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CITY OF NAPERVILLE

ORDINANCE NO. 84 - 201

AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF NAPERVILLE BY ESTABLISHING AN
HISTORIC SITES COMMISSION AND PROCEDURES AND
STANDARDS FOR IMPLEMENTATION OF HISTORIC
PRESERVATION IN THE CITY OF NAPERVILLE, ILLINOIS

PASSED AND APPROVED BY THE CITY COUNCIL
OF THE CITY OF NAPERVILLE, DU PAGE AND
WILL COUNTIES, ILLINOIS, THIS 17th DAY
OF December, 1984.

Published in pamphlet form by
authority of the Corporate
Authorities of the City of
Naperville, Illinois, this 18th day
of December, 1984.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF
THE CITY OF NAPERVILLE TO ESTABLISH AN HISTORIC
SITES COMMISSION AND PROCEDURES AND STANDARDS
FOR THE IMPLEMENTATION OF HISTORIC PRESERVATION
IN THE CITY OF NAPERVILLE, ILLINOIS

WHEREAS, the preservation of sites, areas and structures of historic, architectural and aesthetic importance is of great concern to the City of Naperville; and

WHEREAS, it is the intent of the corporate authorities of the City of Naperville to promote the educational, cultural, and economic welfare of its citizens by preserving and protecting historic structures, sites and neighborhoods which serve as visible reminders of the history and cultural heritage of the City, State or Nation; and

WHEREAS, the special historic, architectural and aesthetic character of certain structures, sites and neighborhoods needs to be protected from any possible adverse impacts of future developments; and

WHEREAS, the City Council of the City of Naperville has the power to provide for the designation and preservation of neighborhoods, places, building, structures and other objects having a special historical, community, or aesthetic interest or value, by virtue of the home rule authority vested in the City of Naperville by Article VII, Section 6 of the Constitution of Illinois of 1970; and

WHEREAS, the City Council of the City of Naperville has previously initiated a comprehensive review of structures, sites and neighborhoods of historic, architectural and aesthetic importance and has requested that the Naperville Plan Commission make recommendations concerning historic preservation in the City of Naperville; and

WHEREAS, the Plan Commission held a public hearing concerning establishment of an Historic Sites Commission and

procedures and standards for implementation of historic preservation, which hearing commenced on April 28, 1982, and was continued from time to time until final adjournment on June 16, 1982; and

WHEREAS, said public hearing was held in all respects, manner and form, and upon public notice, in compliance with the requirements of the statutes of the State of Illinois, and the provisions of Ordinance No. 80-5, as amended; and

WHEREAS, the City Council has considered the recommendations of the Plan Commission, and public comments made at numerous public meetings of the City Council; and

WHEREAS, the City Council is of the opinion that the health, safety and general welfare and best interests of the residents of the City of Naperville will be promoted by protection of the historic, architectural and aesthetic character of structures, sites and neighborhoods of the City of Naperville in the manner hereinafter provided;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DU PAGE AND WILL COUNTIES, in the exercise of its home rule powers, as follows:

SECTION 1: That the Zoning Ordinance of the City of Naperville be and hereby is amended by redesignating the existing Article XI as Article XII and by adding a new Article XI which shall, and hereby does, read as follows:

ARTICLE XI HISTORIC PRESERVATION

11.1 Purpose. The purpose of this Article is to identify those structures, sites and neighborhoods in the City of Naperville 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 Article 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.

11.2 Definitions. The following words or phrases shall have the meaning ascribed to them below:

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

Certificate of Appropriateness: A certificate authorizing plans for alteration, construction, demolition or removal of an improvement which has been designated a Landmark or which is located within an Historic Preservation District.

Commission: Historic Sites Commission.

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

Demolition: Any act or process which destroys, in part or in whole, an improvement.

Exterior architectural feature: The architectural style, design, general arrangement and components of all of the outer surfaces of an improvement, as distinguished from the interior surfaces enclosed by said exterior surfaces, including but not limited to, the kind of building materials and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvement, visible from any public street or thoroughfare.

Historic Preservation District: Any area which:

- (1) contains improvements which:
 - (a) have a special character or special historic or aesthetic interest or value; and
 - (b) represent one or more periods or styles of architecture typical of one or more eras in the history of the city; and
 - (c) cause such area, by reason of such factors, to constitute a distinct section of the city; and
- (2) has been designated by the City Council as an Historic Preservation District pursuant to the provisions of this Ordinance.

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

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

Landmark: Any improvement, which has a special historical, community or aesthetic interest or value as part of the development, heritage or cultural characteristics of the City, State or Nation and which has been designated by the City Council as a Landmark pursuant to the provisions of this Ordinance. 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 age.

Ordinary repairs and maintenance: Any work done on or replacement of any part of an improvement for which a permit issued by the Department of Community Development is not required by law, where the purpose and effect of such work or replacement is to correct any deterioration or decay of or damage to such improvement or any part thereof and to restore the same, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay or damage.

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

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

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

11.3 Historic Sites Commission

11.3-1 Creation and Membership. There is hereby established and created an Historic Sites Commission which shall consist of nine (9) members who are residents of the City and who shall be appointed by the Mayor with the consent of the City Council. Wherever practicable, the Mayor shall select the members of the Commission to conform to the following guidelines concerning residence, background and experience:

- a. Four (4) or more persons who have a demonstrated interest in historic preservation and who reside in any historic district within the City of Naperville; if, at the time any appointment to the Commission is made, there is no existing historic district that has been designated by the City of Naperville, then such appointments shall be made from among persons residing in an historic district created within the City of

Naperville by the action of any other federal, state or local governmental entity;

- b. The Chairman of the Naperville Plan Commission or his or her designee;
- c. One (1) person having a background in architecture or design;
- d. One (1) historian or other person having a background in history;
- e. One (1) licensed real estate broker or salesman;
- f. One (1) person who owns, conducts or manages a business or who owns property within the central business district of the City of Naperville.

11.3-2 Terms of Office. The members of the Commission shall serve overlapping terms of three years. Initially, three members shall be appointed for a term of one year, three members shall be appointed for a term of two years, and three members shall be appointed for a term of three years. Thereafter, all appointments shall be made for a term of three years. Commission members may serve no more than two consecutive three-year terms.

Any vacancies on the Historic Sites Commission shall be filled by the Mayor as soon as possible for the unexpired term of any member whose place has become vacant. In the event that the office of Chairman is vacated for any reason, the Mayor shall immediately appoint, at his or her option, either one of the remaining members of the Historic Sites Commission, or any member who is appointed to fill such vacancy as the new Chairman.

11.3-3 Compensation. Members of the Commission shall serve without pay but may be reimbursed by the City for necessary expenses incurred in connection with their duties.

11.3-4 Organization; Officers; Rules; Meetings. The Mayor shall appoint a Chairman from the membership of the Historic Sites Commission. The members of the Commission may elect such other officers as they deem necessary. All officers shall serve for terms of one year.

The Director of the Department of Community Development shall serve as the Executive Secretary of the Historic Sites Commission.

The Commission may establish any rules necessary for the orderly conduct of its business, and its meetings shall be conducted in accordance with the then-current edition of Roberts Rules of Order.

The Commission shall meet at regularly scheduled times, at least four times each year, and at the call of the Chairman as necessary to conduct business. A quorum shall consist of a majority of the members. All recommendations to the City Council shall be made by a majority vote of those members present at any meeting where a quorum exists.

11.3-5 Jurisdiction. The Historic Sites Commission shall discharge the following duties and responsibilities under this Ordinance:

- a. Review all applications for the designation or expansion of Historic Preservation Districts, hold public hearings on such applications and report findings and make recommendations to the City Council subject to the standards and procedures established by this Ordinance.
- b. Review all applications for designation of Landmarks, hold public hearings on such applications and report findings and make recommendations to the City Council subject to the standards and procedures established by this Ordinance.
- c. Review all applications for issuance of Certificate 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 this Ordinance.
- d. Review all applications for conditional uses which may affect any Landmark or any improvement or area within an Historic Preservation District and report findings and make recommendations to the Plan Commission subject to the standards and procedures established by this Ordinance.
- e. Review all proposed amendments to the Zoning Ordinance and all applications for variances from the Zoning Ordinance, if such amendment or variance may affect any Landmark or any improvement or area within an Historic Preservation District, and report findings and make recommendations to the Plan Commission subject to the standards and procedures established by this Ordinance.

- f. Review all applications for issuance of a Street Graphics Permit pertaining to any designated Landmark or any improvement or area located within a designated Historic Preservation District, and report findings and make recommendations to the City Council subject to the standards and procedures established by this Ordinance and the standards set forth in Section 10.1301 of the Municipal Code.
- g. Conduct an ongoing survey and inventory to identify areas and improvements within the City of Naperville which are, or in the Commission's opinion should be, entitled to the protections afforded by this Article.
- h. Initiate applications for Landmark designation and applications for designation or expansion of an Historic Preservation District.
- i. Recommend to the City Council any additional measures to protect those improvements and areas within the City of Naperville that have significant historic, architectural or aesthetic features.
- j. Develop specific criteria or regulations for the alteration, construction, demolition or removal of Landmarks or improvements within Historic Preservation Districts, subject to the standards established by this Ordinance for the review of applications for Certificates of Appropriateness.
- k. Develop regulations and criteria as deemed necessary to effectuate the purposes of this Ordinance.
- l. Advise the City Council on all matters referred to it or upon which it is required to review under this Ordinance.
- m. Receive and consider the report of the Zoning Administrator as related to the effectiveness of this Ordinance, and report the Commission's conclusions and recommendations to the City Council not less frequently than once a year.
- n. Perform such other duties as the City Council may direct from time to time to effectuate the purpose of this Ordinance.

11.3-6 Recommendations of the Historic Sites Commission. All recommendations of the Commission on any applications for Landmark designation, for designation or expansion of an Historic Preservation District, for conditional uses, for variances from the provisions of the Zoning Ordinance, for amendments to the Zoning Ordinance or for Street Graphics Permits shall, in all instances, be advisory in nature and shall be subject to final consideration, evaluation, and determination by the City Council.

11.4 Designation of Landmarks

11.4-1 Procedure

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

The application for Landmark designation shall be in writing and shall contain such information and be in such form as the Commission shall, by rule, prescribe from time to time. Forms required for Landmark designation shall be supplied by the Zoning Administrator, upon request.

b. 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.

c. Within sixty (60) days after filing of the application for Landmark designation, the Commission shall hold a public hearing on the question of proposed Landmark designation.

d. 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.

e. Notice of the public hearing shall be published at least once before the public hearing in a newspaper of general circulation in the City of Naperville.

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 (150) feet, 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.

f. 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.

g. 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.

h. Within one hundred twenty (120) days of the filing of the application, the City Council shall grant or deny the application for Landmark designation. If the City Council approves the application for Landmark designation, a notice of the designation will be sent by the City Clerk to the applicant and the owner of the improvement and a copy of the ordinance effectuating the designation shall be recorded with the appropriate County Recorder of Deeds and with the appropriate Township Assessor.

i. 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.

j. 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 improvement which is the subject of an application for Landmark designation may undergo alteration, construction, demolition or removal except as is necessary to prevent or correct an imminently dangerous or hazardous condition.

k. Landmarks shall be designated by ordinance.

11.4-2 Standards for Designation of Landmarks

The Commission shall not recommend nor the City Council grant a designation of a Landmark unless it shall make findings based upon the evidence presented to it in each specific case that the proposed Landmark meets the following requirements:

- a. That it is located within the corporate boundaries of the City of Naperville; and
- b. That it is over thirty (30) years old, in whole or in part; and
- c. That one or more of the following conditions exists:
 1. That it may identify with an historic personage or with important events in national, state or local history;
 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;
 3. That it may represent the notable work of a master builder, designer or architect whose individual genius influences an era;
 4. That it may be an improvement embodying all or part of the above characteristics, which is subject to encroachment of detrimental influences;
 5. That it may be an improvement of historic, architectural, or cultural significance which is threatened with demolition by public or private action;
- d. That it possesses integrity of design, materials, workmanship, setting, location, feeling and association; and
- e. That it embodies such other qualities and characteristics as in the judgment of the Commission should be considered for the designation of a Landmark.

11.5 Designation of Historic Preservation Districts.

11.5-1 Procedure.

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 of Naperville 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 (10) percent 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 (10) percent 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 separate tax parcels shall be counted as two "owners."

b. Each application for designation of an Historic Preservation District shall contain the following information:

1. A map delineating the boundaries of the area proposed for designation.
2. A written statement setting forth the character of the area and reasons for proposed area should be designated as an Historic Preservation District.
3. Drawings or pictures of significant structures, sites or improvements within the designated area including information as to age, condition, and use of each.
4. Such other information as the Historic Sites Commission may, by rules, prescribe from time to time.

Forms required for designation of Historic Preservation Districts shall be supplied by the Zoning Administrator, upon request.

The application for designation of an Historic Preservation District shall be filed with the Zoning Administrator, who shall promptly review the application to determine that it is complete. Within five (5) working days of filing,

the Zoning Administrator shall transmit the complete application to the Commission for review and public hearing.

c. 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.

d. 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.

e. Notice of the public hearing shall be published at least once before the public hearing in a newspaper of general circulation in the City of Naperville.

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 (150) feet, 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.

f. The public hearing shall be conducted by the Historic Sites Commission and a record of such proceedings shall be preserved in such a manner as the Commission shall, by rule, prescribe from time to time.

g. 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.

h. The Commission may recommend, or the Council may decide, without requiring further application, notice or hearing, that the area to be designated an Historic Preservation District be smaller than the area proposed in the application, provided that such smaller District be located entirely within the area originally proposed.

i. Within one hundred twenty (120) days of the filing of the application, the City Council shall grant or deny the application for designation of an Historic Preservation District. If the City Council approves the application for designation of

an Historic Preservation District, notice of the designation will be sent by the City Clerk to the applicant and to all owners of record of real property within the District, and a copy of the ordinance effectuating the designation shall be recorded with the appropriate County Recorder of Deeds and with the appropriate Township Assessor.

j. 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.

k. 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 improvement which is located within the proposed Historic Preservation District may undergo alteration, construction or demolition.

l. Historic Preservation Districts shall be designated by ordinances.

11.5-2 Standards for Designation of Historic Preservation Districts

The Commission shall not recommend nor the City Council grant a designation of an Historic Preservation District unless it shall make findings based upon the evidence presented to it in each specific case that the proposed Historic Preservation District meets the following requirements:

- a. That it is located within the corporate boundaries of the City of Naperville; and
- b. That it possesses integrity of design, materials, workmanship, setting, location, feeling and association; and
- c. That one or more of the following conditions exists:
 1. That it may exemplify the broad cultural, political, economic, or social history of the nation, state or community; or

2. That it may identify with an historic personage or with important events in national, state or local history; or
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
4. That it may represent the notable work of a master builder, designer or architect whose individual genius influences an era; or
6. 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
7. That it embodies such other qualities and characteristics as in the judgment of the Commission should be considered for the designation of an Historic Preservation District.

11.6 Applicability of Zoning Provisions.

11.6-1 Zoning Classifications and Permitted Uses

a. All Landmarks and Historic Preservation Districts shall also be classified in one or more of the zoning districts established by Article VI of the Zoning Ordinance. 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 an Historic Preservation District shall be designated by a combination of symbols, i.e., R2-H, B3-H, etc.

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

11.6-2 Relationship to Plan Commission. The Historic Sites Commission may, at the request of the Plan 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 with respect to any matter being considered by the Plan Commission which may affect any improvement designated a Landmark or any designated Historic Preservation District.

11.6-3 Conditional Uses.

A copy of any application for a conditional use under the provisions of the Zoning Ordinance shall be forwarded by the Plan Commission to the Historic Sites Commission, if the proposed conditional use would be within or immediately adjacent to an Historic Preservation District, or if the owner of a Landmark would be entitled to notice under the provisions of the Zoning Ordinance.

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.

11.6-4 Variances; Amendments to Zoning Ordinance.

A copy of any application for a variance from the provisions of the Zoning or Street Graphics Ordinance, and a copy of any proposed amendment to the map or text of the Zoning Ordinance shall be forwarded by the Plan Commission or the Board of Zoning Appeals to the Historic Sites Commission, if such proposed change would be within or immediately adjacent to an Historic Preservation District, or if the owner of a Landmark would be entitled to notice under the provisions of Article III of the Zoning Ordinance.

Within a reasonable time after receipt of said copy of any such application for a variance from the provisions of the Zoning Ordinance or an amendment to the map or text of the Zoning Ordinance, the Historic Sites Commission shall review said application to determine the effect which the proposed variance or amendment would have on the historic, architectural and aesthetic character of the Landmark or Historic Preservation District, according to the appropriate criteria and architectural and aesthetic considerations for the granting of a Certificate of Appropriateness.

Within thirty (30) days after receipt of said copy of any application for a variance or a proposed amendment, the Historic Sites Commission shall forward any written report and recommendations it desires to make to the commission or board from which the copy of the application or amendment was received. Such written report and recommendations, and any testimony presented by the Historic Sites Commission at a public hearing conducted by the Plan Commission or Board of Zoning Appeals concerning the proposed variance or amendment, shall be briefly summarized in the report submitted to the City Council by the Plan Commission or Board of Zoning Appeals. 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 the written report and recommendations made by the Plan Commission or Board of Zoning Appeals to the City Council.

11.7 Certificate of Appropriateness; Regulation of Construction, Alteration, Demolition and Removal.

Except as otherwise provided in this Article, it shall be unlawful for any person to construct, alter, demolish or remove the exterior of any aspect of the exterior of any Landmark or any improvement located within an Historic Preservation District, or to construct an improvement located within an 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.

11.7-1 Procedures for Issuance of Certificate of Appropriateness

a. Applications. All applications for a building permit or a demolition permit shall be accompanied by an application for Certificate of Appropriateness if the work for which the permit is sought will result in the alternation, demolition, construction or removal of a designated Landmark or of an improvement located within an Historic Preservation District. The application for Certificate of Appropriateness shall be filed with the Department of Community Development, 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.

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.

b. 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.

c. All applications for Certificates of Appropriateness for demolition or removal of a designated Landmark or of an improvement located in an Historic Preservation District shall be subject to a public hearing.

d. Hearing Procedure.

1. All public hearings shall be held no more than sixty (60) days after the filing of an application for Certificate of Appropriateness.
2. Notice of the public hearing shall be published at least once before the public hearing, in a newspaper of general circulation in the City of Naperville.

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

The applicant shall also give written notice to the persons to whom the current real estate tax bills are sent, as shown on the record of the local real estate tax collector, of all lots lying within three hundred (300) feet, exclusive of public right-of-way, of the property lines of the parcel of land on which the improvement which is the subject of the request for Certificate of Appropriateness is located. The written notices shall be delivered personally or may be sent by first-class mail, properly addressed and with sufficient postage affixed thereon. The applicant shall file a sworn affidavit with copies of notices with the City Clerk, showing the names and addresses of the persons to whom the written notices have been sent. Said affidavit shall be a presumption of the giving of said notices, which must be delivered or mailed, as required above, no later than fifteen (15) days in advance of the public hearing.

All published notices shall contain the number assigned to the request, the place, the nature,

the purpose, and the date and time of such hearing, and the common address or location of the improvement in question, the name and address of the applicant and of the owner of the improvement, and the office address of the City Clerk where full information, including a legal description, may be obtained concerning the request, all shall be published not more than thirty (30) nor less than fifteen (15) days in advance of such hearing.

3. 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.
4. Within thirty (30) days after the public hearing, the Commission shall make written findings of fact and shall render a decision to grant or deny the application.

e. Non-Hearing Procedure.

1. If no hearing is held pursuant to this Section, the Commission shall consider the application at a meeting of the Commission within sixty (60) days of the filing of the application.
2. The Commission shall notify the applicant in writing at least seven (7) working days prior to the scheduled meeting of the date, time and place of the meeting at which the application will be considered.
3. 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.

f. 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.

g. 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.

h. Appeals to City Council: Any denial of an application for Certificate of Appropriateness may be appealed to the City Council only by the applicant and in accordance with the following provisions:

1. A request for appeal must be filed with the

City Clerk within fourteen (14) days of the denial of the application.

2. The City Clerk shall immediately notify the Commission of any appeal taken from the denial of an application for Certificate of Appropriateness.
 3. The Commission shall forward a copy of its written findings of fact and its decision to the City Clerk within fourteen (14) days of receipt of the notice of appeal. The Commission shall forward to the Clerk a copy of its minutes of the meeting or hearing at which it considered the application.
 4. Within sixty (60) days of the filing of the request for appeal, the City Council shall meet to consider the appeal.
 5. The City Council shall notify the applicant in writing at least seven (7) working days prior to the scheduled meeting of the date, time and place of the meeting at which the appeal will be considered.
 6. The appeal shall be based solely upon a review of the Commission's minutes and findings of fact. There shall be no hearing on an appeal.
 7. At the meeting to consider the appeal, the City Council shall decide whether to grant or deny the Certificate of Appropriateness.
1. 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.
- 11.7-2 Standards for Issuance of a Certificate of Appropriateness.
- a. The Commission shall apply the Secretary of the Interior's Standards for Rehabilitation in considering a request for a Certificate of Appropriateness.
 - b. The Commission shall apply the following general criteria in considering a request for a Certificate of Appropriateness:
 1. The effect of the proposed work in creating, changing, destroying or affecting the exterior architectural features of the improvement upon which such work is to be done.
 2. The relationship between the results of such work and the exterior architectural features of other, neighboring improvements in the Historic Preservation District or in the area of the Landmark.
 3. The aesthetic, historical and architectural values and significance, and the architectural style, design, arrangement and material of the existing improvement and the work proposed to be done.

4. The effects of the result of such work upon the protection, enhancement, perpetuation and use of the exterior architectural features of the improvement which cause it to possess a special character or special historical, architectural or aesthetic interest or value.
 5. The relationship between the proposed work and the objective and design criteria established for the Historic Preservation District by the Commission.
- c. The Commission shall consider the following architectural criteria, whenever appropriate to the type of work proposed:
1. Height. The height of the proposed improvement or additions or alterations should be compatible with surrounding improvements.
 2. Proportions of improvement's front facade. The proportion between the width and height of the proposed improvement should be compatible with nearby improvements.
 3. Proportions of openings into the facility. The proportions and relationships between doors and windows should be compatible with existing improvements.
 4. Relationship of building masses and spaces. The relationship of an improvement to the open space between it and adjoining improvements should be compatible.
 5. Roof shapes. The design of the roof should be compatible with adjoining improvements.
 6. Landscape and appurtenances. Landscaping and the use of appurtenances should be sensitive to the individual improvements, its occupants and their needs. Further, the landscape treatment should be compatible with surrounding improvements and landscapes.
 7. Scale of improvement. The scale of the improvement should be compatible with surrounding improvements.
 8. Directional expression of front elevation. Street facades should blend with other improvements with regard to directional expression. When adjacent improvements have a dominant horizontal or vertical expression, this should be carried over and reflected.
 9. Architectural details. Architectural details and materials should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent characteristics of that area.
 10. Economic reasonableness. The Commission shall consider the economic reasonableness of any recommended changes it determines necessary to

bring the application into conformity with the character of the district.

d. In making its determinations, the Commission shall not apply any regulation, limitation, determination or restriction as to the height and bulk of buildings, the area of yards, courts or other open spaces, density of population, the location of trades and industries, or location of buildings designed for conditional uses, unless specifically required by this Article or the provisions of the Zoning Ordinance.

e. 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.

f. In no instance shall the approval of a request for a Certificate of Appropriateness be unreasonably withheld by the Commission.

11.7-3 Certificate of Economic Hardship

a. 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.

b. 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:

1. Any substantial decrease in the fair market value of the property as a result of the denial of the Certificate of Appropriateness;
2. Any substantial decrease in the pre-tax 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;
3. Any additional cost of work necessary to comply with the standards and criteria for the issuance of a Certificate of Appropriateness.
4. In the case of a proposed demolition, the

economic feasibility of rehabilitation or reuse of the existing structure on the property.

c. 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.

d. 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 the ordinance, a reduction in real property taxes, financial assistance, building code modifications, and/or changes in zoning regulations.

e. 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.

f. 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.

11.8 Ordinary Maintenance.

Nothing in this Article 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 an Historic Preservation District which does not involve change in such improvement's design or materials, or in any exterior architectural feature of the improvement.

11.9 Maintenance and Repair Required.

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

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

Enforcement of this Section shall be pursuant to Section 3.12 of the Zoning Ordinance.

11.10 Remedying of Dangerous Conditions.

a. 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 instance 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 Article shall be construed as making it unlawful for any person, without prior issuance of a Certificate of Appropriateness, to comply with such order or direction.

b. In the case of unusual circumstances whereby the normal process for obtaining a Certificate of Appropriateness as set forth in this Article 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 such immediate approval.

11.11 Demolition by Natural Causes

a. For the purposes of this Section, complete natural demolition shall occur when an improvement is damaged by fire, collapse, explosion, or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed fifty (50) percent 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 (50) percent of the replacement cost of the improvement at the time of the demolition or destruction.

b. In the case of partial or complete natural demolition of a Landmark or an improvement located within an Historic Preservation District, the owner shall obtain a Certificate of Appropriateness from the Historic Sites Commission prior to reconstruction. 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 and 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.

11.12 Extension of Time for Action

Whenever, under the provisions of this Article, 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.

11.13 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 of Naperville, wherever and to the extent that the City Council, upon the recommendation of the Commission, determines that the acquisition will be in the public interest.

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

11.14 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 Article.

11.15 Investigations and Reports.

The Commission may take such investigations and studies of 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 Ordinance, 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.

SECTION 2: This Ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive State law; (b) legislate in a manner or regarding a matter not delegated to municipalities by State law. It is the intent of the Corporate Authorities that to the extent that the terms of this Ordinance should be inconsistent with a non-preemptive State law, that this Ordinance shall supersede State law in that regard within its jurisdiction.

SECTION 3: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED this 17th day of December, 1984.

AYES: Mayor Price, Councilmen Newkirk, Phelan, Rasmussen and Wehrli

NAYS: None

ABSENT: None

APPROVED this 18th day of December, 1984.

Margaret P. Price
MAYOR

ATTEST:

Suzanne Haas Grob
City Clerk

12/3/84

Newkirk moved to pass Ordinance 84-197. Second, Phelan.

ROLL CALL VOTE: Aye: Rasmussen, Wehrli, Price, Newkirk, Phelan.
Nay: None. MOTION DECLARED CARRIED.

8. Ordinance 84- , an ordinance amending the Zoning Ordinance of the City of Naperville by establishing an Historic Sites Commission and procedures and standards for implementation of Historic preservation in the City of Naperville, Illinois.

Rasmussen moved to return the Historic District Ordinance to Corporation Counsel for incorporation of the recommended requirements for certification proposed by the State of Illinois and for review of the State's comments on the "consent requirement for landmark designation" and to return the ordinance to Council at the December 17, 1984 meeting. Second, Newkirk.

VOICE VOTE: Motion declared carried.

9. Ordinance 84-198, an ordinance authorizing a change to traffic and/or parking control devices: designate Eighth Avenue from Sleight to Wright as 4-hour Parking.

Phelan moved to pass Ordinance 84-198 with a correction to include both sides of Eighth Avenue. Second, Rasmussen.

ROLL CALL VOTE: Aye: Wehrli, Price, Newkirk, Phelan, Rasmussen.
Nay: None. MOTION DECLARED CARRIED.

G. OLD BUSINESS:

1. Amendments to the Naperville Municipal Code, Sections 13.104, 13.308, and 13.319 relating to traffic regulations and Section 9.114 relating to streets and sidewalks (tabled from 11-19-84, E-6).

Phelan moved to table this item to December 10, 1984. Second, Newkirk.

VOICE VOTE: Motion declared carried.

2. Sign variance from Regency Federal Savings and Loan (ZBA Case #276) located at One Naperville Plaza (tabled from 11-5-84, G-2).

LAW OFFICES
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STEVEN A. STENDER
DAVID W. OTT
CARY SCHWIMMER
SUSAN L. KURLAND
ROBERT K. BUSH
PETER M. BARRON
BARBARA A. ADAMS

DAVID LINCOLN ADER
OF COUNSEL

EXPRESS MAIL

November 29, 1984

CITY COUNCIL

DEC 3 1984

AGENDA ITEM F-8

Honorable Margaret Price
and Members of the City Council
City of Naperville
175 West Jackson
Naperville, Illinois 60566

Re: Historic Preservation Ordinance

Dear Mayor Price and Council Members:

Enclosed is a copy of a letter from Michael Ward, the National Register Assistant at the Illinois Department of Conservation, containing his comments on the proposed Historic Preservation Ordinance.

I spoke with Mr. Ward about his comments, particularly with regard to his concerns about the notice and cost of application provisions. After I explained to him that the Historic Preservation Ordinance will be an amendment to the existing Zoning Ordinance and that the procedures in the Historic Preservation Ordinance parallel all other zoning procedures, he saw less of a problem with the notice and cost provisions. With regard to the owner consent requirement for landmark designation, he indicated that the certification of the City of Naperville's historic preservation program would definitely be jeopardized by the inclusion of the requirement in the ordinance. He considers his remaining comments, numbers 1 through 4, to be suggestions rather than mandates for inclusion in the Ordinance.

I am also enclosing a copy of the state regulations pertaining to the certification of local government programs.

LAW OFFICES

ANCEL, GLINK, DIAMOND, MURPHY & COPE, P. C.

Honorable Margaret Price
and Members of the City Council

November 29, 1984
Page Two

Based on the regulations, I recommend that the Ordinance be changed so as to reflect Mr. Ward's suggestions, since they are minor changes in the overall scheme of things.

The state regulations contain a considerable amount of information as to the prerequisites for certification, as well as the relative benefits and burdens of certification. Although I have not yet had the opportunity to review the Ordinance in light of the state regulations, it appears that additional changes in the Ordinance will be required if you intend to seek certification. Consequently, you may wish to review the regulations and make a preliminary decision as to whether or not you want to seek certification. That decision, in turn, will determine what further changes if any, you wish to make in the Ordinance itself.

I'll be happy to provide you with whatever additional assistance or information you may need.

Very truly yours,


Katherine S. Janega

KSJ/mah
Enclosures
cc (w/encls.):
George Smith, City Manager
Walter Newman, Director,
Department of Community Development

CITY COUNCIL

DEC 3 1984

AGENDA ITEM F-8

(2)

Illinois



Department of Conservation

life and land together

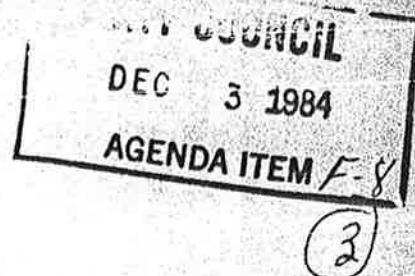
LINCOLN TOWER PLAZA • 524 SOUTH SECOND STREET • SPRINGFIELD 62701-1787

CHICAGO OFFICE - ROOM 100, 160 NORTH LA SALLE 60601-3184

~~XXXXXXXXXX~~, Director - James C. Helfrich, Assistant Director

Michael B. Witte

November 27, 1984



Katherine S. Janega
Ancel, Glink, Diamond, Murphy, & Cope, P.C.
180 North LaSalle Street
Chicago, Illinois 60601

Dear Ms. Janega:

Thank you for providing our office with the opportunity to review the proposed Historic Preservation Ordinance for the City of Naperville. I would like to offer the following comments concerning this ordinance.

1. The enabling legislation under which this ordinance is adopted should be cited in the preamble. As is, it is uncertain whether the authority is derived from the Zoning Enabling Act or the Home Rule Section of the Illinois Constitution. Keep in mind also, the problem created by "spot zoning" when designating individual landmarks.
2. Authority to survey the community to identify historic & architectural resources should be included as an area under the Commission's jurisdiction. A survey program is required for participation in the Certified Local Government program.
3. Include integrity as a criteria for the designation of landmarks and districts. Properties should possess integrity of design, materials, workmanship, setting, location, feeling, and association, as well as historical/architectural significance.
4. Cite the Secretary of the Interior's Standards for Rehabilitation as part of the Standards for Issuance of a Certificate of Appropriateness. These Standards are used in all state and federal preservation programs, and are an accepted standard.

I would also like to express two concerns about the ordinance. The first deals with requiring the owner's consent before designation of a

Katherine S. Janega
November 26, 1984
Page 2

CITY COUNCIL

DEC 3 1984

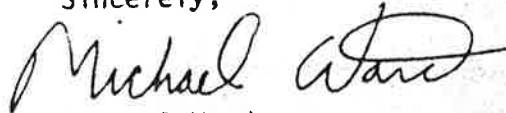
AGENDA ITEM F-2

landmark. This could prevent eligible properties from receiving the protection that this ordinance was conceived to provide. It also calls into question whether the ordinance would substantially achieve its purpose of preserving buildings of historic significance, as required by the Certified Local Government regulations (See enclosed). While every effort should be made to seek the owner's consent to designation, it should not be made a criteria for evaluating the historical or architectural significance of a property. Indeed, the ordinance provides, through its Certificate of Appropriateness and Certificate of Economic Hardship, appropriate avenues for the property owner and the Commission to evaluate the feasibility of preservation.

The ordinance also seems to place a heavy burden upon the person applying for designation, as well as the applicant for a Certificate of Appropriateness. Requiring them to handle all notifications and bear all costs of the application would very well discourage persons from attempting the process for designation. By placing similar requirements upon an owner of a designation property would make it very difficult for them to comply with the ordinance, and lead to their resisting designation. Perhaps a more equitable arrangement would be for the Commission to establish a fee for designations, etc., that would cover postage and other clerical costs, while having the notifications etc., prepared by the Commission or city staff.

I hope that my comments prove helpful. Our office is pleased that Naperville is taking this positive step toward the identification and preservation of its significant cultural resources. Please do not hesitate to contact me if our office can be of further assistance.

Sincerely,



Michael Ward
National Register Assistant

MW:ra
Enclosures

November 9, 1984

ILLINOIS DEPARTMENT OF CONSERVATION

PRESERVATION SERVICES SECTION

CERTIFICATION AND TRANSFER OF LOCAL SHARE OF HISTORIC PRESERVATION
FUND ALLOCATION TO LOCAL GOVERNMENTS

Section

- 1 Certified Local Government Program
- 2 Definitions
- 10 Requirements for Certification of Local Governments
- 20 Process for Certifying Local Governments
- 30 Process for Monitoring Certified Local Governments
- 40 Process for Revoking Certification of Local Governments
- 50 Participation in the National Register Process
- 60 Eligibility for Transfer of Local Share to Certified Local Governments
- 70 Federal Requirements for State and Local Financial Responsibility
- 80 Application for Funding
- 90 Selection Criteria

Section 1 Certified Local Government Program

Since 1966, when Congress established a historic preservation program for the United States, the national preservation program has operated as a decentralized partnership between the federal government and the states. In 1980, Congress expanded the partnership to provide for the participation of local governments. The National Historic preservation Act (16 U.S.C. 470 et. seq.) contains the legal basis for the federal-state-local preservation partnership.

Section 101(e)(1) of the Act directs the State Historic Preservation Officer and the Secretary of the Interior to participate in this partnership and Title 36, Code of Federal Regulations, Part 61 specifies several requirements that the local government must meet.

The Act provides that local governments which the State Historic Preservation Officer and the Secretary determine are Certified Local Governments must participate in the National Register of Historic Places process and may apply for a portion of the state's federal allocation of funds. The Act provides that at least ten percent of the state's annual Historic Preservation Fund allocation from the Department of the Interior shall be designated for transfer to Certified Local Governments.

Although all Certified Local Governments shall be eligible to receive funds from the ten percent local share, there is no requirement to award funds to all local governments that are eligible.

The Act also provides that in any year in which the annual Historic Preservation Funds state grant appropriation exceeds \$65,000,000, one half

of the excess shall also be transferred to Certified Local Governments according to procedures to be provided by the Secretary of the Interior.

This document provides the procedures by which local governments may become Certified Local Governments and by which application for a portion of the ten percent local share may be made.

This document is also intended to assure that the Certified Local Government's performance is consistent and coordinated with the identification, evaluation, and preservation priorities of the Department's comprehensive historic preservation planning process.

Section 2 Definitions

- a. "Certified Local Government" means any local government certified as meeting the requirements set forth in this rule.
- b. "Department" means the Illinois Department of Conservation.
- c. "Historic Preservation Fund" means the federal fund administered by the National Park Service of the United States Department of the Interior for the implementation of the historic preservation program.
- d. "National Register Programs Manual" means the guidelines promulgated by the National Park Service for the administration of monies from the Historic Preservation Fund.
- e. "Historic preservation review commission" or "commission" means a board, council, commission, or other similar body established under state or local legislation.
- f. "Illinois Historic Sites Advisory Council" means that body as constituted in ch. 127 Ill. Rev. Stat. Section 133 d1-14.
- g. "Illinois Register of Historic Places" means the list of historic sites designated under ch. 127 Ill. Rev. Stat. 133 d1-14.
- h. "Local government" means a city, county, village, township, municipality, or any other general purpose political subdivision of the state.
- i. "Local share" means that portion of the state's Historic Preservation Fund allocation that is set aside for transfer to Certified Local Governments.
- j. "National Park Service" means the division of the United States Department of the Interior that is responsible for the administration of the national historic preservation program.

(7)

k. "National Register of Historic Places" means the list of the nation's historically significant properties established under 16 U.S.C. 470, et. seq.

l. "Secretary" means Secretary of the United States Department of the Interior.

m. "State Historic Preservation Officer" means the Director of the Illinois Department of Conservation as constituted in ch. 127 Ill. Rev. Stat. 133d1-14, or designee.

Section 10 Requirements for Certification of Local Governments

a. The local government shall enforce appropriate state and local legislation for the designation and protection of historic properties. There shall be a local ordinance with provisions for the following:

1. Authorization of historic preservation under the Historic Preservation Areas Act (ch. 24 Ill. Rev. Stat. S 48.2.1-7) the Illinois Zoning Enabling Act (ch. 24 Ill. Rev. Stat. S 11-13.1), or the Home Rule section of the Illinois Constitution (Section 6(a) Article VII),
2. A statement of purpose,
3. Establishment of a historic preservation review commission and a grant of powers to it,
4. Criteria for designation of structures or districts,
5. A process for designation of structures or districts,
6. Definition of actions that merit review by the historic preservation review commission,
7. Standards and criteria for review of actions in the jurisdiction of the historic preservation review commission,
8. Procedural due process, and
9. Substantial achievement of the purpose of preserving and rehabilitating buildings of historic significance

b. The local government shall have an adequate and qualified historic preservation review commission established by local ordinance.

1. The commission shall have no fewer than five members.
2. Commission members shall be from among professionals in the disciplines of history, architectural history, architecture, historic architecture, planning, archaeology, real estate, historic preservation or related field to the extent that such professionals are available in the community and may include other persons who have demonstrated special interest, knowledge, or experience in architecture, history, neighborhood preservation, or related disciplines. All commission members shall have a demonstrated interest,

competence, or knowledge in historic preservation.

3. There shall be no minimum number of any type of professional member required on the Commission, but additional expertise may be obtained as necessary from consultants or advisors.

4. When a professional in the discipline of history, architectural history, architecture, or archaeology is not represented in the Commission membership, the Commission shall seek expertise in the pertinent area when considering National Register nominations and other actions that will affect properties which are normally evaluated by a professional in such discipline. This expertise may be obtained through consulting or other methods provided that the State Historic Preservation Officer has approved the consultant or other methods.

5. Terms of office shall be staggered.

6. Commission meetings shall be held at regular intervals at least four times each year.

7. The commission shall be represented at at least one informational or educational meeting per year, approved by the State Historic Preservation Officer, pertaining to the work and functions of the commission or to historic preservation.

8. The commission shall transmit an annual report of its activities to the State Historic Preservation Officer. Such reports shall include, at a minimum, the number of cases reviewed, new designations made, progress on survey activities, resumes for new commission members, attendance records, and documentation for the educational and informational meetings referenced in 7, above. Reports shall be submitted within sixty days after the end of the fiscal year for the local government or portion of the fiscal year in the first year of the establishment of the commission.

9. The commission shall monitor and notify the State Historic Preservation Officer of any actual or proposed demolition or actual or proposed major alteration affecting any property in its jurisdiction listed in the Illinois Register of Historic Places or the National Register of Historic Places. The State Historic Preservation Officer shall provide updated listings of both Registers to the commission and chief elected local official.

10. The responsibilities of the Commission shall be complementary to and carried out in coordination with the responsibilities of the State Historic Preservation Officer pursuant to federal law and regulations.

c. The local government shall maintain a system for the survey and inventory of historic properties.

1. The local government shall initiate or continue a process for survey and inventory approved by the State Historic

Preservation Officer for properties within the local jurisdiction in a manner that is consistent with statewide comprehensive historic preservation planning and other appropriate planning processes.

2. All inventory material shall be maintained securely and shall be accessible to the public.

3. All inventory material shall be updated periodically to reflect changes, alterations, and demolitions.

4. There shall be a building by building survey and inventory for each designated historic district.

5. Survey and inventory efforts including the format of the local survey shall be consistent with, coordinated with, and complementary to those of the state.

6. The State Historic Preservation Officer shall provide technical assistance for developing the survey.

d. The local government shall provide for adequate public participation in the local historic preservation program, including the process of nominating properties to the National Register of Historic Places.

1. All meetings shall fulfill the responsibilities of the Illinois Open Meetings Act (Ch. 102, Ill. Rev. Stat. S pars. 41 et. seq.).

2. Careful minutes shall be kept of all actions of the commission including the reasons for making decisions and must be kept on file and available to the public.

e. The local government shall satisfactorily perform the responsibilities in subsections a-d of this section and those specifically designated to it by the State Historic Preservation Officer.

1. The local government may assume additional responsibilities if mutually agreed between the local government and the State Historic Preservation Officer.

2. The State Historic Preservation Officer shall have a reasonable opportunity to review all records and materials pertinent to the implementation of this rule.

Section 20 Process for Certifying Local Governments

a. The chief elected official of the local government shall request certification from the State Historic Preservation Officer. The request for certification shall include the following:

1. A written assurance by the chief elected official that the local government fulfills the requirements of Section 10, above

2. A copy of the local historic preservation ordinance

3. A listing of areas designated as historic properties under the local ordinance together with statements of the historical significance of the properties and maps indicating their locations

4. Resumes for each member of the historic preservation commission including, where appropriate, credentials or member expertise in fields related to historic preservation.

5. A copy of the local historic preservation plan, if available, or a statement describing the local preservation program, including survey, designation, and protection activities.

b. The State Historic Preservation Officer shall respond to the chief elected official within sixty days of receipt of an adequately documented written request.

c. If the State Historic Preservation Officer determines that the local government fulfills the requirements for certification, the State Historic Preservation Officer will forward the decision to the United States Secretary of the Interior, or designee. If the Secretary does not take exception to the request within 15 working days of receipt, the local government shall be regarded as certified.

d. The local government shall be certified to participate in the national historic preservation program when certified by the State Historic Preservation Officer and the Secretary of the Interior.

Section 30 Process for Monitoring Certified Local Governments

a. The State Historic Preservation Officer shall conduct annual review and monitoring of Certified Local Governments to assure that each government is fulfilling its responsibilities as provided in this rule.

b. The State Historic Preservation Officer shall review the annual reports submitted by the local governments and other documents as necessary.

c. The State Historic Preservation Officer shall review reports and documents pertaining to the fiscal management of Historic Preservation Fund monies.

d. The Certified Local Government shall make all relevant records and materials available to the State Historic Preservation Officer.

Section 40 Process for Revoking Certification of Certified Local Governments

a. If the State Historic Preservation Officer determines that the performance of a Certified Local Government is inadequate or

deficient in fulfilling its responsibilities, the State Historic Preservation Officer shall document that determination and recommend to the Certified Local Government steps which may be taken to remove the inadequacy or deficiency and provide technical assistance to help the Certified Local Government in doing so. The State Historic Preservation Officer shall utilize the Secretary of the Interior's "Standards and Guidelines for Archaeology and Historic Preservation" in evaluating Certified Local Government performance.

b. The Certified Local Government shall have no less than thirty days nor more than one hundred twenty days to implement improvements acceptable to the State Historic Preservation Officer.

c. If the State Historic Preservation Officer determines that sufficient improvement has not occurred, the State Historic Preservation Officer shall recommend the revocation of the certification of the Certified Local Government to the Secretary citing specific reasons for the recommendation.

d. Upon the revocation of certification the State Historic Preservation officer shall begin procedures for the suspension and termination of financial assistance, if any.

Section 50 Participation in the Nomination Process for the National Register of Historic Places

a. All documentation and materials necessary for the nomination of properties to the National Register of Historic Places shall be received by the State Historic Preservation Officer. The Department shall notify the Certified Local Government of proposed nominations if there is a reasonable certainty that the proposal will result in the implementation of the nomination process.

b. If the properties to be nominated lie within the jurisdiction of a Certified Local Government the State Historic Preservation Officer shall transmit the nomination materials to the historic preservation review commission within thirty days after the State Historic Preservation Officer has determined that the nomination materials are complete and correct together with notice to the chief elected local official and the owner. This will be accompanied by a non-binding, preliminary State Historic Preservation Officer staff recommendation in regard to the form, content, and merit of the proposed nomination.

c. The commission, after reasonable opportunity for public comment, shall prepare a report as to whether or not such property, in its opinion, meets the criteria of the National Register. Within sixty days of notice from the State Historic Preservation Officer, the chief elected official shall transmit the report of the commission.

and his recommendation to the State Historic Preservation Officer and shall notify the applicant and the owner as to the content of the report and the recommendation.

d. After receipt of such report and recommendation, or if no such report or recommendation are received within sixty days, the State Historic Preservation Officer will place the nomination proposal before the Illinois Historic Sites Advisory Council at the earliest possible quarterly meeting.

e. In the event the historic preservation review commission and the chief elected official recommend that the property not be nominated to the National Register, the commission will return the nomination materials to the State Historic Preservation Officer, who shall take no further action unless within thirty days of the receipt of such recommendation by the State Historic Preservation Officer a written appeal is filed with the State by any person, public or private. If such an appeal is filed the State Historic Preservation Officer will place the nomination materials before the Illinois Historic Sites Advisory Council at the earliest possible quarterly meeting.

f. If the commission and the chief elected official disagree whether or not the property should be included in the National Register, they shall return the nomination materials to the State Historic Preservation Officer with an explanation of the disagreement. The State Historic Preservation Officer shall place the nomination proposal before the Illinois Historic Sites Advisory Council at the earliest possible quarterly meeting.

g. Any report and recommendations made shall be included with any nomination submitted by the State Historic Preservation Officer to the Secretary.

h. For proposed nominations of historic districts to the National Register of Historic Places, the Certified Local Government shall be responsible for:

1. the verification of the names of the owners of properties within the proposed historic district, and
2. providing for public information meetings at a time and place agreeable to the State Historic Preservation Officer.

Section 60 Eligibility

a. Any Certified Local Government shall be eligible to apply for and to receive grants from the local share of the state's Historic Preservation Fund annual allocation.

1. Certified Local Governments receiving Historic Preservation Fund grants shall be considered subgrantees of the State of Illinois.
2. Monies transferred to Certified Local Governments shall not be applied as matching share for any other Federal grant.

b. Funds transferred to Certified Local Governments are to be used for activities that are eligible for Historic Preservation Fund assistance and that are consistent with the State's Comprehensive Historic Preservation Planning Process.

Section 70 Federal Requirements for State and Local Financial Responsibility

- a. Local financial management systems shall be in accordance with Office of Management and Budget Circular A-102, Attachment G, "Standards for Grantee Financial Management Systems."
- b. Local financial management systems shall be auditable in accordance with the General Accounting Office's Standards for Audit of Governmental Organizations, Programs, Activities, and Functions.
- c. The state acknowledges its responsibility, through financial audit, for the proper accounting of Historic Preservation Fund Certified Local Government share monies in accordance with Office of Management and Budget Circular A-102, Attachment P, "Audit Requirements."
- d. Certified Local Governments shall adhere to all requirements of the National Park Service's National Register Programs Manual.
 1. Indirect costs may be charged as part of a grant to a Certified Local Government only if the Certified Local Government subgrantee meets the requirements of Chapter 12 of the National Register Programs Manual.
 2. Unless the Certified Local Government has a current indirect cost rate approved by the cognizant Federal agency, only direct costs may be charged.
- e. The state and the Certified Local Governments shall adhere to any requirements mandated by the United States Congress regarding the use of such funds.

Section 80 Application Procedures

- a. Certified Local Governments seeking grant assistance must file a preliminary application with the Gifts and Grants Management Section, Department of Conservation, 405 East Washington Street, Springfield, Illinois 62706. The preliminary application form is included in the Department's Historic Preservation Fund

Grants-in-Aid Local Participation Manual, which may be obtained from the Gifts and Grants Management Section.

b. The State Historic Preservation Officer, the Illinois Historic Sites Advisory Council, and the staff of the Department will evaluate each proposal to determine if it qualifies for grant assistance.

c. Certified Local Governments will be notified whether or not the proposal has received state approval and the amount of the assistance approved. Because the state's allocation depends upon the federal appropriations process, there is not a specified amount of time in which a Certified Local Government will be notified of the Department's intended action on their proposal, but the Department will make every effort to notify each applicant at the earliest opportunity.

d. The preliminary application period is from March 1 through June 30 for the following federal fiscal year which commences on October 1. The State Historic Preservation Officer may amend the preliminary application period if he feels that the transfer of funds could be carried out more effectively and expeditiously. Amendments to the preliminary application period will be undertaken only after notification has been sent to all Certified Local Governments and other interested parties.

e. The Department will prepare and submit the individual Certified Local Government proposals to the National Park Service for review and approval.

f. The National Park Service reviews the individual Certified Local Government proposal and notifies the Department of their decision. The Department then notifies the Certified Local Government of federal approval and the Certified Local Government may initiate the project. Costs incurred prior to or after the project period are not eligible for reimbursement.

g. The Department shall make available upon request the reasons for the selection of application and the amount of funds awarded.

Section 90 Selection Criteria

a. The Department shall award funds on a competitive basis to Certified Local Governments according to the following priorities:

1. Administration of local historic preservation programs with an emphasis on implementation, continuation, or completion of historic resource surveys.
2. Administration of local historic preservation programs with an emphasis on evaluation of places for designation as

landmarks or for nomination to the National Register of Historic Places.

3. Administration of local historic preservation programs with an emphasis on protection activities and historic preservation planning.

b. The Department shall give consideration only to proposals that have specific and clearly stated goals that assure measurable results.

c. The Department shall give consideration to geographical and demographical distribution of funds.

d. The Department shall give consideration to proposals that assure funds awarded will be sufficient to generate direct effects on the Certified Local Government historic preservation program.

e. The Department shall consider the distribution of funds among the maximum number of Certified Local Governments.

f. The Department shall consider the past performance of the local government in the execution and administration of prior Historic Preservation Fund-assisted projects.

ROLL CALL VOTE: Aye: Price, Newkirk, Phelan, Rasmussen, Wehrli.
Nay: None. MOTION DECLARED CARRIED.

12/17/04

F. ORDINANCES AND RESOLUTIONS:

1. Ordinance 84-201 amending the Zoning Ordinance of the City of Naperville by establishing an Historic Sites Commission and procedures and standards for implementation of Historic Preservation in the City of Naperville (tabled from 12-3-84, F-8).

Phelan moved to pass Ordinance 84-201. Second, Newkirk.

ROLL CALL VOTE: Aye: Newkirk, Phelan, Rasmussen, Wehrli, Price.
Nay: None. MOTION DECLARED CARRIED.

2. Ordinance 84-202 approving a major change to a final plat of planned unit development for the property commonly known as 600 West Fifth Avenue (Wehrli Property).

Rasmussen moved to pass Ordinance 84-202. Second, Newkirk.

ROLL CALL VOTE: Aye: Phelan, Rasmussen, Price, Newkirk.
Nay: None.
Abstain: Wehrli. MOTION DECLARED CARRIED.

3. Ordinance 84-203 amending the zoning ordinance of the City of Naperville by rezoning certain property commonly known as 620 North Washington Street to the OC&I District (Bucher/Harter).

Newkirk moved to pass Ordinance 84-203. Second, Wehrli.

ROLL CALL VOTE: Aye: Rasmussen, Wehrli, Price, Newkirk, Phelan.
Nay: None. MOTION DECLARED CARRIED.

4. Ordinance 84-204 amending the zoning ordinance of the City of Naperville by rezoning certain property commonly known as 616 North Washington Street to the OC&I District (Meiborg/Filipski).

Phelan moved to pass Ordinance 84-204. Second, Wehrli.

ROLL CALL VOTE: Aye: Wehrli, Price, Newkirk, Phelan, Rasmussen.
Nay: None. MOTION DECLARED CARRIED.

5. Ordinance 84-205 enlarging City of Naperville Special Service Area Number Five.

LAW OFFICES
ANCEL, GLINK, DIAMOND, MURPHY & COPE, P.C.
180 NORTH LA SALLE STREET
CHICAGO, ILLINOIS 60601
312 / 782-7606

CITY COUNCIL
DEC 17 1984
AGENDA ITEM

LOUIS ANCEL
MARVIN J. GLINK
STEWART M. DIAMOND
JOSEPH A. MURPHY
RONALD S. COPE
PETER M. ROSENTHAL
JOHN B. MURPHY

DAVID LINCOLN ADER
OF COUNSEL

December 13, 1984

ROBERT E. GRUNDIN
PETER D. COBLENTZ
KATHERINE S. JANCOA
HENRY E. MUELLER
STEVEN A. STENDER
DAVID W. OTT
CARY SCHWIMMER
SUSAN L. KURLAND
ROBERT A. BUSH
PETER M. BARRON
BARBARA A. ADAMS

Honorable Margaret P. Price
and Members of the City Council
City of Naperville
175 West Jackson Avenue
Naperville, Illinois 60566

Re: Historic Preservation Ordinance

Dear Mayor Price and Council Members:

Enclosed is an original of the Historic Preservation Ordinance, as revised to incorporate the suggestions raised by Michael Ward, the National Register Assistant, in his letter dated November 27, 1984.

The changes are as follows:

Preamble	Page 1	The fourth paragraph has been inserted to state that the ordinance is enacted pursuant to the City's home rule authority.
11.3-4	Page 6	The third paragraph has been amended to require the Commission to meet at least four times a year. This is required for state certification.
11.3-5	Page 7	Section g has been inserted to give the Commission authority to survey the community to identify historic and architectural sites of significance. Such a program is required for participation in the Certified Local Government Program.

LAW OFFICES
ANGEL, GLINK, DIAMOND, MURPHY & COPE, P. C.

CITY COUNCIL
DEC 17
AGENDA

Honorable Margaret P. Price
and Members of the City Council
City of Naperville

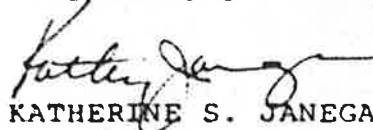
-2-

December 13, 1984

- | | | |
|----------|---------|---|
| 11.4-1.a | Page 8 | The requirement for owner consent for landmark designation has been deleted. |
| 11.4-2 | Page 11 | Section d has been inserted to include integrity as a criteria for designation of landmarks. The language is standard language for historic preservation ordinances. |
| 11.5-2 | Page 15 | Section b has been inserted to add integrity as a criteria for the designation of historic districts. |
| 11.7-2 | Page 22 | Section a has been inserted to cite the Secretary of Interior's Standards for Rehabilitation as part of the standards for the issuance of a certificate of appropriateness. The standards are used in all state and federal preservation programs and are an accepted standard. |

The rest of the ordinance remains unchanged.

Very truly yours,


KATHERINE S. JANECA

KSJ/cd
Enclosure

DELIVERED BY MESSENGER

CC: George Smith
Walter Newman

D. BOARD REPORTS AND RECOMMENDATIONS:

4. Plan Commission Recommendations:

b. status of request for final plat approval of Public Storage, Inc. PC 920800, 1020 E. Ogden Avenue

Approved.

c. Historic District Study

To be handled at workshop session with date to be set.

5. Community Appearance Advisory Board recommendation re. Awards Program.

Approved.

E. STAFF REPORTS AND RECOMMENDATIONS:

D

**CITY OF NAPERVILLE
INTER-OFFICE MEMORANDUM**

CITY COUNCIL AGENDA ITEM		
9-4-82		
7-6-82		

(1)

DATE: June 30, 1982
TO: George Smith
FROM: Walter Newman
SUBJECT: REPORT AND RECOMMENDATIONS TO THE CITY COUNCIL ON THE
HISTORIC DISTRICT STUDY

It gives me great pleasure to advise you that after 13 months of discussions, workshops, and a public hearing, the Plan Commission has now completed its study of my Report on the Historic District as requested by the City Council.

During its June 16, 1982 business meeting, the 7 Commission members present unanimously approved a proposed ordinance which would create a Historic Sites Commission authorized to recommend to the Council on the landmarking of individual buildings within our community, and on the designation of areas as Historic Preservation Districts, all subject to certain set criteria, standards, and procedures.

A letter was read by Chairman Maykut from Commissioner Walker, who was unable to be present, but who gave his "total endorsement of the proposed Historic Sites Commission" in order to allow Naperville to preserve its unique historic character during the anticipated future growth.

This proposed ordinance, which was drafted under the direction of our Corporation Counsel, is attached hereto.

There are two important considerations which were discussed extensively by the Plan Commission: Status of the existing Naperville Historic District which was entered on the National Register of Historic Places on September 29, 1977, and a provision which has since been rescinded, which would have permitted owners of property within a locally designated Historic Preservation District, to withdraw from the District under certain conditions.

1. Existing Naperville Historic District on the National Register

During the public hearing, CAN/DO and the Chamber indicated no support for the creation of a Commission; however, members of ECHO strongly urged not only the creation of a Historic Sites Commission as proposed, but in addition, the automatic designation of the existing Naperville Historic District created in 1977 as the first Historic Preservation District under the new ordinance. Thus, the first District created locally would be coincidental with the boundaries of the Federal District created in 1977.

It is my recommendation, as well as that of our Asst. Corp. Counsel, that there be no automatic creation of a District under the proposed Ordinance, whose boundaries would coincide with those of the District created in 1977 because such automatic designation of the federally created District as our first local Historic Preservation District is neither fair nor proper in that it would subject the following to all of the local regulations, without benefit of a public hearing to ascertain their wishes, or the required documentation:

To: G. Smith
Re: Historic District Study
June 30, 1982

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7-6-82	"

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- a. The CAN/DO area, which voiced opposition to this Ordinance;
- b. The ECHO area which is bounded by Washington, the B&N RR, Huffman and Highland, and which supports this Ordinance;
- c. The residents of the area between Eagle, Franklin, Washington and Jackson, who did not voice an opinion at the Public Hearing, and
- d. The Kroehler facility.

Thus, a 230 acre area, with almost 100 acres of residential development containing over 600 households, approximately 17 acres of retail/commercial establishments and almost 25 acres of college/institutional facilities would, by fiat, be subject now to local regulations, locally enforced, solely because this area was designated almost 5 years ago as a Historic District by Federal and State authorities with little or no local participation by affected property owners and others.

It is for these reasons that the Plan Commission, in recommending to the Council that a Historic Sites Commission be created, has not supported the automatic designation of the Federal District as our first locally created Historic Preservation District. However, a resolution has been passed by the Plan Commission, recommending that upon creation of the Historic Sites Commission, it be directed by the Council to study, as its first item of business, designation of the Federal District as a Historic Preservation District in accordance with the procedures, criteria and standards set forth in its enabling Ordinance, and then recommend a course of action to the Council for approval.

ECHO or any other organization or group can request that their area be designated under this Ordinance, which sets definite procedures to be followed, including the submission of a petition and approval by 51% of the property owners within that area. A study has to be prepared, and public hearing held before the Commission can make a recommendation to the Council which makes the final determination. If 51% of the owners refuse permission, the size of the proposed district can be reduced to the point where a majority of the affected owners will be in support.

2. Withdrawal from a Historic Preservation District

In the first draft of the Ordinance, there was a provision for property owners on a given street within a historic preservation district to withdraw provided 50% of them agreed, subject to approval by the Council, with no public hearing required.

Several preservationists with whom I have discussed our proposed Ordinance have indicated that this provision would prevent certification of our Ordinance by State and Federal authorities - approval required for tax incentives. The fear is that owners within a district may take advantage of the various tax incentives now offered, as well as future ones, and then withdraw when these had been exhausted.

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To: G. Smith
Historic District Study
June 30, 1982

I checked with the Historic Preservation office in Springfield, and they concurred. Therefore, the Plan Commission deleted this provision from the draft.

The Department of Community Development is maintaining a complete file of documents, including minutes and tapes of some of the workshops, all of which are available for review.

DEPARTMENT OF COMMUNITY DEVELOPMENT

Walter S. Newman

Walter S. Newman, A.I.C.P.
Director

WSN:mlb

Attachment



Naperville

CITY COUNCIL AGENDA ITEM		
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(4)

REPORT ON THE HISTORIC DISTRICT STUDY

SUMMARY OF EVENTS: 6/1/81 TO 6/16/82

On June 1, 1981, my Report on the Historic District was submitted by City Manager Smith to the Council, which then directed that it be referred to the Plan Commission for review and recommendation, including workshops and public hearings as it would deem appropriate.

Accordingly during its first meeting in June, the Plan Commission received this Report and set a first workshop for the evening of Wednesday, September 23, 1981 in the Council Chambers. This would give adequate time to review this document, discuss it with staff, and also recognized the fact that interested persons may have summer vacation plans which would prevent them from attending workshops scheduled during July and August.

During this workshop there were 3 objectives to be first discussed: What are the ramifications of Historic Districting and attendant problems; what vehicles are necessary to handle the many problems involved and who will resolve them; and to what extent in terms of most/moderate/least, will there be restrictions applied. Without getting into details, it was the consensus of the Commission that there was a need for some kind of Commission with preservation authority, and a motion was passed to that effect.

On September 30, 1981 the Plan Commission held its second workshop for which I prepared a schedule of items to be discussed. First would be the composition of a Historic Sites Commission, then we would get into the question of landmarking of individual buildings anywhere in the community, followed by the alternates available to consider in designating historic districts. Next would be details of who and how would the zoning map or zoning text be amended in a historic district, and who grants conditional uses, variances, and signs in such districts, and then the criteria and standards for review and approval of additions, construction, and alterations to landmarks and buildings in historic districts, and lastly, the question of approving demolition of buildings - and the risk of liability to the City for damages incurred by actions of the Historic Sites Commission

After a very deep discussion, the Plan Commission decided upon the makeup of the proposed Historic Sites Commission as well as agreement that it would have authority to recommend to the Council the landmarking of individual structures anywhere in the community provided that the owner consented. Without consent, there would be no landmarking. The Commission also recognized that the new Commission would be a recommending body only, with final approval by the City Council.

REPORT ON THE HISTORIC DISTRICT STUDY
SUMMARY OF EVENTS: 6/1/81 TO 6/16/82
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The third Historic District Workshop was held by the Plan Commission on Wednesday, October 28, 1981, at which time it again discussed the makeup of the members of the proposed Commission, and then I reviewed some of the members of the proposed Commission, and then I reviewed some of the procedures that the Commission would have to follow in carrying on their duties, as well as some of the prerogatives they may be given. Some items discussed were the extent to which plans for altering or adding onto buildings in a historic district would have to be reviewed and approved by the Commission, the application and approval of a Certificate of Appropriateness, notification to surrounding property owners when certain events are proposed, and how long the Commission could delay a requested demolition of a structure in a historic district, or a landmarked building.

On November 18, 1981 the Plan Commission held a fourth Historic District workshop, with much discussion about the criteria and standards that the Historic Sites Commission should consider in evaluating proposals for additions or alterations to a structure in a historic district or to a landmarked building. Details were also discussed about the Certificate of Appropriateness, public hearings related thereto, and the general procedure for application and approval. The Plan Commission was again reminded that under zoning, it would be very difficult to landmark an individual building, as zoning applies to areas, and not to an individual spot; and under the Preservation Act, it would be easy to designate individual landmarks, but difficult to encompass entire districts. However, under Home Rule, we can do both and that is what is proposed for the Historic Sites Commission: the authority to recommend, after study and public hearing, the landmarking of an individual building and also the designation of areas as preservation districts.

A fifth Historic District Workshop was held on November 24, 1981, during which time our Corporation Counsel was requested to draft, in preliminary form, an ordinance which would create a Historic Sites Commission and give it certain responsibilities, prerogatives, and procedures upon which the Plan Commission had so far agreed. It was felt that the time had arrived to see how these agreed upon items would be put into legal form in light of existing laws and good practice. Several ordinances from other communities were also reviewed and discussed. Procedures and processes were again reviewed.

January 14, 1982. I was advised that a draft of a Historic Sites Commission ordinance was on the desk of Marv Glink, awaiting his final review. It was anticipated that this could be distributed to the Plan Commission during its January 20th meeting.

January 20, 1982. Copies of the proposed Ordinance were distributed to the Plan Commission, along with a memo I prepared containing 18 proposed changes or amendments to the proposal. It was suggested that the Plan Commission review this document, following which it would be fully discussed at a workshop, with the hope that a date for a public hearing could be set at that time.

REPORT ON THE HISTORIC DISTRICT STUDY
SUMMARY OF EVENTS: 6/1/81 TO 6/16/82
Page 3

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The sixth, seventh, and eighth Historic District Workshops were held on February 10th, 17th, and 24th during which the proposed Ordinance was reviewed paragraph by paragraph, and explained, discussed, and altered to the wishes of the Plan Commissioners. A Public Hearing on the proposed Historic Sites Commission was set for Wednesday evening, April 28, 1982 in the Council Chambers.

On April 8, I submitted a Summary of the proposed Ordinance to the Plan Commission which outlined the major components and procedures.

On April 28, 1982 the Plan Commission held a public hearing on the proposed ordinance which would create a Historic Sites Commission empowered to recommend to the Council the designation of landmarks and the creation of historic preservation districts within the Corporate limits of Naperville.

22 individuals signed the register to give testimony, including many residents of ECHO, and representatives of the Chamber of Commerce, CAN/DO, and the Heritage Society. Minutes of this Hearing are attached.

CAN/DO and the Chamber stated there was no support for the creation of a Historic Sites Commission, but members of ECHO strongly urged creation of such a Commission as well as the automatic designation of the existing Federal Historic District which is on the National Register as the first Historic Preservation District under the proposed local ordinance.

In response to some of the negative comments and positive suggestions voiced at the Hearing, and also communicated via mail to Department of Community Development, I prepared the attached matrix, which was reviewed by the Plan Commission. Accordingly, certain changes were agreed upon during a workshop on June 9th, and our Assistant Corporation Counsel, Adrienne Levatino-Donoghue, was asked to redraft the Ordinance so as to include these amendments.

The Plan Commission, in session on June 16th, first held a last workshop on this matter and then, during its business meeting approved unanimously the proposed Ordinance creating a Historic Sites Commission and recommended it to the Council for review and approval. It also passed a resolution that if the Council does create a Historic Sites Commission, it should direct that Commission as its first order of business, to review the existing Federal Historic District in accordance with the procedures established in the Ordinance and prepare an appropriate recommendation to the Council.

Workshop Minutes are available for review in the Department of Community Development office.

DEPARTMENT OF COMMUNITY DEVELOPMENT



Walter S. Newman, A.I.C.P.
Director

WSN:k1f

Attachments

CITY COUNCIL AGENDA ITEM		
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INFORMATION ON HISTORIC SITES COMMISSION

I. MINUTES (SUMMARIES)

- a. September 23, 1981 Workshop
- b. September 30, 1981 Workshop
- c. October 28, 1981 Workshop
- d. November 18, 1981 Workshop
- e. November 24, 1981 Workshop
- f. April 28, 1982 Public Hearing
- g. June 9, 1982 Workshop
- h. June 16, 1982 Business Meeting

II. MISCELLANEOUS

- a. Synopsis and first draft
- b. Summary by Walter Newman
- c. Comments by Adrienne Levatino-Donoghue
- d. Revised draft including amendments
- e. List of amendments

III. CORRESPONDENCE

- a. Memo from Newman to Smith, dated May 13, 1981
Re: Status of the Historic District Study
- b. Memo from Newman to Plan Commission, dated June 5, 1981
Re: Review of Historic District Report by Plan Commission
- c. Memo from Newman to Glink, dated September 10, 1981
Re: Request for legal counsel at work sessions
- d. Memo from Newman to Plan Commission, dated September 10, 1981
Re: Scheduling of first Historic District Workshop
- e. Memo from Newman to Smith, dated September 29, 1981
Re: Plan Commission Historic District Workshop - September 23, 1981
- f. Memo from Newman to Plan Commission, dated September 30, 1981
Re: Major areas of activity of Historic Sites Commission
- g. Memo from Newman to Smith, dated October 9, 1981
Re: Short summary of September 30, 1981 Historic Sites Comm. Workshop
- h. Memo from Newman to Plan Commission, dated November 3, 1981
Re: Informal minutes for October 28, 1981 Workshop
- i. Memo from Newman to Smith, dated November 4, 1981
Re: Informal minutes for October 28, 1981 Workshop
- j. Memo from Newman to Plan Commission, dated November 24, 1981
Re: Quote on need for Commissioners to have preservation experience
- k. Memo from Newman to Smith, dated December 1, 1981
Re: Request of P.C. to draw up preliminary ordinance
- l. Memo from Newman to Confederation, dated December 8, 1981
Re: Copies of Historic District Report
- m. Memo from Newman to Smith, dated December 8, 1981
Re: CAN/DO meeting to review Historic District
- n. Memo from Newman to Plan Commission, dated January 14, 1982
Re: Status of Historic District Ordinance

Information on Historic Sites Commission
Page 2

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- o. Memo from Newman to Levatino-Donoghue, dated January 18, 1982
Re: Newman's comments on Preliminary Historic District Ordinance
 - p. Memo from Newman to Smith, dated February 25, 1982
Re: Plan Commission's completion of review of preliminary draft
 - q. Memo from Newman to Plan Commission, dated May 21, 1982, matrix
Re: Matrix and two major items of importance
 - r. Memo from Newman to Smith, dated June 18, 1982
Re: Plan Commission's recommendation to approve proposed Ordinance

CITY COUNCIL AGENDA ITEM		
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(DRAFT PREPARED AT THE REQUEST OF THE NAPERVILLE PLAN COMMISSION)

CITY OF NAPERVILLE

ORDINANCE NO. 82 - _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF NAPERVILLE BY ESTABLISHING AN
HISTORIC SITES COMMISSION AND PROCEDURES AND
STANDARDS FOR IMPLEMENTATION OF HISTORIC
PRESERVATION IN THE CITY OF NAPERVILLE, ILLINOIS

PASSED AND APPROVED BY THE CITY COUNCIL
OF THE CITY OF NAPERVILLE, DU PAGE AND
WILL COUNTIES, ILLINOIS, THIS _____ DAY
OF _____, 1982.

*
Did not print
entire draft

Published in pamphlet form by
authority of the Corporate
Authorities of the City of
Naperville, Illinois, this _____ day
of _____, 1982.

CITY COMMISSIONER'S OFFICE	
2-4-2	
41 7-6-82	

OUTLINE OF PROCEDURES TO BE FOLLOWED FOR:

Designation of a Historic Preservation District	Page 1
Designation of Landmarks	2
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* Did not print All

6/9/82

HISTORIC SITES COMMISSION

Statement at Public Hearing

Item

Letter from George Olson, President, Chamber of Commerce

"Establishment of a commission to protect a small number of 'historically significant' buildings while placing controls on 66 blocks of area will create additional governmental cost and city staff to administer"

Letter from Steve Irvin, President of CAN/DM

"According to the proposed ordinance, the Historic Sites Commission has vast police power and there is no guarantee that future commissions will not augment, expand or vigorously use these powers."

DCD Comments

Nowhere does this Ordinance place controls on any area in the City; it does authorize the Commission under certain conditions and after public hearings to RECOMMEND certain controls to specific buildings or areas for Council decision.

Maperville, along with most municipalities, enforces certain ordinances, such as Zoning, under what is known as the "police power". The proposed Historic Sites Commission would be authorized under this "power". This is far different from the erroneous notion that somehow this Commission would be a substitute for the police. Further, it is only the Council which can expand or diminish the responsibilities of any of its commissions inasmuch as it is only the Council that can adopt, amend, or repeal its ordinances.

Our Zoning Ordinance provides (3.12) any person, firm etc. who violates any provisions, shall upon conviction be fined not more than \$500.00 for each offense.

Our Street Graphics Ordinance provides (10.1323) that any person who violates any provisions, shall upon conviction be fined not less than \$25.00 or more than \$500.00 for each offense.

The Historic Sites Commission Ordinance provides (11.35) that any person who files a false statement be fined not more than \$250.00 and/or imprisonment for not more than 90 days.

In any event it is usually the presiding judge who determines whether a fine should be imposed and how much it should be.

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Walter A. Purnan, Dir.

Item

Statement

"Redevelopment within the existing Central Business District will be stifled due to costs and delays mandated by this Ordinance"

DCD Comments

Passage of this Ordinance by Council does NOT DESIGNATE any area for any special treatment; therefore adoption of this Ordinance does not MANDATE any costs or delays affecting the Central Business District or any other building or area in Naperville. However, at some future time, and only if the Commission makes a recommendation, and the Council concurs, there may be costs and/or delays affecting that area; however, it is also true that the Commission and the Council may find that there may also be many benefits to be realized.

3. Para. 11.2; Definitions; Improvement (page 3)

Defined as any building, structure, place, parking facility, fence, gate, wall, work of art or other object constituting a physical betterment of real property, or any part of such betterment.

The word "place" appears to be vague.

4. Para. 11.2; Definitions; Owner (page 4)

Owner is defined to include not only the owner of fee simple title, but also the owner of any other interest in the improvement, including a contract purchaser, a lessee, and a like tenant.

Any renter of a property can initiate a request for landmarking a structure, even without owner knowing of this. If there is a mortgage on a property, does the Savings and Loan have a sufficient interest to initiate an action for landmarking? Appears that the definition is much too broad and inclusive.

5. Para. 11.3; Historic Sites Commission (page 4)

Establishes the Commission who shall be appointed by the Mayor.

As with other Commissions, there is also Council concurrence of these appointments.

6. Para. 11.5; Terms of Office (page 5)

Any vacancies on the Commission shall be filled by the Mayor, etc.

With concurrence of the Council.

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Item

7. Para. 11.7; Organization of Officers; (top of page 6)

8. Para. 11.11a; Designation of Landmarks (page 7)

(top of page 8)

9. Para. 11.11b (top of page 8)

10. Para. 11.11d (page 8)

11. Para. 11.11d (top of page 9)

Statement

A quorum shall consist of a majority of the members.

Any person, group of persons or association, or the Commission on its own initiative may request Landmark designation.

... have obtained the written consent of the owner of the improvement proposed for such designation.

... application for Landmark designation which shall contain such information as may be required by the Commission.

Written notices shall be sent first-class mail and file a sworn affidavit with copies of the notices with the City Clerk.

All published notices shall contain the number assigned ... and the office address of the City Clerk where full information ... may be obtained ... and shall be published not more than 30 nor less than 15 days in advance of the hearing.

DOD Comments

Members present, appointed, authorized? Suggest the quorum be set as 5 members.

Does "any person" include someone just driving by?

Definition of Owner includes many interests. (See No. 4 above)

Inasmuch as Paragraph 11.13b includes the information required to be submitted for designation of a Historic Preservation District; the information required for designation of a Landmark should be included in this Paragraph 11.11b.

A notation should be added specifying that applications shall be filed with the Executive Secretary.

Written notices should be sent "certified" mail, and for administrative purposes, the affidavit should be filed with the Executive Secretary.

Published notices should contain the office address of the Executive Secretary rather than the City Clerk as he is the one having the application information.

The notices shall be published or served not more than 30 nor less than 15 days, etc. This then includes not only the published notice in the newspaper, but also those sent by certified mail.

Should the posting of a sign on the proposed landmark property be required by the petitioner.

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Item

12. Para. 11.12e; Designation of Landmark (page 10)

Statement

In evaluating the request for designation of a landmark, the Commission shall also consider whether the structure is threatened with demolition by public or private action.

DCD Comments

This might include buildings to be burned for fire exercises or other reasons, requiring Commission and Council processes and actions under this Ordinance.

13. Para. 11.13a; Designation of Historic Preservation Districts (top of page 11)

... any person, group of persons or association who may or may not reside, live or own property within the area to be considered for designation provided such person, group of persons or the . . . Commission has obtained the written consent of 51% of the owners of structures within the area to be considered for designation.

If an area of 15 parcels of which 12 are vacant and 3 have structures has a petition for designation; it takes only 2 of the owners of structures to constitute 51% under this Ordinance to create a District of 15 properties. And again, the question arises as to the definition of "owner" (see No. 4 above)

Should the provision refer to "owners of property" rather than "owners of structures"?

14. Para. 11.13e; Designation of Historic Preservation Districts (top page 12)

Written notice shall be delivered personally or may be sent first-class mail and a sworn affidavit shall be filed with the City Clerk.

Written notices should be sent "certified" mail, and for administrative purposes, the affidavit should be filed with the Executive Secretary.

15. Para. 11.13g; Designation of Historic Preservation Districts (page 13)

Within 60 days of receipt of the report and recommendations of the Historic Sites Commission, the City Council shall grant or deny the application for Historic Preservation District designation. If the Council approves the application a notice will be sent to the applicant, etc.

DCD comments in No. 11 above, also apply here.

If the Council approves, a copy of the approving Ordinance should be sent, rather than a notice.

Who is responsible for searching the tax records for information? Who pays for this?

16. Para. 11.13i; Designation of Historic Preservation Districts (pages 13 and 14)

During the period beginning with receipt of an application for District designation and ending with Council granting or denying said application, no building in the proposed District can be altered, modified, rehabilitated, reconstructed or demolished except in a dangerous condition.

What happens if the property is sold during this interim period? Can it be sold? Can the owner be prevented from selling? Can an owner (again refer to the definition of "owner") be prevented from altering or rehabbing his building during this period?

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Item

17. Para. 11.15b and 11.15c:
Permitted Uses (top of page 15)

18. Para. 11.16a: Procedures
for Withdrawing from an
Historic Preservation District (page 15)

19. Para. 11.16c (page 16)

20. Para. 11.17: Regulation of
Construction (page 16)

21. Para. 11.18b (page 17)

Statement

b) All permitted uses or conditional uses otherwise allowable in the underlying zoning district shall continue to be the appropriate allowable uses.

c) All uses permitted in the underlying zoning district are permitted uses in an Historic Preservation District.

A petition bearing the written consent of 51% of owners of structures that front on any given street can be filed for withdrawal of that street from an Historic Preservation District.

Provides for procedure to be following in the event that Council approves a withdrawal.

it shall be unlawful for any person to construct, alter, reconstruct, demolish or remove the exterior or any aspect of the exterior which is a landmark or is in an Historic Preservation District, unless a Certificate of Appropriateness has been authorized by Council.

A copy of every application for a permit to construct, reconstruct, alter or demolish any structure designated a landmark or located within a Preservation District shall be submitted to DCD . . .

DCD Comments

Are these two statements the same?

Paragraph 11.13 (page 10) provides that by refusing to consent, 51% of the owners of structures in an area can prevent the Council from designating it as an Historic Preservation District. However, under Paragraph 11.16a even if 98% wish to withdraw from a District, the Council can overrule and deny the withdrawal.

Provision should be included concerning who pays for searching the tax records, and for inclusion of this tax information on the petition.

It was agreed that minor items as color, fences, arials, etc. would not be subject to review and approval. What about aluminim siding - is that to be permitted or not?

Not every alteration or activity requires a permit. In principal, if there is no structural change, a permit is not required. e.g. Changing windows, doorways, installing new roofing, etc.

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Item

22. Para. 11.25: Natural Destruction or Demolition (page 27)

Statement

In the case of partial or complete natural destruction of a structure in an Historic Preservation District, the owner shall obtain a Certificate of Appropriateness prior to reconstruction. The exterior design of the rebuilt structure shall be in harmony with the exterior design prior to the damage and also be in character with the Historic Preservation District of which it is a part.

23. Para. 11.27: Ordinary Maintenance (page 28)

Nothing in this Article shall be construed to prevent ordinary maintenance or repair of any exterior feature which does not involve change in design, material, or exterior appearance.

24. Para. 11.33: Regulations (page 32)

The Commission may from time to time promulgate, amend, and rescind such regulations and criteria as it may deem necessary to effectuate the purpose of this Article.

25. Para. 11.35: Penalties (page 32)

Provides penalties for any person who violates the provisions of this Ordinance.

DCD Comments

What is "partial" destruction? More than 50% of the total structure, or more than 50% of its market value, or more than 50% of its replacement value? Etc.

What is "natural" destruction? Does this include fire and/or explosion?

How about partial destruction of a Landmark; this is not included in these provisions.

If there is a variety of buildings in a District, how will harmony be determined? Does it have to have been in harmony prior to the damage; and what if it was not?

Suggest that the wording be changed to read: "... which does not involve change in design, material, or exterior architectural feature"

Inasmuch as it is only the Council which can adopt, amend, and rescind provisions of ordinances, this paragraph should provide that the Commission may from time to time advise the Council of amendments or rescissions it deems necessary.

Inasmuch as this Historic Sites Commission is a part of the Zoning Ordinance, which has its own penalties, is this paragraph 11.35 required?

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MINUTES

APRIL 28, 1982

NAPERVILLE PLAN COMMISSION

PUBLIC HEARING - Historic Sites Commission - P.C. Case #390

I. ROLL CALL

Present: Marjorie Osborne Frank Lisjak
 Michael Walker Michael Maykut
 Walter Ladley Loisann Bricker
 Jean Jones Aubrey Burgess

Absent: Gerald Parker

Also Present: Walter Newman, Director; Terry Pieniazek, Comprehensive Planner; Adrienne Levatino-Donoghue, Legal Counsel; Kathryn Franzen, Secretary

III. CORRESPONDENCE

- a. Memo from Connie Patterman to Plan Commission, dated April 26, 1982.
- b. Letter from ECHO to Plan Commission, dated April 23, 1982

IV. CHAIRMAN'S REMARKS

The Chairman presented an overview of the purpose of this public hearing, and the general procedure to be followed in assuring that everyone present has an opportunity to address the Commission.

He swore in all who intended to testify, and then asked the Director of Community Development to make his presentation.

V. DIRECTOR'S REMARKS

The Director gave a brief history of the Naperville Historic District, which is on the National Register of Historic Places, and referred to the Schap Committee, the Ad Hoc Committee of the Heritage Society and his own Report to the City Council. Following this, he reviewed the proposed Historic Sites Commission Ordinance, which is the subject of the public hearing.

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VI. PUBLIC TESTIMONY

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Wallace Ansbury, 1040 Sylvia Circle, stated that he is a member of the Chamber of Commerce. He read a letter to the Plan Commission from George C. Olson, President for the Board of Directors of the Chamber of Commerce, dated April 15, 1982 (Exhibit A).

Steve Irvin, 135 South Washington, stated that he is President of CAN/DO. He read a letter to the Plan Commission, dated April 28, 1982 (Exhibit B).

Tom Bursh, 1308 North Loomis, stated that he is a member of the Naperville Heritage Society and the Naper Settlement is a fine example of what can be done. The Heritage Society is interested in preserving the heritage of Naperville. Mr. Bursh then referred to the report submitted by the Ad Hoc Committee of the Heritage Society and reaffirmed their recommendation that a Preservation Committee be created, and that no boundaries or landmarks be designated at this time; this would be a function of the Commission. He added that certain incentives should be developed and there should be no restrictions on paint colors or the use of aluminum siding, etc. He felt that this proposed Ordinance did not contain sufficient incentives and suggested that the criteria needed further review. He pointed out that the Preemption Inn has already been lost due to lack of protection.

Judy Bunting, 1533 Chat Court, stated that she feels it is good to preserve the architectural heritage and that it is one of Naperville's attractive features; it is the community's responsibility to preserve and protect the present structures within the existing boundaries of the National Historic District. She would like to have the existing draft rewritten to include the National Historic District.

Cheryl Trent, 220 North Sleight, thanked the Plan Commission for writing the draft, but was surprised that it did not include the National Historic District. She lives in the Historic District and plans to add on within the next two years and is willing to submit building plans for a Certificate of Appropriateness. She would like to see a Historic District Commission formed, but wants it to include the National Historic District.

Mary Jo Lenert, 822 North Washington Street, referred to the draft and stated she feels that Point 1B is negated by 11.3 on Page 4; only the Mayor appoints this. She asked Legal Counsel if there is any other commission in the City of Naperville that has the police powers as they are written in this draft. She asked if the Plan Commission has the same powers.

Mrs. Levatino-Donoghue advised that every commission and board in the City exercises police powers as they relate to health, welfare and safety. There is probably not another body that exercises identical power. Other appointed commissions do exercise powers that are at least as significant if not identical to ones that would be vested in this Commission.

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VI. PUBLIC TESTIMONY (cont'd)

Ms. Lenert then asked about the penalty provision in 11.25.

Mrs. Levatino-Donoghue explained that the language of the Illinois Statutes was used with respect to penalties for ordinance violations. Any ordinance of the City, if violated, results in the statutory penalties prescribed for ordinance violations. The City, in order to be consistent, has chosen to incorporate the penalty provisions in most, if not all of them.

Carol Ambergey, 125 North Ellsworth, thanked the Plan Commission for working on this Ordinance and said she believes the existing boundaries defined by the National Register in 1975 should be preserved and included in the preamble of the Ordinance. She said that this area must be preserved as a living testament to our past. She also felt that the 51 percent required to create future Historic Districts is prohibitive, and there seems to be a discrepancy between the procedures for getting a Historic District and for withdrawing from an existing Historic District. The Commission can take 90 days to submit its recommendation for an Historic District Application, but must make its recommendation on a withdrawal within 60 days. There is a public hearing required for the creation of a Historic District, but no public hearing for a withdrawal. For withdrawal, you only need 51 percent of the owners of structures that front on that given name street.

Sylvia Ory, 15 North Sleight Street, asked about Section 11.5, the Composition of the Commission. She asked how members from the Historic District could be appointed when it does not even exist. She would like to see five homeowner residents from the District.

Mrs. Levatino-Donoghue explained that the appointment section says it is preferable for the Mayor to appoint people that fall within these categories, but he is not bound to do so. When the Commission is initially established, the only Historic District that exists within the City is the one that was established in 1977. The Mayor may not want to appoint five people from that District. When the Mayor contemplates this section, he may choose to appoint members of the District that was created in 1977. The City Council would have to enact this Ordinance prior to the establishment of any Commission. The procedure would be assuming the Council were to enact this Ordinance: Council would act. If affirmative, that would empower the Mayor to appoint members to a Historic Sites Commission. That would be the birth of the Commission. The Mayor would be guided by Section 11.4; the wording allows appointments from either a nationally or locally created District.

Warren Norton, 105 South Ellsworth, asked what constitutes a city block.

Mrs. Levatino-Donoghue answered that the only reference to blocks she was able to find in the Naperville Code is in the Street, Parking and Traffic Section. Blocks are defined as that portion of a street existing between the intersection of two perpendicular streets.

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VI. PUBLIC TESTIMONY (cont'd)

Sonja James, 209 North Brainard, asked why the National Register Historic District boundaries were not specifically written into the ordinance.

Mrs. Levatino-Donoghue answered that it was a policy decision that arose from the discussion of the Plan Commission. There is a viable distinction from action creating a district which is taken at a National level without any local input, and action to be taken at a Local level creating a Historic District using local police powers. It was the sense of the Plan Commission that if it was going to establish certain kinds of controls, incentives and enhancements, in any given area under its own police power, local authority and home rule, it could best do so only after it had made the determination as to what would comprise the district. Rather than willy nilly adopt the Federal Government's decision from five years ago as to what constitutes a Historic District, we decided on this.

Mr. Maykut stated that they would be able to establish other Historic Districts as well, not only this one.

Ms. James asked if they still had to get 51 percent of the people to vote for a Historic District in her neighborhood. Mr. Maykut said on a local basis, she would have to.

Ms. James asked if it was correct that she is in a Historic District that has been federally designated, but the City, under its home rule power, will not locally recognize that District unless we get 51 percent approval of everyone in the District. Mr. Maykut said she was correct for owners of structures. He asked how many structures are in the Federal Historic District at this time.

Mr. Newman said that there are 446 residential structures plus others.

Mrs. Levatino-Donoghue stated that by virtue of being in the Federal District, there are no local controls imposed on the people and no special process that applies only to that District. Under this Ordinance, the Historic Sites Commission would have new restrictions and procedures. Requiring the owners of structures in an area to consent to being in a district is so that they clearly concur or disagree to being subject to these restrictions. To say that all of the people in the National District, by fiat, the strictures of this Ordinance are going to apply, presents a problem. That is why there must be a separate process in order for the District to be recognized locally.

Ms. James asked if 51 percent is a standard figure. Mrs. Levatino-Donoghue said that it is when one is talking about zoning ordinances and statutes.

Ms. James said some of the ordinances her committee has gone through have no percentages at all. Some have 10 percent, but she has never seen 51 percent. She does not think the people will do it.

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VI. PUBLIC TESTIMONY (cont'd)

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John James, 209 North Brainard Street, stated he is the Vice-President of ECHO and also lives in the nationally designated Historic District. A meeting was held and this Ordinance was discussed. He said there was a vote taken by the membership in attendance. ECHO recommends unanimously that the Ordinance include the nationally designated historical area and create it as a Historic District in this Ordinance. When the Ordinance talks about materials and exterior changes and alterations, it could be interpreted as a restriction against aluminum siding. He believes those things should be clarified to state that the intention of this Ordinance is not to restrict. ECHO is definitely in favor of the Historic Ordinance. Mr. James said he has personally reviewed six or seven other ordinances in effect in the State of Illinois which created Historic Districts with their passage. There was one ordinance that required 10 percent; the other ones created the district because those communities felt that there were areas within their boundaries that were important to preserve. Personally, this Ordinance seems to be making it as difficult as possible. One could leave the 51 percent or 10 percent for the people who want to withdraw. There would be a chance for people to get out of it.

Mr. Newman asked what part of the ECHO area falls within the nationally recognized area. Mr. James said Washington Street east to Huffman, including Huffman, Highland Avenue on the south and to the railroad tracks on the north.

Ellen Giedraitis, 19 North Brainard Street, stated she is a homeowner in the Historic District and a member of ECHO. She urges the Commission to pass the Ordinance to create a Historic Sites Commission. She is disappointed, however, that it seems to her to be difficult to get anything out of it. She believes everyone feels very strongly that they want to go through with it.

Michele Johnson, 127 South Wright, stated she lives in the Federally designated Historic District, and urges the Plan Commission to adopt the Ordinance. She feels that there is an undue amount of red tape in this Ordinance and agrees that it is very difficult to create the District but it is too easy for people to withdraw. She said she has been waiting for this for five years.

Polly Moss, 123 North Julian, stated she is the representative of the Society for Preservation of Naperville's Historic District Neighborhoods. She read testimony to the Plan Commission (Exhibit C).

Phyllis Rasmussen, 1580 North Columbia, stated she is the President of the Naperville Area Homeowner's Confederation. She stated that on January 5, 1982 the Confederation voted unanimously to consider the Historic District Ordinance as a subject for study and endorsement. At the March 2, 1982 General Meeting, the Confederation voted unanimously to support the Historic District Ordinance in Naperville.

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VI. PUBLIC TESTIMONY (cont'd)

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There are forty homeowner's associations as members and one, ECHO, is located in the Historic District. The Confederation will support the position of ECHO fully. The Confederation recommends approval of this Ordinance and the establishment of an Historic Sites Commission with the following suggested changes: 1. Proposed Ordinance will make mention of the existing Historic District and apply itself to its preservation. She referred to Mr. Newman's Historic District Report which contains much information about the existing Historic District. Mrs. Rasmussen said that the legal draft has omitted the real reason for the Ordinance: the protection of the existing Historic District. 2. On Pages 4 and 5, Composition of the Commission, there is mention of one licensed real estate broker or salesman. On Pages 21 and 22, there is mention of the Commission using experts in obtaining a purchaser or tenant. The position of who pays for the expert's and/or broker's fees, the City or the applicant, should be more defined. Also, in order not to compromise the integrity of the Commission, it should be stated that any Commissioner with a real estate license should not receive a fee for his services authorized by that Commission in regard to the Historic District while serving his term. 3. On Pages 8 through 12, there are directives on public notification. Mrs. Rasmussen is concerned about the phrase, "delivered personally". She asked if this would be in the mailbox or in the door. It seems to be insufficient. In matters of State and Local rezoning, a registered letter and public notices are standard procedure. Since inclusion and exclusion of a Landmark or District is affecting real property and is a serious matter, people in that area should have the same legal protection of registered notices and not a presumption of notice. Most zoning ordinances never require 51 percent of the residents to approve or reject it. Technically, this is a Landmark Ordinance. She feels that all of Naperville benefits from the historic part of town and the heritage needs to be protected.

Nora Gurnik, 215 North Columbia, stated when the zoning ordinance was up for public hearing in 1978, she urged the Plan Commission to include recognition of the nationally recognized Historic District. Perhaps the district will get its protection this time around. It seems to her that there is a case of businessmen telling homeowners that they know what is best for those who live in the Historic District. On Page 4 of the draft, she would like to see the phrase "wherever practicable" be stricken from Section 11.4. This is left too open and the Mayor could appoint anyone he wanted without having to follow these guidelines. On Page 22, Paragraph d, it is not clear who pays the fee for the realtor or expert. Evidently, the Commission is going to aid the person, but it is not clear who pays.

Mrs. Levatino-Donoghue agreed that there may be further clarification needed on that issue in the Ordinance.

Hugh King, 105 North Ellsworth, stated he lives in the National Historic District and his home is in excess of 113 years old. He has given a great deal of time and care to his home. Approximately four years ago, there was an older home across the street that was

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VI. PUBLIC TESTIMONY (cont'd)

of unique architectural design that was demolished and now there is a large blacktop area. Maybe the formation of this Commission will prevent this type of thing from occurring in the future.

Cathy Krempp, 125 North Center, stated that she lives in the National Historic District. Regarding Section 11.32, she believes this need to be elaborated. She asked about the procedures enforcing it, who will administer the penalties and who will administer penalties and make sure the deterioration is repaired.

Mrs. Levatino-Donoghue answered that by having made the Director of Community Development the Executive Secretary of the Commission, she believes that it contemplates that much of this enforcement activity would be vested in the same agency of City government which currently enforced building, fire and other related codes.

Roberta Boecker, 518 East Chicago, said that she is speaking for her mother, Verna Boecker. She said about four years ago, Boecker Coal and Grain Company tore down the grain elevator and got much publicity. They tried to save the building, but there was no use except for signs and none were permitted on the building because signs must be within fifty feet of the building. Some neighbors on Chicago Avenue tried to convert their property into a two flat and had so much trouble that they could not sell it for a long time. She thinks that many of these restrictions are too strong for progress. She wanted to someday open a boutique on Chicago, but according to the Historic District, that will not be possible.

Jane Sindt, 1021 Jackson, stated that she lives in the old town and is glad to see that everyone is interested in an Historic District. She wishes that the City of Naperville would recognize the District as stated by the State of Illinois. She feels that the people that could be on that Commission should have integrity, knowledge, but most of all should have a love of the town.

Randy Amburgey, 125 North Ellsworth, stated that he encourages the formation of the Historic Sites Commission. (The rest of his testimony was unintelligible because he turned from the microphone.)

Jack Powell, 48 Bunting Lane, stated that he is President of the Heritage Society. He said when he moved to Naperville in 1973, he wanted to buy one of those charming homes in the older district of Naperville. To him, the preservation of the old is not only a strength and a value, but it creates a better feeling of the town. He does not understand why CAN/DO and the Chamber do not support the Ordinance because certain businesses have renovated homes for businesses. Fortunately, they have been able to save some structures. He hopes that the Commission will do the job of preserving Naperville's past.

Minutes - April 28, 1982
Naperville Plan Commission

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VII. ADJOURNMENT

Mr. Burgess moved to adjourn the Public Hearing. Mrs. Osborne seconded the motion. The Public Hearing was adjourned at 9:32 p.m.

Minutes recorded by
Kathryn Franzen

Secretary



NAPERVILLE CHAMBER OF COMMERCE

Box 832 • 80 W. Chicago Ave., Naperville, IL 60566
312 / 355-4141

rec'd 4/28/82

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Exhibit A

April 15, 1982

Chairman and Members of the Planning Commission - City of Naperville
175 W. Jackson
Naperville, Illinois 60540

Reference: Historic District Commission Creation

Members of the Commission:

The renewed interest in a Historic District has compelled us to again make a statement of position of the Board of Directors of the Greater Naperville Area Chamber of Commerce.

We are sure that you will recall our letter of November 6, 1979 at which time the Chamber Board recommended that the City Council "should not take further action regarding the establishment of a Historic Commission." Again after the review of the "Report on the Historic District" prepared by Walter Newman the Chamber again asked that the City Council "not approve the creation of a Historic District Commission."

In reviewing these reports, the creation of a "Commission" would not be of benefit to the community because:

1. Another level of government creates additional costs and time delays for approvals.
2. Decisions by Historic District Commission can create arbitrary and often controversial positions in defining conformity in interpretation of beauty.
3. There is no economic justification for the Commission.
4. Establishment of a commission to protect a small number of "Historically significant" buildings while placing controls on 66 blocks of area will create additional governmental cost and city staff to administer.
5. Governmental controls will undoubtedly cost the property owner additional funds to meet Commission guidelines and recommendations.
6. The ambience and character of Naperville have been created by interested people in the private sector and a caring and involved community leadership; not by governmental controls placed upon property and administered by a small group of individuals.

The Chamber feels, in the spirit of the New Federalism suggested by

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President Reagan, that this is not the time to create another level of bureaucracy. The Chamber Board has reviewed the Schap Committee report, the Hafstrom Committee report and Newman report on the Historic District and find no evidence of a need to impose additional police powers on the owners of private property. The Board has also noted that none of these reports reflect nor make reference to the wants, wishes or desires of many of the owners of property therein.

In fact this appears to be exactly what President Reagan is asking the people to take charge of in an effort to limit the intrusion of government on private property and individual rights. The President has asked the people to resume their full responsibility.

The Chamber is not opposed to Historic Preservation, but we do not wish to encourage further restrictions of property rights nor do we wish to create an additional political subdivision.

Therefore, the Chamber would ask that the Plan Commission not approve the creation of a Historic District Commission.

Sincerely,



George C. Olson, President
for the Board of Directors

cando

CENTRAL AREA NAPERVILLE DEVELOPMENT ORGANIZATION

CITY COUNCIL AGENDA ITEM	
2-4-82	
7-6-82	

EXHIBIT 2

SUN Building
Naperville, Illinois 60566

April 28, 1982

Michael Maykut, Chairman
Naperville Plan Commission Members
Naperville Plan Commission
175 West Jackson Avenue
Naperville, Illinois 60566

Dear Chairman and Commission members:

The Board of Directors of CAN/DO met on December 17, 1981 and voted to recommend to the City Council that a Historic Sites Commission under the auspices of the City Government not be established. This majority vote by the Board followed a comprehensive report prepared by a special committee appointed to study the Report on the Historic District prepared by Walter Newman, Director of the Department of Community Development. In an unprecedented move, the study committee members also submitted letters stating their reasons for their recommendation to the Board. These letters are enclosed for your review.

A letter was sent to the City Council on January 20, 1982 stating the CAN/DO position on the establishment of a Historic Sites Commission. This letter is also enclosed. Following a study and review of the proposed ordinance to establish same, CAN/DO is addressing the Plan Commission.

The Board of Directors of CAN/DO strongly believe that the proposed ordinance to establish a Historic Sites Commission would be detrimental to the entire community of Naperville for the following reasons:

There is no tax benefit to single family dwellings.
The tax incentives for business and commercial properties are already established and available without a commission.

According to the proposed ordinance, the Historic Sites Commission has vast police powers and there is no guarantee that future commissions will not augment, expand or vigorously use these police powers.

April 28, 1982

Redevelopment within the existing Central Business District will be stifled due to costs and delays mandated by this ordinance.

The rights of individual property owners to their own aesthetic tastes will be abridged. For instance, had Frank Lloyd Wright lived in Naperville, under this proposed ordinance, he probably couldn't have or wouldn't have built a single structure.

Naperville has excellent building codes and zoning ordinances. The community does not need an additional policing power as proposed by this ordinance.

By its very nature, this ordinance creates additional costs, whether these costs are actual outlay of tax dollars or out of pocket costs to the homeowner. Although there is never a good time to increase taxes, now especially the citizens of this community do not need increased compliance costs nor increased tax burdens.

The proposed ordinance has many arbitrary and vague provisions which will cause future problems in interpretation.

This ordinance does not guarantee aesthetic preservation by individuals but arbitrarily imposes the tastes of nine people upon the total community. As proposed, these nine commission members are appointed by the Mayor with no concurrence from Council, which could allow a future Mayor to impose his or her own aesthetic values upon the community.

Historic preservation is, and always has been, a labor of love. Private individuals and groups have done an excellent job in the City of Naperville in preserving what is aesthetically valuable.

CAN/DO has been and will continue to be a staunch supporter of historical preservation in the City of Naperville. It is CAN/DO's opinion that a private foundation could be established to preserve and encourage preservation and renovation of historically significant structures without the passage of such a restrictive ordinance. Naper Settlement is a fine example of private initiative and community involvement and dedication. CAN/DO would be more than willing to work toward the establishment of such a foundation.

Respectfully,

Steve Irvin
Steve Irvin
President, CAN/DO

Enclosures

TESTIMONY OF
POLLY S. MOSS
123 N. Julian St.

(69)

D-4-2		
7-6-82		

for the
SOCIETY FOR PRESERVATION OF NAPERVILLE'S
HISTORIC DISTRICT/ NEIGHBORHOODS
Before the Plan Commission
APRIL 28, 1982

I would like to commend the Plan Commission for undertaking the preparation of an Historic Preservation ordinance for the City of Naperville. We thank you for responding to the need for our city to protect its history. I have read the proposed ordinance and participated in our organization's review of the draft. After extensive study we would like to share our comments.

The Society for Preservation concurs with the Plan Commission regarding the need to establish a commission to review exterior changes in the structures within historic areas in our community. The ordinance provides for review and fair treatment with adequate course of appeal to protect the rights of all property owners. This commission is being rightfully created -- not as another level of bureaucracy -- but as a hearing board with power of recommendation to the City Council.

We have noted, however, a serious omission in the proposed ordinance. Nowhere in the text of the proposed Article XI is there mention of the Historic District which is currently listed in the National Register of Historic Places. This Historic District was created as the result of the 1973 historic Sites Survey conducted by the Illinois Department of Conservation throughout the State. The Survey representatives visited Naperville several times to evaluate its historic structures and neighborhoods. They were impressed by the architectural variety and quality found in our intact central area. In 1976, after consulting with representatives of the City of Naperville, boundaries of an Historic District were established. The outlined area was officially designated a National Historic District through the efforts of the Illinois Department of Conservation on September 29, 1977. The City of Naperville was informed in writing of all actions leading to the official designation.

The Federally-designated Historic District whose boundaries are known to you, contain the bulk of Naperville's historic business, residential, and institutional structures. Yet, this area is already suffering from the lack

of strong governmental support locally needed to protect its structures from the neglect of absentee landlords, high density modifications, and casual demolition. A number of lovely homes have already been lost since the area was designated an Historic District in 1977.

The ordinance we are reviewing her tonight provides little protection from such insidious effects. Piecemeal preservation, as proposed here, is no preservation at all. We have only to look to our neighbor Aurora, to see the effects of doing too little, too late to preserve our historic structures, and neighborhoods. A trip to Aurora will show you how sad a beautifully preserved and restored home looks among asphalt parking lots and high-rise apartment buildings. With this ordinance we will be left with a few historic "spots" overrun by the signs of progress already at work to destroy Old Naperville.

We are well aware that Naperville is a growing city -- although that growth has slowed considerably. We are also aware that a viable central business district is important to our community. We do not agree, however, that Historic Preservation will be detrimental to our downtown. In fact, our organization has found that there are a number of advantages to the businesses who embrace and capitalize on the historic character of the existing structures. Such Illinois communities as Geneva, St. Charles, Long Grove, and Princeton have attracted large numbers of shoppers who enjoy the ambience created by their charming structures.

For these reasons, we feel that the federally-designated Historic District must be included at the outset of any ordinance designed for preservation. The ordinance as proposed provides for areas or individuals who wish to withdraw their property from an historic district -- an option available to those who object to historic designation of their property. Let the burden of proof that a structure has no historic value or contribution to the character of it's historic neighbors rest with each property owner. The Historic Sites Commission and the City Council, working through the provisions of this ordinance will then be mandated to protect what we already have in a fair and considerate manner.

So, Ladies & Gentlemen, The Society for Preservation of Naperville's Historic District/Neighborhoods would propose that the following changes be made in this proposed ordinance:

1. That on Page 1 a paragraph be added to read:

WHEREAS, the area bounded by Fifth Ave., Loomis St., Fourth Ave., alley between Sleight & Loomis, Third Ave., Wright St., North Ave., alley between Columbia and Julian, Highland Ave., Brainard St.

71 2-4-2 7-6-82

P. Moss

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alley between Jackson & Jefferson, Main St., alley between Jefferson and Jackson, Eagle St., Franklin Ave., to the rear of Washington St. properties between Franklin and Douglas, Washington St., North ave. Center St., behind property on Fifth Ave to Kroehler property on Fifth Ave. was designated as an Historic District listed in the National Register of Historic Places, on September 29, 1977; and

2. That page 3, under Historic Preservation District, point 3) be added to read:

(3) has been designated as an Historic District listed in the National Register of Historic Places.

3. That page 5 paragraph 1, item D read:

d) one (1) local historian or other person having a background of expertise in local history.

And

4. That page 6, Section 11.8 Jurisdiction be changed to include:

j) Grant Historic Preservation District designation to all Historic Districts and Landmarks listed on the National Register of Historic Places prior to the date of enactment of this ordinance for which the application process will be waived. All other provisions of this ordinance shall apply to these Districts.

We feel that if the extensive work of the PlanCommission, the Department of Community Development, and the City Council is not to go for naught, this ordinance must provide grandfather status for the existing Historic District with assurance that adequate provision has been made for any owner wishing to withdraw from the District.

We ask you to please make a commitment to real preservation by including the amendments we offer here.

PLEASE SAVE HISTORIC NAPERVILLE.

Respectfully submitted,

Polly S. Moss

Polly S. Moss
Society for Preservation of
Naperville's Historic District/

Neighborhoods
And its 72 member-households.

9	9
D-4-e	ITEM
7-6-82	

VI. HISTORIC SITES COMMISSION - P.C. CASE #390

Present: Michael Maykut Marjorie Osborne
Frank Lisjak Walter Ladley
Jean Jones Loisann Bricker
Aubrey Burgess

Absent: Gerald Parker Michael Walker

Also Present: Walter S. Newman, Director; Paul Kessel, Planner;
Adrienne Levatino-Donoghue, Legal Counsel; Kathryn
Franzen, Secretary

Mr. Maykut stated that he had a concern about the two major issues discussed at the historic district workshop: these were designating the federal historic district under this new proposed Ordinance, and the 51% owner approval of a proposed district before it could be processed. In light of the fact that the Commission was just handed the amendments to the Ordinance which they had asked for, Mr. Maykut asked Mr. Newman to comment on the two items.

Mr. Newman commented that since there never was anything in the proposed Ordinance designating the federal district as the first local district under this Ordinance, no change was required to the text of the Ordinance. The same was true of the 51% requirement; it was in the original Ordinance and at the workshop the Plan Commission agreed to retain it. He pointed out that what the Commission had this evening were the amendments in final language as prepared by Adrienne, and a copy of the Ordinance with these amendments included. He pointed out that the "withdrawal" item whereby a certain number of owners on a street could petition for withdrawal from a District had been deleted per Commission's instructions, and that the first amendment was that offered by Mr. Burgess. Otherwise, most of the amendments were in the nature of "housekeeping" changes, such as letters of notification are to be sent first-class instead of certified, etc.

Mr. Maykut then asked for a short recess during which time the Commission could review these amendments. He then entertained a motion to make these amendments a part of the proposed Ordinance.

Mr. Ladley moved to make the amendments a part of the proposed Ordinance.

Mrs. Bricker seconded the motion. Roll Call was as follows: Ayes: Maykut, Bricker, Ladley, Osborne, Lisjak, Jones and Burgess. Nays: None. Absent: Walker and Parker. Motion carried unanimously, 7 to 0.

Mr. Maykut then entertained a motion for approval of the Ordinance creating a Historic Sites Commission.

Mr. Ladley said he feels close to this, he has worked closely with Carolyn Hafstrom's committee and that is where he learned about what a historic district is. Before that, he was the chairman of the original committee that worked on and tried to get a Naper Settlement going. It did not succeed but did get a lot of the groundwork done which finally developed. He was chairman when the Plan Commission did

CITY COUNCIL AGENDA ITEM		
7-6-82		

IV. HISTORIC SITES COMMISSION - P.C. CASE #390 (cont'd)

the zoning changes and people gave testimony wanting the historic district. Mr. Ladley said he held the people off and then personally promised Mrs. Osborne that he would help. The work the Plan Commission has done may serve as a model for other communities who wish to do the same thing. The Plan Commission has done a lot of serious work and for this we should thank Mr. Newman and Mrs. Levatino-Donoghue for their splendid work. Mr. Ladley said he believes this is the best effort of the Plan Commission for a Historic Sites Commission.

Mr. Ladley then recommended that the Plan Commission unanimously recommend the proposed Ordinance for approval to the City Council.

Mr. Lisjak seconded the motion. Roll Call was as follows: Ayes: Ladley, Lisjak, Maykut, Bricker, Osborne, Jones and Burgess. Nays: None. Motion carried unanimously, 7 to 0.

Mr. Maykut then read a letter from Michael Walker:

"Due to previous commitment I will not be able to attend the June 16, 1982 Business Meeting of the Plan Commission. This letter serves as my total endorsement of the proposed Historic Sites Commission in accordance with the changes suggested by the Commission during the Work Session of June 9, 1982. I hope that the proposed ordinance is ultimately adopted by the City in order to allow Naperville to preserve its unique historic character during the anticipated future growth."
Signed, Michael J. Walker.

Mr. Maykut asked if anything should be done regarding the Federal Historic District. Mrs. Levatino-Donoghue said that he might want to do that by resolution.

Mr. Newman suggested a resolution to the Council that if it does create this Historic Sites Commission it should also direct the new Commission, as its first order of business, to initiate a study of the Federal District with the intent of making that the first local district under the procedures and criteria set forth in the Ordinance.

Mrs. Osborne said she did not think Mr. Newman meant "study". She said this has been studied, delineated and there is already a lot of information at hand. What she wants is coming to grips with this and getting 51% approval. Mrs. Osborne wanted to put it in the resolution that the Historic Sites Commission would send out a form to all property owners of record in the existing federal district, asking them if they wished to be in the local historic preservation district. The form would ask them to designate their answer and return the form to the Executive Secretary of the Commission. If they did not answer within 20 days, it would be taken that they did not care and would be willing to be in it.

Mr. Newman replied that the new Commission would have to follow the procedures set forth in the Ordinance, the same as the Plan Commission has to follow the procedures set forth in the zoning ordinance when it handles rezonings. It just can't send letters asking people if they want it or not.

CITY COUNCIL AGENDA ITEM		
D-4-c		
7-6-82		

IV. HISTORIC SITES COMMISSION - P.C. CASE #390 (cont'd)

Mrs. Osborne made a motion that a resolution be approved to the Council as follows: The Council recommend that the first order of business of the Historic Sites Commission be the petition for the recognition of the federally designated historic district.

Mr. Newman added: In accordance with the procedures as set forth in the ordinance.

Mr. Ladley seconded the motion. Roll Call was as follows: Ayes: Osborne, Ladley, Maykut, Bricker and Jones. Nays: Burgess. Abstention: Lisjak. Motion carried, 5 to 1 with one abstention.

VII. ADJOURNMENT

Mr. Ladley moved to adjourn the Business Meeting. Mr. Burgess seconded the motion. The Business Meeting was adjourned at 9:15 p.m.

Minutes recorded by
Kathryn Franzen

Secretary

ORDINANCE NO. 09 - 090

**AN ORDINANCE AMENDING CHAPTER 15
(HISTORIC SITES COMMISSION) OF TITLE 2
(BOARDS AND COMMISSIONS)
OF THE NAPERVILLE MUNICIPAL CODE**

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule authority that

SECTION 1: Chapter 15 (Historic Sites Commission) of Title 2 (Boards and Commissions) of the Naperville Municipal Code is hereby amended by deleting the stricken language and adding the underlined language as follows

CHAPTER 15

HISTORIC SITES PRESERVATION COMMISSION

SECTION

- 2-15-1 Purpose and Creation
- 2-15-2 Membership
- 2-15-3 Powers and Duties
- 2-15-4 Recommendations of Commission

2-15-1: PURPOSE AND CREATION: There is hereby established and created a Historic Sites Preservation Commission Any references to the Historic Sites Commission within this Code, shall refer to the Historic Preservation Commission

2-15-2: MEMBERSHIP: The Commission shall consist of ~~nine (9)~~ ten (10) members ~~as follows~~ Wherever practicable, the Mayor shall select the members of the Commission to conform to the following guidelines concerning residence, background and experience-

- 1 Four (4) voting members shall be residents of the City ~~or more persons who have a demonstrated interest in historic preservation and who reside in any historic district within the City; if, at the time any appointment to the Commission is made, there is no existing historic district that has been designated by the City; then such appointments shall be made from among persons residing in a historic district created within the City by the action of any other Federal, State or local governmental entity;~~
- 2 ~~The chairman of the Naperville Plan Commission or his designee;~~ Four (4) voting members shall be owners or residents of any designated landmark or any

property located within the Historic Preservation District, as defined in Section 6-11-2 of this Code

- 3 ~~One person having a background in architecture or design, One (1) voting member shall be the Chairman of the Naperville Plan Commission, or designee~~
- 4 ~~One historian or other person having a background in history, One (1) non-voting member shall be the Naperville Heritage Society Director, or designee. The Heritage Society Director, or designee shall not be subject to the residency requirements of Section 2-1-5 of this Chapter. The Heritage Society Director, or designee shall not be subject to the term limits of Section 2-1-6 of the Chapter~~
- 5- ~~One licensed real estate broker or salesman,~~
- 6- ~~One person who owns, conducts or manages a business or who owns property within the central business district of the City (Ord 05-039, 3-15-2005)~~

2-15-3: POWERS AND DUTIES: The Historic Sites Preservation Commission shall discharge the following duties and responsibilities under this Chapter and Title 6, Chapter 11 of this Municipal Code

- | | | | | |
|-------------|---|---|---|--|
| 1 through 3 | * | * | * | |
|-------------|---|---|---|--|
- 4 Review all proposed amendments to the Zoning Ordinance¹ and applications for conditional uses or variances from the Zoning Ordinance which may affect any landmark or any improvement or area within a historic preservation district and report findings and make recommendations to the ~~p~~Plan e~~C~~ommission or Zoning Board of Appeals subject to the standards and procedures established by Title 6, Chapter 11 of this Code
 - 5 ~~Review all proposed amendments to the Zoning Ordinance, and all applications for variances from the Zoning Ordinance, if such amendment or variance may affect any landmark or any improvement or area within a historic preservation district, and report findings and make recommendations to the Plan Commission subject to the standards and procedures established by Title 6, Chapter 11 of this Code-~~
- As warranted, oversee architectural surveys and inventories of historically and architecturally significant properties, structures and areas within the City
- 6 ~~Review all applications for issuance of a street graphics permit pertaining to any designated landmark or any improvement or area located within a designated historic preservation district, and report findings and make recommendations to the city Council subject to the standards and procedures established by Title 6;~~

¹ Title 6 of this Code

~~Chapter 11 of this Code and the standards set forth in Title 5, Chapter 4 of this Code~~

Keep a register of all properties and structures that have been locally designated as landmarks or historical preservation districts as defined in Section 6-11-2 of this Code

- ~~7 Conduct an ongoing survey and inventory to identify areas and improvements within the City which are, or in the Commission's opinion should be, entitled to the protections afforded by title 6, Chapter 11 of this Code~~

Inform, educate and raise awareness of the historical and architectural heritage of the City, the value of preservation and financial incentive programs available to property owners

- ~~8 Initiate applications for landmark designation and applications for designations of expansions of a historic preservation district~~

Provide public education and outreach measures to promote preservation of those improvements and areas within the City that have historical, architectural or aesthetic features

- ~~9 Recommend to the City council any additional measures to protect those improvements and areas within the City that have significant historic, architectural or aesthetic features~~

- ~~10~~ 9 Develop specific criteria or regulations guidelines for the alteration, construction, or demotion or removal of landmarks or improvements within the historic preservation districts, subject to the standards established by Title 6, Chapter 11 of this Code for the review of applications for certificates of appropriateness

- 10 Continue to participate in the "Certified Local Government" program of the National Historic Preservation Act, and prepare and transmit an annual report to the Illinois State Historic Preservation Officer

- ~~11 Develop regulations and criteria as deemed necessary to effectuate the purposes of Title 6, Chapter 11 of this Code~~

Perform such other duties as the City Council may direct from time to time to effectuate the purpose of Title 6, Chapter 11 of this Code

- ~~12 Advise the City Council on all matters referred to it or upon which it is required to review under Title 6, Chapter 11 of this Code~~

- ~~13 Receive and consider the report of the Zoning Administrator as related to the effectiveness of Title 6, Chapter 11 of this code, and report the Commission's~~

~~conclusion and recommendations to the City Council not less frequently than once a year~~

2-15-4: RECOMMENDATIONS OF COMMISSION: All recommendations of the Historic Sites Preservation Commission on any applications for landmark designation, for designation or expansion of a historic preservation district, for conditional uses, for variances from the provisions of the ~~z~~Zoning ~~e~~Ordinance, or for amendments to the ~~z~~Zoning ~~e~~Ordinance ~~or for street graphics permits~~ shall, in all instances, be advisory in nature and shall be subject to final consideration, evaluation, and determination by the ~~e~~City ~~e~~Council (Ord 84-201, 12-17-84)

SECTION 2: This Ordinance shall be in full force and effect upon its passage and approval

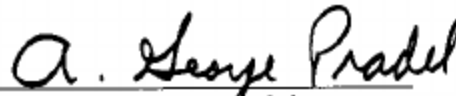
PASSED this 18th day of August, 2009

AYES PRADEL, BRODHEAD, FIESELER, FURSTENAU, HINTERLONG,
 KRAUSE, MILLER, WEHRLI

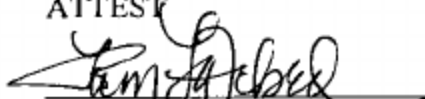
NAYS NONE

ABSENT. BOYAJIAN

APPROVED this 19th day of August, 2009


A. George Pradel
Mayor

ATTEST


Pam LaFeber, Ph.D.
City Clerk

