



**NAPERVILLE PLAN COMMISSION
COUNCIL CHAMBERS – MUNICIPAL CENTER
FINAL AGENDA
01/05/2011 - 7:00 p.m.**

CALL TO ORDER:

A. Roll Call

B. Approve Minutes

1. Approve the minutes of the December 15, 2010 Plan Commission meeting.

C. Old Business

D. Public Hearings

1. PC Case # 10-1-155 Amend the Naperville Municipal Code Regarding ZBA and PC Duties
Petitioner: Planning Services Team
Location: n/a

Request: Conduct the public hearing.

Official Notice: Naperville Sun on December 17, 20, and 21, 2010

2. PC Case # PC 10-1-144 Historic Preservation Ordinance Revisions
Petitioner: City of Naperville
Location: N/A

Request: Conduct the public hearing.

Official Notice: Published in the Naperville Sun on December 15, 16 and 17, 2010

E. Reports and Recommendations

F. Correspondence

G. New Business

AGENDA
NAPERVILLE PLAN COMMISSION
01/05/2011 - 7:00 p.m. - COUNCIL CHAMBERS
Page 2

H. Adjournment

Any individual with a disability requesting a reasonable accommodation in order to participate in a public meeting should contact the Accessibility Coordinator at least 48 hours in advance of the scheduled meeting. The Accessibility Coordinator can be reached in person at 400 S. Eagle Street, Naperville, IL., via telephone at 630-420-6725 or 630-305-5205 (TDD) or via e-mail at manningm@naperville.il.us. Every effort will be made to allow for meeting participation.



**NAPERVILLE PLAN COMMISSION
DRAFT MINUTES OF DECEMBER 15, 2010**

Call to Order

7:00 p.m.

A. Roll Call

Present: Bruno, Messer, Gustin, Herzog, Meyer, Meschino
Absent: Edmonds, Trowbridge
Student Members: Wallace, Uber, Schoch

Staff Present: Planning Team – Emery, Forystek, Zawila

B. Minutes Approve the minutes of December 1, 2010.

Motion by: Gustin Approved
Second by: Meyer (6 to 0)

C. Old Business None

D. Public Hearings

D1. PC 10-1-139 Conduct the public hearing and recommend the City Council approve a
United Car Care conditional use for a motor vehicle repair facility.

Katie Forystek, Planning Services Team, gave an overview of the request.

Len Monson, 552 S. Washington Street, (Attorney) on behalf of the petitioner

- Noted use is compatible with existing tenant mix.
- Petitioner agrees with requested condition relative to storage of inoperable vehicles.

Plan Commission inquired about:

- Vacant tenant spaces. Confirmed with Petitioner that remaining off-street parking would be sufficient to meet anticipated demand for future industrial tenants. Petitioner also noted their understanding that if more spaces are needed a variance would need to be requested.

Public Testimony: None

Plan Commission closed the public hearing.

Plan Commission Discussion:

- Gustin – Noted that the 1665 Quincy spaces are filling which is a real benefit to the community, especially in this economy.

Plan Commission moved to recommend approval of PC Case 10-1-139 subject to the condition in the staff report dated December 15, 2010.

Motion by: Meyer
Seconded by: Meschino

Approved
(6 to 0)

**D2. PC 10-1-145
Dick's Sporting
Goods**

Conduct the public hearing and recommend the City Council approve a major change to the Springbrook Prairie Pavilion PUD, Final PUD Plat and Preliminary/Final Plat of Subdivision.

Katie Forystek, Planning Services Team, gave an overview of the request.

Russ Whittaker, 25 W. Jefferson, (Attorney) on behalf of the Petitioner:

- Consolidating lots to accommodate new retail space that is consistent with the existing tenant mix in this successful retail development.
- Reviewed elevations and demonstrated generally consistent with approved PUD design standards and branding needs of end user.
- One deviation to the landscape ordinance is requested along the south property line. 7.5 feet of landscape separation is provided between parking lots. 10 feet is required. Landscaping quantities within this buffer area are in excess of code requirements.

Plan Commission inquired about:

- The number of parking spaces to be provided on the proposed lot.
- Building height in relation to code requirements.
- Cross access opportunities between the subject site and adjacent lot occupied by Bank of America.
- The requested variance. Petitioner confirmed needed depth reduction in the landscape island was to provide additional parking. Petitioner expressed their objective was to put as much parking as close to front door of the tenant space on-site as possible to avoid customer parking across Beebe Drive. Petitioner indicated that 5-6 spaces would be lost if variance is not granted.
- Petitioner confirmed building will not be LEED certified.
- Size of building on the lot and the reduced parking ratio required (from 4.5 to 4) by the shopping center designation. Petitioner confirmed that no variances to parking are being requested. Additionally, excess spaces exist on adjacent lots adequate to meet parking demand without requiring

customers to cross Beebe Drive.

- Requested City Engineering Staff consider opportunity for additional pedestrian crosswalk on Beebe Drive.

Public Testimony: None

Plan Commission closed the public hearing.

Plan Commission Discussion:

- Gustin – Noted that this development has been a success and serves the southern part of Naperville well with a mix of banking, restaurant and retail uses. She believes Dick’s Sporting Goods will be a welcome addition.
- Herzog – Also noted that Dick’s Sporting Goods will be a great addition to the development.

Plan Commission moved to recommend approval of PC Case 10-1-145 with the conditions noted in staff’s memo of December 12, 2010.

Motion by: Meyer
Seconded by: Gustin

Approved
(6 to 0)

**D3. PC 10-1-150
B4 Text
Amendments**

Conduct the public hearing and recommend City Council approval of B4 Text Amendments.

Amy Emery, Planning Services Team, gave an overview of the request noting the text amendment is based on recommendations contained within the *Naperville Downtown2030 Plan* and was requested by City Council.

Plan Commission inquired about:

- Non-conforming uses. Staff confirmed name/ownership changes would not result in a loss of legal nonconforming status if completed in 6 months or less.
- Consideration for bank vault needs on the first floor.
- Motivation for this text amendment. Was it based solely on sales tax? Staff indicated text amendment was based on the recommendations contained in the *Naperville Downtown2030 Plan*. The primary motivation was to maintain the vibrant, walkable retail shopping environment consistent with the plan and intent of the B4 Downtown Core Zoning District.
- Comments received from impacted property owners. Staff confirmed that with the exception of the single letter provided on the dais no additional correspondence was received.

- Any existing 2nd floor bank uses in the downtown.
- The impact this text amendment may have on future bank tenants. Some concern was raised that the amendment may penalize the retail component of financial institutions. The point was raised that there may be no actual difference between a bank and other service uses like dry cleaning or tailor shops that are permitted by right.
- Current code allowances for banks on the first floor in the B4 zoning district.
- The difference between banks and financial institutions.

Public Testimony: None

Plan Commission inquired about:

- The fact that the text amendment combines banks with other types of financial uses. Text amendment doesn't consider the retail component of banks. DAC Chairman Steve Rubin (920 Kimberly Court) indicated that recent experience with a bank tenant on Jefferson Street demonstrated that these uses do not have the same level of activity as a retail tenant. The inactivity of the bank space had an impact on the street dynamic. Banks are more appropriately sited on the periphery of the downtown or as an element of a block, but not the dominant feature. The conditional use process provides additional review opportunity to make sure banks don't have a detrimental impact on the pedestrian environment.
- The criteria that would be used to evaluate conditional use requests for bank and financial institution uses. Plan Commission reviewed proposed criteria in the staff report. Members of the Plan Commission expressed concern about lack of specific, quantitative standards. Staff indicated the approach was consistent with criteria used to evaluate other conditional uses, such as public assembly uses. Moreover, staff conveyed the difficulty of applying quantitative standards in a dynamic environment like downtown.
- The phrase, "interruption or break in shopping experience" referenced in the staff report. Staff provided information about the Pedestrian Gaps Analysis completed as part of the *Naperville Downtown2030 Plan*. The analysis was a comprehensive look at the downtown wherein each property was evaluated based on 13 criteria including access, location, square footage, hours of operation, proximity to like uses and more. Non-contributing uses, such as certain banks and financial institutions, can have a negative impact on the shopping environment.
- Benefit this ordinance provides to existing property owners. Some members of Plan Commission expressed belief that market should dictate use mix, not conditional use approvals. Whether a bank is on first or second floor will impact its operation and viability.

Plan Commission closed the public hearing.

Plan Commission Discussion:

- Bruno – Feels this amendment makes a lot of sense. He has seen firsthand the impact too many financial institutions can have on a downtown. This text amendment allows for additional review to maintain a vibrant downtown and he believes that it is a good change to the code.
- Meschino – Doesn't like the idea of regulating the mix of tenants Downtown. Regulating individual uses seems unfair and against the American way.
- Messer – Indicated he was generally supportive of Downtown Advisory Commission and staff recommendations. Likes this additional review process and does not believe it places on undue burden on landowners. The criteria for evaluation are relatively clear.
- Meyer – provided no comments
- Gustin – Struggling with this amendment because Plan Commission did not recommend land use section of the *Naperville Downtown2030 Plan*. Plan Commission did not review supporting documents like the Pedestrian Gaps Analysis which makes review a bit difficult. Said she doesn't have a problem with requiring a conditional use. She thinks it is a good idea to maintain a mix of tenants and agrees with that approach from a business perspective. However, she is concerned that when applications come back to Plan Commission, there criteria are not clear enough to evaluate consistently.
- Herzog – Cannot support the proposed amendment as currently written. He thinks the amendment places an undue burden on banks that have a retail component and favors existing banks. He believes any amendment should better define a retail use vs. an office or consulting use which would make more sense to locate on the second floor. Banking is a quick in and out operation and customers shouldn't have to climb the stairs to the second floor.

Plan Commission moved to recommend to approve PC Case 10-1-150

Motion by: Gustin
Seconded by: Messer

No
Recommendation
(3:3 vote)

Ayes: Bruno, Messer, Gustin
Nays: Meshino, Meyer, Herzog

Moves forward with no recommendation.

**E. Reports and
Recommendations**

None

F. Correspondence Staff noted that a letter was provided on the dais about the pending merger of the Plan Commission and Zoning Board of Appeals. An associated text amendment will be forwarded to the Plan Commission at the first meeting in 2011. Gustin asked if similar mergers were going to move forward for other boards and commissions. Staff confirmed that the Zoning Board of Appeals and Plan Commission merger is the only merger recommended at this time.

G. New Business

G1. PC 10-1-135 Recommend approval of a preliminary/final plat of subdivision for DuPage River Park.
DuPage River Park

Jason Zawila, Planning Services Team, gave an overview of the request.

Petitioner, Eric Shutes, Naperville Park District, 320 W. Jackson, Naperville, IL

- Clarified on-site stormwater requirements for DuPage River Park

Plan Commission inquired about:

- Gustin requested clarification on why the case has been brought before the Plan Commission in accordance with the subdivision ordinance
- Gustin inquired about the stormwater detention on-site

Plan Commission Discussion: None

Plan Commission moved to recommend approval of PC Case 10-1-135.

Motion by: Gustin
Seconded by: Meyer

Approved
(6 to 0)

G2. PC 10-1-136 Recommend approval of a preliminary/final plat of subdivision for Country Commons Park.
Country Commons
Park Subdivision

Jason Zawila, Planning Services Team, gave an overview of the request.

Petitioner, Eric Shutes, Naperville Park District, 320 W. Jackson, Naperville, IL indicated he was available for questions.

Plan Commission moved to recommend approval of PC Case 10-1-136.

Motion by: Meyer
Seconded by: Messer

Approved
(6 to 0)

**G3. PC 10-1-142
Naperville Cemetery
Association**

Recommend approval of a preliminary/final plat of subdivision.

Amy Emery, Planning Services Team, gave an overview of the request.

Plan Commission inquired about:

- Access to the property. Confirmed the proposed access roadways were internal.
- Reasons the 1977 document was never recorded.
- The need for a fence to be constructed adjacent to Knoch Park and any required landscaping provided

Plan Commission Discussion: None

Plan Commission moved to recommend approval

Motion by: Gustin
Seconded by: Meyer

Approved
(6 to 0)

H. Adjournment

8:25 p.m.

Motion by: Gustin
Second by: Messer

Approved
(6 to 0)



Naperville

PLAN COMMISSION AGENDA ITEM

PC CASE: 10-1-155 **AGENDA DATE:** 1/5/2011
SUBJECT: PC Case # 10-1-155 Amend the Naperville Municipal Code Regarding the Zoning Board of Appeals and Plan Commission Duties, Responsibilities, and Processes
 Petitioner: Planning Services Team

Correspondence New Business Old Business Public Hearing

SYNOPSIS:

On November 30, 2010, the City Council concurred with staff’s recommendation to eliminate the Zoning Board of Appeals and consolidate their duties under the Plan Commission in recognition of reduced staffing, reduced caseload, and development conditions. The proposed text amendment codifies these changes within the Naperville Municipal Code.

PLAN COMMISSION ACTION PREVIOUSLY TAKEN:

Date	Item No.	Action
n/a	n/a	n/a

ACTION REQUESTED/RECOMMENDED THIS MEETING:

Conduct the public hearing.

PREPARED BY: Allison Laff, AICP, Planning Operations Manager

BACKGROUND:

In the current economic times, the City continues to refine the way we do business in an effort to serve our customers in a more cost effective way. Recently, the City Council endorsed a number of cost-saving measures, including the consolidation of the Zoning Board of Appeals’ (ZBA) duties under the Plan Commission. This change was made due to a decrease in City planning personnel. Utilizing one commission (retitled: “Planning and Zoning Commission”) to consider both zoning variance and land development cases is a model frequently used in cities at or near build-out to account for decreased caseloads and as a means to reduce staffing and support needs.

With this change, the ZBA will be eliminated at the end of April 2011. At that time, the Plan Commission will assume the review of all variance cases. The Plan Commission’s involvement in variance review is consistent with its prior review of zoning and sign variances requested in

conjunction with development requests. Based on the reduced number of cases processed before the ZBA in 2010, the additional variances are expected to be accommodated within the existing 2011 Plan Commission meeting schedule. The Plan Commission will continue to be composed of 9 appointed members with term limits.

For the Plan Commission's information, current ZBA members have been notified of the proposed changes, which will be effective as of May 2011. Given the valued service that the ZBA members have been provided, each has been notified that if they choose to continue their volunteer service with the City of Naperville on another City board, they will be given prioritization to do so.

DISCUSSION:

Attachment 1 highlights the proposed amendments to the Municipal Code to reflect the above-mentioned changes. In summary, these changes reflect the following:

- Elimination of the Zoning Board of Appeals;
- Re-titling of the Plan Commission to "Planning and Zoning Commission";
- Reassignment of the prior Zoning Board of Appeals duties to the Planning and Zoning Commission; and
- Other minor processing changes.

Prior to implementation of the changes noted above, staff will provide the Plan Commission with additional training.

ATTACHMENTS:

1. Attachment 1 - Proposed Code Amendments

PROPOSED NAPERVILLE MUNICIPAL CODE AMENDMENTS TO ELIMINATE THE ZONING BOARD OF APPEALS AND MODIFY THE POWERS, DUTIES, AND PROCESSES RELATED TO THE PLANNING AND ZONING COMMISSION

Title 2 (Boards and Commissions), Title 5 (Building Regulations), and Title 6 (Zoning Ordinance) of the Naperville Municipal Code is hereby amended by deleting the stricken language and adding the underlined language, as follows.

Title 2 (Boards and Commissions)

2-1-15: STUDENT PARTICIPATION

1. In order to encourage civic responsibility and to provide hands-on learning experiences, student representative positions are established for the following: Planning and Zoning Commission, ~~Board of Zoning Appeals~~, Building Review Board, Fair Housing Advisory Commission, Naper Settlement Museum Board, Board of Library Directors, Financial Advisory Board, Transportation Advisory Board, Public Utilities Advisory Board, Sister Cities Commission, Riverwalk Commission, Historic Sites Commission, Advisory Commission on Disabilities.

CHAPTER 2 – PLANNING AND ZONING COMMISSION

2-2-1: PURPOSE AND CREATION:

In order that adequate provisions be made for the development of a planning program for the guidance, direction and control of the growth and development or redevelopment of the City contiguous territory within one and one-half (1 ½) miles of the corporate limits and not included in any municipality, a Planning and Zoning Commission is hereby created under authority of the Illinois Municipal Code.

2-2-2: * * *

2-2-3: POWERS AND DUTIES:

The Planning and Zoning Commission is hereby vested with the following powers and duties:

1. * * *
2. * * *
3. To hear, consider and recommend to the City Council variances to Title 6, including those that may be requested in connection with conditional uses, rezoning, subdivisions, and/or annexation requests, street graphics ordinance, tree preservation, and other zoning regulations.
4. – 15. * * *

2-2-4: * * *

2-2-5: IMPROVEMENTS:

The City Manager shall furnish the Planning and Zoning Commission, for its consideration, a copy of all ordinances, plans and data relative to public improvements within the jurisdiction of the Planning and Zoning Commission. The Planning and Zoning Commission may report in relation thereto if it deems a report is necessary or advisable, for the consideration of the City Council.

2-2-6: * * *

~~CHAPTER 3 – ZONING BOARD OF APPEALS~~

~~2-3-1: PURPOSE AND CREATION:~~

~~There is hereby established a Board of Zoning Appeals, also referenced as the Zoning Board of Appeals.~~

~~2-3-2: MEMBERSHIP:~~

~~The Zoning Board of Appeals shall consist of seven (7) members.~~

~~2-3-3: POWERS AND DUTIES:~~

~~The Board of Zoning Appeals shall have, exercise and perform the following powers, duties, and functions:~~

- ~~1. All the powers and duties are as provided for in the Naperville zoning ordinance and by statute.~~
- ~~2. The power and duty to receive, investigate, hold hearings or make findings of fact, and process any application for appeal on a ruling on, or variation from, the street graphics ordinance, tree preservation, and zoning regulations when not under the jurisdiction of the Plan Commission of the City.~~

5-4-14: VARIANCES:

1. * * *
2. * * *
3. Review: The Director shall transmit copies of the application to the Planning and Zoning Commission or Zoning Board of Appeals, as appropriate for review and public hearing.
4. Public Hearing: The Planning and Zoning Commission or Zoning Board of Appeals, as appropriate, shall hold a public hearing within sixty (60) days after the completed application has been filed, unless the parties otherwise agree.
5. * * *
6. Hearing and Record: The public hearing shall be conducted by the Planning and Zoning Commission or Zoning Board of Appeals, as appropriate and record of such proceedings shall be preserved in such manner as the Planning and Zoning Commission Zoning Board of Appeals shall, by rule, prescribe from time to time.
7. Findings and Recommendations: ~~Except for those matters on which the Board of Zoning Appeals is authorized to take final action, t~~The Zoning Board of Appeals Planning and Zoning Commission may make written findings of fact supporting the recommendation and shall submit same together with its recommendation to the City Council within sixty (60) one hundred twenty (120) days of filing of the application the public hearing at which the case was considered. The Planning and Zoning Commission or Zoning Board

of Appeals may impose such conditions and restrictions upon the subject sign and property, the location, the construction, design and use of the sign benefited by such a variation as may be necessary or appropriate to comply with the foregoing standards and to protect adjacent property and property values, and ensure traffic safety.

8. Council Decision: After recommendation by the Planning and Zoning Commission or Zoning Board of Appeals, as appropriate, the City Council may, by resolution or ordinance (if approved in conjunction with a development request), grant, or grant with modification, the proposed variance. If the City Council does not approve of a proposed variance after recommendation by the Planning and Zoning Commission or Zoning Board of Appeals, it may deny the proposed variance or refer the proposed variance back to the Planning and Zoning Commission or Zoning Board of Appeals, as appropriate.

9. * * *

10. Effective Period of Variance:

- 10.1 * * *

10.2 Where conditions have not substantially changed since the date on which the variance was authorized, the owner of a parcel for which a variance has been authorized may, ~~within one year prior to expiration of said variance,~~ request the City Council to extend the effective period of said variance for no more than one additional period of up to one year without reapplication to the ~~ZBA~~ or Planning and Zoning Commission.

- 10.3 * * *

- 10.4 * * *

11. Standards for Variations: The Planning and Zoning Commission ~~Zoning Board of Appeals~~ shall not recommend or grant a variation unless it shall make findings of fact based upon evidence presented at the hearing in any given case that:

- 11.1 – 11.6 * * *

~~6-3-3: BOARD OF ZONING APPEALS:~~

- ~~1. Creation and Membership: The Board of Zoning Appeals, as previously established under the provisions of the Illinois State Statutes and Title 2, Chapter 3 of this Code, is the Board of Zoning Appeals referred to in this Title.~~

- ~~2. Jurisdiction: The Board of Zoning Appeals shall discharge the following duties and responsibilities under this Title:~~

~~2.1 Review all appeals from any order, requirement, decision or determination made by the Zoning Administrator under the Zoning Title in the manner prescribed by and subject to the standards established herein and report findings and recommendations to the City Council in accordance with the provisions of Section 6-3-6 of this Chapter.~~

~~2.2 Review all applications for variances from provision of the zoning title in the manner prescribed by and subject to the standards established herein and report findings and recommendations to the city council in accordance with the provisions of section 6-3-5 of this chapter.~~

~~2.3 Advise the City Council on all other matters referred to it or upon which it is required to review under this Title.~~

- ~~2.4 — Receive and consider the report of the Zoning Administrator as related to the effectiveness of this Title and report the Board's conclusions and recommendations to the City Council not less frequently than once a year.~~
- ~~3. Recommendations of the Board of Zoning Appeals: All recommendations of the Board on any appeals, or on any applications for a variance or on any other matter which they are required to recommend, shall, in all instances, be advisory in nature and shall be subject to final consideration, evaluation and determination by the City Council.~~

6-3-4: PLANNING AND ZONING COMMISSION:

1. Creation and Membership: The Planning and Zoning Commission, as previously established under the provisions of the Illinois State Statutes and Title 2, Chapter 2 of this Code, is the Planning and Zoning Commission referred to in this Title.
2. Jurisdiction: The Planning and Zoning Commission shall discharge the following duties and responsibilities under this Title:
 - 2.1 Review all applications for amendments to the Zoning Title (text or map), in the manner prescribed by and subject to the standards established herein and report findings and recommendations to the City Council in accordance with the provisions of Section 6-3-7 of this Chapter.
 - 2.2 Review all applications for conditional uses, in the manner prescribed by and subject to the standards established herein, and report findings and recommendations to the City Council.
 - 2.3 ~~Review applications for variances that are requested in connection with conditional uses, rezoning, subdivision, and/or annexation requests.~~
Review all applications for variances from provision of the zoning title in the manner prescribed by and subject to the standards established herein and report findings and recommendations to the city council in accordance with the provisions of section 6-3-5 of this chapter.
 - 2.4 Advise the City Council on all matters referred to it or upon which it is required to review under this Title.
 - ~~2.5 — Receive and consider the report of the Zoning Administrator as related to the effectiveness of this Title and report the Commission's conclusions and recommendations to the City Council not less frequently than once a year.~~
 - 2.6 Initiate amendments to the Zoning Title text or map.
 - 2.7 Receive and consider appeals from the Zoning Administrator's interpretation of the provisions of the comprehensive master plan, as adopted in Section 1-11-1 of this Code, pertaining to building and site design taking into consideration such factors as contextual appropriateness, consistency with the City's general policies, and community benefit.
 - 2.8 Review all appeals from any order, requirement, decision or determination made by the Zoning Administrator under the Zoning Title in the manner prescribed by and subject to the standards established herein and report findings and recommendations to the City Council in accordance with the provisions of Section 6-3-6 of this Chapter.
3. Recommendations Of The Planning and Zoning Commission: All recommendations of the Commission ~~on any applications for amendments to the Zoning Title text or map or~~

any application for conditional use or on any other matter, shall in all instances, be advisory in nature and shall be subject to final consideration, evaluation and determination by the City Council, except as provided below:

3.1 The Planning and Zoning Commission shall render determinations on any appeals to the Zoning Administrator's interpretation of provisions pertaining to building and site design contained in the City's comprehensive master plan, adopted in Section 1-11-1 of this Code. Such determinations shall be considered final, unless appealed to the City Council.

6-3-5: VARIANCES:

1. Authority: the City Council, after receiving a report from the ~~Board of Zoning Appeals~~ Planning and Zoning Commission containing its findings and recommendations, may vary the regulations of this Title if it finds that the variance requested is in harmony with their general purpose and intent and complies with all of the standards for variances established herein.
2. Standards for Variances: The ~~Board~~ Commission shall not recommend nor shall the City Council grant a variance from the regulations of this Title unless it shall make findings based upon the evidence presented to it in each specific case that:

2.1 – 2.5 * * *

The City Council shall not vary the provisions of this Title concerning permitted uses, conditional uses or the regulation of nonconforming uses.

3. * * *
4. * * *
5. ~~Recommendation Of The Board of Zoning Appeals: The favorable vote of four (4) of the seven (7) members of the Board of Zoning Appeals shall be necessary to recommend the granting of a variance. After recommendation by the Board of Zoning Appeals, the City Council may, upon majority vote, and by ordinance, grant, or grant with modification, the variance. If the City Council does not approve of the variance after recommendation by the Board of Zoning Appeals, it may deny the variance or refer the proposed variance back to the Board of Zoning Appeals for further consideration.~~
6. Recommendation Of the Plan Commission: The Plan Commission, by a simple majority, shall provide a recommendation on a variance request to the City Council. After recommendation by the Planning and Zoning Commission, the City Council may, upon majority vote, and by ordinance, grant, or grant with modification, the variance. If the City Council does not approve of the variance after recommendation by the Planning and Zoning Commission, it may deny the variance or refer the proposed variance back to the Planning and Zoning Commission for further consideration.
7. Conditions and Restrictions: The ~~Board of Zoning Appeals~~ Planning and Zoning Commission may recommend and the City Council may impose conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards set forth in this Section. If a time limit is set forth by which conditions and restrictions must be completed, they shall be so completed in the time specified. If no such time limit is specified, then the conditions and restrictions shall be completed within a reasonable amount of time. The applicant shall be obliged to fulfill and maintain all conditions and restrictions for as long as the variance is utilized or in effect. Such conditions and restrictions shall be reasonably conceived to fulfill public needs

emanating from the proposed variance. Changes or alterations of conditions and restrictions shall be processed in the manner set forth in this Section for variances. The variance shall be valid only if the conditions and restrictions imposed upon the premises are fulfilled.

8. Effective Period Of Variance:

8.1 * * *

8.2 Where conditions have not substantially changed since the date on which the variance was authorized, the owner of a parcel for which a variance has been authorized may, within one year prior to expiration of said variance, request the City Council to extend the effective period of said variance for no more than one additional period of up to one year without reapplication to the ~~ZBA~~ Planning and Zoning Commission.

8.3 * * *

8.4 * * *

6-3-6: APPEALS:

1. Procedure For Appeals To A Decision By The Zoning Administrator: An appeal may be taken from any order, requirement, decision or determination of the Zoning Administrator. The appeal shall be made within forty-five (45) days of the action by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Planning and Zoning Commission ~~Board of Zoning Appeals~~ all of the papers constituting a record upon which the action appealed from was taken. A hearing before the Planning and Zoning Commission ~~Board of Zoning Appeals~~ shall be held within sixty (60) twenty (20) days of the filing of the completed petition, unless otherwise agreed by the parties. ~~In the event a meeting cannot be convened within the twenty (20) days as specified herein, the Board shall consider the matter at the next regularly scheduled meeting.~~

~~1.1~~ Decision Of the City Council: The Commission ~~Board~~ shall transmit to the City Council its written findings and recommendations of the appeal within a reasonable time, but in no event more than sixty (60) days after the hearing before the Planning and Zoning Commission ~~filing of the notice of appeal~~, and shall promptly forward a copy of the decision to the parties. The City Council may affirm or may reverse, in whole or in part, or modify the order, requirement, decision or determination of the Zoning Administrator. ~~The favorable vote of four (4) members of the Board of Zoning Appeals shall be necessary to recommend the reversal or modification of the order, requirement, decision or determination of the Zoning Administrator.~~

6-3-7: AMENDMENTS:

1. Authority: the City Council, after receiving a report from the Planning and Zoning Commission containing its findings and recommendations, may amend the regulations of this Title or may amend the zoning district boundary lines.

2. * * *

3. * * *

4. Initiation Of Amendment: An amendment which alters the zoning district boundary line may be proposed by the City Council, Planning and Zoning Commission or by a person being the owner, lessee or contract purchaser of the subject property. Text amendments may be initiated by the City Council, or the Planning and Zoning Commission, ~~or the Zoning Board of Appeals.~~
5. Decision Of the City Council: After recommendation by the Planning and Zoning Commission, the City Council may, by ordinance, grant or grant with modification, an amendment. If the City Council does not approve of an amendment after recommendation by the Planning and Zoning Commission, it may deny the amendment or refer the proposed amendment back to the Planning and Zoning Commission for further consideration. If the City Council does not concur with the recommendation of the Planning and Zoning Commission to deny, the favorable vote of five (5) members of the City Council shall be necessary to pass an ordinance granting the amendment.
6. Conditions And Restrictions: The Planning and Zoning Commission may recommend and the City Council may impose conditions and restrictions upon the premises benefited by an amendment as may be necessary to comply with the standards set forth in this Section. They shall relate directly to the regulations and provisions of this Title. If a time limit is set forth by which conditions and restrictions must be completed, they shall be so completed in the time specified. If no such time limit is specified, then the conditions and restrictions shall be completed within a reasonable amount of time. The applicant shall be obliged to fulfill and maintain all conditions and restrictions for as long as the amendment is utilized or in effect. Such conditions and restrictions shall directly benefit the premises described in the amendment and shall be imposed only if the City Council finds them necessary to prevent circumstances which may be adverse to public health, safety and welfare. Such conditions and restrictions shall be reasonably conceived to fulfill public needs emanating from the proposed land use. Changes or alterations of conditions and restrictions shall be processed in the manner set forth in this Section for amendments.

6-3-8: CONDITIONAL USES:

1. Authority: The development and execution of this Title is based upon the division of the City into zoning districts within which districts the use of buildings, structures and land, and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon adjacent land and of the public need for the particular use in the particular location. The City Council, after receiving a report from the Planning and Zoning Commission containing its findings and recommendations, may allow a conditional use and any variance requested in connection therewith in a particular zoning district or districts.
2. * * *
3. Procedures For And Effective Period Of Applications For Conditional Uses:
 - 3.1 * * *
 - 3.2 An application for a conditional use shall be valid for a period of two (2) years from the date on which the application is filed with the ~~Department of~~

Community Development Transportation, Engineering, and Development Department.

3.3 * * *

3.4 The ~~Department of Community Development Transportation, Engineering, and Development Department~~ shall send written notice to the last known property owner of record at least thirty (30) days before any application for a conditional use shall lapse.

3.5 * * *

3.6 * * *

4. * * *

5. Decision Of the City Council: After recommendation by the Planning and Zoning Commission, the City Council may, by ordinance, grant or grant with modification, the conditional use. If the City Council does not approve of a conditional use after recommendation by the Planning and Zoning Commission, it may deny the conditional use or refer the proposed conditional use back to the Planning and Zoning Commission for further consideration. If the City Council does not concur with the recommendation of the Planning and Zoning Commission to deny, the favorable vote of five (5) members of the City Council shall be necessary to pass an ordinance granting the conditional use.

6. Conditions And Restrictions: The Planning and Zoning Commission may recommend and the City Council may impose conditions and restrictions upon the premises benefited by a conditional use as may be necessary to comply with the standards set forth in this Section. If a time limit is set forth by which conditions and restrictions must be completed, they shall be so completed in the time specified. If no such time limit is specified, then the conditions and restrictions shall be completed within a reasonable amount of time. The applicant shall be obliged to fulfill and maintain all conditions and restrictions for as long as the conditional use is utilized or in effect. Such conditions and restrictions shall be reasonably conceived to fulfill public needs emanating from the proposed land use. Changes or alterations of conditions and restrictions shall be processed in the manner set forth in this Section for conditional uses.

7. Effective Period Of A Conditional Use: The granting of a conditional use shall be authorized for only one specific conditional use.

7.1 ~~No conditional use shall be valid for a period longer than two (2) years from the date of the ordinance granting the conditional use unless a building permit is obtained within such period and the erection or alteration of a building or structure is started or the use is commenced within such period. The conditional use shall be constructed in a timely manner. If a building permit is not obtained, the erection or alteration of a building or structure is not commenced, or the use is not commenced within a two (2) year period, the City may initiate or the owner of the parcel of land on which the conditional use is to be constructed may apply for the revocation of the conditional use. The owner shall be notified, in writing, at least thirty (30) days prior to the City's consideration of the revocation if initiated by the City.~~

7.2 Where conditions have not substantially changed since the date on which the conditional use was authorized, the owner of a parcel for which a conditional use has been authorized may, ~~within one year prior to expiration of said conditional use,~~ request the City Council to extend the effective period of said

conditional use ~~for no more than one additional period of up to in one two~~ year increments. ~~without reapplication to the ZBA or Plan Commission.~~

7.3 If the subject property for which a conditional use has been approved has been vacant or not utilized for any continuous period of two (2) years, said conditional use shall, to the extent of such nonutilization, become void.

7.4 Upon voiding or revocation of the conditional use, the parcel of land shall conform to the permitted uses and other regulations of the zoning district in which it is located unless an amendment or other conditional use is applied for and granted. This Section shall be applicable to all conditional uses except planned unit developments for which the provisions of Chapter 4 of this Title shall apply.

8. Changes To Approved Conditional Uses: A conditional use shall be constructed/established in accordance with the approved plan attached to the ordinance which granted the conditional use. The site plan referenced in the ordinance shall control and limit the use of the parcel of land (including the general internal use of buildings and structures) and the location of buildings and structures approved as part of the conditional use request. Changes to the conditional use shall be considered to be either a major change or a minor change.

8.1 - 8.3 * * *

8.4 Procedure For Amending A Conditional Use:

8.4.1 * * *

8.4.2 An application for a minor change to a conditional use may be approved without the review and recommendation of the Planning and Zoning Commission. This provision shall not prohibit the City Council from requesting the Planning and Zoning Commission for its review and recommendation, and/or a public hearing.

8.4.3 * * *

8.4.4 * * *

6-3-9: VARIANCES, AMENDMENTS, CONDITIONAL USES:

1. * * *

2. * * *

3. Review: The Zoning Administrator shall transmit copies of the application to the Planning and Zoning Commission ~~or Zoning Board of Appeals, as appropriate,~~ for review and public hearing.

4. Public Hearing: The Planning and Zoning Commission ~~or the Zoning Board of Appeals, as appropriate,~~ shall hold a public hearing within sixty (60) days after the completed application has been filed.

5. * * *

6. Posting Of Notice: The applicant shall post notice of the public hearing on a sign upon the property for which the variance, amendment or conditional use is requested.

6.1 Where the subject property is ten (10) acres or less, the sign on the property shall:

6.1.1 - 6.14 * * *

- 6.1.5 Be printed on a white background for Planning and Zoning Commission cases and on a yellow background for Zoning Board of Appeals cases. In either case, ~~the~~ lettering for the title on the sign shall be red and all other lettering on the sign shall be black.
- 6.2 Where the subject property exceeds ten (10) acres, the sign on the property shall:
 - 6.2.1 – 6.2.5: * * *
 - 6.2.6 Be printed on a white background for Planning and Zoning Commission cases and on a yellow background for Zoning Board of Appeals cases. In either case, ~~the~~ lettering for the title on the sign shall be red and all other lettering on the sign shall be black.
 - 6.2.7 Shall be updated to reflect the date, time and location to which the hearing has been continued in the event the matter is rescheduled or continued to a new date as may appropriately be determined by the Planning and Zoning Commission or Board of Zoning Appeals. Any such revision shall be posted on the sign not less than ten (10) days prior to the meeting at which the matter will be considered.
 - 6.2.8 The notice and sign upon which the notice is posted shall be removed within seven (7) days following the conclusion of the public hearing on the matter before the Planning and Zoning Commission or Board of Zoning Appeals as may be appropriate. Failure to remove the sign within the time frame as established under this provision may result in the imposition of a fine not to exceed fifty dollars (\$50.00) per day for each day on which the sign is displayed in violation of this provision.
- 7. Notice to Adjacent Owners: The applicant shall also give written notice to the owners of record, as determined by the records of the local real estate tax collector, for all lots lying within two hundred fifty (250) feet of the subject property, exclusive of public rights-of-way.
 - 7.1 * * *
 - 7.2 All required written notices shall include the number assigned to the application; the place, the nature and the purpose of all variances, amendments or conditional uses requested; the date and time of the scheduled hearing before the Planning and Zoning Commission or Zoning Board of Appeals; the common address or location of the subject property; the name and address of the applicant and owner of the subject property; and the office address of the City Clerk where full information concerning the application, including a legal description, may be obtained.
 - 7.3 * * *
 - 7.4 * * *
- 8. Hearing And Record: The public hearing shall be conducted by the Planning and Zoning Commission or Zoning Board of Appeals, as appropriate, and a record of such

proceedings shall be preserved in such manner as the Planning and Zoning Commission or Zoning Board of Appeals shall, by rule, prescribe from time to time.

9. Findings And Recommendations: ~~Except for those matters on which the Board of Zoning Appeals is authorized to take final action, †~~The Planning and Zoning Commission or Zoning Board of Appeals, as appropriate, shall make written findings of fact and shall submit same together with its recommendations to the City Council within one hundred twenty (120) days of filing of the application.
10. Council Decision: ~~Except for those matters on which the Board of Zoning Appeals is authorized to take final action, †~~After recommendation by the Planning and Zoning Commission or the Zoning Board of Appeals, as appropriate, the City Council may, by ordinance, grant, or grant with modification, the proposed variance, amendment or conditional use. If the City Council does not approve of a proposed variance, amendment or conditional use after recommendation by the Planning and Zoning Commission or Zoning Board of Appeals, as appropriate, it may deny the proposed variance, amendment or conditional use or refer the proposed variance, amendment or conditional use back to the Planning and Zoning Commission or Zoning Board of Appeals, as appropriate.
11. * * *
12. Zoning Title Text Amendments And City Initiated Map Amendments: Except for the revocation of a planned unit development pursuant to Section 6-4-8 of this Title, the following procedures and requirements shall be applicable to any request for a Zoning Title text amendment or a City-initiated map amendment:
 - 12.1 Either the Planning and Zoning Commission, ~~Zoning Board of Appeals~~ or the City Council may initiate a Zoning Title text amendment.
 - 12.2 An amendment to the City's zoning map may be initiated by the Planning and Zoning Commission or the City Council.
 - 12.3 In all cases, the Planning and Zoning Commission shall review such proposed amendments and hold a public hearing. A record of such proceedings shall be preserved in the manner as the Planning and Zoning Commission shall, by rule, prescribe from time to time.
 - 12.4 * * *
 - 12.5 * * *
 - 12.6 * * *
 - 12.6.1 * * *
 - 12.6.2 All required written notices shall include the number assigned to the application; the affected zoning district(s); the nature and the purpose of the amendment; the date and time of the scheduled hearing before the Planning and Zoning Commission; and the office address of the City Clerk where full information concerning the application may be obtained, including the boundaries of the zoning district.
 - 12.7 After recommendation by the Planning and Zoning Commission, the City Council may, by ordinance, approve, disapprove, or approve with modification, any proposed City-initiated Zoning Title text amendments or zoning map amendments.



Naperville

PLAN COMMISSION AGENDA ITEM

PC CASE: 10-1-144 **AGENDA DATE:** January 5, 2011
SUBJECT: Historic Preservation Ordinance Revisions
 Petitioner: City of Naperville

Correspondence New Business Old Business Public Hearing

SYNOPSIS:

This is a comprehensive re-write of the Historic Preservation Ordinance (i.e., Title 6, Chapter 11 of the Municipal Code) in order to bring the ordinance in line with the changes recommended in the Unified Recommendation.

PLAN COMMISSION ACTION PREVIOUSLY TAKEN:

Date	Item No.	Action
N/A		

ACTION REQUESTED/RECOMMENDED THIS MEETING:

Conduct the public hearing.

PREPARED BY: Ying Liu, AICP, Community Planner

BACKGROUND:

Based on City Council’s direction on November 18, 2008, a working group comprised of representatives of the Naperville Heritage Society, East Central Homeowner’s Organization, North Central College and City of Naperville staff initiated a public process to review, assess and strengthen the city’s historic preservation program. After extensive public debate, the group developed a set of joint recommendations (known as the “Unified Recommendation”) for changes to the city’s historic preservation regulations and the Historic Sites Commission (now the Historic Preservation Commission) composition and scope. On May 19, 2009, the City Council approved the Unified Recommendation and directed staff to prepare corresponding amendments to Title 6 (Zoning Regulations), Chapter 11 (Historic Preservation) of the Municipal Code. For reference, the Unified Recommendation is included in Attachment 1.

PLANNING SERVICES TEAM REVIEW:

Per City Council’s direction, a comprehensive re-write of the Historic Preservation Ordinance (i.e., Title 6, Chapter 11 of the Municipal Code) has been drafted in order to bring the ordinance in line with the Unified Recommendation. The revised Historic Preservation Ordinance is included in Attachment 2. A summary of key changes proposed and a copy of the existing

Historic Preservation Ordinance are included in Attachments 3 and 4 for reference. In brief, the new ordinance codifies the changes approved through the Unified Recommendation and includes clarified and improved language to enhance the applicability and user-friendliness of the code. There are no substantial changes proposed to the ordinance other than those approved through the Unified Recommendation.

Public Process

After the first draft of the revised Historic Preservation Ordinance was prepared, staff presented it to members of the working group for an initial review in September 2010. Following individual review, the working group discussed their comments over the course of three meetings and reached consensus on additional revisions to produce the second draft of the ordinance. The second draft was released for public comment on October 25, 2010 through a variety of outreach methods including:

- Notification letters sent by first-class mail to all property owners and tenants in the Naperville Historic District
- City of Naperville web site
- City of Naperville e-News
- Naperville Settlement e-News
- East Central Homeowner Association e-News
- City of Naperville media release
- A public open house held on November 18, 2010 (a total of 9 residents and 5 Historic Preservation Commissioners were in attendance)

The written comments received to date and staff's responses are included in Attachment 5. The proposed ordinance (Attachment 2) has incorporated changes to address all written and verbal comments received.

Historic Preservation Commission Action

The Historic Preservation Commission considered the revised Historic Preservation Ordinance on December 9, 2010. The commission inquired about whether the ordinance should include language regarding the benefits of being part of a historic district. Staff responded that the proposed ordinance speaks to the minimum standards and procedures for granting a certificate of appropriateness or approving a Landmark/Historic District designation. Information regarding the benefits of the district is contained within the Historic Building Design and Resource Manual.

One member of the public provided comments, who encouraged the commission to carefully evaluate any future project as a whole to make sure that the extent of demolition proposed would not result in a loss of the structure's contributing status in the Historic District. After limited discussion, the Historic Preservation Commission voted to recommend approval of the revised Historic Preservation Ordinance as proposed (Approved 6-0). Staff concurs with the Historic Preservation Commission's recommendation.

ATTACHMENTS:

Historic Preservation Ordinance Revisions (PC 10-1-144)

January 5, 2011

Page 3 of 3

1. Historic Preservation Ordinance Revisions – Attachment 1: Unified Recommendation – PC 10-1-144
2. Historic Preservation Ordinance Revisions – Attachment 2: Revised Historic Preservation Ordinance – PC 10-1-144
3. Historic Preservation Ordinance Revisions – Attachment 3: A Summary of Key changes to the Ordinance – PC 10-1-144
4. Historic Preservation Ordinance Revisions – Attachment 4: Existing Historic Preservation Ordinance – PC 10-1-144
5. Historic Preservation Ordinance Revisions – Attachment 5: Public written comments and staff responses – PC 10-1-144
6. Historic Preservation Ordinance Revisions – 12/9/2010 Draft Historic Preservation Commission Minutes – PC 10-1-144

Recommendations for Naperville's Historic Preservation Ordinance and Commission

Unified Proposal Presented by the East Central Homeowners' Organization, North Central College, Naperville Heritage Society and the City of Naperville Planning Staff

A culmination of community discussion from November 2008 through April 2009.

Presented to the Naperville City Council on May 19, 2009.

Recommendations for Naperville’s Historic Preservation Ordinance and Commission

Table of Contents

- Introductory Memorandum..... 3
- Residents’ Concerns 4
- Soliciting Community Input..... 5
- Final Unified Recommendations.....6-8
 - Statement of Purpose 6
 - Designating Districts and Landmarks..... 6
 - Commission Composition and Responsibilities 7
 - Commission Meeting Location and Format..... 7
 - Procedural Recommendations 8
- Suggested Next Action Steps 9
- Community Feedback and Working Group Responses..... 10-12
- Appendix** 14-15
- Education and Training 14
- Ideas for Future Consideration 15



Naperville



NORTH
CENTRAL
COLLEGE
NAPERVILLE, ILLINOIS
Founded 1861



ECHO

MEMORANDUM

TO: Mayor George Pradel and City Council Members

FROM: Naperville Preservation "Working Group":
Carol Schmidt and Susan Fitch, ECHO
Paul Loscheider and Alice Stonebraker, North Central College
Peggy Frank and Debbie Grinnell, Naperville Heritage Society
Suzanne Thorsen and Ying Liu, City of Naperville, T.E.D.

DATE: May 11, 2009

SUBJECT: Unified Recommendations for Revisions to the Naperville's Historic Preservation Ordinance and Historic Sites Commission

Pursuant to the November 18, 2008 request from the Naperville City Council, representatives from the Naperville Heritage Society (NHS), East Central Homeowner's Organization (ECHO), North Central College (NCC) and city staff (CON) met regularly to consider potential changes and prepare a unified recommendation as to the composition and mission of the Historic Sites Commission. We appreciated the extension beyond the original 90 day deadline in order to solicit as broad and comprehensive community feedback as possible.

The working group's objective was to establish a consensus recommendation that supported maintaining the historic district, strengthened the city's historic preservation ordinance, and sought the community's buy-in. The attached recommendation

- Identifies residents' issues regarding regulation of the historic district,
- Describes how and what community input was received,
- Details specific recommendations to improve the COA process for increased property owner satisfaction,
- Lists suggestions for continued education and training,
- Poses ideas and topics for future consideration, and
- Outlines next action steps.

The attached report is prepared and fully endorsed by all members of the working group on behalf of their representative organizations.

We look forward to responding to Council's questions, and move forward in appropriately and effectively preserving Naperville's historic architecture. It is our hope that a more streamlined, user-friendly process will encourage future landmark designations and proud and happy property owners within the historic district.

Concerns About Naperville's Current Preservation Ordinance

As reflected in feedback received through surveys, public testimony and discussion with community members, Naperville residents are interested in seeing the current historic district maintained and are potentially interested in new districts or additional landmarked properties. However, under the current practices of Naperville's existing Preservation Ordinance and Historic Sites Commission responsibilities, there are several concerns.

1. Property owners feel the current restrictions are onerous, prohibiting ease and economic reasonableness for normal and routine maintenance. There is the desire for expediency on minor issues while still retaining appropriate review processes.
2. There has been concern, by both property owners and city staff, of inconsistent interpretation and application of the existing ordinance and design guidelines. Strict interpretation of the Secretary of Interior's Standards for Historic Rehabilitation is considered unrealistic for private property owners.
3. There is the need for more user-friendly check lists and processes, including a less intimidating and more professional format working with the Historic Sites Commission.
4. Property owners want more informative, educational, and useful guidance for property maintenance and/or renovation of their properties.
5. Proper education and ongoing training for staff and commissioners is lacking, and yet is essential to effectively administer the preservation ordinance.
6. Property owners and residents throughout the town want to see the current historic district's architectural and aesthetic character retained through reasonable and equitable standards.
7. The desire to "clean up" the existing ordinance and codify what has been in actual practice was deemed extremely important.

Soliciting Community Input to Develop the Recommendations

The working group was very conscientious in reaching out to both residents of the current historic district and the community at large. Numerous techniques were used to disseminate information and solicit input. All feedback was given thorough and serious consideration. Recognizing that consensus would not result in an outcome that is ideal for all participants, the overriding philosophy used to reach compromise and decisions with a unified consensus was that “everyone could live with it.”

Techniques Used to Communicate with the Public

- ☐ Email blasts (City-160 addresses, NHS-746 addresses, ECHO-70 addresses)
- ☐ Websites: City of Naperville, Naper Settlement, Triblocal, NCTV17, Positively Naperville, NAHC
- ☐ Direct mailing to historic district and landmark property owners
- ☐ WONC radio interview
- ☐ NAHC packet and announcement at the 4/18/09 meeting
- ☐ Naperville SUN press releases
- ☐ Public Notice Posters at Naperville train stations, public libraries and municipal center
- ☐ NCTV17 “Spotlight on Naperville” and PSA announcements
- ☐ Electronic City Notes

November-December 2008:

- ☐ Workshop with current HSC commissioners
- ☐ Public meeting with ECHO/Historic District residents
- ☐ Individual discussions with Councilmen
- ☐ Met with city staff
- ☐ Newspaper and electronic invitation to the full community to voice their concerns and ideas

January-April 2009:

- ☐ Working group met biweekly
- ☐ Suzanne Thorsen, Ying Liu and Debbie Grinnell met in between group meetings to prepare draft ideas for consideration
- ☐ Outside expertise was sought from the IL Historic Preservation Council, National Trust, Landmarks IL and other communities with successful ordinances and procedures for guidance and advice to understand current trends and best practices

February 2009:

- ☐ Revised Statement of Purpose was publicly distributed
- ☐ The revised statement served as a guide for the working group’s continued deliberations

March-April 2009:

- ☐ Preliminary recommendations shared publicly
- ☐ Two public open houses held
- ☐ Written and verbal feedback received from the public
- ☐ Final recommendations considered all feedback received

Final Unified Recommendations

Proposed Statement of Purpose for the City of Naperville's Historic Preservation Ordinance

This statement establishes the global direction, tone and purpose recommended to guide the City of Naperville's efforts towards historic preservation.

In acknowledgment that Naperville's historic architecture, districts and neighborhoods contribute to the community's economic well-being and development, the purpose of this chapter [of the municipal code] is to protect these valuable resources by:

1. Fostering civic pride through public education and enhanced awareness of Naperville's rich history as embodied in its architecture, neighborhoods and districts.
2. Preserving Naperville's heritage by proactively providing tools and oversight to identify and protect landmarks and historic districts.
3. Protecting neighborhood character by requiring that rehabilitations, renovations and new improvements are compatible in terms of scale, style, exterior features, building placement and site access.
4. Supporting property owners and property values for designated historic areas or landmarks by encouraging repair, rehabilitations and renovations that are compatible with their historic, architectural and aesthetic character.

Proposed Process for Designating New Historic Districts and Landmarks

CURRENT DISTRICT DESIGNATION:

- One historic district
- 10% of owners must consent to nomination of district

CURRENT LANDMARK DESIGNATION:

- 2 landmarks currently designated
- No owner consent required for designation

PROPOSED DISTRICT DESIGNATION:

- Maintain current historic district
- 10% of owners necessary to petition for a new district designation process to begin
- If 51% of owners opposed, no new district
- Commission responsible for managing district designation process

PROPOSED LANDMARK DESIGNATION:

- Maintain current landmarks
- Owner consent is preferable in consideration of landmark
- Maintain city ability to landmark without owner consent

Proposed Commission Composition & Responsibilities

Based on community feedback, it became apparent that renaming the commission to the Naperville Historic Preservation Commission (HPC) would more clearly communicate the intent for the commission to do more than just review COAs, but encourage a broader awareness of historic properties beyond the currently designated historic district.

While the hard work and volunteerism of past and current Historic Sites Commissioners is recognized and appreciated, it is recommended that a new commission be appointed to work under the revised ordinance with a different set of expectations of responsibilities.

CURRENT COMPOSITION:

- 9 voting members
- 1 Plan Commission Liaison
- 4+ district residents
- 1 downtown business owner
- 1 realtor
- 1 person experienced in architecture or design
- 1 historian or person with historical interests

PROPOSED COMPOSITION:

- 9 voting members
- 1 Plan Commission Liaison
- 4 district or landmark property owners or residents
- 4 residents at-large with demonstrated interest in related fields
- 1 non-voting member (Heritage Society)

PROPOSAL OF COMMISSIONERS RESPONSIBILITIES (BEYOND COA REVIEW)

Commissioners will work with City Planning Staff to oversee creation and implementation of:

- Historic Building Design Guidelines
- COA Application Form (user-friendly)
- COA Procedural Guidelines (user-friendly check list)
- Ongoing training and educational plan for staff, commissioners, realtors, residents
- Potential development of local financial incentives

Commissioners will be expected to assist in proactively reaching out to the community to:

- Create awareness of the value of historic preservation
- Educate about available financial incentives for preservation
- Oversee architectural surveys, identifying their purpose and frequency
- Ensure ongoing evaluation of process and outcomes for efficiency and effectiveness

Proposed Commission Meeting Location

In an effort to create a more comfortable environment for residents to present COA applications and questions to the Commission, the following recommendation is being made:

- Municipal Center Meeting Rooms
- U- Shaped Table set up with microphones
- Name cards for commissioners
- Test Period of 3-6 months

Public may participate by:

- Signing up in advance
- And/or when called on by the commission chair
- Side conversations will not be tolerated as they are disruptive to the meeting flow and make recording difficult

Procedural Recommendations

The **Certificate of Appropriateness** (COA) procedural guidelines for Historic District & Landmarked properties identify what type of home improvement would trigger one of three actions:

- No review or Certificate of Appropriateness (COA) required
- Administrative COA required – review and approval by city planning staff
- Naperville Historic Preservation Commission (HPC) COA required – review and approval by the commission
- COAs are limited to primary facades visible from the street (i.e. primary façade = front and side facades facing the street for corner properties)
- It is encouraged that minor appurtenances (i.e. satellite dishes, solar cells, wind turbines) be placed in obscure rear locations to retain the architectural integrity of the building as viewed from the street

The overall intent of the **Historic Building Design Guidelines** will be to serve as an educational document that encourages sympathetic maintenance and renovations consistent with the historic architectural style and character of the structure and scale of the existing neighborhood.

- These guidelines will not include procedural references, but rather be a heavily illustrated resource of the predominant Naperville architectural styles through the 20th century to serve as an educational tool providing design guidance for rehabilitation of historic structures.
- As the currently designated historic district is primarily residential, the first guidelines prepared will have a residential focus with later additions addressing additional building types.

COA SUMMARY OVERVIEW

NO COA or REVIEW REQUIRED	ADMINISTRATIVE COA	HPC COA	DEMOLITION
<ul style="list-style-type: none"> <input type="checkbox"/> New structure/addition not visible from street <input type="checkbox"/> Storm doors <input type="checkbox"/> Deck (rear or side) <input type="checkbox"/> Detached garages <input type="checkbox"/> Rear porch <input type="checkbox"/> Gutters <input type="checkbox"/> Landscaping <input type="checkbox"/> Painting (including color) <input type="checkbox"/> Window A/C Units and similar appurtenances <input type="checkbox"/> Routine Maintenance & Repair (including porches and doors if no change in materials) <input type="checkbox"/> Signs & Graphics (already covered in other city code) <input type="checkbox"/> Fencing, if wood or iron open picket facing the street <input type="checkbox"/> Driveways (retaining existing alley or street access) <input type="checkbox"/> Rear Yard Improvements <input type="checkbox"/> Siding – ordinary maintenance and repair of less than 50% of the primary facade 	<ul style="list-style-type: none"> <input type="checkbox"/> Doors – in-kind replacement or use of wood or original materials <input type="checkbox"/> Windows – if using wood or aluminum-clad wood <input type="checkbox"/> Driveways – relocating existing street access no more than 5' <input type="checkbox"/> Roofs – in-kind replacement; use of asphalt or reversion to original material <input type="checkbox"/> Siding – if replacing more than 50% of the primary façade; reverting to the original materials; or changing from wood to fiber cement board (i.e. hardi plank) <input type="checkbox"/> Porches – in-kind replacement or COLUMNS – Replacement with wood, plaster or cement FLOORING - Wood or trex-like materials OTHER PORCH COMPONENTS – Original or wood materials <input type="checkbox"/> Shutters & Awnings – in-kind replacement 	<ul style="list-style-type: none"> <input type="checkbox"/> Doors & Windows - change in style, opening, or any type of materials not listed in Administrative COA <input type="checkbox"/> Garage – if attached <input type="checkbox"/> Driveways – new or relocated street access <input type="checkbox"/> Roofs - Change in height, pitch, or replacing with material that is not original to the building or is not asphalt <input type="checkbox"/> Siding - Change in reveal/profile or use of materials not listed in Administrative COA <input type="checkbox"/> Porches - change in size, style, new enclosure or use of materials other than those listed in Administrative COA <input type="checkbox"/> Shutters & Awnings - change in size, style or new addition <input type="checkbox"/> Addition visible from street <input type="checkbox"/> Fencing - along street if anything other than wood or iron open picket <input type="checkbox"/> New principal structure 	<p>Primary Façade (front & street side for corner lot)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Refer to COA Outline <p>Secondary Façade (not facing the street)</p> <ul style="list-style-type: none"> <input type="checkbox"/> No COA of any type if like or similar materials are being used <i>and</i> new work doesn't protrude from the existing wall plane <input type="checkbox"/> HPC COA required if <ul style="list-style-type: none"> • removing an original feature visible from the street • if new work will protrude from the existing wall plane or change the building height visible from the street <p>Tertiary Façade (rear portion)</p> <ul style="list-style-type: none"> <input type="checkbox"/> No COA of any type <input type="checkbox"/> If substantial demo, adequate bracing of the primary façade(s) insured by structural engineer <p>Full Demolition</p> <ul style="list-style-type: none"> <input type="checkbox"/> HPC COA required

Suggested Next Action Steps

There are numerous actions that would need to take place subsequent to City Council’s direction to implement the unified recommendations. Upon receipt of this report, the council should initiate amendments to the Municipal Code to modify the mission and composition of the Historic Sites Commission and direct the commission to interpret the current Preservation Ordinance in keeping with the intent of the unified recommendations. In addition, outlined below are the subsequent action steps identified by the working group. These steps, and potentially others, will need to be evaluated for prioritization and work load impact.*

1. Certificate of Appropriateness (COA):
1. A. Prepare the COA procedural guidelines including expected timeline for Administrative and HPC COA approvals.
1.B. Develop a user-friendly checklist identifying COA requirements.
1.C. Create a simple Administrative COA process including appropriate staff training for proper implementation.
1.D. Generate a regular Administrative COA reporting process to the HPC for information purposes.
2. Historic Building Design Guidelines:
2.A. Develop a comprehensive, Naperville-specific design manual guidelines in accordance with the unified recommendations.
3. Community Education and Outreach:
3.A. Initiate community education, publicity, and marketing awareness of the revised, streamlined procedures.
3.B. Develop an educational program for homeowners (both within the district and owners of historic properties outside the district) and realtors highlighting advantages to historic preservation.
3.C. Provide resources to property owners on existing state and federal tax incentive programs for historic preservation.
3.D. Prepare informational sheets for web posting and distribution to clarify key elements of Naperville’s Historic Preservation Ordinance and COA procedural guidelines and use of the historic building design guidelines.
4. Staff and Commissioner Training:
4.A. Join the appropriate organizations and develop a preservation resource library as outlined in the unified recommendations.
4.B. Develop an orientation program for new commissioners.
4.C. Create an annual and ongoing education and training program for commissioners.
4.D. Ensure the city’s practices for building permit review and inspections for historic properties are in accordance and consistent with the relevant approved COA.

* Following the Council’s endorsement of the unified recommendation and associated action steps, a work program will be established for implementation.

Progress related to implementation of the adopted recommendations will be communicated to the public through the use of the city’s website (<http://www.naperville.il.us/historicsites.aspx>) and e-News.

Community Feedback And Working Group Responses

The recommendations of the working group were well-received by the community, and ECHO residents in particular. While residents who provided verbal or written comments generally felt that the vast majority of concerns were addressed in the recommendations, the working group received specific comments on several areas of the recommendations. Based on community response, the preliminary recommendations were re-examined resulting in a few changes being incorporated into the final unified recommendations. The areas of consideration and the working group’s responses are highlighted below.

STATEMENT OF PURPOSE

Statement of Purpose:

- ☐ Change the word “regulate” to “protect” in the 2nd bullet of the purpose statement.

Working Group Response:

- ☐ Incorporated the change as suggested.

GARAGES

Community Feedback:

- ☐ Mixed reaction to exempting garages from COA review.
- ☐ Agreed on the need for flexibility to make garages functional for contemporary use.
- ☐ Agreed to retain detached garages and rear alley access to maintain the neighborhood’s historic appropriateness.
- ☐ Some advocated a COA review on the aesthetics of garage modifications and new garages.

Working Group Response:

- ☐ Photographed and reviewed all 16 garages deemed “significant” or “potentially significant” in the historic survey.
- ☐ Garages (size, placement) are already well controlled by city zoning codes.
- ☐ Previous community input indicated a preference to exempt things not visible from the street from COA review.
- ☐ Feedback expressed aesthetic preferences rather than preservation-related concerns.
- ☐ Agreed to address architectural compatibility of garages in the design guidelines.
- ☐ The HPC should continue monitoring garages to determine if COA review is needed.

COMMISSION SIZE AND COMPOSITION

Community Feedback:

- ☐ Mixed reaction to how many residents of the historic district should have seats on the new commission.
- ☐ Recognized past challenges in recruiting qualified commissioners and a lack of interest from outside of the historic district to serve on the commission.
- ☐ Some feel that the recommended number of residents on the commission is appropriate.
- ☐ Some are interested in having more than 4 district residents on the commission because they understand the challenges.
- ☐ Some suggested a smaller size commission.

Working Group Response:

- ☐ Stayed with recommending 4 district residents on the commission.
- ☐ Felt commissioners living outside of a district helps provide advocacy throughout the community and illustrates the value of historic preservation beyond that assumed by district property owners.
- ☐ Stayed with recommending nine voting members that are consistent with the majority of other city boards and commissions.
- ☐ Felt that a seven member commission could result in a tie vote in COA decisions (quorum = 4 people).

Community Feedback And Working Group Responses (cont.)

FENCES

Community Feedback:

- ☐ Some felt that fences should be subject to a COA review, including on interior lot lines.
- ☐ Expressed concern about chain link and privacy fences visible from front and corner sides.

Working Group Response:

- ☐ Modified recommendation to require COA review for fences facing the street or along a sidewalk if other than open wood or iron picket.
- ☐ Determined that interior fences are already addressed in the city code.
- ☐ Recommended addressing appropriate fence style in the design guidelines.

DISTRICT DESIGNATION AND DISSOLUTION

Community Feedback:

- ☐ Sought clarification if the recommended process for district designation was in reference to new districts.
- ☐ A resident would like to see provision for dissolution of a district.

Working Group Response:

- ☐ Clarified that the recommended process addressed NEW district designation.
- ☐ The current ordinance is silent on dissolution of a district. The working group felt it should remain that way.

WINDOW AIR CONDITIONERS

Community Feedback:

- ☐ A resident suggested requiring window air conditioners to have an administrative COA.

Working Group Response:

- ☐ Agreed to have the design guidelines suggest window air conditioners be placed on the secondary and tertiary facades.
- ☐ Did not feel this temporary equipment warranted requiring any type of COA since it was not a permanent change to the building.

DEMOLITION

Community Feedback:

- ☐ A suggestion to require a COA for any type of demolition, including removal of a portion of the house.

Working Group Response:

- ☐ General public feedback was strong that tighter restrictions than those recommended would inhibit adaptation to contemporary needs.

NAME OF COA (CERTIFICATE OF APPROPRIATENESS) AND COMMISSION

Community Feedback:

- ☐ A couple residents thought it might be advantageous to start from scratch with a new name/acronym for COA.
- ☐ Preliminary recommendation was for the Naperville Preservation Commission (NPC), but concern was voiced that it may be confused with the Naperville Plan Commission.

Working Group Response:

- ☐ After consideration of several ideas, it was decided to defer this suggestion for a new name/acronym for COA to the new commission.
- ☐ Agreed to recommend the Historic Preservation Commission, with the acronym of HPC.

Community Feedback And Working Group Responses (cont.)

WINDOWS

Community Feedback:

- ▣ Question of impact replacement would have on qualifying for state or federal tax incentives.

Working Group Response:

- ▣ Modified recommendations to eliminate vinyl-clad windows per guidance from the National Trust, National Park Service and IHPA.
- ▣ Recommended stating in design guidelines that state and federal tax incentives may be jeopardized if windows are replaced unless the originals are “well beyond repair.”

DEMOLITION STRUCTURAL REVIEW

Community Feedback:

- ▣ A resident suggested the option of an architect to provide structural evaluation for demolition purposes.

Working Group Response:

- ▣ Based on past experiences, the working group felt a structural engineer was the most prudent and appropriate requirement.

PROPERTY RIGHTS

Community Feedback:

- ▣ A resident indicated personal preference for property rights over any type of historic preservation governance.

Working Group Response:

- ▣ Only one individual cited this concern throughout the public input process.

COA Signage

Community Feedback:

- ▣ A resident suggested requiring people who applied for a COA to post a drawing of their proposed change in their front yard.

Working Group Response:

- ▣ Concern that a rendering might be expensive; the working group instead suggests the city loan a generic yard sign to COA applicants to post stating the date of the upcoming commission meeting at which their project will be discussed.

Appendix

Suggestions for Education and Training

It is strongly recommended that the City allocate the time and financial resources to ensure that city staff and historic preservation commissioners are properly trained and receive ongoing education for the effective application of the preservation ordinance and COA process. The commitment to ongoing training and professional development will ensure ability to stay abreast of best practices, changing trends and network with others facing similar challenges. It will also provide the vehicle in which to better communicate and educate the residents as to appropriate care of historic properties. Listed below are preliminary ideas generated by the working group. These need to be evaluated, prioritized and considered as funding permits.

Commissioner & Community Workshops:

Workshops, such as these, may be conducted for the commission and residents.

- ☐ Illinois Historic Preservation Agency (IHPA) training program for new commissioners.
- ☐ Adjacent communities can be invited to share sample materials, programs, processes and success stories.
- ☐ Landmarks Illinois and National Trust for Historic Preservation's Chicago Office may offer training on the value and benefits of historic preservation.
- ☐ Unified Recommendation: An overview of processes and practices
- ☐ History of Preservation in Naperville
- ☐ Tax Benefits and Financial Incentives
- ☐ Architectural Surveys
- ☐ 20th century or recent past architecture
- ☐ Mechanics of rehabilitation – windows, siding, doors, roof, porches, etc
- ☐ Building Relationships with other Preservation Organizations
- ☐ Basis of property tax assessments (with township assessor)
- ☐ "Marketing" the District and Preservation in Naperville

Institutional Memberships:

The City of Naperville currently holds membership in the National Trust for Historic Preservation and Illinois Association of Preservation Commissions. The benefit of the City's membership in the following additional organizations should be evaluated for community and professional growth:

- ☐ Landmarks Illinois (\$20)
- ☐ National Alliance for Preservation Commissions (\$130)
- ☐ Preservation Action (\$55)
- ☐ Suburban Preservation Alliance (free)

Preservation Resource Library:

The preservation resource library can be utilized for commissioner training, community workshops and internal reference on an ongoing basis. Some basics are listed below.

- ☐ IHPA DVD Series (\$30)
 - Residential Architectural Styles in Illinois
 - Windows: Preservation Treatments
 - The Secretary of the Interior's Standards for Rehabilitation: Interpretation & Application
- ☐ National Trust Publications (\$150 for one set)
 - Basic Preservation: What Every Board Member Needs to Know
 - Design Review In Historic Districts
 - Historic Building Facades: The Manual for Maintenance and Rehabilitation
 - Getting to Know Your 20th Century Neighborhood
 - A Self-Assessment Guide for Local Preservation Commissions

Conferences & Seminars:

Attendance at local seminars and conferences should be evaluated for community and professional benefit in light of financial impact. National Trust conferences may be worth considering in the future. The following local conferences are scheduled for 2009:

- ☐ IHPA Certified Local Government Conference Fall 2009 in Quincy, IL
- ☐ Upper Midwest Preservation Conference September 24-26, 2009, Chicago

Ideas for Future Consideration by the Naperville Historic Preservation Commission

Several good ideas were brought forth by community members that the working group felt deserved continued deliberation. However, they were not fully evaluated by the working group and not considered to be of a priority nature for the current evaluation. Rather than losing sight of these suggestions, they are listed here for future consideration.

Areas for future consideration:

- ▣ Ongoing communication techniques with historic district residents and the community at large.
- ▣ Role of “green” enhancements to historic properties.
- ▣ Evaluation of the potential use of “recycled” or “salvaged” materials in historic properties.
- ▣ Annual evaluation of the Commission’s performance and resident satisfaction with the COA process.
- ▣ Ongoing evaluation of the Preservation Ordinance, COA procedural guidelines and historic building design guidelines to insure they remain responsive to the community’s needs.
- ▣ Submit grant applications through CLG and other sources to support workshops, training, educational outreach, recognition programs and more.
- ▣ Utilization of federal or state pass-through funds for maintenance, weatherization, etc.
- ▣ Aligning preservation issues, where appropriate, with other strategic initiatives identified annually by the City Council.
- ▣ Development of a potential local financial incentive program for improvements, green initiatives, maintenance, weatherization, etc.
- ▣ As warranted, studying property value analysis in the historic district as compared to other neighborhoods.

REVISED HISTORIC PRESERVATION ORDINANCE

TITLE 1 (ADMINISTRATIVE)
CHAPTER 9 (MUNICIPAL FINANCES)
ARTICLE F (DEVELOPMENT, ZONING AND SUBDIVISION FEES)

1-9F-1: FEES AND CHARGES RELATING TO ZONING:

...

- 1. Publication Fees: Applicants petitioning for a zoning variance, amendment, conditional use (including a planned unit development), or Landmark or Historic District designation under Title 6 shall pay the actual cost of publishing legal notices as required by ordinance and state statute. Applicants shall pay the city a fee of eighty dollars (\$80.00) per required legal notice upon filing their applications.

Title 2 (BOARDS AND COMMISSIONS)
CHAPTER 15 (HISTORIC PRESERVATION COMMISSION)

2-15-4: POWERS AND DUTIES:

...

- 3. Review applications for issuance of certificates of appropriateness, report findings, and grant or deny such applications subject to the standards and procedures established by Title 6, Chapter 11 of this Code.

TITLE 6 (ZONING REGULATIONS)
CHAPTER 1 (ZONING TITLE, PURPOSE, DEFINITIONS)

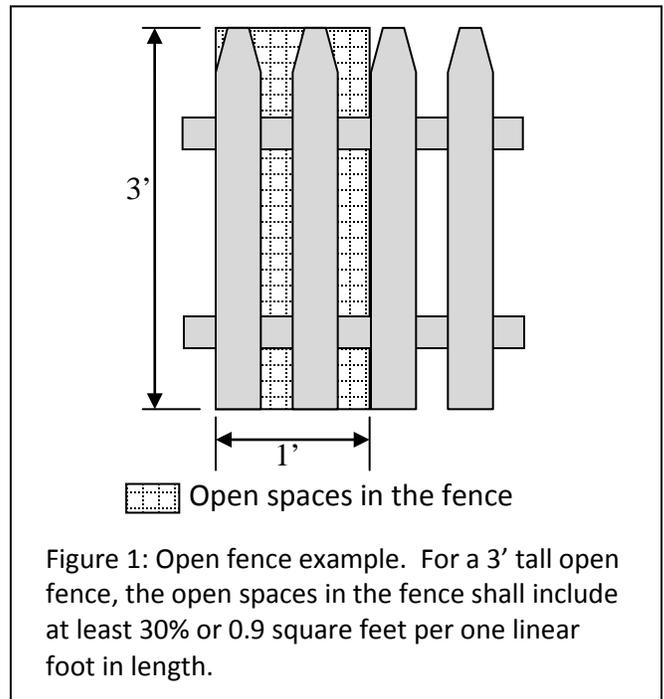
6-1-6: DEFINITIONS:

OPEN FENCE: A fence, including gates, which has, for each one foot wide segment extending over the entire length and height of the fence, at least thirty (30) percent of the surface area in open spaces which afford direct views through the fence. (See Figure 1)

TITLE 6 (ZONING REGULATIONS)
CHAPTER 2 (GENERAL ZONING PROVISIONS)

6-2-12: FENCES:

- 1. Residence Districts: Except as provided in Subsection 6-2-12.4 of this Section, Section 6-2-13 of this Chapter, and Section 7-4-3 of this Code, the establishment of all fences in residence districts shall be regulated as follows:



Section 6-11-1: Purpose

- 1.1. Fences not exceeding three (3) feet in height may be constructed and maintained at any point behind the front or corner side yard lot lines.
- 1.2. Open fences, as defined in Section 6-1-6 (Definitions), not exceeding four (4) feet in height may be constructed and maintained at the front or corner side yard lot line.

**TITLE 6 (ZONING REGULATIONS)
CHAPTER 11 (HISTORIC PRESERVATION)**

6-11-1: PURPOSE:

Naperville's historic architecture and the character of its historic neighborhoods contribute to the community's well-being and development. The purpose of this Chapter is to protect these valuable resources by:

1. Fostering civic pride through public education and enhanced awareness of Naperville's rich history as embodied in its architecture and neighborhoods.
2. Preserving Naperville's heritage by proactively providing tools and oversight to identify and protect Landmarks and Historic Districts.
3. Protecting neighborhood character by providing that rehabilitations, renovations and new Improvements in an Historic District are compatible in terms of scale, style, exterior features, building placement and site access.
4. Supporting Property Owners and property values for designated Historic Districts or Landmarks by providing that repair, rehabilitations and renovations shall be compatible with the historic, architectural and aesthetic character of the Historic Districts and Landmarks.

6-11-2: DEFINITIONS:

The following definitions of word use shall apply:

ALTERATION: Any act or process which changes the Exterior Architectural Appearance of an Improvement.

APPURTENANCE: An accessory element being added or appended to the building or structure.

CERTIFICATE OF APPROPRIATENESS: A certificate from the City of Naperville or the Naperville Historic Preservation Commission authorizing plans for Alteration, Construction, Demolition or change in material of an Improvement which has been designated a Landmark or which is located within an Historic District.

COMMISSION: Historic Preservation Commission.

CONSTRUCTION: Any act or process whereby a new Improvement is built, an existing Improvement is expanded in size or area, or all or part of a demolished Improvement is rebuilt.

DEMOLITION: Any act or process which destroys all or part of an Improvement.

Section 6-11-2: Definition

EXTERIOR ARCHITECTURAL APPEARANCE: The architectural style, period and general composition or arrangement of the exterior of an Improvement, including, but not limited to the kind, color, and the texture of the building material and the type, design and character of all windows, doors, light fixtures, and appurtenant elements.

FAÇADE: The exterior face of a building or structure.

FAÇADE, PRIMARY: The portion of the façade that abuts or is nearest to a front yard or a corner side yard and is visible from a public street. Public streets do not include alleys.

FAÇADE, SECONDARY: The portion of the façade that abuts or is nearest to an interior side yard and abuts a Primary Façade.

FAÇADE, REAR: The portion of the façade that abuts or is nearest to a rear yard and is not a primary or secondary façade.

FIBER CEMENT BOARD: Exterior siding material made from portland cement combined with other additives and textured to have a natural, wood-like appearance.

HISTORIC DISTRICT: Any area which has been designated by the City Council as an Historic District pursuant to the provisions of this chapter.

IMPROVEMENT: Any building, structure, parking facility, fence, gate, wall, work of art or other object constituting a physical betterment of or addition to real property, or any part of such betterment or addition.

IN-KIND REPLACEMENT: Repair or replacement of existing materials or features that replicates the original in design, color, texture, dimensions, and other visual qualities.

INTERIOR: The visible surfaces of the enclosed or inside portions of an Improvement.

LANDMARK: Any Improvement which has been designated as a “Landmark” by ordinance of the City Council pursuant to the provisions of this chapter.

ORIGINAL MATERIAL: Material used at the time the structure was initially constructed. The Original Material may differ from the existing material on a structure due to Alterations over time.

OWNER, PROPERTY OWNER OR OWNER OF REAL PROPERTY: Any person(s) or entity holding legal or equitable title to real property located within the city, as shown on the record of the applicable township assessor’s office.

REVEAL: The vertical distance of the exposed portion of overlapping siding boards or shingles on the exterior walls.

TAX PARCEL: Any lot, block, tract or other piece of real property, whether tax exempt or not, which has been assigned a permanent real estate index number as shown on the record of the applicable township assessor’s office.

6-11-3: DESIGNATION OF LANDMARKS:

1. Procedure:

- 1.1. Any person or entity, including the Historic Preservation Commission may submit an application requesting a Landmark designation for an Improvement within the corporate limits of the city as prescribed herein. The consent of the Owner of the Improvement being considered shall not be required prior to filing the application for Landmark designation. However, notification to the Owner of the Improvement shall be provided as set forth herein. An application requesting a Landmark designation for an Improvement that is less than fifty (50) years old shall not be accepted.
- 1.2. An application seeking a Landmark designation for a certain Improvement shall be in writing and shall include the following:
 - 1.2.1. Contact information of the persons or entities seeking the Landmark designation (applicant) including names, addresses, telephone numbers, email addresses and designation of one person to serve as the primary point of contact.
 - 1.2.2. The legal description and common address of the Improvement in question.
 - 1.2.3. The name and address of the current Owner of the Improvement in question.
 - 1.2.4. An affidavit signed by the applicant certifying that notice of the application for Landmark designation of the Improvement in question has been sent to the current Owner of the Improvement by first class and certified U.S. postal mail, if the applicant is not the Owner.
 - 1.2.5. Written documentation signed by the Owner of the Improvement in question indicating whether the Owner consents to the application for designation, or an affidavit by the applicant specifying why such documentation is unavailable, if the applicant is not the Owner.
 - 1.2.6. A written report containing: a) a description of the property; b) an analysis of the historic, architectural and aesthetic value of the proposed Landmark in relation to the criteria set forth in Section 6-11-3:2 under Standards for Designation of Landmarks; c) a list of significant exterior architectural features of the property; and d) other reasons in support of the proposed designation.
 - 1.2.7. A plat of survey of the property if available and dated photographs of the Improvement in question.
 - 1.2.8. Any other information that the applicant deems relevant.
 - 1.2.9. Such other information as the Historic Preservation Commission may request or prescribe from time to time.
- 1.3. An application for Landmark designation shall be filed with the Zoning Administrator, who shall promptly review the application to determine whether it is complete.
- 1.4. Non-Owner applicant: If the applicant seeking to designate an Improvement as a Landmark is not the Owner of the Improvement, the Zoning Administrator shall transmit a copy of the completed application to the Property Owner by first class and certified U.S. postal mail.

Within thirty (30) days thereafter, the Owner may submit a written response to any analysis or evidence presented in the application to the Zoning Administrator, and may also provide

Section 6-11-3: Designation of Landmarks

evidence in support of or in opposition to the proposed Landmark designation. Such evidence may consist of, but is not limited to, reports prepared by experts or specialists in one or more areas of expertise, inspection reports, photographs, and bids for repair or restoration.

1.4.1. If the Owner is opposed to the designation due to the physical condition of the Improvement, the Owner may submit evidence to show that the Improvement has deteriorated and/or is subject to one or more adverse conditions such that the cost to restore or repair the Improvement to a condition that complies with the standards for issuance of an occupancy permit under the provision of Title 5 would meet or exceed the assessed valuation of the property and Improvement as shown on the most recent tax bill multiplied by 150%.

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

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

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

1.6. Upon receipt of the completed application for Landmark designation and any documentation included by the applicant and/or Owner if the Owner is not the applicant, the Commission may request additional information as necessary to form findings and recommendations to the City Council. Such information shall be promptly provided.

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

1.8. Required Notices:

1.8.1. Written Notice to the Property Owners: If the applicant is not the Owner(s) of the Improvement nominated for Landmark designation, the applicant shall give written notice of the public hearing to the Owner(s) of record of the Improvement proposed to be designated as a Landmark as shown on the record of the applicable township assessor's office. The written notice shall be delivered by first class and certified U.S. postal mail, properly addressed and with sufficient prepaid postage affixed thereon, not more than thirty (30) days nor less than fifteen (15) days in advance of the public hearing.

- 1.8.2. Publication: Notice of the public hearing shall be published at least once in a newspaper of general circulation in the city, no more than thirty (30) days nor less than fifteen (15) days in advance of the public hearing.
- 1.8.3. Sign: The applicant shall post notice of the public hearing on a sign on the property being considered for designation as a Landmark or at an alternate location approved by the Zoning Administrator, for a continuous period of not more than thirty (30) days and not less than fifteen (15) days in advance of the public hearing. Such sign shall:
 - 1.8.3.1. Be a minimum size of three feet by four feet (3' x 4').
 - 1.8.3.2. Include a title (i.e., "Notice of Public Hearing"); the case number assigned to the application; the place, the purpose, and the date and time of the public hearing; and the address and phone number of the city department where additional information may be obtained.
 - 1.8.3.3. Include red lettering a minimum of four inches (4") high in the title, and black lettering a minimum of two inches (2") high for all other text on a white background.

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

- 1.8.4. Written Notice to Surrounding Property Owners: The applicant shall give written notice of the public hearing to the Property Owners of record of all Tax Parcels, whether tax exempt or not, lying within one hundred fifty feet (150'), exclusive of public right-of-way, of the property lines of the property on which the Improvement proposed for Landmark designation is located as shown on the record of the applicable Township Assessor's Office. Such written notices shall be properly addressed, delivered personally or sent by postage prepaid, certified or registered mail, with return receipt requested not more than thirty (30) days nor less than fifteen (15) days in advance of the public hearing.
- 1.8.5. All written notices shall contain the following information: the case number assigned to the application, the name and address of the applicant and Property Owner, the common address or location of the property on which the Improvement sought to be designated as a Landmark is located, location, date and time of the public hearing before the Historic Preservation Commission, a description of the nature and purpose of the public hearing, and the office address of the city department where information concerning the application may be obtained.

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

Section 6-11-3: Designation of Landmarks

- 1.9. The public hearing shall be conducted by the Historic Preservation Commission and minutes of such proceedings shall be made and maintained by the City of Naperville in accordance with the provisions of the Illinois Open Meetings Act.
- 1.10. The Commission shall conclude the public hearing on the application for Landmark designation, and issue findings of fact and a recommendation to grant or deny the application, within sixty (60) days after the completed application for Landmark designation has been transmitted to the Commission. It shall be within the discretion of the Commission to recommend denial of an application for designation of a Landmark even if the criteria set forth in Section 6-11-3:2 are met. The Commission's findings of fact shall include the following:
 - 1.10.1. Findings of fact related to the criteria set forth in Section 6-11-3:2;
 - 1.10.2. A statement indicating whether the Owner of the proposed Landmark has responded to the application and the nature of the response pursuant to Section 6-11-3:3;
 - 1.10.3. A description of evidence received by the Commission relative to the proposed Landmark designation pursuant to Section 6-11-3:1:4; and
 - 1.10.4. Any other facts that the Commission finds relevant.
- 1.11. The application for Landmark designation, together with the Commission's findings of fact and recommendation, shall be forwarded to the City Council within thirty (30) days following issuance of the findings of facts and recommendation.
- 1.12. The City Council shall grant or deny the application for Landmark designation using the criteria set forth in Section 6-11-3:2 or on such other bases as it deems appropriate, prior to the expiration date of the application as provided in Section 6-11-3:1.5 or within an extended timeframe approved by the City Council for up to an additional thirty (30) days.

If the City Council passes an ordinance approving the application for Landmark designation, a copy of said ordinance shall be sent by the City Clerk to the applicant, the Owner of the Improvement in question, and the applicable Township Assessor's Office, and shall be recorded with the appropriate County Recorder.
- 1.13. From the date that a complete application for Landmark designation is filed to the date that the application is granted, denied or expires, whichever comes first, no exterior architectural feature of the proposed Landmark may undergo Alteration, Construction, or Demolition if such Alteration, Construction, or Demolition would be subject to the issuance of a Certificate of Appropriateness pursuant to the provisions of Section 6-11-6 after designation. Nothing in this paragraph shall prohibit any work that would not be subject to the issuance of a Certificate of Appropriateness or any work that is necessary to prevent or correct an imminently dangerous or hazardous condition as described in Section 6-11-10:1.
- 1.14. Landmarks shall be designated by ordinance.
- 1.15. In the event that an application for Landmark designation is denied by the City Council or does not proceed for any reason, no application for Landmark designation of the same

Improvement shall be made within one (1) year of the date of final action on or expiration of the original application, unless the Owner consents to such application and designation.

2. Criteria for Designation of Landmarks: An Application for Landmark designation may be granted based on the findings that the Improvement proposed to be designated as a Landmark meets the following criteria:

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

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

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

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

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

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

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

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

6-11-4: DESIGNATION OF HISTORIC DISTRICTS:

1. Procedure:

- 1.1. Any person or entity, including the Historic Preservation Commission, may submit an application requesting an Historic District designation for any defined geographic area within the corporate limits of the city as prescribed herein. The application shall be supported by a petition as further provided herein.

- 1.2. For the purpose of this Section 6-11-4, the number of Owners within a defined geographic area proposed for an Historic District designation shall be determined on the basis of the total number of Tax Parcels within the area proposed for designation. The number of Tax Parcels owned, rather than the identity of the Owner, shall prevail, so that, for example, one person who owns two (2) separate Tax Parcels shall be counted as two (2) "Owners".

- 1.3. An application seeking an Historic District designation shall be in writing and shall include the following :

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

- 1.3.2. A map delineating the boundaries of the area proposed for designation including the common addresses and PIN numbers of all parcels located within and a legal description of the proposed area.

Section 6-11-4: Designation of Historic Districts

- 1.3.3. A petition, in a form provided by the city, supporting the proposed Historic District designation signed by no less than ten percent (10%) of the current Owners of real property within the area to be considered for designation. The petition shall identify the addresses and PIN numbers of the Tax Parcels located within the area proposed for designation that are owned by the persons who signed the petition.
 - 1.3.4. An affidavit signed by the applicant certifying that at least ten percent (10%) of the Property Owners consent to the application for designation.
 - 1.3.5. The name and address of the current Owner of each parcel located within the proposed area.
 - 1.3.6. An affidavit signed by the applicant certifying that notice of the application for designation of the area in question has been sent to the current Owners of record of all parcels within the proposed area by first class and certified U.S. postal mail.
 - 1.3.7. A written report containing: a) a description of the character of the area and properties contained therein; b) an analysis of the historic, architectural and aesthetic value of the proposed area in response to the criteria set forth in Section 6-11-4:2 under Standards for Designation of Historic Districts; c) a list of significant structures, sites or Improvements and significant exterior architectural features of each; and d) other reasons in support of the proposed designation.
 - 1.3.8. Dated photographs of all structures, sites or Improvements within the designated area, including current information as to age, condition, style, and use of each.
 - 1.3.9. Any other information that the applicant deems relevant.
 - 1.3.10. Such other information as the Historic Preservation Commission may request or prescribe from time to time.
- 1.4. The application for an Historic District shall be filed with the Zoning Administrator, who shall promptly review the application to determine whether it is complete. After the application is deemed complete, the Zoning Administrator shall transmit copies of the application and any documentation pertaining to the application to the Commission.

Except as provided herein, an application for Historic District designation shall be valid for a period of one hundred fifty (150) days from the date on which the completed application is transmitted by the Zoning Administrator to the Commission. Any application for Historic District designation which is not granted or denied under the provisions of this section within said one hundred fifty (150) day period, shall automatically lapse and become null and void without further action by the city, except that the application may be extended for a period up to sixty (60) days upon the written request of the applicant prior to the expiration date. A request for an extension of time shall require written documentation signed by at least ten percent (10%) of all Owners within the proposed area to be designated indicating consent to such extension. An affidavit signed by the applicant certifying that at least ten percent (10%) of the Property Owners consent to the extension shall be submitted along with the written request.

- 1.5. Upon receipt of the completed application for Historic District designation and any documentation pertaining to the application, the Commission may request additional information as necessary to form findings and recommendations to the City Council. Such information shall be promptly provided.

- 1.6. Within thirty (30) days after the completed application for designation of an Historic District has been transmitted to the Commission, the Commission shall commence a public hearing on the application.
- 1.7. Required Notices:
 - 1.7.1. Written Notice to the Property Owners: The applicant shall give written notice of the public hearing to the current Owner(s) of record of all Tax Parcels located within the area proposed to be designated as an Historic District as shown on the record of the applicable township assessor's office. The written notice shall be delivered by first class and certified U.S. postal mail, properly addressed and with sufficient prepaid postage affixed thereon, not more than thirty (30) days nor less than fifteen (15) days in advance of the public hearing.
 - 1.7.2. Publication: Notice of the public hearing shall be published at least once in a newspaper of general circulation in the city, no more than thirty (30) days nor less than fifteen (15) days in advance of the public hearing.
 - 1.7.3. Written Notice to Surrounding Property Owners: The applicant shall also give written notice of the public hearing to the Property Owners of record of all Tax Parcels, whether tax exempt or not, lying within one hundred fifty feet (150'), exclusive of public right-of-way, of the proposed boundaries of the area to be proposed for Historic District designation as shown on the record of the applicable Township Assessor's Office. Such written notices shall be properly addressed, delivered personally or sent by postage prepaid, certified or registered mail, with return receipt requested not more than thirty (30) days nor less than fifteen (15) days in advance of the public hearing.
 - 1.7.4. All written notices shall contain the following information: the case number assigned to the application, the name and address of the applicant, a map delineating the boundaries of the area in question, the common addresses and PIN numbers of all Tax Parcels located within the proposed area, location, date and time of the public hearing before the Historic Preservation Commission, a description of the nature and purpose of the public hearing, and the office address of the city department where information concerning the application may be obtained.

Prior to commencement of the public hearing to consider the application, the applicant shall file a sworn affidavit, including a copy of the notices, with the Zoning Administrator showing the names and addresses to which the written notices were sent or delivered. Said affidavit shall create a presumption that the notices have been properly given.
- 1.8. The public hearing shall be conducted by the Historic Preservation Commission and minutes of such proceedings shall be made and maintained by the City of Naperville in accordance with the provisions of the Illinois Open Meetings Act.
- 1.9. The Commission shall conclude the public hearing on the application for Historic District designation, and issue findings of fact and a recommendation to grant or deny the application, within sixty (60) days after the completed application for designation of an

Section 6-11-4: Designation of Historic Districts

Historic District has been transmitted to the Commission. The Commission shall have the discretion to recommend denial for an application for designation of an Historic District even if the criteria set forth in 6-11-4:2 are met. The Commission's findings of fact shall include the following:

- 1.9.1. Findings of fact related to the standards set forth in Section 6-11-4:2;
 - 1.9.2. A description of the evidence received by the Commission relative to the percentages of the Owners within the area to be considered for Historic District designation who consent or oppose designation of an Historic District, pursuant to Section 6-11-4:1.2.2 and 6-11-4:3; and
 - 1.9.3. Any other facts that the Commission finds relevant.
- 1.10. The application for Historic District designation, together with the Commission's findings of fact and recommendation, shall be forwarded to the City Council within thirty (30) days following issuance of the findings of fact and recommendation.
- 1.11. The Commission may recommend, or the Council may decide, without requiring further application, notice or hearing, that the area to be designated an Historic District be smaller than the area proposed in the application, provided that such smaller district be located entirely within the area originally proposed.
- 1.12. The City Council shall grant or deny the application for designation of an Historic District using the criteria set forth in Section 6-11-4:2 or on such other bases as it deems appropriate, prior to the expiration date of the application as provided in Section 6-11-4:1.4 or within an extended timeframe approved by the City Council for up to an additional thirty (30) days.
- If the City Council passes an ordinance approving the application for Historic District designation, a copy of said ordinance shall be sent by the City Clerk to the applicant, the Owner of all Tax Parcels located within the Historic District, and the applicable Township Assessor's Office, and shall be recorded with the appropriate County Recorder.
- 1.13. From the date that a complete application for 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 Improvement which is located in 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 Section 6-11-6 after designation. Nothing in this paragraph shall prohibit any work that would not be subject to the issuance of a Certificate of Appropriateness, or any work that is necessary to prevent or correct an imminently dangerous or hazardous condition as described in Section 6-11-10:1.
- 1.14. Historic Districts shall be designated by ordinance.
- 1.15. In the event that an application for designation of an Historic District is denied by the City Council, or does not proceed for any reason, no application for designation of an Historic District including any portion of the same area shall be made within one (1) year of the date of final action on or expiration of the original application, unless one hundred percent (100%) of Owners within the proposed Historic District consent to such renewed application and

designation. An affidavit signed by the applicant certifying that one hundred percent (100%) of the Property Owners consent to the extension shall be submitted along with the application.

2. Standards for Designation of Historic Districts: An application for Historic District designation may be granted based on the findings that the area proposed to be designated as an Historic District meets the following requirements:
 - 2.1. No less than fifty one percent (51%) of the parcels within the proposed area contain principal structures that are over fifty (50) years of old, in whole or in part; and
 - 2.2. That one or more of the following conditions exists:
 - 2.2.1. That the proposed 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 reflects a significant aspect of the architectural heritage of the City;
 - 2.2.2. That some architectural or land use characteristics are prevalent within the proposed district in a manner which distinguish it from the rest of the City and which is relevant to the historical development of the city; or
 - 2.2.3. That the proposed district is included in the National Register of Historic Places.
3. Owners' Consent: During the period beginning with the filing of an application for designation of an Historic District and ending with the final action of the City Council granting or denying said application or the expiration of the application, whichever comes first, any person, group of persons or association may present to the Historic Preservation Commission or the City Council with a petition supporting or opposing the proposed designation of an Historic District. The Commission shall not recommend, nor the City Council grant, a designation of an Historic District if a petition is presented in opposition to the proposed designation that contains signatures of fifty one percent (51%) or more of the Owners of real property within the area to be considered for designation as an Historic District, accompanied by an affidavit certifying the same.

6-11-5: APPLICABILITY OF ZONING PROVISIONS:

1. Zoning Classifications and Permitted Uses: All Landmarks and Historic Districts shall also be classified in one or more of the zoning districts established by Chapters 6 through 8 of this title.

For any Landmark or any Historic District, all the regulations of the underlying zoning district shall apply, except insofar as such regulations are in conflict with any special regulations applicable to a Landmark or Historic District, and in the event of a conflict, the regulations governing the Landmark or Historic District shall apply. All permitted uses or conditional uses otherwise allowable in the underlying zoning district shall continue to be the appropriate allowable uses.

2. Relationship To Planning and Zoning Commission: The Historic Preservation Commission may, at the request of the Planning and Zoning Commission or on its own initiative, prepare a written report to, and, in addition, may testify at any public hearing conducted by the Planning and Zoning Commission with respect to any matter being considered by the Planning and Zoning Commission which may affect any Improvement designated as a Landmark or located within an Historic District.

Section 6-11-5: Applicability of Zoning Provisions

3. Conditional Uses; Variances; Amendments To Zoning Title: A copy of any application for a conditional use, a variance from the provisions of this zoning title, or any amendment to the map or text of the zoning ordinance shall be forwarded by the Planning and Zoning Commission to the Historic Preservation Commission, if such proposed change would affect any Landmark or any properties within an Historic District.

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

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

6-11-6: CERTIFICATE OF APPROPRIATENESS:

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.

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

A Certificate of Appropriateness is not required for the following:

1. Secondary or Rear Façade: Any work (e.g., addition, Demolition, Alteration or change in material) 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 of the building or structure as visible from a public street measured by a line of sight perpendicular to the Primary Façade(s). A public street shall not include alleys.
2. Exterior Building Materials: In-Kind Replacement of less than 50% of the Primary Façade(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, deck, 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.

6-11-8: CERTIFICATE OF APPROPRIATENESS REQUIRED:

A Certificate of Appropriateness shall be required for the following:

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 Façades(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 Façade(s). A public street shall not include alleys:
 - 1.1. Doors: In-Kind Replacement with use of wood or Original Material.
 - 1.1. 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 50% or more of the Primary Façade(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 Façade(s) of any exact duplication of the original structure with use of materials referenced in this Section 6-11-8.1.
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 Façade(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 Façade(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.

Section 6-11-8: Certificate of Appropriateness Required

- 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 Façade(s) of any new principal structure.
 - 2.9. Modifications to Principal Structures: The Primary Façade(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 Façade(s) of the addition.
 - 2.11. Demolition: Demolition of a principal structure in whole; removal without replacement of original architectural features contributing to the style of the Principal Building or Structure except otherwise provided herein.
 - 2.12. Driveways: New driveway access from the front street (i.e. a street adjacent to the front yard of a lot).
 - 2.13. Fences: Open Fences (as defined in Section 6-1-6) comprised of material other than wood or iron or solid fences of any material that abut or are nearest to a front yard or a corner side yard and are visible from a public street. Public streets do not include alleys.
 - 2.14. Attached garages: New attached garages. Existing attached garages shall be regarded as part of the principal building or structure, subject to Section 6-11-8:1 and Section 6-11-8:2 of this code.
 - 2.15. Solar Panels and Skylights on Principal Structures.
3. The Zoning Administrator shall review any work not listed in Sections 6-11-7, 6-11-8:1 and 6-11-8:2 to determine whether a Certificate of Appropriateness shall be required and whether it may be administratively reviewed. An appeal of the Zoning Administrator's decision shall be made in accordance with the procedure prescribed in Section 6-3-6:1 of this Code.
4. Procedures For Issuance Of Certificate Of Appropriateness:
 - 4.1. Applications: The application for a Certificate of Appropriateness, when one is required, shall be in writing on a form provided by the Zoning Administrator and shall include the following information at a minimum:
 - 4.1.1. Street address of the property involved.
 - 4.1.2. Applicant and/or Owner's name and address.
 - 4.1.3. Architect's name if one is utilized.
 - 4.1.4. Brief description of the present Improvements situated on the property.
 - 4.1.5. A detailed description of the Construction, Alteration, or Demolition proposed together with any architectural drawings or sketches if those services have been utilized by the applicant and if not, a description of the Construction, Alteration, or Demolition, sufficient to enable anyone to determine what the final appearance of the improvement will be.
 - 4.1.6. Such other information as may be required by the Zoning Administrator.
 - 4.2. Review of Application: The application for a Certificate of Appropriateness shall be filed with the Zoning Administrator, who shall promptly review the application to determine completeness. The Zoning Administrator shall determine whether the proposed work is minor or major, in accordance with Sections 6-11-8:1, 6-11-8:2 and 6-11-8:3. If a review from the Historic Preservation Commission is required under this Section, the Zoning Administrator shall transmit a copy of the complete application to the Commission.

4.3. 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 Zoning Administrator shall forward the Commission written findings of facts regarding the decision.
 - 4.3.2.4. On appeal, the Historic Preservation Commission shall consider the findings of fact of the Zoning Administrator and shall determine whether the Certificate of Appropriateness should be approved or denied.

4.4. Historic Preservation Commission Certificate of Appropriateness Review Procedures:

- 4.4.1. Major work set forth in this Section 6-11-8 shall be reviewed by the Historic Preservation Commission at a public meeting in accordance with Section 6-11-8:4.4.2.
- 4.4.2. Public Meeting: A public meeting shall be held no more than sixty (60) days after a completed application for a Certificate of Appropriateness has been filed.
- 4.4.3. Written Notice: The applicant shall give written notice of the public meeting at which the proposed Certificate of Appropriateness will be considered to the current Owners of record of all lots lying within two hundred fifty feet (250') of the property lines of the parcel of land on which the Improvement that is the subject of the request for a Certificate of Appropriateness is located, exclusive of public right-of-way. The written notices shall be delivered personally or may be sent by first class mail, properly addressed and with sufficient postage affixed thereon no later than ten (10) days in advance of the public meeting.

All written notices shall contain the following information:

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

Section 6-11-8: Certificate of Appropriateness Required

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

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

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

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

4.4.4.3. Be posted on the property for a continuous period of not more than twenty one (21) days and not less than ten (10) days in advance of the public meeting, at which the proposed Certificate of Appropriateness will be considered.

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

4.4.5. 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.

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

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

A Certificate of Appropriateness shall not be valid unless the following conditions are met:

4.5.1. The work authorized by the Certificate of Appropriateness has been completed within three (3) years of the issuance of the certificate. Upon written request of the Owner and/or applicant prior to the expiration date the Zoning Administrator may extend the

effective period of the Certificate of Appropriateness for a period of up to two (2) additional years without reapplication to the Commission.

- 4.6. Appeals To City Council: The Owner and/or applicant may appeal any denial of an application for a Certificate of Appropriateness as determined by the Historic Preservation Commission to the City Council in accordance with the following provisions:
 - 4.6.1. A request for appeal must be filed with the Zoning Administrator within fourteen (14) days of the denial of the application.
 - 4.6.2. The Zoning Administrator shall immediately notify the Commission of any appeal taken from the denial of an application for Certificate of Appropriateness.
 - 4.6.3. The Commission shall forward a copy of its written findings of fact and its decision to the Zoning Administrator within fourteen (14) days of receipt of the notice of appeal. The Commission shall forward to the Zoning Administrator a copy of its minutes of the meeting at which it considered the application.
 - 4.6.4. Within sixty (60) days of the filing of the request for appeal with the Zoning Administrator, the City Council shall consider the appeal.
 - 4.6.5. The Zoning Administrator shall send notice to the applicant in writing at least seven (7) working days prior to the scheduled meeting of the date, time and place of the meeting at which the appeal is scheduled to be considered by the City Council.
 - 4.6.6. On appeal, the City Council shall consider the minutes and findings of fact of the Historic Preservation Commission and shall determine whether the Certificate of Appropriateness should be approved or denied.

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

- 5.1. Compatibility with District Character: The Commission and Zoning Administrator shall consider the compatibility of the proposed Improvement with the character of the Historic District in terms of scale, style, exterior features, building placement and site access, as related to the Primary Façade(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. Application of Regulations: The Commission and Zoning Administrator shall not impose specific regulations, limitations, or restrictions as to the height and bulk of buildings, or the area of yards or setbacks, or other open spaces, density of population, land use, or location of buildings designed for conditional uses except as applicable for compliance with the underlying zoning district.

Section 6-11-8: Certificate of Appropriateness Required

- 5.5.1. The Commission however, may consider the height and bulk of buildings and area of yards or setbacks within the context of existing neighborhoods in making its determinations. The Commission shall be permitted to deny a Certificate of Appropriateness on the basis of height and bulk of buildings and the area of yards or setbacks only upon finding that the approval of such a request would be detrimental to the existing or historical character of its surrounding neighborhood. The Commission may adopt procedural rules concerning the type of information that it considers necessary to make such a finding.
- 5.5.2. The Commission's consideration of height and bulk of buildings and area of yards or setbacks shall not exempt the applicant from compliance with the provisions of this code.

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

6-11-9: MAINTENANCE AND REPAIR REQUIRED:

Neither the Owner of nor the person in charge of an Improvement designated 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.

Enforcement of this Section shall be pursuant to Section 6-3-11 of this title.

6-11-10: REMEDYING OF DANGEROUS CONDITIONS:

1. In the event that a condition on property located within the Historic District, or property designated as a Landmark, presents an imminent danger to the public health, safety, or welfare or requires immediate Construction, reconstruction, repair, Alteration, or Demolition as ordered by a court of competent jurisdiction or as determined by a representative of the City, then such work may be performed without a Certificate of Appropriateness. Work performed under such circumstances shall be the minimum necessary in order to render the Improvement safe, after which any Construction, reconstruction, Alteration or Demolition shall be processed in accordance with the provisions of Sections 6-11-6, 6-11-7 and 6-11-8 of this Chapter.
2. Under the circumstances described in Section 6-11-10:1, the Owner of the property shall notify the Zoning Administrator in writing prior to performing the work necessary to make the property safe. If advance notification is not practical due to the emergency nature of the situation, the Owner shall provide written notice to the Zoning Administrator within seven (7) calendar days of commencement of such work. In either case, the written notice shall include the following: (i) a

detailed description of the dangerous condition in question; (ii) the timeframe needed to complete the work; and (iii) the specific actions to be taken in the performance of such work.

6-11-11: DEMOLITION BY NATURAL CAUSES:

1. For the purposes of this Section, natural Demolition shall occur when an Improvement is damaged by fire, explosion, or other casualty or act of God.
2. In the case of natural Demolition of all or part of a Landmark or an Improvement located within an Historic District, the Owner shall obtain a Certificate of Appropriateness prior to reconstruction when required under the provisions of this chapter.

6-11-12: FINES AND PENALTIES:

1. Illegal Demolition:
 - 1.1. Demolition occurring under the provisions of Section 6-11-10 and Section 6-11-11 shall not be considered illegal Demolition for the purpose of this chapter, provided that the Zoning Administrator is properly notified in writing as provided in Section 6-11-10:2.
 - 1.2. It shall be unlawful to demolish any portion of any Landmark or any Improvement located within the Historic District unless specifically permitted through a Certificate of Appropriateness issued for that property.
 - 1.3. Property Owners will be subject to the following fines and penalties for any and all illegal Demolition to any Landmark or to any Improvement located within an Historic District:
 - 1.3.1. A fine of no less than ten thousand dollars (\$10,000.00) and no greater than fifty thousand dollars (\$50,000.00); and
 - 1.3.2. A two (2) year building moratorium on the property on which the illegal Demolition occurred.
 - 1.3.2.1. In cases where the building has been completely demolished, a new structure shall not be constructed on the subject property until two (2) years from the date that the subject property is properly graded and reseeded, as determined by the city engineer.
 - 1.3.2.2. In cases where a building is partially demolished, the Property Owner shall be required to complete the Construction or renovation of the home in accordance with the building permits granted by the city.
 - 1.3.2.3. Occupancy shall not be granted on the subject property until two (2) years from the date of an approved final inspection of the structure.
 - 1.3.2.4. Prior to and during the building moratorium, the subject property in all instances must be maintained in accordance with the property maintenance code.
2. Illegal Construction Or Alteration:
 - 2.1. It shall be unlawful to complete any Construction or Alteration to any Landmark or any Improvement located within an Historic District unless specifically permitted through the Certificate of Appropriateness issued for that property.

Section 6-11-12: Fines and Penalties

- 2.2. Property Owners will be subject to the following fines and penalties for any and all illegal Construction or Alteration to any Landmark or any Improvement located within an Historic District:
 - 2.2.1. A fine of no less than five hundred dollars (\$500.00) and no greater than one thousand dollars (\$1,000.00), per violation.

**Historic Preservation Ordinance Revisions
A Summary of Proposed Key Changes to Section 6-11 (Historic Preservation) of the
Municipal Code**

6-11-1: Purpose

- The purpose statement is revised to be consistent with the Unified Recommendation¹.

6-11-3: Designation of Landmarks

- The overall process to designate a Landmark is improved (see Figure 1).
- Language was added to provide clearer guidance for the submission of Landmark designation requests.
- Non-applicant owners are given an opportunity to provide input and submit evidence in support of or in opposition to the Landmark designation prior to the commission's consideration of the application.
- If the applicant for a Landmark is not the owner, the applicant is required to notify the owner of the application and the public hearing.
- The commission and the City Council will consider the owner's consent in determining whether an improvement should be designated as a Landmark. This is added to be consistent with the Unified Recommendation.

6-11-4: Designation of Historic Districts

- The overall process to designate an Historic District is improved (see Figure 2).
- Language was added to provide clearer guidance for submission of Historic District designation requests.
- At least 10% of owner consent will be required to initiate the process to designate an Historic District. This is added to be consistent with the Unified Recommendation.
- The applicant is required to notify property owners within the proposed Historic District regarding the application and the public hearing.
- A proposed Historic District cannot be designated if 51% or more of the property owners oppose the designation. This is added to be consistent with the Unified Recommendation.

6-11-7: Certificate of Appropriateness Not Required & 6-11-8: Certificate of Appropriateness Required

- The Certificate of Appropriateness (COA) requirements are revised to be consistent with the Unified Recommendation. A summary of the three types of improvements are included in Table 1 and listed below:
 - Improvements that do not require a COA;
 - Improvements that require a COA subject to administrative review; and
 - Improvements that require a COA subject to the review of the Historic Preservation Commission (HPC).
- An appeal process has been added to the procedures for the administrative COA review to be consistent with the Unified Recommendation.
- The procedures for the HPC review of COA's are revised to provide sufficient and effective notification for all COA cases that are subject to the HPC review. A

¹ On May 19, 2009, the City Council approved a Unified Recommendation, which proposed comprehensive changes to the City's Historic Preservation Program. Visit the [City's Website](#) to download a copy of the Unified Recommendation.

comparison of the notification requirements provided in the existing ordinance and the proposed notification requirements for the HPC COA's is included in Table 2.

- The previous Historic Building Design Guidelines provided that a COA expires if the work is not completed within 18 months of the issuance of the COA. The proposed ordinance extends the expiration deadline so that a COA expires if the work has not been completed within 3 years after the issuance of the COA and gives the Zoning Administrator the ability to extend the expiration period for up to 2 years. This allows applicants additional time to complete an approved project.
- The standards for issuance of a COA are revised to be consistent with the Unified Recommendation, including the following:
 - Change the heading from “Standards for issuance of a COA” to “Factors for consideration of a COA application”, as what is included will not be utilized as standards but rather as factors taken into consideration to determine whether a COA should be approved.
 - Remove the reference to the “Secretary of the Interior’s Standards for Rehabilitation” and the Historic Sites Commission Design Guidelines.
 - Add compatibility with district character and compatibility with the style of the existing structure as factors to be considered.
 - Add a reference to the Historic Building Design and Resource Manual as a resource for the commission.

Attachments:

Figure 1: Proposed procedures for Landmark designation

Figure 2: Proposed procedures for Historic District designation

Table 1: A summary of COA requirements

Table 2: A summary of the existing and proposed COA notification requirements

Figure 1: Proposed Procedures for Landmark Designation[‡]

[†]May be extended for another 30 days upon written request of the owner.

*If the owner consents, the 150-day valid period of the application may be extended for up to 60 days upon written request of the applicant. In addition, the City Council may extend the timeframe for up to an additional 30 days.

[‡]The timeframes provided in this flowchart reflect the maximums allowable per code. The actual timeframes may be shorter.

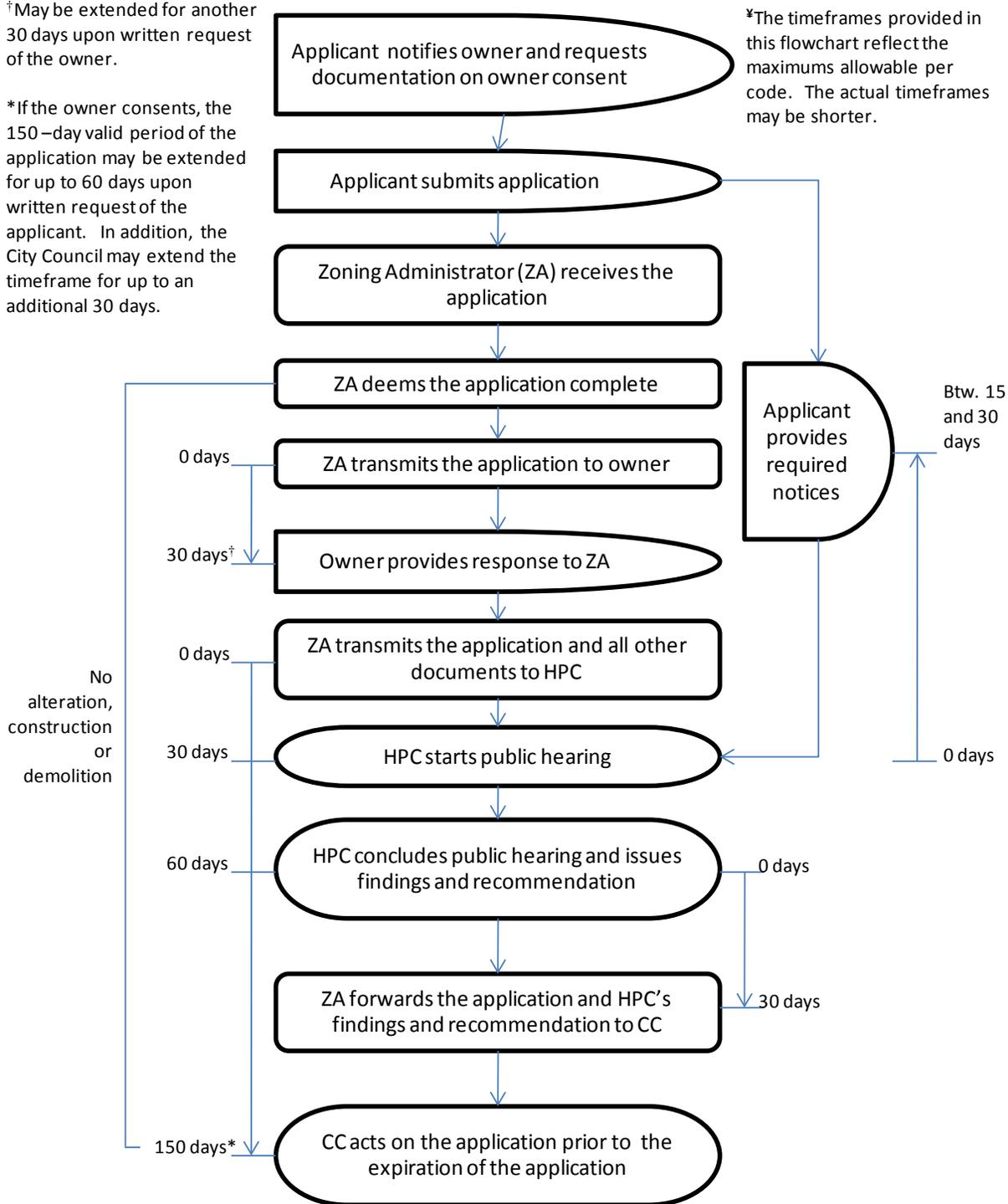


Figure 2: Proposed Procedures for Historic District Designation*

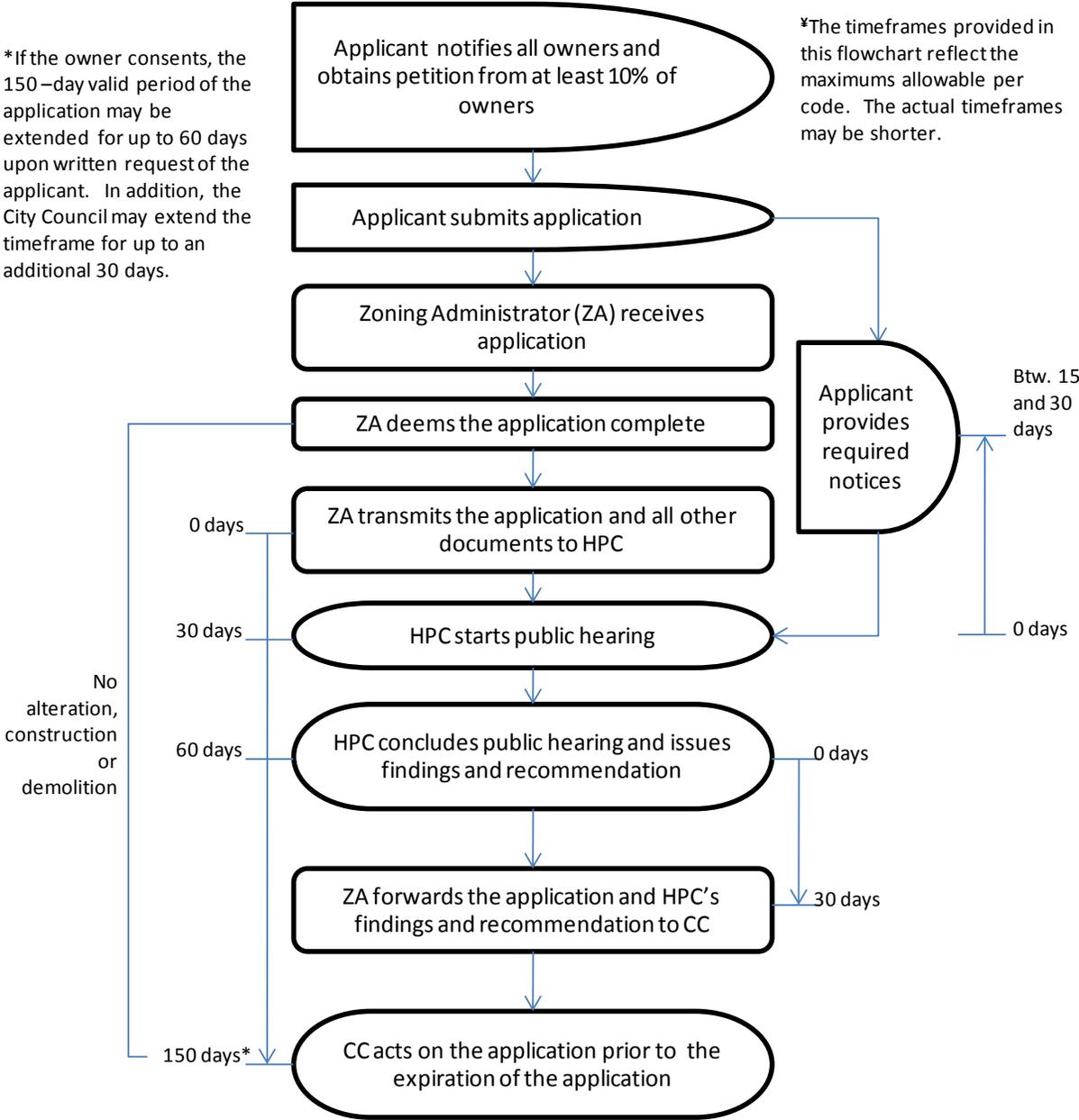


Table 1: A Summary of the Revised COA Requirements (Consistent with the Unified Recommendation)

NO COA or REVIEW REQUIRED	COA or REVIEW REQUIRED			
	IMPROVEMENT TYPE	ADMINISTRATIVE COA	HPC COA	
<ul style="list-style-type: none"> ○ Secondary (interior side) or rear façades not visible from the street. ○ In-kind replacement of less than 50% of building materials on the primary façade(s) with use of original materials or fiber cement board in place of wood. ○ Detached garages. ○ Any accessory building or structure in the rear yard (e.g. shed, deck, patio, and trellis). ○ New or relocated driveway access from the alley or the corner side street; relocation of the existing driveway access from the front street. ○ Wood or iron open fences; fences of any type in the interior side yard or rear yard. ○ Air conditioning units, gutters, downspouts, antennas, satellite dishes, and mail boxes. ○ Painting. ○ Landscaping. ○ Signs and graphics. ○ Storm windows and doors. 	Primary façade(s) only (front or corner side facade visible from the street)	Doors	In-kind replacement with use of wood or original material.	New opening, a change in style or opening, or use of material that is not wood or original material.
		Windows	In-kind replacement with use of wood or aluminum clad wood.	New opening, a change in style or opening or use of material other than wood or aluminum clad wood.
		Roofs	In-kind replacement with use of asphalt or original material.	Any change in height or pitch; or use of materials that are not asphalt or original material.
		Exterior Building Materials	In-kind replacement of 50% or more of the primary façade(s) with use of original material or fiber cement board in place of wood.	Any change in reveal or profile; or use of materials that are not specified under Administrative COA.
		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.	New enclosure, a change in size or style, or use of material that is not listed under Administrative COA.
		Shutters & Awnings	In-kind replacement with use of original material.	New shutters or awnings, a change in size or style, or use of material that is not original to the structure.
		Other Features	N/A	A change in size or style; or use of material that is not original.
		Principal Structures	An exact duplication of the original structure with use of materials listed under this column (Administrative COA).	New principal structures; reconstruction of a principal structure that will not match the original Improvement or result in use of material not listed under Administrative COA.
		Additions	N/A	The primary façade(s).
		Demolition	N/A	Demolition of a principal structure in whole; removal without replacement of original architectural features.
		Driveways	N/A	New driveway access from the front street.
		Fences:	N/A	Open fences comprised of material other than wood or iron or solid fences in the front or corner side yards.
		Garages	N/A	New attached garages.
Appurtenances	N/A	Solar panels and skylights on principal structures.		

Table 2: A summary of the Existing and Proposed COA Notification Requirements

Existing COA Procedures		Proposed HPC COA Procedures*	
Public Hearing:		Public Meeting:	
When:	Demolition, Partial Demotion, Removal of Exterior	When:	All COA requests subject to the HPC review
Notification:	<ul style="list-style-type: none"> ○ Notice in the Newspaper published 15 days prior to the hearing. ○ Written notification to the persons to whom the current real estate tax bills are sent, within 250' of the subject property, sent 15 days prior to the hearing ○ Notification for a public meeting 	Notification:	<ul style="list-style-type: none"> ○ Sign on the property 10 days prior to the meeting ○ Written notification to residents or property owners within 250' of the subject property sent 10 days prior to the meeting ○ Notification for a public meeting
Testimony:	Commission is required to accept testimony	Testimony:	Commission is required to accept public comments
Public Meeting:			
When:	All other COA requests such as new construction, addition, alteration, renovation, etc.		
Notification:	Notification for a public meeting		
Testimony:	Commission is not required to accept testimony		

**There is no notification requirement proposed for administrative COA's.*

CURRENT HISTORIC PRESERVATION ORDINANCE

**TITLE 1 (ADMINISTRATIVE)
CHAPTER 9 (MUNICIPAL FINANCES)
ARTICLE F (DEVELOPMENT, ZONING AND SUBDIVISION FEES)**

1-9F-1: FEES AND CHARGES RELATING TO ZONING:

...

1. Publication Fees: Applicants petitioning for a zoning variance, amendment or conditional use (including a planned unit development) shall pay the actual cost of publishing legal notices as required by ordinance and state statute. Applicants shall deposit with the city forty dollars (\$40.00) per required legal notice upon filing their applications. The balance due for publication costs will be due prior to adoption of the final ordinance approving the requested action.

**Title 2 (BOARDS AND COMMISSIONS)
CHAPTER 15 (HISTORIC PRESERVATION COMMISSION)**

2-15-4: POWERS AND DUTIES:

...

3. Review all applications for issuance of certificates of appropriateness and all applications for relief from certificate of appropriateness requirements because of economic hardship and report findings and grant or deny such applications subject to the standards and procedures established by [title 6, chapter 11](#) of this code.

**TITLE 6 (ZONING REGULATIONS)
CHAPTER 2 (GENERAL ZONING PROVISIONS)**

6-2-12: FENCES:

1. Residence Districts: Except as provided in Subsection 6-2-12.4 of this Section, Section 6-2-13 of this Chapter, and Section 7-4-3 of this Code, the establishment of all fences in residence districts shall be regulated as follows:
 - 1.1. Fences not exceeding three (3) feet in height may be constructed and maintained at any point behind the front or corner side yard lot lines.
 - 1.2. Open fences, as described in this Subsection, not exceeding four (4) feet in height may be constructed and maintained at the front or corner side yard lot line.
 - 1.2.1. An open fence shall be designed so that an area equal to thirty percent (30%) of the width of each upright remains unobstructed.
 - 1.2.2. Examples of open fences include, without limitation, picket, chainlink, wrought iron, and split rail.

**TITLE 6 (ZONING REGULATIONS)
CHAPTER 11 (HISTORIC PRESERVATION)**

6-11-1: PURPOSE:

The purpose of this chapter is to identify those structures, sites and neighborhoods in the city that have historic, architectural and aesthetic significance and to preserve and maintain them for current and future residents by encouraging renovation, rehabilitation and repair that is consistent with their historic, architectural and aesthetic character.

Furthermore, it is the purpose of this chapter to strengthen the economy of the city by stabilizing and improving property values in historic areas, and to encourage new or rehabilitated buildings and developments that will be harmonious with existing historic structures, sites and neighborhoods. (Ord. 84-201, 12-17-1984)

6-11-2: DEFINITIONS:

The following definitions of word use shall apply:

ALTERATION: Any act or process which changes one or more of the "exterior architectural features" of an improvement.

CERTIFICATE OF APPROPRIATENESS: A certificate authorizing plans for alteration, construction, demolition or removal of an improvement which has been designated a landmark or which is located within an historic preservation district.

COMMISSION: Historic sites commission.

CONSTRUCTION: Any act or process whereby a new improvement is built, an existing improvement is expanded in size or area, or a demolished improvement is rebuilt.

DEMOLITION: Any act or process which destroys all of an improvement.

EXTERIOR ARCHITECTURAL FEATURE: The architectural style, design, general arrangement and components of all of the outer surfaces of an improvement, as distinguished from the interior surfaces enclosed by said exterior surfaces, including, but not limited to, the kind of building materials and the type and style of all windows, doors, lights, signs and other fixtures are pertinent to such improvement, visible from any public street or thoroughfare. An alley shall not be considered a public street or thoroughfare for the purposes of this definition.

HISTORIC PRESERVATION DISTRICT: Any area which:

1. Contains improvements which:
 - 1.1. Have a special character or special historic or aesthetic interest or value; and
 - 1.2. Represent one or more periods or styles of architecture typical of one or more eras in the history of the city; and
 - 1.3. Cause such area, by reason of such factors, to constitute a distinct section of the city; and
2. Has been designated by the city council as an historic preservation district pursuant to the provisions of this chapter.

IMPROVEMENT: Any building, structure, site, parking facility, fence, gate, wall, work of art or other object constituting a physical betterment of or addition to real property, or any part of such betterment or addition.

INTERIOR: The visible surfaces of the enclosed or inside portions of an improvement.

LANDMARK: Any improvement, which has a special historical, community or aesthetic interest or value as part of the development, heritage or cultural characteristics of the city, state or nation and which has been designated by the city council as a landmark pursuant to the provisions of this chapter. Landmarks include improvements which reflect or exemplify the cultural, political, spiritual, economic, social or artistic history of the city, state or nation, or which are identified with historic personages or with important events in local, state or national history, or which embody the distinguishing characteristics of an architectural specimen, inherently valuable for a representation of a period, style or method of construction, or a notable work of construction, or a notable work of a master designer or architect whose individual genius influenced his era.

ORDINARY REPAIRS AND MAINTENANCE: Any work done on or replacement of any part of an improvement for which a permit issued by the department of community development is not required by law, where the purpose and effect of such work or replacement is to correct any deterioration or decay of or damage to such improvement or any part thereof and to restore the same, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay or damage.

OWNER: Any person, group of persons, partnership, corporation or other legal entity holding legal or equitable title to real estate located within the city, including, but not limited to, contract purchasers and all of the beneficiaries under a land trust.

PARTIAL DEMOLITION: Any act or process which destroys part of an improvement in order to accommodate an addition to the improvement.

REMOVAL: Any act or process which changes the location or position of an improvement or of any portion of an improvement.

TAX PARCEL: Any lot, block, tract or other piece of real property, whether tax exempt or not, which has been assigned a permanent real estate index number, as shown on the record of the local real estate tax collector.

6-11-3: DESIGNATION OF LANDMARKS:

1. Procedure:

- 1.1. Any person, group of persons or association, or the historic sites commission on its own initiative, may request landmark designation for any improvement which is located within the corporate limits of the city and which may have historic significance as set forth in the criteria for evaluation. No such person, group of persons or association, nor the commission, shall be required to obtain the consent of the owner of the improvement prior to filing the application for landmark designation, nor shall the owner's consent be required as a condition of designation itself.

The application for landmark designation shall be in writing and shall contain such information and be in such form as the commission shall, by rule, prescribe from time to time. Forms required for landmark designation shall be supplied by the zoning administrator, upon request.

- 1.2. The application for landmark designation shall be filed with the zoning administrator. Within five (5) working days of filing, the zoning administrator shall transmit the application to the commission for review and public hearing.
- 1.3. Within sixty (60) days after filing of the application for landmark designation, the commission shall hold a public hearing on the question of proposed landmark designation.
- 1.4. Prior to the public hearing on the application for landmark designation, the commission shall conduct a study of the improvement proposed for landmark designation and make a report containing preliminary findings on the historic, architectural and aesthetic significance of the improvement.
- 1.5. Notice of the public hearing shall be published at least once before the public hearing in a newspaper of general circulation in the city.

The applicant shall, no later than fifteen (15) days in advance of the public hearing, post, on the improvement being considered for designation as a landmark, a sign no smaller than four (4) square feet. Said sign shall state that the improvement is being considered for designation as a landmark, and shall bear the information required to be contained in published notices.

The applicant shall also give written notice to the persons to whom the current real estate tax bills are sent, as shown on the record of the local real estate tax collector, of all tax parcels, whether tax exempt or not, lying within one hundred fifty feet (150'), exclusive of public right of way, of the property lines of the parcel of land on which the improvement proposed for landmark designation is located. The written notices shall be delivered personally or may be sent by first class mail, properly addressed, with sufficient prepaid postage affixed thereon. The written notices shall contain all of the information required of all published notices. The applicant shall file a sworn affidavit with copies of the notices with the city clerk, showing the names and addresses of the persons to whom the written notices have been sent. Said affidavit shall be a presumption of the giving of said notices, which must be delivered or mailed, as required above, no later than fifteen (15) days in advance of the public hearing.

All published notices shall contain the number assigned to the application, the place, the nature, the purpose, and the date and time of such hearing, and the common address or location of the improvement in question, the name and address of the applicant and of the owner of the improvement, and the office address of the city clerk where full information, including a legal description, may be obtained concerning the application, and shall be published not more than thirty (30) nor less than fifteen (15) days in advance of such hearing.

- 1.6. The public hearing shall be conducted by the historic sites commission and a record of such proceedings shall be preserved in such manner as the commission shall, by rule, prescribe from time to time.

- 1.7. The commission shall make written findings of fact and shall submit same, together with its recommendations, to the city council within sixty (60) days of receipt by the commission of the application for landmark designation.
 - 1.8. Within one hundred twenty (120) days of the filing of the application, the city council shall grant or deny the application for landmark designation. If the city council approves the application for landmark designation, a notice of the designation will be sent by the city clerk to the applicant and the owner of the improvement and a copy of the ordinance effectuating the designation shall be recorded with the appropriate county recorder of deeds and with the appropriate township assessor.
 - 1.9. The person, group of persons or association submitting the application for landmark designation, including the Commission when acting on its own initiative, shall bear all costs of and pay all fees required in connection with said application. All fees shall be set by ordinance enacted by the City Council.
 - 1.10. During the period beginning with the filing of an application for landmark designation and ending with the final action of the City Council granting or denying said application, no exterior architectural feature of any improvement which is the subject of an application for landmark designation may undergo alteration, construction, demolition or removal if such alteration, construction, demolition or removal would be subject to the issuance of a certificate of appropriateness after designation. Nothing in this paragraph shall operate to bar ordinary maintenance or any work that is necessary to prevent or correct an imminently dangerous or hazardous condition.
 - 1.11. Landmarks shall be designated by ordinance.
 - 1.12. In the event that an application for landmark designation is denied by the City Council or does not proceed for any reason, no application for landmark designation of the same improvement shall be made within nine (9) months of the date of final action on the original application, unless the owner consents to such application and designation.
2. Standards for Designation of Landmarks: The Historic Sites Commission shall not recommend nor the City Council grant a designation of a landmark unless it shall make findings based upon the evidence presented to it in each specific case that the proposed landmark meets the following requirements:
- 2.1. That it is located within the corporate boundaries of the City; and
 - 2.2. That it is over thirty (30) years old, in whole or in part; and
 - 2.3. That one or more of the following conditions exists:
 - 2.3.1. That it may identify with an historic personage or with important events in national, State or local history;
 - 2.3.2. That it may embody the distinguishing characteristics of an architectural type inherently valuable for a study of a period, style, method of construction, or use of indigenous materials or craftsmanship;
 - 2.3.3. That it may represent the notable work of a master builder, designer or architect whose individual genius influences an era;

- 2.3.4. That it may be an improvement embodying all or part of the above characteristics, which is subject to encroachment of detrimental influences;
- 2.3.5. That it may be an improvement of historic, architectural, or cultural significance which is threatened with demolition by public or private action;
- 2.4. That it possesses integrity of design, materials, workmanship, setting, location, feeling and association; and
- 2.5. That it embodies such other qualities and characteristics as in the judgment of the Commission should be considered for the designation of a landmark.

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

1. Procedure:

- 1.1. Any person, group of persons or association, or the Commission, on its own initiative, may request historic preservation district designation for any geographic area within the corporate limits of the City which may have historic significance as set forth in the criteria for evaluation. Such person, group of persons or association shall reside, live or own property within the area to be considered for designation, provided such person, group of persons or association or the Historic Sites Commission has obtained the written consent of ten percent (10%) of the owners of real property within the area to be considered for designation. Accessory structures such as garages, sheds or other storage facilities shall not be considered in computing the number of property owners. The total number of owners shall be determined on the basis of the total number of tax parcels within the area proposed for designation. For purposes of calculating the ten percent (10%) figure, the number of tax parcels owned, rather than the identity of the owner, shall prevail, so that, for example, one person who owns two (2) separate tax parcels shall be counted as two (2) "owners".
- 1.2. Each application for designation of an historic preservation district shall contain the following information:
 - 1.2.1. A map delineating the boundaries of the area proposed for designation.
 - 1.2.2. A written statement setting forth the character of the area and reasons for which the proposed area should be designated as an historic preservation district.
 - 1.2.3. Drawings or pictures of significant structures, sites or improvements within the designated area, including information as to age, condition, and use of each.
 - 1.2.4. Such other information as the Historic Sites Commission may, by rules, prescribe from time to time.Forms required for designation of historic preservation districts shall be supplied by the Zoning Administrator, upon request.
The application for designation of an historic preservation district shall be filed with the Zoning Administrator, who shall promptly review the application to determine that it is complete. Within five (5) working days of filing, the Zoning Administrator shall transmit the complete application to the Commission for review and public hearing.
- 1.3. Within sixty (60) days after filing of the application for designation of an historic preservation district, the Commission shall hold a public hearing on the question of proposed designation.
- 1.4. Prior to the public hearing on the application for designation of an historic preservation district, the Commission shall conduct a study of the area proposed for designation as an

historic preservation district and make a report containing preliminary findings on the historic, architectural and aesthetic significance of the improvement. (Ord. 84-201, 12-17-84)

- 1.5. Notice of the public hearing shall be published at least once before the public hearing in a newspaper published within the City of Naperville, or if none, then in one or more newspapers with a general circulation within the City of Naperville which is published in DuPage or Will County. (Ord. 93-38, 3-2-93)

The applicant shall also give written notice to the persons to whom the current real estate tax bills are sent, as shown on the record of the local real estate tax collector, of all tax parcels, whether tax exempt or not, lying within the proposed district and all tax parcels, whether tax exempt or not, lying within one hundred fifty feet (150'), exclusive of public right of way, of the property lines of the parcel of land on which the area proposed for historic preservation district designation is located. The written notices shall be delivered personally or may be sent by first class mail, properly addressed, with sufficient prepaid postage affixed thereon. The written notices shall contain all of the information required of all published notices. The applicant shall file a sworn affidavit with copies of the notices with the City Clerk, showing the names and addresses of the persons to whom the written notices have been sent. Said affidavit shall be a presumption of the giving of said notices, which must be delivered or mailed, as required above, no later than fifteen (15) days in advance of the public hearing.

All published notices shall contain the number assigned to the application, the place, the nature, the purpose, and the date and time of such hearing, and the common address or location of the area in question, the name and address of the applicant or applicants, and the office address of the City Clerk where full information may be obtained concerning the application, and shall be published not more than thirty (30) nor less than fifteen (15) days in advance of such hearing.

- 1.6. The public hearing shall be conducted by the Historic Sites Commission and a record of such proceedings shall be preserved in such a manner as the Commission shall, by rule, prescribe from time to time.
- 1.7. The Commission shall make written findings of fact and shall submit same, together with its recommendations, to the City Council within sixty (60) days of receipt by the Commission of the application for designation of an historic preservation district. If the Commission recommends designation, a legal description of the proposed district, provided at the expense of the applicants, shall be forwarded to the Council with the Commission's recommendations and findings.
- 1.8. The Commission may recommend, or the Council may decide, without requiring further application, notice or hearing, that the area to be designated an historic preservation district be smaller than the area proposed in the application, provided that such smaller district be located entirely within the area originally proposed.
- 1.9. Within one hundred twenty (120) days of the filing of the application, the City Council shall grant or deny the application for designation of an historic preservation district. If the City Council approves the application for designation of an historic preservation district, notice of the designation will be sent by the City Clerk to the applicant and to all owners of record of

real property within the district, and a copy of the ordinance effectuating the designation shall be recorded with the appropriate County Recorder of Deeds and with the appropriate Township Assessor.

- 1.10. The person, group of persons or association submitting the application for historic preservation district designation, including the Commission when acting on its own initiative, shall bear all costs of and pay all fees required in connection with said application. All fees shall be set by ordinance enacted by the City Council. (Ord. 84-201, 12-17-84)
 - 1.11. During the period beginning with the filing of an application for designation of an historic preservation district, and ending with the final action of the City Council granting or denying said application, no exterior architectural feature of any improvement which is located in the proposed historic preservation district may undergo alteration, construction, demolition or removal if such alteration, construction, demolition or removal would be subject to a certificate of appropriateness after designation. Nothing in this paragraph shall operate to bar ordinary maintenance or any work that is necessary to prevent or correct an imminently dangerous or hazardous condition.
 - 1.12. Historic preservation districts shall be designated by ordinances.
 - 1.13. In the event that an application for designation of an historic preservation district is denied by the City Council or does not proceed for any reason, no application for designation of an historic preservation district including any portion of the same area shall be made within nine (9) months of the date of final action on the original application, unless all owners within the proposed historic preservation district consent to such renewed application and designation.
2. Standards for Designation of Historic Preservation Districts: The Commission shall not recommend nor the City Council grant a designation of an historic preservation district unless it shall make findings based upon the evidence presented to it in each specific case that the proposed historic preservation district meets the following requirements:
- 2.1. That it is located within the corporate boundaries of the City; and
 - 2.2. That it possesses integrity of design, materials, workmanship, setting, location, feeling and association; and
 - 2.3. That one or more of the following conditions exists:
 - 2.3.1. That it may exemplify the broad cultural, political, economic, or social history of the nation, State or community; or
 - 2.3.2. That it may identify with an historic personage or with important events in national, State or local history; or
 - 2.3.3. That it may embody the distinguishing characteristics of an architectural type inherently valuable for a study of a period, style, method of construction, or use of indigenous materials or craftsmanship; or
 - 2.3.4. That it may represent the notable work of a master builder, designer or architect whose individual genius influences an era; or
 - 2.3.5. That some architectural or land use characteristics are repeated throughout the area in a manner which distinguishes it from the rest of the city; or
 - 2.3.6. That it embodies such other qualities and characteristics as in the judgment of the commission should be considered for the designation of a historic preservation district.

6-11-5: APPLICABILITY OF ZONING PROVISIONS:

1. Zoning Classifications And Permitted Uses:

1.1. All landmarks and historic preservation districts shall also be classified in one or more of the zoning districts established by chapters 6 through 8 of this title. The zoning of any landmark shall be designated by a combination of symbols, i.e., R2-L, B3-L, etc. The zoning of any land in a historic preservation district shall be designated by a combination of symbols, i.e., R2-H, B3-H, etc.

1.2. For any landmark or any historic preservation district, all the regulations of the underlying zoning district shall apply, except insofar as such regulations are in conflict with any special regulations applicable to a landmark or historic preservation district, and in the event of a conflict, the regulations governing the landmark or historic preservation district shall apply. All permitted uses or conditional uses otherwise allowable in the underlying zoning district shall continue to be the appropriate allowable use.

2. Relationship To Plan Commission: The historic sites commission may, at the request of the plan commission ¹ or on its own initiative, prepare a written report to, and, in addition, may testify at any public hearing conducted by, the plan commission with respect to any matter being considered by the plan commission which may affect any improvement designated a landmark or any designated historic preservation district.

3. Conditional Uses: A copy of any application for a conditional use under the provisions of this title shall be forwarded by the plan commission to the historic sites commission, if the proposed conditional use would be within or immediately adjacent to a historic preservation district, or if the owner of a landmark would be entitled to notice under the provisions of this title.

Within a reasonable time after receipt of said copy of any such application for a conditional use, the historic sites commission shall review said application to determine the effect which the proposed conditional use would have on the landmark or historic preservation district, according to the appropriate criteria and architectural and aesthetic consideration for the granting of a certificate of appropriateness.

Within thirty (30) days after receipt of said copy of any application for a conditional use, the historic sites commission shall file with the plan commission any written report and recommendations it desires to make. Such written report and recommendations, and any testimony presented by the historic sites commission at a public hearing conducted by the plan commission, shall be briefly summarized in the report submitted by the plan commission to the city council. In lieu of such summary, the plan commission, at its discretion, may append the historic sites commission's report and recommendations to the written report and recommendations made by the plan commission to the city council. (Ord. 84-201, 12-17-1984)

4. Variances; Amendments To Zoning Title: A copy of any application for a variance from the provisions of this zoning title, or street graphics ordinance, and a copy of any proposed amendment to the map or text of the zoning ordinance shall be forwarded by the plan commission or the board of zoning appeals to the historic sites commission, if such proposed change would be within or immediately adjacent to a historic preservation district, or if the owner of a landmark would be entitled to notice under the provisions of [chapter 3](#) of this title.

Within a reasonable time after receipt of said copy of any such application for a variance from the provisions of this zoning title or an amendment to the map or text of this zoning title, the historic sites commission shall review said application to determine the effect which the proposed variance or amendment would have on the historic, architectural and aesthetic character of the landmark or historic preservation district, according to the appropriate criteria and architectural and aesthetic considerations for the granting of a certificate of appropriateness.

Within thirty (30) days after receipt of said copy of any application for a variance or a proposed amendment, the historic sites commission shall forward any written report and recommendations it desires to make to the commission or board from which the copy of the application or amendment was received. Such written report and recommendations, and any testimony presented by the historic sites commission at a public hearing conducted by the plan commission or board of zoning appeals concerning the proposed variance or amendment, shall be briefly summarized in any reports required to be submitted to the city council by the plan commission or board of zoning appeals, as applicable. In lieu of such summary, the plan commission or board of zoning appeals, at its discretion, may append the historic sites commission's report and recommendations to any written reports and recommendations required to be provided to the city council by the plan commission or board of zoning appeals. (Ord. 02-132, 5-21-2002)

6-11-6: LANDMARK CONSTRUCTION OR ALTERATION; CERTIFICATE OF APPROPRIATENESS:

Except as otherwise provided in this chapter and the "Historic Sites Commission Design Guidelines" adopted by the Naperville historic sites commission which are available for review and copying at the office of the city clerk, it shall be unlawful for any person to construct, alter, demolish or remove the exterior or any aspect of the exterior of any landmark or any improvement located within a historic preservation district, or to construct an improvement located within a historic preservation district unless the commission has previously authorized issuance of a certificate of appropriateness authorizing such work. A certificate of appropriateness shall not be required for ordinary repair and maintenance.

1. Certificate Required: A certificate of appropriateness is required for:
 - 1.1. Demolition, or partial demolition, or removal of the exterior or any portion of the exterior which is visible from the public right of way or is architecturally or historically significant pursuant to the guidelines set forth in subsection [6-11-3.2](#) of this chapter, of any landmark or any improvement located within a historic preservation district. A public hearing is required prior to issuance of a certificate of appropriateness under this subsection.
 - 1.2. Construction or alteration of the exterior or any aspect of the exterior which is visible from the public right of way of any landmark or any improvement located within a historic preservation district, subject to the historic sites commission design guidelines. A public hearing is not required prior to issuance of a certificate of appropriateness under this subsection.
2. Certificate Not Required: A certificate of appropriateness is not required for:
 - 2.1. "Ordinary repairs and maintenance" of improvements located within a historic preservation district as those terms are defined in section 6-11-2 of this chapter and the historic sites commission design guidelines.
 - 2.2. A partial demolition if the improvement to be demolished is not visible from the public right of way, is not architecturally or historically significant pursuant to the guidelines set forth in subsections [6-11-3.2.2.1](#) through [6-11-3.2.2.5](#) of this chapter, and where the replacement improvement will not be visible from the public right of way.

3. Procedures For Issuance Of Certificate Of Appropriateness:

3.1. Applications: All applications for a building permit or a demolition permit shall be accompanied by an application for a certificate of appropriateness when one is required. The application for a certificate of appropriateness shall be filed with the administrative office of the city designated by the city manager, which shall transmit a copy of the application for the building or demolition permit and a copy of the application for certificate of appropriateness to the commission. No additional costs shall be imposed for the application for certificate of appropriateness.

The application for a certificate of appropriateness shall include plans and specifications for the proposed work, or such other statement of the proposed work as is acceptable to the department of community development under the building or other applicable codes. The application shall also include such other information as the commission may, by rule, require from time to time.

3.2. Hearing: Within seven (7) days of the filing of an application under this section, the applicant may request a hearing on his application or the commission shall determine that a hearing is required under this section. The commission may also order a hearing where it deems a hearing to be warranted. Such determination shall be made within fourteen (14) days of the filing of an application.

3.3. Hearing Procedures:

3.3.1. All public hearings which are required shall be held no more than sixty (60) days after the filing of an application for a certificate of appropriateness.

3.3.2. Notice of the public hearing shall be published at least once before the public hearing, in a newspaper of general circulation in the city.

The commission shall notify the applicant in writing at least seven (7) working days prior to the hearing of the date, time and place of the hearing.

The applicant shall also give written notice to the persons to whom the current real estate tax bills are sent, as shown on the record of the local real estate tax collector, of all lots lying within two hundred fifty feet (250'), exclusive of public right of way, of the property lines of the parcel of land on which the improvement which is the subject of the request for certificate of appropriateness is located. The written notices shall be delivered personally or may be sent by first class mail, properly addressed and with sufficient postage affixed thereon. The applicant shall file a sworn affidavit with copies of notices with the city clerk, showing the names and addresses of the persons to whom the written notices have been sent. Said affidavit shall be a presumption of the giving of said notices, which must be delivered or mailed, as required above, no later than fifteen (15) days in advance of the public hearing.

All published notices shall contain the number assigned to the request, the place, the nature, the purpose, and the date and time of such hearing, and the common address or location of the improvement in question, the name and address of the applicant and of the owner of the improvement, and the office address of the city clerk where full information, including a legal description, may be obtained concerning the request, all

shall be published not more than thirty (30) nor less than fifteen (15) days in advance of such hearing.

- 3.3.3. The public hearing shall be conducted by the historic sites commission and a record of such proceedings shall be preserved in such a manner as the historic sites commission shall, by rule, prescribe from time to time.
 - 3.3.4. Within thirty (30) days after the public hearing, the commission shall make written findings of fact and shall render a decision to grant or deny the application.
- 3.4. Nonhearing Procedure - Commission:
- 3.4.1. If the commission is scheduled to meet within thirty (30) days after the filing of the application, and no hearing is required under subsection 6-11-6.1.3 of this section, the commission shall consider the application at such meeting provided the application has been filed not less than seven (7) working days before the meeting.
 - 3.4.2. The commission shall notify the applicant in writing at least seven (7) working days prior to the scheduled meeting of the date, time and place of the meeting at which the application will be considered.
 - 3.4.3. Within thirty (30) days of the meeting at which it considers an application, the commission shall issue written findings of fact and shall render a decision to grant or deny the application. The commission shall notify the applicant, the owner of the improvement and the department of community development of its decision to grant or deny the application.
- 3.5. Nonhearing Procedure - Commissioner:
- 3.5.1. If the commission is not scheduled to meet within thirty (30) days after the filing of the application and no hearing is required under subsection 6-11-6.1.3 of this section, then the chairman of the commission and the director of the department of community development or their designees shall meet with the applicant to consider the application within fourteen (14) days after the filing of the application.
 - 3.5.2. The director of the department of community development shall notify the applicant, in writing, at least seven (7) working days prior to the meeting with the applicant of the date, time and place of the meeting at which the application will be considered.
 - 3.5.3. Within fourteen (14) days of the meeting at which it considers an application, the chairman and the director of the department of community development or their designees shall jointly issue written findings of fact and shall render a decision to grant or deny the application. The director of the department of community development shall notify the applicant and the owner of the improvement of the decision to grant or deny the application. If the chairman and director of the department of community development or their designees cannot agree upon the decision, and the commission is scheduled to meet within the following thirty (30) days, then the application shall be processed in accordance with subsection 6-11-6.3.4 of this section; otherwise, at the applicant's option, the application may be deemed denied and may be appealed according to subsection 6-11-6.3.7 of this section.

3.6. Issuance Of Certificate: Within fourteen (14) days after the grant of a certificate of appropriateness, the department of community development shall issue the certificate to the applicant. The applicant shall not proceed to perform any of the work requested until all other required permits have been obtained.

3.7. Appeals To City Council: Any denial of an application for certificate of appropriateness may be appealed to the city council only by the applicant and in accordance with the following provisions:

3.7.1. A request for appeal must be filed with the city clerk within fourteen (14) days of the denial of the application.

3.7.2. The city clerk shall immediately notify the commission of any appeal taken from the denial of an application for certificate of appropriateness.

3.7.3. The commission shall forward a copy of its written findings of fact and its decision to the city clerk within fourteen (14) days of receipt of the notice of appeal. The commission shall forward to the clerk a copy of its minutes of the meeting or hearing at which it considered the application.

3.7.4. Within sixty (60) days of the filing of the request for appeal, the city council shall meet to consider the appeal.

3.7.5. The city council shall notify the applicant in writing at least seven (7) working days prior to the scheduled meeting of the date, time and place of the meeting at which the appeal will be considered.

3.7.6. The appeal shall be based solely upon a review of the commission's minutes and findings of fact. There shall be no hearing on an appeal.

3.7.7. At the meeting to consider the appeal, the city council shall decide whether to grant or deny the certificate of appropriateness.

3.8. Fees And Costs: The person applying for a certificate of appropriateness shall bear all costs of and pay all fees required in connection with said application and said request.

4. Standards For Issuance Of A Certificate Of Appropriateness:

4.1. Standards For Rehabilitation: The commission shall apply the "secretary of the interior's standards for rehabilitation" and the historic sites commission design guidelines in considering a request for a certificate of appropriateness.

4.2. Economic Reasonableness: The commission shall consider the economic reasonableness of any recommended changes it determines necessary to bring the application into conformity with the character of the district.

4.3. Application Of Regulations: In making its determinations for certificates of appropriateness, the commission shall not impose specific regulations, limitations, or restrictions as to the height and bulk of buildings, or the area of yards or setbacks, or other open spaces, density of population, the location of trades and industries, or location of buildings designed for conditional uses, unless specifically required by this chapter or the provisions of this zoning title.

- 4.3.1. The commission however, may consider the height and bulk of buildings and area of yards or setbacks within the context of existing neighborhoods in making its determinations. The commission shall be permitted to deny a certificate of appropriateness on the basis of height and bulk of buildings and the area of yards or setbacks only upon finding that the approval of such a request would be detrimental to the existing or historical character of its surrounding neighborhood. The commission may adopt procedural rules concerning the type of information that it considers necessary to make such finding.
 - 4.3.2. The commission's consideration of height and bulk of buildings and area of yards or setbacks shall not exempt the applicant from compliance with the provisions of this code.
 - 4.4. Energy Conservation Effect: In making its determinations, the commission shall be sensitive to and shall consider the effect that the issuance of a certificate of appropriateness may have on energy conservation.
 - 4.5. Approval Withheld: In no instance shall the approval of a request for a certificate of appropriateness be unreasonably withheld by the commission.
5. Certificate Of Economic Hardship:
 - 5.1. A certificate of economic hardship shall be issued by the commission upon a finding by it that all reasonable use of, or return from, a designated landmark or property within a historic district would be denied a property owner as a result of the disapproval of a certificate of appropriateness.
 - 5.2. The commission may solicit expert testimony, or the applicant may submit evidence, concerning any of the following items at the time of the public hearing on the certificate of appropriateness:
 - 5.2.1. Any substantial decrease in the fair market value of the property as a result of the denial of the certificate of appropriateness.
 - 5.2.2. Any substantial decrease in the pretax or after tax return to owners of record or other investors in the property as a result of the denial of the certificate of appropriateness.
 - 5.2.3. Any additional cost of work necessary to comply with the standards and criteria for the issuance of a certificate of appropriateness.
 - 5.2.4. In the case of a proposed demolition, the economic feasibility of rehabilitation or reuse of the existing structure on the property.
 - 5.3. The commission may adopt procedural rules concerning the types of information, evidence or expert testimony that it considers necessary to make a determination on an application for a certificate of economic hardship.
 - 5.4. Upon a finding by the commission that without approval of the proposed work all reasonable use of, or return from, a designated landmark or property within a historic district will be denied a property owner, then the application shall be delayed for a period not to exceed sixty (60) days. During this period of delay, the commission shall investigate plans and make recommendations to the city council to allow for a reasonable use of, or return from, the property, or to otherwise preserve the subject property. Such plans and recommendations

may include, but are not limited to: a relaxation of the provisions of this chapter, a reduction in real property taxes, financial assistance, building code modifications, and/or changes in zoning regulations.

- 5.5. If by the end of this sixty (60) day period, the commission has found that without approval of the proposed work, the property cannot be put to a reasonable 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, and notify the applicant by mail of the final denial.
- 5.6. Appeal from the denial of a certificate of economic hardship may be made to the city council in the same manner as an appeal from the issuance or denial of a certificate of appropriateness.

6-11-7: ORDINARY MAINTENANCE:

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior feature of any improvement designated a landmark or any improvement located within a historic preservation district which does not involve change in such improvement's design or materials, or in any exterior architectural feature of the improvement.

6-11-8: MAINTENANCE AND REPAIR REQUIRED:

Neither the owner of nor the person in charge of an improvement designated a landmark or an improvement located within a historic preservation 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 preservation 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 other 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.

Enforcement of this section shall be pursuant to section [6-3-11](#) of this title. (Ord. 84-201, 12-17-1984)

6-11-9: REMEDYING OF DANGEROUS CONDITIONS:

1. In any case where the department of community development, the fire department, or any officer or agency of the city, or any court on application or at the insistence of any such department, officer or agency, shall direct the construction, reconstruction, alteration or demolition of any improvement designated a landmark or any improvement located within an historic preservation district, or the performance of any minor work upon such improvement, for the purpose of remedying conditions determined to be dangerous to life, health or property, nothing in this chapter shall be construed as making it unlawful for any person, without prior issuance of a certificate of appropriateness, to comply with such order or direction.

2. In the case of unusual circumstances whereby the normal process for obtaining a certificate of appropriateness as set forth in this chapter will jeopardize the health, safety and welfare of any person, the historic sites commission may, at its discretion, waive the normal process and immediately grant the certificate of appropriateness, stating in writing its reasons for each immediate approval.

6-11-10: DEMOLITION BY NATURAL CAUSES:

1. For the purposes of this section, complete natural demolition shall occur when an improvement is damaged by fire, collapse, explosion, or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed fifty percent (50%) of the replacement cost of the improvement at the time of the demolition. Partial natural demolition shall occur when an improvement is damaged by fire, collapse, explosion, or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence shall be less than fifty percent (50%) of the replacement cost of the improvement at the time of the demolition or destruction.
2. In the case of partial or complete natural demolition of a landmark or an improvement located within an historic preservation district, the owner shall obtain a certificate of appropriateness from the historic sites commission prior to reconstruction when required under the provisions of this chapter. While exact duplication of the previous improvement will not be required, the exterior design of the improvement shall generally be in harmony with the exterior design of the improvement prior to demolition or with the character of the historic preservation district in which it may have been located. The reconstruction must also comply with the criteria pertaining to issuance of a certificate of appropriateness.

6-11-11: EXTENSION OF TIME FOR ACTION:

Whenever, under the provisions of this chapter, the commission, the city council or any applicant is required or authorized, within a prescribed period of time, to make any determination or perform any act in relation to any request for a certificate of appropriateness, the applicant may extend such period of time by his written consent filed with the commission. Any such extension of time may be suggested or initiated by the city council, the commission or the applicant.

6-11-12: ACQUISITION OF APPROPRIATE PROTECTIVE INTERESTS:

The city may acquire, by purchase, donation or condemnation, appropriate protective interests in any landmark or any improvement located within an historic preservation district within the corporate boundaries of the city, wherever and to the extent that the city council, upon the recommendation of the commission, determines that the acquisition will be in the public interest.

For the purposes of this section, an "appropriate protective interest" means any right or interest in or title to an improvement including, but not limited to, fee title, or any easement, restriction, covenant or condition running with the land, designated to preserve, maintain or enhance all or part of the existing state of improvements of historic, architectural or aesthetic significance, the acquisition of which is determined by the city council to be necessary and appropriate for the effectuation of the purposes of this chapter.

6-11-13: REGULATIONS; CRITERIA:

The commission may from time to time promulgate, amend and rescind such regulations and criteria as it may deem necessary to effectuate the purposes of this chapter.

6-11-14: INVESTIGATIONS AND REPORTS:

The commission may take such investigations and studies or matters relating to the protection, enhancement, perpetuation or use of landmarks and historic preservation districts, and to the restoration of landmarks as the commission may, from time to time, deem necessary or appropriate for the effectuation of the purposes of this chapter, and may submit reports and recommendations regarding such matters to the mayor, the city council and to other agencies of the city. In making such investigations and studies, the commission may hold such public hearings as it may deem necessary or appropriate.

6-11-15: FINES AND PENALTIES:

1. Illegal Demolition:

1.1. It shall be unlawful to demolish any portion of any landmark or any improvement located within the historic preservation district unless specifically permitted through a certificate of appropriateness issued for that property.

1.2. Property owners will be subject to the following fines and penalties for any and all illegal demolition to any landmark or any improvement located within a historic preservation district:

1.2.1. A fine of no less than ten thousand dollars (\$10,000.00) and no greater than fifty thousand dollars (\$50,000.00); and

1.2.2. A two (2) year building moratorium on the property on which the illegal demolition occurred.

1.2.2.1. In cases where the building has been completely demolished, a new structure shall not be constructed on the subject property until two (2) years from the date that the subject property is properly graded and reseeded, as determined by the city engineer.

1.2.2.2. In cases where a building is partially demolished, the property owner shall be required to complete the construction or renovation of the home in accordance with the building permits granted by the city. Occupancy shall not be granted on the subject property until two (2) years from the date of an approved final inspection of the structure.

1.2.2.3. Prior to and during the building moratorium, the subject property in all instances must be maintained in accordance with the property maintenance code.

2. Illegal Construction Or Alteration:

2.1. It shall be unlawful to complete any construction or alteration to any landmark or any improvement located within a historic preservation district unless specifically permitted through the certificate of appropriateness issued for that property.

2.2. Property owners will be subject to the following fines and penalties for any and all illegal construction or alteration to any landmark or any improvement located within a historic preservation district:

2.2.1. A fine of no less than five hundred dollars (\$500.00) and no greater than one thousand dollars (\$1,000.00) per day, per violation.

William G. Dixon, Jr.
210 North Wright Street
Naperville, IL 60540-4750

Telephone: 630/357-1996
e-mail: wgdgeol@att.net

November 15, 2010

Dear Ying Liu:

Following are comments and suggested changes regarding the Revised Historic Preservation Ordinance:

- ✓ Page 2 - an underlined superscript 1 is at the end of the definition for Commission; I could find no footnote to which this refers.

Page 4 - 1.3. (Second line), replace "if" with "whether"[or not, understood].

Page 9 - 1.4. (Second line), replace "if" with "whether".

Page 12 - 6-11-5: 2. - an underlined superscript 1 follows the word Commission; I could find no footnote to which this refers.

Page 14 - 6-11-8: 1.2. administrative approval is requires to replace a roof with the original materials. I see no need to require a COA for something that wears out in about 20 years. Replacing a roof with the same material seems no different than painting the outside walls which does not need a COA.

Page 14 - 6-11-8:2.4. (First line) What is the intended meaning of the word "reveal"?

Page 15 - 3. (Second line - twice), replace "if" with "whether".
- 4.2. (third line), replace "if" with "whether".

If you have any questions or comments, please contact me by any of the means listed at the top of the page.

Sincerely,



From: Liu, Ying <LiuY@naperville.il.us>
Subject: Historic Preservation Ordinance Comments
To: "wgdgeol@att.net" <wgdgeol@att.net>
Date: Tuesday, November 16, 2010, 11:59 AM

Dear Mr. Dixon:

Thank you for taking the time to review the Historic Preservation Ordinance revisions. I really appreciate your detailed review and thoughtful comments. I have provided responses to your comments below:

Page 2 - Good catch! I will remove the superscript 1 at the end of the definition for the Commission.
Page 4 - 1.3 (Second line) I will change "if" to "whether" per your comment.
Page 9 - 1.4 (Second line) I will change "if" to "whether" per your comment.
Page 12 - 6-11-5:2 - The superscript 1 will be removed per your comment.
Page 14 - 6-11-8:1.2 - Administrative approval is required for roof replacement with original materials for a couple reasons. Similar to siding replacement, the appearance of the new roof is affected by not only the material but also the profile (e.g., dimension, texture, and installation method) of the proposed material. The appearance of the roof can change significantly if a new profile is proposed, even when the original material is used. Therefore, it is necessary to have some level of review on roof replacement to make sure that the proposed material would have no major impact on the appearance or character of the historic structure, or in another word, the replacement would be "in-kind". In addition, the Unified Recommendation recommends administrative review for roof replacement. To minimize the burden placed on COA applicants, our administrative review process provides a quick turnaround time (usually 1-2 weeks) and the application is pretty straight-forward. It provides necessary safeguard against changes to the structure character without placing excessive burden on the homeowners.
Page 14 - 6-11-8:2.4 - A definition for "Reveal" will be added to the Section 6-11-2 (Definition). "Reveal" is an important feature of exterior wall siding. It refers to the vertical distance of the exposed portion of overlapping siding boards or shingles on the outside walls.
Page 15 - 3 & 4.2 - I will change "if" to "whether" per your comment.

Please let me know if you have additional comments or need further clarification. Thanks again for your time and review!

Sincerely,

Ying Liu, AICP
Community Planner
TED Business Group
City of Naperville

400 S Eagle Street
Naperville, IL 60540
p.630.548.2950 | f.630.420.6657
liuy@naperville.il.us

From: Lara Bruce [mailto:larabruce@me.com]
Sent: Tuesday, November 02, 2010 6:32 AM
To: Liu, Ying
Subject: Revised Historic Preservation Ordinance

Dear Ms. Liu,

Please take the following comment for consideration.

Clarification is needed for a chart in the Summary of Key Changes document:

Table 1: A Summary of the Revised COA Requirements

Storm Windows and Doors:

- In "No COA" column, it appears that *all* Storm Windows and Doors may be replaced without a COA. Yet in the "COA Required" section, there is a contradiction as it states a COA is required for front facade doors and windows.

Thank you,
Lara Bruce
Historic District Resident
15 S Brainard St

From: Liu, Ying
Sent: Tuesday, November 02, 2010 11:29 AM
To: 'Lara Bruce'
Subject: RE: Revised Historic Preservation Ordinance

Hi, Lara – Thank you for taking the time to review the ordinance revisions. I appreciate your comments.

In the ordinance, storm windows/doors and regular windows/doors are treated differently. Storm windows and doors are referring to the additional window or door fitted to the outside (sometimes inside, too) of an ordinary window or door to provide insulation against wind, cold, rain. Below are two photo examples of storm windows. As you can see from the photos, the original windows of the building are behind the storm windows. The revised ordinance requires a COA review for changes made to the ordinary windows and doors on the primary (front or corner side) façades. However, storm windows and doors are typically not part of the original building. They are added later to enhance energy efficiency and can be removed, if no longer needed, without damaging the original windows. Therefore, there is no review requirement for them regardless the façade they are on.



I hope this clarifies the requirements for windows/doors and storm windows/doors. Please feel free to contact me if you need further clarification. Again, thanks for your time!

Ying Liu, AICP
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From: Larry Larsen [mailto:LLarsen@SARDVERB.com]
Sent: Tuesday, November 09, 2010 4:30 PM
To: Liu, Ying
Cc: kris@runningcompany.com
Subject: RE: November 18, 2010 Public Meeting

Ying,

I just reviewed the Revised Preservation Ordinance and have a few comments.

1. In sections 6-11-2 and 6-11-3, we refer to "Improvement(s)" throughout when I believe we mean to say building or structure. Improvement in section 6-11-2 is defined as an addition or betterment. However, throughout section 6-11-3, we use the word Improvement even when a structure doesn't have to be improved. For example, in the sub-section 1.1 of section 6-11-3, why would we only earmark applications requesting designation for an improvement with the corporate limits? Couldn't any qualifying structure whether it has been improved recently or not apply for landmark status?

***Staff Response:** I can see that the term "Improvement" can create confusion. When people refer to "improvement(s)", they are often talking about an addition or a renovation of the existing home. However, in the ordinance, "Improvement(s)" is used to capture not only additions and renovations, but also everything that constitutes a betterment of the original land or structure. They can be the original building or structure (which is an improvement/betterment to the land), an addition (which is an improvement/betterment to the structure), a fence, a sidewalk, or even landscaping. Regardless whether a structure has been improved recently or not, it is considered an "improvement" under the definition.*

The reason that "Improvement" is used rather than "building or structure" is because a landmark or a Historic District can include non-structure or non-building elements. For example, the Riverwalk is not a structure or building, but I can see someday in the future, someone may wish to designate it as a landmark. Also, although the Historic District constitutes of primarily buildings and structures, other things like mature trees, the streetscape, the alley and driveways all contribute to the significance of the district. So, we definitely need a term that has a broader meaning than "building or structure". I am not sure if there is a way to further clarify the definition of "Improvement" or to find a better substitution for the term so that there is no confusion. Do you have any ideas or suggestions?

2. In section 6-11-2, under the certificate of appropriateness definition, I think it should read "A certificate from the City of Naperville or the Commission authorizing..."

Staff Response: Agree. I will change the definition according to your suggestion.

3. In the same section, under the demolition definition, I think it should read "Any act which destroys all or part of a building or structure."

Staff Response: Please see my comments for #1.

4. Same with the Landmark definition, replace improvement with structure.

Staff Response: Please see my comments for #1.

5. In section 6-11-3, sub-section 2.1, it reads "That is over fifty (50) years old, in whole or in part; and." I think we need to define "in part." How much or what part of a structure needs to 50 years old in order to qualify?

Staff Response: It seems to me that how much or what part of a structure needs to be 50 years old would be best left to the Commission and City Council's determination on a case-by-case basis. Note that the "50 years old" is just one of the criteria for designation. In addition to that, the structure would also need to meet one or more of the conditions listed in 2.2. If a structure has been altered too much so that the original structure is basically gone, the landmark application can be denied on the basis of 2.2, or the commission can make the argument that the structure is no longer historic. However, it would be hard to provide "black and white" standards to define what is "too much" alteration without looking at an actual structure.

Please let me know if you have any questions.

Thank you.

Larry

Larry Larsen | Sard Verbinnen & Co

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**NAPERVILLE HISTORIC PRESERVATION COMMISSION
MINUTES OF DECEMBER 9, 2010 - DRAFT**

Call to Order

7:00 p.m.

A. Roll Call

Present: Hartner, Smith, Larsen, Messer, Ory, Fissinger, Grinnell (non-voting), Moore (student member), Thompson (student member)
Absent: Schoeneck, Ryan, Wilson
Staff Present: Planning Services Team – Liu

B. Minutes

Approve the minutes of August 26, 2010.

Motion by: Smith
Second by: Larsen

Approved
(6 to 0)

**E. Reports and
Recommendations**

E1. PC #10-1-144
Historic Preservation Ordinance Revisions

Recommend approval of the revised Historic Preservation Ordinance (i.e., Title 6, Chapter 11 of the Municipal Code) in order to bring the ordinance in line with the changes recommended in the Unified Recommendation.

Ying Liu, Planning Services Team, provided an overview of revisions to the Historic Preservation Ordinance. The new ordinance codifies the changes approved through the Unified Recommendation and includes clarified and improved language to enhance the applicability and user-friendliness of the code. No substantial new change is proposed other than those approved through the Unified Recommendation.

Historic Preservation Commission inquired about:

- Whether the ordinance online was changed from the initial internet posting.
- The ordinance doesn't state the benefits of being part of a historic district.

Staff responded:

- The ordinance speaks to the minimum standards and procedures for granting a COA or approving a Landmark/Historic District designation. Information regarding the benefits of the district, best practices and incentives is contained within the Historic Building Design and Resource Manual, a companion document to the ordinance.

Public Comment:

Carol Schmidt, 204 N. Wright Street: She gave the example of 30 S. Ellsworth and noted that the project could become a total demolition soon due to the owner's inability to complete the construction work. She encouraged the commission to carefully evaluate any future project as a whole to make sure that the extent of demolition proposed would not result in a loss of the structure's contributing status in the Historic District.

Historic Preservation Commission Discussion:

- Messer: Supports the text amendment which balances preserving the Historic District and property rights. Continuous education and training for residents and commission are important. He hopes that the recent budget cut by the City Council would not affect the education and training component of the Historic Preservation Commission.

Historic Preservation Commission moved to recommend approval of PC#10-1-144, a revised Historic Preservation Ordinance.

Motion by: Smith
Seconded by: Larsen

Approved
(6 to 0)

