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Title: Provide input on proposed text amendments to Chapter 11 (Historic Preservation) of Title 6 (Zoning Regulations) of the Naperville Municipal Code - PZC 19-1-59

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HISTORIC PRESERVATION COMMISSION AGENDA ITEM

ACTION REQUESTED:

Provide input on proposed text amendments to Chapter 11 (Historic Preservation) of Title 6 (Zoning Regulations) of the Naperville Municipal Code - PZC 19-1-59

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Gabrielle Mattingly

BOARD/COMMISSION REVIEW:

Submitted for consideration by the Historic Preservation Commission.

BACKGROUND:

On April 16, 2019, the City Council directed staff to revise sections of Chapter 11 (Historic Preservation) of the Naperville Municipal Code based on discussion generated from the proposed demolition of 26 N. Sleight (COA #19-402). In summary, the Council’s requested revisions included: public notice requirements for any appeals to the City Council of a decision rendered by the HPC and a requirement for independent structural analysis to be completed for any requested full demolition in the Naperville Historic District.

Per code, the requested revisions will be reviewed by the Planning and Zoning Commission at a public hearing prior to final review by the City Council. Staff is seeking input from the Historic Preservation Commission (HPC) prior to the June 5, 2019 public hearing before the Planning and Zoning Commission (PZC) at which these amendments will be reviewed.

DISCUSSION:

Based on the direction received from the City Council, staff worked with the City of Naperville Legal Department to incorporate the requested amendments to the Code. Upon review of the overall

Historic Preservation Chapter, staff identified other key revisions that would improve the processing of Certificate of Appropriateness (COA) requests in the district. Staff recommends that these changes be incorporated concurrently with the changes directed by the City Council.

Staff has included a summary below of the proposed amendments below. Staff seeks input from the Historic Preservation Commission on these changes.

Summary of Proposed Key Text Amendments:

Landmark Application Procedures

Based on the process used to landmark the Old Nichols Library, staff is recommending the following changes to the procedures for processing landmark applications:

Proposed Change	Rationale
Increase the timeframe that a property owner can respond to a landmark application submitted for their property from 30 to 60 days.	It may be difficult for a property owner to complete their technical response to a landmark application made on their property within a 30 day window.
Allow either the landmark applicant or the owner of the property to request an extension to the 150-day period in which landmark applications must be processed. Currently, this extension can only be requested by the landmark applicant.	If not processed within 150-days, a landmark application is deemed null and void. Currently, only the landmark applicant can request an extension to this timeframe; however, in those instances where the property owner is not the applicant and does not consent to the application, it is logical that they may also request this extension if needed.
Increase the timeframe in which a new landmark application can be submitted following the denial of a prior landmark application on the same structure from 1 year to 3 years.	The landmark application review and response process is lengthy and costly. Particularly in those cases where the applicant is not the owner, it is reasonable for the owner to have a certain level of protection regarding the frequency of which these requests may again be considered following the denial of a prior request.
Amend the cost reasonableness formula that may be used by a property owner in opposition to a landmark application submitted for their property against their consent.	If a landmark application is filed by a non-owner applicant, the property owner has the opportunity to demonstrate that the cost to improve the structure would exceed 150% of the assessed valuation of the structure. In those instances where the property is or has been tax exempt, this formula does not work. For such properties, staff recommends a new provision that would allow the owner to submit evidence to demonstrate that the cost to improve the structure would exceed 50% of its replacement cost, which is a standard used elsewhere within the Zoning Code.

Public Notice Requirements

The following changes are proposed to the public notice requirements based on City Council direction and/or in order to be consistent with notice requirements required for all other zoning-related requests:

- If written notice is required per Chapter 11 (Historic Preservation), said written notice shall be provided to property owners located within 300' of the subject property inclusive of public right-of-way (current code requires notices to property owners within 250' exclusive of public right-of-way).
- If a sign must be posted on a subject property per Chapter 11 (Historic Preservation), said signs shall be posted at least 15 days prior to the meeting date (current code requires 10 day posting period).
- For appeals to an HPC decision on a COA, the applicant will be required to post a sign on the property and send written notification to surrounding property owners at least 15 days prior to the City Council consideration of the appeal.

COA Requirements

Staff is proposing improvements to the COA review requirements in order to improve the efficiency of the process.

- Variance requests made on properties located within the Historic District shall no longer require HPC review prior to review by the Planning and Zoning Commission unless the improvement that is the subject of the variance request would also require a COA to be approved by the HPC.
- Additions to the rear or side of a building that can be seen from the street but have no impact on the exterior architectural appearance of the structure can be approved through an administrative COA (vs. HPC review as is currently required).
- Delete the "Application of Regulations" factor for consideration of a COA as it is duplicative with the current factor titled "Compatibility with District Character". The "Application of Regulations" factor reads as follows: The Commission may consider the height and bulk of buildings and areas of yards or setbacks within the context of existing neighborhoods in making its determinations.
- Include an "Impact of Demolition" factor for consideration of a COA such that the HPC may weigh the impact of the loss of a structure's historical or architectural contribution to the district against the cost required by the applicant to make necessary improvements to the structure per Title 5 (Building Regulations).
- Add a requirement that an independent structural analysis be completed for any proposed demolition of a landmarked structure in whole (or in part, as determined by the Zoning Administrator). Said analysis shall be contracted by the City and paid for by the applicant seeking approval of the proposed demolition (estimated cost between \$5,000-\$7,000).

Text Amendment Procedures

City-Initiated Text Amendments are processed per the requirements in Section 6-3-9 of the Naperville Municipal Code. Per Code, the Planning and Zoning Commission must hold a public hearing to review proposed text amendments. After recommendation by the Planning and Zoning Commission, the proposed amendments will be sent to the City Council for review. Upon receipt of the amendments, the City Council may, by ordinance, approve, disapprove, or approve with modification the proposed City-initiated Zoning Title text amendment.

Key Takeaways

- The HPC shall review the proposed text amendments and provide input to staff. Any suggestions to the revisions will be considered by the Planning and Zoning Commission at the public hearing held on June 5, 2019 at 7:00 pm.