alteration. The relationship among height, width and scale of a structure, building or object after an alteration within a historic district should be compatible with the relationship among height, width and scale of surrounding structures, buildings and objects within such historic district.

(4) *Directional expression.* The directional expressions of a landmark after alteration, whether its vertical or horizontal positioning, should be compatible with the directional expression of the original landmark. The directional expression of a structure, building or object after alteration within an historic district should be compatible with the directional expression of surrounding structures, buildings and objects within such historic district.

(5) *Roof shape.* The roof shape of a landmark after alteration should be compatible with the roof shape of the original landmark. The roof shape of a structure, building or object after alteration within an historic

district should be compatible with the roof shape of surrounding structures, buildings and objects within such historic district.

(6) *Architectural details, general designs, materials, textures and colors.* The architectural details, general design, materials, textures and colors of a landmark after alteration should be compatible with the architectural details, general design, materials, textures and colors of the original landmark. The architectural details, general design, materials, textures and colors of a structure, building or object after alteration within a historic district should be compatible with the architectural details, general design, materials, textures and colors of surrounding structures, buildings and objects within such historic district.

(7) *Landscape and appurtenances.* The landscape and appurtenances, including, without limitation, signs, fences, accessory structures and pavings, of a landmark after alteration should be compatible with the landscape and appurtenances of the original landmark. The landscape and appurtenances of a structure, building or object after alteration within an historic district should be compatible with the landscape and appurtenances of surrounding structures, buildings and objects within such historic district.

(8) *Construction.* New construction in an historic district should be compatible with the architectural styles and designs within such historic districts.

(c) *Additional guidelines.* In addition to the foregoing guidelines, the commission may consider the Secretary of the Interior's Standards for Rehabilitation Guidelines for Rehabilitating Historic Buildings (revised 1983), and any amendments thereto, in conducting an advisory review.

(d) *Economic hardship.* Notwithstanding the foregoing criteria, if an applicant seeks a certificate of appropriateness on the grounds of economic hardship, the applicant shall present sufficient evidence to the commission and, if applicable, to the board of trustees to establish that no economically viable use of a site can be made unless the requested change is permitted. In order to evaluate fully a claim of economic hardship, the commission and, if applicable, the board of trustees may require an applicant to provide any relevant data or studies or may itself undertake or cause to undertake studies relating to the economic viability of the site. Economic hardship shall be but one criterion to be considered by the commission and, if applicable, by the board of trustees.

(Ord. No. 90-32-1841; Ord. No. 2013-10-3340)

ARTICLE VIII. GENERAL PROVISIONS

§ 26A-60 VIOLATIONS.

Any person who violates any provision of this chapter shall be subject to the penalty provisions of chapter 16 of the Glencoe village code. In addition, the village may seek to enforce the provisions of this chapter by suit or action seeking injunctive or other judicial relief.

(Ord. No. 90-32-1841; Ord. No. 2013-10-3340)

§ 26A-61 INTERPRETATION.

This chapter is not intended to repeal, abrogate, annul or in any way impair or interfere with any existing provision of law or ordinance or any rules, regulations or permits; provided, however, that where there is a conflict between any provision of this chapter and provisions of any other law or ordinance, the provision that imposes a greater restriction upon the use of buildings or premises shall control.

(Ord. No. 90-32-1841; Ord. No. 2013-10-3340)

Chapter 13 - HISTORIC PRESERVATION COMMISSION

2-13-1. - Purpose of provisions.

It is hereby declared necessary for the general welfare of the citizens of the Village to protect and encourage the continued utilization of areas, districts, places, buildings, structures, works of art, and other similar objects within the Village, including "Stacy's Tavern", eligible for designation by ordinance as "Glen Ellyn landmarks". This declaration of intent shall incorporate the following purposes:

- (A) To identify, preserve, protect, enhance and encourage the continued utilization and the rehabilitation of such areas, districts, places, buildings, structures, works of art and other objects having a special historical, community, architectural or aesthetic interest or value to the Village and its citizens;
- (B) To safeguard the Village's historic and cultural heritage, as embodied and reflected in such areas, districts, places, buildings, structures, works of art and other objects determined eligible for designation by ordinance as "Glen Ellyn landmarks";
- (C) To preserve the character and vitality of the neighborhoods and central area, to promote economic development through rehabilitation, and to conserve and improve the property tax base of the Village;
- (D) To foster civic pride in the beauty and noble accomplishments of the past as presented in such "Glen Ellyn landmarks";
- (E) To protect and enhance the attractiveness of the Village to homeowners, home buyers, tourists, visitors, businesses and shoppers, and thereby to support and promote business, commerce, industry, and tourism and to provide economic benefit to the Village;
- (F) To foster and encourage preservation, restoration, and rehabilitation of areas, districts, places, buildings, structures, works of art and other objects, including entire districts and neighborhoods, and thereby prevent future urban blight and in some cases reverse current urban deterioration;
- (G) To foster the education, pleasure, and welfare of the people of the Village through the designation of "Glen Ellyn landmarks";
- (H) To encourage the continuation of surveys and studies of Glen Ellyn's historical and architectural resources and the maintenance and updating of a register of areas, districts, places, buildings, structures, works of art and other objects which may be worthy of landmark designation;
- (I) To encourage public participation in identifying and preserving historical and architectural resources through public hearings on proposed designations, building permits, and economic hardship variations;
- (J) To aid in the development and restoration of "Stacy's Tavern" as it existed during the period between the years 1846 and 1850.

(Ord. 3825, 4-22-1991)

2-13-2. - Commission on Glen Ellyn Landmarks.

(A) *Creation, membership; terms:*

1. *Creation and membership:* There is hereby continued in existence the Historic Preservation Commission of the Village of Glen Ellyn, which commission shall be empowered to recommend the designation of historical and architectural landmarks within the Village in compliance with the powers and duties enumerated herein. The Commission shall consist of nine members,

appointed by the President with the approval of a majority of the Board of Trustees, to serve without compensation, except that the members of the Historic Preservation Commission as it existed at the time of enactment of this chapter shall continue as members of said Commission. Thereafter, an effort shall be made to select as members persons who are professionals in the disciplines of history, architecture, historic architecture, planning, archaeology, real estate, historic preservation, or related fields, or who have demonstrated special interest, knowledge or experience in architecture, history, neighborhood preservation, or related disciplines. A member of the Board of Trustees to be appointed by the President shall serve as an ex officio, nonvoting member for a term of two years. The Village President, with the advice and consent of a majority of the Village Board, shall designate one of the members as Chairman. The Chairman shall be appointed annually in June of each year. A secretary, who is not a member of the Commission, shall be provided by the manager's office. All Commissioners shall reside, own property, or work in the Village. The Village President may choose Commissioners with special knowledge or special interest in the Village of Glen Ellyn who are not currently residing, property owners, or working within the Village.

2. *Terms:* Each member shall serve for a term of three years. All terms shall expire on May 31.
3. *Vacancies:* Vacancies on the Commission shall be filled for the unexpired term of the member whose place has been vacant in the same manner in which original appointments are required to be made.
4. *Removal:* A Commission member may be removed by a majority vote of the Village President and Board of Trustees.

(B) *Meetings; voting:*

1. *Regular meetings:* Regular meetings shall be monthly on a day certain as determined by the Chairman of the Commission.
2. *Special meetings:* Special meetings of the Commission may be called by the Chairman from time to time. Members of the Commission must receive notice not less than 48 hours prior to a special meeting. Notice of said special meeting must be posted in the Civic Center not less than 48 hours before said meeting. Special meetings may be called by the written request of any two members of the Commission. Such written request shall be received by the Chairman no less than five days prior to the requested date of meeting.
3. *Notice of meetings:* Whenever any action affecting an owner of property proposed or designated as a landmark is to be considered at a regular or special meeting of the Commission, the owner shall be provided at least seven days' advance written notice of such meeting except where different notice provisions are specified elsewhere in this chapter.
4. *Quorum:* The presence of a majority of the Commission members then in office shall be necessary to constitute a quorum to transact any Commission business at any regular or special meeting of the Commission.
5. *Manner of acting:* Except as otherwise provided in this chapter, the act of a majority of the members present at a meeting at which a quorum is present shall be the act of the members.
6. *Rules of procedure:* The Commission shall enact rules of procedure and regulations not inconsistent with ordinances or statutes that further enhance the purpose of the Commission.

(C) *Reports and records:* The Commission shall keep permanent records and minutes of its meetings, showing the vote of each member upon each topic submitted to it, and of all public hearings. The Commission shall prepare and submit minutes of each meeting to the Village Board in a timely manner. The Commission shall submit its recommendations to the Village Board in writing. A minority report may be attached to the majority recommendation.

(D) *Commission powers and duties:* The commission shall have and may exercise the following duties, powers, and responsibilities:

1. To conduct an ongoing survey of the Village for the purpose of identifying those areas, districts, places, buildings, structures, works of art and other objects of historic or architectural significance;
2. Upon consent of the owner or owners thereof, to hold hearings and to recommend that the Village Board designate by ordinance areas, districts, places, buildings, structures, works of art and other objects as official "Glen Ellyn landmarks", if they qualify as defined hereunder, and to recommend that such designation include all or some portion of the property or any improvements thereon;
3. To cause plaques to be manufactured and installed that identify the significance of designated landmarks and landmark districts;
4. To prepare and publish maps, brochures and other descriptive and educational materials and to advise and assist residents about Glen Ellyn's landmarks and landmark districts and their designation and protection;
5. Subject to provisions set forth in subsection 2-13-10(A) of this chapter, to review permit applications for alteration, construction, reconstruction, erection, demolition, relocation or work of any kind affecting landmarks and structures or unimproved sites in landmark districts and to require the presentation of such plans, drawings, elevations and other information as may be necessary to review those applications;
6. To advise and assist owners or prospective owners of designated or potential landmarks or structures in landmark districts on technical and financial aspects of preservation, renovation and rehabilitation and to establish standards and guidelines therefor;
7. To apply for and accept any gift, grant or bequest from any private or public source, including government agencies, upon approval by the Village Board, for any purpose authorized by these provisions;
8. To spend and disburse such sums as may be appropriated for its use, upon approval of the Village Board;
9. To make recommendations to the Village Board concerning means to preserve, protect, enhance, rehabilitate and perpetuate landmarks and structures in landmark districts;
10. To adopt, publish and make available rules of procedure and other regulations for the conduct of Commission meetings, hearings and other business;
11. To prepare and present nominations of landmarks and historic districts to any State or Federal Registers of Historic Places;
12. To assume whatever responsibility and duties may be assigned to it by the State under certified local government provisions of the National Historic Preservation Act of 1966, as amended;
13. To cooperate with and enlist the aid of persons, organizations, corporations, foundations and public agencies in matters involving historic preservation, renovation, rehabilitation and reuse;
14. To advise any Village department or agency concerning the effect of its actions, programs, capital improvements or activities on designated or potential landmarks;
15. To hold hearings and make recommendations to the Village Board regarding applications for permits to alter, relocate or demolish landmarks or proposed landmarks and applications of property owners for economic hardship exceptions;
16. To exercise any other power or authority necessary or appropriate to carry out the purpose of these provisions.

(Ord. 3825, 4-22-1991; Ord. 5751, 4-27-2009; Ord. 5919, 2-14-2011; Ord. 6041, 6-25-2012; amd. Ord. 6064, 8-27-2012)

2-13-3. - Designation of landmark or landmark district; recommendation and preliminary determination.

(A) *Criteria* for designation: The Commission shall familiarize itself with areas, districts, places, buildings, structures, works of art and other objects within the Village which may be considered for designation by ordinances as "Glen Ellyn landmarks", and maintain a register thereof. Areas, districts, places, buildings, structures, works of art and other objects within the Village being considered for landmarking will have authenticity of historic identity, evidenced by the survival of physical characteristic that existed during the period of its significance. In making its recommendation to the Village Board for designation, the Commission shall limit its consideration solely to the following criteria concerning such area, district, place, building, structure, work of art and other objects:

1. It be of an age of at least 50 years, in whole or in part; and that two or more of the following conditions exist:
 - (a) It be listed on the National or State Register of Historic Places; or
 - (b) Its integrity of location, design, materials and workmanship make it worthy of preservation or restoration; or
 - (c) Its value as an example of the architectural, cultural, economic, historic, social or other aspect of the heritage of the Village of Glen Ellyn, the State of Illinois, or the United States; or
 - (d) Its certain distinguishing characteristic of architecture is inherently valuable for the study of a time period, type of property, method of construction or use of indigenous materials; or
 - (e) Its location as a site of an important archaeological, significant historic, or natural event; or
 - (f) Its identification with a person or persons who significantly contributed to architectural, cultural, economic, historic, social or other aspect of the development of the Village of Glen Ellyn, the State of Illinois, or the United States; or
 - (g) It be one of the few remaining examples of a particular architectural style; or
 - (h) Its exemplification of an architectural type or style distinguished by innovation, rarity, uniqueness or overall quality of design, detail, materials or craftsmanship; or
 - (i) Its identification as the work of an architect, designer, engineer or builder whose individual work is significant in the history or development of the Village of Glen Ellyn, the State of Illinois, or the United States; or
 - (j) Its representation of an architectural, cultural, economic, historic, social or other theme expressed through distinctive areas, districts, places, buildings, structures, works of art or other objects that may or may not be contiguous; or
 - (k) Its unique location or distinctive physical appearance or presence representing an established and familiar visual feature of a neighborhood, community or the Village.
2. In the case of residences, the Commission shall limit its consideration of landmark status to the exterior of the structure.

(B) *Recommendations of landmarks and landmark districts; preliminary determination:* The Commission or any person may recommend districts, places, buildings, structures, works of art and other objects for landmark designation. If other than the Commission, such person shall complete and submit a form provided by the Planning and Development Department. Following a recommendation, the Commission may, by resolution, make a preliminary determination of landmark designation; provided, that the proposed area, district, place, building, structure, work of art or other object meets the age requirement and two or more of the criteria for landmark designation.

(Ord. 6449, 11-14-2016)

2-13-4. - Notice of preliminary determination; request for owner consent.

Within 15 days of its preliminary determination, the Commission shall, by certified mail, return receipt requested, notify the owner(s) of the property of the reasons for and effects of the proposed designation and request that the owner(s) consent in writing to the proposed designation, and shall forward a copy of such notice to the Village Board. The owner(s) shall have 45 days from the date of mailing of the request to respond to the request.

- (A) *Proposed designation of building, etc.:* In the case of the proposed designation of an area, place, building, structure, work of art or other object, an owner may, within the 45-day period, request an extension of time, not to exceed 90 days, to submit a response.
- (B) *Proposed designation of district:* In the case of the proposed designation of a district, an owner or any Trustee may, within the 45-day period, request an extension of time, not to exceed 90 days, for owners of property within the district to submit responses. Of all owners in a proposed landmark district, 66⅔ percent of the property owners within the proposed landmark district must consent before the Commission may proceed under sections 2-13-5 through 2-13-7 of this chapter.

For purposes of this chapter, a "district" shall mean an area which contains, within definable geographic boundaries, one or more landmarks along with such other buildings, places, or areas which, while not of such historic significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark(s) located within the district; and/or an area which contains within definable geographic boundaries such buildings, places, or areas which, while not of such individual significance to be designated as landmarks, nevertheless, as an aggregate, possess historic significance for the Village in:

- 1. Establishing a sense of time and place unique to the Village; and/or
 - 2. Exemplifying or reflecting the cultural, social, economic, political, or architectural history of the Nation, the State, or the Village; and/or
 - 3. Representing distinguishing characteristics of an architectural type which is inherently valuable for studying a period, style, method of construction, indigenous materials, or unique craftsmanship.
- (C) *Owner consent:* If the owner of a proposed individual landmark or if 66⅔ percent of owners in a proposed landmark district fail(s) or refuse(s) to consent to the proposed designation within the applicable time periods, the designation process shall terminate as to that property without further action, and the subject of the proposed designation shall not be reconsidered for a period of two years. If the owner (s) consent(s) within the applicable time period, the Commission shall schedule a public hearing on the proposed designation pursuant to section 2-13-6 of this chapter to be held within 60 days of receipt of consent by the Commission.

(Ord. 3825, 4-22-1991; amd. Ord. 4458, 1-13-1997; Ord. 5266, 6-14-2004)

2-13-5. - Request for planning report.

Upon adoption of a resolution making a preliminary determination, and receipt of owner's consent in writing, the Commission shall advise the Board of Trustees of such resolution and consent and shall request a report from the Planning and Development Director which evaluates the relationship of the proposed designation to the Comprehensive Plan of the Village and the effect of the proposed designation on the surrounding neighborhood. The report shall also include the Director's opinion and recommendation regarding any other planning consideration relevant to the proposed designation and the Director's recommendation of approval, rejection or modification of the proposed designation. The report shall be submitted to the Commission within 45 days of the request, if the proposed designation is of an area, place, building, structure, work of art or other object, or within 60 days, if the proposed designation

is a district, and shall become part of the official record concerning the proposed designation. The Commission may make such modifications concerning the proposed designation and recommendation as it deems necessary. If the Director fails to submit a report within the time provided herein, the Commission may proceed with the designation process.

(Ord. 3825, 4-22-1991)

2-13-6. - Public hearing; recommendation of Commission.

- (A) *Notice requirements:* Prior to conducting a public hearing as provided hereunder, the Commission shall give at least 15 days' written notice of the date, time and place of the hearing to any owner of the subject property. The Commission shall also cause to be posted, for a period of not less than 15 days immediately preceding the hearing, a placard stating the time, date, place and matter to be considered at the hearing and such other information as directed by the Planning and Development Director. The placard shall be prominently displayed on the place, building, object or structure, or on the public ways abutting the property, and, in the case of designation of areas or districts, the placards shall be placed on the principal boundaries thereof. In addition, not more than 30 nor less than 15 days prior to the hearing, the Commission shall cause a legal notice to be published in a newspaper of general circulation in the Village setting forth the nature of the hearing, the property, area or district involved, and the date, time and place of the scheduled public hearing.
- (B) *Presentation of evidence; designation of parties:* The Commission shall provide a reasonable opportunity for all interested persons to present testimony or evidence under such rules as the Commission may adopt governing the proceedings of a hearing. The hearing may be continued to a date certain, and a transcript and record shall be kept of all proceedings. A person, organization or other legal entity whose use or whose members' use or enjoyment of the area, district, place, building, structure, work of art or other object proposed for designation may be injured by the designation or the failure of the Commission to recommend designation, may become a party to the proceeding. The foregoing shall include, without limitation, persons, organizations or other legal entities residing in, leasing or having an ownership interest in real property located within 250 feet of the property line of the proposed or designated landmark or landmark district.
- (C) *Commission recommendation following hearing; objections; vote of commission:* No later than its next regular meeting after the conclusion of the public hearing, the Commission shall vote upon whether to recommend the proposed landmark designation to the Board of Trustees. The affirmative vote of five members of the Commission shall be required to recommend a designation to the Board of Trustees. If the Commission recommends a designation, it shall set forth its recommendation in writing, including findings of fact relating to the criteria for designation in subsection 2-13-3(A) of this chapter that constitutes the basis for its decision. The Commission shall include with its written report the official record of its proceedings. If the proposed designation is of an area, place, building, structure, work of art or other object, the Commission shall transmit its report to the Board of Trustees within 60 days from the conclusion of the public hearing. If the proposed designation is of a district, the Commission shall transmit its report to the Board of Trustees within 90 days from the conclusion of the public hearing. Copies of the Commission report shall be sent to the owner of the property and placed on file with the Village Clerk.

(Ord. 3825, 4-22-1991)

2-13-7. - Consideration of recommended designation by Village Board of Trustees; plaques.

Within 45 days of receipt of the Commission recommendation, the Board of Trustees shall review and give due consideration to the findings, recommendations and record of the Commission in making its determination with respect to the proposed designation of any area, district, place, building, structure, work of art or other object having a special historical, community, architectural or aesthetic interest or value and shall vote upon such recommendation. The Board of Trustees may, by passage of an

ordinance within 45 days of the Commission recommendation, designate an area, district, place, building, structure, work of art or other object meeting one or more of the criteria stated in subsection 2-13-3(A) of this chapter as a "Glen Ellyn landmark". The Village Board shall direct that a suitable plaque or plaques be created by the Commission appropriately identifying said landmark and the owner(s) of the designated landmark shall affix said plaque to the property.

(Ord. 3825, 4-22-1991)

2-13-8. - Landmarks; notice of official designation.

The Commission shall, within ten days of official landmark designation, send a certified copy of the ordinance designating the property and a summary of the effects of designation to the owner(s) of the property by certified mail, return receipt requested. The Commission shall also file with the recorder of deeds of DuPage County, the assessor of DuPage County, the Village Clerk, the Department of Public Works of the Village, and all other relevant Village departments, a certified copy of the designating ordinance.

(Ord. 3825, 4-22-1991)

2-13-9. - Amendment, rescission and reconsideration of designation.

Any designation of an area, district, place, building, structure, work of art or other similar object as a "Glen Ellyn landmark" shall only be amended or rescinded in the same manner and procedure as the original designation was made. If the Commission votes not to recommend a proposed designation to the Village Board, or if the Commission has failed to issue its recommendations on a proposed designation within the time provided, or if the Village Board has refused to designate a proposed "Glen Ellyn landmark", then the Commission may not reconsider the proposed designation for a period of one year from the date of the negative Commission vote, or from the date of expiration of the time limitation for Commission action, or from the date of the Village Board's refusal to designate, whichever is applicable.

(Ord. 3825, 4-22-1991)

2-13-10. - Alteration, relocation or demolition of landmarks.

(A) *Application for permit; review requirements:* All permits for alterations, construction, erection, demolition, relocation or other work on the exterior of the structure shall be reviewed by staff in the administration or Planning and Development departments within 15 days of receipt thereof. The report will evaluate the impact of the permit application on the landmark structure and the effect on the surrounding neighborhood. The report shall also include staff's opinion and recommendation regarding any other planning consideration relevant to the permit application and staff's recommendation of approval, rejection or modification of the permit application. Staff will then forward a report and recommendation regarding the permit application to the Commission within 15 days of receipt thereof.

No permit for alteration, construction, reconstruction, erection, demolition, relocation or any other work affecting exterior appearance shall be issued to any applicant by any department of the Village without the written approval of the Commission for any area, district, place, building, structure, work of art or other object for which the Commission has made a preliminary determination of landmark status or which has been designated as a "Glen Ellyn landmark": 1) where such permit would allow the alteration or reconstruction of or addition to any exterior improvement which constitutes all or a part of a landmark or proposed landmark; or 2) where such permit would allow the demolition of any improvement which constitutes all or a part of a landmark or proposed landmark; or 3) where a permit would allow the construction or erection of any addition to any improvement or the erection of any new structure or improvement on any land within a landmark district; or 4) where a permit would

allow the construction or erection of any sign or billboard within the public view which may be placed on, in or immediately adjacent to any improvement which constitutes all or part of any landmark or proposed landmark.

Where the permit application involves a proposed landmark and the owner has submitted written consent to designation, the Commission may initiate the review process provided hereunder or it may impose a moratorium on the issuance of any permits until the designation process is completed. Where the proposed or officially designated landmark is a residence, the Commission shall concern itself solely with applications pertaining to alteration or reconstruction of the exterior, to the exterior of any proposed additions, and to the effect such addition will have on the character and appearance of the exterior in its entirety.

Any Village department which receives an application for a permit as defined in this section shall forward the application, including copies of all detailed plans, designs, elevations, specifications and documents relating thereto, to administration or Planning and Development staff within 15 days of receipt thereof, which will then be sent to the Commission within 15 days of receipt thereof. It shall be a violation of this chapter for an owner to perform, authorize or allow work or other acts requiring review without a permit.

(B) *Exception for preexisting work, ordinary maintenance and hazardous conditions:*

1. Erection, construction, reconstruction, alteration or demolition work begun pursuant to a properly issued permit prior to a preliminary determination of landmark status shall not be subject to review by the commission unless such permit has expired, been canceled or revoked, or the work is not diligently proceeding to completion in accordance with the Glen Ellyn building code.
2. Nothing in this chapter shall be construed to prevent the ordinary repair and maintenance of any exterior elements of a property or structure designated or proposed as a landmark or located within a designated or proposed landmark district.
3. Where property conditions pose an immediate threat to safety, the commission shall approve necessary work as provided in subsection (C)2. of this section.

(C) *Application for permit; preliminary decision by Commission:* Within 15 days of its receipt of a permit application from the relevant Village department, the Commission shall, by motion taken at a regular or special meeting, decide whether to preliminarily approve or disapprove the application and shall send written notice to the applicant and the appropriate Village department(s) of its preliminary decision.

1. *Preliminary approval by commission:* If the Commission finds that the proposed work will not adversely affect any significant historical or architectural feature of the improvement or of the district, and is in accord with the standards for rehabilitation set forth by the United States secretary of the interior at 36 CFR 67, as amended, as well as the Commission's published procedures and regulations, the Commission shall issue a preliminary approval of the application and shall notify the appropriate Village department(s) which shall proceed in its usual manner to review the application. If the Village department approves the building, demolition or other requested permit, it shall be issued in accordance with and governed by applicable Village Codes and regulations, including the 18 month limitation for commencement of authorized construction.
2. *Preliminary disapproval by Commission:* If the Commission finds that the proposed work will adversely affect or destroy any significant historical or architectural feature of the improvement or the district, or is inappropriate or inconsistent with the designation or design of the structure, area or district, or is not in accordance with the spirit and purposes of this chapter, or does not comply with the standards for rehabilitation established by the secretary of the interior, the Commission shall issue a preliminary decision disapproving the application for permit; provided, however, that if the construction, reconstruction, alteration, repair or demolition of any improvement would remedy conditions imminently dangerous to life, health or property, as

determined in writing by the Planning and Development department, the Commission shall approve the work, notwithstanding other considerations relating to its designation as a "Glen Ellyn landmark" or to the fact that the Commission has made a preliminary determination of landmark status. Notice of preliminary disapproval shall be sent to the applicant by certified mail, return receipt requested.

3. *Informal conference following preliminary disapproval:* Within ten days after receiving the Commission's notice of preliminary disapproval, the applicant for permit may request in writing an informal conference before the Commission for the purpose of securing compromise regarding the proposed work so that the work will not, in the opinion of the Commission, adversely affect any significant historical or architectural feature of the improvement or district and will be appropriate and consistent with the spirit and purposes of this chapter. The Commission shall hold such conference within 15 days after receipt of the request. The Commission shall consider with the applicant every reasonable means for substantially preserving, protecting, enhancing and perpetuating the special historical or architectural feature of the improvement or district, including investigating the possibility of modifying the proposed work, the possibility of any alternative private use of the structure or structures that would substantially preserve its special features, and the possibility of public incentives for enhancing the use of the structure or structures or district involved. If the Commission and the applicant for permit reach accord through the informal conference, as evidenced by a written agreement, the Commission shall issue its approval of the application for permit as modified and so notify the applicant and the appropriate Village departments which shall proceed with their own review.

(D) *Public hearing; consideration of economic hardship exception:*

1. If the Commission and applicant for permit have failed to reach accord by means of the informal conference, or if the applicant fails to request an informal conference, the Commission shall hold a public hearing on the permit application in accordance with procedures set forth in section 2-13-6 of this chapter.
2. Said hearing shall be held within 45 days following the conclusion of the conference or the owner's failure to request a conference. Any person, organization or other legal entity whose use or enjoyment of the area, district, place, building, structure, work of art or other object designated as a landmark may be injured by the approval or disapproval of a proposed alteration, construction, reconstruction, erection, demolition or relocation of a proposed or designated landmark, may become a party to a permit application proceeding.
3. In conjunction with such hearing, the applicant may file a request for an economic hardship exception on the basis that a denial of the permit applied for will result in the loss of reasonable and beneficial use of or return from the property. Failure of the applicant to request this exception and present pertinent evidence at the hearing shall be deemed a voluntary waiver of this right and preclude the applicant from raising the issue at any subsequent hearings before the Commission or the Village Board. Evidence to be submitted prior to and presented at the hearing and considered by the Commission in the event the Commission recommends disapproval of the permit shall include, but not be limited to, the following:
 - (a) The amount paid for the property and the date of purchase.
 - (b) The assessed value of the land and improvements thereon according to the two most recent assessments.
 - (c) Real estate taxes for the previous two years.
 - (d) Annual debt service, if any, for the previous two years.
 - (e) All appraisals obtained within the previous two years by the owner or applicant in connection with his purchase, financing or ownership of the property.
 - (f) Any listing of the property for sale or rent, price asked and offers received, if any.
 - (g) Any consideration by the owner as to profitable adaptive uses for the property.

- (h) If the property is income producing, the annual gross income from the property for the previous two years, itemized operating and maintenance expenses for the previous two years, and annual cash flow, if any, during the same period.
- 4. The Commission shall first consider the permit application on its merits. If the Commission recommends disapproval, it shall then consider and decide the request for an economic hardship exception.
- (E) *Commission decision approving or disapproving permit application and economic hardship exception:* Within 30 days after the conclusion of the hearing, the Commission shall issue a written report approving or disapproving the permit application and, where applicable, granting or denying the request for an economic hardship exception. The report shall contain the findings of fact that constitute the basis for the decisions consistent with the criteria in subsection (C)1. of this section. The Commission shall send written notice of its report to the applicant by certified mail, return receipt requested, to the appropriate Village departments and to the Village Board.
 - 1. *Approval:* If the Commission approves the permit, it shall recommend issuance of the permit; provided, the appropriate Village departments have authorized its issuance. Said decision shall be deemed a final decision of the Commission.
 - 2. *Disapproval; commission recommendation; plan to relieve hardship:* If the Commission recommends permit disapproval, it shall then determine whether denial of the permit would deprive the applicant of reasonable and beneficial use of or return from the property and shall issue and forward to the Village Board a written recommendation and report pertaining to its disapproval of the permit and approving or denying the requested exception. In the case of a finding of economic hardship, the report shall be accompanied by a recommended plan to relieve any economic hardship. This plan may include, but is not limited to, property tax relief, loans or grants from the Village or other public or private sources, acquisition by purchase or eminent domain, Building Code modifications, changes in applicable zoning regulations including a transfer of development rights, or relaxation of the provisions of this chapter sufficient to allow reasonable beneficial use of or return from the property.
- (F) *Village Board decision:* Within 30 days following the Commission's recommendation, the Village Board shall affirm, reverse or modify the recommendation of the Commission regarding permit disapproval and the economic hardship exception. If the Village Board affirms the Commission recommendation to disapprove the permit and deny an economic hardship exception, no permit shall issue. If the Village Board approves a plan to relieve economic hardship, it shall be by ordinance, and if the plan requires that any action be taken by Village departments or agencies, the action shall be initiated within 30 days following passage of the ordinance. If the Village Board does not approve a plan to relieve economic hardship within the time specified, the plan to relieve economic hardship shall be deemed to be denied and the permit shall issue.
- (G) *Failure of the commission to act:* The Commission's failure to act upon an application for permit within the applicable time periods shall constitute approval by the Commission and no other evidence shall be needed.

(Ord. 3825, 4-22-1991; Ord. 5266, 6-14-2004)

2-13-11. - Penalties and remedies for violations.

The following penalties and remedies shall be applicable to violations of this chapter:

- (A) *Penalties:* Failure to perform any act required by the ordinance codified in this chapter or performance of any action which is prohibited by said sections shall constitute a violation thereof. Every day on which a violation exists shall constitute a separate violation and a separate offense. Any person violating any of the provisions of this chapter shall be subject to a fine of not less than \$500.00 nor more than \$1,000.00 for each offense. In addition, if the owner of property designated a "Glen Ellyn landmark" willfully or through gross negligence causes all

or any part of the property to be demolished or substantially destroyed or altered without the approval of the Village Board or the Commission, as the case may be, then no permit to construct a new structure or improve said structure shall be issued for said property or for the land upon which the landmark stood within five years of the date of the demolition or alteration. Thereafter for a period of 20 years, commencing at the end of the five-year period hereinbefore stated, any application for a building permit on the subject premises shall follow the procedure heretofore set out in section 2-13-10 of this chapter.

- (B) *Remedies:* Notwithstanding the provisions of subsection (A) of this section, in the event any building or structure is erected, constructed, reconstructed, altered, added to or demolished in violation of this chapter, the Village may institute appropriate proceedings to prevent or remedy such unlawful erection, construction, reconstruction, alteration, addition or demolition.

(Ord. 3825, 4-22-1991)

2-13-12. - Severability.

If any provision of this chapter or application thereof to any person or circumstance is invalid, such invalidation 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 of this chapter are declared to be severable.

(Ord. 3825, 4-22-1991)

Chapter 24 - HISTORIC PRESERVATION

Footnotes:

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Editor's note— Chapter 24 added by Ord. 36-83, J. 15, p. 398, passed 8/8/83; amended in toto by Ord. 71-97, J. 24, p. 44-61, passed 2/10/97; amended in toto by Ord. 48-00, J. 26, p. 181-206, passed 8/14/00; Sections 24.015 and 24.020 repealed by Ord. 52-01, J. 27, p. 233-270, passed 8/27/01; amended in toto by Ord. 20-05, J. 31, p. 054-089, passed 4/11/05.

Sec. 24.001 - Title.

This Chapter shall be known, referred to and cited as "The Highland Park Historic Preservation Ordinance."

Sec. 24.002. - Purpose of Ordinance.

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

- (1) Providing a mechanism to identify and preserve the distinctive historic, architectural, and/or landscaping characteristics of Highland Park which represent elements of the City's cultural, social, economic, political, and architectural history;
- (2) Fostering civic pride in the beauty and noble accomplishments of the past as represented in the City's landmarks and historic districts;
- (3) Stabilizing and improving the property value of the City's landmarks and historic districts;
- (4) Protecting and enhancing the attractiveness of the City to its home buyers, homeowners, residents, tourists, visitors, and shoppers, and thereby supporting and promoting business, commerce, industry, and providing economic benefit to the City; and
- (5) Fostering and encouraging preservation, restoration and rehabilitation in accordance with the Environmental Policy of Highland Park, when applicable

(Ord. 78-02, J. 28, p. 553-556, passed 12/9/02)

Sec. 24.005. - Definitions.

For purposes of this Chapter, and for purposes of Section 170.040 of the Building Code, the following words and phrases shall have the following meanings:

Alteration:

- (1) Any act or process that requires a building permit and changes one or more of the features of a Regulated Structure including, without limitation, the erection, Construction, reconstruction or Relocation of all or any part of a Regulated Structure;
- (2) Any act or process that, while not requiring a building permit, significantly changes the interior or exterior of a Regulated Structure so as to change a feature that relates to the Regulated Structure's status as a Landmark or Contributing Regulated Structure; or
- (3) Any act or process that significantly modifies or changes a contributing Landscape of Significance.

Applicant: A person or entity submitting an application for issuance of a Certificate of Appropriateness or Certificate of Economic Hardship.

Area: A specific geographic division of the City.

Certificate of Appropriateness: A certificate issued by the Commission pursuant to the applicable provisions of Sections 24.030, 24.035, 24.040, and 24.050 of this Chapter authorizing Regulated Activity involving a Landmark or a Contributing Regulated Structure within a Historic District.

Certificate of Economic Hardship: A certificate issued by the Commission pursuant to the applicable provisions of Sections 24.045 and 24.050 of this Chapter authorizing Regulated Activity involving a Regulated Structure even though a Certificate of Appropriateness has previously been denied.

Commission: Highland Park Historic Preservation Commission.

Commissioners: The members of the Commission.

Construction: The act of adding an addition to an existing Structure; erecting a new Structure, or placing an object on, or creating, a Landscape of Significance.

Contributing Regulated Structure: Any Regulated Structure that is located within a Historic District and that (a) is a designated Landmark; (b) meets the criteria for a Landmark but has not been officially designated as a Landmark; or (c) does not meet the criteria for a Landmark, but nevertheless contributes to the overall special characteristics of the Historic District or the Landmarks or Contributing Regulated Structures located within an Historic District.

Demolition: Any act or process within the control of the Owner of any Regulated Structure within a Historic District that results in the removal or destruction of the Regulated Structure in whole or in part to the extent of 50 percent or more of the structure or building as existed prior to the commencement of such act or process.

Design Criterion: A standard of appropriate activity that will preserve the historic, visual, aesthetic, cultural, archaeological and/or architectural character of a Landmark or Contributing Regulated Structure.

Exterior Architectural Appearance: The architectural character and general composition of the exterior of a Structure, including, without limitation, the kind, color and texture of the building material and the type, design and character of all windows, doors, light fixtures, ornamental details, signs and appurtenant elements.

Historic District: An area designated as a "Historic District" by ordinance of the City Council according to the criteria and pursuant to the procedures prescribed in this Chapter, and which may contain one or more Landmarks; and which may have within its boundaries one or more Contributing Regulated Structures that contribute to the overall historic, visual, aesthetic, cultural, archaeological, and/or architectural characteristics of the Landmark or Landmarks and/or other Contributing Regulated Structures within the district despite not being of such historic, visual, aesthetic, cultural, archaeological, and/or architectural significance as to be designated as Landmarks. A Historic District may have within its boundaries Non-contributing Regulated Structures that do not contribute to the overall historic, visual, aesthetic, cultural, archaeological, and/or architectural characteristics of the Landmark(s) or the Contributing Regulated Structures within the district. A Historic District may also have within its boundaries thematically related resources, including, without limitation, buildings, structures, or landscaping, that are non-contiguous.

Historic Significance: A characteristic of a building, Structure, or landscape evidenced by any one or combination of the following:

- (1) Having been designed by or associated with a notable architect, architectural firm, or builder;
- (2) Being a significant example of a particular style in terms of detail, material, and/or workmanship, including without limitation, those buildings or Structures designed in the Federalist, Swiss Gothic, or Prairie styles of architecture;
- (3) Being one of a contiguous grouping of buildings or Structures having a sense of cohesiveness of design expressed through a similarity of characteristics of a style, scale, period, or method of construction and

accenting the contextual significance of the whole neighborhood; and/or

- (4) Having important associations with a person or persons who significantly contributed to the development of the City, county, state, or country.

Integrity: The degree of original design and historic material remaining in place on a property, structure, area, object, or landscape of significance.

Landmark: A regulated structure that is designated as a "landmark" by ordinance of the City Council, according to the criteria and pursuant to the procedures prescribed in this Chapter.

Landscape of Significance: A landscape that is significant in its own right as landscape architecture and not merely as a complementary setting for a structure or a group of structures.

Non-contributing: A designation applied to a regulated structure within a historic district indicating that it is not representative of the qualities that give the district historic, visual, aesthetic, cultural, archaeological, and/or architectural significance as embodied in the criteria for designating a historic district.

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.

Owner: The person, corporation, or other legal entity that has a fee simple interest in a property, structure, object, or landscape of significance, as evidenced by the name that appears on the title records in the office of the Lake County Recorder. The definition of "owner" shall be modified by, and subject to, the specific provisions, rules, and regulations governing ownership set forth in Section 24.020 of this Chapter.

Park Board: The board governing the Park District of Highland Park.

Property: Land and improvements identified as a separate legal lot of record for purposes of the City's subdivision and zoning regulations.

Regulated Activity: Any act or process involving the erection, construction, reconstruction, rehabilitation, repair, relocation, alteration, or demolition of a regulated structure.

Regulated Structure: Any property, structure, area, object, or landscape of significance that is subject to the provisions of this Chapter or the provisions of Section 170.040 of the building code because it (a) is a landmark, (b) is located within a historic district, (c) has been recommended by the commission for preliminary landmark designation pursuant to Section 24.025(A) of this Chapter, or (d) is located within an area that has been recommended by the commission for historic district designation pursuant to Section 24.026(A) of this Chapter.

Rehabilitation: The process of returning a regulated structure to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the regulated structure which are significant to its historic, visual, aesthetic, cultural, archaeological, and/or architectural values.

Relocation: Any relocation of a structure on its site or to another site.

Repair: Any change that is not construction, relocation or alteration.

Structure: Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, without limitation, advertising signs, billboards, backstops for tennis courts, gazebos, radio and television antennae (including supporting towers), satellite sending or receiving dishes, cellular antenna facilities and towers, walks, walls, steps, sidewalks, works of art, and swimming pools.

(Ord. 2-98, J. 24, p. 451-454, passed 1/12/98; Ord. 48-00, J. 26, p. 181-206, passed 8/14/00; Ord. 34-02, J. 28, p. 266-279, passed 5/28/02; Ord. 36-04, J. 30, p. 143-149, passed 6/14/04; Ord. 20-05, J. 31, p. 054-089, passed 4/11/05; Ord. No. 055-2018, § 2, 5/14/18)

Sec. 24.010. - Reserved.

Editor's note— Ord. 65-98, J. 24, p. 839-852, passed 9/28/98; Ord. 52-01, J. 27, p. 233-270, passed 8/27/01; Deleted by Ord. 72-07, J. 33, p. 509-591, passed 9/24/07.

Sec. 24.015. - Criteria for Landmark Designation.

The following is a list of the criteria to be considered in the designation of a property, structure, area, object, or landscape of significance as a landmark:

- (1) It demonstrates character, interest or value as part of the development, heritage or cultural characteristics of the City, county, state or country;
- (2) It is the site of a significant local, county, state or national event;
- (3) It is associated with a person or persons who significantly contributed to the development of the City, county, state or country;
- (4) It embodies distinguishing characteristics of an architectural and/or landscape style valuable for the study of a specific time period, type, method of construction or use or indigenous materials;
- (5) It is identifiable as the work of a notable builder, designer, architect, artist, or landscape architect whose individual work has influenced the development of the City, county, state, or country;
- (6) It embodies, overall, elements of design, detailing, materials, and/or craftsmanship that renders it architecturally, visually, aesthetically, and/or culturally significant and/or innovative;
- (7) It has a unique location or it possesses or exhibits singular physical and/or aesthetic characteristics that make it an established or familiar visual feature;
- (8) It is a particularly fine or unique example of a utilitarian structure or group of such structures, including, but not limited to farmhouses, gas stations or other commercial structures, with a high level of integrity and/or architectural, cultural, historical and/or community significance; and/or
- (9) It possesses or exhibits significant historical and/or archaeological qualities.

(Ord. 20-05, J. 31, p. 054-089, passed 4/11/05)

Sec. 24.016. - Criteria for Historic District Designation.

- (A) *Unified Historic Districts*. All Historic Districts that do not contain non-contiguous Properties, Structures, Areas, Objects, or Landscapes of Significance must satisfy the following criteria.
- (1) At least 50 percent of the Properties, Structures, Areas, Objects, or Landscapes of Significance in the Historic District must satisfy at least one of the criteria for Landmark designation set forth in Section 24.015 of this Chapter; and
 - (2) The Historic District must be geographically definable and reasonably compact in geographic size; and
 - (3) The Historic District must satisfy at least one of the following five criteria:
 - (a) The Properties, Structures, Areas, Objects, and Landscapes of Significance in the Historic District, taken together, shall convey or represent one or more architectural, cultural, economic, historic, social or other aspects particular to the heritage of the City, county, state or country;
 - (b) The Properties, Structures, Areas, Objects and Landscapes of Significance in the Historic District shall

exhibit consistency or similarity of use, design, size, scale, style, orientation, materials, detailing, façade design, ornamentation, color, lighting, technology, and/or storefronts;

- (c) The Properties, Structures, Areas, Objects and Landscapes of Significance in the Historic District must have been built, used, or have been significant during the same specified time period;
 - (d) The Properties, Structures, Areas, Objects and Landscapes of Significance in the Historic District must create, define or enhance the character of the Area for which Historic District designation is appropriate; and
 - (e) The Properties, Structures, Areas, Objects and Landscapes of Significance in the Historic District must be largely intact, particularly with respect to those qualities for which designation as a Historic District is sought; provided, however, that alterations or modifications to those Properties, Structures, Areas, Objects and Landscapes of Significance in the Area that comply with the United States Secretary of the Interior's Standards for Rehabilitation.
- (B) *Non-Contiguous Historic Districts.* All Historic Districts that contain non-contiguous Properties, Structures, Areas, Objects, or Landscapes of Significance must satisfy the following criteria:
- (1) The elements of the Historic District must be thematically related; and
 - (2) One hundred percent of the Properties, Structures, Areas, Objects, or Landscapes of Significance in the Historic District satisfy at least one of the criteria for Landmark designation set forth in Section 24.015 of this Chapter.
- (C) *Minimum Size Requirements.* There shall be not less than ten Properties, Structures, Areas, Objects, or Landscapes of Significance in each Historic District; provided, however, that a Historic District may have less than ten Properties, Structures, Areas, Objects or Landscapes of Significance if:
- (1) At least 75 percent of the Properties, Structures, Areas, Objects, or Landscapes of Significance in the Historic District satisfy at least one of the criteria for Landmark designation set forth in Section 24.015 of this Chapter; and
 - (2) The number of Properties, Structures, Areas, Objects or Landscapes of Significance is limited by the presence of either geographic features or differing development patterns in the Historic District.

(Ord. 20-05, J. 31, p. 054-089, passed 4/11/05; Ord. 46-06, J. 32, p. 244-252, passed July 10, 2006)

Sec. 24.020. - Special Provisions Governing Ownership.

When the Property is in a land trust or is subject to a long term land lease, or when one or more persons, corporations, or other legal entities have an ownership interest in the Property (including beneficial interests and long term lessee interests), the rights afforded to, and obligations imposed on, Owners in this Chapter shall apply and be exercised as if there were only one Owner. Neither the City nor the Commission shall have any obligation to investigate or determine the legal relationship among the multiple Owners. It shall be deemed to be sufficient for the purposes set forth in this Chapter for any one Owner to act for and bind, the Property (which shall include, without limitation, the delivery and receipt of notice and the provision of written consent), unless the Commission receives, within the applicable time periods or any extended time periods as the Commission shall deem appropriate, clear and convincing evidence, as determined by the Commission, that such Owner does not have the exclusive authority to act for, and bind, the Property. Absent such a timely protest or objection, the Commission shall have the right to rely on representations made by any one Owner with respect to the exercise of the rights and obligations set forth in this Chapter.

(Ord. 20-05, J. 31, p. 054-089, passed 4/11/05)

Sec. 24.025. - Landmark Designation Procedures.

- (A) *Nomination.* A property, structure, area, object, or landscape of significance may be nominated for landmark

designation by presentation to the Chairman of the Commission of a written nomination on a form prepared by the Commission and signed by any one of the following:

- (1) One or more Commissioners.
- (2) The owner of the applicable property, structure, area, object, or landscape of significance.
- (3) The City Council, by resolution duly adopted.
- (4) The City Manager.
- (5) An organization or individual with an interest in preservation, restoration, rehabilitation, local history, archaeology, modes of cultural or artistic expression, and/or neighborhood conservation or revitalization.

All nominations made by persons other than the owner of the applicable property, structure, area, object, or landscape of significance must be accompanied by written consent of the owner for the landmark designation prior to consideration by the Commission.

All nominations must demonstrate that property, structure, area, object, or landscape of significance that is the subject of the nomination: (1) satisfies the Landmark criteria set forth in Section 24.015 of this Chapter; and (2) has sufficient integrity of location, design, materials, and workmanship to make it worthy of preservation or rehabilitation.

(B) *Preliminary Recommendation* .

- (1) Within 30 days following receipt of a nomination for landmark designation, the Chairman of the Commission shall initiate the landmark designation process by scheduling a meeting of the Commission and by causing a written notice to be sent to the owner of the property that is the subject of consideration for landmark designation, or to the owner of the property on which the structure, area, object or landscape of significance that is the subject of consideration for preliminary Landmark designation is located. Such notice shall be sent not less than 15 or more than 30 days prior to the date of the meeting at which the Commission will first consider the landmark designation, and shall specify the date, time, location, and purpose of such meeting.
- (2) The Commission may, by resolution duly adopted, make a preliminary landmark designation recommendation if the Commission preliminarily determines that the nominated property, structure, area, object, or landscape of significance (a) meets two or more landmark criteria set forth in Section 24.015 of this Chapter, and (b) has sufficient integrity of location, design, materials, and workmanship to make it worthy of preservation or rehabilitation.
- (3) Upon adoption of the resolution making a preliminary landmark designation recommendation, and until provided otherwise in this Chapter, the nominated property, structure, area, object, or landscape of significance shall be a regulated structure.
- (4) Within 30 days after the adoption of a resolution making a preliminary landmark designation recommendation, the Commission shall send, by certified mail, return receipt requested, written notice of such recommendation to the owner of the regulated structure. The Commission shall also notify all relevant City departments of its recommendation.
- (5) No building permit shall be issued (a) for any regulated activity involving a regulated structure for which the Commission has adopted a preliminary landmark designation resolution or (b) for any new construction on the property on which such regulated structure is located (unless the Commission determines that such new construction will not be inconsistent with the purposes and intent of this Chapter), from the date of the Commission meeting at which that resolution is adopted until either (i) final disposition by the Commission resulting in no recommendation to the City Council or (ii) final disposition by the City Council on the Commission recommendation, unless such regulated activity is earlier authorized by formal resolution of the City Council as necessary for public health, welfare, or safety.

(C) *Request for Planning Report* . Upon adoption of a resolution making a preliminary landmark designation recommendation, the Commission shall require a report from the Director of Community Development that

evaluates the relationship of the proposed designation to the City's comprehensive plan and the effect of the proposed designation on the surrounding neighborhood. The report shall be submitted to the Commission within 60 days of the request and the Commission shall make such modifications, changes, and alterations to the report concerning the proposed landmark designation as it deems necessary in consideration of any recommendation of the City's Director of Community Development made in the report. If the Director of Community Development declines or fails to submit the report within the time provided herein, the Commission may proceed with the designation process.

(D) *Commission Recommendation* .

- (1) Within 90 days after the date on which the Commission adopted its resolution making a preliminary landmark designation pursuant to Section 24.025(B) of this Chapter, the Commission shall determine whether to recommend the proposed landmark designation to the City Council.
- (2) If the Commission makes a determination to recommend a landmark designation to the City Council, it shall set forth its written recommendation, including findings of fact relating to the criteria for designation that constitute the basis for its decision, and shall transmit its recommendation to the City Council, to the owner, and to the parties appearing at the public hearing.
- (3) The Commission shall also transmit to the City Council the official record of its proceedings concerning the recommended designation. If an extension of time has been granted, the time allowed for submission under this section shall be extended by the same number of days.
- (4) If the Commission determines not to make a recommendation for landmark designation, or if the Commission does not, or cannot, make a recommendation for landmark designation within the 90-day time period, as the same may be extended, such action or inaction shall be deemed to be the final disposition by the Commission, and the landmark designation process shall be complete, and the property, structure, area, object or landscape of significance that had been the subject of the process shall, as of the last day of the 90-day period, no longer be a regulated structure.

(E) *Failure to Act by Commission* . If the Commission does not, or cannot, act to either recommend or not recommend a landmark designation to the City Council within 180 days after the date on which the Commission adopted its resolution making a preliminary landmark designation pursuant to Section 24.025(B) of this Chapter (unless an extension of time has been granted, in which case this time period shall be extended by the same number of days), such inaction shall be deemed to be the final disposition by the Commission, and the landmark designation process shall be complete, and the property, structure, area, object, or landscape of significance that had been the subject of the process shall, as of the last day of the 180-day period, no longer be a regulated structure.

(F) *City Council Consideration of Designation* .

- (1) *Review of Findings* . The City Council shall give due consideration to the findings, recommendations, and official record of the Commission in making its determination with respect to the proposed landmark designation of any regulated structure.
- (2) *Approval of Recommendation* . The City Council may, by ordinance duly adopted, designate as a landmark any regulated structure recommended for landmark designation by the Commission, provided that the City Council finds and determines, based on the findings, recommendations, and official record of the Commission, that the regulated structure both (a) has sufficient integrity of location, design, materials, and workmanship to make it worthy of preservation or rehabilitation, and (b) meets two or more of the landmark criteria set forth in Section 24.015 of this Chapter. The adoption of the ordinance shall be deemed to be the final disposition on the landmark designation by the City Council.
- (3) *Rejection of Recommendation* . The City Council may, by resolution duly adopted, reject the recommendation of the Commission and determine that a regulated structure does not meet the criteria for landmark designation. The adoption of the resolution shall be deemed to be the final disposition on the proposed

landmark designation by the City Council, and the property, structure, area, object, or landscape of significance that had been the subject of the process shall, as of the date of adoption of such resolution, no longer be a regulated structure.

- (4) *Failure to Act by City Council*. In the event that the City Council does not, for any reason, within 90 days of the date of its receipt of the Commission recommendation, either (a) adopt an ordinance designating a regulated structure recommended by the Commission as a landmark or (b) adopt a resolution rejecting the Commission recommendation, the City Council shall be deemed to have rejected the Commission's recommendation. Such inaction shall be deemed to be the final disposition on the proposed landmark designation by the City Council, and the property, structure, area, object, or landscape of significance that had been the subject of the process shall, as of the last day of the 90 day time period, no longer be a regulated structure.
- (G) *Successive Applications*. No proposed landmark designation that fails to be approved pursuant to the provisions of this Section, and no proposed landmark designation that is substantially the same as any such failed landmark designation (collectively, "failed landmark"), shall be resubmitted or considered for a period of two years from the date of the final disposition of the failed landmark under the terms of this Section; provided, however, that a new landmark designation nomination for the failed landmark may be submitted and considered at any time in the future so long as the owner(s) of the failed landmark nominate the failed landmark for designation.
- (H) *Removal of Landmark Designation*.
- (1) *Automatic removal of landmark designation*. The landmark designation of a property, structure, area, object, or landscape of significance that has been demolished in accordance and compliance with all applicable City ordinances shall be deemed to have been automatically removed as of the date of demolition.
- (2) *Condition precedent for City Council removal of landmark designation*. Under no circumstances shall the City Council remove the Landmark designation for any property, structure, area, object, or landscape of significance unless it finds that the reasons for which the landmark designation was once appropriate are no longer present. Nothing herein shall be deemed or interpreted as requiring the City Council to remove the landmark designation upon such a finding.
- (3) *Application for Removal of Landmark Designation*.
- (a) *Application*. The owner of a property, structure, area, object, or landscape of significance that has been previously designated as a Landmark may file an application with the Chairman of the Historic Preservation Commission to remove the landmark designation from the property, structure, area, object, or landscape of significance.
- (b) *Procedure*. An application to remove the landmark designation from a property, structure, area, object, or landscape of significance filed in accordance with this Section shall be processed and heard in the manner provided in Sections 24.025(E) through 24.025(J) of this Chapter.
- (c) *Ordinance Required*. Except as provided for automatic removal of landmark designation in Section 24.025(K)(1) of this Code, removal of a landmark designation shall be effective only upon approval of the City Council, by ordinance duly adopted.

(Ord. 17-03, J. 29, p. 77-79, 2/10/03; Ord. 10-86, J. 16, p. 324, passed 2/24/86; Ord. 17-03, J. 29, p. 77-79, 2/10/03; Ord. 36-04, J. 30, p. 143-149, passed 6/14/04; Ord. 20-05, J. 31, p. 054-089, passed 4/11/05; Ord. 46-06, J. 32, p. 244-252, passed July 10, 2006; Ord. 72-07, J. 33, p. 509-591, passed 9/24/07; Ord. No. 055-2018, § 3, 5/14/18)

Sec. 24.026. - Historic District Designation Procedures.

- (A) *Nomination*. An area may be nominated for Historic District Designation by presentation to the Chairman of the Commission of a petition signed by not less than 25 percent of the Owners of the real property located within the proposed Historic District, and a written nomination on a form prepared by the Commission and signed by any one of the following:

Exhibit 8

- (1) One or more Commissioners;
 - (2) The City Council;
 - (3) The City Manager; or
 - (4) An organization or individual with an interest in preservation, restoration, rehabilitation, local history, archaeology, modes of cultural or artistic expression, and/or neighborhood conservation or revitalization.
- (B) *Preliminary Recommendation.*
- (1) Within 30 days following receipt of a nomination for Historic District Designation, the Chairman of the Commission shall initiate the Historic District Designation Process by scheduling a meeting of the Commission and by causing a written notice to be sent to the Owner of each Property within the Area that is the subject of the nomination. Such notice shall be sent by certified mail, return receipt requested not less than 15 or more than 30 days prior to the date of the meeting at which the Commission will first consider the Historic District designation, and shall specify the date, time, location, and purpose of such meeting.
 - (2) Provided that the Owners of all applicable Properties have been notified as required in Paragraph (B)(1) of this Section, the Commission may, by resolution duly adopted, make a preliminary Historic District designation recommendation if the Commission determines that the proposed Historic District satisfies the criteria set forth in Section 24.016 of this Chapter. If the Commission does not pass this resolution within 60 days following receipt of a nomination for Historic District designation, then the proposed District shall have been deemed disapproved and the designation process shall be deemed to have been terminated.
 - (3) Upon adoption of the resolution making a preliminary Historic District designation recommendation, and until otherwise provided in this Chapter, all Properties, Structures, Objects, and Landscapes of Significance located within the nominated Area shall be Regulated Structures.
 - (4) Within 30 days after the adoption of a resolution making a preliminary Historic District designation recommendation, the Commission shall send, by certified mail, return receipt requested, written notice of such recommendation to the Owner of each Property within the Area that is the subject of the recommendation. The Commission shall also notify all relevant City departments.
 - (5) No building or Demolition permit shall be issued (a) for any Regulated Activity involving any Regulated Structure within a proposed Historic District for which the Commission has adopted a preliminary designation resolution or (b) for any new construction on any of the property on which any such Regulated Structure is located (unless the Commission determines that such new construction will not be inconsistent with the purposes and intent of this Chapter), from the date of the Commission meeting at which that resolution is adopted until the final disposition of the nomination process for the nominated District under the provisions of this Section, unless such Regulated Activity is earlier authorized by formal resolution of the City Council as necessary for public health, welfare, or safety.
- (C) *Request for Planning Report.* Upon adoption of a resolution making a preliminary Historic District designation recommendation, the Commission shall request a report from the Director of Community Development that evaluates the relationship of the proposed designation to the City's Comprehensive Plan and the effect of the proposed designation on the surrounding neighborhood. The report shall be submitted to the Commission within 90 days of the request and the Commission shall make such modifications, changes, and alterations to the report concerning the proposed Historic District designation as it deems necessary in consideration of any recommendation of the City's Director of Community Development made in the report. If the Director of Community Development declines or fails to submit the report within the time provided herein, the Commission may proceed with the designation process.
- (D) *Public Hearing.*
- (1) Within 60 days after the adoption of a resolution making a preliminary Historic District designation recommendation, the Chairman of the Commission shall schedule a public hearing concerning the proposed

Historic District. At the public hearing, the Commission shall provide a reasonable opportunity for all interested persons to present testimony or evidence under such rules as the Commission may adopt governing the proceedings of such hearings. Each speaker shall state his or her name, address, and the interest that he or she represents. The hearing may be continued to a date certain, and a record shall be kept of all proceedings.

- (2) Prior to conducting the public hearing, the Commission shall give written notice of the date, time, and place of the hearing to the Owners of all Property within the proposed Historic District. The Commission shall also cause to be posted, for a period of not less than 15 days immediately preceding the hearing, a notice stating the time, date, place, and matter to be considered at the hearing. The notice shall be prominently displayed on the Property or on the proposed Regulated Structure within the proposed Historic District or on the public ways abutting the Property within the proposed Historic District. In addition, not less than 15 days prior to the hearing, the Commission shall cause a legal notice to be published in a newspaper of general circulation in the City of Highland Park setting forth the nature of the hearing, the Area involved, and the date, time, and place of the scheduled public hearing.

(E) *Notification and Canvas of Owners.*

- (1) Within 30 days after the close of the public hearing, the Commission shall, by certified mail, return receipt requested, deliver to the Owner of each Property within the proposed Historic District a written statement of the reasons for, and effects of, the proposed Historic District designation.
- (2) The written statement shall be accompanied by a written ballot form prepared by the Commission on which the Owners of the Properties within the proposed Historic District shall have the opportunity to state their approval or disapproval of the contemplated designation of the proposed Historic District.
- (3) Each Owner shall complete the ballot form and return it to the Commission, in the manner and at the location described on the ballot form, within 45 days after the date on which the Commission delivers the ballot form. No ballot form shall be counted unless it is received by the Commission on or before the date that is 45 days after date on which the Commission delivers the ballot form.
- (4) *Determining the Outcome of the Canvas.*
 - (i) The Owners shall be deemed to have approved of the proposed Historic District designation if, within the 45 day period, a majority of the ballot forms that are returned to the Commission evidence a vote of "approval," and ballots are returned from a majority of the Properties located within the proposed Historic District within the 45 day period.
 - (ii) The Owners shall be deemed to have disapproved of the proposed Historic District designation if, within the 45 day period, a majority of the ballot forms that are returned to the Commission evidence a vote of "disapproval," or if ballots are not returned to the Commission from a majority of the Properties located within the proposed Historic District. If the Owners disapprove of the proposed Historic District designation as provided in this Subparagraph, then that disapproval shall be deemed to be the final disposition of the proposed designation, and the Historic District designation process shall be complete and the Regulated Structures located within the Area of the proposed District shall, as of the last day of the 45 day period, no longer be Regulated Structures.
 - (iii) Not more than one ballot form shall be counted or considered for any one Property within the proposed Historic District. Conflicting responses from multiple Owners of the same Property shall preclude all ballot forms for that Property from being counted or considered, and no ballots shall be deemed to have been returned for that Property.
- (5) *Announcing the Outcome of the Canvas.* Promptly upon determination of the outcome of the canvas, the Commission shall cause the results to be posted in the City Hall of the City, and to be delivered by first class mail to the Owner of each Property within the proposed Historic District.

- (F) *Commission Recommendation on Owner-Approved Historic Designation.*
- (1) Within 30 days after the conclusion of the canvas period and announcement of the Owner approval of the proposed designation as provided in Subparagraph (E)(4)(i) of this Section, the Commission shall make its recommendation to the City Council on the proposed Historic District designation.
 - (2) If the Commission recommends approval of the proposed Historic District designation to the City Council, it shall set forth its written recommendation, including findings of fact relating to the criteria for designation that constitute the basis for its decision, and shall transmit its recommendation to the City Council, to the Owners of all Property within the proposed Historic District, and to the parties appearing at the public hearing.
 - (3) The Commission shall also transmit the official record of its proceedings concerning the recommended designation to the City Council. If an extension of time has been granted, the time allowed for submission under this Section shall be extended by the same number of days.
 - (4) If the Commission recommends against the proposed Historic District designation, then it shall set forth its written recommendation and shall transmit its recommendation to the City Council, to the Owners of all Property within the proposed Historic District, and to the parties appearing at the public hearing. If the Commission does not make any recommendation with respect to the proposed Historic District designation within the 30-day time period, as the same may be extended, such inaction shall be deemed to be a recommendation against the proposed Historic District designation and that recommendation shall be forwarded to the City Council, Owners, and other parties in accordance with the terms of this Subsection.
- (G) *Failure to Act by Commission.* If the Commission does not, or cannot, act to either recommend for or against a Historic District designation to the City Council within 180 days after the date on which the Commission adopted its resolution making a preliminary Historic District designation pursuant to Subsection 24.026(B) of this Chapter (unless an extension of time has been granted, in which case this time period shall be extended by the same number of days), such inaction shall be deemed to be a recommendation against the proposed Historic District designation and that recommendation shall be forwarded to the City Council in accordance with the terms of Paragraph F(5) of this Section.
- (H) *City Council Consideration of Designation.*
- (1) *Review of Findings.* The City Council shall give due consideration to the findings, recommendations, and official record of the Commission in making its determination with respect to the proposed Historic District designation of any Regulated Structure.
 - (2) *Approval of Recommendation.* The City Council may, by ordinance duly adopted, designate as a Historic District any Area for which it receives a recommendation from the Commission under the procedures set forth in Subsections 24.026(F) and (G) of this Chapter, provided that the City Council independently finds and determines that the proposed Historic District satisfies the criteria set forth in Section 24.016 of this Chapter. The adoption of the Ordinance shall be deemed to be the final disposition on the Historic District designation by the City Council.
 - (3) *Rejection of Positive Commission Recommendation.* The City Council may, by resolution duly adopted, reject a positive recommendation of the Commission and determine that an Area does not meet the criteria for Historic District designation. The adoption of the resolution shall be deemed to be the final disposition on the proposed Historic District designation by the City Council, and the Regulated Structures located within the Area shall, as of the date of adoption of such resolution, no longer be Regulated Structures.
 - (4) *Failure to Act by City Council.* In the event that the City Council does not, for any reason, within 90 days of its receipt of the Commission recommendation, either (a) adopt an ordinance designating a Historic District, or (b) adopt a resolution rejecting a proposed Historic District, the City Council shall be deemed to have rejected the

nominated District. Such inaction shall be deemed to be the final disposition on the proposed Historic District designation by the City Council, and the Regulated Structures within the proposed Area shall, as of the last day of the 90 day time period, no longer be Regulated Structures.

- (l) *Successive Applications.* No proposed Historic District designation that fails to be approved pursuant to the provisions of this Section, and no proposed Historic District designation that is substantially the same as any such Failed District (collectively, "Failed District"), shall be resubmitted or considered for a period of two years from the date of the final disposition of the Failed District under the terms of this Section; provided, however, that a new designation nomination for the Failed District may be submitted and considered at any time in the future so long as all of the Owners of the Failed District nominate the Failed District for designation.

(Ord. 10-86, J. 16, p. 324, passed 2/24/86; Ord. 36-04, J. 30, p. 143-149, passed 6/14/04; Ord. 20-05, J. 31, p. 054-089, passed 4/11/05; Ord. 46-06, J. 32, p. 244-252, passed 7/10/06)

Sec. 24.030. - Certificate of Appropriateness.

- (A) *Required.* No Regulated Activity shall be allowed, and no permits shall be issued for any Regulated Activity, involving a Landmark or a Contributing Regulated Structure in a Historic District without the issuance of a Certificate of Appropriateness in accordance with the procedures set forth in Subsections (E)—(I) of this Section and the criteria set forth in Subsection (D) of this Section. No Construction of a new Structure within a Historic District that requires a building permit shall be undertaken without the prior issuance of a Certificate of Appropriateness in accordance with the procedures set forth in Subsections (E)—(I) of this Section and the criteria set forth in Subsection (C) of this Section.
- (B) *Exemption.* Certificates of Appropriateness shall not be required in connection with permits necessary for compliance with a lawful order of the City, including, without limitation, any permit necessary to correct what is determined by the City to be an immediate health or safety problem; provided, however, that such order shall expressly exempt the Regulated Activity from Certificate of Appropriateness procedures; and provided further that such order, to the extent feasible, shall be subject to appropriate conditions to advance the purpose and goals of this Chapter.
- (C) *Criteria for Certificate of Appropriateness for New Construction.* An application for a Certificate of Appropriateness for Construction of new Structure within a Historic District shall conform to the standards set forth below:
- (1) *Height.* The height of the proposed new Structure shall be visually compatible with properties, structures, sites, public ways, objects, and places to which it is visibly related.
 - (2) *Proportion of front façade.* The relationship of the width to the height of the front elevation of the proposed new Structure 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 of the proposed new Structure 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 façades.* The relationship of solids to voids in the front façade of the proposed new 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 the proposed new 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 of the proposed new Structure 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 façade of the proposed new Structure 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 the proposed new Structure shall be visually compatible with the structures to which it is visually related.
 - (9) *Walls of continuity.* Façades 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 the proposed new Structure in relation to open spaces, windows, door openings, porches, adjacent structures, 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.* The proposed new 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) *Destruction or alteration of historic features.* The distinguishing historic 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) *Archaeological and natural resources.* Every reasonable effort shall be made to protect and preserve archaeological and natural resources affected by, or adjacent to any project.
 - (14) *Archaeological compatibility.* 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.
- (D) *Criteria for All Other Required Certificates of Appropriateness.* An Application for a Certificate of Appropriateness, other than for a Certificate of Appropriateness for Construction of a new Structure within an Historic District as set forth in Subsection (C) of this Section, shall conform to the standards set forth below:
- (1) *Height.* The height of a Landmark, Regulated Structure, or a Contributing Regulated Structure shall be visually compatible with properties, structures, sites, public ways, objects, and places to which it is visibly related.
 - (2) *Proportion of front façade.* The relationship of the width to the height of the front elevation of a Landmark, Regulated Structure, or a Contributing Regulated Structure 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 of a Landmark, Regulated Structure, or a Contributing Regulated Structure 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 façade.* The relationship of solids to voids in the front façade of a Landmark, Regulated Structure, or a Contributing Regulated 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 Landmark, Regulated Structure, or a Contributing Regulated 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 of the Landmark, Regulated Structure, or a Contributing Regulated Structure 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 façade of a Landmark, Structure, or a Contributing Regulated Structure shall be visually compatible with the predominant materials used in structures to which it is visually related.
- (8) *Roof shapes.* The roof shape of a Landmark, Regulated Structure, or a Contributing Regulated Structure shall be visually compatible with the structures to which it is visually related.
- (9) *Walls of continuity.* Façades 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 a Landmark, Regulated Structure, or a Contributing Regulated Structure in relation to open spaces, windows, door openings, porches, adjacent structures, 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 Landmark, Regulated Structure, or a Contributing Regulated 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) *Destruction or alteration of the historic features.* The distinguishing historic qualities or character of a Landmark Regulated Structure or Contributing Regulated Structure and its environment shall not be destroyed. The Alteration of any historic or material or distinctive architectural features should be avoided when possible.
- (13) *Archaeological and natural resources.* Every reasonable effort shall be made to protect and preserve archaeological and natural resources affected by, or adjacent to any project.
- (14) *Architectural Compatibility.* 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.
- (15) *Use compatibility.* Every reasonable effort shall be made to provide a compatible use for a Regulated Structure or Contributing Regulated Structure that requires minimal alteration of the Regulated Structure or a Contributing Regulated Structure and its environment, or to use a Regulated Structure or Contributing Regulated Structure for its originally intended purpose.
- (16) *Maintenance of Time Period Appearance.* All Regulated Structures or Contributing Regulated Structures shall be recognized as products of their own time and so alterations that have no historical basis and which seek to create an earlier appearance than is properly attributable to the particular Regulated Structure or Contributing Regulated Structure that is being altered shall be discouraged. However, contemporary design for Alterations and additions to Regulated Structures or Contributing Regulated Structures shall not be discouraged when such Alterations and additions do not destroy significant historical, architectural, visual, aesthetic, archaeological or cultural material, and such design is compatible with the size, scale, color, material, and character of the Regulated Structure or Contributing Regulated Structure, neighborhood or environment.
- (17) *Significance of changes made in the course of time.* Changes that may have taken place in the course of time are evidence of the history and development of Regulated Structure or Contributing Regulated Structure and their environments. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (18) *Sensitivity to distinct features.* Distinctive stylistic features or examples of skilled craftsmanship or artistry, which characterize a Regulated Structure or Contributing Regulated Structure, shall be treated with sensitivity.
- (19) *Repair to deteriorated features.* Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material need not be identical to but

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 buildings or structures;

- (20) *Surface cleaning.* The surface cleaning of Regulated Structure or Contributing Regulated Structure shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historically, visually, aesthetically, culturally or archaeologically significant materials used in such Landmark, Regulated Structure, or a Contributing Regulated Structure shall not be undertaken;
- (21) *[Alterations to a Regulated Structure.]* Wherever possible, additions or Alterations to a Regulated Structure or Contributing Regulated Structure shall be done in such manner that if such additions or Alterations were to be removed in the future, the essential form and integrity of the Landmark, Regulated Structure, or Contributing Regulated Structure would not be impaired.
- (E) Reserved.
- (F) Reserved.
- (G) *Application For Certificate of Appropriateness.* An Applicant required to obtain a Certificate of Appropriateness under this Section shall submit for approval an application on a form prepared by the Commission. The application for a Certificate of Appropriateness shall contain, at a minimum, the following information and specifications:
- (1) Applicant's name;
 - (2) Owner's name, if different from Applicant;
 - (3) Street address and legal description of the Landmark or Contributing Regulated Structure;
 - (4) An overall plan of the proposed Regulated Activity, including front, side, and rear elevation drawings related to the Regulated Structures impacted by the Activity;
 - (5) A brief description of the Structures, sites, and landscapes and any other significant features adjacent to and across from the Property on which the Regulated Activity will take place;
 - (6) A detailed description of the proposed Regulated Activity, together with any architectural drawings, sketches, and photographs indicating how and to what extent the Regulated Activity will affect any Landmarks and/or Contributing Regulated Structures;
 - (7) The names and addresses of the Owners of property adjacent to and across from the Property on which the Regulated Activity will take place;
 - (8) A list and photographs of significant architectural features in relation to the Structures, sites, and landscapes on the Property previously designated by the Commission as being worthy of protections and preservation, if any;
 - (9) Identification of any architect or developer involved in the proposed Regulated Activity; and
 - (10) Such other relevant information as requested by the City or the Commission.
- (H) *Public Hearing Review.*
- (1) *Public Hearing on Application.* Following the proper filing of a complete application for a Certificate of Appropriateness, a public hearing on the application shall be set, noticed, and conducted in accordance with the provisions contained in this Subsection. The hearing shall be commenced not less than 30 days after the filing of a complete application and may be continued upon request of, or with the consent of, the Applicant.
 - (2) *Notice of Public Hearings.*
 - (a) The Commission shall cause notice to be given of public hearings set pursuant to this Section in the form and manner and to the persons herein specified.
 - (b) The Commission shall give written notice of the date, time, and place of the hearing on the proposed

Regulated Activity for which a Certificate of Appropriateness is sought to the Owner of the Property on which the Regulated Activity will take place. The Commission shall also cause to be posted, for a period of not less than 15 days immediately preceding the hearing, a notice stating the time, date, place, and matter to be considered at the hearing. The notice shall be prominently displayed on the Property on which the Regulated Activity will take place, or on the public way abutting the Property. In addition, not less than 15 days prior to the hearing, the Commission shall cause a legal notice to be published in a newspaper of general circulation in the City of Highland Park setting forth the nature of the hearing, the Property, Regulated Activity and Regulated Structures involved, and the date, time, and place of the scheduled public hearing.

(3) *Procedures for Conduct of Hearings.*

- (a) Any person may appear and testify at a public hearing conducted pursuant to this Section, either in person or by a duly authorized agent or attorney; provided, however, that the Commission may exclude irrelevant, immaterial, or unduly repetitious testimony.
- (b) Any Person may at any time prior to the commencement of a hearing under this Section, or during such hearing, or within such time as may be allowed by the Commission following such hearing, submit written statements in support of or in opposition to any matter before the Commission.
- (c) The Commission may at any time, on its own motion or at the request of any person, adjourn a hearing for a reasonable time and to a fixed date, time, and place, for the purpose of giving further notice, taking further evidence, gathering further information, deliberating further, or for such other reason as the Commission may deem appropriate. The Commission shall notify in writing all Commissioners, all parties to the hearing, and any other person designated on the vote of adjournment of the date, time, and place of the adjourned hearing.

(l) *Decision of the Commission.*

- (1) If the application is approved without conditions, the Commission shall issue the Certificate of Appropriateness permitting the Building Commissioner to proceed with other required reviews and approvals. The Commission shall notify the Applicant of its decision within 30 days after the close of the public hearing.
- (2) If the application is approved with conditions, the Commission shall notify the Applicant in writing, by certified mail, return receipt requested, within 30 days after the close of the public hearing and shall specify the conditions to be imposed and the reasons therefore in light of the criteria applicable to this Chapter. If the Applicant notifies the Commission in writing that the conditions are acceptable, or if the Applicant does not appeal the approval with conditions within the prescribed period of time, the Commission shall issue the Certificate of Appropriateness, subject to the conditions.
- (3) If the application is denied, the Commission shall notify the Applicant in writing, by mail, return receipt requested, within 30 days after the close of the public hearing and shall specify the particular aspects in which the application is inconsistent with the criteria applicable to this Chapter. If the Commission denies the Certificate of Appropriateness, then no Regulated Activity shall be undertaken, and no permits shall be issued for the Regulated Activity, that involves the subject Landmark and/or Contributing Regulated Structure.
- (4) A Certificate of Appropriateness shall be invalid (a) if the plans approved by the Commission or the City Council are changed in any material way, (b) if any conditions of the Certificate are not satisfied, or (c) if any building permit issued for the approved work becomes invalid. A Certificate of Appropriateness shall remain valid for a period of one year, unless the Regulated Activity is commenced with that year and diligently pursued thereafter until completed.
- (5) Any interested party may appeal the decision of the Commission to the City Council by filing an appeal in writing with the Office of the City Manager within 15 days after the date of the Commission's decision. For the purpose of this Subsection, the term "interested party" shall mean and include any party who presents

testimony at the public hearing before the Commission, as provided in Subsection (H) of this Section. The City Council may receive comments on the contents of the record, but no new matter may be considered by the City Council, unless such matter is new or was not known at the time of the hearing. After due consideration of the facts contained in the record submitted to the Council by the Commission and other authorized matter, the City Council (i) may affirm the decision in total, (ii) may approve changes, or (iii) may overturn the Commission's decision.

(Ord. 20-05, J. 31, p. 054-089, passed 4/11/05; Ord. 46-06, J. 32, p. 244-252, passed 7/10/06)

Sec. 24.035. - Certificates of Economic Hardship.

- (A) *Certificate*. Notwithstanding any of the provisions of this Chapter to the contrary, the Commission may issue a Certificate of Economic Hardship to allow the performance of Regulated Activity for which a Certificate of Appropriateness has been denied.
- (B) *State Assistance*. Applicants claiming economic hardship shall be required to apply to the State Historic Preservation Agency to determine eligibility for rehabilitation assistance. The eligibility for and availability of financial aid shall be considered by the Commission in making its decision.
- (C) *Application Requirements*. An applicant for a Certificate of Economic Hardship shall submit an application, on a form prepared by the Commission, and shall provide, at a minimum, any or all of the following information in order to assist the Commission in making its determination on the application:
 - (1) The amount paid for the Property, 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).
 - (2) The assessed value of the Property and its improvements according to the two most recent assessments.
 - (3) Real estate taxes for the previous two years.
 - (4) Remaining balance on mortgage, if any, and annual debt service, if any, for the previous two years.
 - (5) All appraisals obtained within the previous two years by the Owner or Applicant or their lenders in connection with this purchase, financing, or ownership of the Property.
 - (6) Any listing of the Property for sale or rent, price asked, and offers received, if any.
 - (7) Any consideration by the Owner as to profitable adaptive uses and/or reuses for the Property.
 - (8) If the Property is income-producing, the annual gross income from the Property for the previous two years, itemized operating and maintenance expenses for the previous two years, and annual cash flow before and after debt service, if any, during the same period.
 - (9) Form of ownership or operation of the Property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other.
 - (10) Evidence, if any, of any substantial decrease in the fair market value of the Landmark or Contributing Regulated Structure as a result of the denial of a Certificate of Appropriateness.
 - (11) Any substantial decrease in the pre-tax or after-tax return to the Owner(s) or other investors in the Landmark or Contributing Regulated Structure as a result of the denial of a Certificate of Appropriateness.
 - (12) Any additional cost of work necessary to comply with the standards and criteria for the issuance of a Certificate of Appropriateness as set forth in Subsections 24.040(C) and (D) of this Chapter, as the case may be.
 - (13) In the case of a proposed Demolition, the economic feasibility of Rehabilitation or reuse of the Landmark or Contributing Regulated Structure on its present site or elsewhere.
 - (14) Any other relevant information, including, without limitation, income tax bracket of the Owner, Applicant, or principal investors in the Landmark or Contributing Regulated Structure, reasonably necessary for a

determination as to whether the Landmark or Contributing Regulated Structure can be reasonably sold or yield a reasonable return to present or future Owners.

(D) *Public Hearing Review.*

- (1) Following the proper filing of a complete application for a Certificate of Economic Hardship, a public hearing on the application shall be set, noticed, and conducted in accordance with the provisions contained in this Subsection. The hearing shall be commenced not less than 45 days following the filing of a complete application and may be continued upon request or consent of the Applicant.
- (2) Notice of Public Hearings.
 - (a) The Commission shall cause notice to be given of public hearings set pursuant to this Section in the form and manner and to the persons herein specified.
 - (b) The Commission shall give written notice of the date, time, and place of the hearing on the proposed Regulated Activity for which a Certificate of Economic Hardship is sought to the Owner of the Property on which the Regulated Activity will take place. The Commission shall also cause to be posted, for a period of not less than 15 days immediately preceding the hearing, a notice stating the time, date, place, and matter to be considered at the hearing. The notice shall be prominently displayed on the Property on which the Regulated Activity will take place, or on the public way abutting the Property. In addition, not less than 15 days prior to the hearing, the Commission shall cause a legal notice to be published in a newspaper of general circulation in the City of Highland Park setting forth the nature of the hearing, the Property, Regulated Activity and Regulated Structures involved, and the date, time, and place of the scheduled public hearing.
- (3) Procedures for Conduct of Hearings.
 - (a) Any Person may appear and testify at a public hearing conducted pursuant to this Section, either in person or by a duly authorized agent or attorney; provided, however, that the Commission may exclude irrelevant, immaterial, or unduly repetitious testimony.
 - (b) Any Person may at any time prior to the commencement of a hearing under this Section, or during such hearing, or within such time as may be allowed by the Commission following such hearing, submit written statements in support of or in opposition to any matter before the Commission.
 - (c) The Commission may at any time, on its own motion or at the request of any person, adjourn a hearing for a reasonable time and to a fixed date, time, and place, for the purpose of giving further notice, taking further evidence, gathering further information, deliberating further, or for such other reason as the Commission may find to be sufficient. The Commission shall notify in writing all Commissioners, all parties to the hearing, and any other Person designated on the vote of adjournment of the date, time, and place of the adjourned hearing.

(E) *Study Period.* If the Commission finds that without approval of the proposed Regulated Activity the Landmark or Contributing Regulated Structure cannot be put to a reasonable beneficial use, or the Landmark or Contributing Regulated Structure cannot obtain a reasonable economic return therefrom, then the application shall be delayed for a period not to exceed 60 days. During this period of delay, the Commission shall investigate plans and make recommendations to the City Council to allow for a reasonably beneficial use or a reasonable economic return, or to otherwise preserve the Landmark or Contributing Regulated Structure. Such plans and recommendations may include, without limitation, a relaxation of the provisions of this Chapter, a reduction in real property taxes, financial assistance, building code modifications, and/or relief from zoning regulations.

(F) *Decision.* If, by the end of this 60 day period, the Commission has found that without approval of the proposed Regulated Activity, the Landmark or Contributing Regulated Structure cannot be put to a reasonable beneficial use, or the Owner cannot obtain a reasonable economic return therefrom, then the Commission shall issue a Certificate of Economic Hardship approving the proposed Regulated Activity and allowing the Applicant to obtain the

applicable permits under the City Code for the Regulated Activity. If the Commission finds otherwise, it shall deny the application for a Certificate of Economic Hardship and the Commission shall so notify the applicant in writing, by certified mail, return receipt requested.

- (G) *Appeal.* When a Certificate of Economic Hardship for a Landmark or Contributing Regulated Structure is denied, the Applicant may appeal the Commission's decision to the City Council by filing an appeal in writing to the City Manager within 15 days after the Applicant is served with notice by personal delivery or certified or registered mail of the Commission's decision. For the purposes of this Section, the date of mailing or delivery shall be the date of service. The City Council may receive comments on the contents of the record, but no new matter may be considered by the City Council, unless such matter is new or was not known at the time of the hearing. After due consideration of the facts contained in the record submitted to the Council by the Commission and other authorized matter, the City Council (i) may affirm the decision in total, (ii) may approve changes, or (iii) may overturn the Commission's decision.
- (H) *Natural Destruction or Demolition.* In the case of partial or complete natural destruction or Demolition of a Landmark or Contributing Regulated Structure, the Owner shall be required to obtain a Certificate of Appropriateness from the Commission prior to reconstruction. Although exact duplication of the previous structure may not be required, the exterior design of the property shall be in harmony with the exterior design of the Landmark or Contributing Regulated Structure prior to the damage.
- (I) *Conditions of Validity.* A Certificate of Economic Hardship shall be invalid (a) if the plans approved by the Commission or the City Council are changed in any material way, (b) if any conditions of the Certificate are not satisfied, or (c) if any building permit issued for the approved work becomes invalid. A Certificate of Economic Hardship shall remain valid for a period of one year, unless the Regulated Activity is commenced with that year and diligently pursued thereafter until completed.

(Ord. 20-05, J. 31, p. 054-089, passed 4/11/05)

Sec. 24.040. - Enforcement and Penalties for Violation.

Any person who undertakes a Regulated Activity without first obtaining a Certificate of Appropriateness or a Certificate of Economic Hardship as required under this Chapter 24, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50.00 or more than \$5,000.00. Every day each such violation shall continue to exist shall constitute a separate violation. In addition to monetary penalties, and any other penalties and remedies that may be provided by law or in this Code, in the event of any unauthorized Regulated Activity, the City Council may direct the Corporation Counsel to seek injunctive and other equitable relief to cause the immediate cessation of any such unauthorized Regulated Activity. The City may also order that the Landmark, Regulated Structure, or Contributing Regulated Structure be returned to the condition it was in immediately prior to the unauthorized Regulated Activity.

(Ord. 20-05, J. 31, p. 054-089, passed 4/11/05)

Title 14

HISTORIC PRESERVATION

Chapter 1

GENERAL PROVISIONS

14-1-1: PURPOSE:

The purpose of this Title is to promote historic and architectural preservation in the Village. The Village seeks to protect, enhance, and perpetuate those historical structures, buildings, sites, and areas valued by the Village and its residents that are significant to the Village's history, culture, and architecture. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-1-2: GOALS:

This Title is created in order to:

- A. Foster civic pride in the beauty and accomplishments of the past as represented in the Village's landmarks and historic districts;
- B. Preserve, promote, maintain and enhance the Village's historic resources and character as a community comprised principally of well-maintained single-family residential neighborhoods and small, thriving business areas oriented to serve the day-to-day needs of local residents;
- C. Protect and enhance the Village's attractiveness to residents, businesses, visitors, and prospective home buyers and businesses;
- D. Maintain and improve property values in the Village;
- E. Protect, preserve, and enhance the Village's aesthetic appearance and character;
- F. Encourage the designation of landmark and historic district status upon structures, buildings, sites, and areas on a local, State, and national level; and
- G. Educate the general public as to the significance of historic preservation. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-1-3: DEFINITIONS:

Exhibit 8

For the purpose of this Title, and the interpretation and enforcement thereof, the following words and phrases shall have the following meanings, unless the context of the sentence in which they are used shall indicate otherwise:

ADDITION: Any act or process that changes the exterior architectural appearance of a structure or building by adding to, joining with, or increasing the size or capacity of the structure or building.

ALTERATION: Any act or process, other than demolition, that changes the exterior architectural appearance of a landmark or any structure, building, or site in a designated historic district, including without limitation the erection, construction, reconstruction, addition, repair, rehabilitation, renovation, removal, restoration, or relocation of any structure or building. Repainting all or any portion of the exterior of a structure or building with paint of the same kind, color and texture is not an alteration for the purposes of this Title.

AREA: A specific geographic division of the Village.

BUILDING: A structure having a roof that is supported by columns or walls for the shelter, support, or enclosure of persons, animals, or chattels.

CERTIFICATE OF APPROPRIATENESS: A certificate issued by the Commission approving plans for the alteration, construction, removal, or demolition of a landmark or structure, building, or site within a designated historic district.

COMMISSION: The Hinsdale Historic Preservation Commission.

COMMISSIONERS: Members of the Commission.

CONSTRUCTION: The act of adding an addition to, reconstructing, or otherwise altering an existing structure or building, or the act of erecting a new principal or accessory structure or building on a lot or property.

DEMOLITION: Any act or process that destroys, in part or in whole, a landmark or a site within an historic district.

DESIGN GUIDELINES: The standards of appropriate activity that will preserve the historic and architectural character of a structure or area.

EXTERIOR ARCHITECTURAL APPEARANCE: The architectural character, general composition, and general arrangement of the exterior of a structure, building, or site, including without limitation, the kind, color, and texture of the building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant elements.

HISTORIC DISTRICT: An area designated as an historic district by ordinance of the Village Board that may contain, within definable geographic boundaries, one or more landmarks and which may have within its boundaries other structures, buildings, or sites that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district.

LANDMARK: Any building, structure, or site designated as a landmark by ordinance of the Village Board, pursuant to procedures prescribed herein, that is worthy of rehabilitation, restoration, and preservation because of its historic and/or architectural significance to the Village.

OWNER OF RECORD: The person, corporation, or other legal entity listed as the holder of legal title

on the records of the Recorder of Deeds of the county with jurisdiction. If a site has more than one owner of record, and action by the owner of record is required by this Title, there shall be a rebuttable presumption that action has been taken by the owner of record where the written consent of a majority of the owners of record for that site is submitted.

REHABILITATION: The process of returning a structure, building, or site to a state of utility through repair, construction, or alteration, that makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic and architectural values.

RELOCATION: The process of moving a structure or building on its site or to another site.

REMOVAL: See definition of Relocation.

REPAIR: Any change that does not require a building permit that is not construction, relocation, or alteration.

RESTORATION: The process of restoring, repairing, or reconstructing a property, through repair, construction, or alteration, to a former or original condition that enhances those portions and features of the property that are significant to its historic and architectural values.

SITE: A single lot or parcel of property. For the purpose of determining any action by an owner of record pursuant to this Title, site also includes a zoning lot, as that term is defined in the Hinsdale zoning code.

STRUCTURE: Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground or attached to something having a permanent location on or in the ground. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-1-4: PROCEDURE FOR NOTICE OF PUBLIC HEARINGS AND MEETINGS:

- A. **Manager To Give Notice:** The village manager shall cause notice to be given of public hearings and public meetings set pursuant to this title in the form and manner and to the persons herein specified.
- B. **Content Of Notice:** All notices shall include the date, time, and place of such hearing or meeting, a description of the matter to be heard or considered, a legal description of the subject property, and the address or particular location of the subject property.
- C. **Persons Entitled To Notice:**
1. **All Hearings And Meetings:** Notice of every hearing or meeting set pursuant to this title shall be given:
 - a. By mail or personal delivery to the applicant and, if a specific parcel is the subject of the application, to the owner of the subject property.
 - b. By mail to any newspaper or person that shall have filed a written request, accompanied by an annual fee as established from time to time by the village manager to cover postage and handling, for notice of all hearings or meetings held pursuant to this code. Such written request shall automatically expire on December 31 of the year in which it is made unless a written request for renewal, accompanied by the annual fee, is submitted prior to such date.

- c. By mail, personal delivery, or interdepartmental delivery to affected village boards, commissions, departments, officials and consultants.

Notice by mail as herein required shall be mailed no fewer than seven (7) days in advance of the hearing or meeting date by regular United States mail. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

2. Hearings On Applications: In addition to notice as required by subsection C1 of this section, notice of every hearing set pursuant to this title in connection with any application for historic district designation, withdrawal of landmark designation, or a certificate of appropriateness, shall be given in accordance with subsections C2a and C2b of this section. Notice of every hearing in connection with an application for landmark designation shall be given in accordance with subsection C2a of this section. (Ord. O2005-28, 7-19-2005)
 - a. By publication in a newspaper published in the village at least once no less than fifteen (15) days nor more than thirty (30) days in advance of the hearing date.
 - b. By certified mail, return receipt requested, or personal delivery to all owners of property within two hundred fifty feet (250') of the subject property; provided, further, that in the case of an application for historic district designation, notice shall be to all owners of record of property within the proposed district and to all owners of record of property within two hundred fifty feet (250') of the outside perimeter of the proposed district. Notice as required by this subsection shall be given by the applicant not less than fifteen (15) days nor more than thirty (30) days in advance of the hearing. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-1-5: PROCEDURES FOR CONDUCT OF HEARINGS:

- A. Rights Of All Persons: Any person may appear and testify at a public hearing conducted pursuant to this title, either in person or by a duly authorized agent or attorney, and may submit documentary evidence; provided, however, that the commission may exclude irrelevant, immaterial, or unduly repetitious evidence.
- B. Rights Of Parties And Proximate Owners: Subject to the discretion of the commission, the applicant, any board, commission, department, or official of the village, and any property owner entitled to written notice pursuant to this section may be allowed any or all of the following rights:
 1. To present witnesses on their behalf.
 2. To cross examine all witnesses testifying in opposition to their position.
 3. To examine and reproduce any documents produced at the hearing.
 4. To a continuance, upon request, for the purpose of presenting evidence to rebut evidence introduced by any other person.
- C. Adjournment Of Hearing: The commission may at any time, on its own motion or at the request of any person, adjourn the hearing for a reasonable time and to a fixed date, time, and place, for the purpose of giving further notice, taking further evidence, gathering further information, deliberating further, or for such other reason as the hearing body may find to be sufficient. The staff secretary of the commission shall notify in writing all commissioners, all parties to the hearing, and any other

person designated on the vote of adjournment of the date, time, and place of the adjourned hearing.

- D. Sworn Testimony: All testimony at any hearing held pursuant to this title shall be given under oath or affirmation.
- E. Right To Submit Written Statements: Any person may at any time prior to the commencement of a hearing hereunder, or during such hearing, or within such time as may be allowed by the commission following such hearing, submit written statements in support of or in opposition to the application being heard.
- F. Code And Rules To Govern: All other matters pertaining to the conduct of hearings shall be governed by the provisions of this code pertaining to, and the rules promulgated by, the commission. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

Chapter 2

HISTORIC PRESERVATION COMMISSION

14-2-1: CREATION:

The Hinsdale Historic Preservation Commission shall be constituted as created pursuant to Section 2-12-1 of this Code. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-2-2: POWERS AND DUTIES:

Subject to the laws of the State, this Code, and any other ordinances and resolutions of the Village, the Commission shall have the following powers and duties:

- A. To adopt its own procedural rules. In the absence of such rules, the Commission shall conduct its business, as nearly as practicable, in accordance with Robert's Rules of Order.
- B. To conduct a survey of structures, buildings, sites, and areas in the Village in order to identify those with historical and architectural significance.
- C. To keep a register of all buildings, structures, sites, and areas that have been designated as landmarks or historic districts, including all information required for each designation.
- D. To provide information to owners of landmarks and structures, buildings, or sites within historic districts, as well as to residents of the Village, regarding: 1) physical and financial aspects of preservation, renovation, rehabilitation, and reuse, including information about incentives that may be available therefor and possible designation under this Title, and 2) procedures for inclusion on the State or National Register of Historic Places.

Exhibit 8

- E. To inform and educate the residents of the Village concerning the historic and architectural heritage of the Village by: 1) publishing appropriate maps, newsletters, brochures, and pamphlets, and 2) holding programs and seminars.
- F. To hold public hearings, review applications, conduct advisory review conferences, and make recommendations regarding the designation and withdrawal of designation of landmarks and historic districts and the alteration or demolition of such landmarks and historic districts, and to issue decisions regarding the issuance of certificates of appropriateness and certificates of economic hardship for such actions.
- G. To develop, subject to review and approval by the Village Board, specific guidelines for the alteration, demolition, construction, or removal of landmarks or structures, buildings, or sites within historic districts.
- H. To recommend, when requested by the Village Board, whether the Village should accept and administer any property or full or partial interest in real property, including conservation rights as that term is used in 765 Illinois Compiled Statutes 120/1, which the Village may have or accept as a gift or otherwise.
- I. To request technical advice and assistance from Village staff members and to retain specialists or consultants when expressly authorized by the Village Board.
- J. To review, upon request of the Village Board, the Plan Commission or the Zoning Board of Appeals, applications for zoning or subdivision relief affecting historically and architecturally significant landmarks and structures, buildings, and sites within historic districts.
- K. To periodically review, when requested by the Village Board, the Hinsdale zoning code and to recommend to the Plan Commission or the Village Board any amendments appropriate for the protection and continued use of landmarks or structures, buildings, or sites within historic districts.
- L. To perform such other functions as directed by the Village Board, including without limitation regulatory, acquisitive, informational, and incentive-oriented functions. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-2-3: SURVEYS AND RESEARCH:

When authorized by the Village Board, and within applicable budget or appropriations limitations, the Commission shall undertake an ongoing survey and research effort in the Village to identify neighborhoods, areas, sites, structures, and buildings that have historic, community, architectural, or aesthetic importance, interest, or value. As part of the survey, the Commission shall review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts, and photographs. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

Chapter 3

LANDMARK AND HISTORIC DISTRICT DESIGNATION

14-3-1: CRITERIA:

The Commission shall consider the criteria provided in this Chapter in order to recommend a structure, building, or site for designation as a landmark, or an area for designation as an historic district.

A. General Considerations:

1. The structure, building, site, or area has significant character, interest, or value as part of the historic, aesthetic, or architectural characteristics of the Village, the State, or the United States.
2. The structure, building, site, or area is closely identified with a person or persons who significantly contributed to the development of the Village, the State, or the United States.
3. The structure, building, site, or area involves the notable efforts of, or is the only known example of work by, a master builder, designer, architect, architectural firm, or artist whose individual accomplishment has influenced the development of the Village, the State, or the United States.
4. The unique location or singular physical characteristics of the structure, building, site, or area make it an established or familiar visual feature.
5. The activities associated with a structure, building, site, or area make it a current or former focal point of reference in the Village.
6. The structure or building is of a type or is associated with a use once common but now rare, or is a particularly fine or unique example of a utilitarian structure and possesses a high level of integrity or architectural significance.
7. The structure, building, or site is in an area that has yielded or is likely to yield historically significant information, or even prehistoric data.

B. Architectural Significance:

1. The structure, building, site, or area represents certain distinguishing characteristics of architecture inherently valuable for the study of a time period, type of property, method of construction, or use of indigenous materials.
2. The structure, building, site, or area embodies elements of design, detail, material, or craftsmanship of exceptional quality.
3. The structure, building, site, or area exemplifies a particular architectural style in terms of detail, material, and workmanship which has resulted in little or no alteration to its original construction.
4. The structure, building, site, or area is one of the few remaining examples of a particular architectural style and has undergone little or no alteration since its original construction.

5. The structure, building, site, or area is, or is part of, a contiguous grouping that has a sense of cohesiveness expressed through a similarity of style characteristics, time period, type of property, method of construction, or use of indigenous materials and accents the architectural significance of an area.
6. The detail, material, and workmanship of the structure, building, or site can be valued in and of themselves as reflective of or similar to those of the majority of the other visual elements in the area.

C. Historic Significance:

1. The structure, building, site, or area is an exceptional example of an historic or vernacular style, or is one of the few such remaining properties of its kind in the Village.
2. The structure, building, site, or area has a strong association with the life or activities of a person or persons who has significantly contributed to or participated in the historic events of the United States, the State, or the Village.
3. The structure, building, site, or area is associated with an organization or group, whether formal or informal, from which persons have significantly contributed to or participated in the historic events of the United States, the State, or the Village.
4. The structure, building, site, or area is associated with a notable historic event.
5. The structure, building, site, or area is associated with an antiquated use due to technological or social advances.
6. The structure, building, site, or area is a monument to, or a cemetery of, an historic person or persons. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-3-2: APPLICATIONS FOR NOMINATIONS OF LANDMARKS AND HISTORIC DISTRICTS:

- A. Who May Nominate: Applications for nominations for designation of a landmark or historic district may be submitted by: 1) the owner of record of the nominated landmark, or 2) the owners of record of twenty five percent (25%) or more of the sites within an area to be nominated for historic district designation, or 3) the Village for an area to be nominated for historic district designation.
- B. Application Requirements: Applications for nomination shall be filed with the Village Manager, on forms provided by the Village Manager and shall, at a minimum, include the following information and specifications:
1. For A Landmark:
 - a. The name and address of the applicant and owner of record.
 - b. The legal description and common street address of the property.
 - c. A written statement describing the structure, building, or site and setting forth reasons in support of the proposed designation, including a list of significant exterior architectural features that should be protected.

- d. Written documentation and evidence establishing that the applicant is the current owner of record of the nominated property and that such owner of record consents to the proposed landmark designation. Such documentation or evidence of record ownership shall include a recent title policy in the name of the applicant or other evidence of record ownership acceptable to the Village Manager.
- e. An overall site plan and photographs of the landmark. The plan shall also include a front, side, and rear elevation drawing.
- f. Such other relevant information as requested by the Village Manager or the Commission.

2. For An Historic District:

- a. The names and addresses of the applicants.
- b. The names and addresses of all of the owners of record of buildings, structures, or sites in the area nominated for designation.
- c. A vicinity map delineating the boundaries of the area nominated for designation.
- d. A written statement describing the area and structures, buildings, or sites located in the area nominated for designation as an historic district and setting forth the reasons in support of the proposed designation, including a list and photographs of significant exterior architectural features of all structures, buildings, or sites in the district that should be protected.
- e. Written documentation and evidence establishing that applicants are the current owners of record of property in the area nominated for designation and that such owners comprise the owners of record of at least twenty five percent (25%) of all sites contained in the nominated area. Such documentation or evidence of record ownership shall include recent title policies in the names of the applicants or other evidence of record ownership acceptable to the village manager.
- f. The name, address, and telephone number of one of the applicants who shall be the designated contact person and liaison for the purposes of the application. The name, address, and telephone number of an additional applicant to serve as an alternative contact person shall also be provided.
- g. Such other relevant information as requested by the village manager or the commission. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-3-3: PUBLIC HEARING:

Following the proper filing of a complete application for nomination of a landmark or historic district, a public hearing on the application shall be set, noticed and conducted in accordance with the provisions contained in chapter 1 of this title. Such hearing shall be commenced not later than ninety (90) days following the filing of a complete application and may be continued upon request or consent of the applicant. (Ord. O2001-12, 3-6-2001)

14-3-4: RECOMMENDATIONS BY HISTORIC PRESERVATION COMMISSION:

A. General: The commission shall review all information presented to it at the public hearing and shall adopt a recommendation that the nominated landmark or historic district does or does not meet the

criteria for designation as herein prescribed. The commission may recommend that an area consisting of less than all of the properties included in the original application be designated as an historic district, as long as the smaller recommended district complies with all requirements for consent of owners of record under this chapter. The recommendation shall contain the following information:

1. The commission's rationale for recommending either approval or rejection of the nomination;
 2. In the case of a recommendation of approval of designation of a landmark, the significant feature or features in the exterior architectural appearance of the landmark that should be protected and preserved;
 3. In the case of a recommendation of approval or designation of an historic district, the significant features in the exterior architectural appearance of any structures, buildings, or sites within the historic district that should be protected and preserved; and
 4. Any other pertinent comments related to the nomination of the landmark or historic district.
- B. Landmarks: In the case of a nominated landmark, within forty five (45) days following the conclusion of the public hearing, the commission shall transmit to the village board its recommendation in the form specified by subsection 2-12-6A of this code. The failure of the commission to act within forty five (45) days following the conclusion of such hearing, or such further time to which the applicant may agree, shall be deemed a recommendation for the approval of the application for designation as submitted. The village board shall promptly act on such recommendation.
- C. Historic Districts: In the case of a nominated historic district, such recommendation by the commission shall be deemed preliminary and shall be accompanied by action of the commission requiring that notice be given to all owners of record of property within the nominated district that the nominated district has been preliminarily determined to meet the standards for designation as an historic district and allowing such owners of record an opportunity to complete a form indicating whether the owner consents to the designation of the nominated district. The manner of obtaining such consent shall be pursuant to section 14-3-6 of this chapter. Following receipt of the results of the consent forms submitted by the owners of record, the commission shall reconsider its preliminary recommendation and shall issue a final recommendation to the village board within forty five (45) days following receipt of the results. The commission shall transmit to the village board its recommendation in the form specified by subsection 2-12-6A of this code. The failure of the commission to act within forty five (45) days following the receipt of the results, or such further time to which the applicant may agree, shall be deemed a recommendation for the approval of the application for designation as submitted. The village board shall promptly act on such recommendation.
- D. Recommendations On File: All recommendations by the commission shall be filed with the village manager and made available to persons requesting the same in writing. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-3-5: DESIGNATION BY VILLAGE BOARD:

An ordinance passed by the affirmative vote of at least four (4) members of the Village Board shall be required to designate an official landmark or historic district. Upon passing an ordinance approving the

nomination for a landmark or historic district designation, the Village Board shall direct that notice be sent to the Building Commissioner and to the owners of record advising them of such designation and informing them that any structure, building, site, or area designated as a landmark or located within the boundaries of a designated historic district shall thereafter be subject to the requirements of Chapter 5 of this Title. The Village Board shall also direct that the ordinance approving a landmark or historic district designation be recorded in the offices of the appropriate County Recorder of Deeds. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-3-6: CONSENT OF OWNERS OF RECORD IN PROPOSED HISTORIC DISTRICT:

- A. Manner Of Consent: In the event that the Commission makes a preliminary recommendation that an historic district should be designated and that notice shall be given in accordance with subsection 14-3-4C of this Chapter, the notice shall include one or more written forms on which the owners of record of each site within the proposed district may indicate their ownership and whether or not they consent to the designation of the proposed district. If a site is owned by more than one owner of record, only one consent form may be submitted for that site. The forms for such consent shall be prepared in a manner that enables the Village to verify whether the person submitting the consent form is the owner of record while keeping the owner's name separate from the owner's indication of whether or not the owner consents to the designation.
- B. Effect Of Consent: No historic district shall be designated by the Village without affirmative written consent to such designation by the owners of record of more than fifty percent (50%) of the sites within the proposed district. However, the Village shall not be required to designate any proposed district because of the affirmative written consent to such designation by the owners of record of more than fifty percent (50%) of the sites within the proposed district. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-3-7: DENIAL OF DESIGNATION:

An applicant whose nomination for a landmark or historic district designation is denied by the Village Board may request reconsideration by filing a written request within thirty (30) days after a decision denying designation is rendered; provided, however, that the Village Board shall reconsider a nomination only if substantial new evidence or information regarding the nominated landmark or historic district is provided. Once a nomination has been denied by the Village Board, no further nominations involving substantially the same relief under this Chapter for any structure, building, site, or area whose designation was denied may be filed for ninety (90) days; provided, however, that this period does not apply to an application to designate a landmark within an area for which historic district designation was denied. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-3-8: STAY OF PROCEEDINGS:

No building, demolition, sign, or other permit shall be issued for a proposed landmark or a structure, building, site, or area in a proposed historic district from the date when the nomination form is filed with the Village Manager until the final disposition of the nomination unless the process for certificate of appropriateness review required by Chapter 5 of this Title is completed. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-3-9: LANDMARK DESIGNATION CONTROLS:

In the event that a building, structure, or site has been designated as both a landmark and as part of an historic district, the requirements, limitations, restrictions, and regulations contained in this Title pertaining to landmarks shall control over the requirements, limitations, restrictions, and regulations pertaining to historic districts, including, without limitation, the requirements contained in Chapter 5 of this Title regarding the issuance of a certificate of appropriateness. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-3-10: SUCCESSIVE APPLICATIONS:

- A. **Second Applications Without New Grounds Barred:** Whenever any application filed pursuant to this Chapter has been finally denied on its merits, a second application seeking essentially the same relief, whether or not in the same form or on the same theory, shall not be brought unless in the opinion of the Village Manager or the Commission there is substantial new evidence available or a mistake of law or fact significantly affected the prior denial.
- B. **New Grounds To Be Stated:** Any such second application shall include a detailed statement of the grounds justifying consideration of such application.
- C. **Summary Denial With Or Without Hearing:** Any such second application may be denied by the Village Manager summarily, and without hearing, on a finding that no grounds appear that warrant a new hearing. In any case where such application is set for hearing, the applicant shall be required to establish grounds warranting reconsideration of the merits of its application prior to being allowed to offer any evidence on the merits. Unless such grounds are established, the application may be summarily dismissed for such failure.
- D. **Exception:** Whether or not new grounds are stated, any such second application filed more than two (2) years after the final denial of a prior application shall be heard on the merits as though no prior application had been filed. The applicant shall, however, be required to place in the record all evidence available concerning changes of conditions or new facts that have developed since the denial of the first application. In the absence of such evidence, it shall be presumed that no new facts exist to support the new petition that did not exist at the time of the denial of the first application. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

Chapter 4

WITHDRAWAL OF LANDMARK DESIGNATION

14-4-1: CONDITIONS FOR WITHDRAWAL:

The designation of a structure, building or site as a landmark may be withdrawn under any of the following conditions:

- A. The structure, building or site has ceased to meet the criteria for designation because the qualities which caused it to be originally designated have been lost or destroyed, or such qualities were lost subsequent to nomination, but before designation;
- B. Additional information shows conclusively that the structure, building or site does not possess sufficient significance to meet the designation criteria;
- C. The original designation was clearly in error;
- D. There was prejudicial procedural error in the designation process; or
- E. The owner of the structure, building or site demonstrates that he or she is experiencing significant and continuing financial hardship of a nature that has, and will going forward, negatively impact the ability of the owner to adequately maintain the structure, building or site. (Ord. O2014-38, 11-4-2014)

14-4-2: REQUESTS FOR WITHDRAWAL:

The owner of record of any designated landmark structure, building, or site may initiate a procedure to withdraw the designation from such structure, building or site. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-4-3: APPLICATION AND HEARING:

A procedure to withdraw a landmark designation shall be initiated by filing an application with the village manager, in accordance with section 14-3-2 of this title; provided, however, that the application shall include a written explanation of the reasons for withdrawal as allowed by section 14-4-2 of this chapter. Upon the filing of a completed application, notice shall be given and a public hearing shall be held in accordance with chapter 1 of this title. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-4-4: RECOMMENDATION; DETERMINATION:

Promptly after the close of the public hearing, the commission shall either: a) determine that withdrawal of a designation is not warranted and recommend to the village board denial of the application; or b) recommend to the village board that a designation should be withdrawn. Such recommendation shall be in writing and shall set forth the reasons therefor. Any determination or recommendation shall be submitted to the village board, sent to the applicant, and filed with the village clerk. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-4-5: BOARD ACTION:

The village board shall promptly act upon a recommendation for withdrawal of a designation. An ordinance passed by the affirmative vote of at least four (4) members of the village board shall be

required to withdraw an official landmark designation. Upon passing an ordinance approving the withdrawal of such a designation, the village board shall direct that notice be sent to the building commissioner and the owners of record advising them that such designation has been withdrawn. The village board shall also direct that the ordinance withdrawing a landmark designation be recorded in the office of the appropriate county recorder of deeds. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

Chapter 5

CERTIFICATE OF APPROPRIATENESS

14-5-1: REQUIRED:

- A. Landmarks: No alteration shall be allowed to, and no permits shall be issued for, the alteration, demolition, signage, or any other physical modifications of the exterior architectural appearance of a designated landmark without the prior issuance of a certificate of appropriateness in accordance with the procedures and criteria specified in this chapter.

- B. Historic District: No alteration shall be allowed to, and no permits shall be issued for, the alteration, demolition, signage, or any other physical modifications of the exterior architectural appearance of any structure, building, site, or area located in a designated historic district without the rendering of a final decision by the commission on an application for a certificate of appropriateness. The final decision of the commission shall be advisory only.

- C. Exemption: Certificates of appropriateness shall not be required in connection with permits necessary for compliance with a lawful order of a village, including, without limitation, any permit necessary to correct what is determined by the issuing officer to be an immediate health or safety problem; provided that such order expressly exempts the alteration, demolition, signage, or other physical modifications from certificate of appropriateness procedures; and provided further that such order may be subject to appropriate conditions to advance the purpose and goals of this title. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-5-2: CRITERIA:

All applications for a certificate of appropriateness shall conform to the applicable standards in this section.

A. General Standards:

1. Alterations that do not affect any essential architectural or historic features of a structure or building as viewed from a public or private street ordinarily should be permitted.

2. The distinguishing original qualities or character of a structure, building, or site and its environment should not be destroyed. No alteration or demolition of any historic material or distinctive architectural feature should be permitted except when necessary to assure an economically viable use of a site.

3. All structures, buildings, sites, and areas should be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance than the true age of the property are discouraged.
4. Changes that may have taken place in the course of time are evidence of the history and development of a structure, building, or site and its environment. These changes may have acquired significance in their own right, and this significance should be recognized and respected when dealing with a specific architectural period.
5. Distinctive stylistic features or examples of skilled craftsmanship that characterize a structure, building, site, or area should ordinarily be maintained and preserved.
6. Deteriorated architectural features should be repaired rather than replaced, whenever 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 buildings or structures.
7. The surface cleaning of structures and buildings should be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the structures and buildings should be avoided.
8. New structures or buildings, or alterations to sites should not be discouraged when such structures or alterations do not destroy significant historical or architectural features and are compatible with the size, scale, color, material, and character of the site, neighborhood, or environment.
9. Whenever possible, new structures or buildings, or alterations to the existing conditions of sites should be done in such a manner that, if such new structures or alterations were to be removed in the future, the essential form and integrity of the original structure, building, site, or area would be unimpaired.
10. Any permitted alteration or demolition should promote the purposes of this Title and general welfare of the Village and its residents.
11. Demolition should not be permitted if a structure, building, or site is economically viable in its present condition or could be economically viable after completion of appropriate alterations, even if demolition would permit a more profitable use of such site.

B. Design Standards:

1. Height: The height of a landmark after alteration should be compatible with the height of the original landmark. The height of a structure or building and adjacent open spaces after any proposed alteration or construction within an historic district should be compatible with the style and character of the structure or building and with surrounding structures and buildings in an historic district.
2. Relationship Between Mass And Open Space: The relationship between a landmark and adjacent open spaces after its alteration should be compatible with such relationship prior to such alteration. The relationship between a structure or building and adjacent open spaces after alteration within an historic district should be compatible with the relationship between surrounding structures, buildings and adjacent open spaces within such historic district.

3. Relationship Among Height, Width And Scale: The relationship among the height, width, and scale of a landmark after alteration should be compatible with such relationship prior to such alteration. The relationship among height, width, and scale of a structure or building after an alteration within an historic district should be compatible with the relationship among height, width, and scale of surrounding structures and buildings within such historic district.
 4. Directional Expression: The directional expressions of a landmark after alteration, whether its vertical or horizontal positioning, should be compatible with the directional expression of the original landmark. The directional expression of a structure or building after alteration within an historic district should be compatible with the directional expression of surrounding structures and buildings within such historic district.
 5. Roof Shape: The roof shape of a landmark after alteration should be compatible with the roof shape of the original landmark. The roof shape of a structure, building, or object after alteration within an historic district should be compatible with the roof shape of surrounding structures and buildings within such historic district.
 6. Architectural Details, General Designs, Materials, Textures, And Colors: The architectural details, general design, materials, textures, and colors of a landmark after alteration should be compatible with the architectural details, general design, materials, textures, and colors of the original landmark. The architectural details, general design, materials, textures, and colors of a structure or building after alteration within an historic district should be compatible with the architectural details, general design, materials, textures, and colors of surrounding structures and buildings within such historic district.
 7. Landscape And Appurtenances: The landscape and appurtenances, including without limitation signs, fences, accessory structures, and pavings, of a landmark after alteration should be compatible with the landscape and appurtenances of the original landmark. The landscape and appurtenances of a structure or building after alteration within an historic district should be compatible with the landscape and appurtenances of surrounding structures and buildings within such historic district.
 8. Construction: New construction in an historic district should be compatible with the architectural styles, design standards and streetscapes within such historic districts.
- C. Additional Standards: In addition to the foregoing standards, the commission may consider the secretary of the interior's standards for rehabilitation guidelines for rehabilitating historic buildings (revised 1983), and any amendments thereto, in reviewing any application under this section. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

This section has been affected by a recently passed ordinance, 2020-01 - HISTORIC PRESERVATION. [Go to new ordinance.](#)

14-5-3: APPLICATION:

- A. Formal Application Requirements: Any person proposing an alteration to, or seeking a building, demolition, sign, or other permit for, any designated landmark, or for any structure, building, site, or area within a designated historic district, shall submit a formal application for a certificate of appropriateness as a precondition to commencing such alteration or obtaining such permit. The formal application for a certificate of appropriateness shall include the following information and specifications:

Exhibit 8

1. Applicant's name;
 2. Owner's name, if different from applicant;
 3. Street address and legal description of the site;
 4. An overall site plan of the site, including front, side, and rear elevation drawings in the case of alteration or partial demolition;
 5. Brief description of the structures, buildings, and objects on the site and the structures, buildings, and objects on site adjacent to and across from such original site;
 6. Detailed description of the proposed alteration or demolition, together with any architectural drawings, sketches, and photographs indicating how and to what extent such alteration or demolition shall affect a landmark or historic district;
 7. Names and addresses of the owners of property adjacent to and access from the site;
 8. A list and photographs of significant architectural features in relation to the structures, buildings, or objects on the site previously designated by the commission as being worthy of protection and preservation;
 9. Identification of any architect or developer involved in the alteration or demolition; and
 10. Such other relevant information as requested by the village manager or the commission.
- B. Preliminary Application Requirements: Preliminary applications for nomination shall be filed with the village manager, on forms provided by the village manager and shall include such information required by subsection A of this section as are necessary to allow review by the commission. No applicant shall be required to file a preliminary application prior to filing a formal application. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-5-4: REVIEW OF APPLICATION:

A. Review Of Formal Application:

1. Public Meeting If No Demolition: After the filing of a properly completed formal application for a certificate of appropriateness that does not include any request for demolition, the commission shall conduct a public meeting on the application. Notice of the meeting shall be given in accordance with section 14-1-4 of this title. The meeting shall be conducted within ninety (90) days after the properly completed formal application has been filed.
2. Public Hearing If Demolition, Relocation, Or Removal: After the filing of a properly completed formal application for a certificate of appropriateness that includes a request for demolition, relocation, or removal, the commission shall conduct a public hearing on the application. Notice of the hearing shall be given in accordance with section 14-1-4 of this title, and the hearing shall be conducted in accordance with section 14-1-5 of this title. The hearing shall be commenced within ninety (90) days after the properly completed formal application has been filed. (Ord. O2002-37, 6-18-2002)

B. Review Of Preliminary Applications: Following the proper filing of a complete preliminary application, the village manager shall cause such application to be on the agenda of the next

regular commission meeting after the date of its filing. The commission shall, not later than the first regular commission meeting after the preliminary application has been referred to it, commence and conclude its review of the preliminary application.

The purpose of such review shall be to broadly acquaint the commission with the applicant's proposal and to provide the applicant with any preliminary views or concerns that members of the commission may have at the time in the process when positions are still flexible and adjustment is still possible and prior to the time when the applicant is required to expend the funds necessary to prepare the complete documentation required for a formal application.

At the meeting at which the preliminary application is considered, any member of the commission may make any comments, suggestions or recommendations regarding the preliminary application deemed necessary or appropriate by that member; provided, however, that no recommendation shall be made, and no final or binding action shall be taken, with respect to any preliminary application by the Commission. Any views expressed in the course of the Commission's review of any preliminary application shall be deemed to be only preliminary and advisory and only the individual views of the member expressing them. Nothing said or done in the course of such review shall be deemed to create, or to prejudice, any rights of the applicant or to obligate the Commission, or any member of it, to approve or deny any formal application following full consideration thereof as required by this Title. Applications by the Village shall not be subject to the provisions of this subsection. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-5-5: DECISION OF THE COMMISSION:

- A. Approval: If the application is approved without conditions, the Commission shall issue the certificate of appropriateness permitting the Building Commissioner to proceed with other required reviews and approvals. The Commission shall notify the applicants of its decision within thirty (30) days after the close of the public hearing.
- B. Approval With Conditions: If the application is approved with conditions, the Commission shall notify the applicant in writing and shall specify the conditions to be imposed and the reasons therefor in light of the criteria applicable to this Chapter. If the applicant notifies the Commission in writing that the conditions are acceptable, or if the applicant does not appeal the approval with conditions within the prescribed period of time, the Commission shall issue the certificate of appropriateness, subject to the conditions.
- C. Denial: If the application is denied, the Commission shall notify the applicant in writing and shall specify the particulars in which the application is inconsistent with the criteria applicable to this Chapter. If the Commission issues a denial of the certificate of appropriateness, no alteration shall be permitted to proceed, and no permits shall be issued for, the proposed alteration, demolition, signage, or any other physical modifications of, the designated landmark. If the Commission issues a denial of a certificate of appropriateness for a structure, building, site, or area within a designated historic district, such denial is merely advisory and shall not prohibit an applicant from proceeding with the proposed alteration, demolition, signage or any other physical modifications the structure, building, site, or area within the historic district upon receiving all other required approvals and permits therefor.
- D. Validity: A certificate of appropriateness shall be invalid if the plans approved by the Commission are changed, if any conditions of the certificate are not satisfied, or if any building permit issued for

the approved work becomes invalid. A certificate of appropriateness shall remain valid for a period of one year.

- E. Appeal: When a certificate of appropriateness for a designated landmark is denied, the applicant may appeal the Commission's decision to the Village Board by filing an appeal in writing to the Village Manager within fifteen (15) days after the applicant is served with notice by personal delivery or certified or registered mail of the Commission's decision. For the purposes of this Section, the date of mailing or delivery shall be the date of service. The Village Board may receive comments on the contents of the record but no new matter may be considered by the Village Board. The Village Board may affirm the decision or recommend changes by a majority vote of the Board after due consideration of the facts contained in the record submitted to the Board by the Commission. The Village Board may overturn the Commission's decision by a majority vote of a quorum of the Village Board. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-5-6: CERTIFICATE OF ECONOMIC HARDSHIP:

Notwithstanding any of the provisions of the ordinance to the contrary, the Commission may issue a certificate of economic hardship to allow the performance of work for which a certificate of appropriateness has been denied.

- A. State Assistance: Applicants claiming economic hardship shall be required to apply to the State Historic Preservation Agency to determine eligibility for rehabilitation assistance. The eligibility for and availability of financial aid shall be considered by the Commission in making its decision.
- B. Application Requirements: An applicant for a certificate of economic hardship may submit any or all of the following information in order to assist the Commission in making its determination on the application:
1. The amount paid for the property, 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).
 2. The assessed value of the land and improvements thereon according to the two (2) most recent assessments.
 3. Real estate taxes for the previous two (2) years.
 4. Remaining balance mortgage, if any, and 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 or their lenders in connection with this purchase, financing, or ownership of the property.
 6. Any listing of the property for sale or rent, price asked, and offers received, if any.
 7. Any consideration by the owner as to profitable adaptive uses for the property.
 8. If the property is income-producing, the annual gross income from the property for the previous two (2) years, itemized operating and maintenance expenses for the previous two (2) years, and annual cash flow before and after debt service, if any, during the same period.

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9. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other.
 10. Any other information including income tax bracket of the owner, applicant, or principal investors in the property, reasonably necessary for a determination as to whether the property can be reasonably sold or yield a reasonable return to present or future owners.
- C. Study Period: If the Commission finds that without approval of the proposed work, the property cannot obtain a reasonable economic return therefrom, then the application shall be delayed for a period not to exceed forty five (45) days. During this period of delay, the Commission shall investigate plans and make recommendations to the Village Board to allow for a reasonably beneficial use or a reasonable economic return, or to otherwise preserve the subject property. Such plans and recommendations may include, without limitation, the following: a relaxation of the provisions of this Title, a reduction in real property taxes, financial assistance, building code modifications, and/or changes in zoning regulations.
- D. Decision: If, by the end of this forty five (45) day period, the Commission has found that without approval of the proposed work, the property cannot be put to a reasonable beneficial use, or the owner cannot obtain a reasonable economic return therefrom, then the Commission shall issue a certificate of economic hardship approving the proposed work. If the Commission finds otherwise, it shall deny the application for a certificate of economic hardship.
- E. Appeal: When a certificate of economic hardship is denied, the applicant may appeal the Commission's decision in the same manner provided for certificates of appropriateness, as described in Section 14-5-5 of this Chapter. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-5-7: NATURAL DESTRUCTION OR DEMOLITION:

In the case of partial or complete natural destruction or demolition of a landmark or structure, building, site, or area within an historic district, the owner of record shall be required to obtain a certificate of appropriateness from the Commission prior to reconstruction. Although exact duplication of the previous structure may not be required, the exterior design of the property shall be in harmony with:

- A. The exterior design of the structure prior to damage, and
- B. The character of the historic district, where the structure, building, site or area is within an historic district. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-5-8: PENALTIES:

Any person who undertakes or causes an alteration, construction, demolition, or removal of any nominated or designated landmark without a certificate of appropriateness shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00). Any person who undertakes or causes an alteration, construction, demolition, or removal of any structure, building, site, or area within a nominated or designated historic district without having obtained a final decision from the Commission

on a certificate of appropriateness application shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00). Every day such violation shall continue to exist shall constitute a separate violation. In addition to such penalties, the Village may institute any appropriate action or proceeding to enjoin, correct or abate any violation of this Title. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

KANE COUNTY HISTORIC PRESERVATION ORDINANCE



KANE COUNTY CODE, CHAPTER 16, ARTICLE IV

ADOPTED: COUNTY BOARD ORD. 88-99, 6/14/88

AMENDED: COUNTY BOARD ORD. 00-186, 7/11/00

DIVISION 1. PURPOSES, DEFINITIONS AND GENERAL PROVISIONS

Sec. 16-58. Purposes And Intent:

The purposes and intent of this Article are as follows:

- (1) To identify, designate, protect, preserve and encourage the restoration, rehabilitation and adaptation for continued use of those properties, structures and road corridors which represent or reflect the historical, cultural, artistic, social, economic, ethnic or political heritage of the Nation, State or County, or which may be representative of an architectural or engineering type inherently valuable for the study of style, period, craftsmanship, method of construction or use of indigenous materials;
- (2) To safeguard the County's historic, aesthetic and cultural heritage, as embodied and reflected in such structures, landscape features and areas;
- (3) To stabilize and improve the economic vitality and value of designated landmarks, preservation districts and road corridors in particular and of the County in general;
- (4) To foster civic pride in the beauty and noble accomplishments of the past;
- (5) To protect and enhance the County's attractions to tourists and visitors and to support and provide stimulus to business and industry;
- (6) To strengthen the economy of the County; and
- (7) To promote the use of preservation districts, landmarks and road corridors for the education, pleasure and welfare of the citizens of Kane County. (Ord. 88-99, 6-14-1988; Ord. 00-186, 7-11-2000)

Sec. 16-59. Definitions:

For the purpose of this Article, certain words, phrases and terms shall have the following meanings:

Alteration: Any act or process that changes one or more historic, architectural or physical features of an area, site, landscape, place and/or structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure; the expansion or significant modification of agricultural activities; surface mining; and clearing, grading or other modification of an area, site or landscape that changes its current or natural condition.

Archaeological significance: Importance as an area, site, place or landscape that has yielded or is likely to yield information concerning previous cultures in Illinois or previous periods of the present culture. Areas, sites or landscapes of archaeological significance may include, but are not limited to, aboriginal mounds, forts, earthworks, burial grounds, historic or prehistoric ruins, locations of villages, mine excavations or tailings.

Architectural significance: Embodying the distinctive characteristics of a type, period, style or method of construction or use of indigenous construction, or representing the work of an important builder, designer, architect, or craftsman who has contributed to the development of the community, County, State or Nation.

Building: Any structure designed or constructed for residential, commercial, industrial, agricultural or other use.

Certificate of appropriateness: A certificate issued by the Preservation Commission indicating its approval of plans for alteration, construction, demolition, or removal affecting a nominated or designated landmark or property within a nominated or designated preservation district or road corridor.

Certificate of economic hardship: A certificate issued by the Preservation Commission authorizing an alteration, construction, removal or demolition even though a certificate of appropriateness has previously been denied or may be denied.

Commissioners: Members of the Preservation Commission.

Conservation right: A term that includes easements, covenants, deed restrictions or any other type of less than full fee simple interest as that term is defined in 765 Illinois Compiled Statutes 120/1 of "An Act relating to conservation rights in real property", approved September 12, 1977, as amended.

Construction: The act of adding an addition to a structure or the erection of a new principal or accessory structure on a lot or property.

Demolition: Any act or process which destroys in part or in whole a landmark or property within a preservation district or road corridor.

Design criteria: Standards of appropriate activity that will preserve the historic, architectural, scenic or aesthetic character of a landmark, preservation district or road corridor.

Development rights: The development rights of a landmark or of a property within a preservation district or road corridor as defined in section 11-48.2-1A of the Illinois Municipal Code.

Development rights bank: A reserve for the deposit of development rights as defined in section 11-48.2-1A of the Illinois Municipal Code.

Exterior architectural appearance: The architectural character and general composition of the exterior of a building or structure, including, but not limited to, the kind, color and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs and appurtenant elements.

Highway authority: The Illinois Department of Transportation with respect to a U.S. or State highway; the County Board with respect to a County highway; the County Engineer if a ministerial function is involved; the highway commissioner with respect to a township road; or the corporate authorities of a municipality with respect to a municipal street.

Historic significance: Character, interest or value as part of the development, heritage or culture of the community, County, State or Country; as the location of an important local, County, State or national event; or through identification with a person or persons who made important contributions to the development of the community, County, State or Country.

Landmark: A property or structure designated as a "landmark" by ordinance of the County Board, pursuant to procedures prescribed herein, which is worthy of rehabilitation, restoration or preservation because of its historic or scenic or architectural significance.

Landscape: A natural feature or group of natural features such as, but not limited to, valleys, rivers, lakes, marshes, swamps, forests, woods or hills; or a combination of natural features and buildings, structures, objects, cultivated fields, or orchards in a predominantly rural setting.

Object: Any tangible thing, including any items of personal property, including, but not limited to, wagons, boats, and farm machinery, that may be easily moved or removed from real property.

Owner of record: The person or corporation or other legal entity in whose name the property appears on the records of the County Recorder of Deeds.

Preservation district: An area designated as a "preservation district" by ordinance of the County Board and which may contain within definable geographic boundaries one or more landmarks and which may have within its boundaries other properties, areas, sites, landscapes, or structures which, while not of such historic or architectural or scenic significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the district.

Removal: Any relocation of a structure, object or artifact on its site or to another site.

Repair: Any change that is not construction, alteration, demolition, or removal and is necessary or useful for continuing normal maintenance and upkeep.

Road corridor: A type of preservation district in which the geographic area is identified with a nominated or designated road. The road corridor minimally includes the area within the right of way including the road pavement, any structures such as bridges and signs, shoulders and vegetation, and may also include: 1) all or portions of adjacent properties, 2) features located on adjacent property such as buildings, structures, or vegetation, 3) potential conservation easements or other easements that would protect scenic vistas and viewsheds, and/or 4) existing easements protecting privately owned drives or lanes.

Scenic significance: Importance as a result of appearance or character that remains relatively unchanged from and embodies the essential appearance related to a culture from an earlier historic or prehistoric period; as a result of a unique location, appearance, or physical character that creates an established or familiar vista or visual feature; or as a geologic or natural feature associated with the development, heritage or culture of the community, County, State or Nation.

Site: The traditional, documented or legendary location of an event, occurrence, action or structure significant in the life or lives of a person, persons, group or tribe, including, but not limited to, cemeteries, burial grounds, campsites, battlefields, settlements, estates, gardens, groves, river crossings, routes, trails, caves, quarries, mines, or significant trees or other plant life.

Structure: Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including (but without limiting the generality of the foregoing) barns, smokehouses, advertising signs, billboards, backstops for tennis courts, bridges, fences, pergolas, gazebos, radio and television antennas, solar collectors, microwave antennas, including supporting towers, roads, ruins or remnants (including foundations), swimming pools or walkways.

Survey: The systematic gathering of information on the architectural, historic, scenic and archaeological significance of buildings, sites, structures, areas, or landscapes through visual assessment in the field and historical research, for the purpose of identifying landmarks, districts or road corridors worthy of preservation. (Ord. 88-99, 6-14-1988; Ord. 00-186, 7-11-2000)

Sec. 16-60. General Provisions:

The following are general provisions propounded to make more clear matters relative to scope and jurisdiction of this Article:

- (1) No provision herein shall supersede the powers of other local legislative or regulatory bodies or relieve any property owner from complying with the requirements of any other State statutes or code or ordinance of the County or individual municipal ordinance or regulations, and any permit or license required thereunder shall be required in addition to any certificate of appropriateness or economic hardship which may be required hereunder; provided however, that where a certificate of appropriateness or economic hardship is required, no such other permit or license shall be issued by any other agency under the jurisdiction of the County Board before a certificate has been issued by the Commission as herein provided.
- (2) The use of property and improvements which have been designated under this Article shall be governed by the County Zoning Ordinance ⁴, as amended.
- (3) If any particular section of this Article is declared to be unconstitutional or void, only the particular section is affected, and all other sections of this Article shall remain in full force and effect.
- (4) For purposes of remedying emergency conditions determined to be dangerous to life, health or property, the Commission may waive the procedures set forth herein and grant immediate approval for a certificate of appropriateness. The Commission shall state its reasons in writing for such approval.
- (5) No member of the Preservation Commission shall vote on any matter that may materially or apparently affect the property, income or business interest of that member.

- (6) No provision herein shall be contrary to the purpose of promoting the public health, safety, morals, comfort and general welfare; conserving the values of property throughout the County; and reducing or avoiding congestion in the public streets and highways. (Ord. 88-99, 6-14-1988; Ord. 00-186, 7-11-2000)

Secs. 16-61-16-65. Reserved:

DIVISION 2. THE HISTORIC PRESERVATION COMMISSION

Sec. 16-66. Organization:

- (a) *Appointment:* The County Board shall by ordinance appoint members to the County Historic Preservation Commission from names submitted by the presiding officer of the County Board.
- (b) *Composition:* The Preservation Commission shall consist of nine (9) members. All members shall be residents of Kane County. The Chairman of the County Board shall make every reasonable effort to nominate to the Preservation Commission at least one attorney, one historian or architectural historian, one architect/engineer and one real estate professional knowledgeable in preservation; the other members shall be persons with a demonstrated interest in prehistory, history or architecture.

In addition to the nine (9) voting members, the Director of the County Development Department or his designee shall serve as an ex officio, nonvoting member of the Commission and shall be responsible for providing staff support, upon approval of, and as deemed appropriate by the County Board Development Committee. Also in addition, the Director of the County Division of Transportation or his designee shall serve as an ex officio, nonvoting member of the Commission and shall be responsible for providing staff support, upon approval of, and as deemed appropriate by the County Board Transportation Committee. The president, Kane County Forest Preserve or his designee shall also serve as an ex officio, nonvoting member of the Commission.

- (c) *Terms:* Terms of the initial members shall be staggered so that at least five (5) serve respectively for the following terms: one for one year; one for two (2) years; one for three (3) years; one for four (4) years; one for five (5) years. Any additional initial members shall also serve terms staggered in the same sequence. Successors to initial members shall serve for five (5) year terms. All ex officio members shall serve the term of their elected or appointed office. All members shall serve until their successors are appointed.
- (d) *Officers:* One of the appointed members shall be named chairman at the time of appointment and vice chairman and secretary shall be elected by the Preservation Commission. The chairman shall preside over meetings. In the absence of the chairman, the vice chairman shall perform the duties of the chairman. If both the chairman and the vice chairman are absent, a temporary chairman shall be elected by those present. The secretary shall ensure that the following duties are performed:
- (1) That minutes are taken of each Preservation Commission meeting;

- (2) That copies of the minutes, reports and decisions of the Preservation Commission be published and distributed to the members of the Preservation Commission;
- (3) That the County Board Chairman is advised of vacancies on the Preservation Commission and expiring terms of members; and
- (4) That there be prepared and submitted to the County Board a complete record of the proceedings before the Preservation Commission on any matters requiring County Board consideration.

Vacancies shall be filled by the County Board from names submitted by the Chairman of the County Board. Any Commission member may be removed by the County Board for cause after a public hearing.

- (e) *Rules And Procedures:* The Historic Preservation Commission shall have the authority to develop and adopt rules and procedures necessary to carry out its functions under the provisions of this Article.
- (f) *Meetings:*
 - (1) Meetings of the Commission shall be held no less than monthly, except in those months when no business is pending, and shall be held at such times and places within the County as the Commission shall decide. All meetings of the Commission shall keep minutes of its proceedings, showing a vote of each member upon every question, or if absent or failing to vote, and shall also keep records of its official actions. Such minutes and records shall be open to the public for inspection and maintained at offices of the County Development Department.
 - (2) A quorum shall consist of five (5) members. The transaction of business shall be made by a majority vote of those members in attendance while a quorum is present, except that the adoption, modification or rescission of any rule or part thereof shall require the affirmative vote of five (5) members.
- (g) *Compensation:* The members shall serve without compensation, but they shall be reimbursed for their expenses necessarily incurred in the performance of their duties as such.
- (h) *Annual Report:* The Commission shall submit an annual report of its activities to the County Board Chairman. (Ord. 88-99, 6-14-1988; Ord. 00-186, 7-11-2000)

Sec. 16-67. Powers And Authorities:

The Preservation Commission shall have the following powers and authority:

- (1) To conduct an ongoing survey of the County to identify buildings, structures, areas, roads, sites and landscapes that are of historic, archaeological, architectural or scenic significance, and therefore potential landmarks, preservation districts or road corridors;

- (2) To hold public hearings and recommend to the County Board the designation of landmarks, preservation districts or road corridors;
- (3) To compile information concerning and prepare descriptions of the landmarks, preservation districts or road corridors identified and recommended for designation and the characteristics that meet the standards for designation;
- (4) To prepare, keep current and publish a map or maps showing the locations and exact boundaries of nominated and designated landmarks, preservation districts and road corridors, and, if the Commission so chooses, the locations and boundaries of designated State or Federal landmarks or districts;
- (5) To keep a register of all designated landmarks, preservation districts and road corridors;
- (6) To establish an appropriate system of markers or plaques for all designated landmarks, preservation districts and road corridors, and for streets, roads, trails and highways leading from one landmark, preservation district or road corridor to another and to confer recognition upon the owners of landmarks or property within preservation districts or road corridors by means of certificates, plaques or markers;
- (7) To nominate landmarks and preservation districts to any State or Federal registers of historic places;
- (8) To advise and assist owners of landmarks and property within preservation districts on physical and financial aspects of preservation, renovation, rehabilitation and reuse, and on procedures for inclusion on any State or Federal register of historic places;
- (9) To inform and educate the citizens of the County concerning the historic, archaeological, architectural or scenic heritage of the County by publishing appropriate maps, newsletters, brochures and pamphlets, and by holding programs and seminars;
- (10) To hold public hearings and to review applications for construction, alteration, removal or demolition affecting landmarks or property within preservation districts or road corridors and issue or deny certificates of appropriateness for such actions;
- (11) To consider applications for certificates of economic hardship that would allow the performance of work for which a certificate of appropriateness may be, or has been denied;
- (12) To develop specific criteria and guidelines for the proper alteration, construction, demolition or removal of landmarks, or of property within preservation districts or road corridors;
- (13) To review proposed amendments to zoning regulations, applications for special uses or applications for zoning variations that affect any landmark, preservation district or road corridor. Proposed zoning amendments, applications for special use or zoning variations that affect any "landmark", "preservation district" or "road corridor" as defined in this Article shall be transmitted to the Preservation Commission for review and comment prior to the date of the hearing by the County Zoning Board of Appeals;

- (14) To administer on behalf of the County Board any property, or full or partial interest in real property, including a conservation right, upon designation by the County Board;
- (15) To accept and administer on behalf of the County Board gifts, grants, money or other personal property as may be appropriate for the purposes of this Article. Such money may be expended for publishing maps and brochures, for hiring staff or consultants or performing otherwise appropriate functions for the purpose of carrying out the duties and powers of the Preservation Commission and the purposes of this Article;
- (16) To administer any system established by the County Board for the transfer of development rights;
- (17) To call upon available County agencies and staff as well as other experts for technical advice;
- (18) To retain specialists or consultants, or to appoint citizen, neighborhood or area advisory committees, as well as other experts for technical advice;
- (19) To testify before all boards and commissions including the County Regional Planning Commission and the Zoning Board of Appeals, on any matter affecting potential or designated landmarks, preservation districts or road corridors;
- (20) To periodically review any County comprehensive plan and to develop a preservation component in any comprehensive plan of the County and to recommend it to the County Regional Plan Commission and the County Board;
- (21) To periodically consult with the Zoning Administrator, review any zoning ordinance and building code and to recommend to the County Board any amendments appropriate for the protection and continued use of landmarks or property within preservation districts or road corridors;
- (22) To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties, or the implementation of the purposes of this Article;
- (23) To recommend to the County Board the adoption of intergovernmental agreements between the County Board and Kane County municipalities that allow for the nomination and designation by the County Board of individual landmarks, preservation districts and road corridors within incorporated areas and afford the protection of historic landmarks, preservation districts or road corridors through the provisions of this Article. (Ord. 88-99, 6-14-1988; Ord. 00-186, 7-11-2000)

Secs. 16-68-16-72. Reserved:

DIVISION 3. DESIGNATION OF LANDMARKS, PRESERVATION DISTRICTS AND ROAD CORRIDORS

Sec. 16-73. Surveys And Research:

The Preservation Commission shall undertake an ongoing survey and research effort in the County to identify sites, structures, and objects that have historic, cultural, community, scenic significance, architectural or aesthetic importance, interest or value. As part of the survey, the Commission shall review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts and photographs.

Before the Preservation Commission shall on its own initiative nominate any landmark or district for designation, it shall first develop a plan and schedule for completion of a survey of the County to identify potential landmarks and districts and adopt procedures to nominate them in groups based upon the following criteria:

- (1) The potential landmarks or districts in one township or distinct geographical area of the County;
- (2) The potential landmarks associated with a particular person, event or historical period;
- (3) The potential landmarks of a particular architectural style or school, or of a particular architect, engineer, builder, designer or craftsman;
- (4) Such other criteria as may be adopted by the Preservation Commission to assure systematic survey and nomination of all potential landmarks within the County. (Ord. 88-99, 6-14-1988, eff. 12-1-1988; Ord. 00-186, 7-11-2000)

Sec. 16-74. Preservation Plan:

- (a) The Historic Preservation Commission shall, through the aforesaid surveys and research, so to become thoroughly familiarized with buildings, structures, objects, sites, districts, areas and lands within the County which may be eligible for designation as historic landmarks or districts, prepare an "Historic Landmark and District Preservation Plan".
- (b) The Preservation Plan shall be presented to the County Board Development Committee for consideration and recommendation to the County Board for inclusion in the 2020 Land Resource Management Plan, as amended. At least annually, the Commission shall review the Plan and insert in the Historic Preservation Commission minutes a report of such review and take appropriate action on any amendments to the Plan deemed necessary. (Ord. 88-99, 6-14-1988, eff. 12-1-1988; Ord. 00-186, 7-11-2000)

Sec. 16-75. Nomination Of Landmarks, Preservation Districts And Road Corridors:

The Preservation Commission or any person may nominate landmarks, preservation districts or road corridors for designation by the County Board by filing a nomination for any property, properties and structures, or area located in an unincorporated area or in an incorporated area by intergovernmental agreement with the appropriate municipality within the geographical boundaries of Kane County.

Nomination forms shall be filed with the County Development Department. Such forms shall be provided by the Commission and, when submitted for landmarks or preservation districts, shall include or be accompanied by the following:

- (1) The name and address, as shown on the Tax Assessor's rolls of the owner of the nominated property.
- (2) The legal description and common street address of the nominated property.
- (3) A map delineating the boundaries and location of the nominated property.
- (4) A written statement describing the nominated property and setting forth reasons in support of the nomination.
- (5) In nominating an area for designation as a preservation district, a list enumerating all properties and improvements previously designated, or currently pending designation, as a landmark by this Commission or listed in any State or Federal registers of historic places.

Nominations for road corridors shall include or be accompanied by the following:

- (1) The name, distance and location of the road corridor nominated.
- (2) A written description of the character of the road corridor and those factors which make it suitable for preservation and eligible for designation.
- (3) A written description of the vision for the road corridor in the future.
- (4) A written statement of what will be achieved by the designation.
- (5) Maps showing:
 - a. The location of the road corridor in Kane County; and
 - b. The boundaries of the road corridor and adjacent properties.
- (6) Color prints eight inches by ten inches (8" x 10") showing the significant features of the road corridor.

In the case of a nominated road corridor, the nomination will be placed on the agendas of the Development and Transportation Committees of the County Board for initial review and discussion of any issues and questions related to the nomination. Comments from the Committees will be forwarded with the nomination to the Commission. Proceeding with the development of a Corridor Management Plan shall require the approval of the Committees.

There shall be no fee for submitting a nomination form for designation of an historic landmark, preservation district or road corridor. (Ord. 88-99, 6-14-1988, eff. 12-1-1988; Ord. 00-186, 7-11-2000)

Sec. 16-76. Criteria For Designation:

The Commission may recommend to the County Board the designation of landmarks, upon written proof of owner consent, and preservation districts and road corridors, where a showing of consent by no fewer than fifty one percent (51%) of the property owners whose property is located within the boundaries of the nominated district or corridor, when after a thorough investigation results in a determination that a nomination meets one or more of the following criteria:

- (1) It has character, interest, or value which is part of the development, heritage or cultural characteristics of the area, community, County, State or Nation;
- (2) Its location is a site of a significant local, County, State or national event;
- (3) It is identified with a person or persons who significantly contributed to the development of the community, County, State, or Nation;
- (4) It embodies distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction or use of indigenous materials;
- (5) It is identified with the work of a master builder, designer, architect or landscape architect whose individual work has influenced the development of the area, County, State or Nation;
- (6) It embodies elements of design, detailing, materials or craftsmanship that render it architecturally significant;
- (7) It embodies design elements that make it structurally or architecturally innovative;
- (8) It has a unique location, natural features, or physical characteristics that make it an established or familiar visual resource with a high level of integrity or scenic significance;
- (9) It is a particularly fine or unique example of a utilitarian structure, including, but not limited to, farmhouses, gas stations or other commercial structures, with a high level of integrity or architectural significance;
- (10) It is suitable for preservation or restoration;

- (11) It is included in the National Register of Historic Places and/or the Illinois Register of Historic Places;
- (12) It has yielded, or may be likely to yield information important to prehistory, history or other areas of archaeological significance.

In the event a property, structure or an area is found to be of such significant character and quality where it is determined that its designation as a landmark, preservation district or road corridor is in the overall best interest of the general welfare, the Commission may nominate and recommend to the County Board such appropriate designation without proof of owner consent or the minimal percentage of owner approval. (Ord. 88-99, 6-14-1988, eff. 12-1-1988; Ord. 00-186, 7-11-2000)

Sec. 16-77. Reports And Recommendations Of The Preservation Commission:

The Preservation Commission shall within thirty (30) days from its review of a completed application for designation of a landmark or preservation district cause to be written an initial recommendation and report stating whether the nominated landmark or preservation district does or does not meet the criteria for designation as provided in Section [16-76](#) of this Division. The report shall contain the following information:

- (1) An explanation of the significance or lack of significance of the nominated landmark or preservation district as it relates to the criteria for designation;
- (2) A description of the integrity or lack of integrity of the nominated landmark or preservation district;
- (3) In the case of a nominated landmark found to meet the criteria for designation:
 - a. A description of the significant exterior architectural features of the nominated landmark that should be protected;
 - b. A description of the types of construction, alteration, demolition and removal, other than those requiring a building or demolition permit, that should be reviewed for appropriateness pursuant to the provisions of subsections 16-94(c) and (d) of this Article;
- (4) In the case of a nominated preservation district found to meet the criteria for designation:
 - a. A description of the types of significant exterior architectural features of the structures within the nominated preservation district that should be protected;
 - b. A description of the types of alterations and demolitions that should be reviewed for appropriateness pursuant to the provisions of subsections 16-94(c) and (d) of this Article;

- (5) The relationship of the nominated landmark or preservation district to the ongoing effort of the Preservation Commission to identify and nominate all potential areas and structures that meet the criteria for designation;
- (6) A map showing the location of the nominated landmark and the boundaries of the nominated preservation district.

In the case of a nominated road corridor, if the Commission deems the road corridor eligible for designation, a corridor management plan shall be prepared in accordance with Section [16-88](#) of this Division, following the approval of the Development and Transportation Committees of the County Board. The corridor management plan shall be completed and presented to the Commission within ninety (90) days. Within thirty (30) days following close of the public hearing as prescribed in Section [16-79](#) of this Division, a report and recommendation shall be prepared by staff and the highway authority and presented to the Preservation Commission. The report shall state the findings of the Preservation Commission and the comments received during the public hearing and shall include the following:

- (1) A description of features and characteristics within the road corridor that should be protected; and
- (2) A description of the types of alterations, both included and not included in the corridor management plan, that should be reviewed for appropriateness.

In the case of a nominated landmark or preservation district, the recommendation and report shall be available to the public in the office of the County Development Department.

In the case of a nominated road corridor, the recommendation and report shall be available to the public in the offices of the County Development Department and County Division of Transportation and the office of the highway authority. (Ord. 88-99, 6-14-1988, eff. 12-1-1988; Ord. 00-186, 7-11-2000)

Sec. 16-78. Notification Of Nomination:

In the case of a nominated historic landmark or preservation district, the Preservation Commission shall in thirty (30) days from completion of the initial report and recommendation as described in Section [16-77](#) of this Division, cause to be scheduled a public hearing on the nomination. In the case of a nominated road corridor, the Preservation Commission shall in thirty (30) days from the date of the completion of the corridor management plan, cause to be scheduled a public hearing on the nomination and corridor management plan. Notice of the date, time, place and purpose of the public hearing and a copy of the completed nomination form shall be sent by certified mail to the owner(s) of record and to the nominators, as well as by regular mail to property owners adjoining the nominated landmark, preservation district or road corridor at least fifteen (15) days prior to the date of the hearing. Such notice shall also be published in a newspaper having general circulation in the area surrounding the nominated property, district or road corridor at least fifteen (15) days prior to the date of the hearing. All notices shall state the street address and permanent index number or legal description of a nominated landmark and the boundaries of a nominated preservation district or road corridor. (Ord. 88-99, 6-14-1988, eff. 12-1-1988; Ord. 00-186, 7-11-2000)

Sec. 16-79. Hearing:

A public hearing shall be scheduled, and notification made thereof, pursuant to Section [16-78](#) of this Division. Oral or written testimony shall be taken at the public hearing from any person or organization concerning the nomination. The Preservation Commission may solicit expert testimony or present its own evidence recording the historic, archaeological or scenic significance of a nominated landmark or of any property within a nominated preservation district or road corridor relative to compliance with criteria for designation set forth in Section [16-76](#) of this Division. The owner of any nominated landmark or of any property within a nominated preservation district or road corridor shall be allowed reasonable opportunity to present evidence regarding historic, archaeological, architectural or scenic significance and shall be afforded the right of representation by counsel and reasonable opportunity to cross-examine expert witnesses. The owner(s) of property within a nominated road corridor may submit a written statement at or prior to the public hearing to have their property outside of the right of way, in whole or part, excluded from the nominated road corridor. Such a written statement shall result in the exclusion of that portion of the owner's property from the nominated road corridor. The Preservation Commission shall not include any properties, or portions thereof, that have been so excluded in the corridor management plan, and shall determine whether or not the nominated road corridor remains eligible for designation with such exclusions. The hearing shall be closed upon completion of testimony. (Ord. 88-99, 6-14-1988, eff. 12-1-1988; Ord. 00-186, 7-11-2000)

Sec. 16-80. Recommendation Of Preservation Commission:

Within thirty (30) days following close of the public hearing, the Commission shall make its determination upon the evidence whether the nominated landmark, preservation district or road corridor does or does not meet the criteria for designation as provided in Section [16-76](#) of this Division. A recommendation to the Development Committee that the nominated landmark, preservation district or road corridor does or does not meet the criteria for designation and should or should not be designated shall be passed by resolution of the Preservation Commission. In the case of a nominated road corridor, the Commission's recommendation shall also be made to the Transportation Committee. This recommendation shall be accompanied by a report stating the findings of the Preservation Commission concerning the historic, archaeological, architectural or scenic significance of the nominated landmark, preservation district or road corridor. The Preservation Commission shall forward copies of the resolution and report to the applicant, the owner of the subject property or representative for petitioners of the subject area, and the highway authority. (Ord. 88-99, 6-14-1988, eff. 12-1-1988; Ord. 00-186, 7-11-2000)

Sec. 16-81. Designation:

The County Board, upon a recommendation from the Preservation Commission that the nominated landmark, preservation district or road corridor should be designated, shall review the report and recommendations of the Preservation Commission. The County Board may schedule a public hearing concerning the nomination and shall provide notice of any public hearing in the same manner as provided in Section [16-78](#) of this Division and conduct the public hearing in the same manner as provided in Section [16-79](#) of this Division. The County Board after reviewing the report and recommendation shall within sixty (60) days from receipt

of the recommendation of the Preservation Commission take one of the following steps: 1) designate the landmark, preservation district or road corridor by ordinance; or 2) refer the report and recommendation back to the Preservation Commission with suggestions for revisions stating its reason for such action. (Ord. 88-99, 6-14-1988, eff. 12-1-1988; Ord. 00-186, 7-11-2000)

Sec. 16-82. Notice Of Designation:

Notice of the action of the County Board including a copy of the ordinance designating the landmark, preservation district or road corridor, shall be sent by regular mail to all persons of record, including, but not limited to, each owner of record of a landmark or property within a preservation district or road corridor, the highway authority, and to owners of adjacent and immediately surrounding properties affected by a certificate of appropriateness. Further, as soon as is reasonably possible, the Chairman of the County Board shall cause to be notified the County Development Department, the Recorder of Deeds, the County Clerk, the highway authority and the County Collector by forwarding to each a copy of the designation ordinance. The Recorder of Deeds shall ensure that the designation be recorded on all directly affected parcels. (Ord. 88-99, 6-14-1988, eff. 12-1-1988; Ord. 00-186, 7-11-2000)

Sec. 16-83. Publication Of Map:

A map showing the location of all designated landmarks, preservation districts and road corridors shall be published and amended upon each designation. Copies of the map shall be available to the public at the office of the County Development Department in the same manner as any County zoning map and at the office of the County Division of Transportation. (Ord. 88-99, 6-14-1988, eff. 12-1-1988; Ord. 00-186, 7-11-2000)

Sec. 16-84. Appeals:

Adoption of an ordinance designating a landmark, preservation district or road corridor by the County Board shall be a final action reviewable under 735 Illinois Compiled Statutes 5/3-101 of the Illinois Administrative Review Law. (Ord. 88-99, 6-14-1988, eff. 12-1-1988; Ord. 00-186, 7-11-2000)

Sec. 16-85. Interim Code:

No building, zoning, site development, access, utility or other permit shall be issued by the County Development Department, the County Division of Transportation or other County department without a certificate of appropriateness issued in accordance with Division 4 of this Article for the alteration, construction, demolition or removal of a nominated landmark or the alteration of any physical feature of a property or structure within a nominated preservation district or road corridor from the date of the meeting of the Preservation Commission, Development Committee or Transportation Committee at which a nomination form is first presented until the final disposition of the nomination unless such alteration, removal, or demolition is necessary for public health, welfare, or safety. In no event shall the delay be for more than one hundred fifty (150) days. The Director of the County Development Department and the County Engineer shall notify other permitting jurisdictions and utilities of the

nomination and encourage the coordination of permit and development review activities that effect the nomination. (Ord. 88-99, 6-14-1988, eff. 12-1-1988; Ord. 00-186, 7-11-2000)

Sec. 16-86. Marking By Attachment Of A Plaque:

Each designated landmark, landmark site, preservation district and road corridor may be marked by an appropriate plaque carrying a brief description and account of its historical significance. (Ord. 88-99, 6-14-1988, eff. 12-1-1988; Ord. 00-186, 7-11-2000)

Sec. 16-87. Amendment And Rescission Of Designation:

The County Board, upon recommendation of the Preservation Commission, may amend or rescind designation by the same procedure and according to the same standards and considerations set forth for designation. No amendment or rescission shall be made to a designation of a landmark, preservation district or road corridor based solely on a change in owner's consent or a showing of less than fifty one percent (51%) minimal interest, respectively. (Ord. 88-99, 6-14-1988, eff. 12-1-1988; Ord. 00-186, 7-11-2000)

Sec. 16-88. Corridor Management Plan:

A corridor management plan (design criteria for road corridors) shall be prepared by cooperative effort and may include the nominator(s) of a road corridor, owners of properties within the nominated road corridor, local government jurisdictions and County staff to provide a comprehensive understanding and vision for the road corridor and a plan to preserve and enhance it.

The corridor management plan shall be used by the Commission in conjunction with the nomination and report in its determination whether the nominated road corridor does or does not meet the criteria for designation as provided in Section [16-76](#) of this Division, and, if designated, as the criteria for evaluating certificates of appropriateness.

The corridor management plan shall be used by the property owners and local government jurisdictions when making applications for certificates of appropriateness, for guiding proposed changes in the road corridor not requiring certificates of appropriateness and for responding to future transportation and community needs.

The corridor management plan shall include the following:

- (1) An inventory in the form of maps, photographs, graphics, or written documents of the following:
 - a. Physical features;
 - b. Property ownership, parcel boundaries, zoning boundaries and local government jurisdictional boundaries;
 - c. Existing road classification, conditions and any budgeted and planned improvements; and

- d. Adopted land use plans, transportation plans and other related documents.
- (2) A statement of purpose to reflect the inspiration and aspiration of the nomination, articulating why the road corridor should be designated and what designation may accomplish in the long term.
 - (3) Enhancement strategies for the following:
 - a. The preservation, maintenance and alteration of the road, right of way, properties, structures and features in the nominated road corridor;
 - b. Adjacent properties and features that contribute to the road corridor but are not included in the nomination; and
 - c. Enhancing the long-term preservation of the road corridor through partnerships and public policy actions.
 - (4) Signature lines on the final corridor management plan document for all owners of property (or their authorized agents) within the nominated road corridor and outside the right of way as well as a signature line for the highway authority, or the County Engineer in the case of County highways. Signatures of all property owners (or their authorized agents) included within a nominated road corridor shall be affixed on the final corridor management plan before consideration of the nomination by the County Board. (Ord. 00-186, 7-11-2000)

Secs. 16-89-16-92. Reserved:

DIVISION 4. ALTERATION, CONSTRUCTION, DEMOLITION AND MAINTENANCE

Sec. 16-93. Scope:

Work on property and improvements so designated pursuant to this Article shall be regulated as follows:

- (1) *Landmarks:* No significant alterations, exterior construction or exterior demolition may be performed on property or structures which have been designated under this Article as landmarks, except as shall be approved by a certificate of appropriateness.
- (2) *Preservation Districts:* No significant alterations, exterior construction or exterior demolition may be performed on property or structures located within an area designated under this Article as a preservation district, except as shall be approved by a certificate of appropriateness.
- (3) *Road Corridors:* No significant alterations of visible features or structures, exterior construction, construction of new access drives, exterior demolition, or removal of trees, vegetation, structures, or other visible features may be performed in the right of way or on property or structures located within an area designated under this Article as a road

corridor, except as shall be approved by a certificate of appropriateness or expressly defined by the corridor management plan for the road corridor as not requiring a certificate of appropriateness. (Ord. 88-99, 6-14-1988, eff. 12-1-1988; Ord. 00-186, 7-11-2000)

Sec. 16-94. Certificate Of Appropriateness:

- (a) *Certificate Required:* A certificate of appropriateness from the Preservation Commission established pursuant to this Article shall be required before any significant alteration, construction, demolition or removal that affects pending or designated landmarks, preservation districts and road corridors is undertaken. Such a certificate is required for all such actions from the date a nomination in proper form for designation is submitted to the Preservation Commission.
- (b) *Applications For Certificate Of Appropriateness:*
- (1) Every application submitted to the County Development Department, the County Division of Transportation or other County department for a permit wherein the applicant represents and/or delineates plans to commence any action as immediately described above in subsection (a) of this Section affecting any such property, improvements or areas therein described shall be forwarded to a representative or representatives of the Preservation Commission, within three (3) days following the receipt of said application. The County Development Department, County Division of Transportation or other County department shall not issue the permit until a certificate of appropriateness has been issued by the Preservation Commission. Any applicant may request a meeting with the Preservation Commission before the application is sent to the Preservation Commission or during the review of the application.
 - (2) Application for review of construction, alteration, demolition or removal not requiring a permit for which a certificate of appropriateness is required shall be made on a form prepared by the Preservation Commission and available at the office of the County Development Department. The Preservation Commission may schedule, provide notice and conduct a public hearing concerning the application in the manner previously described in Sections [16-78](#) and [16-79](#) of this Article.
 - (3) If a public hearing is not scheduled the Commission may consider the completed application at its next regular meeting and may grant a certificate of appropriateness at that time. The Commission may further designate staff support responsible for reviewing routine applications for certificates of appropriateness when the proposed work is clearly appropriate and in accordance with the criteria set forth in subsections (c) and (d) of this Section, and the purposes of this Article.
 - (4) The Commission may seek technical advice from outside its members on any application for a certificate of appropriateness. The applicant and each Commissioner shall receive a copy of the consultant's written opinion at least seven (7) days before a determination is made on the application.

- (5) The Commission shall act promptly and in a reasonable manner in its judgment of plans for new construction or for alteration, removal or demolition of structures in preservation districts or road corridors that have little historic value and that are not shown on priority lists, except where such construction, alteration, removal or demolition would seriously impair the historic, architectural or scenic value of surrounding structures or the surrounding area.
- (c) *Design Criteria:* The Commission shall consider the following factors in reviewing applications for certificates of appropriateness:
- (1) *Height:* The height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures in a preservation district or road corridor.
 - (2) *Proportions Of Windows And Doors:* The proportions and relationships between doors and windows should be compatible with the architectural style and character of the landmark and with surrounding structures within a preservation district or road corridor.
 - (3) *Relationship Of Building Masses And Spaces:* The relationship of a structure within a preservation district or road corridor to open space between it and adjoining structures should be compatible.
 - (4) *Roof Shape:* The design of the roof should be compatible with the architectural style and character of the landmark and surrounding structures in a preservation district or road corridor.
 - (5) *Landscaping:* Landscaping should be compatible with the architectural character and appearance of the landmark and of surrounding structures and landscapes in preservation districts or road corridors.
 - (6) *Scale:* The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures in a preservation district or road corridor.
 - (7) *Directional Expression:* Facades in preservation districts or road corridors should blend with other structures with regard to directional expression. Structures in a preservation district or road corridor should be compatible with the dominant horizontal or vertical expression of surrounding structures. The directional expression of a landmark after alteration, construction or partial demolition should be compatible with its original architectural style and character.
 - (8) *Architectural Details:* Architectural details including materials, and textures should be treated so as to make a landmark compatible with its original architectural style or character.
- (d) *Standards For Review:* The Commission, in considering the appropriateness of any alteration, demolition, new construction, or removal of any property or structures designated, or pending designation as a landmark or any area designated, or pending

designation as a preservation district or road corridor, shall be guided by the following general standards in addition to the corridor management plan or any design criteria in the ordinance designating the landmark, preservation district or road corridor, as well as conformance to applicable zoning classification, height and area limitation:

- (1) Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure or site and its environment, or to use a property for its originally intended purpose.
- (2) The distinguished original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural or natural feature should be avoided when possible.
- (3) All buildings, structures and sites shall be recognized as products of their 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 building, structure or site 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 building, structure or site 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 duplication of features, substantiated by historic, physical or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- (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 historical, architectural, cultural or natural material and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (10) In the case of a road corridor, every reasonable effort shall be made to protect and preserve the visible features and structures identified in the corridor

management plan for a designated road corridor or in the nomination and draft corridor management plan, if applicable, for a nominated road corridor.

(e) *Determination By Preservation Commission:*

- (1) Within fifteen (15) days (Saturdays, Sundays, and legal holidays excluded) after support staff review, or from the date of the regular meeting, or from the close of a public hearing concerning an application for a certificate of appropriateness, or within such further time as the applicant for said certificate (and/or permit) approves in writing, the Commission shall determine whether: a) the proposed construction, alteration, demolition, removal or other modification will be appropriate to the preservation of the particular landmark, preservation district or road corridor and a certificate of appropriateness may be issued; or b) such proposed modification is inappropriate to the preservation of the particular landmark, preservation district or road corridor and a certificate of appropriateness may be denied.
- (2) Written notice of the approval or denial of the application for a certificate of appropriateness shall be provided to the applicant, sent by certified mail with return receipt requested, and to the County Development Department within seven (7) days (Saturdays, Sundays, and legal holidays excluded) following the determination and shall be accompanied by a certificate of appropriateness in the case of an approval.

(f) *Denial Of Certificate Of Appropriateness:* A denial of a certificate of appropriateness shall be accompanied by a statement of the reasons for the denial. The Preservation Commission shall make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the Preservation Commission to reconsider its denial and shall confer with the applicant and attempt to resolve as quickly as possible the difference(s) between the applicant and the Commission. The applicant may resubmit an amended application or reapply for a permit that takes into consideration the recommendations of the Preservation Commission.

(g) *Decision Binding On Director, County Development Department, And County Engineer:* The Director of the County Development Department and the County Engineer, shall be bound by the determination of the Commission and approve, if in conformance with other provisions of the building code, or disapprove any permit application for the proposed construction, alteration, or removal of an exterior architectural or visual feature, or demolition of any building or structure, in a preservation district or road corridor or any landmark in accordance with said determination.

(h) *Failure Of Commission To Review Application In A Timely Manner:* Failure of the Commission to act upon an application for a certificate of appropriateness within ninety (90) days shall constitute approval and no other evidence shall be needed. This time limit may be waived only by mutual consent of the applicant and the Commission.

(i) *Demolitions:*

- (1) Pursuant to subsections (c) and (d) of this Section, the Preservation Commission may deny any application for a certificate of appropriateness where demolition is proposed upon finding that such proposed action will adversely affect the historic, archaeological, architectural or scenic significance of a landmark, preservation district or road corridor. Upon receipt of an application for a certificate of appropriateness for demolition, the Preservation Commission shall as soon as possible make a determination, supported by written findings, whether one or more of the following criteria are met:
 - a. The structure or visual resource is of such interest or quality that it would reasonably meet national, State or local criteria for designation as an historic or architectural landmark.
 - b. The structure or visual resource is of such unusual or uncommon design, texture or materials that it could not be reproduced, or be reproduced only with great difficulty and expense.
 - c. Retention of the structure or visual resource would aid substantially in preserving and protecting another structure or visual resource which meets the criteria of subsection (i)(1)a, or (i)(1)b of this Section.

Where the Preservation Commission determines that one or more of these criteria are met, no certificate of appropriateness shall be issued and the application shall be denied.

- (2) Additionally, the Preservation Commission shall require the applicant to submit for review, and consideration postdemolition plans, to include drawings or sketches with sufficient detail to show, as far as they relate to exterior appearance, the architectural design of any and all improvements incorporated in such plans.

(j) *Compliance With Certificate:* A certificate of appropriateness will become void:

- (1) If there is any change in the scope of work pursuant to the approved application subsequent to the issuance of the certificate; or
- (2) If twenty four (24) months have elapsed after issuance of the certificate and no permit has been issued or if twenty four (24) months have lapsed after issuance of the last permit and the project has not been completed.

- (k) *Appeals:* A denial of a certificate of appropriateness is an "administrative decision" as defined in 735 Illinois Compiled Statutes 5/3-101 of the Administrative Review Law, and it shall be subject to judicial review pursuant to provisions of said Administrative Review Law and all amendments and modifications thereof, and the rules adopted thereto. (Ord. 88-99, 6-14-1988, eff. 12-1-1988; Ord. 00-186, 7-11-2000)

Sec. 16-95. Economic Hardship:

- (a) *Issuance:* The Preservation Commission shall issue a certificate of economic hardship upon determination that the failure to issue a certificate of appropriateness has denied, or will deny, the owner of a landmark or of a property within a preservation district or road corridor all reasonable use of, or return on, the property. Application for a certificate of economic hardship shall be made on a form and in the manner as prescribed by the Preservation Commission. The Preservation Commission may schedule a public hearing concerning the application and provide notice in the same manner as prescribed in Section [16-79](#) of this Article.
- (b) *Expert Testimony:* The Preservation Commission may solicit expert testimony and the applicant for a certificate of economic hardship may submit any or all of the following information in order to assist the Preservation Commission in its determination on the application, including, but not limited to:
- (1) An estimate of the cost of the proposed construction, alteration, demolition or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Preservation Commission for changes necessary for the issuance of a certificate of appropriateness;
 - (2) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
 - (3) Estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition or removal; after any changes recommended by the Preservation Commission; 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, an estimate from an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;
 - (5) Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer;
 - (6) If the property is income-producing, the annual gross income from the property for the previous two (2) years; itemized operating and maintenance expenses for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt services, if any, during the same period;
 - (7) Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two (2) years;

- (8) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years;
 - (9) Assessed value of the property according to the two (2) most recent assessments;
 - (10) Real estate taxes for the previous two (2) years;
 - (11) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture or other;
 - (12) Any other information, including the income tax bracket of the owner, applicant, or principal investors in the property, considered necessary by the Preservation Commission to make a determination as to whether the property does yield or may yield a reasonable return to the owners.
- (c) *Determination Of Economic Hardship:* Within one hundred twenty (120) days from receiving a request for a certificate of economic hardship, the Commission, upon a determination that the denial of a certificate of appropriateness has denied, or will deny the owner of a landmark or of a property within a preservation district or road corridor of all reasonable use of, or return on, the property, shall undertake one or the other of the following:
- (1) Offer the owner of the property reasonable financing, tax or other incentives sufficient to allow a reasonable use of, or return on, the property; or
 - (2) Offer to purchase the property at a reasonable price or institute eminent domain proceedings pursuant to article VII of the Illinois Code of Civil Procedure; or
 - (3) Issue a certificate of appropriateness for the proposed construction, alteration, demolition or removal. Written notice of the determination shall be provided in the same manner as required by subsection 16-94(e) of this Division.
- (d) *Appeals:* A denial of a certificate of economic hardship is an "administrative decision" as defined in 735 Illinois Compiled Statutes 5/3-101 of the Administrative Review Law, and it shall be subject to judicial review pursuant to provisions of said law and all amendments and modifications thereof, and the rules adopted thereto. (Ord. 88-99, 6-14-1988, eff. 12-1-1988; Ord. 00-186, 7-11-2000)

Sec. 16-96. Maintenance Of Historic Properties:

Nothing in this Article shall be construed to prevent the ordinary maintenance of any exterior elements of a property or structures designated or nominated as a landmark or located within a designated or nominated preservation district or road corridor. (Ord. 88-99, 6-14-1988, eff. 12-1-1988; Ord. 00-186, 7-11-2000)

Sec. 16-97. Public Safety Exclusion:

None of the provisions of this Division shall be construed to prevent any measures of construction, alteration or demolition necessary to correct or abate the unsafe or dangerous condition of any structure, other feature or part thereof, where such condition has been declared unsafe or dangerous by the Director, County Development Department, the County Health Department or any fire protection district and where the proposed measures have been declared necessary, by such Department or departments to correct the said condition; provided, however, that only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed pursuant to this Section. In the event any structure or other resource shall be damaged by fire or other calamity, or by act of God or by the public enemy, to such an extent that, in the opinion of the aforesaid Department or departments, it cannot reasonably be repaired or restored, it may be removed in conformity with normal permit procedures and applicable laws. (Ord. 88-99, 6-14-1988, eff. 12-1-1988; Ord. 00-186, 7-11-2000)

Secs. 16-98-16-102. Reserved:

DIVISION 5. ENFORCEMENT, PENALTIES AND EQUITABLE RELIEF

Sec. 16-103. Enforcement:

- (a) The County Development Department shall give written notification, sent by certified mail, return receipt requested, of any violation of this Article to the owner of record, lessor, the trustee or other legally responsible party for such property, stating in such notification that they have inspected the property and have found it in violation of this Article. They shall state in the notification in clear, precise terms a description or explanation of the violation. The property owner of record, trustee, lessor or legally responsible party shall have thirty (30) days from the date he receives the notice in which to correct such violation or to give satisfactory evidence that he has taken steps that will lead to correcting such violation within a stated period of time, which must be agreeable to the County Development Department as being fair and reasonable.
- (b) Upon petition of the Preservation Commission, the Circuit Court for Kane County may restrain and/or enjoin any construction, removal, alteration or demolition in violation of this Article and may order the removal in whole or part of any exterior architectural or visual feature existing in violation of this Article and may further order such reconstruction as may be necessary or desirable to redress any alteration or demolition in said violation. (Ord. 88-99, 6-14-1988, eff. 12-1-1988; Ord. 00-186, 7-11-2000)

Sec. 16-104. Penalties:

Any person found to be in violation of any provision of this Article shall be guilty of a separate offense for each day or portion thereof during which any such violation is committed, continued or permitted, and each offense may be punishable by a fine of not more than two hundred dollars (\$200.00), or to imprisonment in the County jail for a period of not more than six (6)

months, or both, at the discretion of the Court. (Ord. 88-99, 6-14-1988, eff. 12-1-1988; Ord. 00-186, 7-11-2000)

Sec. 16-105. Equitable Relief:

In addition to other remedies provided by law, the County may institute any appropriate action or proceeding to prevent, restrain, abate or correct a violation of this Article, including, but not limited to, requiring the restoration of property and improvements to its appearance prior to the violation. (Ord. 88-99, 6-14-1988, eff. 12-1-1988; Ord. 00-186, 7-11-2000)