

6-11-6: - CERTIFICATE OF APPROPRIATENESS:

Property owners who seek to alter, construct, demolish or make a material change to landmark properties, or to properties located within an historic district, shall be required to obtain a certificate of appropriateness as provided herein. Nothing contained in this Chapter shall exempt any property owner from compliance with all other applicable requirements of the Naperville Municipal Code including, but not limited to, the building regulations and permit requirements as set forth in Title 5 and the zoning regulations as set forth in Title 6. A certificate of appropriateness may be required regardless of whether building or other permits are required under the current code.

(Ord. No. 11-034, § 5, 3-1-2011)

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

A certificate of appropriateness is not required for the following:

1. Secondary Or Rear Facade: Any work (e.g., addition, demolition, alteration or change in material) performed on the secondary or rear facade of the principal building or structure if such work will result in no change to the exterior architectural appearance of the building or structure as visible from a public street measured by a line of sight perpendicular to the primary facade(s). A public street shall not include alleys.
2. Exterior Building Materials: In-kind replacement of less than fifty percent (50%) of the primary facade(s) with use of original materials or fiber cement board in place of wood.
3. Detached Garages: New detached garages or changes to existing detached garages.
4. Rear Yard Improvements: Any accessory building or structure (e.g., shed, rear deck or porch, patio, and trellis) located behind the principal building or structure.
5. Driveways: New or relocated driveway access from the alley or the corner side street (i.e. a street adjacent to the corner side yard of a lot); or relocation of the existing driveway access from the front street (i.e. a street adjacent to the front yard of a lot).
6. Fences: Wood or iron open fences as defined in Section 6-1-6, which abut or are nearest to a front yard or a corner side yard and are visible from a public street; or fences of any type that abut or are nearest to an interior side yard or a rear yard. Public streets do not include alleys.
7. Reversible Appurtenances: Air conditioning units, gutters, downspouts, antennas, satellite dishes, and mail boxes.
8. Painting.
9. Landscaping.
10. Signs and graphics.
11. Storm windows and doors.

(Ord. No. 11-034, § 5, 3-1-2011)

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

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

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

- material that is not specified under Section 6-11-8:1.1.3.
- 2.5. Porches: Any work that would result in new enclosure, a change in size or style, or use of material that is not listed under Section 6-11-8:1.1.4.
 - 2.6. Shutters And Awnings: Any work that will result in new shutters or awnings, a change in size or style, or use of material that is not original to the structure.
 - 2.7. Other Original Architectural Features Contributing To The Style Of The Principal Building Or Structure: Any work that will result in a change in size or style; or use of material that is not original.
 - 2.8. New Principal Structures: The primary facade(s) of any new principal structure.
 - 2.9. Modifications To Principal Structures: The primary facade(s) of any reconstruction of a principal structure that will not match the original improvement or result in use of material not listed under Section 6-11-8.1.
 - 2.10. Additions: Primary facade(s) of the addition when said addition has an impact on the exterior architectural appearance of the primary facade of the principal building or structure as determined by the Zoning Administrator.
 - 2.11. Demolition: Demolition of a principal structure in whole; removal without replacement of original architectural features contributing to the style of the principal building or structure except otherwise provided herein.
 - 2.12. Driveways: New driveway access from the front street (i.e. a street adjacent to the front yard of a lot).
 - 2.13. Fences: Open fences (as defined in Section 6-1-6) comprised of material other than wood or iron or solid fences of any material that abut or are nearest to a front yard or a corner side yard and are visible from a public street. Public streets do not include alleys.
 - 2.14. Attached Garages: New attached garages. Existing attached garages shall be regarded as part of the principal building or structure, subject to Section 6-11-8:1 and Section 6-11-8:2 of this Code.
 - 2.15. Solar panels and skylights on principal structures.
3. The Zoning Administrator shall review any work not listed in Sections 6-11-7, 6-11-8:1 and 6-11-8:2 to determine whether a certificate of appropriateness shall be required and whether it may be administratively reviewed. An appeal of the Zoning Administrator's decision shall be made in accordance with the procedure prescribed in Section 6-3-6:1 of this Code.
4. Procedures For Issuance Of A Certificate Of Appropriateness ("COA"):
 - 4.1. An application for a certificate of appropriateness, when one is required, shall be in writing on a form provided by the Zoning Administrator, shall include the information set forth in Subsections 4.1.1 and 4.1.2 below (as applicable), and shall be filed with the Zoning Administrator. If the applicant is not the owner of the property in question, the application shall be signed by both the applicant and the property owner. The Zoning Administrator shall promptly review the application to determine completeness and to determine whether the proposed work is minor or major in accordance with Sections 6-11-8:1, 6-11-8:2 and 6-11-8:3 above. If review from the Historic Preservation Commission is required under this Section, the Zoning Administrator shall transmit a copy of the complete application to the Commission.

4.1.1. COA Applications (non-demolition):

- 4.1.1.1. Street address of the property involved.
- 4.1.1.2. Applicant and/or owner's name and address.
- 4.1.1.3. Architect's name if one is utilized.
- 4.1.1.4. Brief description of the present improvements situated on the property.
- 4.1.1.5. A detailed description of any proposed addition, construction, or alteration affecting the primary facade together with any architectural drawings or sketches if those services have been utilized by the applicant and if not, a description of the addition, construction, or alteration sufficient to depict what the final appearance of the improvement will be.
- 4.1.1.6. Such other information as may be required by the Zoning Administrator.

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

- 4.1.2.1. Street address of the property involved.
- 4.1.2.2. Applicant and/or owner's name and address.
- 4.1.2.3. Architect's name.
- 4.1.2.4. A detailed description of the present improvements situated on the property.
- 4.1.2.5. A detailed description of any proposed demolition affecting the primary facade, together with architectural drawings or sketches showing the remaining structure if a partial demolition is sought, sufficient to enable the Historic Preservation Commission to determine what the final appearance of the improvement will be post-demolition.
- 4.1.2.6. An acknowledgment that the applicant (and the owner, if the applicant is not the owner) is required to reimburse the City for the cost of the structural analysis described in Section 4.2. below, and that failure to make such payment shall authorize the City to file a lien against the property as provided herein.
- 4.1.2.7. Such other information as may be required by the Zoning Administrator.
- 4.1.2.8. If the applicant also seeks construction of a new structure, addition, or alteration after demolition is complete, the applicant shall file a separate Certificate of Appropriateness application pursuant to Section 4.1 above.

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

- 4.2.1. Structural Analysis. Any request to demolish a principal structure in whole, or for certain partial demolitions of the principal structure as determined by the Zoning Administrator, shall require an independent structural analysis. Said analysis shall be conducted by a licensed architect or structural engineer and contracted by the City. Said analysis shall include, but is not limited to, the

following: detailed conditions of the existing structure, a list of improvements required to restore or repair the structure to a condition that complies with the standards for issuance of an occupancy permit under the provision of Title 5, and the estimated cost of said restoration or repairs.

- 4.2.2. Architectural and Historical Significance Analysis. Any request to demolish a principal structure in whole, or for certain partial demolitions of the principal structure as determined by the Zoning Administrator, shall include an analysis, provided by the applicant, of the architectural and historical significance of the existing structure. Said analysis shall include whether the structure embodies the distinguishing characteristics of an architectural period, style, method of construction, or use of indigenous materials and the structures current architectural integrity. Said analysis shall also disclose, to the extent of information available to the applicant, if the existing structure was owned or occupied by a person of historic significance in national, State or local history; if the structure has a direct connection to an important event in national, State or local history; or if the structure represents the notable work of a builder, designer or architect whose individual work has substantially influenced the development of the community.
- 4.2.3. The owner, and applicant (if the applicant is not the owner), shall be jointly and severally responsible for reimbursement of the reasonable cost of the analysis described in Subsection 4.2.1 above. If reimbursement is not received by the City within sixty (60) days of issuance of an invoice therefor to the applicant (and owner, if applicable), the City shall be entitled to file a lien against the property in the amount of the costs of such analysis plus recording fees and interest.
- 4.3. Administrative Certificate Of Appropriateness Review Procedures:
 - 4.3.1. Minor work set forth in this Section 6-11-8 may be administratively approved by the Zoning Administrator without the approval of the Historic Preservation Commission.
 - 4.3.2. Appeals To The Historic Preservation Commission: Any denial of an application for certificate of appropriateness by the Zoning Administrator may be appealed to the Historic Preservation Commission only by the applicant or property owner in accordance with the following provisions:
 - 4.3.2.1. A request for appeal must be filed with the Zoning Administrator within fourteen (14) days of the denial of the application.
 - 4.3.2.2. Within sixty (60) days of the filing of the request for appeal, the Historic Preservation Commission shall meet to consider the appeal.
 - 4.3.2.3. The applicant shall provide public notice in accordance with Section 6-11-8:4.4.3 and Section 6-11-8:4.4.4 below.
 - 4.3.2.4. The Zoning Administrator shall forward the Commission written findings of facts regarding the decision.
 - 4.3.2.5. On appeal, the Historic Preservation Commission shall consider the findings of fact of the Zoning Administrator and shall determine whether the certificate of appropriateness should be approved or denied.
- 4.4. Historic Preservation Commission Certificate Of Appropriateness Review Procedures:

- 4.4.1. Major work set forth in this Section 6-11-8 shall be reviewed by the Historic Preservation Commission at a public meeting in accordance with Section 6-11-8:4.4.2.
- 4.4.2. Public Meeting: A public meeting shall be held no more than sixty (60) days after a completed application for a Certificate of Appropriateness has been filed.
- 4.4.3. Written Notice: The applicant shall give written notice of the public meeting at which the proposed certificate of appropriateness will be considered to the current owners of record of all lots lying within three hundred feet (300') of the property lines of the parcel of land on which the Improvement that is the subject of the request for a certificate of appropriateness is located, inclusive of public right-of-way. The written notices shall be delivered personally or may be sent by first class mail, properly addressed and with sufficient postage affixed not more than thirty (30) days or less than fifteen (15) days in advance of the public meeting.

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

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

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

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

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

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

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

4.4.5. The applicant shall file a sworn affidavit, including a copy of the notice, with the Zoning

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

- 4.4.6. Public Comments: Except as provided in Section 6-11-8:4.3.2, the Historic Preservation Commission shall take public comments prior to rendering a decision to grant or deny a certificate of appropriateness.
- 4.4.7. Decision Rendered: The Commission shall render a decision to grant or deny an application for a certificate of appropriateness at the meeting at which it considers an application unless such deliberations are continued to a subsequent meeting for the purposes of obtaining additional information or in order to allow the applicant to submit revisions to the application.
- 4.5. Issuance Of Certificate: The Zoning Administrator shall issue the certificate of appropriateness within seven (7) business days of the approval of an application for a certificate of appropriateness by either the Zoning Administrator pursuant to Section 6-11-8:4.3 or by the Historic Preservation Commission pursuant to Section 6-11-8:4.4. The owner and/or applicant shall not perform any of the work requested until the owner and/or applicant is in receipt of the certificate and all other required permits.

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

- 4.5.1. The work authorized by the certificate of appropriateness has been completed within three (3) years of the issuance of the certificate. Upon written request of the owner and/or applicant prior to the expiration date the Zoning Administrator may extend the effective period of the certificate of appropriateness for a period of up to two (2) additional years without reapplication to the Commission.
- 4.6. Appeals To City Council: The owner and/or applicant may appeal any denial of an application for a certificate of appropriateness as determined by the Historic Preservation Commission to the City Council in accordance with the following provisions:
 - 4.6.1. A request for appeal must be filed with the Zoning Administrator within fourteen (14) days of the denial of the application.
 - 4.6.2. The Zoning Administrator shall immediately notify the Commission of any appeal taken from the denial of an application for certificate of appropriateness.
 - 4.6.3. The Commission shall forward a copy of its written findings of fact and its decision to the Zoning Administrator within fourteen (14) days of receipt of the notice of appeal. The Commission shall forward to the Zoning Administrator a copy of its minutes of the meeting at which it considered the application.
 - 4.6.4. Within sixty (60) days of the filing of the request for appeal with the Zoning Administrator, the City Council shall consider the appeal.
 - 4.6.5. Notice: The owner and/or applicant shall provide proper notice in accordance with the following provisions:

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

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

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

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

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

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

The applicant shall remove the sign upon which the notice is posted within seven (7) days following City Council's decision with respect to the appeal. Failure to remove the sign within the timeframe as provided herein may result in the imposition of a fine not to exceed fifty dollars (\$50.00) per day.

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

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

be approved or denied.

5. Factors For Consideration Of A Certificate Of Appropriateness Application:
 - 5.1. Compatibility With District Character: The Commission and Zoning Administrator shall consider the compatibility of the proposed improvement with the character of the historic district in terms of scale, style, exterior features, building placement and site access, as related to the primary facade(s), in rendering a decision to grant or deny a certificate of appropriateness.
 - 5.2. Compatibility With Architectural Style: The Commission and Zoning Administrator shall consider the compatibility of the proposed improvement with the historic architectural style of the building or structure to be modified by the certificate of appropriateness request.
 - 5.3. Economic Reasonableness: The Commission and the Zoning Administrator shall consider the economic reasonableness of any recommended changes determined to be necessary to bring the application into conformity with the character of the historic district.
 - 5.4. Energy Conservation Effect: In making its determinations, the Commission and Zoning Administrator shall consider the effect that any recommended changes may have on energy conservation.
 - 5.5. Impact of Proposed Demolition: In evaluating any application for demolition of a principal structure in whole, or for certain partial demolitions as determined by the Zoning Administrator, the Commission shall balance the findings presented in the structural analysis, which includes an analysis of the improvements required to restore or repair the structure to a condition that complies with the standards for issuance of an occupancy permit under the provision of Title 5, and the estimated cost of said restoration or repairs, against the architectural and historical significance of the structure.
 - 5.6. The City's Historic Building Design and Resource Manual may be used as a resource in consideration of the above.

(Ord. No. 19-086, § 2, 6-18-2019)

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

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

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

condition or conditions.

Nothing in this Chapter shall exempt an improvement designated as a landmark or located within a historic district from compliance with the provisions of Section 5-1H (Property Maintenance Code) of this Code.

Enforcement of this Section shall be pursuant to Section 6-3-10 and Section 5-1H of this Code as amended from time to time.

(Ord. No. 11-034, § 5, 3-1-2011; Ord. No. 19-086, § 2, 6-18-2019)

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

1. In the event that a condition on property located within the historic district, or property designated as a landmark, presents an imminent danger to the public health, safety, or welfare or requires immediate construction, reconstruction, repair, alteration, or demolition as ordered by a court of competent jurisdiction or as determined by a representative of the City, then such work may be performed without a certificate of appropriateness. Work performed under such circumstances shall be the minimum necessary in order to render the improvement safe, after which any construction, reconstruction, alteration or demolition shall be processed in accordance with the provisions of Sections 6-11-6, 6-11-7 and 6-11-8 of this Chapter.
2. Under the circumstances described in Section 6-11-10:1, the owner of the property shall notify the Zoning Administrator in writing prior to performing the work necessary to make the property safe. If advance notification is not practical due to the emergency nature of the situation, the Owner shall provide written notice to the Zoning Administrator within seven (7) calendar days of commencement of such work. In either case, the written notice shall include the following: (i) a detailed description of the dangerous condition in question; (ii) the timeframe needed to complete the work; and (iii) the specific actions to be taken in the performance of such work.

(Ord. No. 11-034, § 5, 3-1-2011)

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

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

(Ord. No. 11-034, § 5, 3-1-2011)