



**NAPERVILLE PLAN COMMISSION  
COUNCIL CHAMBERS – MUNICIPAL CENTER  
FINAL AGENDA  
01/19/2011 - 7:00 p.m.**

**CALL TO ORDER:**

**A. Roll Call**

**B. Approve Minutes**

1. Approve the minutes from the January 5, 2011 Plan Commission meeting.

**C. Old Business**

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

Request: Recommend approval of the revised Historic Preservation Ordinance as proposed.

**D. Public Hearings**

1. PC Case # 10-1-138 Naperville United Methodist Church  
Petitioner: Naperville United Methodist Church, 2690 Bonita Court,  
Lisle, IL 60532  
Location: Located on the north side of Diehl Road, adjacent to the  
Illinois Prairie Path

Request: Conduct the public hearing.

Official Notice: Published in the Naperville Sun on January 3, 2011.

2. PC Case # 10-1-151 MJK Retail Development  
Petitioner: Jeffery Silverman with MJK Real Estate Holding  
Company, LLC, 790 Estate Drive Suite 100, Deerfield, IL 60016  
Location: 2856 S. Route 59 (between Cantore Road and 95th Street)

Request: Conduct the public hearing.

**AGENDA**  
**NAPERVILLE PLAN COMMISSION**  
**01/19/2011 - 7:00 p.m. - COUNCIL CHAMBERS**  
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Official Notice: Published in the Naperville Sun on January 4, 2011.

**E. Reports and Recommendations**

**F. Correspondence**

1. November 16, 2011 Plan Commission meeting cancelled.

**G. New Business**

**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](mailto:manningm@naperville.il.us). Every effort will be made to allow for meeting participation.**



**NAPERVILLE PLAN COMMISSION  
DRAFT MINUTES OF JANUARY 5, 2011**

**Call to Order**

**7:00 p.m.**

**A. Roll Call**

Present: Gustin, Edmonds, Herzog, Messer, Trowbridge  
Absent: Bruno, Meschino, Meyer  
Student Members: Kyle Uber  
Staff Present: Planning Team –Amy Emery, Allison Laff, Ying Liu

**B. Minutes**

Approve the minutes of December 15, 2010

Motion by: Gustin  
Second by: Herzog

Approved  
(5 to 0)

**C. Old Business**

**D. Public Hearings**

**D1.**

**PC Case#10-1-155  
Text Amendment  
ZBA/PC Duties**

Conduct the public hearing and recommend approval of the text amendment.

Allison Laff, Planning Services Team, gave an overview of the request.

In response to Plan Commission questions, Ms. Laff clarified:

- The ZBA was initially created as a separate board due to case load issues. Combining ZBA with PC is typical in communities where growth has slowed and as build out is being approached.
- Having a combined PC/ZBA offers residents with better service because frequency of meetings is greater.
- Staff will update processes and applications once the full extent of the changes are finalized.
- Role of Zoning Administrator to provide official code interpretations and property owner right to appeal interpretations to PC/ZBA.
- The ZBA, like PC, is a recommending body to City Council. For a year in the 2000s the ZBA had final decision-making authority, but that process was rescinded due to complicated appeal timing issues.

**Public Testimony:** none

Plan Commission closed the public hearing.

**Plan Commission Discussion:**

- Gustin – Suggested PC have final decision-making authority for ZBA matters as a way to further streamline the process for applicants.
- Trowbridge – Supports idea of PC having final decision-making authority on small items to assist City Council case load.
- Herzog – Clarified that Commissioner Gustin’s suggestion would change the current process. Clarified City Council use of consent agenda as streamlined method for addressing ZBA cases. Expressed opinion that one meeting with City Council doesn’t seem like an undue burden for variance requests and supports current model of case review.
- Edmonds - Feels appeal process might be more of a delay than current system. Like Herzog doesn’t support final authority being given to the PC. Edmonds supports current recommendation model. She also noted typo on paragraph 11 of section 5-4-14.
- Messer – Concurs with Herzog and Edmonds. He has mixed feelings about eliminating a board that gives residents another opportunity to serve the City, but sees the benefit of providing petitioners two opportunities to meet with a board per month versus only one available with current ZBA.

Motion to Approve PC Case 10-1-155.

Motion by: Herzog

Seconded by: Messer

Ayes: Trowbridge, Herzog, Edmonds, Messer

Nays: Gustin

Approved  
(4 to 1)

**PC Case#10-1-144**

**Text Amendment**

**Historic**

**Preservation**

**Ordinance Revisions**

Conduct the public hearing and recommend approval of the text amendment.

Ying Liu, Planning Services Team, gave an overview of the request, noting the challenge of promoting historic preservation and protecting property rights. Ordinance promotes historic preservation but seeks balance thru appeals process.

Plan Commission inquired about:

- Types of projects that require a COA under the new ordinance
- The landmark designation processes and property owner protections/ability to impact application made by others
- Legal Departments role in the drafting of the proposed ordinance
- The process for establishing a district. Concern was expressed that only 10% of homeowners are required to put in an application for a district. At that point, the majority of the neighborhood has to stop it if they are not interested. Believe burden to establish a district should be placed on those applying, not those against it. As such, applicant should be required to get a majority of residents to support the idea.

**Public Testimony:**

Carol Schmidt, 204 N. Wright Street, Naperville, IL

- Pointed out that under the proposed ordinance, it is possible to essentially demolish a structure, thereby destroying any historic value, and then rebuild provided the “look” / “aesthetic” is in harmony with character of district.
- Expressed need for enforcement of maintenance and repair provisions of ordinance.
- Importance of training HPC members so they have the ability to understand plan submittals and impact on historic district.

**Plan Commission Inquiry/Discussion:**

- Messer- Feel the HPC has better guidelines in place now, find the *Historic Building Design and Resource Manual* is an excellent tool, and is confident they have the ability to alleviate concerns expressed by Ms. Schmidt.
- Edmonds - Indicated that factors for consideration COA (Section 6-11-8:5) should be reviewed to clearly convey that district character is first priority, and only when economically reasonable, will original materials are preserved. Also expressed concern about fine and penalty section. Would like to see fines and penalties for violation of historic preservation ordinance consistent with other violations of the zoning code to address fairness and consistency concerns.
- Trowbridge – expressed concern about two year occupancy delay clause included within fines and penalties for illegal demolition.

Also requested a tracked version showing how original ordinance has been modified.

- Gustin – requested review of maintenance and repair code references and proposed fines and penalties. Requested opportunity to review *Historic Building Design and Resource Manual* before making recommendation. Requested deletion of 6-11-12:1.3.2.3 due to concerns about impact having a structure remain vacant for two years will have on the structure and neighborhood.
- Herzog – Requested revision be considered to Section 6-11-4 related to owner consent. Section should include standards for historic district establishment that require the petitioner obtain signatures from 51% of the homeowners in support of the district. He does not support the current model wherein the majority must collect signatures to oppose/block district establishment. He feels the burden should be on the petitioner.
- Gustin – Expressed concern about the difficulty of getting a majority of residents to support the establishment of a historic district. She feels the current language provides a solid opportunity for preservation while respecting resident opportunity to oppose.

Plan Commission continued this public hearing until January 19, 2010.

**E. Reports and Recommendations – None**

**F. Correspondence – None**

**G. New Business - None**

**H. Adjournment**

Motion by: Herzog  
Second by: Gustin

Approved  
(5 to 0)

**Meeting Adjourned 8:33 pm.**



# Naperville

## PLAN COMMISSION AGENDA ITEM

**PC CASE:** 10-1-144 **AGENDA DATE:** January 19, 2011  
**SUBJECT:** Historic Preservation Ordinance Revisions  
 Petitioner: City of Naperville

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Correspondence       New Business       Old Business       Public Hearing

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### **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.

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### **PLAN COMMISSION ACTION PREVIOUSLY TAKEN:**

Date	Item No.	Action
1/5/2011	D2	Tabled the case to January 19, 2011

### **ACTION REQUESTED/RECOMMENDED THIS MEETING:**

Recommend approval of the revised Historic Preservation Ordinance (Attachment 2) as proposed.

**PREPARED BY:** Ying Liu, AICP, Community Planner

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### **BACKGROUND:**

On January 5, 2011, the Plan Commission considered a text amendment to revise the Historic Preservation Ordinance (i.e., Title 6, Zoning Regulations, Chapter 11, Historic Preservation of the Municipal Code) in order to bring the ordinance into compliance with the changes recommended in the Unified Recommendation<sup>1</sup>. Upon adoption, the Historic Preservation Ordinance will be administered by the Historic Preservation Commission.

One member from the public provided testimony at the Plan Commission meeting expressing concern that the proposed ordinance may result in unintended consequences with respect to the extent of demolition permitted. She also noted the need for enforcement of the maintenance and

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<sup>1</sup> The Unified Recommendation is a document approved by the City Council on May 19, 2009, which proposed comprehensive changes to the city's historic preservation regulations and the Historic Sites Commission (now the Historic Preservation Commission) composition and scope. For reference, the Unified Recommendation is included in Attachment 1.

repair provisions of the ordinance. The Plan Commission discussed specific sections of the ordinance with respect to the:

- Process to designate landmarks and historic districts;
- Criteria for granting a Certificate of Appropriateness (COA);
- Maintenance and repair provisions; and
- Fines and penalties for illegal demolition.

Following the discussion, the Plan Commission requested ordinance revisions and tabled the case to January 19, 2011.

**PLANNING SERVICES TEAM REVIEW:**

The following is a summary of the Plan Commission's comments and staff's responses:

1. *The Plan Commission requested a copy of the proposed ordinance with tracked changes and the Historic Building Design and Resource Manual.*

Staff response: On January 6, 2011, staff provided the Plan Commission with an electronic copy of the proposed ordinance with tracked changes and the web link to download an electronic copy of the *Historic Building Design and Resource Manual* via email. A hard copy of the new ordinance with tracked changes is also included in this agenda packet as Attachment 3.

2. *The Plan Commission requested that revisions be considered to Section 6-11-4:3 (Designation of Historic Districts: Owners' Consent) so that the burden is placed on the petitioner to obtain 51% or more of owners' consent in order to designate a Historic District, rather than the current model wherein the burden is placed on the property owners to obtain 51% or more of owners' opposition to block the designation.*

Staff response: The current model is consistent with the Unified Recommendation approved by the City Council on May 19, 2009. During the process of developing the Unified Recommendation, the working group considered different processes for Historic District designation including the model suggested by the Plan Commission. After extensive discussion and deliberation, the working group arrived at the consensus that the current model achieves a balance between Naperville's goal of encouraging the preservation of the community's rich history (as embodied in its architecture and neighborhoods) and the need to provide sufficient protection for property rights. The current model of designation process was presented to the general public for feedback over a period of two months and received overall support from the community. Eventually, the process was approved by the City Council as a part of the comprehensive Unified Recommendation. Staff does not recommend changing the current model for designating a Historic District as it was the result of extensive community collaboration and consensus building and represents the best solution reached among the diverse community interest.

The model discussed by the Plan Commission is an alternative option. However, it is not consistent with the intent of the Unified Recommendation to promote historic preservation in Naperville and to lessen the burden of the petitioner who wishes designate an Historic

District, whenever possible, while affording sufficient protection for property owners. If the Plan Commission wishes to amend Section 6-11-4:3, staff recommends that separate votes be taken regarding the amendment (see the “Conclusion” section below for suggested language).

3. *The Plan Commission indicated that the factors for issuance of a COA (Section 6-11-8:5) should clearly convey that protecting district character is the first priority, and only when economically reasonable, original materials will be preserved.*

Staff response: Section 6-11-8:5 provides generalized criteria for consideration of COA applications and references the *Historic Building Design and Resource Manual* for specific guidelines for reviewing various types of improvements. As a supplemental document to the Historic Preservation Ordinance, the *Historic Building Design and Resource Manual* clearly conveys the expectation of the city to give priority to preserving district character over original materials. The guidelines are presented in three categories of practices: “Encouraged”, “Acceptable” and “Discouraged”. As defined in section A.3 of the manual (Attachment 4):

- “Encouraged” practices emphasize preservation of architectural styles, details and building materials and minimal changes to character-defining architectural features whenever feasible.
- “Acceptable” practices allow for replacement of original building materials with substitute materials that match or approximate the original in appearance and emphasize retaining the appearance and architectural styles of historic buildings and the overall character of the neighborhood.
- “Encouraged” practices are voluntary and both “encouraged” and “acceptable” practices would qualify for an approved COA.

Staff finds that the general direction offered by Section 6-11-8:5 is appropriate for the purpose of ordinance and gives the Historic Preservation Commission the flexibility to apply the factors for consideration of COA’s on a case-by-case basis. Staff does not find that further text modifications are necessary because the *Historic Building Design and Resource Manual* provides the more specific direction requested by the Plan Commission in the form of design guidelines. Upon adoption, the Historic Preservation Ordinance, along with the *Historic Building Design and Resource Manual*, will be administered by the Historic Preservation Commission.

4. *The Plan Commission discussed the effectiveness of Section 6-11-9 (Maintenance and Repair Required) to address the issue with the property at 30 S. Ellsworth Street and suggested that a reference to the Property Maintenance Code be added.*

Staff response: The property at 30 S. Ellsworth is a special case where the petitioner started a major renovation of the home but later encountered a financial problem that forced him to halt the construction process. The deterioration of the structure was not caused by a lack of maintenance or repair but by a halted construction process. It is not representative of typical property maintenance issues (e.g., demolition by neglect and deterioration of exterior) in the Historic District, which Section 6-11-9 primarily addresses.

A reference to Section 5-1H (Property Maintenance Code) has been added to Section 6-11-9. Properties within the Historic District are subject to the Property Maintenance Code as applies to the entire city in addition to Section 6-11-9. Property maintenance was identified as one of the top priorities in the Historic Sites Commission (now Historic Preservation Commission) work plan 2005-2006. At that time, planning staff worked with legal and code enforcement staff to examine the property maintenance standards in Sections 6-11-9 and 5-1H for the Historic District. Based on a thorough review, staff found that the city had been provided sufficient tools and authority to effectively protect properties and address typical property maintenance issues in the Historic District. The Property Maintenance Code provides fines and penalties for violation of the code.

5. *The Plan Commission requested deletion of 6-11-12:1.3.2.3 due to concerns about the impact of having a structure remain vacant for two years on the structure and neighborhood.*

Staff response: Staff agrees with the Plan Commission. Requiring a property or a structure to remain vacant for two years after illegal demolition may have a negative impact on the structure itself and the neighborhood. Therefore, staff recommends deletion of Section 6-11-12:1.3.2 and making the fine (\$10,000 – 50,000) as the only penalty for illegal demolition.

*Conclusion:*

The proposed Historic Preservation Ordinance (Attachment 2) reflects broad community input, the Unified Recommendation, and has incorporated changes to address Plan Commission's comments. Staff recommends that the Plan Commission vote to recommend approval of the revised Historic Preservation Ordinance as proposed.

However, if desired by the Plan Commission, a separate vote can be taken to recommend approval of the ordinance subject to the condition that the last sentence of Section 6-11-4:4 be revised to "The City Council shall not grant a designation of an Historic District unless a petition is presented supporting the proposed designation that contains signatures of 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." Staff does not support this amendment.

**ATTACHMENTS:**

1. Historic Preservation Ordinance Revisions – Attachment 1: Unified Recommendation – PC 10-1-144
2. Historic Preservation Ordinance Revisions – Attachment 2: Revised Historic Preservation Ordinance Clean Copy – PC 10-1-144
3. Historic Preservation Ordinance Revisions – Attachment 3: Revised Historic Preservation Ordinance w Tracked Changes – PC 10-1-144
4. Historic Preservation Ordinance Revisions – Attachment 4: Section A.3 of the *Historic Building Design and Resource Manual* – PC 10-1-144

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# Recommendations for Naperville's Historic Preservation Ordinance and Commission

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

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

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

# Recommendations for Naperville’s Historic Preservation Ordinance and Commission

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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 20<sup>th</sup> 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

FINAL - Plan Commission - 1/19/2011 - 16

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

## 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.\*

<b>1. Certificate of Appropriateness (COA):</b>
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.
<b>2. Historic Building Design Guidelines:</b>
2.A. Develop a comprehensive, Naperville-specific design manual guidelines in accordance with the unified recommendations.
<b>3. Community Education and Outreach:</b>
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.
<b>4. Staff and Commissioner Training:</b>
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 2<sup>nd</sup> 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

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## 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
- ☐ 20<sup>th</sup> 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 20<sup>th</sup> 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)**

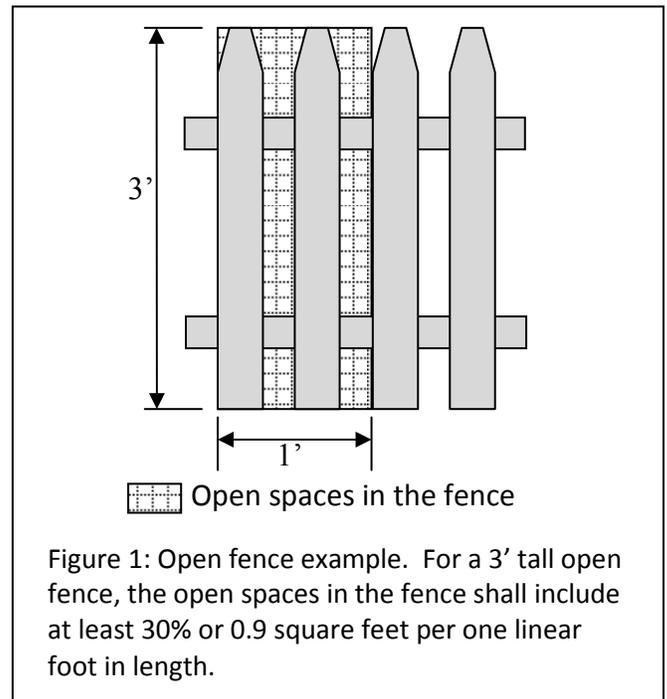
**6-1-6: DEFINITIONS:**

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

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.

*Section 6-11-3: Designation of Landmarks*

- 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.

- 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

Section 6-11-3: Designation of Landmarks

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.

- 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.

*Section 6-11-4: Designation of Historic Districts*

- 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

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

*Section 6-11-4: Designation of Historic Districts*

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 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.

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, rear deck or porch, patio, and trellis) located behind the Principal Building or Structure.
5. Driveways: New or relocated driveway access from the alley or the corner side street (i.e. a street adjacent to the corner side yard of a lot); or relocation of the existing driveway access from the front street (i.e. a street adjacent to the front yard of a lot).
6. Fences: Wood or iron Open Fences as defined in Section 6-1-6, which abut or are nearest to a front yard or a corner side yard and are visible from a public street; or fences of any type that abut or are nearest to an interior side yard or a rear yard. Public streets do not include alleys.
7. Reversible Appurtenances: Air conditioning units, gutters, downspouts, antennas, satellite dishes, and mail boxes.

Section 6-11-7: Certificate of Appropriateness Not Required

- 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.

- 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.

*Section 6-11-9: Certificate of Appropriateness Required*

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.

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

*Section 6-11-9: Certificate of Appropriateness Required*

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 6-11-9: 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 Title 6 (Zoning Regulations).

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 as a Landmark or an Improvement located within an Historic District shall permit such Improvement to fall into a state of disrepair which may result in the deterioration of any exterior appurtenance or architectural feature so as to produce or tend to produce, in the judgment of the Zoning Administrator, a detrimental effect upon the character of the Historic District as a whole or the life and character of the Improvement in question, including, but not limited to:

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

Nothing in this Chapter shall exempt an Improvement designated as a Landmark or located within a Historic District from compliance with the provisions of Section 5-1H (Property Maintenance Code) of this Code. Enforcement of this Section shall be pursuant to Section 6-3-11 and Section 5-1H of this Code.

**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

*Section 6-11-11: Demolition by Natural Causes*

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 a fine of no less than ten thousand dollars (\$10,000.00) and no greater than fifty thousand dollars (\$50,000.00) for any and all illegal Demolition to any Landmark or to any Improvement located within an Historic District.
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.
  - 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.

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, or 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) 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 1 (ZONING TITLE, PURPOSE, DEFINITIONS)

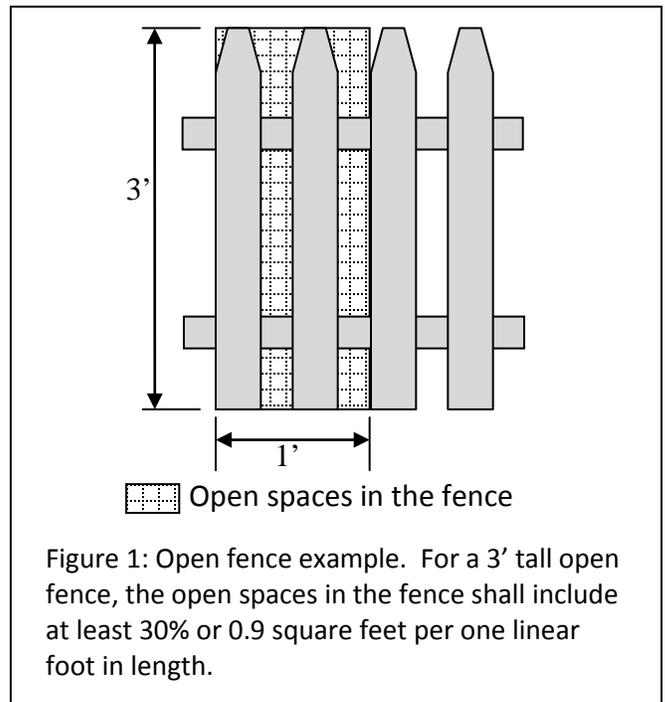
6-1-6: DEFINITIONS:

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)~~~~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. 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.~~

~~(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 the one or more of the "Exterior Appearance features" 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 removal of an improvement which has been designated a Landmark or which is located within an Historic District.~~  
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 removal of an improvement which has been designated a Landmark or which is located within an Historic District.

~~COMMISSION: Historic sites commission~~  
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.~~  
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.~~  
DEMOLITION: Any act or process which destroys all or part of an improvement.

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

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

~~Contains improvements which:~~

~~Have a special character or special historic or aesthetic interest or value; and~~

~~Represent one or more periods or styles of architecture typical of one or more eras in the history of the city; and~~

~~Cause such area, by reason of such factors, to constitute a distinct section of the city; and~~

Section 6-11-2: Definition

~~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.

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~~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.~~Any Improvement which has been designated as a "Landmark" by ordinance of the City Council pursuant to the provisions of this chapter.

~~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.~~

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.

~~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.~~

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~~local real estate tax collector~~. (Ord. 84-201, 12-17-1984; amd. Ord. 87-12, 2-2-1987; Ord. 02-12, 1-22-2002)

**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.

~~1.1. 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.~~

1.2. An application seeking a Landmark for landmark designation for a certain Improvement 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. 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 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.

~~1.2. 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.~~

~~1.1.1.7. 1.3. Within thirty (30) sixty (60) days after the completed application for Landmark designation has been transmitted to the Commission, the Commission shall commence a public hearing on the application. 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.~~

1.8. 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.

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.~~

~~1.9. 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<sup>1.6</sup>. 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.~~

~~1.10. 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.~~

~~1.7. 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.~~

~~1.12. 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.~~

~~1.8. 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~~

Section 6-11-3: Designation of Landmarks

~~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. (Ord. 84-201, 12-17-84)~~

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.~~

~~1.10. 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. (Ord. 87-12, 2-2-87)~~

~~1.2.1.14. 1.11.~~ Landmarks shall be designated by ordinance. (Ord. 84-201, 12-17-84)

~~1.3.1.15. 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~~improvement shall be made within ~~nine (9) months~~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. (Ord. 87-12, 2-2-87)

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

~~2.1. That it is located within the corporate boundaries of the City; and~~

~~2.2.2.1. That it is over fifty~~thirty~~ (35) 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.~~

~~1.11. That one or more of the following conditions exists:~~

~~1.11.1. That it may identify with an historic personage or with important events in national, State or local history;~~

~~1.11.2. 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;~~

~~1.11.3. That it may represent the notable work of a master builder, designer or architect whose individual genius influences an era;~~

~~1.11.4. That it may be an improvement embodying all or part of the above characteristics, which is subject to encroachment of detrimental influences;~~

~~1.11.5. That it may be an improvement of historic, architectural, or cultural significance which is threatened with demolition by public or private action;~~

~~1.12. That it possesses integrity of design, materials, workmanship, setting, location, feeling and association; and~~

~~1.13. That it embodies such other qualities and characteristics as in the judgment of the Commission should be considered for the designation of a landmark.~~

~~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 ~~PRESERVATION~~ DISTRICTS:

##### 1. Procedure:

~~1.1. Any person or entity, including the Historic Preservation Commission, may submit a~~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". n application requesting an

## Section 6-11-4: Designation of Historic Districts

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.

1.1.1.2. 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.

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.

~~Each application for designation of an historic preservation district shall contain the following information:~~

~~A map delineating the boundaries of the area proposed for designation.~~

~~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.~~

~~Drawings or pictures of significant structures, sites or improvements within the designated area, including information as to age, condition, and use of each.~~

~~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.~~

~~1.2.1.4. The application for an Historic District designation of an historic preservation district shall be filed with the Zoning Administrator, who shall promptly review the application to determine ~~that whether~~ it is complete. ~~Within five (5) working days~~ After the application is ~~deemed complete~~ of filing, the Zoning Administrator shall transmit ~~the complete copies of the application and any documentation pertaining to the application~~ to the ~~Co~~Commission ~~for review and public hearing~~.~~

~~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.~~

~~2.~~

~~2.1.1.6. 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. 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.~~

~~2.2. 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)~~

1.7. 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.

~~2.3. 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.~~

~~2.4.1.8. The public hearing shall be conducted by the Historic Sites Commission ~~Historic Preservation Commission~~ and minutes a record of such proceedings shall be ~~made~~ preserved and maintained by the City of Naperville in accordance with the provisions of the Illinois Open Meetings Act in such a manner as the Commission shall, by rule, prescribe from time to time.~~

~~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 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.~~

~~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.~~

~~2.5.1.11. 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 ~~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.~~

## Section 6-11-4: Designation of Historic Districts

~~1.12. Within one hundred twenty (120) days of the filing of the application, the 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. City Council shall grant or deny the application for designation of an historic preservation district.~~

~~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.~~

~~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.~~

~~2.6. 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)~~

~~1.13. 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.~~

~~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. (Ord. 87-12, 2-2-87)~~

~~2.7.1.14. Historic ~~preservation d~~Districts shall be designated by ordinances. (Ord. 84-201, 12-17-84)~~

~~2.8.1.15. In the event that an application for designation of an Historic District~~historic preservation district~~ is denied by the City Council, or does not proceed for any reason, no application for designation of an Historic District~~historic preservation district~~ including any portion of the same area shall be made within ~~nine (9) months~~one (1) year of the date of final action on or expiration of the original application, unless one hundred percent (100%)~~all of~~~~

~~Owners within the proposed historic preservation district~~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. (Ord. 87-12, 2-2-87)

~~3.2. 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~~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:

~~1.1. That it is located within the corporate boundaries of the City; and~~

~~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 old, in whole or in part; and~~

~~3.1. That it possesses integrity of design, materials, workmanship, setting, location, feeling and association; and~~

~~3.2.2.2. 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.~~

~~3.2.1. That it may exemplify the broad cultural, political, economic, or social history of the nation, State or community; or~~

~~3.2.2. That it may identify with an historic personage or with important events in national, State or local history; or~~

~~3.2.3. 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~~

~~3.2.4. That it may represent the notable work of a master builder, designer or architect whose individual genius influences an era; or~~

~~3.2.5. 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~~

~~3.2.6. 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. (Ord. 84-201, 12-17-1984)~~

~~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 ~~a~~And Permitted Uses: All Landmarks and Historic District~~historic preservation district~~ 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.~~

For any Landmark or any Historic District~~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 District~~historic preservation district~~, and in the event of a conflict, the regulations governing the Landmark or Historic District ~~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 uses.

2. Relationship To Planning and Zoning Commission: The ~~historic sites commission~~ Historic Preservation Commission may, at the request of the ~~plan commission~~ 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 ~~plan commission~~ Planning and Zoning Commission with respect to any matter being considered by the ~~plan commission~~ Planning and Zoning Commission which may affect any ~~improvement~~ Improvement designated as a Landmark or located within an any designated Historic District~~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)~~

4-3. 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 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~~ Planning and Zoning Commission or the ~~board of zoning appeals~~ to the ~~historic sites commission~~ Historic Preservation Commission, if such proposed change would ~~affect any Landmark or any properties~~ be within ~~or immediately adjacent to an~~ Historic District ~~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 ~~an application as set forth above~~ 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~~ Historic Preservation Commission shall review said application to determine the effect which the proposed conditional use, variance or amendment would have on the historic, ~~architectural and aesthetic~~ character of the ~~landmark~~ Landmark or ~~historic preservation district~~ Historic 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~~ 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~~ or a ~~proposed amendment~~, the ~~historic sites commission~~ Historic Preservation Commission shall forward any ~~written report and~~ recommendations it desires to make to the ~~Planning and Zoning Commission~~ 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~~ City Council by the ~~plan commission~~ Planning and Zoning 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: 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 or not a 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

## Section 6-11-7: Certificate of Appropriateness Not Required

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, rear deck or porchs, patios, and trellises) 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.

**6-11-68: ~~LANDMARK CONSTRUCTION OR ALTERATION~~; CERTIFICATE OF APPROPRIATENESS REQUIRED:**

A Certificate of Appropriateness shall be required for the following:

Certificate of Appropriateness Subject to Administrative Approval: 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. (Ord. 07-29, 2-6-2007)

1. Certificate Required: A certificate of appropriateness is required for:

1. 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.
- 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.

## Section 6-11-8: Certificate of Appropriateness Required

~~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.~~

~~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.~~

Certificate Not Required: A certificate of appropriateness is not required for:

~~"Ordinary repairs and maintenance" of improvements located within a historic~~

~~1.1. preservation district as those terms are defined in section 6-11-2 of this chapter and the historic sites commission design guidelines.~~

~~1.2.~~

~~1.3. 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.~~

~~1.3. 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.~~

~~2.4. Procedures For Issuance Of Certificate Of Appropriateness:~~

~~1.4. 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. (Ord. 02-12, 1-22-2002)~~

~~2.1. 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. (Ord. 87-12, 2-2-1987; amd. Ord. 02-12, 1-22-2002)~~

~~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.

~~1.5. 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. (Ord. 84-201, 12-17-1984; amd. Ord. 02-12, 1-22-2002)~~

4.2. Hearing Procedures: 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:

~~3-~~  
~~4-~~

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.

## Section 6-11-8: Certificate of Appropriateness Required

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.

~~4.1.1. 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.~~

~~5.~~

~~6. Notice of the public hearing shall be published at least once before the public hearing, in a newspaper of general circulation in the city.~~

~~7.~~

~~8. 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.~~

~~9.~~

~~9.1.1.4.3. Written Notice: The applicant~~applicant shall ~~also~~ give written notice of the public meeting, at which the proposed Certificate of Appropriateness will be considered, 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~~the current Owners of record, 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~~Improvement that is the subject of the request for ~~a certificate of appropriateness~~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. ~~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 ten (10) fifteen (15) days in advance of the public meetinghearing. (Ord. 02-12, 1-22-2002)~~

All ~~written published~~ notices shall contain the following information:

- ~~the~~ case number assigned to the request by the city,
- ~~the place,~~ the nature and, the purpose of the request,
- ~~, and~~ the date and, time and location of such meetinghearing,
- ~~and~~ the common address or location of the ~~improvement~~Improvement in question,
- the name and address of the ~~applicant~~applicant and of the ~~owner~~Owner of the ~~improvement~~Improvement, and
- ~~the administrative office address of the city clerk where morefull 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. (Ord. 89-96, 5-15-1989; amd. Ord. 02-12, 1-22-2002)~~

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.

~~9.2.~~

~~9.2.1.4.4.5. Public Comments: 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. Except as provided in Section (6-11-8:4.3.2) appeal to administrative COA, The Historic Preservation Commission shall take public comments prior to rendering a decision to grant or deny a Certificate of Appropriateness.~~

~~9.2.2. 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. (Ord. 84-201, 12-17-1984; amd. Ord. 02-12, 1-22-2002)~~

~~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.~~

~~1.6. Nonhearing Procedure - Commission:~~

~~1.6.1. 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. (Ord. 95-14, 1-17-1995; amd. Ord. 02-12, 1-22-2002)~~

## Section 6-11-8: Certificate of Appropriateness Required

~~1.6.2. 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. (Ord. 84-201, 12-17-1984; amd. Ord. 02-12, 1-22-2002)~~

~~1.6.3. 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.~~

~~1.7. Nonhearing Procedure—Commissioner:~~

~~1.7.1. 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.~~

~~1.7.2. 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.~~

~~1.7.3. 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. (Ord. 95-14, 1-17-1995; amd. Ord. 02-12, 1-22-2002)~~

~~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.~~

~~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.

~~10-~~

~~10.1.4.6.~~ Appeals To City Council: The Owner and/or applicant may appeal any ~~Any~~ denial of an application for a certificate of appropriateness ~~Certificate of Appropriateness as determined by the Historic Preservation Commission may be appealed to the city council~~ City Council only by the applicant and in accordance with the following provisions:

~~10.1.1.~~

~~10.1.2.~~ A request for appeal must be filed with the ~~city clerk~~ Zoning Administrator within fourteen (14) days of the denial of the application.

~~10.1.3.~~ ~~4.6.1.~~

~~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.

~~10.1.4.~~ ~~The city clerk shall immediately notify the commission of any appeal taken from the denial of an application for certificate of appropriateness.~~

~~10.1.5.~~

~~10.1.6.~~ The ~~commission~~ Commission shall forward a copy of its written findings of fact and its decision to the ~~city clerk~~ Zoning Administrator within fourteen (14) days of receipt of the notice of appeal. The ~~commission~~ Commission shall forward to the ~~clerk~~ Zoning Administrator a copy of its minutes of the meeting ~~or hearing~~ at which it considered the application.

~~10.1.7.~~ ~~4.6.3.~~

~~10.1.8.~~ Within sixty (60) days of the filing of the request for appeal with the Zoning Administrator, the ~~city council~~ City Council shall ~~meet to~~ consider the appeal.

~~10.1.9.~~ ~~4.6.4.~~

~~10.1.10.~~ ~~—~~ The ~~city council~~ Zoning Administrator shall ~~notify the applicants~~ 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 ~~will~~ be considered by the City Council.

~~10.1.11.~~ ~~4.6.5.~~

~~10.1.12.~~ ~~—~~ 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. 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.

~~10.1.13.~~ ~~—~~

~~10.1.14.~~ ~~4.6.6.~~ At the meeting to consider the appeal, the city council shall decide whether to grant or deny the certificate of appropriateness.

~~11.~~ Factors For Consideration of 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. (Ord. 84-201, 12-17-1984; amd. Ord. 02-12, 1-22-2002)~~

~~12-~~

~~13.5.~~ Standards For Issuance Of A Certificate Of Appropriateness Application:

Section 6-11-8: Certificate of Appropriateness Required

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.

~~13.1. 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.~~

~~14.~~

~~14.1.~~5.3. Economic Reasonableness: The ~~commission~~Commission and the Zoning Administrator shall consider the economic reasonableness of any recommended changes ~~it determined~~s to be necessary to bring the application into conformity with the character of the ~~Historic D~~istrict. (Ord. 02-12, 1-22-2002)

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.

~~14.2.~~5.5. Application of Regulations: ~~In making its determinations for certificates of appropriateness, the commission~~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, ~~the location of trades and industries~~land use, or location of buildings designed for conditional uses except as applicable for compliance with the underlying zoning district, unless specifically required by this chapter or the provisions of this zoning title.

~~14.2.1.~~5.5.1. The ~~commission~~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~~Commission shall be permitted to deny a ~~certificate of appropriateness~~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~~Commission may adopt procedural rules concerning the type of information that it considers necessary to make such a finding.

~~14.2.2.~~The ~~commission~~Commission's consideration of height and bulk of buildings and area of yards or setbacks shall not exempt the ~~applicant~~applicant from compliance with the provisions of this ~~Title 6 (Zoning Regulations)~~code. (Ord. 07-29, 2-6-2007)

~~14.2.3.~~5.5.2.

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

~~1.8. 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.~~

~~1.9.~~

~~1.10. — Approval Withheld: In no instance shall the approval of a request for a certificate of appropriateness be unreasonably withheld by the commission. (Ord. 02-12, 1-22-2002)~~

~~2. Certificate Of Economic Hardship:~~

~~2.1. 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.~~

~~2.2. 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:~~

~~2.2.1. Any substantial decrease in the fair market value of the property as a result of the denial of the certificate of appropriateness.~~

~~2.2.2. 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.~~

~~2.2.3. Any additional cost of work necessary to comply with the standards and criteria for the issuance of a certificate of appropriateness.~~

~~2.2.4. In the case of a proposed demolition, the economic feasibility of rehabilitation or reuse of the existing structure on the property.~~

~~2.3. 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.~~

~~2.4. 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.~~

~~2.5. 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.~~

~~2.6. 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. (Ord. 84-201, 12-17-1984; amd. Ord. 02-12, 1-22-2002)~~

## Section 6-11-8: Certificate of Appropriateness Required

**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. (Ord. 84-201, 12-17-1984)~~

**6-11-89: MAINTENANCE AND REPAIR REQUIRED:**

Neither the ~~owner~~Owner of nor the person in charge of an ~~improvement~~Improvement designated ~~as a landmark~~Landmark or an ~~improvement~~Improvement located within an ~~historic preservation district~~Historic District shall permit such ~~improvement~~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~~Zoning Administrator, a detrimental effect upon the character of the ~~historic preservation district~~Historic District as a whole or the life and character of the ~~improvement~~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)~~

~~Nothing in this Chapter shall exempt an Improvement designated as a Landmark or located within a Historic District from compliance with the provisions of Section 5-1H (Property Maintenance Code) of this Code. Enforcement of this Section shall be pursuant to Section 6-3-11 and Section 5-1H of this Code.~~

**6-11-910: 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~~ In the event that a condition on property located within the Historic District, or property designated as a Landmark, which 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. comply with such order or direction.~~

~~1. 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. (Ord. 84-201, 12-17-1984)~~

**6-11-101: DEMOLITION BY NATURAL CAUSES:**

1. For the purposes of this ~~section~~Section, ~~complete~~-natural ~~demolition~~Demolition shall occur when an ~~improvement~~Improvement is damaged by fire, 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. (Ord. 84-201, 12-17-1984)~~

2. In the case of ~~partial or complete~~-natural ~~demolition~~Demolition of all or part of a landmark~~Landmark~~ or an improvement~~Improvement~~ located within an historic preservation district~~Historic District~~, the owner~~Owner~~ shall obtain a certificate of appropriateness~~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. (Ord. 02-12, 1-22-2002)~~

**~~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. (Ord. 84-201, 12-17-1984)~~

**~~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.~~

## Section 6-11-11: Demolition by Natural Causes

~~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. (Ord. 84-201, 12-17-1984)~~

~~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. (Ord. 84-201, 12-17-1984)~~

~~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. (Ord. 84-201, 12-17-1984)~~

~~6-11-15: 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.~~

~~1.1.1.2. It shall be unlawful to demolish any portion of any landmarkLandmark or any improvementImprovement located within the historic preservation districtHistoric District unless specifically permitted through a certificate of appropriatenessCertificate of Appropriateness issued for that property.~~

~~1.2.1.3. Property ownerProperty Owners will be subject to a fine of no less than ten thousand dollars (\$10,000.00) and no greater than fifty thousand dollars (\$50,000.00)the following fines and penalties for any and all illegal demolitionDemolition to any landmarkLandmark or to any improvementImprovement located within an historic preservation districtHistoric 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.~~

- ~~1.2.2.3. Occupancy shall not be granted on the subject property until two (2) years from the date of an approved final inspection of the structure.~~
- ~~1.2.2.4. 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~~Construction or ~~alteration~~Alteration to any ~~landmark~~Landmark or any ~~improvement~~Improvement located within an ~~historic preservation district~~Historic District unless specifically permitted through the ~~certificate of appropriateness~~Certificate of Appropriateness issued for that property.
- 2.2. ~~Property owner~~Property Owners will be subject to the following fines and penalties for any and all illegal ~~construction~~Construction or ~~alteration~~Alteration to any ~~landmark~~Landmark or any ~~improvement~~Improvement located within an ~~historic preservation district~~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 day~~, per violation. ~~(Ord. 04-038, 3-16-2004)~~

## Historic Building Design and Resource Manual

### A.3 Document Format

In addition to this Chapter, the *Historic Building Design and Resource Manual* contains seven other chapters, which can be divided into three sections: Naperville's history and architecture (Chapters B and C), design guidelines (Chapters D-G), and appendices (Chapter H).

The "Naperville's History" (Chapter B) and "Residential Architectural Styles" (Chapter C) sections give an overview of Naperville's history and architectural resources. Specifically, Chapter C includes an illustrated pattern book of residential architectural styles found in the Historic District. The design guidelines are organized in chapters by improvement type including "Building Rehabilitation and Maintenance" (Chapter D), "New Construction" (Chapter E), "Fences and Landscape" (Chapter F), and "Institutional Buildings" (Chapter G). These chapters provide guidelines for completing everyday maintenance as well as planning and designing exterior rehabilitations, renovations and new improvements. The guidelines are presented in three categories of practice: "*Encouraged*", "*Acceptable*" and "*Discouraged*".

- "*Encouraged*" practices are considered to be the most appropriate approach to rehabilitating historic buildings. This approach emphasizes preservation of architectural styles, details and building materials and minimal changes to character-defining architectural features whenever feasible. "Encouraged" actions are based on the *U.S. Secretary of the Interior Standards for Rehabilitation* (see Appendix H.1) and specific criteria required for obtaining a State of Illinois Tax Assessment Freeze (see Appendix H.2).
- "*Acceptable*" practices offer an alternate approach to rehabilitating historic buildings, which allows for replacement of original building materials with substitute materials that match or approximate the original in appearance and texture. While removal of important character-defining features is not considered a preservation best practice, this approach emphasizes retaining the appearance and architectural styles of historic buildings and the overall character of the neighborhood.
- "*Discouraged*" practices are building treatments that may significantly alter the appearance and integrity of a historic building or disrupt the character of the neighborhood. These practices should be avoided.

In Naperville's Historic District, both "Encouraged" and "Acceptable" actions are considered appropriate to the level of preservation intended. For projects in the Historic District that require HPC review, "Encouraged" and "Acceptable" practices qualify for an approved COA while "Discouraged" practices would not likely be approved. For information on what type of work in the Historic District requires a COA, visit the Historic Preservation web page at [www.naperville.il.us/presevation.aspx](http://www.naperville.il.us/presevation.aspx).

It should be noted that the guidelines provided in this manual are based on commonly accepted historic preservation principles as well as the general intent of the joint recommendation. There are a variety of buildings within the Historic District and its adjacent neighborhoods, and the application of this manual can vary according to the characteristics of different blocks and neighborhoods as well as the buildings and sites themselves.

Last, "Appendices" (Chapter H) provides additional resources, such as a list of technical and educational materials, preservation organizations and incentive programs that can further assist owners of historic buildings in planning and implementing rehabilitation or improvement projects. Additionally, "Resource" boxes have been added throughout the manual to complement the guidelines. The boxes provide references to print and web-based resources that homeowners can access for additional technical and design guidance for their building projects.





# Naperville

## PLAN COMMISSION AGENDA ITEM

**PC CASE:** 10-1-138 **AGENDA DATE:** 1/19/2011  
**SUBJECT:** Naperville United Methodist Church  
Petitioner: Naperville United Methodist Church, 2690 Bonita Court,  
Lisle, IL 60532

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**LOCATION:** Located on the north side of Diehl Road, adjacent to the Illinois Prairie Path

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Correspondence      New Business      Old Business      Public Hearing

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**SYNOPSIS:**  
The petition includes a request for a conditional use for the purposes of constructing and operating a religious facility in the I (Industrial) District.

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**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:** Katie Forystek, AICP, Community Planner

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**EXISTING ZONING, LAND USE, AND LOCATION:**

The subject property consists of one lot located on the north side of Diehl Road, adjacent to the Illinois Prairie Path and Interstate 88, totaling approximately 14.78 acres. The property is presently vacant and zoned I (Industrial) District. The properties to east and west are also zoned I and are improved with warehouse uses. The property to the south is zoned R1A (Low Density Single-Family Residence) District and is improved with townhomes.

**REQUEST:**

The petitioner, Naperville United Methodist Church, is seeking approval of a conditional use for the purposes of constructing and operating a religious facility in the I (Industrial) District.

**CONTROLLING AGREEMENTS AND ORDINANCES:**

Ordinance #77-25: Authorizing execution of an Annexation Agreement.  
Ordinance #77-120: Annexing property.  
Ordinances #77-143, 171, 172: Zoning property to the I-1 District upon annexation.

Ordinance #83-25: Zoning property to the ORI District.

Ordinance #99-195: Zoning property to the I District.

**RELATIONSHIP TO OFFICIAL PLAN OF THE CITY OF NAPERVILLE:**

The future land use designation for this site, as adopted in the *1996 Northwest Sector Revision to the Comprehensive Master Plan*, is “Business Park”. The “Business Park” land use suggests that commercial uses such as motels, daycare centers, and recreational facilities which support the underlying business park uses may be permitted as long as their presence blends in with the existing surrounding development.

Staff finds that the proposed public assembly use blends in with the neighborhood and is appropriate on the subject property due to limiting physical conditions of the site including a triangular shape, lack of Interstate 88 frontage and the required large front setback due to the on-site conservation easement. Additionally, the plan recognizes that as the Northwest Sector reaches build out, community facilities (e.g. schools, parks and churches) will be required to serve the populations needs.

**NATURAL FEATURES:**

The perimeter of the subject property includes a variety of trees which will be preserved. Mention Conservation Easement. The site also contains a significant conservation easement adjacent to Diehl Road on the western half of the property.

**PLANNING SERVICES TEAM REVIEW:**

*Site Plan*

The petitioner, Naperville United Methodist Church, proposes to construct an 11,621 square foot building for the purposes of operating a religious facility. The religious facility will accommodate a 252 seat worship space in conjunction with classroom space and a nursery to be used on Sundays only. The petitioner has provided a detailed description of the church’s proposed operations (Attachment 1).

Additionally, the site plan includes future planned uses on-site and expansion of the existing parking lot. The petitioner does not intend to make these modifications at this time and doing so will require the petitioner to request an amendment to the conditional use in the future.

*Parking*

The proposed 11,621 square foot religious facility requires a total of 95 off-street parking spaces. Parking on the subject property (110 spaces) is adequate to serve all proposed uses of the space (Table 1: Naperville Parking Requirements).

<b>Table 1: Naperville Parking Requirements</b>			
<b>Use (existing and proposed building)</b>	<b>Square feet / # of seats</b>	<b>Parking Ratio</b>	<b>Required Stalls</b>
Worship Seats	252 seats	1/3 seats	84
Nursery Space	518 sf	4/1,000	2
Office Space	773 sf	3.3/1,000	3
Classroom Space	1,537	4/1,000	6
Total Required			95
Total Proposed On-Site			110

*Landscaping*

The proposed landscape plan complies with the requirements of the Municipal Code and provides for perimeter landscaping and a variety of plantings adjacent to the buildings. Additionally, the petitioner intends to preserve the existing trees around the perimeter of the site.

*Building Elevations*

Staff finds that the proposed building elevations incorporate several decorative elements including wall mounted lighting, a pronounced entrance feature facing Diehl Road and windows on all four facades. Additionally, the petitioner has proposed a building that is sensitive in form to the surrounding context including the adjacent warehouse buildings and residential townhomes on the south side of Diehl Road.

*Conditional Use/Land Use*

In 2007, the City Council adopted regulations pertaining to public assembly uses (includes religious institutions) with the intent of creating greater opportunities for the location of public assembly uses when it can be determined that the proposed use will not result in a detrimental impact to the industrial district or the intent of the comprehensive plan.

As a result, religious institutions are permitted to locate in the I (Industrial) District in conjunction with approval of a conditional use. Staff has reviewed the petitioner’s proposal and finds that the requested religious use is complementary to the surrounding uses and will not adversely impact the character of the area. Moreover, the petitioner’s proposal complies with all applicable portions of the Municipal Code, Section 6-2-29 (Public Assembly Uses) and does not require approval of any variances.

Staff’s findings related to the conditional use request are attached for reference (Attachment 2: Standards for Granting a Conditional for a Public Assembly Use). The petitioner has provided a response to Section 6-3-8:2 (Standards for Granting a Conditional Use), which is included in the petition. Staff generally concurs with the petitioner’s findings.

**ACTION REQUESTED:**

Conduct the public hearing.

**ATTACHMENTS:**

- 1) Naperville United Methodist Church – Attachment 1: Proposed Operations – PC 10-1-138

- 2) Naperville United Methodist Church – Attachment 2: Standards for Granting a Conditional for a Public Assembly Use – PC 10-1-138
- 3) Naperville United Methodist Church – Petition – PC 10-1-138
- 4) Naperville United Methodist Church – Location Map – PC 10-1-138
- 5) Naperville United Methodist Church – Aerial Location Map – PC 10-1-138
- 6) Naperville United Methodist Church – Site Plan – PC 10-1-138
- 7) Naperville United Methodist Church – Floor Plan – PC 10-1-138
- 8) Naperville United Methodist Church – Landscape Plan – PC 10-1-138
- 9) Naperville United Methodist Church – Building Elevations – PC 10-1-138
- 10) Naperville United Methodist Church – Public Correspondence – PC 10-1-138

October 7, 2010 (Revision 11/23/10: Add Weekday Operation v. Parking on next page)

**Naperville (Korean) United Methodist Church**

Senior Pastor: Rev. Kwan Woo Park

Superintendent of Aurora District: Rev. Diana M. Facemyer

**Planned Operation of Naperville UMC (incorporated) at Diehl Road Location**

Hours of Operation		Est. No. of Attendance	
		2011(3Q)	2014
Adults Worship	Sunday 10:45am Main Sanctuary	90	180
<b>Sunday School/Worship</b>			
Nursery	Sunday 10am	10	20
Korean Language Class	Sunday 10-11am	(20)	(45)
Children Class (K-G5)	Sunday 11am	30	60
Youth Class (G6-12)	Sunday 11am	20	40
English Ministry (for College to Young Professionals)	Sunday 11am	15	40
Sunday Fellowship for All	12:15-1:30pm	165 Sum of above	340 Sum of above
Early Morning Prayer Meeting and Service	Tue-Friday 5:30am Saturday 6:00am	20 40	50 70
Mid-Week Worship	Wednesday 7:30p		
Weekday Seminars (Open to Community)	TBA		
Bible Studies	Friday 10am Friday 7:30pm Sunday 1:15pm	25 15 15	

A brief history:

The Naperville (Korean) UMC was established in January 6, 2008 by merging two Korean churches, namely, the Asbury UMC in Villa Park after 33 years of operation in its own church building at 350 N. Addison Ave, and the DuPage Korean UMC which had been renting the Wesley UMC building for 23 years at 21 E. Franklin Ave in Naperville. We are currently renting spaces at the Koten Chapel and Larrance Academic Hall from North Central College.

It has been our aspiration and hope that we operate a good size of church in Naperville that can carry out the role of light and salt. We have searched numerous churches in Naperville but nothing was available for sale. Our best remaining option is to build a church on the Diehl Rd Land.

Attachment 1

-1of 2-

**11/23/10 Additional Statement of Naperville UMC Operation  
in response to the City's TED-Planning Comment #9 for Site Plan:**

Site Plan Comment #9: Parking: Provide additional information on the following:

- Use of Nursery room:  
It will not be operated as a daycare facility at all; it will be only operated during times when worship services are being held.
  
- Use of Classrooms during weekdays is usually at off-hours and in low traffic volumes as shown in the following church schedule:
  - a) No classroom usages on Mondays
  - b) Early Morning Prayer meeting and Worship Services:
    - Tuesdays ~ Fridays: 5:30am-6:30am for 20-50 people at Classroom-1&2
    - Saturdays: 6:00am-7:30am for 40-70 people at Classroom-1&2 or Main sanctuary
  - c) Bible Studies:
    - Friday morning class: 10am-12pm for up to 25 people at Classroom-4
    - Friday evening class: 7:30pm-9:30pm for about 20 people at Classroom-4

Parking lots will be lit during the early morning and late evening hours for sure.

11/23/10 dkk

Attachment 1

-2 of 2-

**Standards for Granting a Conditional Use for a Public Assembly Use  
(Section 6-2-29)**

***Total square footage of the proposed use***

The proposed public assembly use contains 11,621 square feet of floor area and is significantly smaller in size than the adjacent warehouse buildings to the east (339,778 sf) and west (325,050 sf). The limited size of the proposed building, even if a future expansion were constructed, is significantly less than the surrounding warehouse users proving that this public assembly use is small in scale among users in the district; therefore, will not become a primary user but remain an accessory use in the I District.

***Size of the parcel***

The subject property encompasses approximately 14.78 acres. In comparison, the property located to the east is 22.7 acres while the property to the west is 29 acres. Both properties to the east and west are substantially larger than the subject property making them more attractive for large scale office or warehouse development. In addition to the size of the parcel, the subject property is triangular shaped, lacks frontage along Interstate 88 and has a significant conservation easement along the frontage of the property requiring a front yard setback of over 100'. Additionally, the proposed building and scale of the church allows for operations without impacting the conservation easement.

***Peak hours of operation and impact on adjacent uses***

The peak worship times for Naperville United Methodist Church will not take place during general business operating hours Monday-Friday, thereby having minimal impact on adjacent businesses. Additionally, the large front yard setback provides adequate separation between the proposed church and residential uses on the south side of Diehl Road.

***Primary and accessory uses of the operation***

The facility will primarily be used for religious assembly uses. Additional classes and prayer meetings are outlined in Attachment 1 and are accessory to the primary religious assembly use.

***Parking demand and available private parking supply***

In accordance with Section 6-9-3 (Off-Street Parking) of the Municipal Code, the proposed use requires 95 parking stalls. The parking supply is based on the number of worship seats in conjunction with the proposed classroom, office and nursery space. The petitioner has proposed to construct 110 parking stalls (15 more than required to satisfy their anticipated peak demand).

***Traffic generation and adjacent roadway capacity***

The subject property will have direct access onto Diehl Road, which is a minor arterial. The surrounding area is comprised of industrial and residential uses which experience their traffic peaks during the traditional weekday morning and evening rush hours (8 am and 5 pm). Therefore, the existing roadway network will not be negatively affected by the proposed facility.

***Maximization of the highest and best use for the subject property and/or building***

Staff finds that the proposed public assembly use is appropriate on the property where it is proposed due to limiting physical conditions of the property including a triangular shape, lack of

Interstate 88 frontage and the required large front setback due to the on-site conservation easement. Additionally, the adjacency of the Illinois Prairie Path is a complimentary use and amenity that the church and its patrons can take advantage of.

***Preservation and enhancement of tax generating potential of the zoning district***

Despite the fact that the proposed use will not directly generate additional tax revenue for the city, regional monetary benefits may be realized through the petitioner's proposal. Due to the property's proximity to Route 59 and the Interstate 88 Route 59 exit, the church has the potential to draw patrons from other communities who may create benefits for businesses along Route 59 on weekends (off-peak industrial operating hours).

***Extent to which the proposed use, structure, and site design results in an efficient and creative use of the subject property.***

The proposed design complies with the city's standards. The property will be accessible via Diehl Road from two separate access points. This design will provide efficiencies for entering and exiting the site for both patrons of the church as well as emergency vehicles, if necessary. Additionally, the petitioner has chosen to preserve the existing perimeter trees to maintain to the character of the area and provide screening from adjacent uses.

***Other criteria determined to be necessary to assess compliance with Section 6-3-8 of this Title***

The proposed operations of the Naperville United Methodist Church will not impose any undue impacts on the character of the surrounding area. Furthermore, the contributing unique physical characteristics on the site are not present on other vacant parcels in the immediate area; therefore, will not impede normal and orderly development intended in Industrial Districts.

**CITY OF NAPERVILLE  
TRANSPORTATION, ENGINEERING AND DEVELOPMENT  
BUSINESS GROUP  
APPLICATION FOR DEVELOPMENT APPROVAL**

**DEVELOPMENT NAME:** Naperville United Methodist Church

Date of Submission: October 19, 2010  
Revised: December 22, 2010

**I. APPLICANT/PETITIONER:**

Name: Naperville United Methodist Church  
Address: 2690 Bonita Court, Lisle, Illinois 60532  
Telephone Number: (630) 420-7140  
Contact Person: Dae Kim  
Relationship of Applicant to Subject Property: Contract Purchaser

**II. OWNER OF THE PROPERTY:**

Name: Center Point Properties Trust  
Address: 1808 Swift Drive, Oak Brook, Illinois 60523

**III. ACTION REQUESTED:**

- |   |   |
|---|---|
| <input type="checkbox"/> Annexation                                 | <input type="checkbox"/> Rezoning                                   |
| <input checked="" type="checkbox"/> Conditional Use                 | <input type="checkbox"/> Site Plan Review                           |
| <input type="checkbox"/> Preliminary PUD Plat                       | <input type="checkbox"/> Final PUD Plat                             |
| <input type="checkbox"/> Major Change to a Conditional Use          | <input type="checkbox"/> Minor Change to a Conditional Use          |
| <input type="checkbox"/> Major Change to a Planned Unit Development | <input type="checkbox"/> Minor Change to a Planned Unit Development |
| <input type="checkbox"/> Preliminary Plat of Subdivision            | <input type="checkbox"/> Final Plat of Subdivision                  |

\_\_\_ Subdivision Waivers

\_\_\_ Zoning Variance

**IV. APPLICANT'S/PETITIONER'S STAFF:**

Attorney: Dommermuth, Brestal, Cobine & West, Ltd. Telephone No. 630/355-5800

Address: 123 Water Street  
Naperville, Illinois 60540

Fax Number: 630-355-5976

E-Mail: [kcw@dbcw.com](mailto:kcw@dbcw.com)

Engineer: Roake & Associates

Telephone No: 630/355-3232

Address: 1887 High Grove Lane  
Naperville, Illinois 60540

Fax Number: 630-355-3267

E-Mail: [jcaneff@roake.com](mailto:jcaneff@roake.com)

Architect: Jaeger, Nickola & Associates, Ltd.

Address: 350 South Northwest Highway, Suite 106  
Park Ridge, Illinois 60028

Telephone: (847) 692-6166

Fax: (847) 692-2002

E-Mail: [lasch@jaeger-nickola.com](mailto:lasch@jaeger-nickola.com)

**V. PROJECT DATA:**

1. Location: North side of Diehl Road adjacent to the Illinois Prairie Path
2. County:   X   DuPage        Will
3. General Description of the Site: Vacant/Improved with two stormwater management basins, a conservation area and a driveway
4. Existing Zoning on the Site: I (Industrial District)
5. Acreage of Site: 14.7767 acres

6. Character of Surrounding Area:

	ZONING	JURISDICTION	EXISTING LAND USE	ADOPTED CITY PLAN
North	I	City of Naperville	East-West Tollway/Warehouse/Agricultural	Business Park
South	R1A	City of Naperville	Townhomes	Medium Density Residential
East	I	City of Naperville	Warehouse	Business Park
West	I	City of Naperville	Illinois Prairie Path/Warehouse	Business Park

7. List Controlling Ordinances, Agreements and Plats:

- Ordinance No. 77-25, Authorizing Annexation Agreement
- Ordinance Nos. 77-120, 77-143, 77-172, 83-25, and 99-195, Zoning Property
- Ordinance No. 77-171, Annexing Property
- Statement of Intent and Agreement dated May 2, 2000

8. Is this property within the City limits?

- Yes
- No, requesting annexation
- Under review by another governmental agency and requires review due to 1 ½ mile jurisdictional requirements

9. Permanent Parcel Number:

07-04-303-003

10. For annexation petition, are there electors living on the property:

- Yes
- No

**VI. PROPOSED DEVELOPMENT:**

1. Type of Development:

Residential       Commercial       Office  
 Industrial       Other: Religious Institution

2. Proposed Zoning: I with a Conditional Use for a Public Assembly Use

3. Description of Proposal: The Petitioner/Applicant is proposing to develop the Subject Property with a Religious Institution.

4. General Land Use Data:

	Resid.	Comm.	Office	Indst.	R.O.W.	Park	School	Private	Other	Total
No. of Acres									14.7767	14.7767
% of Total									100%	100 %

\*Please explain: Religious Institution

5. Development Densities: Not Applicable

	Number of Units	Gross Acres	Gross Density	Modified Gross Acres	Modified Gross Density	Minimum Lot Size	Maximum Lot Size	Average Lot Size
Single-Family								
Townhouse								
Duplex								
Apartment								

Comm.								
Office								
Industrial								

- Gross Acres = land designated for land use type including right-of-way
- Gross Density = number of units divided by gross acres
- Modified Gross Acres = residential acreage including internal right-of-way, detention facilities, school and park dedications and open space
- Modified Gross Density = number of units divided by modified gross acres

6. Community Facilities within the Development:

- School Site: Not Applicable
- Open Space: Not Applicable

7. Description of any Non-Residential, Commercial or Industrial portion of the Development: A Religious Institution.

8. Description of Stormwater Management Facilities: Stormwater Management Basins.

9. Deviations from the Zoning Regulations: None

10. Deviations from the Subdivision Regulations: None

11. Deviations from the Landscaping Regulations: None

**VII. SCHOOL AND PARK DONATION REQUIREMENTS:**

- 1. Required School Donation: Not Applicable
- Land:
- Cash:
- How Satisfied:

2. Required Park Donation: Not Applicable

Land:

Cash:

How Satisfied:

NAPERVILLE UNITED METHODIST CHURCH

STATE OF ILLINOIS )  
 )  
COUNTIES OF DUPAGE & WILL )  
 )  
CITY OF NAPERVILLE )

REVISED  
PETITION TO GRANT A CONDITIONAL USE

The undersigned Petitioner, Naperville United Methodist Church, represents to the City of Naperville that it is the contract purchaser of the real property legally described in **Exhibit A** and depicted on **Exhibit B**, which exhibits are attached hereto and incorporated herein by reference (hereinafter referred to as the "Subject Property"), and that it proposes to construct a religious institution on the Subject Property. In order to develop the Subject Property, the Petitioner respectfully petitions the City of Naperville to grant (a) a Conditional Use for a Public Assembly Use pursuant to Sections 6-3-8, 6-2-29, and 6-8C-3.36 of the Zoning Regulations of the Naperville Municipal Code and (b) any requisite zoning and/or subdivision and/or landscape deviations and/or variances associated with the requested Conditional Use.

In support of this Petition, the Petitioner represents to the City of Naperville as follows:

1. That the Petitioner, Naperville United Methodist Church, whose address is 2690 Bonita Court, Lisle, Illinois, is the contract purchaser of the Subject Property.
2. That Center Point Properties Trust, whose offices are located at 1808 Swift Drive, Oak Brook, Illinois, is the owner of the Subject Property.
3. That the Subject Property consists of 14.7767 acres and is located on the north side of Diehl Road, adjacent to the Illinois Prairie Path, and is within the corporate boundaries of

the City of Naperville.

4. That the Subject Property is zoned I (Industrial District).
5. That the Subject Property is vacant, but is improved with two stormwater management basins, a conservation area and a driveway.
6. That the existing land uses surrounding the Subject Property are as follows:  
North: East –West Tollway/Warehouse/Agriculture  
South: Townhomes  
East: Warehouse  
West: Illinois Prairie Path/Warehouse.
7. That the Petitioner proposes to construct and maintain a religious institution on the Subject Property as depicted on **Exhibit B**.
8. That the Petitioner requests a Conditional Use for a Public Assembly Use so as to allow the Subject Property to be developed for a religious institution.
9. That granting the requested Conditional Use is appropriate, under Section 6-3-8:2 of the Zoning Regulations of the Naperville Municipal Code based on the following factors:
  - a. *The establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the public health, safety and general welfare.*

The area in which the Subject Property is located consists of a mix of land uses – residential developments and a golf course to the south, the East-West Tollway to the north, the Illinois Prairie Path to the west, and warehouse/commercial uses to the east, west and north. The proposed religious institution is a low intensity use with its greatest utilization on weekends. It should not negatively impact the surrounding area nor traffic flow on Diehl Road. Further, the Northwest Sector Plan recommends a full-range of community facilities to support the area. Therefore, the proposed Conditional Use will not be detrimental to or endanger the public health, safety and general welfare.

- b. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate area for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.*

The Subject Property is located in a mixed use area of the City. The proposed use is low intensity in nature. It is also surrounded on two sides by the East-West Tollway and the Illinois Prairie Path.

- c. *The establishment of the conditional use will not impede the normal and orderly development and improvement of the adjacent property for uses permitted in the district.*

The Subject Property is already partially developed and is surrounded by properties which are already developed. Therefore, the proposed Conditional Use will not negatively impact the normal and orderly development and improvement of adjacent properties for uses permitted in the I District.

WHEREFORE, by reason of the foregoing, the Petitioner requests the City Council and Plan Commission take the necessary steps to grant (a) a Conditional Use for a Public Assembly Use pursuant to Sections 6-3-8, 6-2-29, and 6-8C-3.36 of the Zoning Regulations of the Naperville Municipal Code and (b) any requisite zoning and/or subdivision and/or landscape deviations and/or variances associated with the requested Conditional Use for the Subject Property as legally described on **Exhibit A** and depicted on **Exhibit B**.

RESPECTFULLY SUBMITTED this 22<sup>nd</sup> day of December, 2010.

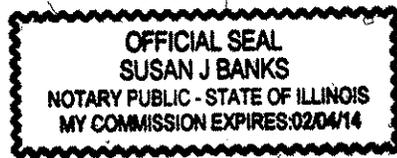
PETITIONER:

NAPERVILLE UNITED METHODIST CHURCH

By: Kathleen C. West  
Dommermuth, Brestal, Cobine and West, Ltd.,  
Its Attorneys

SUBSCRIBED and SWORN to before me  
this 22<sup>nd</sup> day of December, 2010.

Susan J Banks  
Notary Public



Prepared by:

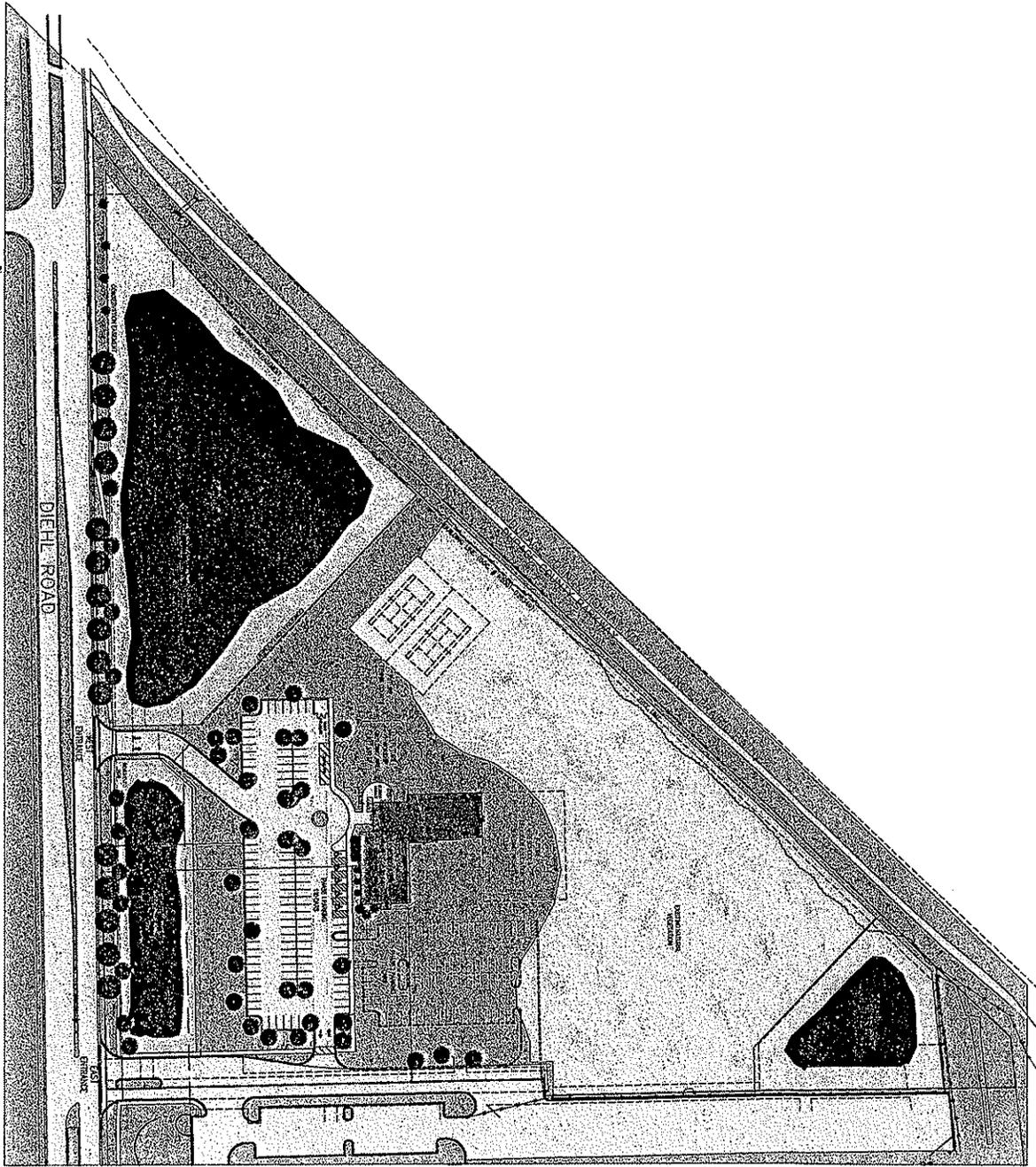
Kathleen C. West  
Dommermuth, Brestal, Cobine and West, Ltd.  
123 Water Street  
Naperville, Illinois 60540

EXHIBIT A

NAPERVILLE UNITED METHODIST CHURCH  
LEGAL DESCRIPTION

LOT 1 IN THE FINAL PLAT OF SUBDIVISION DIEHL ROAD 41 ACRE SITE, BEING A SUBDIVISION IN SECTION 4, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 16, 2001 AS DOCUMENT R2001-026349, IN DUPAGE COUNTY, ILLINOIS.

PIN NO. 07-04-303-003



**SITE DATA**

ZONING DISTRICT  
1 - Industrial

SITE AREA  
643,689 sq. ft.  
14.78 acres

BUILDING AREA  
11,621 sq. ft. (phase 1)

FLOOR AREA RATIO  
0.02 FAR

OFF-SITE PARKING (phase 1)  
110 cars (incl. 3 accessible spaces)  
One loading berth area  
6 bicycle stalls

Parking proposed for phase 1  
will support up to:

Office/Admin. (502 sq ft)	3	spaces
Nursery (518 sq ft)	4	spaces
Worship (309 seats)	103	spaces

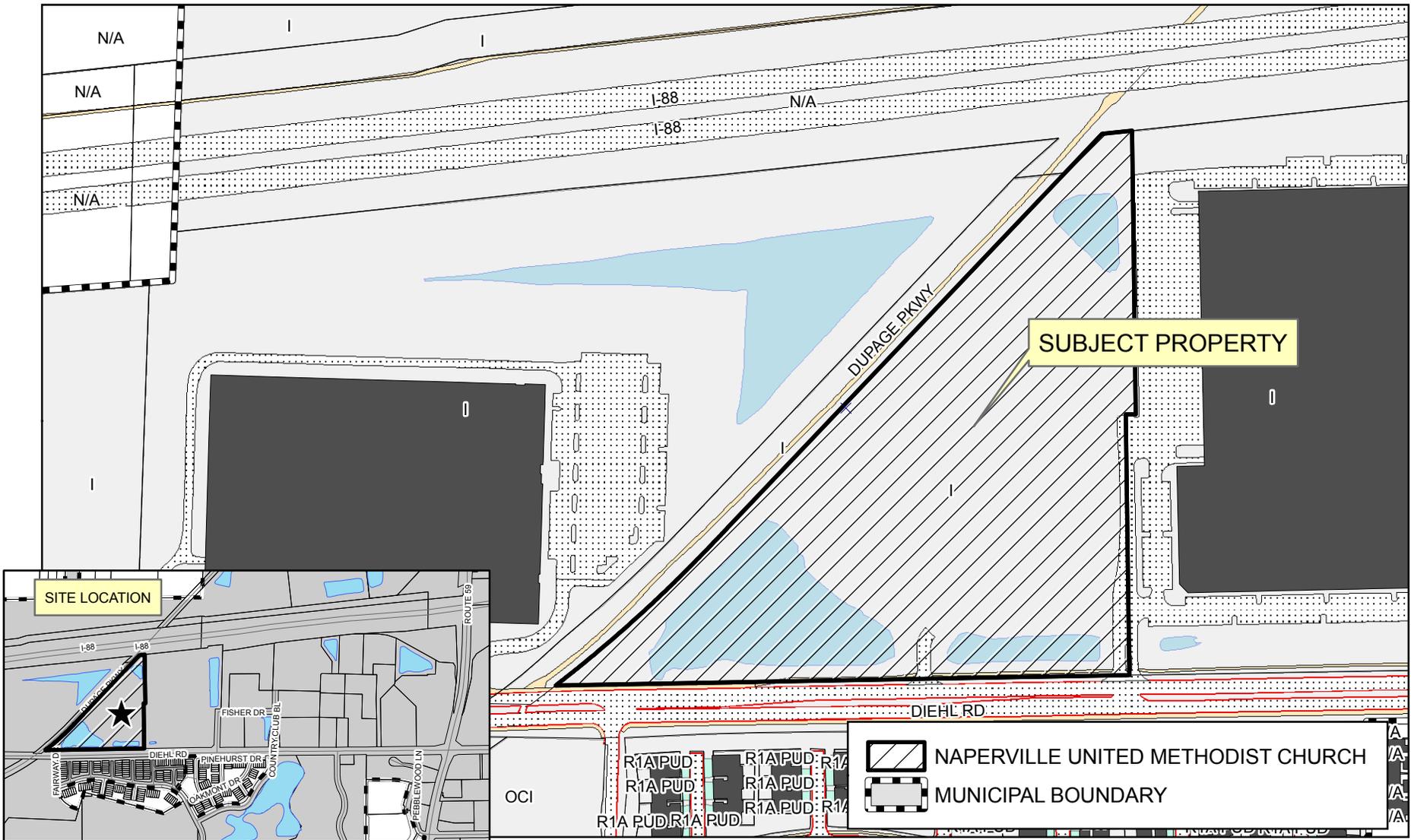
**DRAWING INDEX**

- A-1 SITE PLAN
- A-2 FLOOR PLAN
- A-3 SOUTH & WEST ELEVATIONS
- A-4 NORTH & EAST ELEVATIONS
- A-5 VIEW FROM DIEHL ROAD
- L-1 LANDSCAPE PLAN

NEW CONSTRUCTION AT:  
**NAPERVILLE UNITED METHODIST CHURCH**  
WEST DIEHL ROAD  
NAPERVILLE, ILLINOIS

<p>DATE: 10/19/10 SCALE: AS SHOWN DRAWN BY: JMA CHECKED BY: JMA DATE: 10/19/10</p>	<p><b>A-1</b></p>
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City of Naperville  
**NAPERVILLE UNITED METHODIST CHURCH**

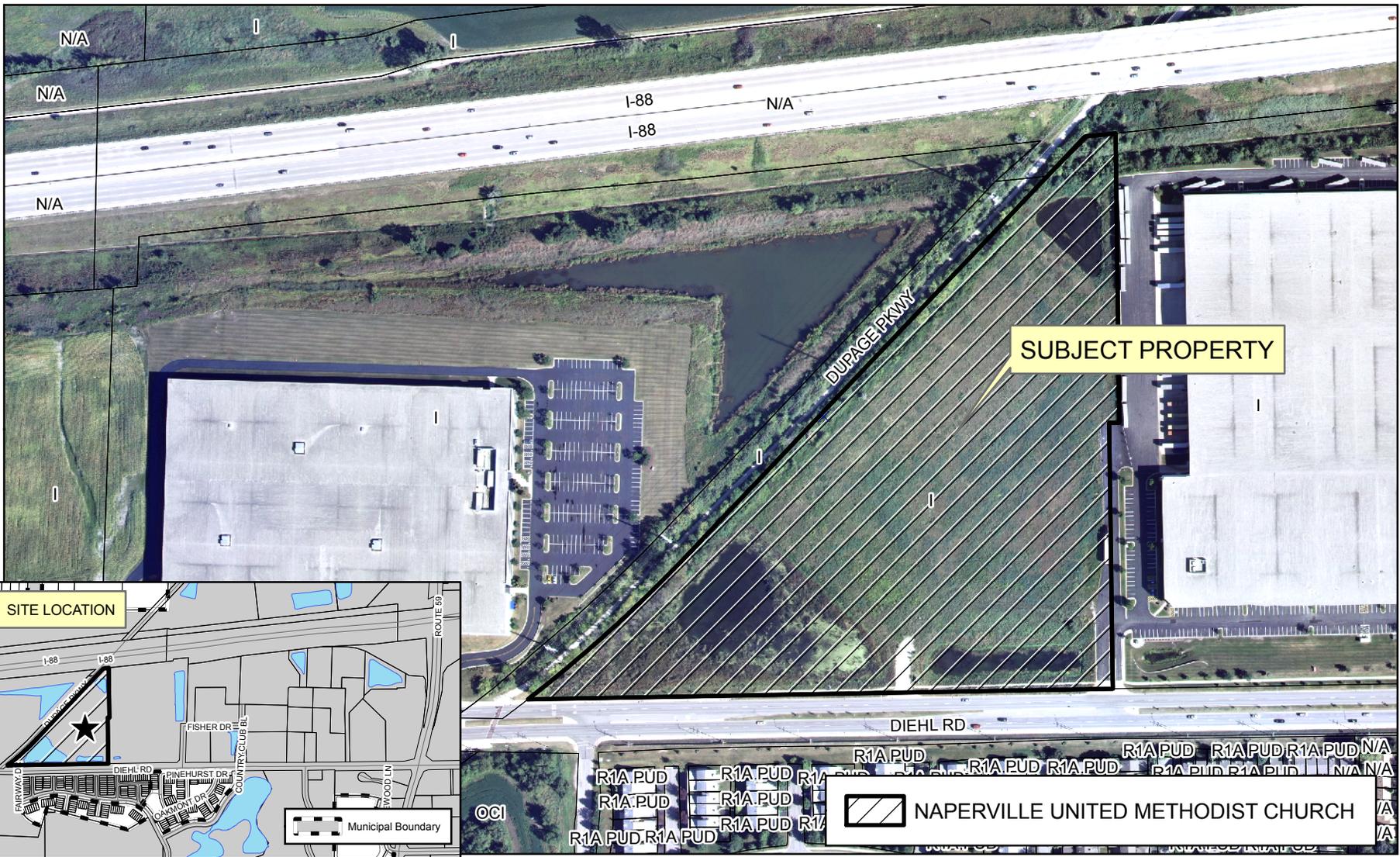


Transportation, Engineering and  
 Development Business Group  
 Questions Contact (630) 420-6694  
 www.naperville.il.us  
 January 2011



This map should be used for reference only.  
 The data is subject to change without notice.  
 City of Naperville assumes no liability in the use  
 or application of the data. Reproduction or redistribution is  
 forbidden without expressed written consent from the City of Naperville.

# City of Naperville NAPERVILLE UNITED METHODIST CHURCH




 Transportation, Engineering and Development Business Group  
 Questions Contact (630) 420-6694  
 www.naperville.il.us  
 January 2011



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 The data is subject to change without notice.  
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1 SITE PLAN  
11-40'

**SITE DATA**

ZONING DISTRICT  
I - Industrial

SITE AREA  
643,689 sq. ft.  
14.78 acres

BUILDING AREA  
11,621 sq. ft. (phase 1)

FLOOR AREA RATIO  
0.02 FAR

OFF-SITE PARKING (phase 1)  
110 cars (incl. 5 accessible spaces)  
One loading berth area  
6 bicycle stalls

Parking proposed for phase 1  
will support up to:

Office/Admin. (902 sf)	3	spaces
Nursery (518 sf)	4	spaces
Worship (309 seats)	103	spaces

**DRAWING INDEX**

- A-1 SITE PLAN
- A-2 FLOOR PLAN
- A-3 SOUTH & WEST ELEVATIONS
- A-4 NORTH & EAST ELEVATIONS
- A-5 VIEW FROM DIEHL ROAD
- L-1 LANDSCAPE PLAN

NEW CONSTRUCTION AT:  
**NAPERVILLE UNITED METHODIST CHURCH**  
WEST DIEHL ROAD  
NAPERVILLE, ILLINOIS



JAEGER, NICKOLA & ASS  
ARCHITECTS  
330 S. WINDHOLM AVENUE  
PARK RIDGE, IL 60468  
847.626.6166 FAX 847.626.6167  
WWW.JAEGERNICKOLA.COM

Page: 101 - Agenda Item: D.1.

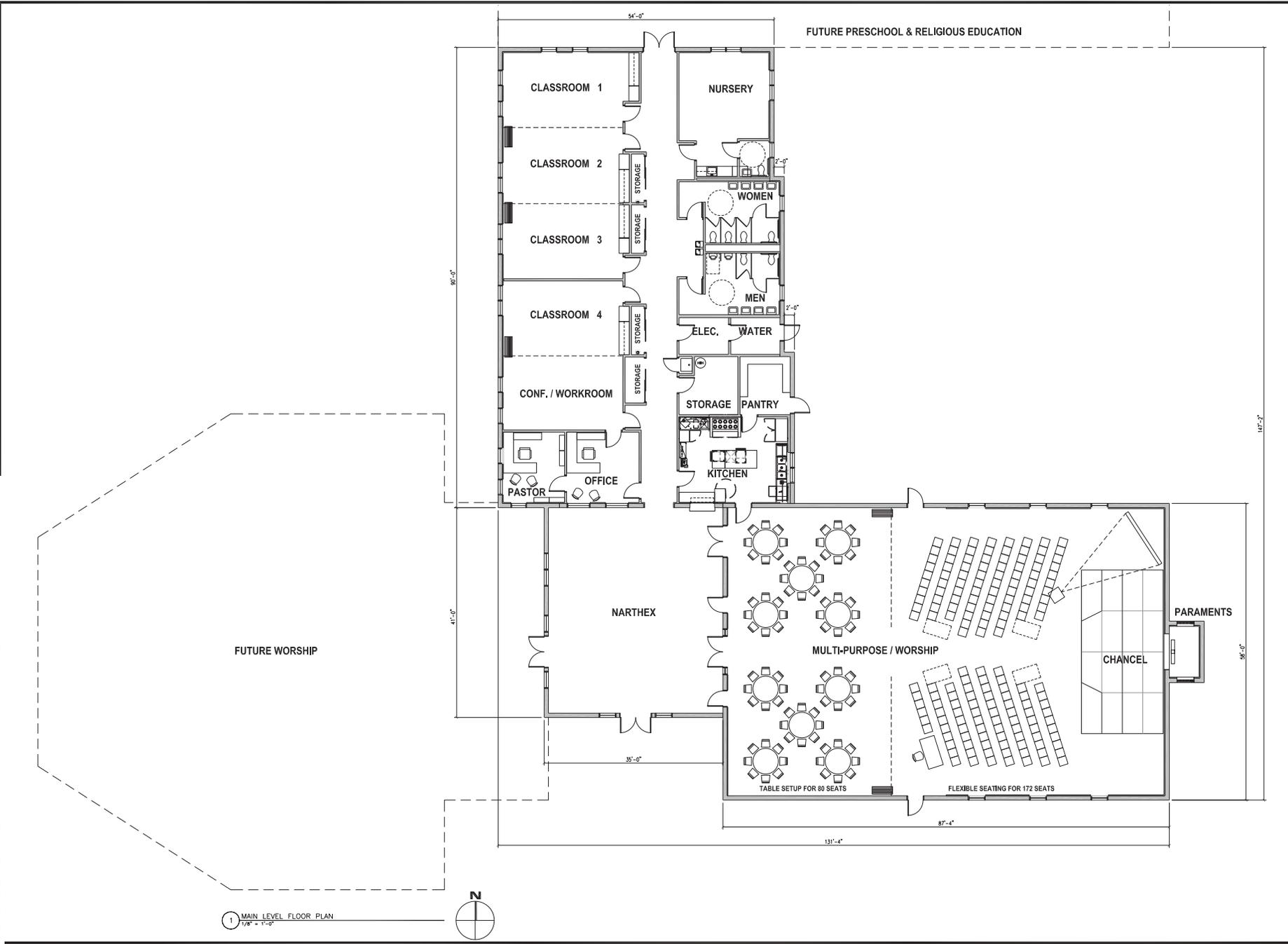
ZONING SUBMITTAL	
ZONING STAFF REVIEW	
NO.	DESCRIPTION
	SITE PLAN
OWNER:	
JOB NUMBER:	1016



JAEGER, NICKOLA & ASSOCIATES LTD.  
 ARCHITECTS  
 330 S. HIGHWIDE AVENUE, SUITE 100  
 PARK RIDGE, IL 60068  
 847.692.6166 FAX 847.693.2002  
 WWW.JAEGER-NICKOLA.COM

NO.	DESCRIPTION	DATE
	ZONING SUBMITTAL	12/17/10
	ZONING STAFF REVIEW	10/12/10

FLOOR PLAN	
DATE:	
DR NUMBER:	A-2
1016	



1 MAIN LEVEL FLOOR PLAN  
 1/8" = 1'-0"





NEW CONSTRUCTION AT:  
**NAPERVILLE UNITED METHODIST CHURCH**  
 WEST DIEHL R.



JAEGER, NICOLA & ASSOCIATES LTD.  
 ARCHITECTS  
 330 S. WINDHURST HIGHWAY, SUITE 100  
 PARK RIDGE, IL 60068  
 847.626.6166 FAX 847.626.2002  
 WWW.JAEGERNICOLA.COM

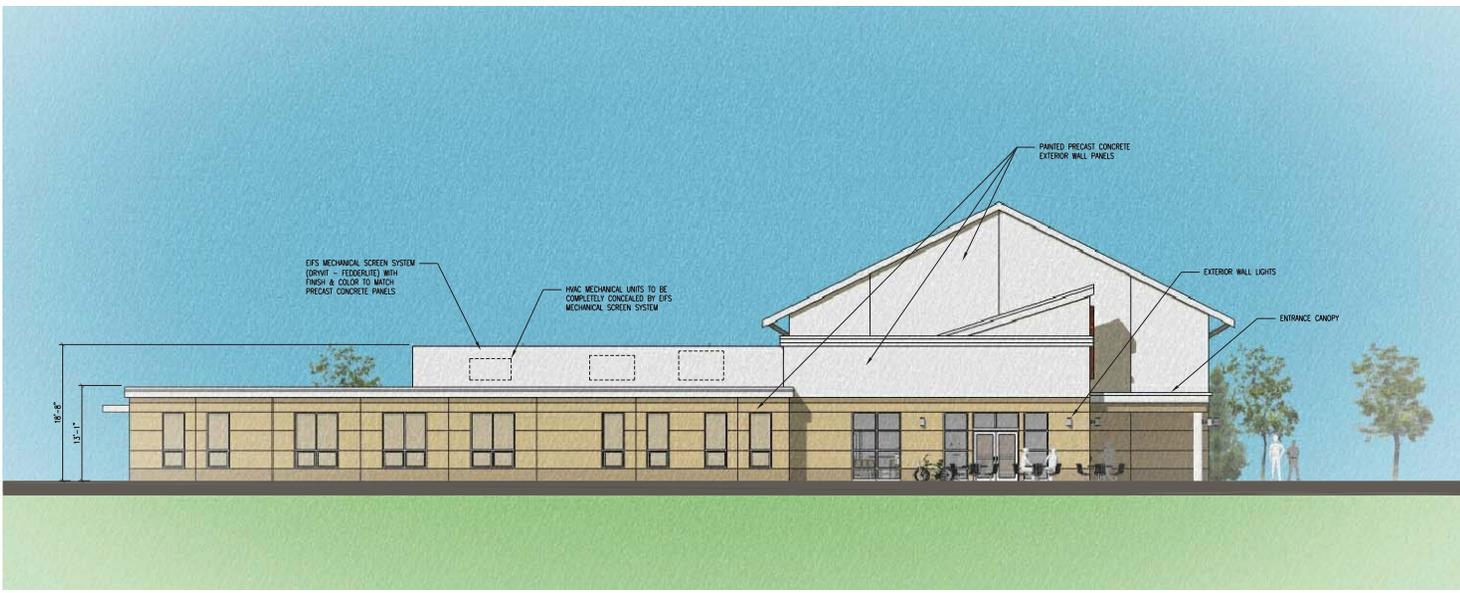
NO.	DESCRIPTION	DATE
	ZONING SUBMITTAL	12/17/10
	ZONING STAFF REVIEW	10/12/10

SOUTH & WEST  
 EXTERIOR ELEVATIONS

OWNER:	
JOB NUMBER:	<b>A-3</b>
	1016



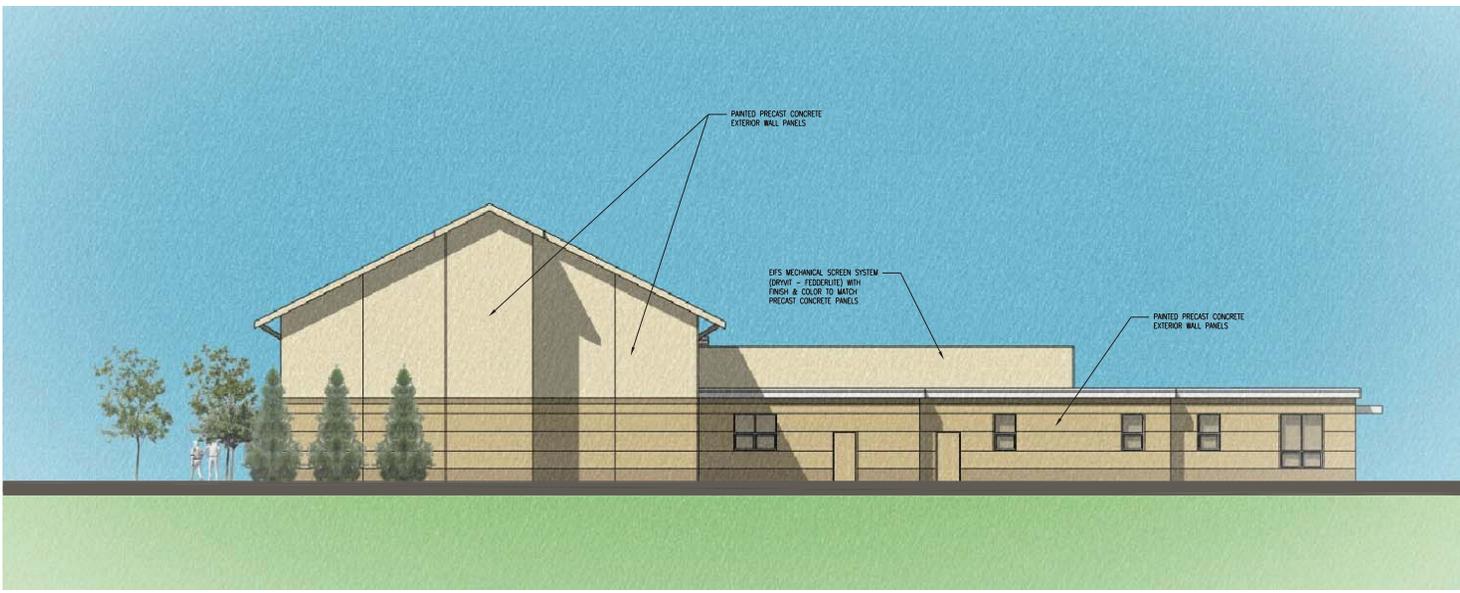
1 SOUTH ELEVATION  
 1/8" = 1'-0"



2 WEST ELEVATION  
 1/8" = 1'-0"



1 NORTH ELEVATION  
1/8" = 1'-0"



2 EAST ELEVATION  
1/8" = 1'-0"

NEW CONSTRUCTION AT:  
**NAPERVILLE UNITED METHODIST CHURCH**  
 WEST DIEHL ROAD  
 NAPERVILLE, ILLINOIS

**Jna**  
 ARCHITECTS

JAEDER, NICOLA & ASS  
 ARCHITECTS  
 330 S. WINDHURST AVENUE  
 PARK RIDGE, IL 60068  
 847.936.6166 FAX 847.936.6167  
 WWW.JAEDER-NICOLA.COM

Page: 105 - Agenda Item: D.1.

NO.	DESCRIPTION
1	ZONING SUBMITTAL
2	ZONING STAFF REVIEW
3	NORTH & EAST EXTERIOR ELEVATION

ORDER: -  
 JOB NUMBER: 1016

A

NEW CONSTRUCTION AT:  
**NAPERVILLE UNITED METHODIST CHURCH**  
 WEST DIEHL R.



JAEGER, NICKOLA & ASSOCIATES LTD.  
 ARCHITECTS  
 330 S. WINDHOLM AVENUE, SUITE 100  
 PARK RIDGE, IL 60068  
 847.822.6166 FAX 847.822.2022  
 WWW.JAEGEER-NICKOLA.COM

ZONING SUBMITTAL	12/17/10	
ZONING STAFF REVIEW	10/12/10	
NO.	DESCRIPTION	DATE

VIEW FROM DIEHL ROAD

DRAWN:  
 -  
 JOB NUMBER:  
 1016

**A-5**





# Forest Preserve District of DuPage County

35580 Naperville Road • Wheaton, IL 60189-8761 • 630.933.7200 • Fax 630.933.7204 • TTY 800.526.0857

December 16, 2010

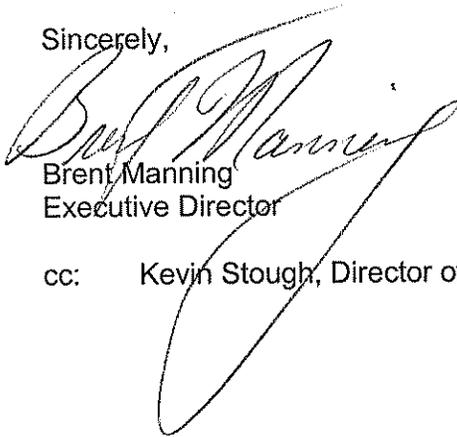
Plan Commission  
City of Naperville  
400 S. Eagle Street  
Naperville, Illinois 60540

Re: Public Hearing Notice on proposed Naperville United Methodist Church  
Case # 10-1-138

The Forest Preserve District of DuPage County recently received notice of a proposed project on the property located north of Diehl Road, east of the Illinois Prairie Path. We appreciate receiving timely notification of such projects that may have an impact on our nearby property, and thank you for the opportunity to comment.

District Staff has reviewed the public hearing notice and the proposed project, and does not have any comments at this time. Please call me at (630) 933-7215 if you have any questions.

Sincerely,



Brent Manning  
Executive Director

cc: Kevin Stough, Director of Land Preservation





# Naperville

## PLAN COMMISSION AGENDA ITEM

**PC CASE:** 10-1-151 **AGENDA DATE:** 1/19/2011  
**SUBJECT:** MJK Retail Development  
 Petitioner: Jeffery Silverman with MJK Real Estate Holding Company,  
 LLC, 790 Estate Drive Suite 100, Deerfield, IL 60016

---

**LOCATION:** 2856 S. Route 59 (between Cantore Road and 95th Street)

---

Correspondence      New Business      Old Business      Public Hearing

---

**SYNOPSIS:**

The petitioner requests a major change to the PUD, approval of a final PUD plat and a deviation from Section 6-2-14 (Major Arterial Setback Requirements) and Section 6-9-2:4.6 (Off-Street Parking Facilities) of the Naperville Municipal Code in order to develop a multi-tenant commercial building on Lot 3 of the Bailey and Satchel’s Subdivision.

---

**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

---

**EXISTING ZONING, LAND USE, AND LOCATION:**

The subject property, known as Lot 3 of the Bailey and Satchel’s Subdivision, is located on the east side of IL Route 59 between Cantore Road and 95th Street with a common street address of 2856 S. Route 59. The overall subdivision is zoned B2 (Community Shopping Center District) with a conditional use for a Planned Unit Development (PUD). It consists of six lots on 19 acres and is currently improved with a shopping center with multiple tenants including a Jewel-Osco store, a gas station and a bank. Lot 3 consists of 0.9 acres and is one of the two remaining unimproved outlots in the PUD (Attachment 1).

The petitioner requests a major change to the PUD and approval of a final PUD plat in order to develop a 6,500 square foot multi-tenant commercial building on Lot 3 of the Bailey and Satchel’s Subdivision. Also requested is a deviation from Section 6-2-14 (Major Arterial Setback Requirements) and Section 6-9-2:4.6 (Off-Street Parking Facilities) of the Naperville

Municipal Code in order to locate a parking lot at a distance of 17' from Route 59, resulting in a 3' encroachment into the required 20' major arterial setback.

**CONTROLLING AGREEMENTS AND ORDINANCES:**

Ordinance 97-112 approved the preliminary/final plat of PUD for the Bailey & Satchel's Subdivision.

**RELATIONSHIP TO OFFICIAL PLAN OF THE CITY OF NAPERVILLE:**

The future land use designation for the subject property, as adopted in the 2002 Southwest Community Area Plan, is "Commercial". The request is consistent with the Southwest Community Area Plan.

**NATURAL FEATURES:**

The site is relatively flat and currently unimproved.

**PLANNING SERVICES TEAM REVIEW:**

The proposed commercial development on Lot 3 is consistent with the property's zoning designation and is compatible with the established uses within the existing PUD. As no development details were provided for Lot 3 on the original PUD plat, a major change to the PUD is required to establish the details for the proposed site and building improvements on Lot 3. The petitioner has provided responses to the standards for granting a major change to the PUD in Attachment 2. Staff concurs with the petitioner's findings.

*Final PUD Plat and Deviation*

The final PUD plat shows the footprint of a 6,500 square foot building on Lot 3 including 4,850 square feet of restaurant space and 1,575 square feet of retail space. A total of 63 parking spaces are provided to serve the proposed uses in compliance with the city's off-street parking requirements. Wide sidewalk areas are provided at the northwest and southwest corners of the building to allow temporary outdoor seating in the summer. Staff reviewed the proposed final PUD plat and finds it in conformance with the requirements of the Zoning Regulations and Subdivision Regulations with the exception of the following deviation:

- The proposed parking lot would be located at a distance of 17' from the edge of the IL Route 59 right-of-way, encroaching 3' into the required 20' major arterial setback. As such, the petitioner requests approval of a deviation from Section 6-2-14 (Major Arterial Setback Requirements) and Section 6-9-2:4.6 (Off-Street Parking Facilities) of the Naperville Municipal Code.

Route 59 is classified as a Strategic Regional Arterial (SRA) and has a right-of-way width of approximately 160' at the location of the subject property. The current right-of-way width is representative of what would be needed for an SRA, accommodating the existing six travel lanes, median and left/right turn lanes as well as enough space to expand an additional lane in each direction if needed. Staff finds the requested deviation is minor and would not likely interfere with future roadway improvement along Route 59 (if needed). The petitioner has provided responses to the standards for granting a PUD deviation in Attachment 3. Staff concurs with the petitioner's findings.

*MJK Retail Development (PC 10-1-151)*

*January 19, 2011*

*Page 3 of 3*

### *Landscape Plan*

The proposed landscape plan is in full compliance with Section 5-10 (Landscaping, Screening and Tree Preservation) of the Municipal Code. Both the Final PUD Plat and the landscape plan are in harmony with the Southwest Community Area Commercial Design Guidelines.

### *Building Elevations*

The proposed commercial building will be constructed with a concrete brick façade with a split-face masonry knee wall. Concrete bricks are individual concrete masonry units made to resemble the look of traditional clay bricks. They would be laid individually on the project site just as traditional bricks and the resulting concrete brick façade would appear very similar to a clay brick façade.

The design of the building is “four-sided” in nature and incorporates appropriate articulation including decorative cornice, soldier coursing, columns, lighting, awnings, and windows. Staff finds that the building elevations comply with the Building Design Guidelines and Southwest Community Area Design Guidelines and are also in harmony with the existing commercial buildings in the area.

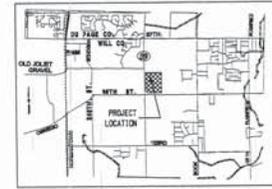
### **ATTACHMENTS:**

1. MJK Retail Development – Attach 1 Original PUD Plat – PC 10-1-151
2. MJK Retail Development – Attach 2 Response to Major Change Standards – PC 10-1-151
3. MJK Retail Development – Attach 3 Response to PUD Deviation Standards – PC 10-1-151
4. MJK Retail Development – Development Petition – PC 10-1-151
5. MJK Retail Development – Legal Description – PC 10-1-151
6. MJK Retail Development – Location Map – PC 10-1-151
7. MJK Retail Development – Location Map Aerial – PC 10-1-151
8. MJK Retail Development – PUD Plat – PC 10-1-151
9. MJK Retail Development – Landscape Plan – PC 10-1-151
10. MJK Retail Development – Building Elevations – PC 10-1-151

# PRELIMINARY/FINAL PLAT OF SUBDIVISION BAILEY AND SATCHEL'S SUBDIVISION

BEING A SUBDIVISION IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 37 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN WILL COUNTY, ILLINOIS.

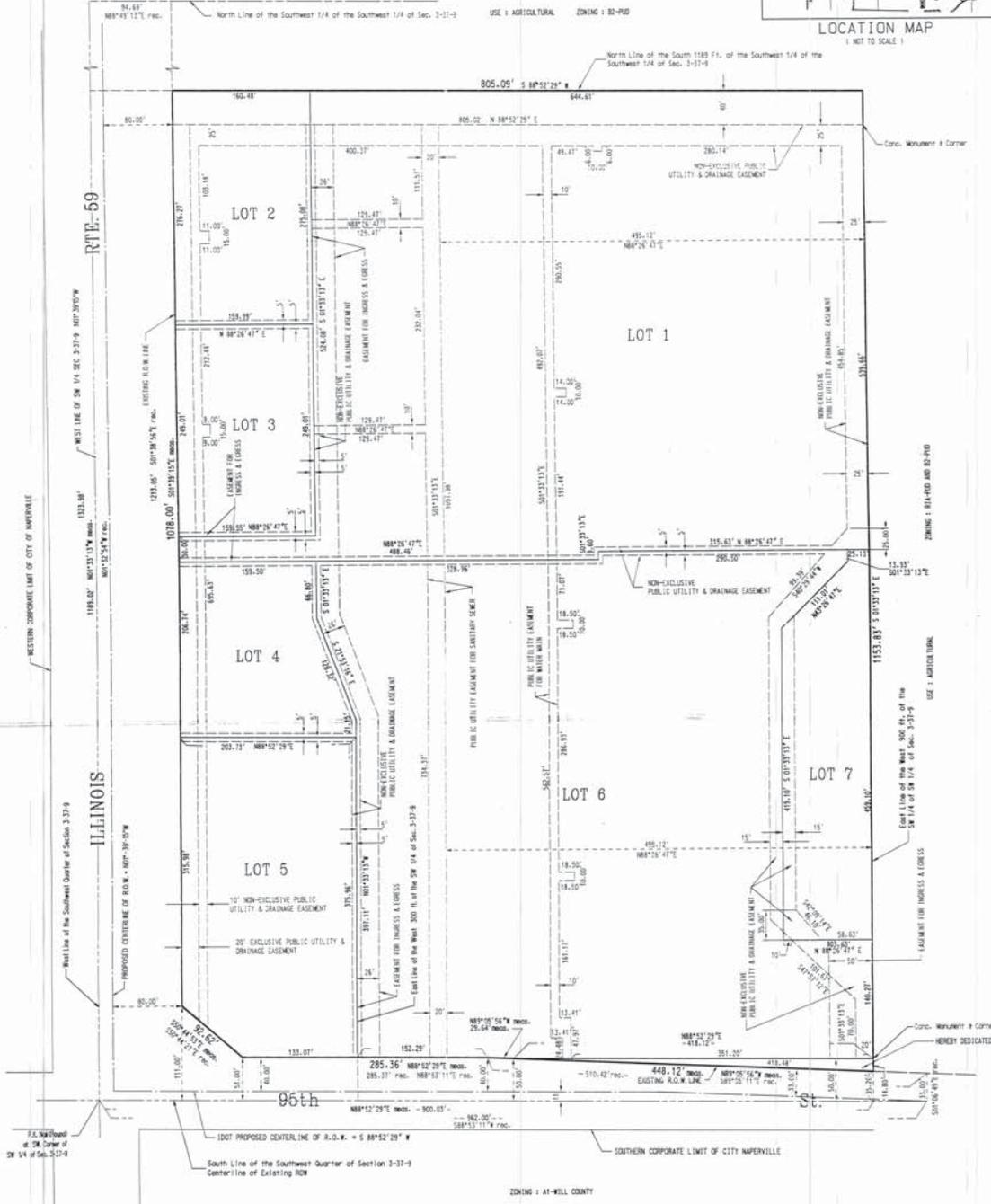
Mary Ann Skudel  
Will County Recorder  
R 96022835 PCL Feet  
Page 1 of 2



LOCATION MAP  
(NOT TO SCALE)



IN • 01-03-300-002  
007



SITE IS ZONED R2

LOT NO.	AREA - 1 ACRES =
1	0.224
2	1.014
3	0.313
4	0.841
5	1.707
6	2.232
7	0.386
<b>LOT AREAS:</b> 20.367	
<b>DEDICATED:</b> 0.011	
<b>TOTAL AREA:</b> 21.025	

NOTES:  
- LOTS 4 AND 7 ARE SUBJECT TO STORM WATER MANAGEMENT EASEMENT  
- NO PART OF THE PROPERTY DESCRIBED HEREIN IS WITHIN AN AREA OF 100 YEAR FLOODING AS DESIGNATED BY THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 170213 0020 C; EFFECTIVE DATE MAY 14, 1992

RETURN TO:  
NAPERVILLE CITY CLERK  
P.O. BOX 2020  
400 S. ENGLE ST.  
NAPERVILLE, IL 60566-7020

**MACKIE CONSULTANTS, INC.**  
9575 W. HICKING ROAD, SUITE 5000, ROSEMONT, IL 60018  
PHONE 708-936-1400 FAX 708-936-1410  
ENGINEERS PLANNERS SURVEYORS

PRELIMINARY/FINAL PLAT OF SUBDIVISION
BAILEY AND SATCHEL'S SUBDIVISION

BOUNDARY DESCRIPTION OF SUBDIVIDED PROPERTY

THE SOUTH 1189 FEET OF THE WEST 800 FEET OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 22 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN WILL COUNTY, ILLINOIS, EXCEPT THEREFROM THAT PART FALLING WITHIN THE FOLLOWING DESCRIBED TRACT OF LANDS:

OWNER'S CERTIFICATE

STATE OF ILLINOIS )
COUNTY OF WILL )
THIS IS TO CERTIFY THAT THE OLD KENT BANK, AS TRUSTEE UNDER A CERTAIN TRUST AGREEMENT DATED OCTOBER 21, 1993 AND KNOWN AS TRUST NO. 6176, HAS INDIVIDUALLY AS THE OWNER OF RECORD OF THE LAND DESCRIBED HEREIN CAUSED THE SAME TO BE SURVEYED, SUBDIVIDED, AND PLATTED AS SHOWN ON THE PLAT HEREIN...

DATED AT ILLINOIS, THIS 22nd DAY OF February, 1996.

MARGARET JOHNSON SECRETARY
Trust Officer

NOTARY PUBLIC CERTIFICATE

STATE OF ILLINOIS )
COUNTY OF WILL )
I, the undersigned, a NOTARY PUBLIC IN AND FOR THE STATE OF ILLINOIS, DO HEREBY CERTIFY THAT...

MY COMMISSION EXPIRES: [Signature]

NOTARY PUBLIC

NON-EXCLUSIVE PERPETUAL EASEMENTS FOR PUBLIC UTILITIES AND DRAINAGE

ALL EASEMENTS INDICATED AS PUBLIC UTILITIES AND DRAINAGE EASEMENTS ARE HEREBY RESERVED FOR AND GRANTED TO THE CITY OF NAPERVILLE, ITS SUCCESSORS, ASSIGNS, AND DESIGNEES FOR THE PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, TEST, REPAIR, INSPECT, MAINTAIN, OPERATE, AND PATROL...

THE RIGHT IS ALSO GRANTED TO TRIM OR REMOVE TREES, SHRUBS OR OTHER PLANTS ON THE EASEMENT THAT INTERFERE WITH THE OPERATION OF ANY OF THE UTILITIES OR SIDEWALKS...

ALL CONSTRUCTION BY ANY ENTITY WITHIN THE EASEMENTS HEREBY GRANTED SHALL BE PERFORMED IN ACCORDANCE WITH THE VARIOUS REQUIREMENTS OF THE ORDINANCES AND REGULATIONS OF THE CITY OF NAPERVILLE.

THE ABOVE NOTWITHSTANDING, THE CITY OF NAPERVILLE, OR ITS DESIGNEES, SHALL UPON COMPLETION OF ANY WORK AUTHORIZED BY THIS GRANT, RESTORE THE TEMPORARY AND PERMANENT EASEMENT PREMISES TO THE SAME OR BETTER CONDITION THAN THAT EXISTING PRIOR TO BEGINNING OF THE WORK.

EXCLUSIVE PERPETUAL EASEMENTS FOR PUBLIC UTILITIES, DRAINAGE AND SIDEWALKS

ALL EASEMENTS INDICATED AS PUBLIC UTILITY, DRAINAGE AND SIDEWALKS EASEMENTS ARE HEREBY RESERVED FOR AND GRANTED EXCLUSIVELY TO THE CITY OF NAPERVILLE, ITS SUCCESSORS, ASSIGNS, AND DESIGNEES FOR THE PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, TEST, REPAIR, INSPECT, MAINTAIN, OPERATE, AND PATROL...

THE RIGHT IS ALSO GRANTED TO CUT DOWN, TRIM OR REMOVE TREES, SHRUBS OR OTHER PLANTS ON THE EASEMENT THAT INTERFERE WITH THE OPERATION OF ANY OF THE UTILITIES OR SIDEWALKS...

ALL CONSTRUCTION BY ANY ENTITY WITHIN THE EASEMENTS HEREBY GRANTED SHALL BE PERFORMED IN ACCORDANCE WITH THE VARIOUS REQUIREMENTS OF THE ORDINANCES AND REGULATIONS OF THE CITY OF NAPERVILLE.

THE ABOVE NOTWITHSTANDING, THE CITY OF NAPERVILLE, OR ITS DESIGNEES, SHALL UPON COMPLETION OF ANY WORK AUTHORIZED BY THIS GRANT, RESTORE THE TEMPORARY AND PERMANENT EASEMENT PREMISES TO THE SAME OR BETTER CONDITION THAN THAT EXISTING PRIOR TO BEGINNING OF THE WORK.

EASEMENT FOR INGRESS & EGRESS

A PERMANENT NON-EXCLUSIVE EASEMENT FOR INGRESS & EGRESS IS HEREBY ESTABLISHED OVER AND ACROSS THAT PART OF LOTS 1 AND 4 HEREON PLATTED AND MARKED 'EASEMENT FOR INGRESS & EGRESS FOR THE MUTUAL BENEFIT OF THE OWNERS OF ALL LOTS OF THIS SUBDIVISION AND SHALL NOT BE PUBLICLY MAINTAINED.

WILL COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS )
COUNTY OF WILL )
I, [Signature], COUNTY CLERK OF WILL COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO UNPAID GENERAL TAXES, NO UNPAID CURRENT TAXES, NO UNPAID FORFEITED TAXES, AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THE ANNEXED PLAT.

WILL COUNTY TAX MAPPING CERTIFICATE

STATE OF ILLINOIS )
COUNTY OF WILL )
I, [Signature], DIRECTOR OF THE TAX MAPPING AND PLATTING OFFICE DO HEREBY CERTIFY THAT I HAVE CHECKED THE PROPERTY DESCRIPTION ON THIS PLAT FOR THAT PORTION WITHIN THE LIMITS OF WILL COUNTY AGAINST AVAILABLE COUNTY RECORDS AND THE SAID DESCRIPTION TO BE TRUE AND CORRECT.

WILL COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS )
COUNTY OF WILL )
THIS INSTRUMENT, R96-022835, WAS FILED FOR RECORD IN THE RECORDER'S OFFICE WILL COUNTY, ILLINOIS, ON THE 15th DAY OF March, A.D., 1996 AT 10:00 A.M. AND WAS RECORDED IN BOOK [Number] OF PLATS ON PAGE [Number].

STORM WATER MANAGEMENT EASEMENT PROVISIONS

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF NAPERVILLE AND TO ITS SUCCESSORS AND ASSIGNS OVER ALL OF THE AREAS MARKED 'STORM WATER MANAGEMENT EASEMENT' ON 'ONE' OF THE PLAT HEREON DRAWN FOR THE PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, REPAIR, INSPECT, MAINTAIN AND OPERATE STORM SEWERS AND THE STORM WATER MANAGEMENT AREA...

CITY TREASURER'S CERTIFICATE

STATE OF ILLINOIS )
COUNTY OF DUPAGE )
I, [Signature], TREASURER FOR THE CITY OF NAPERVILLE, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS OR ANY DEFERRED INSTALLMENTS THEREOF THAT HAVE NOT BEEN APPLICABLE AGAINST THE TRACT OF LAND INCLUDED IN THE ANNEXED PLAT.

CITY COUNCIL CERTIFICATE

STATE OF ILLINOIS )
COUNTY OF DUPAGE )
APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NAPERVILLE, ILLINOIS, AT A MEETING HELD ON THE 22nd DAY OF February, A.D., 1996.

SURFACE WATER STATEMENT

STATE OF ILLINOIS )
COUNTY OF )
TO THE BEST OF OUR KNOWLEDGE AND BELIEF THE DRAINAGE OF SURFACE WATERS WILL NOT BE CHANGED BY THE CONSTRUCTION OF SUCH SUBDIVISION OR ANY PART THEREOF, OR THAT IF SUCH SURFACE WATER DRAINAGE WILL BE CHANGED, REASONABLE PROVISION HAS BEEN MADE FOR COLLECTION AND DIVERSION OF SUCH SURFACE WATERS INTO PUBLIC AREAS...

DATED THIS 22nd DAY OF February, A.D., 1996.
REGISTERED PROFESSIONAL ENG. OWNER OR ATTORNEY FOR OWNER
STATE REGISTRATION NUMBER
REGISTRATION EXPIRATION DATE

STATE OF ILLINOIS )
COUNTY OF DUPAGE )
APPROVED BY THE CITY OF NAPERVILLE PLAN COMMISSION AT A MEETING HELD ON THE 22nd DAY OF February, A.D., 1996.

RETURN TO:
NAPERVILLE CITY CLERK
P.O. BOX 5620
400 S. EAGLE ST.
NAPERVILLE, IL 60566-7020

MACKIE CONSULTANTS, INC.
ILLINOIS REGISTERED LAND SURVEYOR CORPORATION NO. 48-20
HEREBY CERTIFIES THAT HE HAS SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT HE HAS SUBDIVIDED THE SAME INTO LOTS AS SHOWN ON THE HEREON DRAWN PLAT CORRECTLY REPRESENTS SAID SURVEY AND SUBDIVISION IN DETAIL...

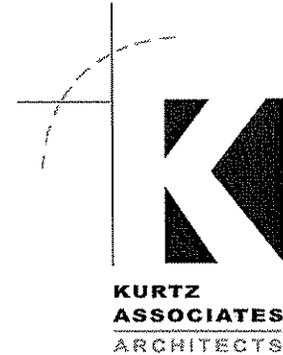
IN ACCORDANCE WITH ILL. REV. STAT. 1991, CH. 109, PAR. 2, THIS PLAT HAS BEEN SUBMITTED FOR RECORDING BY (LAND RETURN TO):
NAME: NAPERVILLE CITY CLERK
ADDRESS: P.O. Box 3020
400 S. EAGLE ST.
NAPERVILLE, IL 60566-7020

MACKIE CONSULTANTS, INC.
1675 W. HIGGINS ROAD, SUITE 500, ROSEMONT, IL 60018
PHONE 708-696-1400 FAX 708-696-1410

Table with columns: DATE, BY, DESCRIPTION, DATE, BY, SCALE, PROJECT, DRAWING NUMBER

November 22, 2010

Plan Commission  
The City of Naperville  
400 S. Eagle Street  
Naperville, IL 60540



Re: MJK Real Estate Holdings, LLC  
Proposed Retail Development  
Naperville, IL - 95<sup>th</sup> & Route 59  
Kurtz Project No. 10002

Members of the Plan Commission:

**EXISTING CONDITIONS**

MJK Real Estate Holdings, LLC is the contract purchaser of the referenced property. The property is currently an undeveloped open field (Lot 3) within the Jewel-Osco Shopping Center located at 95<sup>th</sup> and Route 59.

**PROPOSED DEVELOPMENT**

The site is proposed to be improved with a single story multi-tenant retail building. Three commercial use tenants are proposed; Five Guys Burgers and Fries, Chipotle Mexican Grill and a general retail tenant such as a cell phone store. Because the proposed building is located within an out lot, all four elevations will be treated with significant architectural attention. Contrasting concrete brick, storefront glazing, fabric window awnings and an accent EIFS cornice will articulate each elevation. In addition, two outdoor patios will allow for seating during the summer months for the two quick service restaurants. We believe that the proposed development is keeping with the current character of the surrounding area.

In order for the Plan Commission to recommend for approval be granted, they must find that the standards contained in the Zoning Ordinance are met. Those standards are as follows:

***Standards for Approving a Major Change to a Planned Unit Development:***

1. **The design of the planned unit development presents an innovative and creative approach to the development of land and living environments.**

*The proposed development is consistent with the original development intent of the existing Planned Unit Development. We believe that the original development always anticipated that all of the outlot parcels available for development would be built in the manner indicated.*

701 Lee Street  
Suite 900  
Des Plaines, Illinois  
60016-4551

V 847 824 0132  
F 847 824 7906  
www.kurtzarch.com

WJHymt  
R:\MJK\Naperville\_Rt59&95th\_10002\Docs\10002\_mjk-Naperville ~ PlanComm-1.wpd

*By combing several food uses in a single building, we have allowed families dining choices without having to go to multiple locations.*

- 2. The planned unit development meets the requirements and standards of the planned unit development regulations.**

*The proposed development meets the required architectural, landscape and lighting regulations. The design utilizes brick and stone features consistent with other portions of the development. The design has been approved by the Owner of the development, who drafted the original PUD that we are seeking to modify.*

- 3. The physical design of the planned unit development efficiently utilizes the land and adequately provides for transportation and public facilities while preserving the natural features of the site. (Ord. 01-110, 6-5-2001).**

*Currently the parcel is an undeveloped grass field with very little level change. The development provides for vehicular and pedestrian traffic. Vehicular access onto the out lot is being provided by the using the existing interior road system. In particular, a sidewalk has been provided to connect the existing sidewalk along Route 59 to the proposed development.*

- 4. Open space, outdoor common area, and recreational facilities are provided. (Ord. 08-149, 8-19-2008)**

*The two outdoor patios allow for seating during summer months. In addition, the proposed landscaping enhances the development by replacing turf.*

- 5. The modifications in design standards from the subdivision control regulations and the waivers in bulk regulations from the zoning regulations fulfill the intent of those regulations.**

*The proposed development complies with the controlling subdivision and zoning regulations.*

- 6. The planned unit development is compatible with the adjacent properties and nearby land uses.**

*The proposed development and its retail uses are not only compatible but complement the surrounding uses within the existing overall development, and those within the surrounding Route 59 and 95<sup>th</sup> Street corridors.*

- 7. The planned unit development fulfills the objectives of the comprehensive plan and planning policies of the city.**

*The proposed development fulfills the objectives of the comprehensive plan and planning policies of the city.*

Plan Commission  
Proposed Retail Development - 95<sup>th</sup> & Route 59, Naperville IL  
November 22, 2010

Page 3

We hope that this sufficiently supports our request and look forward to presenting the proposed development to you at the earliest available date. In the interim, if you have any questions, do not hesitate to contact me.

Sincerely,

**KURTZ ASSOCIATES ARCHITECTS**

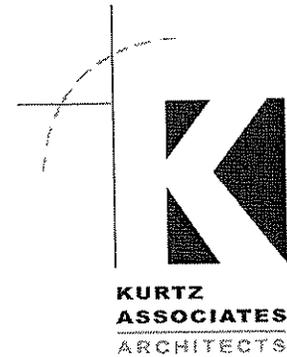


Walter J. Hainsfurther, FAIA

pc Jeffery Silverman

December 28, 2010

Plan Commission  
The City of Naperville  
400 S. Eagle Street  
Naperville, IL 60540



Re: Naperville Project No. #10-10000151  
MJK Real Estate Holdings, LLC - Proposed Retail Development  
Naperville, IL - 95<sup>th</sup> & Route 59  
Kurtz Project No. 10002

Members of the Plan Commission:

**EXISTING CONDITIONS**

MJK Real Estate Holdings, LLC is the contract purchaser of the referenced property. The property is currently an undeveloped open field (Lot 3) within the Jewel-Osco Shopping Center located at 95<sup>th</sup> and Route 59.

**PROPOSED DEVELOPMENT**

The site is proposed to be improved with a single story multi-tenant retail building. Three commercial use tenants are proposed; Five Guys Burgers and Fries, Chipotle Mexican Grill, and a general retail tenant such as a cell phone store. Because the proposed building is located within an out lot, all four elevations will be treated with significant architectural attention. Contrasting concrete brick, storefront glazing, fabric window awnings and an accent EIFS cornice will articulate each elevation. In addition, two outdoor patios will allow for seating during the summer months for the two quick service restaurants. We believe that the proposed development is keeping with the current character of the surrounding area.

A 20'-0" Building and Parking Lot Setback exists along Route 59. Currently we are providing approximately 17'-0". We are requesting for a Deviation of 3'-0".

These standards address the Setback Deviation request that has been identified as a result of the City's review. In order for the Plan Commission to recommend for approval be granted, they must find that the standards contained in the Zoning Ordinance are met. Those standards are as follows:

***Standards for Granting a Deviation from Major Arterial Setback Requirements and Off-Street Parking Facilities:***

- 1. Whether the requested deviation would undermine the intent and purpose of the underlying zoning district; and

WJHymt  
R:\MJK\Naperville\_Rt59&95th\_10002\Docs\10002\_mjk-Naperville - PlanComm-1a(SetbackDeviation).wpd

701 Lee Street  
Suite 900  
Des Plaines, Illinois  
60016-4551

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www.kurtzarch.com

Plan Commission  
Proposed Retail Development - 95<sup>th</sup> & Route 59, Naperville IL  
December 28, 2010

Page 2

The deviation will be practically unnoticeable to the public. The deviation would allow parking to occur in 3'-0" of the setback. The building will be setback on the east portion of the site. In addition, while the developments on the east side of Route 59 do not encroach into the setback, the developments on the west side of Route 59 do not appear to be substantially closer to the right of way than what is proposed in this site.

2. **Whether the requested deviation would be a detriment to the provision of the municipal services and infrastructure; and**

*The proposed development is planned using reasonable dimensions for all elements. The municipal services and infrastructure utilities are existing. Not being in compliance has no impact on the provision of Municipal Services and Infrastructure.*

3. **Whether the requested deviation would contribute a planned unit development which offers a superior level of design, amenity enhancement, or environmental benefit; or would enhance community vitality through the inclusion of attainable or barrier free housing.**

*The area is to be developed with commercial uses, much like the ones proposed. The deviation, if granted, will not negatively impact the Planned Unit Development in any way.*

We hope that this sufficiently supports our request and look forward to presenting the proposed development to you at the earliest available date. In the interim, if you have any questions, do not hesitate to contact me.

Sincerely,

**KURTZ ASSOCIATES ARCHITECTS**



Walter J. Hainsfurther, FAIA

pc Jeffery Silverman

**CITY OF NAPERVILLE  
T.E.D. BUSINESS GROUP  
PETITION FOR DEVELOPMENT APPROVAL**

Development Name (should be consistent with plat): Route 59 and 95th Street MJK Partners  
 Development Address: 95th & Route 59, Naperville, IL (Jewel-Osco Shopping Center)  
 Date of Submission: 11-22-10

**I. APPLICANT:**

<u>Jeffery Silverman</u>	<u>MJK Partners</u>
<b>Name</b>	<b>Corporation</b>
<u>790 Estate Drive Suite 100</u>	
<b>Street</b>	
<u>Deerfield</u>	<u>IL</u>
	<u>60016</u>
<b>City</b>	<b>State</b>
<u>Jeffery Silverman</u>	<u>847-919-4801</u>
	<b>Zip Code</b>
<b>Primary Contact Person</b>	<b>Relationship to Applicant</b>
<u>847-919-4829</u>	<u>jeff@usanfsc.com</u>
	<b>Telephone Number</b>
<b>Fax Number</b>	<b>E-Mail Address</b>

**II. OWNER OF THE PROPERTY:**

<u>ASP Reality, Inc. A Delaware Corp.</u>	
<u>Kerrigan McKay</u>	
<u>Senior Real Estate Manager, Surplus Property</u>	
<u>SUPERVALUE INC.</u>	
<b>Name</b>	<b>Telephone Number</b>
<u>75 Valley Stream Parkway</u>	<u>610-889-4294</u>
<u>Malvern, Pennsylvania 19355</u>	
<b>Address</b>	<b>Telephone Number</b>

**III. APPLICANT'S/PETITIONER'S STAFF:**

<u>Robert M. Wigoda</u>	<b>Attorney:</b>	<u>312-263-3000</u>
	<b>Telephone Number:</b>	
<u>rwigoda@wigodaandwigoda.com</u>	<b>Email Address:</b>	<u>312-263-8489</u>
	<b>Fax Number:</b>	
<u>444 North Michigan Avenue, 26th Floor Chicago, IL 60611</u>		
<b>Address:</b>		
<u>Curtis Smithson, PE</u>	<b>Engineer:</b>	<u>847-838-7247</u>
	<b>Telephone Number:</b>	

IV. ACTION REQUESTED (Check applicable boxes and complete corresponding Exhibits):

- |  |   |
|--|---|
| <input type="checkbox"/> Annexation (see Section V below)  | <input type="checkbox"/> Subdivision Waiver / Deviation to Platted Setback Line<br>(Complete Exhibit 4) |
| <input type="checkbox"/> Rezoning from _____ To _____<br>(Complete Exhibit 1)                          | <input type="checkbox"/> Zoning Variance<br>(Complete Exhibit 5)  |
| <input type="checkbox"/> Preliminary PUD Plat<br>(Complete Exhibit 2)                                  | <input type="checkbox"/> Final PUD Plat<br>(Complete Exhibit 2)   |
| <input checked="" type="checkbox"/> Major Change to a Planned Unit Development<br>(Complete Exhibit 2) | <input type="checkbox"/> Minor Change to a Planned Unit Development<br>(Complete Exhibit 2)             |
| <input type="checkbox"/> Preliminary Plat of Subdivision   | <input type="checkbox"/> Final Plat of Subdivision  |
| <input type="checkbox"/> Conditional Use<br>(Complete Exhibit 3)                                       | <input type="checkbox"/> Major Change to a Conditional Use<br>(Complete Exhibit 3)                      |
| <input type="checkbox"/> Minor Change to a Conditional Use<br>(Complete Exhibit 3)                     | <input type="checkbox"/> Landscape Variance<br>(Complete Exhibit 6)                                     |
| <input type="checkbox"/> Site Plan Review  | <input type="checkbox"/> Plat of Easement / Vacation / Dedication<br>(circle all that apply)            |
| <input type="checkbox"/> Sign Variance<br>(Complete Exhibit 5)   |   |

V. ANNEXATION

Is this development within the City limits?

- Yes.
- Under review by another governmental agency and requires review due to 1.5 mile jurisdictional requirements.
- No, *requesting annexation*
- Are there electors living on the property:  
 Yes       No
- If yes, did they sign the Petition for Annexation?     Yes     No

VI. SITE DATA

- General description of site conditions (Including existing site improvements, i.e., buildings, parking, landscaping, etc.)

Open grass (turf) field, no improvements

- 2. Existing Utility Services (water, sewer, electricity): All existing utilities at site
- 3. Existing zoning on the site: B-2 PUD
- 4. Existing Land Use: None
- 5. Acreage & Square Footage of the site: 39,793 sq ft (.914 acres)
- 6. List Controlling Ordinances and agreements (zoning, annexation ordinances, SIA, site plans, preliminary/final PUD plats, etc.):  
WILL\_1996 64354, WILL\_1997 62709, WILL\_1998 88538, WILL\_2000 39041, WILL\_20004 169986,  
-WILL\_2006 102553 & WILLMP1996 022835

**VII. PROPOSED DEVELOPMENT:**

- 1. Type of Development (check all that apply):  
 Residential       Commercial       Office  
 Industrial       Other: \_\_\_\_\_

- 2. Proposed Zoning: No change to existing zoning.

Description of Proposal: (Including proposed land use, type of use, hours of operation, number of parking spaces, and all Exhibits mandated by the request (see **Page 2, Section IV** for Exhibit information)– attach additional pages if necessary):

One story multi-tenant retail building, to be occupied by two quick service restaurants (Five Guys & Chipotle) and one retail tenant. The hours of operation will be limited to early lunch to late dinner (10:00 am - 11:00 pm exact hours of operation is to be determined by tenant). There are 65 proposed parking stalls (3 ADA Stalls)

- 3. Description of Building (Including number of buildings, square footage of each building and use, maximum height, façade materials):

One single-story masonry & glass multi-tenant retail building. Max. height is 20'-0". Facade materials are; concrete brick, aluminum storefront glazing, fabric window awnings & accent EIFS cornice.

4. Describe all requested Variances / Deviations from the underlying zoning regulations (i.e. parking, setbacks, density, height/bulk etc.) **NOTE:** Complete this section as well as **Exhibit 5** – attach additional pages if necessary:

No variances are required.

---



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5. Describe all requested waivers from the Subdivision Regulations: (i.e. R.O.W., widths, easements, etc.) **NOTE:** Complete this section as well as **Exhibit 4** – attach additional pages if necessary:

No waivers are required.

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6. Deviations from the Landscaping Regulations **NOTE:** Complete this section as well as **Exhibit 6** – attach additional pages if necessary:

No deviations from the Landscaping Regulations.

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7. General Land Use Data:

	Residntl.	Comrc.	Office	Indst.	R.O.W.	Park	School	Private	Other*	Total
No. of Acres		.914								
% of Total		100%								

\*Please explain:

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8. Development Densities:

	Number of Units	Gross Acres	Gross Density	Modified Gross Acres	Modified Gross Density	Building square footage	Minimum Lot Size	Maximum Lot Size	Average Lot Size
Single-Family						NA			
Townhome						NA			
Duplex						NA			
Apartment						NA			

Comrcl.	3	.914	NA	NA	NA				
Office			NA	NA	NA				
Industrial			NA	NA	NA				

- Gross Acres = land designated for land use type including right-of-way
- Gross Density = number of units divided by gross acres
- Modified Gross Acres = residential acreage including internal right-of-way, detention facilities, school/park dedications and open space areas.
- Modified Gross Density = number of units divided by modified gross acres.

**VIII. SCHOOL AND PARK DONATION REQUIREMENTS (calculation tables must be attached):**

1. Required School Donation of 0 acres will be met by a \_\_\_\_\_

---

2. Required Park Donation of 0 acres will be met by a \_\_\_\_\_

---

**IX. PRIVATE FACILITIES**

1. Private open space and recreational facilities include:

N/A

---

Which will be maintained by: \_\_\_\_\_ The City of Naperville  
 \_\_\_\_\_ Homeowners Association  
 \_\_\_\_\_ Other ( \_\_\_\_\_ )

2. Outlots and/or detention/retention facilities include (size, number and location)

There is an existing detention basin which we are allowed to access.

---

Which will be maintained by: \_\_\_\_\_ The City of Naperville  
 \_\_\_\_\_ Homeowners Association  
 \_\_\_\_\_ Other ( \_\_\_\_\_ )

3. Detention, retention, open space/recreation and school uses within the development:

	Private -- Homeowners Association (acres)*	Public --To be Dedicated (acres)	Other (acres)*	Total (acres)
Open Space*				
a. Park Site				
b. Common				

Areas*				
c. Private Facility*				
Sub-total				
School Site				
Total				

\*Please Explain:

*Note: Please provide a brief explanation of the type of private facility, common area, open space or other acreage included in the development (Private facilities would include facilities such as clubhouses or private swim clubs. Other could include detention/facilities or outlots for landscape buffers, subdivision identification signage or similar purposes.)*

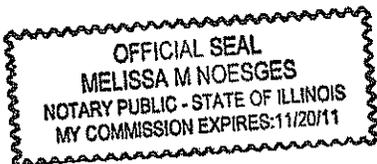
Respectfully Submitted,  
Jeffery Silverman

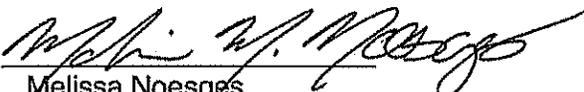
By:   
Jeffery Silverman

Manager

STATE OF ILLINOIS )  
COUNTY OF DUPAGE )  
CITY OF NAPERVILLE )

The foregoing petition was acknowledged before me by Melissa Noesges on the 23rd day of November, 2010 A.D.



By:   
Melissa Noesges  
Notary Public

**LLC PETITIONERS**

LLC petitioners are required to produce the articles of organization that are on file with the Illinois Secretary of State's Office. If an LLC is manager-managed, this petitioner may be executed by the manager identified within the articles of organization. If an LLC is member-managed, this petition must be executed by each member of the LLC

**EFFECTIVE PERIOD OF APPLICATION**

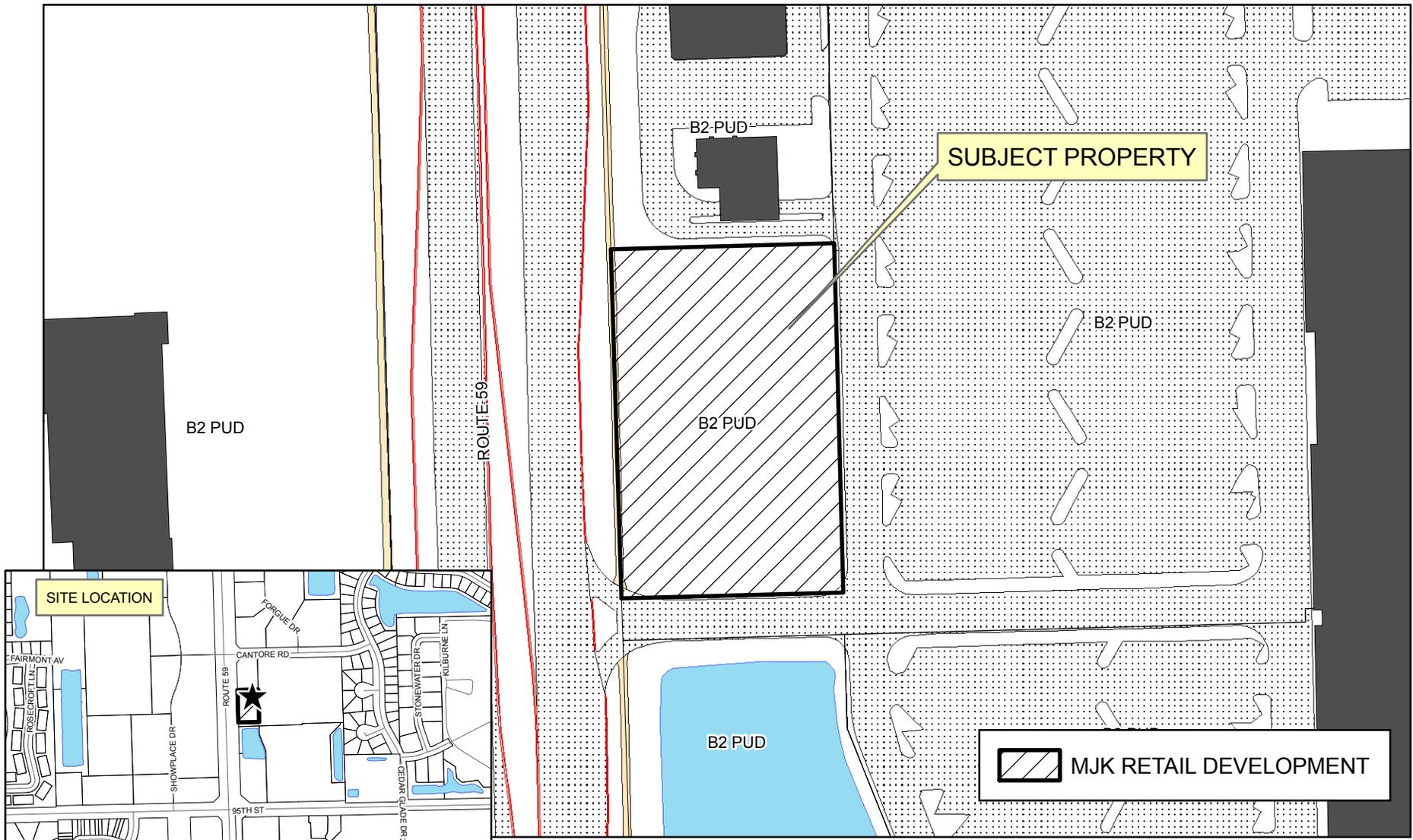
Please note that applications for development approval are only valid for a period of two years from the date of application submission and that all cases will be closed by the City without further notice to the applicant after the two year period has expired.

Lot 3 in the Bailey and Satchel's subdivision, being in the southwest quarter of the southwest quarter of Section 3, Township 37 north, Range 9 east, of the Third Principal Meridian, according to the Plat thereof recorded March 18, 1996 as Document R96-022835, in Will County, Illinois.

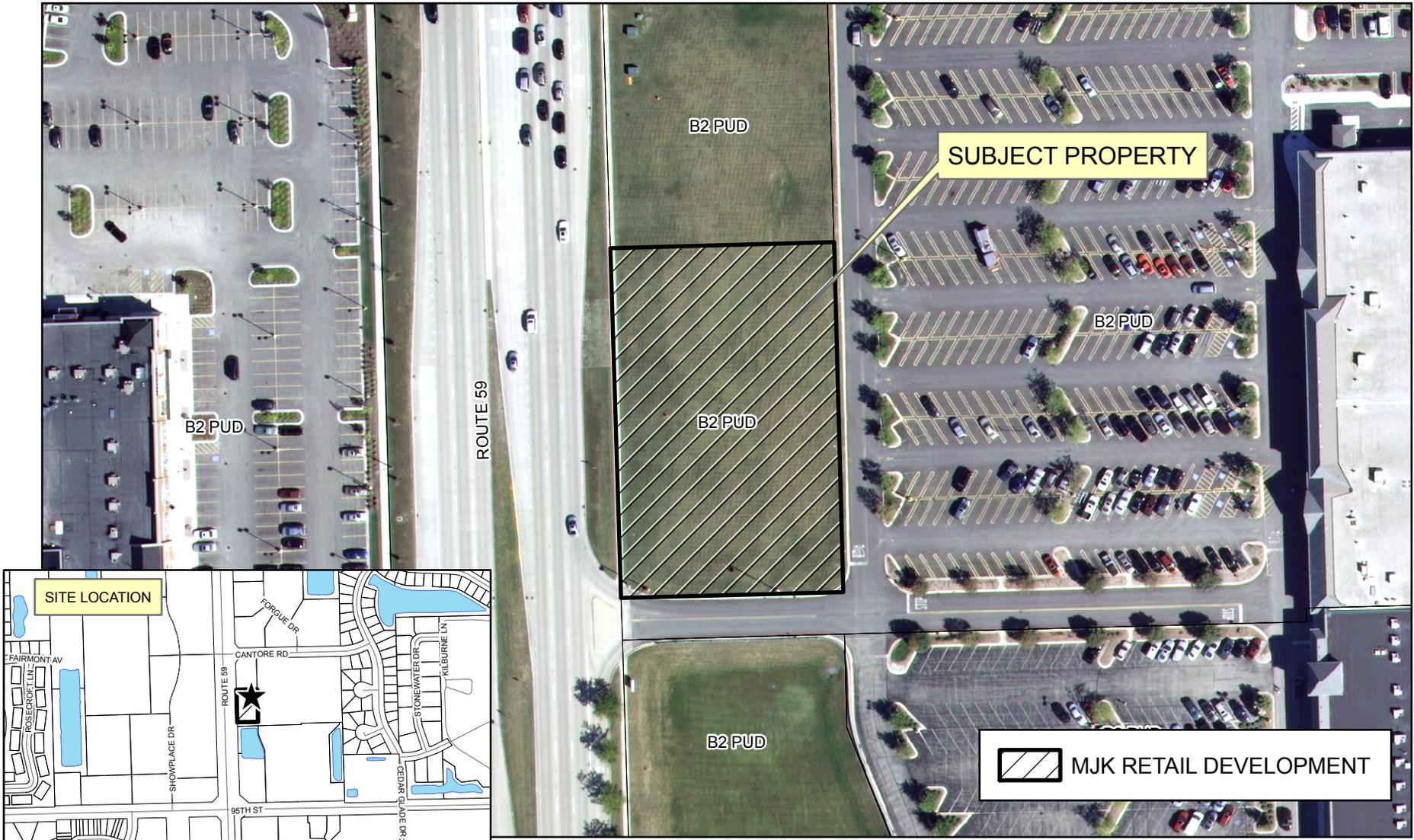
2856 S. Route 59  
Naperville, IL 60564

PIN: 07-01-03-306-002-0000

# City of Naperville MJK RETAIL DEVELOPMENT



City of Naperville  
**MJK RETAIL DEVELOPMENT**



Transportation, Engineering and  
 Development Business Group  
 Questions Contact (630) 420-6694  
 www.naperville.il.us  
 January 2011



This map should be used for reference only.  
 The data is subject to change without notice.  
 City of Naperville assumes no liability in the use  
 or application of the data. Reproduction or redistribution is  
 forbidden without expressed written consent from the City of Naperville.



**FINAL PLANNED UNIT DEVELOPMENT PLAT**  
**Route 59 and 95th MJK Partners**  
 SECTION 3, TOWNSHIP 37 NORTH, RANGE 9, EAST IN WILL COUNTY, ILLINOIS.

RECORDER  
 STATE OF ILLINOIS  
 COUNTY OF WILLISS  
 THIS INSTRUMENT NO. \_\_\_\_\_ WAS FILED FOR RECORD IN  
 THE RECORDER'S OFFICE OF WILL COUNTY, ILLINOIS, ON THE \_\_\_\_\_ DAY OF  
 \_\_\_\_\_, A.D., 20\_\_\_\_ AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M.

RECORDER OF DEEDS \_\_\_\_\_

COUNTY CLERK  
 STATE OF ILLINOIS )  
 COUNTY OF WILLISS )  
 I, \_\_\_\_\_ COUNTY CLERK OF WILL COUNTY,  
 ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL  
 TAXES, NO UNPAID CURRENT TAXES, NO UNPAID FORFEITED TAXES, AND NO  
 REDEEMABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THE  
 ANNEXED PLAT.  
 IF FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN  
 CONNECTION WITH THE ANNEXED PLAT.  
 GIVEN UNDER MY HAND AND SEAL OF THE COUNTY CLERK AT JOLET, ILLINOIS,  
 THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 20\_\_\_\_

COUNTY CLERK \_\_\_\_\_

CITY COUNCIL  
 STATE OF ILLINOIS )  
 COUNTY OF DuPAGE)SS  
 APPROVED AND ACCEPTED BY THE MAYOR AND CITY COUNCIL  
 OF THE CITY OF NAPERVILLE, ILLINOIS, AT A MEETING HELD  
 THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 20\_\_\_\_

BY: \_\_\_\_\_  
 MAYOR  
 ATTEST: \_\_\_\_\_  
 CITY CLERK

PLAN COMMISSION  
 STATE OF ILLINOIS )  
 COUNTY OF DuPAGE)SS  
 APPROVED BY THE CITY OF NAPERVILLE PLAN COMMISSION AT A MEETING HELD  
 THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 20\_\_\_\_

BY: \_\_\_\_\_  
 CHAIRMAN  
 ATTEST: \_\_\_\_\_  
 SECRETARY

OWNER  
 STATE OF \_\_\_\_\_ )  
 COUNTY OF \_\_\_\_\_ )SS  
 THIS IS TO CERTIFY THAT \_\_\_\_\_

IS THE OWNER OF THE PROPERTY HEREON, AND AS SUCH OWNER HAS CAUSED THE SAME TO BE  
 PLATTED AS SHOWN HEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH AND AS ALLOWED  
 AND PROVIDED BY STATUTES, AND SAID OWNER DOES HEREBY ACKNOWLEDGE AND ADOPT THE SAME  
 UNDER THE STYLE AND TITLE AFORESAID.  
 DATED AT \_\_\_\_\_, THIS \_\_\_\_\_ DAY OF  
 \_\_\_\_\_, A.D., 20\_\_\_\_

BY: \_\_\_\_\_  
 TITLE: \_\_\_\_\_  
 NOTARY  
 ATTEST: \_\_\_\_\_  
 TITLE: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 COUNTY OF \_\_\_\_\_ ) SS  
 I, \_\_\_\_\_, A NOTARY PUBLIC IN AND FOR  
 SAID COUNTY IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT  
 \_\_\_\_\_ AND  
 \_\_\_\_\_

OF SAID OWNER, WHO ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS  
 WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH  
 \_\_\_\_\_ AND \_\_\_\_\_ RESPECTFULLY APPEARED BEFORE  
 ME THIS DAY IN PERSON AND JOINTLY AND SEVERALLY ACKNOWLEDGED THAT THEY SIGNED AND  
 DELIVERED THE SAID INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACT AND AS THE FREE  
 AND VOLUNTARY ACT OF SAID OWNER FOR THE USES AND PURPOSES THEREIN SET FORTH.  
 GIVEN UNDER MY HAND AND NOTARIAL SEAL AT \_\_\_\_\_  
 THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 20\_\_\_\_

BY: \_\_\_\_\_  
 NOTARY PUBLIC  
 \_\_\_\_\_  
 (PLEASE PRINT NAME)

MY COMMISSION EXPIRES \_\_\_\_\_

SURVEYOR  
 STATE OF ILLINOIS )  
 COUNTY OF DU PAGE) SS

I, JOEL VIETTI, AN ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3059, HEREBY STATE THAT THIS  
 PLAT WAS MADE AT AND UNDER MY DIRECTION, FROM PUBLIC AND PRIVATE RECORD INFORMATION,  
 AND THIS PLAT IS AN ACCURATE DEPICTION OF THE FOLLOWING DESCRIBED PROPERTY:

PARCEL 1: LOT 3 IN BAILEY AND SATCHEL'S SUBDIVISION, BEING SUBDIVISION IN THE SOUTHWEST  
 QUARTER OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 37 NORTH, RANGE 9, EAST OF  
 THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 18, 1996 AS  
 DOCUMENT 096-22835, IN WILL COUNTY, ILLINOIS.

ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS THEREOF.  
 I HEREBY STATE THAT THE PROPOSED IMPROVEMENTS DEPICTED ON THIS PLAT ARE SHOWN FOR  
 INFORMATIONAL PURPOSES ONLY AND ARE NOT INTENDED TO BE USED FOR CONSTRUCTION.  
 I HEREBY STATE THAT THE PROPERTY IS WITHIN THE CORPORATE LIMITS OF THE CITY OF  
 NAPERVILLE, ILLINOIS.

I HEREBY STATE THAT THE CITY OF NAPERVILLE HAS ADOPTED AN OFFICIAL COMPREHENSIVE  
 PLAN AND IS EXERCISING THE SPECIAL POWERS AUTHORIZED THE STATE OF ILLINOIS, ACCORDING  
 TO 65ILCS 5/11-12-6, SO HERETOFORE AMENDED.  
 BY SCALE MEASUREMENT ONLY, THE SUBJECT PROPERTY LIES WITHIN ZONE "UNSHADED X", AS  
 INDICATED BY THE FLOOD INSURANCE RATE MAP FOR WILL COUNTY, ILLINOIS, COMMUNITY-PANEL  
 NUMBER 17197C0030 E, WITH AN EFFECTIVE DATE OF SEPTEMBER 6, 1995.

GIVEN UNDER MY HAND AND CORPORATE SEAL AT WHEATON, ILLINOIS, THIS \_\_\_\_\_  
 DAY OF \_\_\_\_\_, A.D., 2010

WEBSTER, McGRATH AND AHLBERG, LTD.

BY: \_\_\_\_\_  
 ILLINOIS LAND SURVEYOR NO. \_\_\_\_\_  
 LICENSE EXPIRES: NOVEMBER 30, 2010  
 207 SOUTH NAPERVILLE ROAD  
 WHEATON, ILLINOIS 60187  
 630-668-7653

APPLICANT  
 MJK Partners  
 ENGINEER  
 CURTIS SMITHSON  
 41815 N. PEDERSEN DRIVE S.  
 ANTIPOCH, ILLINOIS 60002  
 847-638-7247  
 EMAIL: CURTIS@CURTISSMITHSON.COM

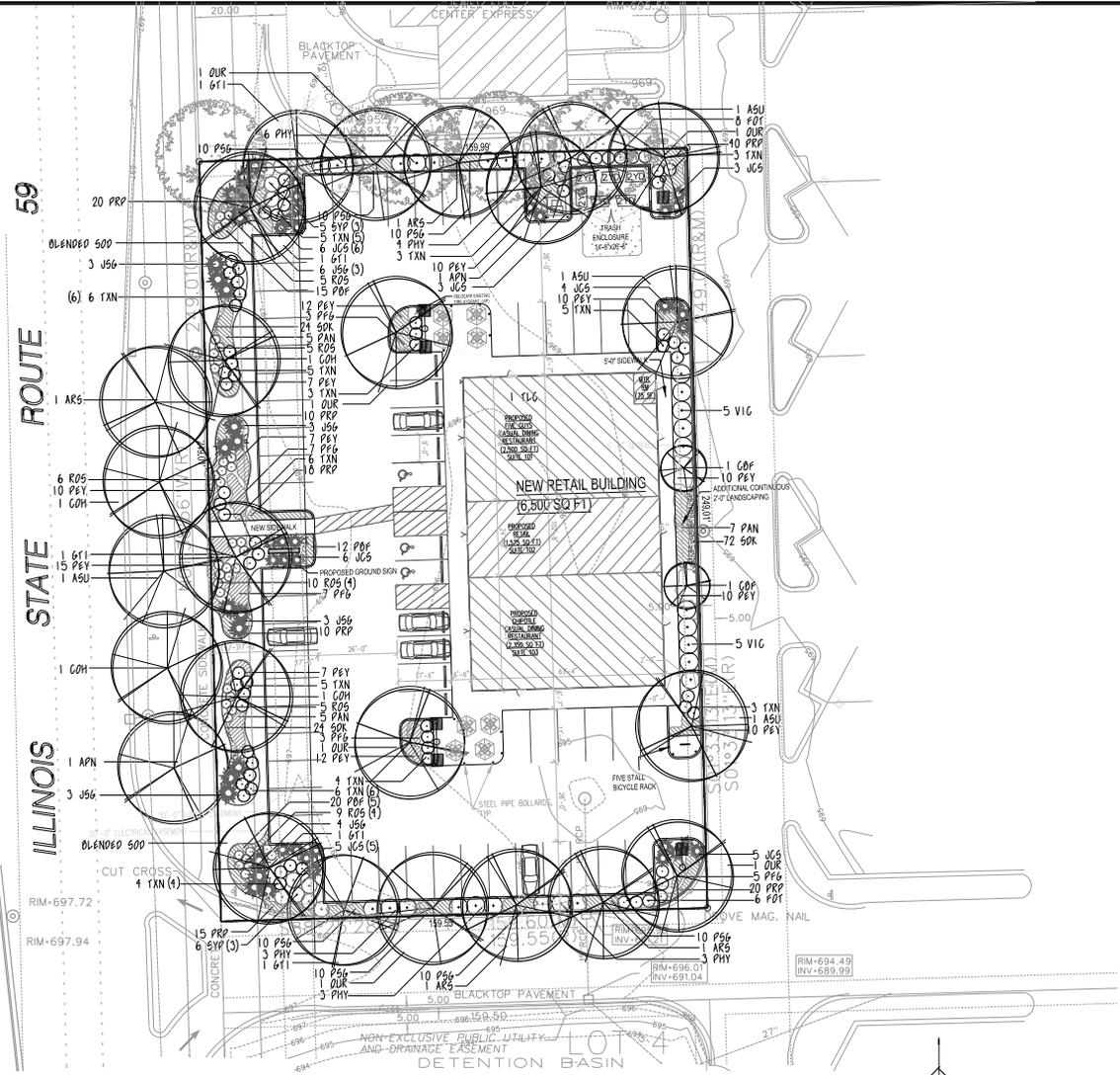
SURVEYOR  
 JOEL VIETTI  
 WEBSTER, McGRATH & AHLBERG, LTD.  
 207 SOUTH NAPERVILLE ROAD  
 WHEATON, ILLINOIS 60187  
 630-668-7653  
 FAX: 630-682-1760  
 EMAIL: JOEL.VIETTI@MJK.COM

Rev	Date	Description	By
2	01-04-11	City Review Memo	
1	12-23-10	City Review Memo 12-16-10	
		PREPARED FOR	
		MJK PARTNERS	
		BY	
		WEBSTER, McGRATH & AHLBERG LTD.	
		<b>WVA</b>	
		LAND SURVEYING - CIVIL ENGINEERING - LANDSCAPE ARCHITECTURE	
		Over a Century of Service to our Clients	
		300 SOUTH WHEATON ROAD, WHEATON, IL 60187	
		(630)668-7653 Fax: (630)682-1760 Email: info@wva.com	
		WVA-ILL-0000166-10-0000166	
		JOB NO: 38716	DATE: 11-18-10
		SURV: JW	DRAWN: BMB/OS
		FILE NO: WILL CO. 3-37-9 PUD	SHEET: 9

REVISIONS	DATE
11-15-10	11-12-10
12-27-10	
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SHEET	L-1
OF FOUR	

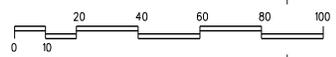


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# LANDSCAPE PLAN

SCALE 1"=20'-0"



### PLANT LIST

QTY	CODE	PLANT NAME	SIZE
5	611	GLEDITSIA TRIACANTHOS	SKYLINE HONEYLOCUST 2.5' GAL
4	ARS	AGER RUDBR	RED SUNSET MAPLE 2.5' GAL
4	ASU	AGER SACCHARUM	SUGAR MAPLE 2.5' GAL
2	APN	AGER PLATANOIDES	NORWAY MAPLE 2.5' GAL
6	OUR	QUERCUS RUDBR	RED OAK 2.5' GAL
4	COH	CELTIS OCCIDENTALIS	HACKBERRY 2.5' GAL
2	COF	CARPINUS O. FASTIGATA	PYRAMIDAL HORMBEAM 2.5' GAL
50	TAN	TAXUS TAUTONI	TAUTON YEW 24"
32	JCS	JUNIPERUS CHINENSIS	SARGENT JUNIPER 24"
22	JCG	JUNIPERUS CHINENSIS	SEA GREEN JUNIPER 24"
10	VIC	VIORNUM CARLESII	KOREAN SPIGE VIORNUM 36"
11	SYR	SYRINGA PALIBINIANA	DWARF KOREAN LILAC 36"
40	RDS	ROSA SPECIES	KNOCKOUT SHRUB ROSE 24"
14	FOT	POTYGERILLA GARDENII	DWARF POTYGERILLA 24"
19	PHY	PHYDOCARPUS SPECIES	DIABLO NINEBARK 36"
120	SKR	SEDUM KAMICHATICUM	YELLOW STONECROP 3"
120	PEY	HEMEROCALLIS SPECIES	HAPPY RETURNS DAYLILY 1 GAL
133	PRP	HUGHERA MICRANTHA	MIDNIGHT ROSE CORALBELL 1 GAL
70	PSG	CAREX ELATA	BOWLES GOLDEN SEDGE 1 GAL
17	PAN	PANICUM VIRGATUM	PRAIRIE FIRE SWITCHGRASS 1 GAL
25	PPG	PENNISETUM SPECIES	FOUNTAIN GRASS 2 GAL
47	PDF	FESTUCA BLAUCA	ELIJAH BLUE FESCUE 1 GAL

( ) - ADDITIONAL PLANTS ADDED (49) TOTAL TO COMPENSATE FOR NORTH / SOUTH FOUNDATION PLANTING SEE WEST PERIMETER PLANTING FOR TOTALS

GENERAL NOTES:

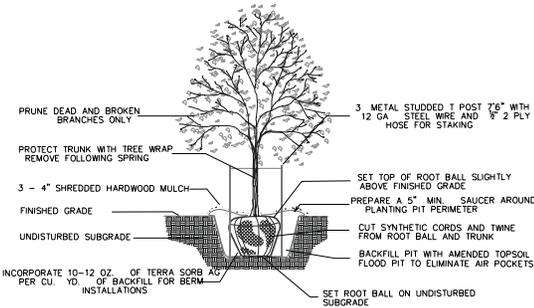
- QUANTITY LISTS ARE SUPPLIED AS A CONVENIENCE. CONTRACTOR SHALL VERIFY ALL MATERIAL QUANTITIES ON SITE.
- ALL PLANT MATERIAL TO BE NORTHERN ILLINOIS GROWN, AND WITH THE EXCEPTION OF LOW TYPE JUNIPERS, GROUNDCOVERS, AND PERENNIALS BE BALLED AND BURLAPPED "B & B" UNLESS OTHERWISE SPECIFIED. PLANT MATERIAL TO BE GROWN IN ACCORDANCE TO STANDARDS SET BY THE AMERICAN ASSOCIATION OF NURSERMEN.
- ALL PLANTINGS SHALL BE WATERED THOROUGHLY IN THE FIRST 24 HOURS AFTER PLANTING. ENSURE ALL AIR POCKETS ARE REMOVED AROUND ROOT BALL.
- CONTRACTOR TO GUARANTEE PLANT MATERIAL FOR ONE YEAR FROM TIME OF PLANTING.
- ALL PLANT BED AREAS TO BE MULCHED WITH SHREDDED HARDWOOD MULCH 3" DEEP AND SHALL BE SEPARATED FROM LAWN AREAS WITH STEEL EDGING.
- ALL LAWN AREAS TO BE A FIVE WAY MINIMUM BLUEGRASS BLEND. CONTRACTOR IS RESPONSIBLE FOR WATERING 500 UNTIL TIME OF KNITTING
- IT IS CONTRACTORS OPTION TO STAKE TREES, BUT HIS RESPONSIBILITY TO ASSURE PLANTS REMAIN PLUMD UNTIL THE END OF THE GUARANTEE PERIOD
- SEE SHEET L-2 FOR ADDITIONAL PLANTING DETAILS
- TREES SHALL BE INSTALLED A MINIMUM OF FIVE FEET HORIZONTALLY FROM SANITARY SEWERS, SANITARY SERVICES, WATER MAINS, AND WATER SERVICES. TREES SHALL BE INSTALLED A MINIMUM OF TEN FEET HORIZONTALLY FROM UTILITY STRUCTURES AND APPURTENANCES, INCLUDING, BUT NOT LIMITED TO MANHOLES, VALVE VAULTS, VALVE BOXES AND FIRE HYDRANTS AS PER VILLAGE OF NAPERVILLE LANDSCAPE CODES.
- SEE SHEETS L-3 AND L-4 FOR COMPLETE SPECIFICATIONS

PROPOSED DEVELOPEMENT  
(NEC) 95TH & ROUTE 59 NAPERVILLE, ILLINOIS

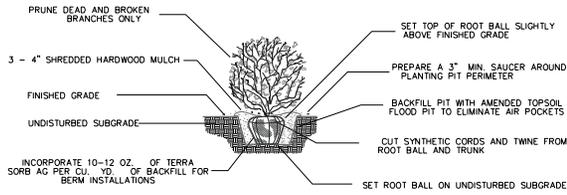
LANDSCAPE PLANS PREPARED BY:

PAUL A. COFFURE, ASLA  
IL. LICENSE NUMBER 157-00320

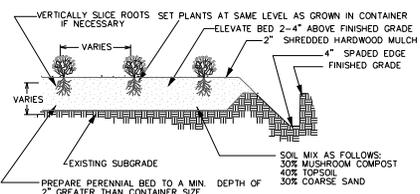




**TREE PLANTING DETAIL**  
NOT TO SCALE USE ONLY NORTHERN ILLINOIS GROWN NURSERY STOCK



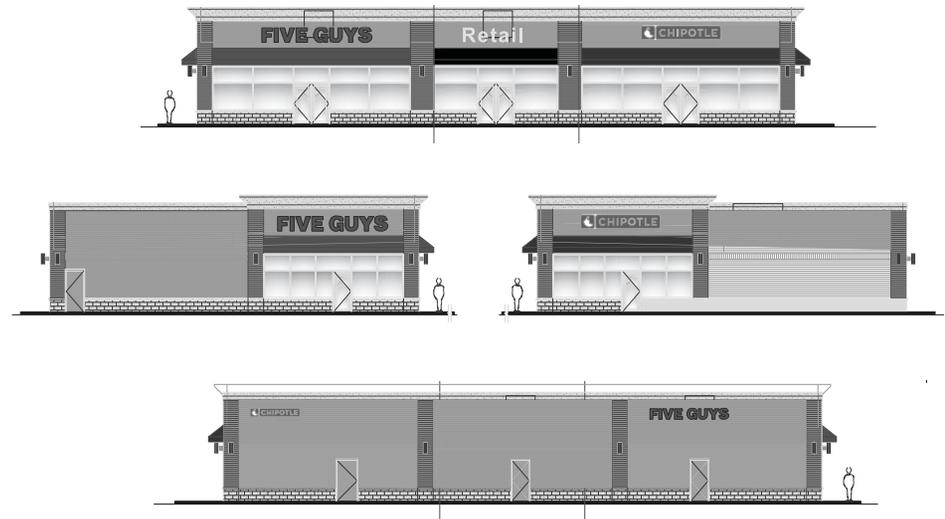
**SHRUB PLANTING DETAIL**  
NOT TO SCALE USE ONLY NORTHERN ILLINOIS GROWN NURSERY STOCK



**PERENNIAL PLANTING DETAIL**  
NOT TO SCALE USE ONLY NORTHERN ILLINOIS GROWN NURSERY STOCK

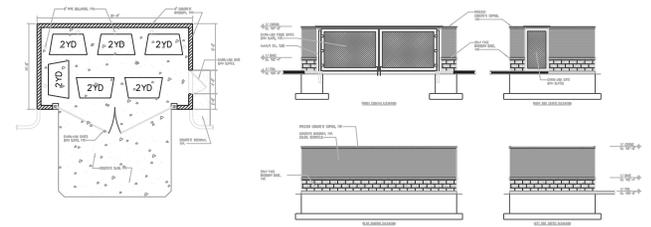
# PLANTING DETAILS

NO SCALE



# BUILDING ELEVATIONS

SCALE 1"=10'-0"  
0 5 10 20 30 40 50



# TRASH ENCLOSURE DETAILS / ELEVATIONS

SCALE 1"=10'-0"  
0 5 10 20 30 40 50

# PROPOSED DEVELOPEMENT

(NEC) 95TH & ROUTE 59  
NAPERVILLE, ILLINOIS

- GENERAL NOTES:**
1. QUANTITY LISTS ARE SUPPLIED AS A CONVENIENCE. CONTRACTOR SHALL VERIFY ALL MATERIAL QUANTITIES ON SITE.
  2. ALL PLANT MATERIAL TO BE NORTHERN ILLINOIS GROWN, AND WITH THE EXCEPTION OF LOW TYPE UNIFIERS, GROUNDCOVERS, AND PERENNIALS BE CALLED AND OURLAPPED 10 & 8" UNLESS OTHERWISE SPECIFIED. PLANT MATERIAL TO BE GROWN IN ACCORDANCE TO STANDARDS SET BY THE AMERICAN ASSOCIATION OF NURSERMEN.
  3. ALL PLANTINGS SHALL BE WATERED THOROUGHLY IN THE FIRST 24 HOURS AFTER PLANTING. ENSURE ALL AIR POCKETS ARE REMOVED AROUND ROOT BALL.
  4. CONTRACTOR TO GUARANTEE PLANT MATERIAL FOR ONE YEAR FROM TIME OF PLANTING.
  5. ALL PLANT BED AREAS TO BE MULCHED WITH SHREDDDED HARDWOOD MULCH 3" DEEP AND SHALL BE SEPARATED FROM LAWN AREAS WITH STEEL EDGING.
  6. ALL LAWN AREAS TO BE A FIVE WAY MINIMUM BLUEGRASS BLEND. CONTRACTOR IS RESPONSIBLE FOR WATERING 500 UNTIL TIME OF KNITTING.
  7. IT IS CONTRACTORS OPTION TO STAKE TREES, BUT HIS RESPONSIBILITY TO ASSURE PLANTS REMAIN PLUMB UNTIL THE END OF THE GUARANTEE PERIOD.
  8. TREES SHALL BE INSTALLED A MINIMUM OF FIVE FEET HORIZONTALLY FROM SANITARY SEWERS; SANITARY SERVICES, WATER MAINS, AND WATER SERVICES. TREES SHALL BE INSTALLED A MINIMUM OF TEN FEET HORIZONTALLY FROM UTILITY STRUCTURES AND APPURTENANCES, INCLUDING, BUT NOT LIMITED TO MANHOLES, VALVE VALVES, VALVE BOXES AND FIRE HYDRANTS AS PER VILLAGE OF NAPERVILLE LANDSCAPE CODES.
  9. SEE SHEETS L-3 AND L-4 FOR COMPLETE SPECIFICATIONS

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**COMMURIS**  
Landscape Construction  
Landscape Architects / Contractors  
300 North Road, Naperville, Illinois 60563  
TEL: 630.857.1000  
WWW.COMMURISLANDSCAPE.COM

**MJK REAL ESTATE HOLDING COMPANY LLC**  
780 ESTATE DRIVE SUITE 100 DEERFIELD, ILLINOIS

REVISIONS	00-100-00
DATE	11-12-
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Page: 131 - Agenda Item: D.2.



# LANDSCAPE SPECIFICATIONS

PROPOSED DEVELOPMENT  
(NEC) 95TH & ROUTE 59 NAPERVILLE, ILLINOIS

SECTION 2491

## PERENNIALS - ORNAMENTAL GRASSES - GROUND COVER PLANTING

SECTION 02491 CONTINUED - PERENNIALS, ORNAMENTAL GRASSES  
GROUND COVER PLANTING

SECTION 02487 CONTINUED - SODDING

### PART 1 GENERAL

- 1.01 DESCRIPTION**
- PROVIDE PERENNIALS, ORNAMENTAL GRASSES AND GROUND COVERS AS SHOWN AND SPECIFIED. THE WORK INCLUDES:
    - SOIL PREPARATION.
    - PERENNIAL, ORNAMENTAL GRASSES AND GROUNDCOVERS.
    - PLANTING MIXES.
    - MULCH AND PLANTING ACCESSORIES.
  - RELATED WORK:
    - SECTION 02200: HARTHODS.
    - SECTION 02450: SODDING.
    - SECTION 02490: TREES AND SHRUB PLANTING.
- 1.02 QUALITY ASSURANCE**
- COMPLY WITH SECTION 02900 REQUIREMENTS.
  - COMPLY WITH SECTION 02490 WHEN APPLICABLE.
  - LANDSCAPE CONTRACTORS SHALL PROVIDE STOCK TOOLS TO BOTANICAL NAME AND LEGIBLY TAGGED. DO NOT SUBSTITUTE WITHOUT PERMISSION OF LANDSCAPE ARCHITECT.
  - COMPLY WITH SIZES AND GROWING STANDARDS OF THE LATEST EDITION OF "AMERICAN STANDARD FOR NURSERY STOCK." A PLANT SHALL BE DIMENSIONED AS IT STANDS IN ITS NATURAL POSITION.
  - PERENNIALS: LIST MINIMUM DIMENSIONS FOR CONTAINERS IN VARIOUS GLASSES AND DEFINE MINIMUM STANDARDS FOR BARE ROOT LINERS, DIVISIONS, AND FIELD PLANTS.
  - ALL PLANTS SHALL BE NORTHERN ILLINOIS NURSERY GROWN UNDER CLIMATIC AND SOIL CONDITIONS SIMILAR TO THOSE IN THE LOCALITY OF THE PROJECT.
  - STOCK FURNISHED SHALL BE AT LEAST THE MINIMUM SIZE INDICATED. LARGER STOCK IS ACCEPTABLE WITHIN REASON, AT NO ADDITIONAL COST TO OWNER. ROOT SYSTEMS MUST MEET ANLA STANDARDS AS SPECIFIED. PLANTS SHOULD NOT BE ALTERED BY PRUNING OR OTHER MEANS TO MEET SPECIFICATIONS.
  - PLANTS MAY BE INSPECTED AND APPROVED AT THE PLACE OF GROWTH, FOR COMPLIANCE WITH SPECIFICATION REQUIREMENTS FOR QUALITY, SIZE AND VARIETY.
- 1.03 SUBMITTALS**
- BEFORE PREPARATION, A SAMPLE OF THE PLANTING SOIL SHALL BE SUBMITTED TO THE LANDSCAPE ARCHITECT, PRIOR TO INSTALLATION OF THE PLANTS. ADDITIONAL PREPARATION AND ADDITION OF ADDITIONAL ORGANIC MATTER MAY BE REQUIRED BASED ON THE PHYSICAL PROPERTIES OF THE PLANTING SOIL. THREE SAMPLES FROM EACH PLANTING BED SHALL BE SUBMITTED IF REQUESTED.
  - A SAMPLE OF THE ORGANIC MATTER SPECIFIED SHALL BE SUBMITTED TO THE LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO USE. A LABORATORY ANALYSIS MAY BE REQUESTED IF DEMAND NECESSARY.
  - PERIOD OF THIS DISTURBANCE THOROUGHLY AND EVENLY INCORPORATE IT INTO THE SOIL TO A DEPTH OF 3" BY DISKING OR OTHER APPROVED METHODS. FERTILIZERS ARE UNACCEPTABLE TO POWER EQUIPMENT WITH HARD TOOLS AND INCORPORATE IT INTO SOIL.
  - GRADE LAMN AREAS TO SMOOTH, PRE-GRADING AND EVEN SURFACE WITH A LOOSE, UNIFORM FINE TEXTURE.
  - RESIDE PREPARED AREAS TO SPECIFIED CONDITION IF SODDING, SETBACKS, OR OTHER BUILT DISTURBANCES AFTER FINE GRADING AND PRIOR TO SODDING.

### PART 3 EXECUTION

- 3.01 PRE-PLANTING AND POST-PLANTING INSTRUCTIONS**
- PRE-PLANTING:
    - PLANTS SHALL BE BROUGHT TO THE SITE THE DAY THEY ARE TO BE INSTALLED. IF SITUATIONS ARISE WHERE EARLIER DELIVERY CANNOT BE AVOIDED IF PLANTING IS DELAYED AFTER THE PLANTS HAVE BEEN DELIVERED, THEY SHALL BE STORED WHERE THEY CAN BE PROPERLY WATERED, SHUTTERED FROM DIRECT SUNLIGHT, AND PROTECTED FROM MECHANICAL DAMAGE BY CONSTRUCTION EQUIPMENT, ANIMALS, ETC. IF STORAGE NEEDS TO BE MORE THAN TWO DAYS, THE PLANTS SHALL BE SEPARATED BY ENDISH FROM EACH OTHER TO PROVIDE GOOD AIR CIRCULATION TO THEIR ROOTS, REDUCING THE RISK OF FUNGUS. BARE ROOT PLANTS WHICH MUST BE HELD MUST BE HEADED IN BUNDLES THEY CAN BE WATERED AS NEEDED.
    - ALL PLANTS SHALL BE WATERED THOROUGHLY AND ALLOWED TO DRAIN PRIOR TO PLANTING.
    - BARE PLANTING: BARE ROOT PLANTS MUST BE PROTECTED FROM HOT SUN AND DRYING WIND BY SHADING THEM WITH SHADOL, LANDSCAPE FABRIC, STEAM OR OTHER BREATHABLE MATERIAL. PLASTIC IS UNACCEPTABLE. CONTAINERIZED PLANTS MUST BE LEFT IN THEIR CONTAINERS UNTIL EACH IS PLANTED. THEY SHALL NOT BE REMOVED FROM THE CONTAINERS TO BE LAID OUT ON THE JOB BEHIND SUN AND WIND WHICH DAMAGE THE ROOTS PRIOR TO PLANTING.
    - ANY DEAD OR DAMAGED PLANT PARTS SHALL BE REMOVED FROM THE PLANTS UPON PLANTING.
    - SPACING: SPACE GROUNDCOVERS AND PERENNIALS IN ACCORDANCE WITH DESIGNATED AREAS ON DRAWINGS. IN CASE OF AREA SIZE DISCREPANCIES, A CLOSER SPACING IS PREFERRED.
  - MULCH: BRUSH MULCHING IS SPECIFIED. THE MULCH MUST BE PULLED AWAY FROM THE STEMS AND CROWNS OF PERENNIALS AND GROUNDCOVERS TO REDUCE THE OCCURRENCE OF ROT OR ROTENT DAMAGE. - MULCH THICKNESS IN BED AREAS SHOULD BE 2-3" FOR PERENNIALS AND 1-2" FOR GROUNDCOVERS.
  - PERENNIAL AND GROUNDCOVER BED AREAS TO BE THOROUGHLY WATERED IMMEDIATELY AFTER INSTALLATION AND CLEANUP.
- 3.02 MAINTENANCE**
- THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR THE MAINTENANCE OF THE PERENNIALS FROM THE TIME THEY ARE BROUGHT ONTO THE JOB SITE UNTIL THEY ARE PLANTED AND ACCEPTED BY THE LANDSCAPE ARCHITECT.
  - PLANTS SHALL BE WATERED OFTEN ENOUGH TO PREVENT WILTING PRIOR TO PLANTING. AFTER PLANTING, THEY SHALL BE WATERED FREQUENTLY TO SETTLER THE SOIL, THEN TO PREVENT WILTING AND TO ALLOW THEM TO BECOME ESTABLISHED ON THE SITE.
  - THE BEDS SHALL BE FREE OF BEDS AT PLANTING TIME AND SHALL BE MAINTAINED BED FREE OF THE CONTRACTOR UNTIL THE PLANTING IS ACCEPTED BY THE CLIENT.
  - SHOULD INSECTS OR DISEASES ATTACK THE PLANTS AFTER INSTALLATION AND PRIOR TO ACCEPTANCE OF THE PLANTING, APPROPRIATE PESTICIDES SHALL BE PROPERLY APPLIED TO CORRECT THE SITUATION.
  - THE BEDS SHOULD BE CHECKED REGULARLY FOR SOIL SETTLING WHICH MAY EXPOSE THE ROOT BALLS OR OTHERWISE ENDANGER THE HEALTH OF THE PLANTING. SHOULD THIS OCCUR, THE CONTRACTOR SHALL CORRECT THE SETTLING PROBLEMS.
  - NEWLY PLANTED PERENNIALS AND GROUNDCOVERS MAY BE HEAVED OUT OF THE GROUND BY ALTERNATE PRESSURE AND THARS. SHOULD THIS OCCUR PRIOR TO ACCEPTANCE OF THE PLANTING, THE CONTRACTOR SHALL RE-SET THESE AFFECTED PLANTS.
  - ANY NOTED DEFECTS, SUCH AS REVERSIONS, GREAT GROWTH OR COLOR NOT TYPICAL FOR THE SPECIES OR CULTIVAR, SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT. THE RECOMMENDATIONS OF THE LANDSCAPE ARCHITECT SHALL BE FOLLOWED TO CORRECT THE SITUATION. REMEDIATION MAY INCLUDE REMOVAL OF THE ENTIRE PLANT.
  - THE CLIENT OR THE CLIENT'S ASSIGNED AGENT REMAINS RESPONSIBLE FOR THE MAINTENANCE OF THE PLANTS AFTER THE PLANTING HAS BEEN ACCEPTED BY THE LANDSCAPE ARCHITECT. FAILURE TO PROPERLY MAINTAIN THE PLANTING SHALL VOID ANY WARRANTY.
  - THE CLIENT SHALL WATER THE PLANTS TO PREVENT WILTING. THE SCHEDULE WILL VARY WITH THE GROWTH OF THE PLANTS AND PREVAILING CLIMATE. GENERALLY, NEW PLANTINGS WILL NEED TO RECEIVE ONE INCH OF WATER PER WEEK. A RAIN GAUGE SHOULD BE PLACED IN THE PLANTING TO CHECK BOTH RAINFALL AND IRRIGATION WATER TO VERIFY THE AMOUNT OF APPLICATION.
  - THE CLIENT SHALL PROPERLY PINCH, PRUNE, AND SHAPED THE HERACIDOUS PERENNIALS AS NEEDED AND AS REQUIRED TO MEET THE AESTHETIC GOAL OF THE PLANTING.
  - THE CLIENT SHALL MAINTAIN THE PLANTING FREE FROM COMPETING WEEDS.
  - THE CLIENT SHALL REGULARLY INSPECT THE PLANTING FOR INSECTS AND DISEASES, NOTIFYING THE LANDSCAPE ARCHITECT OF ANY NOTED OCCURRENCES. IF PESTICIDES ARE NEEDED NECESSARY, THEY SHALL BE APPLIED ACCORDING TO THE MANUFACTURER'S RECOMMENDATIONS.
  - AFTER ACCEPTANCE OF THE PLANTING, THE CLIENT IS RESPONSIBLE FOR CORRECTING ANY SETTLING OF THE PLANTING BEDS.
  - AFTER ACCEPTANCE, THE CLIENT IS RESPONSIBLE FOR SETTING ANY PLANTS WHICH ARE HEAVED OUT OF THE GROUND IN WHOLE OR IN PART BY CLIMATE CHANGES.
  - UNSATISFACTORY PERFORMANCE OF THE PERENNIALS AND GROUNDCOVERS NOTED BY THE CLIENT AFTER ACCEPTANCE OF THE PLANTING SHOULD IMMEDIATELY BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT.
- 3.03 WARRANTY**
- ALL PLANTS WILL BE GUARANTEED TO BE TRUE TO NAME AS LABELED AND FREE FROM INSECTS, DISEASES, AND MECHANICAL DAMAGES WHEN DELIVERED TO THE SITE. ALL PLANTS WILL BE GUARANTEED TO RESUME ACTIVE GROWTH IN THE APPROPRIATE SEASON AND TO SURVIVE FOR A MINIMUM OF ONE YEAR AFTER ACCEPTANCE BY THE CLIENT. PROVIDED THE RECOMMENDED MAINTENANCE PROCEDURES ARE FOLLOWED BY THE CLIENT. MAINTENANCE INCLUDES, BUT IS NOT LIMITED TO WATERING, FERTILIZING, MULCHING, PRUNING, PROTECTING FROM UNSEASONABLE WEATHER AND ALL OTHER NORMAL CULTURAL PRACTICES.

- 1.05 PROJECT CONDITIONS**
- WORK NOTIFICATION: NOTIFY OWNER'S REPRESENTATIVE AT LEAST TWO (2) WORKING DAYS PRIOR TO START OF SODDING OPERATIONS.
  - PROTECT EXISTING UTILITIES, PAVING, AND OTHER FACILITIES FROM DAMAGE CAUSED BY SODDING OPERATIONS.
  - PROVIDE HOSE AND LAWN WATERING EQUIPMENT AS REQUIRED. OWNER TO PROVIDE WATER ON SITE.
- 1.06 WARRANTY**
- DISCREPANCY - ACTS OF GOD AND OTHER CONDITIONS BEYOND THE LANDSCAPE CONTRACTOR'S CONTROL, SUCH AS UNUSUAL SOIL NOT BE THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR. ANY RE-SODDING OR RE-GRADING CONTROLS IS THIS MUST BE AN ADDITION TO THE CONTRACT AMOUNT.
- PART 2 PRODUCTS**
- 2.01 MATERIALS**
- SOD TO BE HARVESTED FROM LOCAL SOIL NURSERY AND UNLESS OTHERWISE INDICATED TO BE A (5) / FIVE DAY MINIMUM BLUEGRASS BLEND. (FIVE VARIETIES OF BLUEGRASS)
  - PROVIDE BARE-ROOTED, HEALTHY SOD. PROVIDE SOD UNIFORM IN COLOR, LEAF TEXTURE, DENSITY AND DEVELOPMENT WHEN PLANTED.
  - FURNISH SOD UNIFORMLY MACHINE-SLIPPED FROM 3/4" - 1" THICK, WITH CLEAN CUT EDGES.
  - FERTILIZER:
    - GRANULAR, NON-BURNING PRODUCT COMPOSED OF NOT LESS THAN 50% ORGANIC SLOW ACTING, GUARANTEED ANALYSIS PROFESSIONAL FERTILIZER.
    - STANDARD FERTILIZER CONTAINING 6% NITROGEN, 24% PHOSPHORIC ACID AND 24% POTASH BY WEIGHT, OR EQUIVALENT TO SPECIAL PROVISIONS.
  - WATER: FREE OF SUBSTANCE HARMFUL TO SOD GROWTH. HOSSES OR OTHER METHODS OF TRANSPORTATION FURNISHED BY CONTRACTOR. WATER WILL BE PROVIDED BY THE OWNER ON SITE.
- PART 3 EXECUTION**
- 3.01 INSTALLATION**
- LIMIT PREPARATION TO AREAS WHICH WILL BE IMMEDIATELY SODDED.
  - REDUCE TOPSOIL TO LAMB AREAS TO MINIMUM DEPTH OF 3", IF COMPACTED. REMOVE STONES OVER 3/4" IN ANY DIMENSION, STICKS, ROOTS, OR OTHER EXTENSIVE MATERIAL.
  - APPLY FERTILIZER AT THE RATE EQUAL TO 1.0 LB. OF ACTUAL NITROGEN PER 1,000 SQ. FT. (200 LBS./ACRES). APPLY FERTILIZER BY HAND OR BY THE DISTRIBUTOR. THOROUGHLY AND EVENLY INCORPORATE IT INTO THE SOIL TO A DEPTH OF 3" BY DISKING OR OTHER APPROVED METHODS. FERTILIZERS ARE UNACCEPTABLE TO POWER EQUIPMENT WITH HARD TOOLS AND INCORPORATE IT INTO SOIL.
  - GRADE LAMN AREAS TO SMOOTH, PRE-GRADING AND EVEN SURFACE WITH A LOOSE, UNIFORM FINE TEXTURE.
  - RESIDE PREPARED AREAS TO SPECIFIED CONDITION IF SODDING, SETBACKS, OR OTHER BUILT DISTURBANCES AFTER FINE GRADING AND PRIOR TO SODDING.
- 3.02 PREPARATION**
- TIME OF INSTALLATION: THE ACCEPTABLE TIME TO INSTALL SOD AND BE CONSIDERED "IN SEASON" ARE AS FOLLOWS:
    - SPRING - FROM THE TIME THE SOIL IS WORKABLE AND SOD IS BEING HARVESTED, UNTIL JUNE 15TH.
    - FALL - FROM AUGUST 15TH TO NOVEMBER 15TH.
 ALL OTHER TIMES ARE CONSIDERED "OUT OF SEASON" AND ARE NOT ACCEPTABLE TO INSTALL SOD AT THIS TIME WITHOUT APPROVAL OF LANDSCAPE ARCHITECT (L.A.) AND WITH THE ADDITIONAL CONDITIONS AS FOLLOWS:
    - JUNE 15TH TO AUGUST 15TH:
      - SOD TO BE IRRIGATED BY AUTOMATIC SPRINKLER SYSTEM OR
      - SOD TO BE IRRIGATED BY MANUAL MEANS WITH SUFFICIENT QUANTITIES OF HOSE AND SPRINKLER HEADS SO AS TO KEEP SOD LOUSE AND HEALTHY UNTIL TIME OF KENITTING AND MORNING MAINTENANCE HAS BEGUN. WATERING TO BE MONITORED DAILY.
    - AFTER NOVEMBER 15TH, SOD MAY ONLY BE INSTALLED WITH (L.A.) APPROVAL AND WARM TEMPERATURES / CONDITIONS EXIST. SOD MAY NOT BE INSTALLED ON FROZEN GROUND AND UNTIL FINAL (FINE) GRADING AND GROUND PREPARATION HAS BEEN APPROVED FOR SOD INSTALLATION BY LANDSCAPE ARCHITECT.
  - SODDING:
    - LAY SOD TO FORM A SOLID MESH WITH TIGHTLY-FITTED JOINTS. BUDT EDGES AND SIDES OF SOD STEEPS. DO NOT OVERLAY EDGES. STAGGER STRIPS TO OFFSET JOINTS IN ADJACENT COURSES. REMOVE EXCESS SOD TO AVOID SMOTHERING OF ADJACENT GRASS. PROVIDE SOD PAD TOP LUSH WITH ADJACENT CURBS, SIDEWALKS, DRIVEWAYS, AND SEWER AREAS.
    - INSTALL INITIAL ROW OF SOD IN A STRAIGHT LINE, BEGINNING AT BOTTOM OF SLOPES, PERPENDICULAR TO DIRECTION OF THE SLOPES AREA. PLACE SUBSEQUENT ROWS PARALLEL TO AND SLIGHTLY ANGLE PREVIOUSLY INSTALLED ROW.
    - TAMP OR ROLL WITH ROLLER TO INCREASE CONTACT WITH SUB-GRADE SOIL.
    - WATER SOD THOROUGHLY IMMEDIATELY AFTER LAYING.
    - STAKE SOD ON SLOPES OVER 2:1 TO ANCHOR.
    - SOD INDICATED AREAS WITHIN CONTRACT LIMITS. AREAS OUTSIDE CONTRACT LIMITS DISTURBED AS A RESULT OF CONSTRUCTION OPERATIONS ARE TO BE CHANGED ACCORDING TO SIZE OF AREA.
- 3.04 MAINTENANCE**
- MAINTENANCE OF INSTALLED AND ACCEPTED SODDING LAMNS WILL BE PERFORMED BY THE OWNER.
- 3.05 ACCEPTANCE**
- SODDING AREAS WILL BE INSPECTED AT COMPLETION OF INSTALLATION AND ACCEPTED SUBJECT TO COMPLIANCE WITH SPECIFIED MATERIALS AND INSTALLATION REQUIREMENTS.
  - INSPECTION OR OBSERVING ACCEPTANCE OF SODDING LAMNS WILL BE MADE BY THE OWNER'S REPRESENTATIVE, UPON CONTRACTOR'S REQUEST.
  - 1,000 AREAS WILL BE ACCEPTED PROVIDED ALL REQUIREMENTS HAVE BEEN COMPLIED WITH, AND A HEALTHY, EVEN-COLORED GREEN LAMN IS PROVIDED.
  - SECTIONS OF THE WORK MAY BE ACCEPTED WHEN COMPLETE UPON AGREEMENT OF THE OWNER'S REPRESENTATIVE AND THE CONTRACTOR.
  - UPON ACCEPTANCE, THE OWNER WILL ASSUME LAMN MAINTENANCE.
- 3.06 CLEANING**
- PERSON CLEANING EQUIPMENT AND INSTALLATION OF THE WORK AND UPON COMPLETION OF THE WORK, REMOVE FROM SITE ALL EXCESS MATERIALS, DEBRIS, AND EQUIPMENT. REPAIR DAMAGE RESULTING FROM SODDING OPERATIONS.

### PART 2 PRODUCTS

- 2.01 MATERIALS**
- PROVIDE PLANTS TYPICAL OF THEIR SPECIES OR VARIETIES, WITH NORMALLY DEVELOPED HABIT AND VIGOROUS ROOT SYSTEMS. PROVIDE ONLY SOUND, HEALTHY, VIGOROUS PLANTS FREE FROM DEFECTS, SUNSCOLD INJURIES, PLANT DISEASES, INSECT EGGS, AND ALL FORMS OF INFESTATION.
  - CONTAINER-GROWN STOCK SHALL HAVE GROWN IN A CONTAINER FOR SUFFICIENT LENGTH OF TIME FOR THE ROOT SYSTEM TO HAVE DEVELOPED TO HOLD ITS SOIL TOGETHER, FIRM AND WORK.
  - NO PLANTS SHALL BE LOOSE IN THE CONTAINER.
  - CONTAINER STOCK SHALL NOT BE POT BOUND.
  - IF THE USE OF LARGER THAN SPECIFIED PLANTS IS ACCEPTABLE, INCREASE THE SPREAD OF ROOTS OR CONTAINER SIZE IN PROPORTION TO THE SIZE OF THE PLANT.
- 2.02 PLANT SPECIFICATIONS**
- PERENNIAL AND GROUNDCOVER PLANTS ARE SPECIFIED FOR DESIGN BY THE CONTAINER CLASS AND SIZE - I.E., 2" INCH SQUARE CONTAINER OR 1 QUART CONTAINER, ETC. OR, IF BARE ROOT, BY GRADE AS ANLA STANDARDS FOR NURSERY STOCK AND THE PRODUCTION TRADE - I.E., 1 1/2" EYE DIVISION, 2 1/2" EYE DIVISION, FINE CLUMP, ETC.
  - PERENNIALS ARE SPECIFIED BY TYPE:
    - CONTAINER-GROWN - GROWN TO A SPECIFIED SIZE IN A CONTAINER.
    - BARE ROOT - PURCHASED FREE OF ANY GROWING MEDIUM REGARDLESS OF GROWING METHOD.
    - FINE-ROOTED - FIELD-GROWN PLANTS WHICH ARE POTTED OR BAREROOT AS THEY ARE BUD FROM THE FIELD.
- 2.03 SOIL REQUIREMENTS**
- DEPENDENT ON EXISTING CONDITIONS OF TOPSOIL ON SITE, REQUIRED SOIL MIX MAY BE PREPARED ON SITE THROUGH MANUAL AND MECHANICAL MEANS, OR IN THE EVENT EXISTING SOIL IS UNACCEPTABLE CONDITION AND MAKEUP, NEW TOPSOIL OR A COMPLETE MIX TO BE INSTALLED AFTER EXISTING SOIL IS EXCAVATED TO PROPER DEPTH AND REMOVED / DISPOSED OFF SITE.
- FINAL SOIL COMPOSITION IN PERENNIAL, ORNAMENTAL GRASSES AND GROUNDCOVER BEDS TO BE 40% TOPSOIL, 30% ORGANIC MATTER, 30% CONCRETE SAND, PLUS 1 LB. FERTILIZER PER CUBIC YARD OF SOIL MIX
- SOIL FOR PERENNIAL BEDS SHOULD BE REDDIFIED 8 INCHES DEEP MINIMUM. GROUNDCOVER BEDS AT 6" MINIMUM UNLESS OTHERWISE NOTED. TOP SOIL SHOULD BE DRY, LOOSE, AND FREE OF DEBRIS. BRUSH HURDPAAN EXISTED BENEATH THE PREPARED BEDS. BEFORE PREPARATION MAY BE SPECIFIED. ADDITIONALLY, THE LANDSCAPE CONTRACTOR SHOULD IMMEDIATELY NOTIFY THE LANDSCAPE ARCHITECT IF ANY BEDS DO NOT DRAIN PROPERLY. BAGGED DARK PROFESSIONAL MIXES ARE AN EQUIVALENT SUBSTITUTE FOR PEAT MOSS.
- 2.04 AMENDMENTS**
- TOPSOIL FOR PLANTING BEDS FERTILE, FIRMABLE, NATURAL TOPSOIL WITHOUT ADMIXTURE OF SUBSOIL MATERIAL, OBTAINED FROM A WELL-DRAINABLE SITE. REASONABLY FREE FROM CLAY, LUMP, CONCRETE SANDS, STONES, PLANTS, ROOTS, STICKS, AND OTHER FOREIGN MATERIALS, WITH ACIDITY RANGE OF BETWEEN PH 5.5 TO 6.5 AND ON TYPICAL OF THE AREA.
    - ORIGIN SOURCE LOCATION OF TOPSOIL PROPOSED FOR USE ON THE PROJECT.
    - PROVIDE TOPSOIL FREE OF SUBSTANCES HARMFUL TO THE PLANTS WHICH WILL BE GROWN IN THE SOIL.
  - ORGANIC MATTER - ORGANIC MATTER CAN BE FROM PEAT MOSS, COMPOST, OR LOCALLY AVAILABLE ORGANIC MATTER. ORGANIC MATTER SHOULD BE WELL COMPOSTED, FREE FROM DEFECTS, WEED SEEDS, AND INSECTS OR DISEASES WHICH MAY BE HARMFUL TO THE INTENDED PLANTING.
  - FERTILIZERS TO BE DELIVERED TO THE JOB SITE IN THEIR ORIGINAL PACKAGING WITH LEGIBLE, INTACT LABELS INDICATING NUTRIENT CONTENT AND SOURCE. LABELS SHOULD BE CHECKED PRIOR TO USE AND A SAMPLE MAY BE REQUESTED FOR LABORATORY ANALYSIS.
    - COMMERCIAL TYPE APPROVED BY THE OWNER'S REPRESENTATIVE, CONTAINING 10% NITROGEN, 10% PHOSPHORIC ACID AND 10% POTASH BY WEIGHT OR EQUIVALENT IN A SLOW RELEASED GRANULAR FORM.
  - CONCRETE SAND - GRANITON FA-2.

END OF SECTION 02491

## SECTION 02487 SODDING

### PART 1 GENERAL

- 1.01 DESCRIPTION**
- PROVIDE SODDING LAMNS AS SHOWN AND SPECIFIED. THE WORK INCLUDES:
    - SOIL PREPARATION.
    - SODDING LAMNS.
    - RELATED WORK:
  - SECTION 02200: HARTHODS.
  - SECTION 02450: SODDING.
  - SECTION 02490: TREES AND SHRUB PLANTING.
  - SECTION 02491: PERENNIAL, ORNAMENTAL GRASS, GROUND COVER PLANTING.
- 1.02 QUALITY ASSURANCE**
- COMPLY WITH SECTION 02900 REQUIREMENTS.
  - SOD COMPLY WITH AMERICAN SOIL PRODUCERS ASSOCIATION -ASPA- CLASS OF SOD MATERIALS.
- 1.03 SUBMITTALS**
- SUBMIT SOD MEMBER'S CERTIFICATION OF GRASS SPECIES, IDENTIFY SOURCE LOCATION.
- 1.04 DELIVERY, STORAGE, AND HANDLING**
- DO NOT HARVEST OR TRANSPORT SOD WHEN MOISTURE CONTENT MAY ADVERSELY AFFECT SOD SURVIVAL.
  - PROTECT SOD FROM DEHYDRATION PRIOR TO INSTALLATION.

END OF SECTION 02487

END

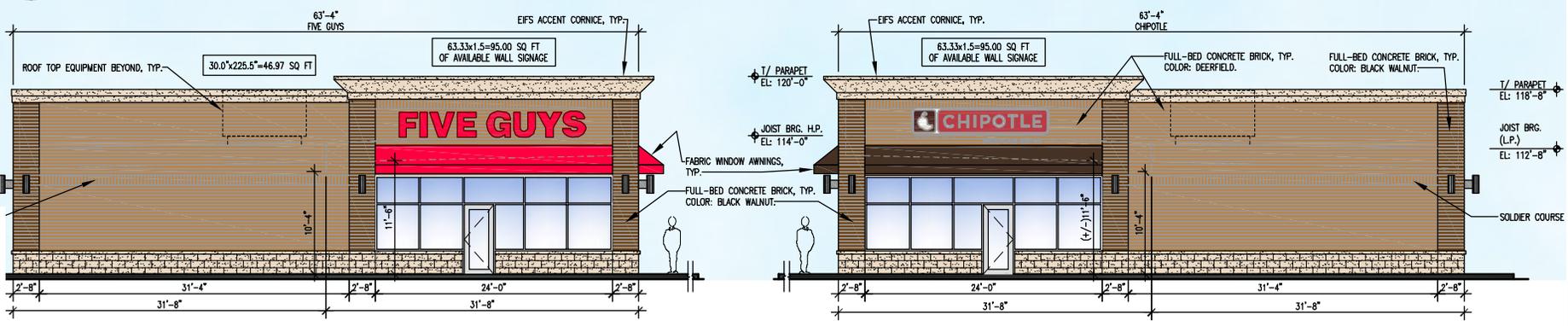
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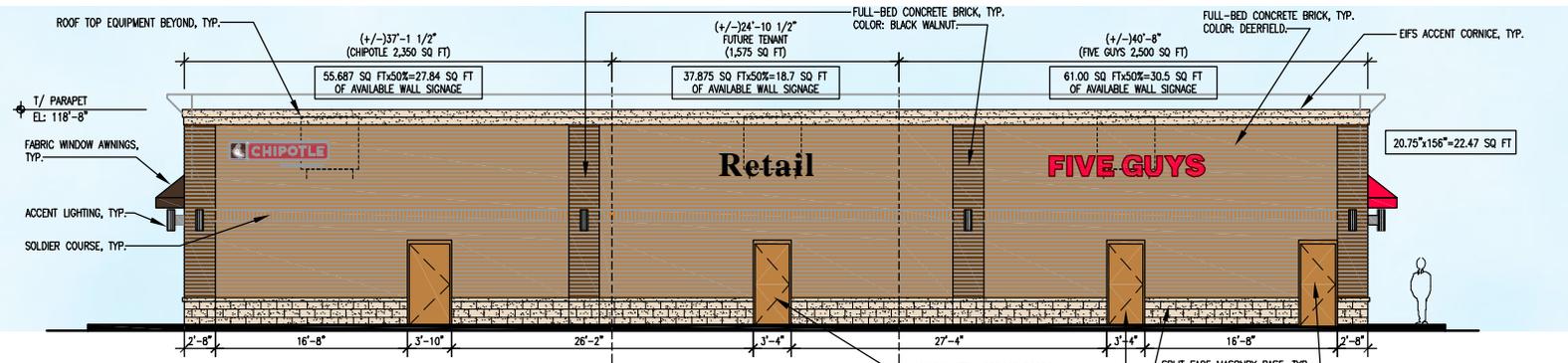
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NO.	REVISION DESCRIPTION	DATE
1	ZONING RESUBMITTAL	12/28/10
2	ZONING SUBMITTAL	11/22/10
3	REVISION SUBMITTAL	11/22/10

PROPOSED DEVELOPMENT  
 (NEC) 95th & ROUTE 59  
 NAPERVILLE, ILLINOIS  
 #10-10000151

PROPOSED EXTERIOR ELEVATIONS

DRAWN BY:	01	DATE:	
CHECKED BY:	KAA	PROJECT NO.:	10002
APPROVED BY:	KAA	FILE NAME:	
PLOT SCALE:	1:1		
SHEET NO.:			

A2

CITY OF NAPERVILLE  
MEMORANDUM

**DATE:** January 11, 2011  
**TO:** Naperville Plan Commission  
**THROUGH:** Allison Laff, AICP, Planning Operations Manager – TED Business Group  
**FROM:** Amy Emery, AICP, Community Planner – TED Business Group  
**SUBJECT:** **2011 Plan Commission Calendar Update**

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**PURPOSE:**  
To provide an update to the November 2011 Plan Commission Meeting Calendar.

**INFORMATION:**  
Due to a scheduling conflict the Naperville Municipal Center Council Chambers will not be available on November 16, 2011. As such, the November 16, 2011 Plan Commission Meeting is being cancelled. Please update your calendars accordingly.

