

WHERE HISTORY & PROGRESS MEET

DEVELOPMENT COMMITTEE

Monday, December 8, 2014 7:00 P.M. - Council Chambers

AGENDA

- 1. Call to Order, Roll Call, and Establishment of a Quorum
- 2. Approval of Minutes
 - A. November 10, 2014
- 3. Public Participation
- 4. Items for Consent
 - A. Fourth Amendment to the Intergovernmental Agreement with the DuPage Airport Authority and Airport Zoning District Text Amendment
 - B. CenterPoint Properties Variances & Site Approval 2500 Enterprise Circle
- 5. Items for Discussion
 - A. Forming America Progress Report 1200 N. Prince Crossing Road
 - B. RTA/City: ULI Developer Discussion Panel Summary and Memorandum of Understanding
 - C. Landmark Nomination Owner Consent Survey
- Unfinished Business
- 7. New Business
- 8. Reports from Staff
- 9. Adjournment

MINUTES

DEVELOPMENT COMMITTEE DRAFT

November 10, 2014, 7:00 P.M.

1. Call to Order, Roll Call, and Establishment of a Quorum

Alderman Stout called the meeting to order at 7:00 P.M.

Roll call found Aldermen John Banas, James Beifuss, James Smith, and Becky Stout, present.

Also in attendance were Director of Community Development John D. Said and City Planner Jeff Harris.

2. Approval of Minutes

A. September 8, 2014

Alderman Banas made a motion, seconded by Alderman Beifuss, to approve the September 8, 2014 Development Committee Minutes as presented. The members unanimously agreed and the motion carried.

3. Public Participation

None.

4. Items for Consent

4A. Tony Arias - 112 Galena Street, Façade Grant

Alderman Beifuss made a motion, seconded by Alderman Banas, to place the Items for Consent on the November 17, 2014 City Council Agenda. The Committee members unanimously agreed and the motion carried.

5. Items for Discussion

5A. St. Mary's Catholic Church Campus – 140 N. Oakwood Avenue, Landmark Nomination

Development Committee Minutes November 10, 2014 Page 1 of 3 Alderman Banas asked who has the ability to submit an application to nominate a property for landmark status.

Mr. Said responded that anyone can nominate a property if the applicable application requirements outlined in the City Code are met.

Alderman Banas asked if the property owners of the nominated property are required to consent to the nomination as part of the application submittal.

Mr. Said stated that the nomination process only requires the property owner to be notified of the process and consent is not required.

Alderman Banas stated that the Diocese of Joliet, who is the property owner of the St. Mary's Church campus, is not in favor of the proposed landmark nomination.

Alderman Beifuss thanked the City's Historical Preservation Commission for their work on evaluating this landmark nomination request. He believed that the Campus would be better suited as stand-alone historic district versus an individually landmarked property because there are multiple properties involved, even though all the properties are owned by the same entity. He also felt that the Campus should not be designated as a landmark because the church provides so many other assets to the community that may be hindered if the property is landmarked.

Alderman Stout read feedback provided by Alderman Grodoski, who was not able to attend the meeting, stating that she was not in favor of the proposed nomination. Alderman Stout also stated that she was opposed to the nomination because the Diocese is not in favor of it.

Alderman Beifuss made a motion, seconded by Alderman Banas, to nominate the St. Mary's Catholic Church for landmark status as approved by the Historical Preservation Commission. Voting Aye: Alderman Jim Smith. Voting Nay: Alderman Banas, Beifuss and Stout. The motion failed because it did not receive enough positive votes to be approved.

6. Unfinished Business

None.

7. New Business

Alderman Beifuss inquired about a portion of public sidewalk that was removed on Sherman Street as part of a utility repair permit by a homeowner. Said sidewalk appeared to be missing for some time and needs to be replaced in a timelier manner.

Mr. Said stated that there is a mechanism in place to get the sidewalk repaired as part of the permit that was issued.

8. Reports from Staff

Mr. Said provided an update regarding the Homes for a Changing Region Study.

Mr. Said stated that the developer review panel of the City's existing downtown redevelopment plans by the Rapid Transit Authority will be scheduled in the next few months.

Mr. Said stated that Charity Blackwell has recently resigned from the City and will no longer be the secretary for the Committee. He also stated that staff is working on a plan for her successor.

9. Adjournment

Alderman Banas made a motion, seconded by Alderman Beifuss, to adjourn the November 10, 2014 Development Committee meeting at 7:33 P.M. The Committee members unanimously agreed and the motion carried.

Respectfully submitted,

Jeff Harris City Planner

CITY OF WEST C	HICAGO
DEVELOPMENT COI	
Fourth Amendment to the IGA with the DAA and Text Amendments to Section 10.5 of the Zoning Regulations Resolution No. 14-R-0083	AGENDA ITEM NUMBER: FILE NUMBER: COMMITTEE AGENDA DATE: Dec. 8, 2014
Ordinance No. 14-O-0032 STAFF REVIEW: John D. Said	COUNCIL AGENDA DATE: SIGNATURE
APPROVED BY CITY ADMINISTRATOR: Michael Guttman ITEM SUMMARY:	
The City and the DuPage Airport Authority (DAA) entered on March 22, 2001, which outlined the terms of developing lished the Airport Zoning District regulations. The IGA have arisen in conjunction with a proposed development cifically, the DAA is requesting text amendments to Section.	pment of land owned by the DAA and estab- has been amended three times since its adop- me to address a few zoning related issues tha t in the DuPage Business Center (DBC). Spe

the Airport Zoning District regulations, to add the definition of building height, increase the maximum building height for light industrial buildings, modify the landbank parking regulations, and add three site usage variations to the list of permissible variances allowed exclusively in the Airport Zoning District. The text amendments to the Airport Zoning District regulations are what is necessitating the fourth amendment to the IGA. Lastly, a public hearing conducted at the City Council level is required in order to amend the IGA, which is tentatively scheduled for the January 5, 2015 City Council meeting

At its December 2, 2014 meeting, the Plan Commission/Zoning Board of Appeals (PC/ZBA) unanimously recommended approval of the requested Airport Zoning District text amendments by a (6-0) vote. Their recommendation is included as Exhibit A to the attached ordinance. The Plan Commission did not consider the amendment to the IGA because it is not part of the Commission's established purview.

ACTION PROPOSED:

Recommend scheduling the required public hearing at the January 5, 2015 City Council meeting for consideration of a fourth amendment to the IGA between the City and the DAA and consideration of text amendments to Section 10.5 (the Airport Zoning District) of the City's Zoning Code.

COMMITTEE RECOMMENDATION:

RESOLUTION NO. 14-R-0083

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF THE FOURTH AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE DUPAGE AIRPORT AUTHORITY AND THE CITY OF WEST CHICAGO, DUPAGE COUNTY, ILLINOIS, PROVIDING FOR AMENDMENTS TO ORDINANCE NO. 1603, RESOLUTION NO. 01-R-0093, RESOLUTION 05-R-0092 AND RESOLUTION NO. 11-R-0099

WHEREAS, the CITY OF WEST CHICAGO is a municipal corporation established and existing as a body politic and corporation under the laws of the State of Illinois and governed pursuant to the provisions of the Illinois Municipal Code, 65 ILCS 5/1-1-1 et seq.; and,

WHEREAS, the DUPAGE AIRPORT AUTHORITY is a duly organized and existing body politic and corporate governed by the provisions of the Airport Authorities Act, (70 ILCS 5/1-1 et seq.); and,

WHEREAS, the PARTIES are "units of local government" as defined in Article VII, Section 1 of the Illinois Constitution of 1970, and, therefore, pursuant to Section 10 of Article VII, have the power to contract among themselves to obtain or share services and to exercise, combine or transfer any power or function in any manner not prohibited by law or ordinance; and,

WHEREAS, pursuant to the Intergovernmental Cooperation Act (5 ILCS 220/1 et. seq.), the PARTIES may contract with each other to perform any governmental service, activity or undertaking which either is authorized by law to perform, and may jointly exercise and enjoy any of their power or powers, privileges or authority; and,

WHEREAS, pursuant to the authority cited herein above, on March 12, 2001, the CITY OF WEST CHICAGO approved an Intergovernmental Agreement with the DUPAGE AIRPORT AUTHORITY, which was executed on March 22, 2001 as reflected in Ordinance No. 1603; and,

WHEREAS, the CITY OF WEST CHICAGO, on March 19, 2001, adopted a Zoning Text Amendment, Procedures relative to the zoning and procedures for the airport property, and Ordinance No. 4419; and,

WHEREAS, the CITY OF WEST CHICAGO, on December 17, 2001, approved the First Amendment to the Intergovernmental Agreement with the DUPAGE AIRPORT AUTHORITY pursuant to Resolution No. 01-R-0093; and,

WHEREAS, the CITY OF WEST CHICAGO, on August 15, 2005, approved the Second Amendment to the Intergovernmental Agreement with the DUPAGE AIRPORT AUTHORITY pursuant to Resolution No. 05-R-0092; and,

WHEREAS, the CITY OF WEST CHICAGO, on October 17, 2011, approved the Third Amendment to the Intergovernmental Agreement with the DUPAGE AIRPORT AUTHORITY pursuant to Resolution No. 11-R-0099; and,

WHEREAS, on November 12, 2014, the DUPAGE AIRPORT AUTHORITY, acting through its Board, approved the Fourth Amendment to Intergovernmental Agreement which amends Exhibit "B" of the original Agreement as amended, amending Section 10.5 of the City's Zoning Code; and,

WHEREAS, the CITY OF WEST CHICAGO has determined it to be in the best interest of the residents of the CITY to consider the proposed Fourth Amendment to Intergovernmental Agreement to amend the Airport Zoning District regulations; and,

WHEREAS, the CITY OF WEST CHICAGO finds it reasonable and necessary to cooperate with the DUPAGE AIRPORT AUTHORITY to provide for the zoning and procedures relative to the development of the DUPAGE AIRPORT AUTHORITY property; and,

WHEREAS, the CITY OF WEST CHICAGO has determined that it is in the best interest of the residents of the CITY to undertake, in cooperation with the DUPAGE AIRPORT AUTHORITY, the Fourth Amendment to Intergovernmental Agreement under terms mutually acceptable to the PARTIES.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of West Chicago as follows:

- Section 1. The recitals set forth above are incorporated herein and made a part hereof.
- Section 2. A copy of the Fourth Amendment to Intergovernmental Agreement is attached hereto and incorporated herein by reference as Exhibit "A".
 - Section 3. The Mayor is authorized to execute Exhibit "A".
- Section 4. The City Administrator is hereby authorized to take such action as is required and may be necessary to carry out the terms of the AGREEMENT, upon its execution.
- Section 5. Upon its execution, the City Clerk is directed to transmit certified copies of this Resolution along with a fully executed copy of the AGREEMENT to the Mayor, the City Administrator, Corporation Counsel and the DuPage Airport Authority.

ADOPTED this	day of	2014.
AYES:		
NAYS:		
ABSTAIN:		
ABSENT:		
Mayor Ruben Pineda	ı	
ATTEST:	Nancy M. Smith	
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FOURTH AMENDMENT TO INTERGOVERNMENTAL AGREEMENT

THIS FOURTH AMENDMENT TO INTERGOVERNMENTAL AGREEMENT (the "Fourth Amendment") is made and entered into as of this _____ day of ________, 2014 by and between the City of West Chicago, an Illinois municipal corporation, situated in DuPage County, Illinois (hereinafter referred to as the "CITY") and the DuPAGE AIRPORT AUTHORITY, an Illinois special district, situated in DuPage County, Illinois (hereinafter referred to as the "AUTHORITY"); the CITY and the AUTHORITY are sometimes hereinafter referred to individually as "Party" and collectively referred to the "Parties."

WITNESSETH

WHEREAS, the CITY and the AUTHORITY are Parties to that certain Intergovernmental Agreement dated March 22, 2001 (the "Intergovernmental Agreement") pursuant to which they agreed to certain matters relating to property owned by the AUTHORITY within the CITY's boundaries (the "PROPERTY"); and

WHEREAS, the Parties to the Intergovernmental Agreement entered into a First Amendment to Intergovernmental Agreement on or about December 17, 2001; and

WHEREAS, the Parties to the Intergovernmental Agreement entered into a Second Amendment to Intergovernmental Agreement on or about August 15, 2005; and

WHEREAS, the Parties to the Intergovernmental Agreement entered into a Third Amendment to Intergovernmental Agreement on or about September 14, 2011; and

WHEREAS, the Parties wish to enter into this Fourth Amendment to modify the terms of the Intergovernmental Agreement and one of the exhibits attached thereto; and

WHEREAS, the Corporate Authorities of the CITY have proceeded, as required by law, and passed and approved an ordinance causing the CITY's Code to be amended so as to

incorporate into the CITY's ZONING ORDINANCE the provisions of the Fourth Amendment and have concurrently passed and approved the Fourth Amendment; and

WHEREAS, the AUTHORITY'S Board of Commissioners has authorized the execution of this Fourth Amendment by the passage of a Resolution providing for such execution and approval, passed or adopted upon the affirmative vote of the majority of the Commissioners; and

WHEREAS, the Parties have determined that it is in their best interests to enter into this Fourth Amendment, pursuant to the lawful authority conferred upon the Parties as units of local government as specified in the preceding Recitals.

NOW, THEREFORE, in consideration of the foregoing Recitals and mutual covenants and agreements hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties do hereby agree as follows:

- 1. <u>Recitals</u>. The above Recitals are hereby incorporated into and made a part of this Fourth Amendment as though fully set forth in this Paragraph 1.
- 2. <u>Modification of Intergovernmental Agreement</u>. Except as expressly amended by this Fourth Amendment, the Intergovernmental Agreement shall remain in full force and effect, in accordance with its terms, provisions and conditions.
- 3. <u>Definitions</u>. Except as otherwise set forth in this Fourth Amendment, all capitalized terms used herein will have the respective meanings given them in the Intergovernmental Agreement and Amendments thereto (collectively the "Intergovernmental Agreement").
- 4. <u>Amendments to Article IV Zoning</u>. Exhibit B provided in part "A. ZONING GRANT" of Article IV of the Intergovernmental Agreement shall be replaced with the new Exhibit "B" attached hereto.
- 5. Mutual Cooperation: Should any person having proper standing to do so bring a cause of action before any court of competent jurisdiction challenging the method or procedures by or through which the Parties entered into this Fourth Amendment, the Parties agree that they shall fully cooperate to defend such cause of action. Further, and in addition to the foregoing sentence, the Parties agree that they shall, to the extent legally permissible, execute such petitions, issue such notices, conduct such meetings, including all lawfully required public hearings and to promptly pass and adopt such ordinances and resolutions and otherwise promptly exercise the respective lawful authority to effectuate the intent of this Fourth Amendment to the Intergovernmental Agreement.

- 6. <u>Recordation</u>: The Parties agree to do all things necessary to cause this Fourth Amendment be recorded in the Office of the Recorder of Deeds, DuPage County, Illinois.
- 7. <u>Severability</u>: In the event that any phrase, paragraph, or portion of this Fourth Amendment is found to be invalid, illegal or unenforceable by any court of competent jurisdiction, such finding of invalidity, illegality or unenforceability shall not affect the validity, legality or enforceability of the remaining portions of this Fourth Amendment. None of the Parties hereto shall contest the validity, legality, or enforceability of any phrase, paragraph or portion of this Fourth Amendment.

IN WITNESS WHEREOF, the Parties hereto have caused this Fourth Amendment to be executed and delivered the day and the date first written above.

CITY OF WEST CHICAGO, an Illinois municipal corporation	DuPAGE AIRPORT AUTHORITY, an Illinois special district
By:	By:
Ruben Pineda Mayor	David Bird Executive Director
ATTEST:	ATTEST:
City Clerk	Secretary

Section 10.5

The Airport Zoning District

10.5-1 General Regulations

(A) Title

This document shall be known, and may be referred to, as the Airport Zoning District Ordinance.

(B) Authority and Purpose

- (1) There has been a legislative finding that it is in the best interest of the residents of the City of West Chicago that there be only one airport within its corporate limits and that an airport known as the DuPage Airport has been established within the municipal boundaries of the City of West Chicago. It is the purpose of this District to establish a rational pattern of land uses and encourage the most appropriate use of individual parcels and land from time to time constituting the DuPage Airport, under the jurisdiction of the DuPage Airport Authority, that will provide the following:
 - (a) Protect the existing character, airport facilities and land uses;
 - (b) Encourage compatibility among different land uses and develop architectural, landscape architectural and design standards to govern development;
 - (c) Encourage and enhance the preservation of natural resources, aesthetic amenities and natural features;
 - (d) Secure adequate natural light, clean air, privacy and a safe airport environment;
 - (e) Promote and protect the public health, safety, morals and general welfare of the County of DuPage, the County of Kane, the City of West Chicago, surrounding communities and the DuPage Airport Authority;
 - (f) Facilitate the most efficient use of existing and planned public facilities and utilities;
 - (g) Protect existing public facilities and utilities from being overloaded due to excess development;
 - (h) Reduce congestion and promote safety on streets and highways by limiting traffic generation through the control of land use intensity; and
 - (i) Protect natural resources including vegetation.

(C) Public Infrastructure

- (1) Utilities. All utility lines shall be installed underground.
- (2) Civil engineering. It is anticipated that civil engineering plans including items such as regional detention facilities, mass grading plans, and preliminary utility layout will be created for the Airport Zoning District, and that development of each lot will occur in compliance with these master engineering plans.
- (3) Stormwater management. Development of each lot shall accommodate stormwater management requirements of the City of West Chicago and DuPage County on its own lot or as part of a regional stormwater management facility. If a development utilizes a regional facility, calculations shall be provided demonstrating the total capacity of the facility, the amount of capacity presently committed to existing development, the amount available for use, the amount needed for the proposed development and the remaining capacity available for future development.

(D) Administration and Standards

- (1) Protect and respect the justifiable reliance of existing residents, business people and taxpayers on the continuation of the DuPage Airport Authority; and
- (2) Establish standards for the review of applications filed pursuant to this Airport Zoning District Ordinance; and
- (3) Protect and enhance the taxable value of land and buildings.

(E) Development Review Procedure

If property within the Airport Zoning District is classified as a Planned Unit Development (PUD), an application for development approval shall follow the procedure as set forth in Article XV of the Zoning Ordinance of the City of West Chicago, Illinois. Development approval shall follow Exhibit "C" of the Intergovernmental Agreement between the City of West Chicago and the DuPage Airport Authority, entered into March 22, 2001, as amended.

(F) Construction Commencement

If property within the Airport Zoning District is classified as a Planned Unit Development (PUD), construction shall be commenced within one (1) year of approval of the final PUD, unless an extension is granted by the City of West Chicago.

10.5-2 Definitions

Botanical Name: The Latin scientific name of a plant, a binomial consisting of "genus" and "species"; each plant has a unique botanical name.

Center Island: A center island is created where two (2) rows of head-in parking are separated by a landscape island.

Common Name: The English name of a plant; there is often more than one (1) common name to a plant, or one common name shared by several plants.

Deciduous: Plants shedding or losing foliage at the end of the growing season.

End Island: An end island is a landscaped island that terminates a row of parking.

Fleet Vehicles: Automobiles and trucks (of Class D or less under the Illinois Motor Vehicle Code existing on June 1, 2005) owned or operated by an occupant of the building on the site where the storage will occur.

Floor Area Ratio: The gross floor area of the building or buildings on the Zoning Lot divided by the area of such Zoning Lot.

Groundcover: A group of low-growing plants, usually no higher than twelve (12) or eighteen (18) inches.

Building height: The vertical distance measured from the average grade at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs. Chimneys, towers, cooling towers and any other projections shall not exceed 10 feet above the Building height.

Intermediate Island: An intermediate island is a landscaped island placed intermittently along a row of parking.

Landscape Setback: An area designated for plant material between the right-of-way and parking lot, pavement, building or other accessory structure. Culverts, sewers, water mains and underground utility lines and facilities may be located within the Landscape Setback. Access driveways may cross the landscape setback.

Landscaped Area: An area which is completely covered with grass, groundcover, shrubs, perennials, trees, or any other living plant material.

Limited Manufacturing and Assembly: Any production, fabrication, processing, cleaning, servicing, testing, repair, or storage of material, goods or products which shall conform with the performance standards set forth in Sections 10.5-3 (C)(1).

Lot, or Zoning Lot: A single tract of land having direct access to a publicly dedicated right-of-way which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control.

Lot Line, Exterior Side: A lot line which abuts a street and which is not a front line or a rear lot line.

Lot Line, Front: A lot line which abuts a street. On a lot abutting two (2) or more streets, the front lot line shall be the shortest lot line abutting a street.

Lot Line, Interior Side: A lot line which abuts another lot and which is not a front lot line or a rear lot line.

Lot Line, Rear: A lot line or lot lines most distant from and most nearly parallel to the front lot line.

Ornamental Tree: A deciduous tree, mature height less than thirty (30) feet, possessing qualities such as flowers and attractive foliage or shape.

Parkway: That portion of the public way between the street and the nearest parallel property line, including sidewalk area.

Parkway Planting Area: An area between the sidewalk or lot line and the back of curb used for landscaping.

Parkway Tree: A permitted shade tree planted in the public parkway.

Shade Tree: A large-scale deciduous tree with a mature height greater than thirty (30) feet generally having a single stem and planted primarily for shade.

Shrub: Small-scale plants, generally without a single stem, used as hedges, foundation planting, borders, and accents, possessing qualities such as flowers and attractive foliage or shape.

Side Yard: An area between the side building façade and the side property line.

South Park Area: The portion of the Commercial Parcels Zone lying south of Fabyan Parkway.

Yard, Exterior Side: A required yard adjoining a street which extends the full depth of a lot, along an exterior or side lot line, excluding the area within a front yard.

Yard, Front: A required yard which extends the full width of a lot along a front lot line.

Yard, Interior Side: A required yard adjoining another lot which extends the full depth of a lot along an interior side lot line, excluding the areas within a front yard and/or rear yard.

Yard, Rear: A required yard which extends the full width of a lot along a rear lot line. The exterior side yard requirements shall prevail over the rear yard requirements.

10.5-3 Sub Planned Unit Development (PUD)

Within the Airport Zoning District there may be more than one (1) sub PUD. All land located within the Airport Zoning District shall be classified in one of the following parcels which, in each case, shall conform with the regulations hereinafter set forth.

(A) Airport Parcel Zone

Within the Airport Zoning District there shall be one (1) Airport Parcel or zoning lot which shall be developed as a PUD. Its principal use shall be a public airport together with all associated accessory uses and amenities, which are used for or useful as an aid to the landing, taking off,

navigation, repair, maintenance or storage of aircraft, including, but not limited to, air traffic control towers, hangars, terminals, fuel farms, ground maintenance buildings, administrative offices, flight instruction buildings or offices, automobile rentals, food service, aircraft repair or maintenance buildings or offices, roads, parking, runways, taxiways, ramp areas, clear zones, noise impact areas and air space requirements areas.

(B) Golf Course Parcels Zone

Within the Airport Zoning District there shall be not more than two (2) Golf Course Parcels which shall be single zoning lots developed as PUDs. Their principal use shall be a golf course and the following accessory uses and amenities which are used or useful in the operation of the golf courses, including, but not limited to, maintenance and storage facilities, practice facilities, driving range, clubhouse, food and beverage facilities, swimming pools, tennis courts, other recreational facilities, hotels, cottages and other lodging facilities (not intended for permanent occupancy), facilities for meetings, benefits, banquets and the like held at the golf courses.

(C) Commercial Parcels Zone

(1) Purpose

The Commercial Parcels Zone is intended to serve as a multi-use zone which may contain multiple PUDs on multiple zoning lots that incorporates business, research, recreational, technology, and light industrial uses. All or any portions of the Commercial Parcels Zone may be classified and developed without PUDs. It is the intent of Section 10.5-3 (C) to separate, where possible, uses which conflict with one another. As part of the site plan review process, the applicant will be encouraged to develop uses that are consistent in terms of character and function.

Any use that produces adverse effects upon the property in terms of public health, safety or welfare, or which may be harmful to the DuPage Airport, or which does not comply with the intent of the development plan shall be precluded. No use shall be permitted which does not comply with the performance standards of the City of West Chicago such as:

- (a) Noxious, toxic, or corrosive fumes, gases or discharge;
- (b) Smoke or radiation;
- (c) Ground conditions which produce dust;
- (d) Noises and/or vibration;
- (e) Intense glare or heat;
- (f) Any adverse environmental condition;
- (g) Any use which would adversely impact the safe operation of the DuPage Airport;
- (h) Air pollution;

- (i) Electromagnetic interference; and
- (j) Radio frequency interference.

(2) Permitted Uses

All permitted uses may include offices as accessory uses.

(a) Office, Research and Technology

Corporate Offices

General Offices

Government Offices, Fire and Police Stations

Medical and Dental Offices and Clinics

Professional Offices

Agricultural Research

Computer and Data Processing Facilities

Educational and/or Training Facilities

Engineering and Testing Facilities

Laboratories for Professional, Medical and Scientific Instruments, Equipment & Supplies

Research and Development Operations

Telemarketing Operations

Day Care Center as Ancillary to Another Office, Research and Technology Use

(b) Light Industrial

Limited Manufacturing and Assembly

Printing and Publishing Operation

Public Utilities

Warehouse and Distribution

Day Care Center as Ancillary to Another Light Industrial Use

(c) Commercial

Bank, Savings and Loan, Credit Union

Beauty Parlor and Barber Shop

Car Rental (excluding trucks over Class B license)

Catering Facility

Conference Center

Day Care Center

Dry Cleaning and Laundry

General Recreation Parks

Health Clubs

Home Improvement Center

Hotel and Convention Center

House of Worship

Museums

Passenger Railroad Station

Photography Studio

Playgrounds and Athletic Areas

Printing, Publishing, and Blueprinting with Retail Sales

Public or Private Recreational Facilities

Resorts

Restaurant, Sit Down

Retail and Wholesale Trade

Sod and Crop Farms

Swimming Pools/Ice Skating Rinks

Theater

Veterinarian Clinic with no Outside Kennel

(d) Accessory Uses

Accessory uses and accessory structures, as defined in Section 10.5-6

(3) Special Uses (In accordance with Section 5.4-6 Special Use Permits)

Alternative electric suppliers unless ancillary to a Permitted or Special Use

Auto Repair

Automobile Service Stations

Fuel Sales and Storage

Heliports

Outside Storage

Public Assembly

Restaurant (drive-through)

Vehicle Sales

(4) Bulk, Setbacks and Yard Requirements

(a) Maximum Height *

Office, Research and Technology

Light Industrial

Commercial

55 feet or 3 stories, whichever is less 50 feet or 2 stories, whichever is less

35 feet or 2 stories, whichever is less

Except hotels, which may be 55 feet or 5 stories,

whichever is less

(b) Minimum Zoning Lot Area

Office, Research and Technology

2 acres

Light Industrial

2 acres

Commercial

1 acre

^{*} Subject to Federal Aviation Administration (FAA) Regulations

(c) Minimum Zoning Lot Width

Office, Research and Technology	150 feet
Light Industrial	200 feet
Commercial	150 feet

(d) Minimum Front and Exterior Side Yard (Building and Paving)

	Building	Paving
Office, Research and Technology	60 feet	40 feet
Light Industrial	40 feet	20 feet
Commercial	50 feet	20 feet

(e) Minimum Interior Side Yard (Building and Paving)

	Building	Paving
Office, Research and Technology	15 feet	10 feet
Light Industrial	20 feet	15 feet
Commercial	25 feet	10 feet

(f) Minimum Rear Yard (Building and Paving)

	Building	Paving
Office, Research and Technology	15 feet	10 feet
Light Industrial	20 feet	10 feet
Commercial	25 feet	10 feet

(g) Maximum Floor Area Ratio *

Office, Research and Technology	0.60
Light Industrial	1.50
Commercial	0.25
Hotels and Motels	1.00

^{*} Includes Parking Garages

(5) Multiple Buildings on a Lot

As part of planning for the Commercial Parcels Zone, it may be appropriate to consider proposals for multiple buildings on one (1) Zoning Lot in order to achieve a unified use, appearance and architectural style. "Unified Use" shall mean that all uses on any one (1) Zoning Lot shall be limited to those uses grouped in the separate use categories contained in subsections 10.5-3 (C) (2) (a-d), together with and Accessory Uses and Accessory Structures. Multiple buildings may be permitted on a lot provided that each building conforms to all regulations set forth in this Ordinance. Subject to the applicable building codes, the following distances shall be maintained between buildings, except for Accessory Uses, which shall comply with 10.5-6:

Office, Research and Technology 40 feet Light Industrial 40 feet Commercial 30 feet

10.5-4 Architectural and Development Guidelines

(A) Parking, Driveways and Sidewalks

- (1) No on-street parking shall be allowed. Parking access shall be of sufficient size to serve the business use conducted on a lot. No parking area or driveway shall be located within ten (10) feet of any building except for drop off areas (to be consistent with Section 10.5-5 (J) (1)).
- (2) All surfaces used as parking, driveways or walkways shall be minimally paved in accordance with City of West Chicago specifications.
- (3) Lessees shall install trails and pedestrian and bicycle paths where practical. Sidewalks shall be required pursuant to the City of West Chicago's Ordinances.
- (4) All parking shall be completed in compliance with Section 10.5-7 of this Airport Zoning District Ordinance.

(B) Loading and Service Areas

- (1) No loading or servicing shall be conducted between a building and any street.
- (2) Loading and servicing shall be designed so that the entire operation is conducted within the confines of the Zoning Lot. No loading vehicles may extend beyond the lot line.
- (3) Loading and servicing areas shall be either (i) screened from streets and building entrances by means of a landscape screening buffer, earthen berm, or combination of landscaping and berming, or (ii) shall be designed as an integral part of the building architecture.
- (4) All areas used for loading and servicing shall be minimally paved in accordance with City of West Chicago specifications.
- (5) All loading shall be in compliance with Section 10.5-8 of this Airport Zoning District Ordinance.

(C) Outside Storage and Equipment

(1) Accessory structures shall not be deemed to constitute outside storage. Parking of fleet vehicles shall not constitute outside storage. All outside storage shall be on a paved surface and shall only be permitted in the rear or interior side yards. Outside storage of fixed machinery shall be permitted on any Zoning Lot for which the principal use is Light Industrial, provided that the fixed machinery shall be either (i) screened from streets and building entrances by means of a landscape screening buffer, earthen berm, or combination of landscaping and berming, or (ii) shall be designed as an integral part of the building

architecture. All other types of outside storage such as articles, goods, materials, equipment, stock in trade and similar items, shall be permitted by special use only and shall be screened with fencing or landscaping.

- (2) Vehicles shall be stored in approved areas within the rear yard only (except that in the South Park Area, vehicles may be stored in rear or interior side yards). If vehicles are to be stored for more than seventy-two (72) hours, they shall be stored in an area screened from adjacent sites, streets and sidewalks and comply with all setback requirements.
- (3) There shall be no outside production or assembly of products, material, equipment or other business operations.

(D) Fencing and Walls

- (1) No fence or wall of any kind shall be constructed without a fence permit from the City of West Chicago.
- (2) Materials and colors of fences and walls shall be compatible with building architecture.
- (3) Barbed wire fences are prohibited, except as required by public utilities.
- (4) Chain link fences shall be permitted in side and rear yards only in the South Park area.
- (5) Fences shall be a maximum of six (6) feet in height.
- (6) Fences shall be permitted in the rear and side yards only, except that decorative fences shall be permitted (i) in front yards in the South Park Area and (ii) in front yards elsewhere in the Commercial Parcels Zone when site security is a requirement of the building occupant(s). Said fences shall not be located within the required front yard landscape setback.

(E) Waste and Refuse

All waste material and refuse shall be securely stored and maintained internally in (i) enclosed receptacles within the building until removed by a licensed scavenger service or (ii) exterior trash enclosures so long as they are fully screened by building materials or other opaque substances consistent with the principal building architecture.

(F) Site Lighting

- (1) Lights shall not be placed to cause glare or spillage on other sites. Intensity of lighting shall be no greater than required for vehicle and pedestrian safety.
- (2) Lighting and photometric plans shall be designed in a manner so as not to interfere with the aviation operation of the DuPage Airport. All lighting shall be directed toward the ground and have no spillage above the light itself. All lighting plans shall minimally comply with City of West Chicago specifications.

- (3) All parking area and driveway lighting shall minimally be in accordance with the specifications of the City of West Chicago. All jobs are to have matching base covers. All concrete pole bases are to be at grade except in paved areas. In smaller parking areas (less than one hundred (100) parking spaces), poles shall not exceed twelve (12) feet in height. In large parking areas (one hundred (100) parking spaces or more), lighting pole fixtures shall not exceed twenty-five (25) feet in height; provided that, within the Commercial Parcels Zone lighting pole fixtures may be up to twenty-five (25) feet in height in any parking lot. In no case shall the assembly be higher than the top of the building it serves.
- (4) Building mounted lighting is restricted to (i) loading and storage locations or similar areas except as permitted in Section 10.5-9 and (ii) building accent lighting. Building mounted lighting shall not be used for lighting parking areas or sidewalks. Building mounted light fixtures shall be shielded and shall not project above the fascia or roofline. The shields shall be painted to match the surface to which they are attached. Building mounted fixtures visible from parking lots, streets or off-site areas shall be integral to the building architecture or visually similar to parking lot fixtures, as determined by the City of West Chicago.
- (5) All low level lighting fixtures shall minimally be in accordance with the specifications of the City of West Chicago.

(G) Utility Installation

- (1) All permanent utilities shall be located underground and in easements of sufficient width for utility operation, maintenance and repair. Where feasible, utilities shall be located immediately adjacent to the lot line.
- (2) All utility appurtenances, including telephone pedestals, utility meters, transformers, etc. shall be screened.

(H) Construction Phase

- (1) Development of any lot shall follow the soil erosion procedure of the City of West Chicago and DuPage County.
- (2) Construction sites shall be maintained in a neat and orderly manner. All construction debris and other trash shall be kept in enclosed containers and frequently removed.
- (3) Existing roads shall be kept free and clear of all dirt, soil construction material and/or debris on a daily basis.
- (4) Construction fences shall be installed by the applicant to protect existing landscape materials, as well as lawns and underground landscape drainage systems.
- (5) Portable toilet facilities shall be provided at all construction sites.

(I) Architectural Design Standards

- (1) Corrugated metal or pre-engineering metals installed with exposed fasteners are prohibited on any building exterior wall, except that, in the Commercial Parcels Zone, architectural grade metal and metal products may be used on the exterior of buildings and structures, and for rooftop screening, if incorporated into an overall architectural scheme for such the building(s) or structure(s) on a zoning Lot.
- (2) All buildings on a lot shall be of similar, compatible design and materials.
- (3) Rooftop equipment, vents and ducts shall be screened from adjacent street frontages of the subject zoning Lot.
- (4) All buildings shall be insulated to protect from noise by overhead and nearby air traffic.

(J) Sight Triangles

- (1) In order to protect views, a sight triangle, measured thirty (30) feet from the intersection of any two (2) street rights-of-way or lot lines, whichever is greater, will be required.
- (2) No parking, loading, signs or structures of any kind shall occur or be placed within this sight triangle.

10.5-5 Landscape Standards

(A) Purpose

This section defines landscape performance standards and sets guidelines and specifications for the design of the Airport Zoning District. These standards are established to ensure a high quality of performance, construction, and aesthetic value that will benefit landowners, the general public, and the community as a whole. This Section is intended to facilitate the following purposes:

- (1) To establish an aesthetically cohesive and functional design throughout the Airport Zoning District.
- (2) To promote the airport's wildlife management plan to minimize wildlife migration and enhance air traffic safety.
- (3) To enhance views and minimize the adverse visual and environmental impact of all large paved areas.
- (4) To protect and preserve the appearance and character of the community.
- (5) To consider the scale and nature of the landscaping material.
- (6) To incorporate lush vegetation and emulate a natural, park-type setting.

- (7) To encourage environmental sensitivity with regards to wetlands, trees and other existing desirable natural amenities.
- (8) To protect and promote the health, safety, and welfare of the residents of DuPage County, Kane County, the City of West Chicago, the surrounding communities and the DuPage Airport Authority.

(B) Plant Palette

- (1) All plants supplied shall conform to the "American Standards for Nursery Stock," latest edition, and shall be installed according to the current standards of the American Association of Nurserymen.
- (2) Plants shall minimize conflicts between the flight path of planes and bird habitats. Special consideration will be given to LEED certified buildings. The following is a suggested list of plants to achieve this purpose:

(a) Shade Trees

- Acer x freemaniiFreeman Maple
- Acer platanoidesNorway Maple
- Acer rubrumRed Maple
- Acer rubrum 'Red Sunset'Red Sunset Maple
- Acer SaccharumSugar Maple
- Betula nigraRiver Birch
- Acer Saccharum 'Green Mountain' Green Mountain Sugar Maple
- Carya ovataShagbark Hickory
- Catalpa speciosaCatalpa *
- Fraxinus Americana 'Autumn Purple' Autumn Purple White Ash
- Fraxinus Americana 'Skyline'Skyline White Ash
- Fraxinus pennsylvanica 'Patmore'Patmore Green Ash
- Gleditsia triacanthos var. inermis 'Shademaster'Shademaster Honey locust
- Gleditsia triacanthos var. inermis 'Skyline'Skyline Honey locust
- Gymnocladus diocusKentuckey Coffee Tree
- Juglans nigraBlack Walnut *
- Ouercus bicolorSwamp White Oak
- Quercus macrocarpaBur Oak
- Quercus palustrisPin Oak
- Ouercus roburEnglish Oak
- Quercus rubraRed Oak

* Catalpa and Black Walnut shall be planted in non-lawn areas and a minimum of forty (40) feet from potential right-of-way in accordance with Section 4 (B) of the City of West Chicago Resolution 04-R-0060.

(b) Ornamental Trees

- Acer campestreHedge Maple
- Amelanchier arboreaJuneberry
- Amelanchier CanadensisServicebery
- Cornus alternafoliaPagoda Dogwood
- Cornus mas CornelianCherry Dogwood
- Crataegus phaenopyrum Washington Hawthorn *
- Magnolia stellataStar Magnolia
- Pyrus calleryana 'Chanticleer' Chanticleer Callery Pear
- Pyrus calleryana 'Redspire'Redspire Callery Pear
- Viburnum prunifoliumBlackhaw Viburnum
- * Washington Hawthorn shall not be planted adjacent to pedestrian walkways or bicycle paths.

(c) Large Deciduous Shrubs

- · Cornus racemosaGrey Dogwood
- · Cornus stoloniferaRedtwig Dogwood
- Hamamelis virginianaCommon Witchhazel
- Prunus x cistenaPurpleleaf Sand Cherry
- Rhododendron 'PJM'PJM Azalea
- Rhododendron 'Northern Lights' Northern Lights Azalea
- Rhododendron sppAzalea
- Rhus typhinaStaghorn Sumac
- Spiraea x vanhoutteiVanhoutte Spirea
- Syringa patula 'Miss KimMiss Kim Lilac
- Syringa vulgarisCommon Lilac
- Viburnum x burkwoodiiBurkwood Viburnum
- Viburnum carlesiiKoreanspice Viburnum
- Viburnum d. 'Synnestvedt'Arrowwood Viburnum
- Viburnum lentagoNannyberry
- Viburnum x juddiiJudd Viburnum
- Weigela florida Java RedJava Red Weigela

(d) Small Deciduous Shrubs

- Aronia melancarpaChokecherry
- Chaenomeles speciosa 'Texas Scarlet' Texas Scarlet Flowering Quince
- Corylus Americana American Hazelnut
- Euonymous fortunei 'Sarcoxie'Sarcoxie Euonymous
- Forsythia viridissima 'Bronxensis'Bronx Greenstem Forsythia
- Potentilla fruticosa 'Gold Drop'Gold Drop Cinquefoil
- Potentilla fruticosa 'McKay's White'McKay's White Cinquefoil
- Rhododendron 'Ivory Coast'Ivory Coast Azalea
- Rhododendron 'PJM Compact'Compact PJM Azalea
- Rhododendron sppAzalea
- Rhus aromatica 'Gro-Low'Gro-Low Fragrant Sumac
- Ribes alpinum 'Green Mound' Green Mound Alpine Currant
- Rosa 'Bonica'BonicaShrub Rose
- Rosa 'Flower Carpet Pink'Flower Carpet Rose
- Rosa 'Nearly Wild' Nearly Wild Rose
- Rosa 'Scarlet Meidiland'Scarlet Meidiland Rose
- Spirea albaMeadowseet
- Spiraea x bumalda 'Anthony Waterer' Anthony Waterer Spirea
- Spiraea x bumalda 'Froebelii'Frobel's Spirea
- Spiraea x bumalda 'Goldflame'Goldflame Spirea
- Spiraea japonica 'Goldmound'Goldmound Spirea
- Spiraea japonica 'Little Princess'Little Princess Spirea
- Syringa meyeri 'Palibin'Dwarf Korean Lilac
- Viburnum trilobum 'Bailey'A. Cranberrybush Viburnum

(e) Ornamental Grasses (for use in detention and retention areas)

- Andropogon gerardiiBig Blue Stem
- Andropogon scopariusLittle Blue Stem
- Bouteloua curtipendulaSide-Oats Grama
- Calamagrostis acutiflora 'Karl Foerster'Feather Reed Grass
- Miscanthus sinensis 'Nippon"Nippon Maiden Grass
- Molinia caerulea arundinacea 'Skyracer' Tall Moor Grass
- Panicum v. 'Shenandoah'Shenandoah Switch Grass
- Panicum virgatum 'Northwind'Northwind Switch Grass
- Sporobolus heterolepisPrairie Drop Seed

- (f) Groundcovers (for use in foundation areas, front yards and parking islands)
 - Coreopsis palmatePrairie Coreopsis
 - Euonymous fortuneiColorata Purpleleaf Wintercreeper
 - Fern sppFern
 - Hedra helixEnglish Ivy
 - Pachysandra terminalis 'Green Carpet'Green Carpet Japanese Spurge
 - Sporobolus heterolepsisPrairie Dropseed
 - Vinca minorPeriwinkle
- (g) Perennials (for use in foundation areas, front yards and parking islands)
 - Achillea spp Yarrow
 - Aster laevisSmooth Blue Aster
 - Baptisia leucantha Wild White Indigo
 - Boltonia asteroidsFalse Aster
 - Chasmanthium latifollumNorthern Sea Oats
 - Coreopsis sppCoreopsis
 - Echinancea purpureaPurple Coneflower
 - Hemerocallis sppDaylily
 - Hosta sppHosta
 - Liatris pycnostachyaPrairie Blazing Star
 - Monarda d. 'Rasberry Wine'Rasberry Wine Bee Balm
 - Ratibida pinnataYellow Coneflower
 - Rudbeckia f. 'Goldstrurm'Black-Eyed Susan
 - Solidago rugosa 'Fireworks'Goldenrod

(C) General Planting and Design Requirements

- (1) All shade trees shall be an average of three (3) inches in caliper, measured six (6) inches above the root flare, at time of installation.
- (2) All shade trees located in turf areas that require moving or adjacent to intersections, roadways and driveways where there is a need for sight distance requirements shall have a minimum height of six (6) feet of clear trunk, free of branches and with a leafy canopy.
- (3) Large shrubs shall be supplied in containers, a minimum of five (5) gallons, or balled and burlapped.
- (4) Small shrubs shall be supplied in containers, a minimum of two (2) gallons.
- (5) Perennials and ornamental grasses may be planted in lieu of small shrubs. Three (3) perennial plants or ornamental grasses shall equal one (1) small shrub.

- (6) All groundcovers shall be planted so that an effective covering is obtained within two (2) growing seasons, or at a maximum spacing of one (1) foot on center in all directions.
- (7) All yards adjacent to a street shall be sodded.
- (8) Screening of transformers, above ground utilities, and loading docks shall consist of planting material or natural materials or a combination thereof.
- (9) Any area of the lot not used for structures or circulation elements shall be landscaped or otherwise improved in accordance with the landscape and architectural standards of the Airport Zoning District.
- (10) The following no planting zones shall apply around a utility structure, such as but not limited to, a fire hydrant, buffalo box, water shut off valve, valve vault, manhole, catch basin, or inlet:
 - (a) Fifteen (15) feet for shade, ornamental or evergreen trees.
 - (b) Ten (10) feet for large or small shrubs.
 - (c) Five (5) feet for perennials and ornamental grasses.

(D) Berms

- (1) Berms shall be meandering and amorphous in character and shall be utilized to screen parking lots from street views.
- (2) All slopes in landscaped areas shall be no greater than 3:1.

(E) Landscaping For Parkways

One (1) shade tree shall be provided for every fifty (50) feet of frontage, centered within the parkway area between the curb and sidewalk.

(F) Landscaping For Parking Areas

- (1) Parking lots shall be a minimum of fifteen (15) feet from all building facades.
- (2) A minimum of one hundred and sixty two (162) square feet of landscaped islands shall be provided for every fifteen (15) parking stalls provided by end, intermediate and/or center landscape islands.
- (3) Landscaped islands shall be a minimum of nine (9) feet in width and eighteen (18) feet in length from back of curb to back of curb and required at the ends of parking rows.
- (4) All plants installed in parking lot islands shall be planted at a minimum of three (3) feet from the back of curb.

- (5) Nine (9) foot wide intermediate islands shall require one (1) shade tree and perennials a maximum height of two (2) feet.
- (6) Eighteen (18) feet wide intermediate islands shall require one (1) shade tree, three (3)-small shrubs and/or perennials a maximum height of two (2) feet.
- (7) Nine (9) foot wide end islands shall require two (2) shade trees and three (3) small shrubs and/or perennials at a maximum height of two (2) feet.
- (8) Nine (9) foot wide center islands shall require small shrubs and/or perennials at a maximum height of two (2) feet.

(G) Landscaping For Front and Exterior Side Yards

- (1) A minimum of each of the following landscape material shall be provided:
 - (a) One (1) shade tree per fifty (50) linear feet or portion thereof of the yard to be landscaped; and
 - (b) One (1) ornamental and/or evergreen tree per thirty-five (35) linear feet or portion thereof of the yard to be landscaped; and
 - (c) Seven (7) large shrubs per twenty-five (25) linear feet or portion thereof of the yard to be landscaped; and
 - (d) Eighteen (18) small shrubs per twenty-five (25) linear feet or portion thereof of the yard to be landscaped.
- (2) The landscape design shall include the use of groupings of landscape materials.

(H) Landscaping For Side Yards and Rear Yards

- (1) A minimum of each of the following landscape materials shall be provided:
 - (a) One (1) shade tree per every fifty (50) linear feet or portion thereof of the yard to be landscaped; and
 - (b) One (1) ornamental and/or evergreen tree per every thirty-five (35) linear feet or portion thereof of the yard to be landscaped; and
 - (c) Five (5) large shrubs per every twenty-five (25) linear feet or portion thereof of the yard to be landscaped.

- (2) Tree locations shall not conflict with underground utility locations.
- (I) Landscaping For Detention and Retention Areas.
 - (1) A minimum of each of the following landscape materials shall be provided:
 - (a) One (1) shade tree per every one hundred (100) linear feet of detention and retention perimeter or portion thereof, measured at the high water level; and
 - (b) One ornamental or evergreen tree per every one hundred (100) linear feet of detention and retention perimeter or portion thereof, measured at the high water level; and
 - (c) Trees may be grouped in arrangements as long as the number of trees equal the number required in (a) and (b) above; however, trees planted in the perimeters of retention and detention areas shall be of a natural and non-linear design and shall be clustered into groups rather than planted evenly around the pond.
 - (2) Only plants adaptable to temporary flooding shall be planted below the high water line.
 - (3) Ornamental grasses shall be planted in small groupings of three (3), five (5) or seven (7) to minimize the potential for bird nesting areas.

(J) Foundation Landscaped Areas

- (1) A landscaped area a minimum of ten (10) feet in width shall be located around the perimeters of all buildings, except for drop off areas (to be consistent with Section 10.5-4 (A) (1)).
- (2) The foundation landscaped area shall be free of sidewalks and pavement, except for sidewalks to building doors, plazas, loading docks and spaces, and driveways to building doors and openings.
- (3) Particular attention shall be paid toward softening large expanses of building walls and accenting building entrances and architectural features.

(K) Landscaping Within Right-of-Way Medians

- (1) All plantings shall not be less than two (2) feet from the back of curbs.
- (2) All plantings that reach a mature height of more than eighteen (18) inches shall not be less than seven (7) feet from the back of curbs or at such other locations where sight distance requirements exist.
- (3) All ornamental, evergreen or shade trees shall be naturally spaced within the median.
- (4) Only shrubs or groundcovers that reach a mature height of no more than eighteen (18) inches shall be planted within the median, unless such plantings are located not less than seven (7) feet from the back of curbs, in which case such plantings may exceed eighteen (18) inches in height so long as they do not obstruct sight distance requirements.

(5) Landscaping shall conform to the City of West Chicago Subdivision Regulations.

(L) Landscaping For Ground Signs

- (1) For every one (1) square foot of sign surface area, there shall be provided one and one-half (1 ½) square feet of landscape area. Sodded areas shall not qualify as such a landscaped area.
- (2) The required landscaped areas shall be improved with such plantings as small and large shrubs, ornamental trees, perennials, annual beds, etc., of a size and in a quantity proportionate to the size and height of the sign.
- (3) No plantings shall cover or obstruct any views of the sign surface area.

(M) Site Grading

- (1) All site grading shall be done to enhance and preserve natural, rolling topographic features.
- (2) All changes in slopes shall be gradual and shall provide a smooth and even transition between existing and proposed grades.
- (3) All grading shall provide positive drainage away from all buildings and into swales, ditches, storm sewers, detention areas and retention areas.
- (4) Grading for parking lots shall provide positive drainage away from parked cars and sidewalks into inlets and catch basins.
- (5) Landscaping improvements shall be installed in a manner consistent with an approved mass grading plan.
- (6) Grading shall comply with City of West Chicago and DuPage County stormwater management regulations.

(N) Preliminary Landscape Plan

- (1) Blueline or blackline prints of the landscape plan shall be submitted to City of West Chicago for preliminary review.
- (2) The landscape plans shall be of a scale of 1" = 50'- 0" or larger and on standard size cut sheets (24 x 36 inches).

- (3) The preliminary landscape plan shall be prepared by a licensed landscape architect and include the following:
 - Name of project and client
 - Title block including the name, phone number, and street address of the landscape architect
 - Name, address, and phone number of civil engineer
 - Date of plan
 - Location map indicating particular area being addressed
 - Drawing scale
 - Drawing orientation (indicated by conventional north arrow)
 - Property lines, easements, and rights-of-way frontages, streets
 - Labels of wetland areas, detention, and retention ponds
 - Labels of buildings and other structures, including parking lots, sidewalks, and other paved areas
 - Location of all proposed areas to be seeded and/or sodded
 - Location of all plant material
 - Lot topography
 - Size, height and type of all plant material
 - Location and labels of all signage
 - Plant key identifying particular key symbols
 - All preliminary plans shall be denoted as "For Review Only-Do Not Use for Construction"

(O) Final Landscape Plan

- (1) Blueline or blackline prints of the landscape plan shall be submitted to City of West Chicago for final approval.
- (2) The final landscape plan shall be of a scale of 1" = 50'- 0" or larger and on standard size cut sheets (24 x 36 inches).
- (3) The final landscape plan shall be prepared by a licensed landscape architect and include the following:
 - Name of project and client
 - Title block including the name, phone number, and street address of the landscape architect
 - Name, address, and phone number of civil engineer
 - Date of plan
 - Location map indicating particular area being addressed
 - Drawing scale
 - Drawing orientation (indicated by conventional north arrow)
 - Property lines, easements, and rights-of-way frontages, streets
 - Labels of wetland areas, detention, and retention ponds

- Labels of buildings and other structures, including parking lots, sidewalks, and other paved areas
- Location and keyed labels of all proposed plants
- Location of all proposed areas to be seeded and/or sodded
- Location and labels of all signage
- Plant list or schedule to include key symbols, quantity, correct botanical and common names, size and condition of all proposed plants
- General and specific notes and details to indicate or explain the design and construction procedures to be used
- Elevations, cross-sections, and any other graphic details that will help explain the design more thoroughly
- Location of all utilities and utility structures
- Location of all light or flag poles

(P) Mulch

- (1) All planting beds shall be mulched with a minimum depth of three (3) inches of finely shredded hardwood or bark mulch.
- (2) Perennial, groundcover and annual flowerbeds shall be mulched with two (2) inches of mushroom compost.
- (3) All trees shall require a three (3) foot mulch ring with a minimum of three (3) inches of mulch depth.

(Q) Installation

- (1) All landscaping materials shall be installed in accordance with the current planting procedures established by the American Association of Nurserymen.
- (2) Landscape plant materials shall be properly guyed and staked in accordance with current industry standards.

(R) Maintenance

- (1) All required landscaping shall be the responsibility of the property owner and shall be maintained by the lot owner.
- (2) Any damaged or dead trees, shrubs or groundcover shall be promptly replaced.
- (3) Maintenance of landscaped areas includes, but is not limited to, weeding, mowing, trimming, pruning, edging, cultivation, seeding, fertilization, watering, pest control and anything else necessary to ensure healthy, vigorous plant growth.
- (4) Landscape plant material overhanging sidewalks, pedestrian paths and seating areas shall be pruned to a minimum of eight (8) feet in height.

- (5) Landscape plant material overhanging streets and vehicular traffic areas shall be pruned to a minimum of fifteen (15) feet in height.
- (6) If the developments and buildings are not maintained in accordance with the approved landscape plan, the occupant of the property shall be notified by the City of West Chicago.
- (7) If the required maintenance is not improved within thirty (30) days from date of notice, the City of West Chicago may perform the required maintenance and charge the occupant of the property all related costs or issue citations in violation of this Section.
- (8) All parkway trees within a dedicated right-of-way shall be the responsibility of the City of West Chicago upon acceptance.

10.5-6 Accessory Structures and Uses

(A) Authorization

Subject to the limitations of this Section 10.5-6, Accessory Structures and Accessory Uses are permitted in the Airport Zoning District in connection with any principal use lawfully existing within such district.

(B) Definition

An Accessory Structure or an Accessory Use is a structure or use that:

- (1) Is subordinate in extent and purpose to, and serves, a principal structure or use; and
- (2) Is customarily found as an incidental use to such principal structure or use; and
- (3) Contributes to the comfort, convenience or necessity of those occupying, working at or being served by such principal structure or use; and
- (4) Is, except as otherwise expressly authorized by the provision of this Airport Zoning District Ordinance, located on the same zoning lot as such principal structure or use; and
- (5) Is under the same ownership and control as the principal structure or use.
- (C) Special Regulations Applicable to Particular Accessory Structures and Uses
 - (1) Storage. Except as otherwise expressly permitted by this Code, outdoor storage shall not be allowed as an accessory use.
 - (2) Storage structures. Accessory storage structures, other than garages and permitted outside storage, shall not exceed ten (10) percent of either the floor area or the volume, whichever is less of the principal structure, if accessory to any other type of principal structure.

- (3) Storage of inoperable vehicles. No vehicle, other than a vehicle waiting timely repair at an automotive repair shop, gasoline station or new or used car dealer, incapable of being driven or used for the purpose or use for which it was designed shall be stored in any parking lot or parking area. Vehicles awaiting timely repair shall not be stored for longer than two (2) business days.
- (4) Antenna with surface areas of ten (10) square feet or less. Antenna and antenna support structures having no single dimension exceeding twelve (12) feet shall be permitted as an accessory use.
- (5) Antenna, other than amateur radio facilities with a single dimension exceeding twelve (12) feet shall comply with the regulations set forth in Section VIII of this Airport Zoning District Ordinance.
- (6) Accessory day care centers. Day care centers shall be considered permitted accessory uses in accordance with Section 10.5-3 (C) (2) subject to the following limitations:
 - (a) The accessory day care center shall be for the exclusive use of employees of the principal use. Day care operations serving those not employed on the premises shall be deemed a separate principal use, and so regulated in accordance with this Airport Zoning District Ordinance; and
 - (b) All requisite state and local licenses and permits regarding day care facilities shall be required for such operations; and
 - (c) All regular day care activities, including any outdoor play areas, shall be located within the building setbacks for the district in which the principal use is located; and
 - (d) The persons or organization operating the accessory day care center need not be employed by the operators of the principal use.

(D) Special Bulk, Yard and Space Regulations

- (1) General rule. Except as otherwise provided, all accessory structures and uses shall comply with, and be included in calculating compliance with, all bulk, yard and space requirements applicable in this Airport Zoning District.
- (2) Distance from principal structures. No detached accessory structure, except an air conditioning unit, antenna or antenna support structure, or exterior trash enclosures, shall be located within ten (10) feet of any principal structure unless such accessory structure is protected by a fire separation wall in compliance with the applicable building code.
- (3) Any accessory structure must compliment the architecture of the principal structure.

10.5-7 Off-Street Parking

(A) Authorization

Subject to the limitations of Section 10.5-6, off-street parking is permitted as an accessory use in all districts. Nothing herein shall be construed to limit the right of any person to provide off-street parking in excess of the requirements herein established but all such parking shall comply with the standards of this Section.

(B) General Requirements

- (1) Applicability to existing, new and expanded uses
 - (a) General applicability. Except as provided otherwise in this Section 10.5-7, the provisions of this Section shall apply to all new uses.
 - (b) Change in existing use. Whenever a use lawfully existing on the effective date of the Airport Zoning District Ordinance is changed thereafter to a new use, parking facilities shall be provided as required herein for such new use; provided, however, that when any such new use is required to have no more than the same number of parking spaces required of such existing lawful use, then such new use may be established with a deficiency in required parking spaces equal in number to not more than the number of spaces such existing lawful use was deficient on the effective date of the Airport Zoning District Ordinance.
 - (c) Increase in use intensity. Whenever the intensity of use of any structure or use is increased through the lawful addition of units, floor area, seating capacity or other units of measurement specified herein for required parking spaces, parking spaces as required herein shall be provided for such increase in intensity of use.
 - (d) Exception for nonconforming locations and design. Nothing in this Section 10.5-7 shall be construed to prohibit the continued utilization of any parking space as an accessory use to any structure or use for parking a vehicle that may lawfully be parked in such space solely because such space does not satisfy the location or design requirements of this Airport Zoning District Ordinance, or any amendment to it, if such space was legally in use as an accessory use to such structure or use on the effective date of the Airport Zoning District Ordinance or such amendment.

(2) Location of Required Parking Spaces.

(a) General rule. Parking spaces required by this Section 10.5-7 shall be located on the same lot as the use to which they are accessory.

(C) Design and Maintenance

Every parking lot and garage shall be designed, constructed and maintained in accordance with the standards and requirements herein set forth:

- (1) Location on lot. Off-street parking facilities shall be located on the same Zoning Lot as the principal use and may be provided on surface lots, underground, building or in parking structures, but shall comply with the yard requirements applicable in the district in which they are located.
- (2) Screening and landscaping. All parking lots and garages shall comply with the screening and landscaping requirements set forth in Section 10.5-5 of the Airport Zoning District Ordinance.

(3) Design.

- (a) Access to street. All parking lots, areas and garages shall be so located and designed as to provide access to adjacent streets with least interference with through traffic movements.
- (b) Turnaround area. Every parking lot or garage shall be provided with a turnaround area or other means to permit cars to exit the parking lot or garage without backing onto any street or sidewalk. No street shall be used as a turnaround.
- (c) Lighting. Fixed lighting shall be provided for all parking lots and garages accommodating more than ten (10) vehicles. All lighting shall comply with Section 10.5-4 (F) of this Airport Zoning District Ordinance and shall be reduced to security levels at all times of non-use.
- (d) Landscaping islands. All islands shall be bordered by a B-6-12 type concrete barrier curb and shall be located and constructed in accordance with accepted engineering standards.
- (e) Curbs. Every parking lot and garage shall be bordered by a six (6) inch high concrete curb and shall be provided with curbs, barrier fences, or other suitable devices designed and located to protect required screening devices, landscaping and structures from damage by vehicles using such lot or garage.
- (f) Circulation aisles. Each parking space shall be accessed by a circulation aisle of a width, in feet, as specified below:

Parking Angle	One-Way Aisle Width	Two-Way Aisle Width
Parallel 45°	14 14	24 24
60°	16	24
75°	20	24
90°	24	24

(g) Back-up area. Each parking space shall be provided with a sufficient back-up area to permit egress in one (1) maneuver, consisting of one (1) backward and one (1) forward movement.

(h) Space dimensions. Each off-street parking space, excluding its associated circulation aisle, shall have the following minimum dimensions, in feet;

Parking Angle	Stall Width	Stall Length	Stall Height
Parallel	9.0	23	8
30°	8.5	18	8
45°	8.5	18	8
60°	8.5	18	8
90°	9.0	18	8

The above-stated stall width dimensions shall be increased to sixteen (16) feet or to the width required by state law, whichever is greater, for handicapped parking spaces.

Ninety (90) degree parking stalls that abut a landscape area a minimum of twenty (20) feet in width may be reduced to seventeen (17) feet in length, with a one (1) foot overhang.

- (i) Landbanking to reduce long term parking dimensions. Except for parallel parking spaces, the above-stated dimensions may be reduced in order to increase the amount of landscaped open space to seventeen and one-half (17 ½) feet in length and eight and one-half (8 ½) feet in width in parking lots and structures in accordance with the procedures of Section 10.5-7 (E).
- (j) Maintenance. All tree planting areas, landscaped islands, parking lots, garages and areas shall be properly maintained at all times so as to be free of weeds, pot holes, broken curbs and other damaged or neglected features.

(D) Off-Street Parking Use

No off-street parking lot or area shall be used for any purpose other than parking of fleet vehicles, and temporary storage of other motor vehicles related to the premises.

(E) Landbanking of Required Parking

- (1) Landbanking authorized. Notwithstanding any other provision of this Section, the total number of off-street parking spaces required to be paved pursuant to Section 10.5-7 (F) may be reduced, subject to acceptance by the owner or its successors or assignees of the conditions set forth in the following three (3) subparagraphs.
- (2) Termination of landbanking. The City of West Chicago, upon consultation with the owner of the property, shall have the right to require the occupant of the property to increase the stall length and width to the dimensions required by Section 10.5-7 (C) or to increase the number of parking spaces provided to serve said zoning lot up to the maximum required by Section 10.5-7 (F) for the property in question if the required parking becomes necessary to serve the development.

- (3) Alternate plans required. Every application to allow landbanking of required parking spaces shall be accomplished by alternate detailed parking plans. One (1) plan shall show the full stall length and width required and the full number of parking spaces required pursuant to this Section; the other plan shall show the reduced stall length and width or the reduced number of parking spaces, or both, as the case may be, proposed to be provided pursuant to the special permit being sought and shall also show the landscaping treatment of areas proposed to be reserved for future parking requirements. Both such plans shall show the location on the lot of all parking areas, the exact number of parking spaces to be provided and complete details for:
 - (a) Markings,
 - (b) Curbing,
 - (c) Surfacing,
 - (d) Screening and landscaping,
 - (e) Lighting,
 - (f) Grading,
 - (g) Stormwater calculations demonstrating compliance with City of West Chicago requirements,
 - (h) Signage, and
 - (i) Access

The design plans for such parking areas shall be subject to the approval of the DuPage Airport Authority.

- (4) Open space covenant. The applicant shall file with the City of West Chicago an unconditional agreement and covenant in form and substance satisfactory to the City of West Chicago that areas reserved for future parking shall be maintained as landscaped open space until and unless required to be used for off-street parking.
- (F) Required Spaces (Commercial Parcels Zone)

Within the Commercial Parcels Zone, all of the off-street parking regulations of Article XIII of the "Zoning Ordinance of the City of West Chicago, Illinois" (Appendix A of the Code of Ordinances of the City of West Chicago) shall be applicable.

10.5-8 Off-Street Loading

(A) Authorization

Subject to the limitations of Section 10.5-8 and Section 10.5-4 of this Airport Zoning District Ordinance, off-street loading shall be permitted as an accessory use. Nothing herein shall be construed to limit the right of any person to provide off-street loading in excess of the requirements herein established.

(B) General Requirements

- (1) Applicability to existing, new and expanded uses.
 - (a) General applicability. Except as provided in this Section 10.5-8 (B), off-street loading spaces sufficient to satisfy the requirements of this Section shall be provided for all existing and new uses.
 - (b) Change in existing use. Whenever a use lawfully existing on the effective date of this Airport Zoning District Ordinance is changed thereafter to a new use, loading facilities shall be provided as required herein for such new use; provided, however, that when any such new use is required to have no more than the same number of loading spaces required of such existing lawful use, then such new use may be established with a deficiency in required loading spaces equal in number to not more than the number of spaces such existing use was deficient on the date of this Airport Zoning District Ordinance.
 - (c) Increase in use intensity. Whenever the intensity of use of any structure or use is increased through the lawful addition of floor area, seating capacity or other units of measurement specified herein for required loading spaces, loading spaces as required herein shall be provided for such increase in intensity of use.
 - (d) Exception. Notwithstanding the foregoing provisions of this Section 10.5-8 (B), no building or use lawfully existing on the effective date of this Airport Zoning District Ordinance, or any amendment to it establishing loading requirements with respect to such structure or use, shall be required to provide any additional loading spaces pursuant to this Section 10.5-8 (B) unless and until the aggregate increase in units of measurement shall equal the full number of units for which one additional loading space would be required pursuant to Section 10.5-8 (D), in which event loading spaces as required herein shall be provided for the total aggregate increase.
- (2) Location of required loading spaces. All areas utilized for loading shall be located on the same lot as the use they serve. Loading docks shall be an integral part of the building.

(C) Design and Maintenance

All areas utilized for loading shall be designed, constructed and maintained in accordance with

Section 10.5-4 (B) of this Airport Zoning District Ordinance and the standards and requirements set forth herein:

- (1) Location on lot. There shall be no loading in the required minimum yards. No loading space shall be located closer to any public right-of-way than the façade of the building facing such right-of- way. All loading spaces shall be located and arranged to provide logical and convenient access thereto from the use they serve.
- (2) Loading-screening. All areas utilized for loading shall comply with the screening requirements set forth in Section 10.5-5.

(3) Design.

- (a) Access to a street. All areas utilized for loading shall be designed and arranged to provide access to a street or alley in a manner that will create the least possible interference with through traffic movements. No curb cut across public property shall exceed thirty (30) feet in width without the written approval of the City of West Chicago.
- (b) Maneuvering space. All areas utilized for loading shall be provided with sufficient maneuvering space on the zoning lot where it is located to allow vehicles to access and exit the space without having to make any backing movement on or into any public or private street.
- (c) Surface, drainage and markings. All areas utilized for loading shall be minimally paved in accordance with City of West Chicago specifications.
- (d) Space dimensions. Each loading space, excluding required maneuvering areas, shall have the following minimum dimensions, in feet:

Standard 10W x 25L x 14H Tractor-trailer 12W x 50L x 15H

(D) Required Spaces

(1) General requirements. All areas utilized for loading or receiving areas shall be provided in sufficient number, of sufficient size and so located that no loading and unloading operations infringe upon any street or sidewalk.

(2) Minimum requirements. For the following uses, the following minimum number of loading spaces shall be provided:

Required loading spaces by land use:

USE

REQUIRED SPACES

(a) Hotels

1 for 10,000 to 150,000 square feet of gross floor area PLUS 1 for each additional 200,000 square feet of floor area or fraction thereof.

(b) Other Uses

1 for the first 150,000 square feet of gross floor area or fraction thereof PLUS 1 for each additional 200,000 square feet of gross floor area or fraction thereof.

The first space required for any building having in excess of ten thousand (10,000) square feet shall be sized to accommodate a tractor-trailer, and all other spaces may be standard sized.

10.5-9 Signs

All signs shall comply with Article XIII of the Zoning Ordinance of the City of West Chicago, Illinois.

10.5-10 Variance Procedure

(A) Zoning Board of Appeals (ZBA)

The membership, appointment, compensation, term of office, meetings, quorum and voting for the ZBA is set forth in Section 5.3 of the Zoning Ordinance of the City of West Chicago, Illinois.

(B) Authority

A variance may be recommended only in those specific instances enumerated in Section 10.5-10 (F), and then only when the ZBA has made findings of fact, based upon the standards set out in Section 10.5-10 (G), that owing to special conditions a literal enforcement of the provisions of this Airport Zoning District Ordinance in an individual case, results in practical difficulties or particular hardship for the owner, lessee or occupant of land or a structure.

(C) Application for a Variance

An application for a variance shall be filed with the City of West Chicago Community Development Director. The application shall contain the following information as well as such additional information as may be prescribed by rule of the ZBA:

(1) The particular requirements of this district which prevent the proposed use or construction.

- (2) The characteristics of the subject property which prevent compliance with said requirements of this district.
- (3) The reduction of the minimum requirements of this district which would be necessary to permit the proposed use or construction.
- (4) The practical difficulty or particular hardship which would result if said particular requirements of this district were applied to the subject property.

(D) Public Hearing Notice

The ZBA shall hold a public hearing on each variance request within forty-five (45) days after the variance application is submitted to them. At the hearing any interested party may appear and testify, either in person or by authorized agent. Notice indicating the location of property, the time, date and place of the hearing and the nature of the proposed variance shall be given not more than thirty (30) days nor less than fifteen (15) days before the hearing:

- (1) By certified mail return receipt requested of all persons residing within two hundred fifty (250) feet of property; and a certified mailing sent to all persons at the addresses appearing on a roll prepared by the County Clerks of DuPage and Kane Counties, listing to whom the tax bills are sent concerning parcel(s) of property which are within two hundred fifty (250) feet of the subject property will satisfy this requirement.
- (2) By publication in a newspaper of general circulation within the municipality.

(E) Jurisdiction

The ZBA is hereby vested with the following jurisdiction and authority and it shall be its duty:

- (1) To hear and make recommendation on all applications for variances from the regulations and restrictions imposed by this district.
- (2) To hear and report to the Mayor and City Council on such matters as may be referred to it by the Mayor and City Council subject to the provisions of this district.
- (3) To hear and decide all other matters upon which it is authorized or required to pass under this district or applicable Illinois statutes.

(F) Limitations on Variations

Variations from the regulations of this district shall be considered by the ZBA only in accordance with the standards set forth in this Section and may be considered in the following instances and no others:

(1) To permit any yard of less dimension than required by the applicable regulations.

- (2) To permit any building or structure to exceed the floor area ratio, height, yard and bulk limitations imposed by this district.
- (3) To reduce the applicable off-street parking or loading facilities required by not more than twenty (20) percent of the required number.
- (4) To permit the same off-street parking facilities to qualify as a required facility for two (2) or more uses, provided the substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.
- (5) To permit any fence, wall or hedge of less or greater dimension than required by the applicable regulations.
- (6) To permit any signage to exceed height and area limitations by not more than twenty (20) percent.
- (7) Variations in flood prone areas.
- (8) To permit loading or servicing to be conducted between a building and any street.
- (9) To permit loading spaces to be located closer to any public right-of-way than the façade of the building facing such right-of-way.
- (10) To permit the storage of vehicles within the exterior side yards in the South Park Area.

(G) Standards For Variances

The ZBA shall not recommend and the City Council shall not grant variances from the regulations of this District unless affirmative findings of fact shall be made as to all of the standards hereinafter set forth, which findings of fact shall be based upon evidence adduced upon the hearing held thereon that:

- (1) The physical condition of the premises is unique and does not apply to neighboring premises in the same district.
- (2) The aforesaid unique conditions are not the result of actions taken after the adoption of the zoning ordinance or relevant amendment thereof by any person personally having an interest in the property.
- (3) Strict application of the regulations of the zoning district would deprive the owner of the reasonable use of his premises equivalent to the use of neighboring premises within the district.
- (4) Granting of the variance will be in harmony with the intent of the zoning ordinance and will not be detrimental to any neighboring premises.

(H) Decisions On Variations

The concurring vote of four (4) members of the ZBA shall be necessary to recommend the grant of a variation to the City Council. Any recommendation that a variation be granted shall be accompanied by a conclusion or statement of the relief to be granted, supported by findings of fact, which statement and findings shall be transmitted to the City Council. The City Council shall make a final determination as to whether or not any variation requested shall be granted. The decision of the City Council shall occur by Ordinance supported by a statement containing specific findings of fact, which findings shall specify the reason or reasons for making the variation and shall refer to any exhibits containing plans and specifications for the proposed variation which have been made part of the application or which were introduced at the public hearing as evidence. Such exhibits shall remain part of the permanent record of the ZBA. The terms of relief granted shall be specifically set forth from the findings of fact. All variations granted pursuant to this authority shall be granted in conformance with the statutes of the State of Illinois.

ORDINANCE NO. 14-O-0032

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST CHICAGO – APPENDIX A ARTICLE 10.5 OF THE ZONING CODE

WHEREAS, The DuPage Airport Authority (the "APPLICANT") proposes an amendment to Article 10.5 of the Zoning Code, which is Appendix A of the Code of Ordinances of the City of West Chicago to amend the Airport Zoning District regulations; and,

WHEREAS, Notice of Public Hearing on said application was published in the Daily Herald on or about November 14, 2014, all as required by the ordinances of the City of West Chicago and the statutes of the State of Illinois; and,

WHEREAS, a Public Hearing was conducted by the Plan Commission/Zoning Board of Appeals of the City of West Chicago, commencing on December 2, 2014, pursuant to said Notice; and,

WHEREAS, at the Public Hearing, the APPLICANT provided testimony in support of their application, and all interested parties had an opportunity to be heard; and,

WHEREAS, the corporate authorities of the City of West Chicago have received the recommendation of the Plan Commission/Zoning Board of Appeals which contains specific findings of fact, pursuant to Recommendation No. 14-RC-0017, a copy of which is attached hereto as Exhibit "A" which is, by this reference, made a part hereof.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of West Chicago, Du Page County, Illinois, in regular session assembled, as follows:

Section 1. That Appendix A, Article 10, Section 10.5-2 of the Code of Ordinances of the City of West Chicago entitled "Definitions" is hereby amended by adding the following definition in alphabetical order:

"Building height: The vertical distance measured from the average grade at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs. Chimneys, towers, cooling towers and any other projections shall not exceed ten (10) feet above the building height."

Section 2. That Appendix A, Article 10, Section 10.5-3(C)(4)(a) of the Code of Ordinances of the City of West Chicago entitled "Maximum Height" is hereby amended by deleting the following subsection in its entirety and replacing it with the following language:

"Office, Research and Technology Light Industrial Commercial 55 feet or 3 stories, whichever is less 50 feet or 2 stories, whichever is less 35 feet or 2 stories, whichever is less Except hotels, which may be 55 feet or 5 stories, whichever is less"

Section 3. That Appendix A, Article 10, Section 10.5-7(E)(1) of the Code of Ordinances of the City of West Chicago entitled "Landbanking authorized" is hereby amended by deleting the following subsection in its entirety and replacing it with the following language:

"(1) Landbanking authorized. Notwithstanding any other provision of this Section, the total number of off-street parking spaces required to be paved pursuant to Section 10.5-7 (F) may be reduced, subject to acceptance by the owner or its successors or assignees of the conditions set forth in the following three (3) subparagraphs."

Section 4. That Appendix A, Article 10, Section 10.5-10(F) of the Code of Ordinances of the City of West Chicago entitled "Limitations on Variations" is hereby amended by adding the following language:

- "(8) To permit loading or servicing to be conducted between a building and any street.
- (9) To permit loading spaces to be located closer to any public right-of-way than the façade of the building facing such right-of-way.
- (10) To permit the storage of vehicles within the exterior side yards in the South Park Area."

<u>Section 5</u>. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

<u>Section 6</u>. That this Ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as provided by law.

PASSED this day of _		2014.	
Alderman J. Beifuss		Alderman L. Chassee	
Alderman J. Smith	·	Alderman D. Earley	
Alderman A. Hallett		Alderman L. Grodoski	
Alderman M. Birch		Alderman S. Dimas	
Alderman K. Meissner		Alderman J.C. Smith, Jr.	
Alderman R. Stout		Alderman M. Edwalds	
Alderman M. Fuesting		Alderman J.F. Banas	
APPROVED as to form:	ty Attorney		
APPROVED this day o		2014.	
Mayo	r, Ruben Pineda		
ATTEST:			
City Clerk, Nancy M. Smith			
PUBLISHED:			

EXHIBIT "A"

RECOMMENDATION # 14-RC-0017

TO: The Honorable Mayor and City Council

SUBJECT: PC 14-17

Text Amendment

Airport Zoning District

DATE: December 2, 2014

The motion to approve the request was unanimously approved by a (6-0) vote. DECISION:

After review of the proposed text amendment as presented, the Plan Commission/Zoning Board of Appeals finds that it does not pose a threat to the health, safety and welfare of the community. It is the Commission's opinion that the proposed amendments to the Airport Zoning District regulations will promote and encourage development in the DuPage Business Center in a manner that will protect the health, safety and welfare of the community and still attain the type of high quality development the City and DuPage Airport Authority desires within the park.

Respectfully submitted,

Erik Van-der-Mey Chairman

VOTE:

Absent Against Abstain For E. Van-der-Mey C. Dettmann

M. Birch

R. Mireault

D. Faught

B. Laimins

S. Hale

CITY OF WEST CHICAGO

DEVELOPMENT COMMITTEE AGENDA ITEM SUMMARY				
Final Development Plan Approval & Site Usage Variances for 2500 Enterprise Circle	AGENDA ITEM NUMBER: 4.8. FILE NUMBER:			
Resolution No. 14-R-0084 Ordinance No. 14-O-0033	COMMITTEE AGENDA DATE: Dec. 8, 2014 COUNCIL AGENDA DATE:			
STAFF REVIEW: John D. Said	SIGNATURE			
APPROVED BY CITY ADMINISTRATOR: Michael Guttman	SIGNATURE			

ITEM SUMMARY:

CenterPoint Properties, the contract developer of the DuPage Business Center (DBC), is proposing three site usage variances for a proposed industrial development located on the east half of the inner circle of Enterprise Drive in the South Park area of the DBC. Specifically, the proposed variances are as follows:

- To permit loading or servicing on the subject property to be conducted between the building and Enterprise Circle.
- To permit loading spaces on the subject property to be located closer to the Enterprise Circle rightof-way than the façade of the building facing said right-of-way.
- 3. To permit the storage of vehicles within the exterior side yard of the subject property.

The subject property is located on the east half of the inner circle of Enterprise Circle and has right-of-way frontage on three sides (north, south, and east). This means that the subject property not only has a front yard (east), but also has two exterior side yards (north and south), which are for all intent and purpose regulated the same as a front yard with respect to setbacks and use restrictions. The City's Airport Zoning District regulations limits the types of site uses, such as truck loading and storage that may be conducted within a front yard or exterior side yard. The intent of these regulations is to aesthetically enhance and maintain the street appearance of a site by requiring the more intensive site uses to be located in the rear and interior side yards of a site where they are typically visually screened from the right-of-way. The subject property is proposed to have twenty (20) loading docks and twenty-seven (27) semi-trailer parking (storage) spaces on the south side of the building, thus necessitating the three identified variances.

The subject property could be developed in conformance with the established regulations by placing the loading docks and semi-truck parking spaces on the west (rear) side of the building. However, that would necessitate using additional land to the west and render the balance of the vacant land inside Enterprise Circle undevelopable due to its small area. This option would also render any future expansion of the proposed building to the west too costly. City staff, Dupage Airport Authority (DAA) staff, and CenterPoint Properties staff all feel the most appropriate location of the loading docks and semi-trailer parking spaces is on the south side of the subject property as proposed. To help mitigate

CITY OF WEST CHICAGO

these site design aspects CenterPoint Properties will be providing a larger landscape buffer along the south property line where a berm and additional landscaping will be installed to act as a buffer for the parking and dock areas.

In accordance with the Intergovernmental Agreement (IGA) with the DAA both the DAA and City shall approve any development proposal within the DBC. The DAA has approved the proposed final development plan and Centerpoint is now requesting City approval. The attached Resolution includes specific plans and elevations of the proposed development. The terms of the IGA require the City Council to approve the final development plan if it is in conformance with all of the controlling documents (the City's Airport Zoning District regulations and the DAA's Minimum Design Standards). City staff acknowledges that the proposed plans do comply, subject to approval of the aforementioned three site usage variances.

At its December 2, 2014 meeting, the Plan Commission/Zoning Board of Appeals (PC/ZBA) unanimously recommended approval of the three requested site usage variances by a (6-0) vote. Their recommendation is included as Exhibit B to the attached ordinance. The Plan Commission did not consider the final development plan for the overall site because it is not part of the Commission's established purview.

ACTION PROPOSED:

Consideration of a final development plan and three site usage variances for 2500 Enterprise Circle.

COMMITTEE RECOMMENDATION:

RESOLUTION NO. 14-R-0084

A RESOLUTION APPROVING A FINAL DEVELOPMENT PLAN 2500 ENTERPRISE CIRCLE - DUPAGE BUSINESS CENTER

WHEREAS, the City Council of the City of West Chicago shall consider proposed development within the DuPage Business Center to determine compliance with the applicable codes and ordinances of the City of West Chicago; and,

WHERAS, the City Council of the City of West Chicago has determined that the proposed Final Development Plan for 2500 Enterprise Circle does comply with the applicable codes and ordinances of the City of West Chicago.

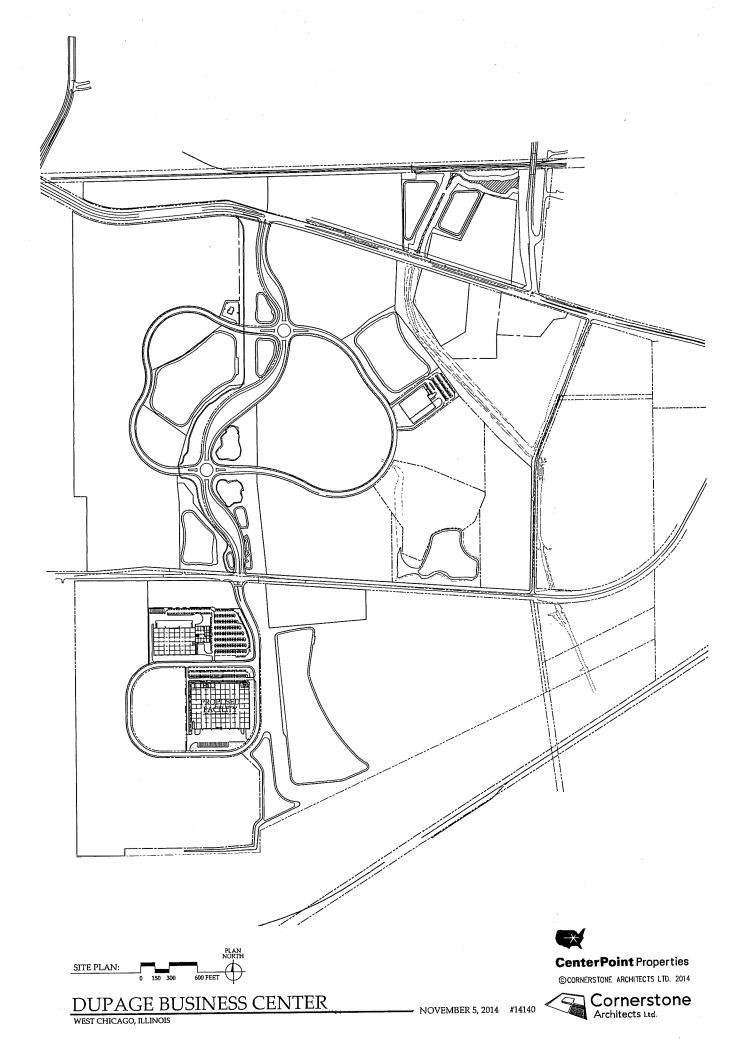
BE IT RESOLVED by the City Council of the City of West Chicago, in regular session assembled as follows:

<u>Section 1</u>. That the Final Development Plan for 2500 Enterprise Circle prepared by CenterPoint Properties attached hereto as Exhibit "A" is hereby approved.

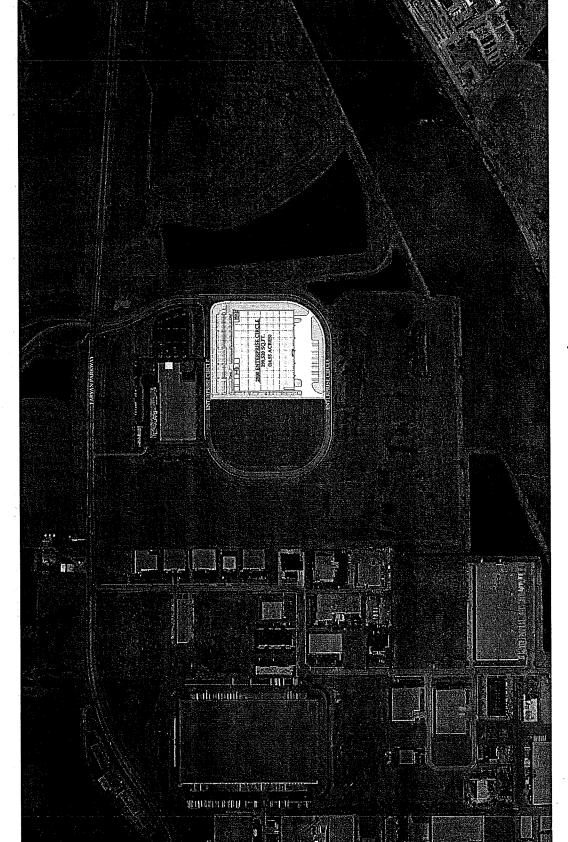
<u>Section 2</u>. That all resolutions, or parts thereof, in conflict with the provisions of this Resolution are, to the extent of such conflict, expressly repealed.

Section 3. That this Resolution shall be in full force and effect from and after its adoption and approval as provided by law.

ADOPTED this	day of	2014	
AYES:			
NAYES:			
ABSTAIN:			
ABSENT:			
ATTEST:		Mayor	
City Clerk			

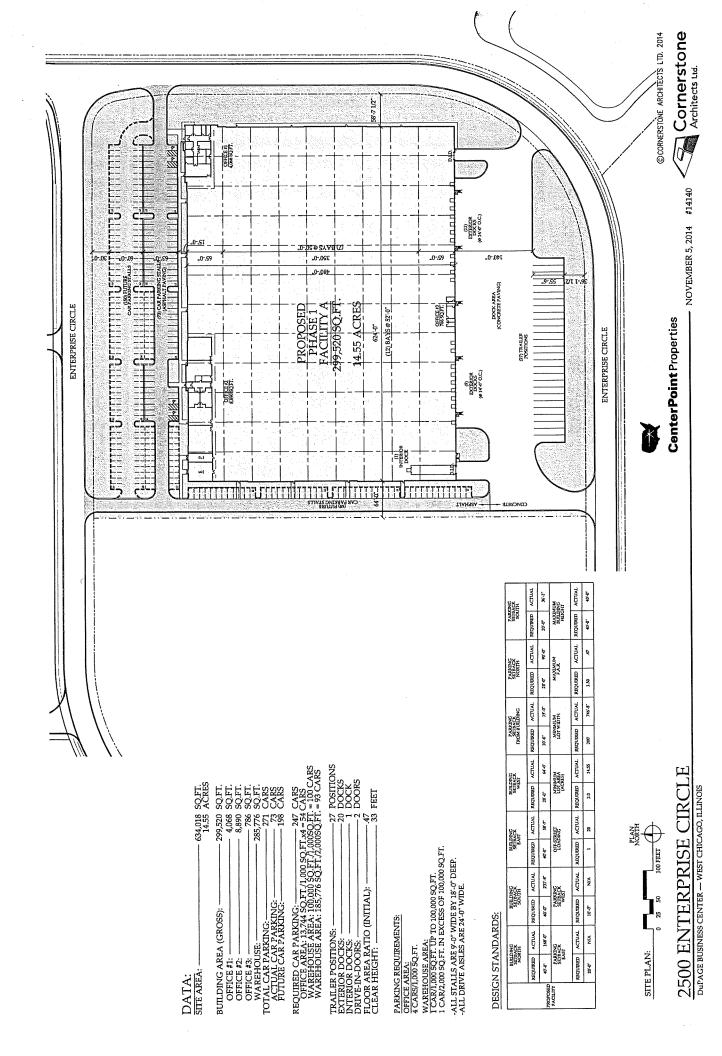


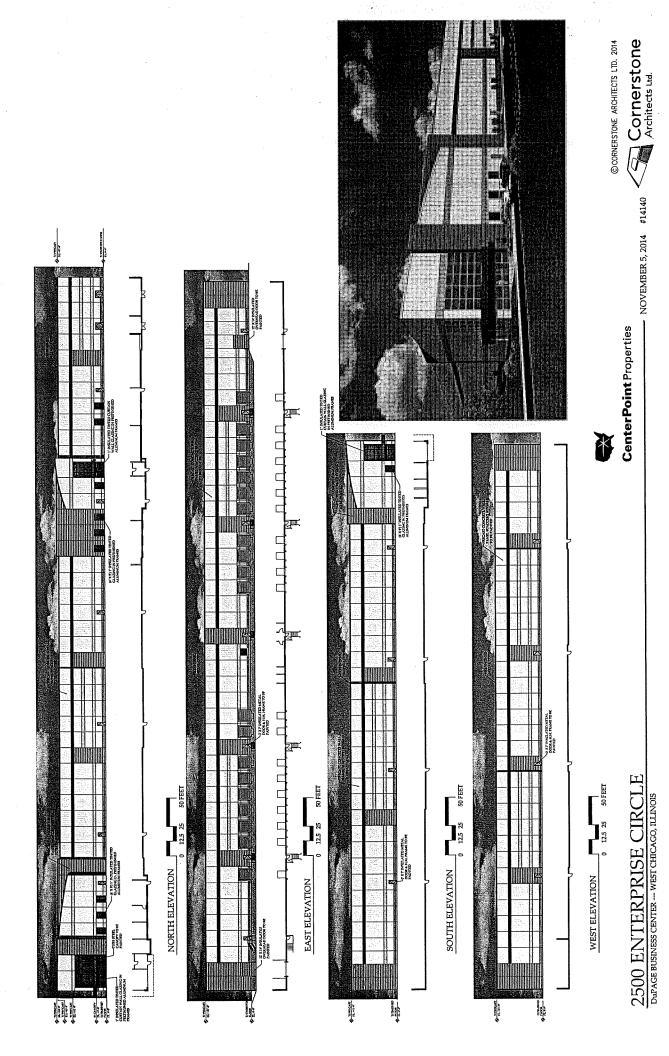
NOVEMBER 5, 2014 #14140





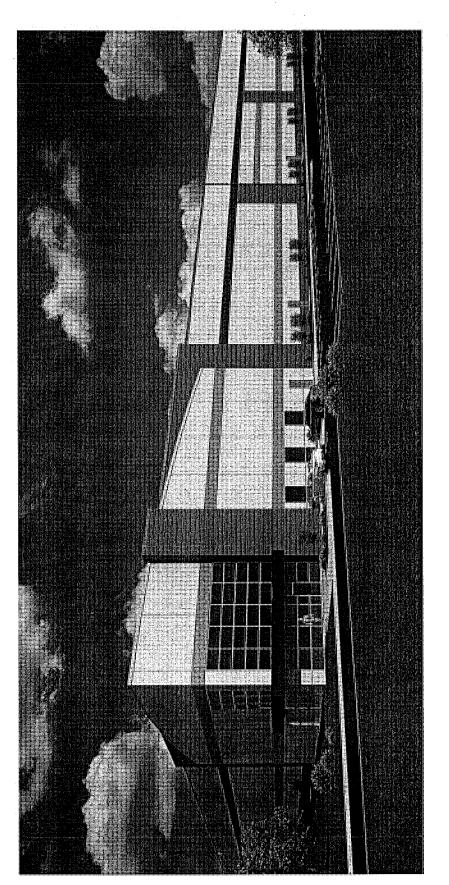
2500 ENTERPRISE CIRCLE DUPAGE BUSINESS CENTER — WEST CHICAGO, ILLÍNOIS







- NOVEMBER 5, 2014 #14140



CenterPoint Properties

2500 ENTERPRISE CIRCLE DUFAGE BUSINESS CENTER — WEST CHICAGO, ILLINOIS

ORDINANCE NO. 14-O-0033

AN ORDINANCE GRANTING CERTAIN SITE USEAGE VARIANCES FOR 2500 ENTERPRISE CIRCLE

WHEREAS, on or about November 3, 2014, CenterPoint Properties Trust, (the "APPLICANT"), filed an application for certain site usage variances, with respect to the property legally described on Exhibit "A" attached hereto and incorporated herein (the "SUBJECT REALTY"); and,

WHEREAS, Notice of Public Hearing on said application was published in the Daily Herald on or about November 14, 2014, all as required by the ordinances of the City of West Chicago and the statutes of the State of Illinois; and,

WHEREAS, a Public Hearing was conducted by the Plan Commission/Zoning Board of Appeals of the City of West Chicago, commencing on December 2, 2014, pursuant to said Notice; and,

WHEREAS, at the Public Hearing, the APPLICANT provided testimony in support of their application, and all interested parties had an opportunity to be heard; and,

WHEREAS, the corporate authorities of the City of West Chicago have received the recommendation of the Plan Commission/Zoning Board of Appeals which contains specific findings of fact, pursuant to Recommendation No. 14-RC-0018, a copy of which is attached hereto as Exhibit "B" which is, by this reference, incorporated herein.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of West Chicago, Du Page County, Illinois, in regular session assembled, as follows:

Section 1. That a variance from Section 10.5-10(F)(8) to permit loading or servicing to be conducted between the south façade of the building and the southern portion of Enterprise Circle is hereby granted in conformance with Section 10.5-10 of the Zoning Ordinance for the SUBJECT REALTY.

- Section 2. That a variance from Section 10.5-10(F)(9) to permit loading spaces to be located closer to the southern portion of the Enterprise Circle right-of-way than the south façade of the building is hereby granted in conformance with Section 10.5-10 of the Zoning Ordinance for the SUBJECT REALTY.
- Section 3. That a variance from Section 10.5-10(F)(10) to permit the storage of vehicles within the south exterior side yard is hereby granted in conformance with Section 10.5-10 of the Zoning Ordinance for the SUBJECT REALTY.

<u>Section 4</u>. That all ordinances and resolutions, or parts thereof, shall, to the extent not expressly modified by the terms and conditions of this Ordinance, remain in full force and effect as therein provided.

Section 5. That this Ordinance shall be in full force and effect ten (10) days from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED this	day of _		2014.		
Alderman J. Beifuss				Alderman L. Chassee	
Alderman J. Smith				Alderman D. Earley	
Alderman A. Hallett				Alderman L. Grodoski	
Alderman M. Birch				Alderman S. Dimas	
Alderman K. Meissr	ner			Alderman J.C. Smith, Jr.	
Alderman R. Stout		Management of the Control of the Con		Alderman M. Edwalds	
Alderman M. Fuesti	ng			Alderman J.F. Banas	
APPROVED as to fo		y Attorney			
APPROVED this	day of	f		2014.	
	Mayor	, Ruben Pineda			
ATTEST:					
City Clerk, Nancy M	I. Smith				
PUBLISHED:	-				

Ordinance 14-O-0033 Page 2 of 5

EXHIBIT "A"

LEGAL DESCRIPTION

That part of the Northwest Quarter of Section 18, Township 39 North, Range 9, East of the Third Principal Meridian described as follows: commencing at the westerly most corner of the DuPage National Technology Park - South Assessment Plat Lot 2, according to the plat thereof recorded October 10, 2007 as Document No. R2007-184627, also being a point on the southeasterly line of Enterprise Circle, according to the plat recorded July 17, 2007 as Document No. R2007-131936; thence southwesterly 192.41 along said southeasterly line of Enterprise Circle, being a curve to the right having a radius of 385.08 feet and whose chord bears south 75 degrees 42 minutes 08 seconds west 190.42 feet to a point of tangency in said southeasterly line; thence north 00 degrees 01 minute 29 seconds east, departing from said southeasterly line of Enterprise Circle a distance of 70.17 feet to a point on the north line and the point of beginning; thence north 89 degrees 58 minutes 31 seconds west along the northerly line of said Enterprise Circle 431.66 feet; thence north 00 degrees 01 minute 29 seconds east departing from said northerly line of Enterprise Circle 879.83 feet to a point on the southerly line of said Enterprise Circle; thence south 89 degrees 58 minutes 31 seconds east along said southerly line 666.07 feet to a point of curvature; thence easterly 22.76 feet along said southerly line, being a curve to the right having a radius of 183.42 feet and whose chord bears south 86 degrees 25 minutes 11 seconds east 22.75 feet to a point of compound curvature; thence southeasterly 66.37 feet along southerly line being a curve to the right having a radius of 53.42 feet and whose chord bears south 47 degrees 15 minutes 59 seconds east 62.19 feet to a point of compound curvature; thence southerly 119.07 feet along the westerly line of said Enterprise Circle being a curve to the right having a radius of 583.42 feet and whose chord bears south 05 degrees 49 minutes 19 seconds east 118.86 feet to a point of tangency; thence south 00 degrees 01 minute 29 seconds west along said westerly line 403.08 feet to a point of curvature; thence southwesterly 494.67 feet along the northwesterly line of said Enterprise Circle being a curve to the right having a radius of 314.92 feet and whose chord bears south 45 degrees 01 minute 29 seconds west 445.36 feet to the point of beginning, in DuPage County, Illinois. Said parcel contains 633,964 square feet or 14.55 acres.

Part of P.I.N.: 04-18-101-001.

EXHIBIT "B"

RECOMMENDATION # 14-RC-0018

TO:

The Honorable Mayor and City Council

SUBJECT:

PC 14-18: site usage variances

2500 Enterprise Circle

DATE:

December 2, 2014

DECISION: A motion to approve the requested variances passed unanimously by a (6-0) vote.

RECOMMENDATION

After review of the requested variances, the Plan Commission/Zoning Board of Appeals (PC/ZBA) recommended approval based on the following findings of fact:

(1) The physical condition of the premises is unique and does not apply to neighboring premises in the same district.

The subject property is unique in that it has right-of-way on three (3) of its four (4) sides. This feature would only be applicable to a small number of parcels within the DuPage Business Center, depending on how those parcels would be developed.

(2) The aforesaid unique conditions are not the result of actions taken after the adoption of the zoning ordinance or relevant amendment thereof by any person personally having an interest in the property.

The aforementioned unique conditions are a result of the overall layout of the Dupage Business Center, which was not designed or constructed by CenterPoint Properties.

(3) Strict application of the regulations of the zoning district would deprive the owner of the reasonable use of his premises equivalent to the use of neighboring premises within the district.

CenterPoint Properties would most likely not be able to reasonably develop the land located within the inner circle of Enterprise Circle with the allowable industrial uses due to its relatively small area.

(4) Granting of the variance will be in harmony with the intent of the zoning ordinance and will not be detrimental to any neighboring premises.

Granting of the requested variances will be in harmony with the intent of the zoning ordinance and will not be detrimental to any neighboring premises. To help mitigate any potential negative impacts from these site design aspects CenterPoint Properties will be providing a larger landscape buffer along the south property line where a berm and additional landscaping will be installed to act as a visual screen for the parking and dock areas.

Respectfully submitted,

Erik Van-der-Mey Chariman

VOTE:

For	Against	Abstain	Absent
E. Van-der-May			C. Dettmann
B. Laimins			
R. Mireault			
M. Birch			
D. Faught			
S. Hale			

CITY OF WEST CHICAGO

DEVELOPMENT COMMITTEE AGENDA ITEM SUMMARY			
Site Improvement Progress Report 1200 N. Prince Crossing Road Forming America	AGENDA ITEM NUMBER: 5. A. FILE NUMBER: COMMITTEE AGENDA DATE: Dec. 8, 2014 COUNCIL AGENDA DATE:		
STAFF REVIEW: John D. Said APPROVED BY CITY ADMINISTRATOR: Michael Guttman	SIGNATURE		

ITEM SUMMARY

The owner of Forming America, LTD., James Langkamp, received approval of his original special use for an outside storage yard in August of 2007. That special use approval entailed several site improvements to be completed by specific dates. Mr. Langkamp did not meet many of those original deadlines, mostly relating to paving the existing gravel storage yard, which necessitated a first amendment to the special use to adopt new completion deadlines. The first amendment was approved in December of 2011.

Mr. Langkamp failed to meet the new site improvement completion deadlines established in the first amendment to his special use and a second amendment was approved in July of 2014 establishing yet another set of compliance deadlines. The second amendment ordinance with the revised deadlines is attached for your review. All ordinances also required the owner to provide bi-annual progress reports on the status of the required site improvements, which are outlined below. The last progress report was presented to the Development Committee in May of 2014.

- The detention basin, all underground storm sewer and the gravel base for all of the required paving was installed in 2012. No paving was completed this past summer as anticipated.
- There is still a very large clay stockpile on-site that must be removed in order to allow for the Phase 3 paving improvements to be completed.
- City staff performed a site inspection and found that the non-deadline based required site use conditions (condition nos. 1-5) were in compliance.

The most glaring incomplete site improvement is the paving of the existing gravel storage yard and employee parking areas. The current site improvement deadlines, per condition # 9 under Section 1 of the attached ordinance, require the Phase I paving to be completed by October 31, 2014, the Phase II paving to be completed by October 31, 2015 and the Phase III paving to be completed by December 31, 2015. To date the applicant has not installed any of the required paving and this improvement cannot be addressed until next spring because the asphalt plants have closed for the season due to the cold weather. The applicant's failure to comply with the Phase I paving deadline has resulted in the site being non-compliant with the conditions of approval of the latest special use for the subject property.

City staff believes there are three options to address the non-compliant status of the subject property, which are as follows:

- 1. Delay enforcement of the non-compliant site improvement deadlines associated with the current special use until the summer of 2015. This option would give Mr. Langkamp the opportunity to complete all of the requirements necessary to obtain the required building permit and hopefully complete the non-compliant paving as soon as the asphalt plants open in the spring.
- 2. Require Mr. Langkamp to obtain a third amendment to his special use to establish new site improvement completion deadlines. This option would address the current non-compliant site improvement issues and bring the subject property back into compliance. Due to the repeated failures to complete the required site improvements City staff would recommend that some type of surety (i.e. cash, bond, or letter of credit) be secured to cover the cost of the improvements as part of a third amendment to his special use. This would ensure that the City could complete the required improvements if Mr. Langkamp fails to do so.
- 3. Revoke Mr. Langkamp's special use altogether. This option would effectively require him to close his business and vacate the subject property, thus leaving the required site improvements uncompleted.

The applicant will be in attendance at the meeting to participate in the discussion and answer any questions.

ACTIONS PROPOSED:

Direction regarding the non-compliant status of the required site improvements associated with the current special use for 1200 N. Prince Crossing Road.

COMMITTEE RECOMMENDATION:

Jeff Harris

From:

James Langkamp < jlangkamp@formingamerica.com>

Sent:

Tuesday, November 25, 2014 2:20 PM

To:

Jeff Harris

Subject:

Special Use Update

Attachments:

Draft Review Comments from DuPage County.pdf

Follow Up Flag:

Follow up

Flag Status:

Flagged

Jeff

The following is an update on our progress on the paving/special use permit:

We began receiving quotes for the paving project in May 2014 and accepted a quote with Durable Paving in June. Durable Paving applied for a paving permit with the City the week of June 23rd.

On July 2nd, we received 7 comments from the City of West Chicago regarding the paving permit. Forming America has satisfied 6 of these issues. The remaining open issue is related to a parking space dipping approximately 9ft into the 100ft wetland buffer. Our plan had originally been approved in 2008 by both the City and the County, but the City had concerns that the County might now take an issue with the wetland intrusion. We were also informed that the County's stormwater certification would need to be extended or re-applied for. The City was contacting the County to discuss how to proceed.

On July 30th, we received an email from the City stating that they were able to contact the County and receive their comments. We were offered 2 options: either reapply for the stormwater certificate or request an extension to the existing certificate. Both options required an updated wetland delineation and a new-revised stormwater report that included the County's new PCBMP requirements.

We hired Webster McGrath to verify the wetland delineation and obtained a new report which we submitted to the City in October. On October 13th, Forming America submitted the report including a cover letter from the City to DuPage County for approval. We received draft comments from the County on November 21st and have been addressing the issues. The issues were regarding seeding by the detention basin. I attached a copy of the draft comments from the County for your review. There were no issues with the wetland buffer mentioned in the comments - probably due to the plan already being approved in 2008. The final review letter from the County is forthcoming.

We are requesting that the City would continue to work with us and stay enforcement of the special use deadlines. We have been diligent in ur efforts to move the paving project along and the delays have been caused by issues out of our control. Thank you for your consideration.

Sincerely,

Jim

ORDINANCE NO. 14-O-0023

AN ORDINANCE APPROVING A SECOND AMENDMENT TO THE OUTSIDE STORAGE SPECIAL USE FOR 1200 N. PRINCE CROSSING ROAD - FORMING AMERICA, LTD.

WHEREAS, on or about May 16, 2014, James Langkamp of Forming America, LTD. (the "APPLICANT"), filed an application for a second amendment to the previously approved special use permit for an outside storage yard, with respect to the property legally described on Exhibit "A" attached hereto and incorporated herein (the "SUBJECT REALTY"); and,

WHEREAS, the corporate authorities of the City of West Chicago granted the original special use by Ordinance 07-O-0049 on August 20, 2007; and,

WHEREAS, the corporate authorities of the City of West Chicago granted a first amendment to the special use by Ordinance 11-O-0069 on December 19, 2011; and,

WHEREAS, Notice of Public Hearing on said application was published in the Daily Herald on or about July 13, 2014, all as required by the ordinances of the City of West Chicago and the statutes of the State of Illinois; and,

WHEREAS, a Public Hearing was conducted by the Plan Commission/Zoning Board of Appeals of the City of West Chicago, commencing on July 1, 2014, pursuant to said Notice; and,

WHEREAS, at the Public Hearing, the APPLICANT provided testimony in support of its application, and all interested parties had an opportunity to be heard; and,

WHEREAS, the corporate authorities of the City of West Chicago have received the recommendation of the Plan Commission/Zoning Board of Appeals which contains specific findings of fact, pursuant to Recommendation No.14-RC-0013, a copy of which is attached hereto as Exhibit "B" which is, by this reference, incorporated herein.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of West Chicago, DuPage County, Illinois, in regular session assembled, as follows:

<u>Section 1</u>. That a second amendment to the special use permit for an outside storage yard in conformance with Section 5.5 and Section 11.2-4 (T) of the Zoning Ordinance is hereby granted on the SUBJECT REALTY, subject to the following conditions:

- 1. The applicant shall only utilize those areas of the subject realty for outside storage that have been improved according to the approved Site and Engineering Plans.
- 2. The buildings and the storage yard on the subject realty shall only be utilized by Forming America, LTD. or its successors.

- 3. The storage yard shall only contain items that are directly related to the operation of the business occupying the subject realty.
- 4. No items stored within the storage yard on the subject realty, other than vehicles, shall exceed the height of the storage yard fence such that they are visible from Prince Crossing Road.
- 5. No outside storage on the subject realty shall block, hinder, restrict, or render unusable any required parking spaces or fire lanes.
- 6. The landscaping on the subject realty shall be installed and maintained in compliance with the Landscape Plan prepared by Flamingo Landscape, Inc., consisting of one (1) sheet dated July 25, 2007, attached as Exhibit "C" of Ordinance 07-O-0049. All landscaping on the subject realty located within ten (10') feet of the perimeter of any proposed parking lot or storage yard pavement improvements shall be installed within thirty (30) days after the installation of the adjacent parking lot or storage yard pavement improvements.
- 7. The applicant shall submit revised as-built plans within three (3) months of the completion of each phase of the paving and City staff approval shall be obtained within eight (8) months of the revised submittal.
- 8. The applicant shall have all outside storage on the subject realty on a paved surface within one (1) year of the completion of the Phase I and II paving.
- 9. The subject realty shall be developed in compliance with the Site Plan prepared by Webster, McGrath & Ahlberg, LTD., dated January 31, 2006, as amended to include a new Phase I paving completion date of October 31, 2014; a new Phase II paving completion date of October 31, 2015; and a Phase III paving completion date of December 31, 2015, a copy of which is attached hereto as Exhibit "C" which is, by this reference, incorporated herein.
- 10. The petitioner shall provide bi-annual progress reports in person to the City's Development Committee verifying the status of the subject realty's compliance with the 10 conditions and restrictions set forth herein. The petitioner shall provide said progress reports until such time that all conditions have been satisfactorily met and the subject realty has been brought into compliance.
- <u>Section 2</u>. That all ordinances and resolutions, or parts thereof, shall, to the extent not expressly modified by the terms and conditions of this Ordinance, remain in full force and effect as therein provided.
- Section 3. That this Ordinance shall be in full force and effect ten (10) days from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED this day	/ of	2014.	
Alderman J. Beifuss		Alderman L. Chassee	_
Alderman J. Smith		Alderman D. Earley	
Alderman A. Hallett		Alderman L. Grodoski	_
Alderman A. Murphy		Alderman S. Dimas	
Alderman K. Meissner		Alderman J.C. Smith, Jr.	
Alderman R. Stout		Alderman M. Edwalds	
Alderman M. Fuesting		Alderman J.F. Banas	
APPROVED as to form		y Attorney	
APPROVED this	_ day of	2014.	
	Mayor, Ru	ıben Pineda	
ATTEST:			
City Clerk, Nancy M.	Smith	_	
PUBLISHED:			

EXHIBIT "A"

LEGAL DESCRIPTION

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 40 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER AND RUNNING THENCE SOUTH 00°21'51" EAST ON THE EAST LINE THEREOF, 870.30 FEET TO THE NORTHERLY LINE OF PROPERTY CONVEYED TO COMMONWEALTH EDISON COMPANY BY DOCUMENT R62-27934; THENCE NORTH 83°57'05" WEST ON SAID NORTHERLY LINE (BEING A LINE DRAWN PARALLEL WITH AND 50 FEET NORTHERLY OF THE NORTHERLY LINE OF THE FORMER CHICAGO GREAT WESTERN RAILROAD RIGHT OF WAY), 1317.39 FEET TO THE WEST LINE OF THE EAST HALF OF SAID SOUTHEAST QUARTER OF SECTION 34; THENCE NORTH 00°05'22" EAST ON SAID WEST LINE, 702.05 FEET TO THE NORTH LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 88°42'25" EAST ON SAID NORTH LINE, 1303.76 FEET TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 01-34-403-002.

EXHIBIT "B"

RECOMMENDATION #14-RC-0013

TO:

The Honorable Mayor and City Council

SUBJECT:

PC 14-11

Special use amendment for an outside storage yard

1200 N. Prince Crossing Road

Forming America, LTD.

DATE:

July 1, 2014

DECISION:

The motion to approve the request unanimously passed (7-0).

RECOMMENDATION

After review of the requested second amendment to the special use, the Plan Commission/Zoning Board of Appeals (PC/ZBA) recommended approval, subject to the following conditions:

- 1. The applicant shall only utilize those areas of the subject realty for outside storage that have been improved according to the approved Site and Engineering Plans.
- 2. The buildings and the storage yard on the subject realty shall only be utilized by Forming America, LTD. or its successors.
- 3. The storage yard shall only contain items that are directly related to the operation of the business occupying the subject realty.
- 4. No items stored within the storage yard on the subject realty, other than vehicles, shall exceed the height of the storage yard fence such that they are visible from Prince Crossing Road.
- 5. No outside storage on the subject realty shall block, hinder, restrict, or render unusable any required parking spaces or fire lanes.
- 6. The landscaping on the subject realty shall be installed and maintained in compliance with the Landscape Plan prepared by Flamingo Landscape, Inc., consisting of one (1) sheet dated July 25, 2007, attached as Exhibit "C" of Ordinance 07-O-0049. All landscaping on the subject realty located within ten (10') feet of the perimeter of any proposed parking lot or storage yard pavement improvements shall be installed within thirty (30) days after the installation of the adjacent parking lot or storage yard pavement improvements.

- 7. The applicant shall submit revised as-built plans within three (3) months of the completion of each phase of the paving and City staff approval shall be obtained within eight (8) months of the revised submittal.
- 8. The applicant shall have all outside storage on the subject realty on a paved surface within one (1) year of the completion of the Phase I and II paving.
- 9. The subject realty shall be developed in compliance with the Site Plan prepared by Webster, McGrath & Ahlberg, LTD., dated January 31, 2006, as amended to include a new Phase I paving completion date of October 31, 2014; a new Phase II paving completion date of October 31, 2015; and a Phase III paving completion date of December 31, 2015.
- 10. The petitioner shall provide bi-annual progress reports in person to the City's Development Committee verifying the status of the subject realty's compliance with the 10 conditions and restrictions set forth herein. The petitioner shall provide said progress reports until such time that all conditions have been satisfactorily met and the subject realty has been brought into compliance.

The recommendation is based on the following standards stated under Section 5.5-4: The Plan Commission/Zoning Board of Appeals shall recommend a special use only if it shall make a findings of fact based upon evidence presented that the special use:

(1) Is necessary for the public convenience at that location or, the case of existing nonconforming uses, a special use permit will make the use more compatible with its surroundings:

(This standard should be interpreted as indicating whether or not the proposed use is good for the public at that particular physical location, and <u>not</u> whether or not the use itself is *needed* there).

The proposed site improvements associated with the special use amendment request are designed to bring the subject property and the operation of business into compliance with current City regulations.

(2) Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected:

The proposed storage yard is designed to protect the public's health, safety and welfare by containing and screening the items within the yard from the adjacent properties.

(3) Will not cause substantial injury to the value of other property in the neighborhood in which it is located:

The proposed use should not have a negative impact on the surrounding neighborhood in which it is located given that the site is currently being operated as such a use, however the site does have environmentally sensitive areas on-site that necessitate the required site restrictions to be followed.

(4) The proposed special use is designated by this code as a listed special use in the zoning district in which the property in question is located:

The proposed storage yard is listed as a special use, per the M, Manufacturing District regulations established in Section 11.2-4 (T) of the Zoning Code.

Respectfully submitted,

Erik Van-der-Mey Chairman

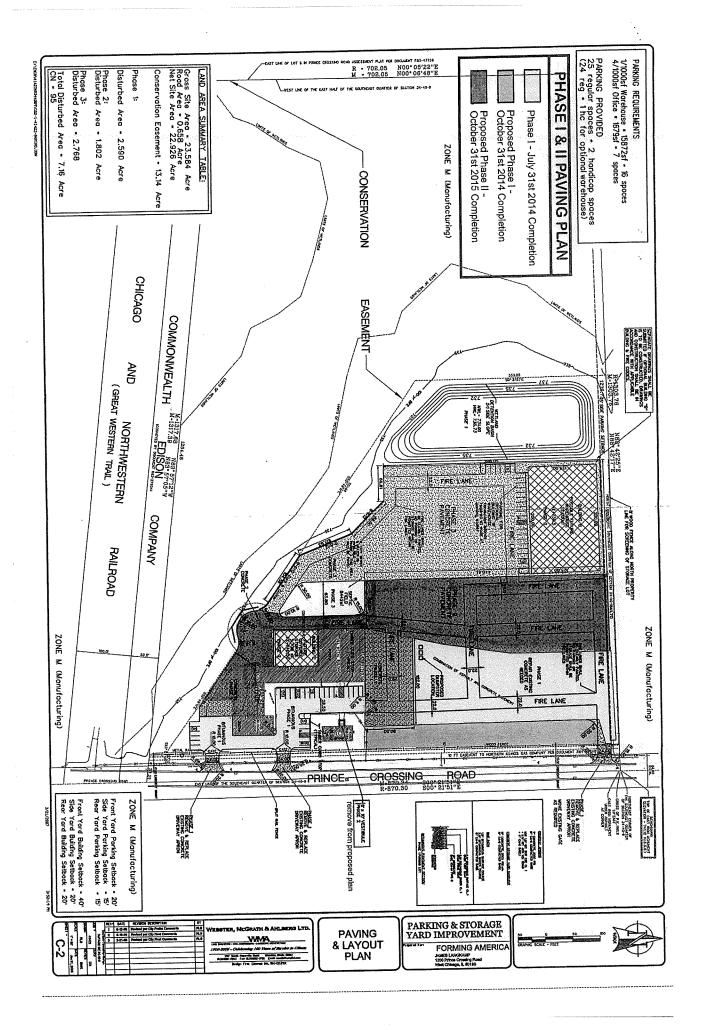
VOTE:

Absent Abstain <u>For</u> **Against** E. Van-der-Mey

- R. Mireault
- B. Liamins
- A. Hannemann
- C. Dettmann
- S. Hale
- M. Birch

EXHIBIT "C"

(insert Site Plan here)



CITY OF WEST CHICAGO

DEVELOPMENT CON AGENDA ITEM SUN			
Regional Transportation Authority (RTA) Urban Land Institute (ULI) Developer Discussion Panel Memorandum of Understanding Resolution No. 14-R-0081	AGENDA ITEM NUMBER: 5. 6. FILE NUMBER: COMMITTEE AGENDA DATE: December 8, 2014 COUNCIL AGENDA DATE:		
STAFF REVIEW: John D. Said, AICP	SIGNATURE		
APPROVED BY CITY ADMINISTRATOR: Michael Guttman	SIGNATURE		
ITEM SUMMARY:			
In the spring of 2015, the RTA will conduct a "Develop This will consist of a group of developers meeting with the development opportunities in the City's downtown area. to increase exposure for downtown development, thereby become interested in taking on projects in the communit port of the Panel's findings and recommendations, which use in its ongoing downtown redevelopment efforts.	ne RTA and City staff to review and evaluate This Panel event will assist the City's efforts y enhancing opportunities for more parties to y. After the event, the RTA will provide a re-		
While City and staff time and resources (such as meeting room use) will be required for this event, there is otherwise no financial burden to the City, as outlined in the attached MOU (Memorandum of Understanding). The RTA, together with CMAP (Chicago Metropolitan Agency for Planning), awarded the City this project through the Local Technical Assistance Program (LTAP). City staff applied for the Developer Discussion Panel through the LTAP, in an effort to expand options and ideas for downtown West Chicago, as well as to promote the downtown for future redevelopment projects.			
In addition to the attached MOU, further background information is provided to summarize this project, including the City's LTAP application and previous Developer Discussion Panel reports for Hanover Park and Tinley Park.			
City staff will inform the City Council once a specific date for the Panel event has been identified.			
ACTIONS PROPOSED:			
Consideration of the RTA 'Developer Discussion Panel' F	Project MOU and Resolution.		
COMMITTEE RECOMMENDATION:			

RESOLUTION NO. 14-R-0081

A RESOLUTION TO ACCEPT PLANNING STAFF ASSISTANCE SERVICES DELIVERED BY THE REGIONAL TRANSPORTATION AUTHORITY

WHEREAS, the City of West Chicago (the "City") has applied for local technical assistance services through the Regional Transportation Authority (RTA) and Chicago Metropolitan Agency for Planning ("CMAP"), for the "Developer Discussion Panel" project; and

WHEREAS, the City's request for such assistance has been approved by RTAP and CMAP as part of their Local Technical Assistance Program (LTAP); and

WHEREAS, the City desires to further implement its downtown redevelopment efforts as identified in its Downtown TIF District Redevelopment Plan and Project; and

WHEREAS, the City and the RTA have agreed on the general contents of a Memorandum of Understanding ("MOU") as attached hereto and incorporated herein as Exhibit "A", that will guide staff assistance services to be provided by the RTA;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of West Chicago, Illinois, as follows:

SECTION 1. The City Council of the City of West Chicago supports this project, called the "Developer Discussion Panel".

SECTION 2. The City Council of the City of West Chicago accepts the offer of staff assistance services by the RTA and recognizes that these services are provided for the purpose of advancing the implementation of the City's Downtown TIF Redevelopment Plan and Project.

SECTION 3. The City Council of the City of West Chicago authorizes the Mayor to finalize and execute a Memorandum of Understanding.

SECTION 4. The City Council of the City of West Chicago recognizes that provisions that govern the administration of staff assistance services, and, if necessary, the discontinuance of such services, are included in the Memorandum of Understanding.

SECTION 5. This resolution shall be in full force and effect from and after its adoption and approval.

APPROVED AND ADOPTED this day of December, 2014.

Mayor Ruber	n Pineda	
	Mayor Ruber	Mayor Ruben Pineda

MEMORANDUM OF UNDERSTANDING

Purpose

The purpose of this Memorandum of Understanding ("MOU") is to establish a working relationship between the Regional Transportation Authority ("RTA") and City of West Chicago for a ULI Developer Discussion Panel.

Areas of Understanding

- 1. RTA / City of West Chicago Relationship
 - Scope of work for project will be jointly determined by RTA and City of West Chicago.
 - All work performed by RTA staff must be related to the scope of work.
 - RTA will determine which of the relevant RTA staff will be assigned to work on the project (based on availability, skills, familiarity with the City of West Chicago).
- 2. Urban Land Institute (ULI) Assistance
 - RTA will contract with ULI to assist RTA staff with work on the project
 - RTA will be responsible for management, administration of the contract, and all eligible costs incurred by ULI.

3. Access to Resources

- RTA staff will have full access to RTA data and other resources, including specialized staff based at RTA (for advanced mapping, data, outreach, communications, or topic-specific expertise).
- The City of West Chicago will provide RTA with access to relevant staff that will need to be involved in the project, and will ensure that they allocate appropriate time.
- The City of West Chicago will provide RTA with access to all relevant internal data, reports, and other information.
- The City of West Chicago's leadership (key staff, board members, other elected officials, other decision-makers) will commit to participate in the project and allocate sufficient time to ensure and complete a successful project.

4. Demonstration of Local Support

- The City of West Chicago will be responsible for working with RTA to identify a project steering committee, if necessary.
- The City of West Chicago agrees to complete the scope of work for the project.

5. Project Management

• Project scope of work will be jointly determined by RTA and City of West Chicago prior to beginning work.

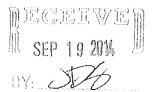
Changes to project scope or timelines must be jointly agreed to by RTA and City of West Chicago; major changes in scope may result in discontinuation of project.			
Term of MOU			
This MOU shall be effective on the last date of execution below, at December 31, 2016. The undersigned parties agree to the terms below.			
RTA Representative:			
Mark E. Pitstick, Ph.D. Acting Department Head, Planning & Market Development	Date		
Local Government Representative:			
NAME AND TITLE	Date		

September 15, 2014



175 W. Jackson Blvd, Suite 1650 Chicago, IL 60604 312-913-3200 rtachicago.org

John D. Said, AICP Director of Community Development 475 Main Street West Chicago, IL 60185



RE: Developer Panel

Dear Mr. Said:

We are pleased to inform you that the City of West Chicago's Community Planning Application for a *Developer Discussion Panel* has been accepted as part of the 2015 Community Planning Program of Projects. The RTA will be working with you in conjunction with the Urban Land Institute (ULI) to convene a panel of development experts to provide you guidance and advice on ways to attract TOD investment in the West Chicago Metra Station area.

Tony Manno has been assigned as your RTA Project Manager. Mr. Manno will be in contact with you during the next couple of weeks to exchange contact information, begin drafting the project scope of work, and discuss the Memorandum of Understanding (MOU) necessary for this project to commence. The RTA expects the scope of work and the (MOU) to be finalized by December 2014 and the project to begin by April 2015. The RTA reserves the right to withdraw this assistance if these milestones are not met.

The RTA looks forward to working with you in pursuing this project. Should you have any immediate questions, please contact me at (312) 913-3244 or tabberth@rtachicago.org.

Sincerely,

Heather Tabbert

Manager, Local Planning and Programs

Leather Tablet

cc: Tony Manno, Project Manager, Local Planning & Programs

Jessica Hector-Hsu, P.E., Division Manager, Strategic Planning & Policy

Metra

Application form: Community Planning Program and Local Technical Assistance Program

DEADLINE: Noon on Thursday, June 26, 2014

This application form is online at www.rtachicago.com/applications. You may submit the form by email to applications@rtachicago.com.

Upon receipt of application, you will receive an e-mail verifying that your application has been received.

1. Name of Applicant:

City of West Chicago

2. Main Contact for Application (please include name, phone number and email):

John D. Said AICP Director of Community Development City of West Chicago 630/293-2200, ext. 140 jsaid@westchicago.org

3. Type of Applicant (please check any that apply):

X_ Local government	
Multijurisdictional group*	Please list the members of the group (including government and nongovernmental organizations):
Nongovernmental organization*	Name of local government partner(s):

^{*}Applications submitted by multijurisdictional groups and nongovernmental organizations must include a letter indicating support from each relevant local government. See the FAQs for more information. Nongovernmental applicants are strongly encouraged to contact CMAP or the RTA prior to submitting their application to discuss their project and the demonstration of local support.

4. Project Type (please check any that apply):

Please check all statements below that describe characteristics of your project. (This will help us determine whether your project is best handled by CMAP or RTA.)

	_ My project involves preparation of a plan.
<u>X</u>	_ My project helps to implement a past plan.
<u>X</u>	_ My project links land use, transportation, and housing.
<u>X</u>	My project has direct relevance to public transit and supports the use of the existing transit
	system.
	_ My project is not directly related to transportation or land use, but implements GO TO 2040 in
	other ways.

5. Project Location:

Please provide a brief description of the location of your project. You may include a map if that helps to describe location, but this is not required. If your project helps to implement a past plan, please include a link to that plan.

The project area is West Chicago's "Downtown", or Central Business District (CBD), primarily focusing on the Main Street corridor and the West Washington Street area, west of Route 59. These are the two areas where the City has undertaken previous planning projects to enhance the appearance and economic condition of its Central Business District, and to encourage transit-supportive development. The attached map of City-owned property shows the general West Chicago Downtown area.

6. Project Description:

Please tell us what you would like to do in your community, and what assistance is needed. If you have more than one idea, please submit a separate application for each project. Please be specific, but also brief (less than two pages per project idea)—we simply want to have a basic understanding of what you want to do. CMAP and RTA staff will follow-up with you if we need any additional information to fully understand your proposed project.

(Please include any additional information that is relevant, preferably by providing links to online documents.)

The City of West Chicago respectfully requests the assistance of CMAP/RTA for a Developer Discussion Panel to review the City's existing Central Business District (CBD or 'Downtown') area plans, analyze the CBD for prospective development, and make recommendations for the City's future efforts to market and enhance the Downtown area. The City desires to further enhance its CBD and support mass transit (especially Metra) with new development and redevelopment in the Main Street Corridor and West Washington Street Area.

Using primarily general corporate funds and, to a lesser extent, TIF funds, the City has acquired the majority of the parcels in the Central Main Street Corridor and West Washington Street Area over time, with the ultimate goal of seeing them redeveloped as a means to enhance property values and encourage economic vitality in the CBD area. The attached map indicates those parcels owned by the City. By completing plans for these areas, the City has further supported redevelopment planning efforts, its interests in enhancing the local economy and tax base, and its commitment to transit-supportive (or 'transit-oriented') development. These efforts consisted of the Central Main Street Corridor Redevelopment Plan (2007; Teska/Gruen/Pavia-Marting) and the Washington Street Redevelopment Project Plan (2011-2012; URS). Both documents are attached to this application, and a reference and

graphic illustration about the West Washington Street Area Plan can be found at: http://www.westchicago.org/Departments/CommDev/index.html.

The City's Central Business District is situated primarily along Main Street, at the intersection of Washington Street, west of Route 59. Within the CBD are small shops, restaurants, offices and service uses. Mixed-use projects, constructed approximately 8-10 years ago, are also present along the Main Street corridor between Washington Street and Route 59. This area also features the City's Metra commuter rail station, with approximately 50 transit stops per day (total inbound and outbound).

The Central Business District, and therefore the subject City-owned parcels, are located within the Turner Junction Historic District. The District contains a mix of architectural styles, with examples of several architectural periods ranging from the 1850's to the present. This District was established in 1991 in recognition of the history of the community (the first in Illinois to be created by the advancement of the railroads), to encourage maintenance and restoration of the historic elements of the building facades, to guide the design of new construction and maintain a complimentary and consistent streetscape. To that end, all renovations and new construction in the District requires Historic Preservation Commission review and approval through the Certificate of Appropriateness process (COA).

To initiate CBD improvement efforts, the City first created a Tax Increment Finance (TIF) District for this area in 1990, and in 2013 extended it for another 12 years (to 2025). (The TIF extension plan is included with this application.) Through this TIF, the City has undertaken and completed numerous improvement projects, including the following:

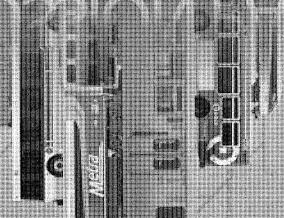
- Streetscape improvements;
- Metra commuter rail station enhancements and upgrades, including expanded parking areas;
- Developer assistance in completion of two mixed use (commercial/residential) projects;
- A facade grant program for downtown storefronts;
- A retail and restaurant grant program for new and expanding businesses in the Downtown;
- A pedestrian underpass reconstruction project;
- Surface parking expansions and improvements; and
- Acquisition of numerous sites for eventual redevelopment.

While the City has already expended considerable funds and efforts with Downtown improvements, the current financial condition of the TIF District is relatively healthy and stable. The City, in its 2013 TIF Extension Plan, estimates total spending (past, present, future) exceeding \$22 million for TIF-related improvements. Overall, property values in the District have increased over 113% during the first 23 years of the TIF, and with anticipated redevelopment, are estimated to increase an additional 126% in the next 12 years.

With the economic recovery now taking place, the City wishes to pursue developer interest in the proposed redevelopment sites in the CBD, and the Developer Discussion Panel will be a key step in that process. The Main Street sites are ripe for residential, and possibly commercial, development that will support transit-oriented development due to their proximity to the Metra station. At the West Washington Street Area site, the City's ultimate goal is development of a mixed-use project to include a new city hall, town square/village green open space, residential and commercial uses. (Note: the 2012 West Washington Street Plan did not include recommendations for new residential development. However, a community center and police station are no longer anticipated as part of the redevelopment plan, thereby creating an opportunity for residential development.) Recommendations arising from a Developer Discussion Panel will help guide the City in the areas of seeking developer interest, decision-making and development schemes.



DISCUSSION PANEL



Summary Report: May 2014





Introduction



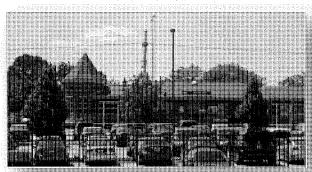
Hanover Park Metra Station. Photo Credit: Teska Associate

The Regional Transportation Authority (RTA) has invested over \$4 million of its own funds and leveraged over \$6 million of local and Federal funds during the past 15 years to complete approximately 90 transit-oriented development (TOD) planning studies through the RTA's Community Planning funding program. This program funds TOD planning studies that promote walkable, mixed-income, mixed-use development co-located and/or well-connected to retail and business uses in transit station areas while also increasing

overall access to transit. Additionally, since 2011, the RTA has offered communities an opportunity to receive plan implementation technical assistance through the Community Planning program. From the RTA's perspective, pursuing and achieving implementation of these plans can result in more efficient transit operations, improved access to transit services and a potential for increased ridership for all three of our Service Boards (Metra, Pace and CTA). Implementation efforts can also increase private investment in TOD areas while promoting the principles of sustainability and livability.

As part of these increased efforts, the RTA is working with the Urban Land Institute (ULI) in Chicago to facilitate discussions between individual communities and development experts to shed light on the future of TODs and how this relates to the changing market and economy.

A Developer Discussion Panel was held in Hanover Park on **February 12, 2014** and this report summarizes the discussion and the panel's recommendations and suggested strategies.



Hanover Park Metra Station. Photo Credit: Teska Associate:

Discussion Participants

Urban Land Institute & Regional Transportation Authority

Anastacia Fratto, Land Acquisition Manager, Crown Community Development Paul Ivers, Division President, Cambridge Homes
Tony Manno, Project Manager, RTA
Matt Nix, Principal, REVA Development Partners
Greg Terwilliger, Business Development Manager, Ledcor Group

Village of Hanover Park

Rodney S. Craig, Village President
Juliana Maller, Village Manager
Shubhra Govind, Director of Community and Economic Development
Katie Bowman, Village Planner
Craig A. Haigh, Fire Chief
Howard Killian, Director of Engineering and Public Works

ULI Panelist Testimonials:

Anastacia Fratto, Crown Community Development: "The Village of Hanover Park is proactive and has done a great job creating all the tools necessary to share the vision of the downtown area."

Greg Terwilliger, Ledcor: "The Village of Hanover Park has taken an active role in the redevelopment of their TOD area and is to be commended for their diligence and foresight. They have acquired distressed retail properties themselves, and are directly involved in the leasing and revitalization of the area. They have also created a modern municipal campus near their train station, and now only need to attract several new users to the existing available sites to greatly enhance the viability of the Lake Street corridor."

Background

<u>The Village Center and Transit-Oriented Development (TOD) Plan</u> proposes the development of a mixed-use, transit-oriented community center in the area around the Hanover Park Metra

station. The plan calls for a mix of residential, commercial and civic uses in the core, surrounded by larger-scale commercial and business park uses along the Elgin-O'Hare Boulevard. Existing wetland areas will be maintained or mitigated through the enhancement of the large wetland to the east, which will be integrated into a system of trails and parks throughout the area. The goal of the Plan is for the area to serve as a focal point for the community, driving significant economic development and multiplying transportation options.

Study Area Boundary

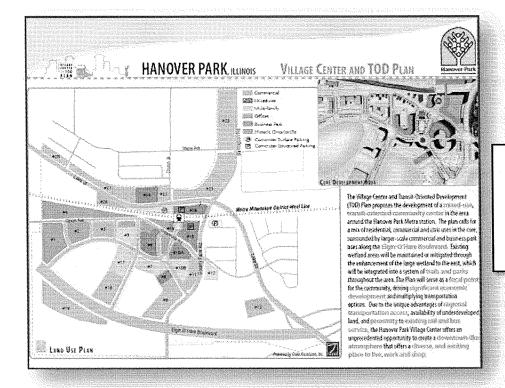
The TOD Plan was adopted in 2012 and incorporated into the Village's 2010

Comprehensive Plan. Since adoption, the Village has begun implementation of many of the recommendations of the plan including focus on promoting development along the north side of Lake Street and guiding private property improvements to properties south of the Metra station. Staff has also worked extensively to prepare an update to the Zoning Code to support the recommendations of the Village Center and other special area plans.

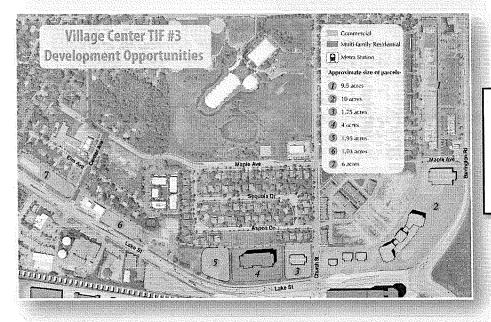
Determining the location, configuration, and timing of the westward extension of the Elgin O'Hare Expressway (IL-390) is a key challenge for development in the Village Center area. The plan calls for the road to provide access to the Village Center area in a boulevard or similar configuration. The Mayor and Staff have met with the Tollway Authority, IDOT, and DuPage County to discuss the roadway and received confirmation that the organizations approve of the road's concept. A Traffic Operations Feasibility Study of the proposed roadway has been performed, with Phase I Design and Engineering Plans as the next step. Staff continues conversations with the transportation authorities and are seeking funding for a Phase I study.

The goal of the ULI panel was to gain feedback on the challenges being faced for development in the area, the highest and best uses of key available sites that can support transit service, and how the Village may best encourage development.

Study Area



Area as shown in the RTA-Funded Village Center TOD Plan (2012)



Current Development Opportunities in the Study Area

Key Recommendations

Short-Term Recommendations

The Village's primary focus should be on filling existing vacant tenant space and promoting the development of available/vacant parcels in the TOD area. This can be done by releasing RFQs for available sites and working with local area brokers to market the vacant space available.

"Development-ready" sites are most attractive to private investors. As the market continues to strengthen, developers at this time are looking for "turnkey" projects and vacant parcels that are properly zoned, cleaned-up and ready for development.

RFQs (Requests for Qualifications) are more attractive to the development community than RFPs (Requests for Proposals). RFQs allow the Village to choose a developer based on their reputation and ability to complete similar projects. This encourages a collaborative process to envision the desired project together, while an RFP process requires a developer to anticipate the Village's desires, risking an increased project timeline (to negotiate the final details of the project) as well as increased predevelopment costs. An RFQ process is preferred in the current marketplace.

- Continue to market the Hanover Square Retail Center
 - Work with a local area investment broker to attract credible developers. Investment Brokers have the ability to reach out to interested parties in their portfolio that may not respond to public RFPs and can help greatly expand the search for a credible developer;
 - The Village should reconsider investing TIF money in façade improvements. Offering TIF incentives to a developer for this work will be more beneficial to the Village. Available TIF Funds should be used to incentivize private investment. If the Village uses TIF money to improve Hanover Square themselves, they run the risk of a developer taking over the project and redoing the improvements or demolishing the building, rendering the used TIF funds wasted;

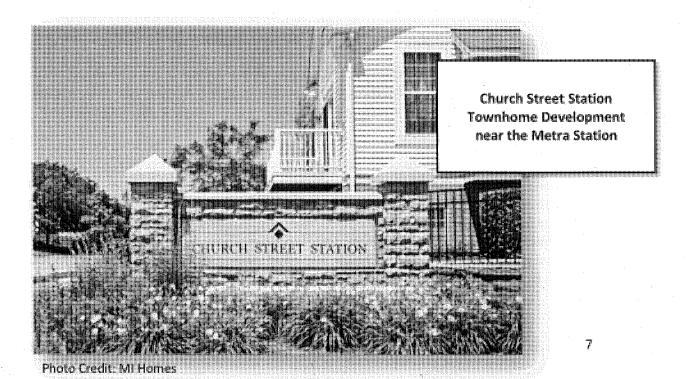
Short-Term Recommendations (continued)

- Work with & support the college to occupy space in Hanover Square. This will decrease vacancy, create activity, and potentially increase demand for related services. As activity and income is generated in Hanover Square, it will become more attractive to investors;
- Review all existing ground leases in Hanover Square and work with the lessees to adjust expiration dates so all leases expire around the same time. This will allow the Village and potential developers to have more control over the future development of the area.
- Work with the appropriate bank to expedite the receivership process for properties within the Church Street Station area; this will allow these sites to join the marketplace sooner.
- Work with the owner of the property at the NW corner of Lake Street and Barrington Road to consider utilizing his vacant property as an interim gateway to the Village.
 - Suggest a ground lease or land lease in the interim for Village use as a community space, park or water feature;
 - The Village can use TIF funds for these improvements. Using TIF Funds for this type of improvement will have a more positive effect on the marketability of the area than using TIF funds for Hanover Square façade improvements. A community space, park or water feature would act as a gateway to the Village TOD area and beautify the area by providing premium amenities for adjacent parcels;
 - Explore lifting the grocery/pharmacy deed restriction put in place by on the property. This would expand the potential uses of this property and make it more marketable. Private investors may not have any interest in a parcel that is deed restricted.
- ➤ Capitalize on the historic Ontarioville neighborhood by marketing it as an entertainment destination. Consider a façade improvement program for the existing historic structures to improve the character of the area and to attract investment. Improving the façade of some of the historic homes would improve the character of the neighborhood. Marketing any available sites to entertainment amenities (restaurants, bars, community theater, etc.) would create an entertainment district. The Village should take the lead in marketing this area to establish the niche. An official recognition of Ontarioville as an entertainment

district could be a catalyst. Marketing the area along the Metra line could also help draw activity.

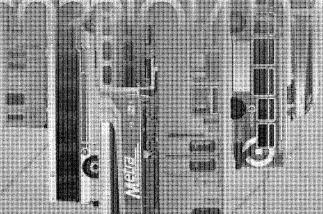
Long-Term Recommendations

- Continue to work with IDOT to expedite the planning of the extension of IL-390 (Elgin O'Hare Expressway) westward through Hanover Park so that a definitive roadway location is established and the Village can determine funding and timing. Identifying the exact location of the future roadway will help land planners determine the boundaries of opportunity sites. The unknown roadway configuration is a detriment to any current land planning efforts.
- Repurpose planned roadway extension as a "collector road", not a boulevard. The ULI panel did not see the need for this road to be a full boulevard. A boulevard would take a larger amount of land away from future development opportunities and would also encourage higher rates of automobile speed through the area. A collector road would require less land, a lower speed limit and would attract local traffic.
- > Once the location of roadway extension is set, market the Benson property as an opportunity for higher-end single family homes to support neighborhood commercial. The ULI panel felt that this site is an attractive site for higher-end single family homes. The close proximity to the train station is also an amenity for the single family home market, and currently Hanover Park is lacking higher-end SF homes. At the appropriate time, an RFQ could be released to larger production home builders in the area for this type of product.





DISCUSSION PANEL

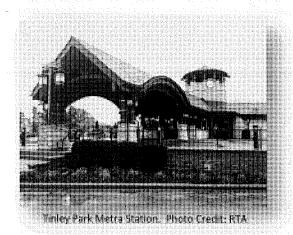


Summary Report: November 2014



Urban Land Julinstitute

Introduction



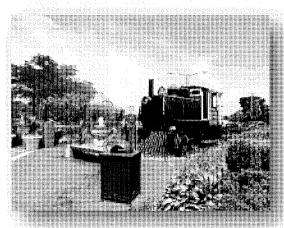
The Regional Transportation Authority (RTA) has invested over \$4 million of its own funds and leveraged over \$6 million of local and Federal funds during the past 15 years to fund approximately 90 transit-oriented development (TOD) planning studies through the RTA's Community Planning program. This program funds TOD planning studies that promote walkable, mixed-income, mixed-use development co-located and/or well-connected to retail and business uses in transit station areas while also increasing overall access to transit. Additionally, since 2011, the RTA has offered

communities an opportunity to receive plan implementation technical assistance through the Community Planning program. From the RTA's perspective, pursuing and achieving implementation of these plans can result in more efficient transit operations, improved access to transit services and increased ridership for all three of our Service Boards (Metra, Pace and CTA). Implementation efforts can also increase private investment in TOD areas while promoting the principles of sustainability and

livability.

As part of these efforts, the RTA is working with the Urban Land Institute (ULI) in Chicago to facilitate discussions between individual communities and development experts to shed light on the future of TODs and development potential of specific sites in their communities.

A Developer Discussion Panel was held in Tinley Park on **October 14, 2014** and this report summarizes the discussion and the panel's recommendations and suggested strategies.



Public Plaza Along Oak Park Ave.. Photo Credit:

Discussion Participants

Urban Land Institute & Regional Transportation Authority

Tony Manno, Project Manager, RTA

Mary Ellen Martin, Senior Vice President, Morningside Group

Matt Nix, Principal, REVA Development Partners

Greg Terwilliger, Vice President, Business Development, Novak Construction

Village of Tinley Park

Amy Connolly, Planning Director
Gregory J. Hannon, Trustee
Donna Framke, Marketing Director
Michael Mertens, Assistant Village Manager
David Niemeyer, Village Manager
Ed Zabrocki, Mayor





Mixed-Use Along Oak Park Ave. Photo Credit: RTA

Background

In 1998, the Village of Tinley Park adopted the "<u>Tinley Park Transit Oriented Development Plans</u>" for the Oak Park Avenue and 80th Avenue Station Areas. The Plan provided recommendations for investment in the downtown area at the Oak Park Avenue Station. Since the plan's adoption, the Village has worked with Metra to build a new Oak Park Avenue Station and adopted the H-1 Downtown Overlay Zoning District that supports and allows for transit-oriented development. The Village has also seen substantial investment in mixed-use development in both station areas.

By 2009, the Village wanted to utilize the market downtown to refocus planning efforts on the Downtown to create a specific, pedestrian-oriented plan and more transit-oriented, development-friendly zoning code. The goals of these efforts were to clearly express the Village's vision for the downtown and create incentives for development proposals that met the spirit and intent of a shared long-term vision. In 2011 the Village adopted both the Legacy Plan and the Legacy Code, a hybrid form-based code.

The Legacy Plan is based on principles that are meant to guide efforts related to preservation, economic development, infrastructure and urban design in Downtown Tinley Park. Some of these principles are:

- Ensure that new development respects the historic scale and character
- Maximize the number of people living within walking distance of the train station
- Encourage building mass to peak at the downtown core
- Create a walkable downtown where pedestrians come first
- Create a connected roadway framework with small walkable blocks
- Position Downtown as a focal point of the regional bike path system

The Village has invested in several capital projects to implement the Legacy Plan, including:

- Roundabout at Oak Park Avenue and 183rd (matching CMAQ grant)
- 100% Plans for an expanded Zabrocki Plaza (funding sought)
- Oak Park Avenue Streetscape and bike/pedestrian pathway (grant received for phase I)
- New Bridge across Midlothian Creek (completed this summer)

Throughout the downturn several developments have failed to begin construction including the Boulevard at Central Station, a large mixed-use project. This project was entitled under the Legacy Code in August 2012 but has stalled due to lack of bank financing. There are also several properties in the downtown which have experienced neglect and are in need of redevelopment or demolition. Therefore the Village has requested guidance and advice on ways to refocus planning efforts and incentivize development in the Downtown area as the market continues to strengthen.

The goal of the ULI panel was to gain feedback on the challenges of building development in the area, ideas for the highest and best uses of key available sites that can support transit service, and advice about how the Village may best encourage development.

The results of the discussion are summarized in Short- and Long-Term recommendations that follow.



Bike Parking at Metra Station. Photo Credit: RTA



Mixed Use Along Oak Park Ave. Photo Credit: RTA

Study Area

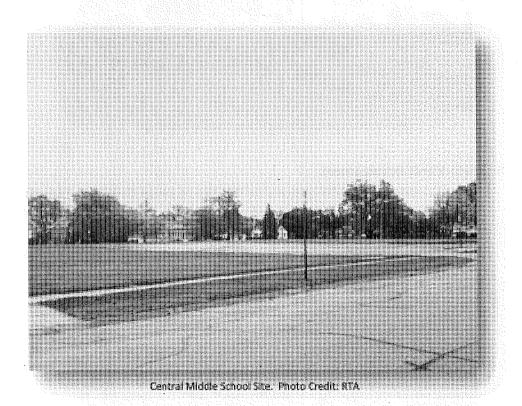


Key Recommendations

Short-Term Recommendations

Central Middle School Site

- Development of this site can potentially generate activity to attract development to both North and South Streets;
- The Village should gauge interest by sending an RFQ/RFI to a select short list of potential developers outside of a formal RFP process
- Townhomes/Rowhomes are appropriate on this site and could potentially carry-over onto a portion of the North Street Development site;



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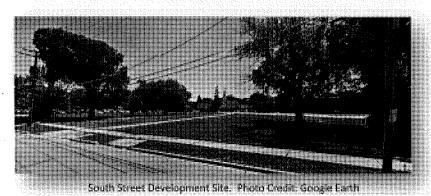
North Street Development

- Consider phasing this project to create smaller, multiple development opportunities;
- Development of the Central Middle School site could carry to a portion of the North Street Development site if a prospective developer is interested in a multi-phased project on both sites;
- Create a "development package" for this site including all zoning information, engineering, concept plans, etc.;
- Continue with plans to develop the Zabrocki Plaza but consider reducing the scope of the project by removing the proposed underground parking deck due to its cost;



South Street Development

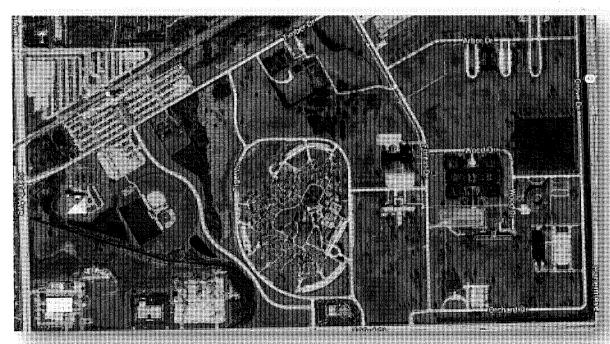
- Consider an RFQ/RFI process on this site to gauge developer interest;
- Look to maximize the economic incentives the Village can offer to attract a developer to this site;
- Create a "development package" for this site including all zoning information, engineering, concept plans, etc.



Long-Term Recommendations

➤ Mental Health Center Site—80th Avenue Station Area

- The Village should explore purchasing this site and pursue grants for cleanup; it is much more manageable and financially feasible to clean up smaller portions of the site as developments occur.
- By subdividing the site into smaller developable parcels, some of the cleanup cost can be transferred to future developers.



Mental Health Center Site Development Site. Photo Credit: Google Earth

CITY OF WEST CHICAGO

DEVELOPMENT AGENDA ITEM	
Possible amendments to the Municipal Code concerning owner consent for landmark designation of properties	AGENDA ITEM NUMBER: 5. C. FILE NUMBER: COMMITTEE AGENDA DATE: December 8, 2014 COUNCIL AGENDA DATE:
STAFF REVIEW: John D. Said APPROVED BY CITY ADMINISTRATOR: Michael Gutt	man SIGNATURE

ITEM SUMMARY:

At its November 17, 2014 meeting, the City Council directed staff to complete preliminary research on requirements for owner consent for designating properties as local landmarks, and to present the results of that research to the Development Committee. In response to City Council direction, Community Development Department staff is providing the following information for consideration of this matter.

Staff surveyed seven other area communities to determine whether they require owner consent for designation of a property as a local landmark. These included Batavia, Elgin, Elmhurst, Geneva, Glen Ellyn, St. Charles and Wheaton. In order to provide survey results to the Committee in a timely manner, City staff did not pursue completion of a larger survey through the DuPage Mayors and Managers Conference (DMMC). However, staff believes that results from this smaller sample size reasonably represent results that could be expected from a larger survey.

Of the seven communities contacted, all require owner notification for any application for landmark designation. Three of the communities (Elgin, Elmhurst and Glen Ellyn) require owner consent for any application for landmark designation. Three other communities (Batavia, Geneva and St. Charles) do not require owner consent, thereby allowing any interested party to apply to have properties designated. Wheaton's program does not specify whether owner consent is required, although owner participation appears to be part of the application process.

Currently in West Chicago, the Municipal Code does not require owner consent for an application for historic landmark status for properties, although owner notification is required. There are various viewpoints associated with such procedures. One view is that historic significance, and therefore landmark designation, should supersede owner consent. However, another perspective is that landmarking a property could negatively impact owner property rights, especially for matters such as potential exterior and/or structural alterations.

The attached information includes the regulations from the surveyed communities for the Committee's consideration.

Consideration of possible Municipal Coignation of historically significant prope	ode amendments regarding owner consent for landmark des- erties.
COMMITTEE RECOMMENDATION:	
Lagrania	·

ACTIONS PROPOSED:

Jim Kozik 260-2008

Wheaton Register of Historic Places Program

Program Summary

The purpose of the City of Wheaton Historic Commission's (CWHC) Wheaton Register of Historic Places Program is to identify and acknowledge historically significant sites in Wheaton, and to promote awareness and appreciation of their importance to our community.

A site's significance is based upon its historic context, specifically information about the period, place, and events that created, influenced, or formed the backdrop to the site, providing an understanding of the site as a product of its time. The site may be unique, representative, or influential. Any type of site, whether residential, commercial, institutional, religious, educational, or industrial, is eligible for listing.

Program Criteria

Selection for the Register is based upon criteria in one or more of the following three categories: historical significance, architectural design, and age. At least one of the three criteria must be met:

- 1. Historical Significance: A building or site may qualify if it is at least fifty (50) years of age, and
 - a. is of significant value as part of the historic or cultural characteristics of the community, county, state, or nation
 - b. is significantly identified with a person or persons who significantly contributed to the development of the community, county, state, or nation
 - c. its unique location or singular physical characteristics make it an established or familiar visual feature, or
 - d. it has yielded or may be likely to yield, information important in history
- 2. Architectural Design: A building may qualify if it is at least fifty (50) years of age, and
 - a. is representative of the distinguishing characteristics of architecture inherently valuable for the study of a period, type, or method of construction
 - b. is a notable work of a master architect, builder, designer, craftsman, or artisan, whose individual work has influenced the development of the city, county, state, or nation, or
 - its character is a particularly fine or unique example of a utilitarian structure, including but not limited to farmhouses, gas stations, or other commercial structures, with a high level of integrity or architectural significance
- 3. Age: A building may qualify if it is a least one hundred (100) years of age and retains its original style and integrity

Additionally, once a site has met one of these three criteria, the following guidelines will be applied to determine the significance of the site for listing in the Register.

Original Character: Distinguishing, original qualities for which the structure or site is nominated shall not be destroyed. Removal or alteration of any historic material or distinctive architectural features must be avoided. Examples of skilled craftsmanship or distinctive stylistic features which characterize a building, structure, or site shall be preserved.

Alterations: All structures worthy of recognition must be maintained as products of their era(s). Alterations which have no historical basis or which seek to create an appearance of an earlier style are generally not appropriate.

New additions or other improvements shall be compatible (although not necessarily duplications of) the materials, size, scale, color and texture of the original architecture. Any replacement siding must uphold

the integrity of the original structure. Any siding may be acceptable as long as the size, scale, shape, and appearance of the original structure remains intact. Therefore, architectural features such as, but not limited to brackets, scalloped or fish scale shingles, turrets, towers and corbels must be maintained.

Changes which have taken place over the course of time are evidence of the history and development of the structure of site. These changes may have acquired significance in their own right which will be recognized and respected.

New additions and adjacent or related new construction should generally be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic site and its environment would be unimpaired.

Repair: Whenever possible, deteriorated architectural features should be repaired rather than replaced. Where the severity of the deterioration requires replacement of a distinctive feature, the new feature or material should match the composition, design, color, texture, and visual effect of the original.

Repair or replacement of architectural features should be based, where possible, on accurate duplications of features substantiated by historical, physical, or pictorial evidence rather than conjecture or availability of architectural elements from other buildings.

Modernizations: Exterior paint schemes, storm windows and doors, screens, window air conditioners, antennae, green technology, and similar cosmetic items which were not part of the original structure may be acceptable. However, permanently mounted air conditioner units or other modernization efforts must not visibly detract from the appearance of the structure as viewed from the public right-of-way.

Moved Buildings: Buildings that have been moved from their original locations are eligible for the program. Houses were moved more frequently in the 19th and early 20th centuries than today. Clues that a building has been moved include: the architectural style is unusual for the indicated period of construction, first tax dates are much later than the time period of the architectural style, the footprint, number of stories and/or lot locations differ from that shown on the Sanborn maps, the address is not reflected in old city directories.

Program Process

Property Research

Property owners are responsible for the research to complete their respective properties' applications. Applicants can conduct the research themselves, or hire a researcher. Assistance is available in Wheaton at the Wheaton Public Library, the DuPage County Historical Museum, and the Center for History.

The research process usually involves using the resources of a variety of places: county, city and township offices, and local museums. The best way to start your research is the Wheaton Public Library Reference Department to consult the *Home History Research File* (HHRF) (request notebook from library reference staff). The HHRF describes sources and records and explains the research process. Then use the *Guide to Wheaton Sources* to locate where the resources and records can be found.

Nomination

Applicants must submit a properly completed Nomination form for the property to be reviewed by the CWHC. The form is available on the City website and in this packet. A completed form must provide all required information and documentation as described in the form.

Documentation

Copies of cited documentation should be included with the application. These can be photocopies, scans or digital photos. As of 2013 there is no printer on the reader for historic tax records on microfilm at DuPage

County Clerk - Revenue Dept. Digital photos should be made. Instructions for doing so are in the *Home History Research File* at WPL.

Fee / Certification / Pride in Preservation Sign / Plaque

The cost for program participation is \$25, payable to the City of Wheaton (write Historic Commission in memo line), which funds a Pride in Preservation sign, displayed annually during Pride in Preservation Week. If the property is not approved to the Register, the \$25 fee will be refunded.

All approved applicants receive a letter of certification from the CWHC. Approved applicants may obtain a permanent metal plaque from a partner vendor. However, this is optional. It is the property owner's prerogative if they would like to purchase and display a plaque. If displayed, the CWHC recommends a prominent location, such as the public-facing area of the property, usually by the front door.

Review

The CWHC will review applicants' Nomination forms and approve Register status based on the criteria as listed above and a completed application. The CWHC regularly conducts its business on the third Tuesday of each month, assuming quorum. The CWHC will conduct a discussion and preliminary review of the Nomination form at the first monthly meeting that occurs after submission of the applicant's properly completed Nomination form, as long as the properly completed Nomination form is submitted at least one week prior to that meeting (by the second Tuesday of each month).

The CWHC will make a final decision to approve the nomination's Register status at the second monthly meeting that occurs after submission of the applicant's properly completed Nomination form.

If the applicant's Nomination form is incomplete, improperly submitted, or late as described above, the CWHC retains the right to delay proceeding until the following meeting and the applicant's Nomination form is complete and submitted at least one week prior to the monthly meeting. The applicant is welcome to attend these meetings to add verbal information about the nomination during the public comment period.

Ongoing Review

There will be a regular review of properties to determine property owners retaining the Register status based on the condition of the property.

Records

Approved applicants' Nomination form and documentation are filed at the Wheaton Public Library Reference Department, open to library patrons, and made available for educational purposes for the public domain.

Wheaton Register of Historic Places Nomination Form

Property Address:				 	
10-Digit Parcel number:	ery -	tar e de la lagra	and the second s	- <u> </u>	
Name of property owner(s):					* 114.41 -
Mailing Address:					_
Phone:					
If different than above: Applicant's Name:					_
Address:					_
Phone:					_
	s	***************************************			
Original Owner:					_
Date(s) of Construction:				472 T	
Architect(s) (if known):					
Builder(s) (if known):					

Designation Status

Please select / circle all the letters that apply. If your property is being nominated under the category of age, just write in the building date.

Category	Criteria	Criteria	Criteria	Criteria
1. Historical Significance	а	b	С	d
2. Architectural Design	а	b	С	
3. Age (year built))		

For example, to nominate a property for historical significance, primarily because of a significant person (b) and secondarily because of its unique location or singular physical characteristics make it an established or familiar visual feature (c), mark the form this way:

Category	Criteria	- Criteria	Criteria	Criteria
1. Historical Significance	а	\bigcap b \bigcap	$\lceil $	d
2. Architectural Design	а	b	С	
3. Age (year built)				

Submit the following information/documentation with your Nomination form:

- At least four <u>current</u> photographs of property (front, side right, side left, rear) are required for a completed form. If submitting these electronically, please do so in .jpg format.
- Provide copies of as many photos, articles, maps, directory information, etc., as needed to document your
 answers to the criteria category questions below. All items must be clearly identified, listing the source I
 source title, date, page, etc. Please note and describe these items in the Research Log.
- Answer the following questions for the category/categories which the property is nominated. You may submit this information on additional pages as needed. For all categories please state the estimated year of construction of the property.

1. Historical Significance:

- a) What is the historical significance to the community, county, state, or nation?
- b) Was this property the home of a prominent person or persons? If so, please elaborate.
- c) Describe any unique location or singular physical characteristics that make it an established or familiar visual feature.
- d) Has this property yielded, or is it likely to yield, information important in history, such as documented historic animal or human remains? If so, please describe them.

2. Architectural Design:

- a) What are the primary architectural characteristics that clearly demonstrate its value as a work of a certain defined period, type, or method of construction?
- b) Who was the architect, builder, designer, craftsman, and/or artisan of the property, and how did s/he or they influence the development of community, county, state, or nation?
- c) Is this property a structure which is significant to the architectural history of Wheaton, and does it retain the character defining features which make it significant? How so?

3. Age:

a) Has the property retained its original style and integrity? Please describe.

Please submit the Nomination form, documentation, current photographs, research log, and \$25 check to: City of Wheaton, Attention Historic Commission / 303 W Wesley St / P.O. Box 727 / Wheaton, IL 60187

You may also scan and email these items to the City of Wheaton, attention of the City Clerk (c/o Historic Commission) and mail the check separately. As of 2014 use: lqualkenbush@wheaton.il.us

If you have further questions, contact the City of Wheaton at 630-260-2000 and your message will be forwarded to the CWHC.

The City of Wheaton Historic Commission has the authority to edit and publish the information submitted in the application. This does not prohibit others from using the information. In addition to these stipulations, the undersigned attests that the information provided is, to the best of his/her knowledge, accurate.

Signed:			
Dated:			
Daleu	 	 	

Research Log

The following is a list of typically consulted research resources. You may not need to use all of them, and you may need to use other resources not listed here. Please indicate the resources used and return this log with the Nomination form. Attach additional pages if needed.

Resource:	Cite title/date/page, etc.:	Key information yielded:
1882 Bird's Eye View of	N/A	
Wheaton:		
1906 Captive Airship Photo:	N/A	
Architectural Plans:		-
Assessor's Building Information:	·	
Building Files:		
Burial Sites / Cemetery records:	Self-specification of the self-specific to the self-specific	The state of the s
Census Records:		
City Directories:	Age -	afr in the state of the state o
Historic Tax Records:		
Land Deeds:		
Local History Books:		
Newspapers:		477
Plat & Landowner Maps:		
Photographs:		
Sanborn Fire Insurance Maps:		
Tax Records:		
Wheaton College History:		
Wheaton Real Estate Records:		
Other:		

Article III. - Landmark Designation

21.30 - Criteria for the recommendation of landmark designation.

- (a) To be eligible for landmark designation, a property, area, building, structure, object or site shall satisfy the following criteria:
 - (1) Be of an age of at least fifty (50) years; and
 - (2) Be listed on the National or State Register of Historic Places, before the filing of an application of designation by the City; or
 - (3) Be of an age of at least fifty (50) years;
 - (4) Have sufficient integrity of location, design, materials and workmanship to make it worthy of preservation or restoration; and
 - (5) Satisfy any two of the following criteria:
 - (A) Distinctive architectural style (period, type, method of construction, materials); architecturally significant; example of best remaining architectural type in the City,
 - (B) Its location as a site of a significant historic or prehistoric event or activity which may or may not have taken place within or involved the use of any existing improvements on the property,
 - (C) Its identification with a person or persons who significantly contributed to the historic, cultural, architectural, archaeological or related aspect of the development of the City, state, Midwest Region or the United States,
 - (D) Its exemplification of an architectural type, style or design distinguished by innovation, rarity, uniqueness or overall quality of design, detail, materials or craftsmanship,
 - (E) Its identification as the work of an architect, designer, engineer or builder whose individual work is significant in the history or development of the City, the state, the Midwest Region or the United States,
 - (F) Its exemplification of important planning and urban design techniques distinguished by innovation, rarity, uniqueness or overall quality of design or detail,
 - (G) Its association with important cultural or social aspects or events in the history of the City, the state, the Midwest Region or the United States,
 - (H) Its location as a site of an important archaeological resource; unique location or established and familiar visual feature of a neighborhood,
 - Its representation of a historic, cultural, architectural, archaeological or related theme expressed through distinctive areas, properties, structure, sites or objects that may or may not be contiguous,
 - (J) Its unique location or distinctive physical appearance or presence representing an established and familiar visual feature of a neighborhood, community or the City,
 - (K) Its exemplification of a pattern of neighborhood development or settlement significant to the cultural history or traditions of the City, whose components may lack individual distinction,
 - (L) Fine or unique example of a utilitarian structure, and

(M) It is likely to yield important information regarding Elmhurst history or pre-history.

The Commission shall limit their consideration to the foregoing criteria in making a determination on a nomination of an area, property, structure, site or object for designation by ordinance as a landmark.

(Ord. 18-2006 § 2 (part))

21.31 - Applications for landmark nominations.

- (a) Nominations. Nomination of an area, property, structure, site or object for consideration and designation as a landmark or district shall be submitted to the Director of Zoning, Planning and Economic Development on a form prepared by the Department of Zoning, Planning and Economic Development, and may be initiated by any of the following:
 - (1) An owner of record of the area, property, structure, site or object being nominated;
 - (2) A Commissioner or member of the Historic Preservation Commission;
 - (3) A member of the City Council;
 - (4) The Mayor;
 - (5) Any resident of the City of Elmhurst;
 - (6) Any not-for-profit organization with its principal place of business in the City;
 - (7) Any corporation, partnership, fire or other business entity.

All property owners of the proposed landmark must consent to consideration of designation. Owner consent shall be submitted with the application. If the property owner(s) do/does not consent to the nomination, the Commission shall reject the application as incomplete.

An application to nominate an area, property, structure, site or object filed by any person or entity other than the owner(s) thereof shall be subject to payment of a filing fee of one hundred dollars (\$100.00). Such application shall not be deemed completed until payment of such fee has been made.

- (b) Applications. Applications for a landmark nomination shall be filed with the Planning, Zoning and Economic Development Department, on forms provided by the department and shall, at a minimum; include the following information and specifications:
 - (1) The name and address of the applicant and owner of record;
 - (2) The legal description and common street address of the property;
 - (3) A written statement describing the structure, building, or site and setting forth reasons in support of the proposed designation, including a list of significant exterior architectural features that should be protected;
 - (4) Qualifying criteria for landmark designation and why the proposed structure meets such criteria;
 - (5) Written documentation and evidence establishing that the applicant(s) is/are the current owner(s) of record of the nominated property and that each owner of record consents to the proposed landmark designation. Such documentation or evidence of record ownership shall include a recent title policy in the name of the applicant or other evidence of ownership acceptable to City Attorney. In the event legal and equitable title is held by separate parties, written consent of each shall be required;

If the Commission fails to make its recommendation within sixty (60) days after the close of the public hearing, or if the Commission fails to recommend a proposed designation to the City Council, the Commission may not reconsider the proposed designation for a period of one year from the date of the Commission's final action or the close of the public hearing, whichever is later, provided however that the reconsideration shall be permitted within such one year period, if: (A) significant new information concerning the previously nominated landmark relating to the criteria for designation is provided; and (B) the Commission votes by an affirmative vote of at least four Commissioners to reconsider the previously nominated landmark.

- (5) The owner(s) of record shall be notified by a letter within ten (10) business days after a final decision by the Commission.
- (6) The designation of a nominated landmark shall be by ordinance and such landmark designation shall be incorporated as part of this Chapter. If the City Council approves the application for a designation, notices will be sent to the property owners, the Planning, Zoning and Economic Development Department, the Building Commissioner, and the City Clerk and a certified copy of the ordinance shall be filed of record with the DuPage County Recorder.
- (7) Properties, buildings, structures, sites and objects designated as landmarks shall be subject to the issuance of certificates of appropriateness in accordance with <u>Section 21.30</u> of this Chapter.

(Ord. 18-2006 § 2 (part))

21.39 - Designated historic landmarks.

- (a) The structure known as the John L. Pentecost House located at 259 Cottage Hill Avenue is hereby granted historic landmark designation.
- (b) [The structure known as] the Almerico House, 208 South Arlington Avenue [is hereby granted historic landmark designation].

(Ord. 01-2008, § 3; Ord. No. 01-2011, § 3, 9-19-11)

Glen Ellyn Michele Stegall 547-5250

Chapter 13

HISTORIC PRESERVATION COMMISSION

2-13-1: PURPOSE OF PROVISIONS:

It is hereby declared necessary for the general welfare of the citizens of the village to protect and encourage the continued utilization of areas, districts, places, buildings, structures, works of art, and other similar objects within the village, including "Stacy's Tavern", eligible for designation by ordinance as "Glen Ellyn landmarks". This declaration of intent shall incorporate the following purposes:

- (A) To identify, preserve, protect, enhance and encourage the continued utilization and the rehabilitation of such areas, districts, places, buildings, structures, works of art and other objects having a special historical, community, architectural or aesthetic interest or value to the village and its citizens;
- (B) To safeguard the village's historic and cultural heritage, as embodied and reflected in such areas, districts, places, buildings, structures, works of art and other objects determined eligible for designation by ordinance as "Glen Ellyn landmarks";
- (C) To preserve the character and vitality of the neighborhoods and central area, to promote economic development through rehabilitation, and to conserve and improve the property tax base of the village;
- (D) To foster civic pride in the beauty and noble accomplishments of the past as presented in such "Glen Ellyn landmarks";
- (E) To protect and enhance the attractiveness of the village to homeowners, home buyers, tourists, visitors, businesses and shoppers, and thereby to support and promote business, commerce, industry, and tourism and to provide economic benefit to the village;
- (F) To foster and encourage preservation, restoration, and rehabilitation of areas, districts, places, buildings, structures, works of art and other objects, including entire districts and

neighborhoods, and thereby prevent future urban blight and in some cases reverse current urban deterioration;

- (G) To foster the education, pleasure, and welfare of the people of the village through the designation of "Glen Ellyn landmarks";
- (H) To encourage the continuation of surveys and studies of Glen Ellyn's historical and architectural resources and the maintenance and updating of a register of areas, districts, places, buildings, structures, works of art and other objects which may be worthy of landmark designation;
- (I) To encourage public participation in identifying and preserving historical and architectural resources through public hearings on proposed designations, building permits, and economic hardship variations;
- (J) To aid in the development and restoration of "Stacy's Tavern" as it existed during the period between the years 1846 and 1850. (Ord. 3825, 4-22-1991)

2-13-2: COMMISSION ON GLEN ELLYN LANDMARKS:

- (A) Creation, Membership; Terms:
 - 1. Creation And Membership: There is hereby continued in existence the historic preservation commission of the village of Glen Ellyn, which commission shall be empowered to recommend the designation of historical and architectural landmarks within the village in compliance with the powers and duties enumerated herein. The commission shall consist of nine (9) members, appointed by the president with the approval of a majority of the board of trustees, to serve without compensation, except that the members of the historic preservation commission as it existed at the time of enactment of this chapter shall continue as members of said commission. Thereafter, an effort shall be made to select as members persons who are professionals in the disciplines of history, architecture, historic architecture, planning, archaeology, real estate, historic preservation, or related fields, or who have demonstrated special interest, knowledge or experience in architecture, history, neighborhood preservation, or related disciplines. A member of the board of trustees to be appointed by the president shall serve as an ex officio, nonvoting member for a term of two (2) years. The village president, with the advice and consent of a majority of the village board, shall designate one of the members as chairman. The chairman shall be appointed

annually in June of each year. A secretary, who is not a member of the commission, shall be provided by the manager's office. All commissioners shall reside, own property, or work in the village. The village president may choose commissioners with special knowledge or special interest in the village of Glen Ellyn who are not currently residing, property owners, or working within the village. (Ord. 5919, 2-14-2011; amd. Ord. 6064, 8-27-2012)

- 2. Terms: Each member shall serve for a term of three (3) years. All terms shall expire on May 31. (Ord. 6041, 6-25-2012)
- 3. Vacancies: Vacancies on the commission shall be filled for the unexpired term of the member whose place has been vacant in the same manner in which original appointments are required to be made.
- 4. Removal: A commission member may be removed by a majority vote of the village president and board of trustees.

(B) Meetings; Voting:

- 1. Regular Meetings: Regular meetings shall be monthly on a day certain as determined by the chairman of the commission.
- 2. Special Meetings: Special meetings of the commission may be called by the chairman from time to time. Members of the commission must receive notice not less than forty eight (48) hours prior to a special meeting. Notice of said special meeting must be posted in the civic center not less than forty eight (48) hours before said meeting. Special meetings may be called by the written request of any two (2) members of the commission. Such written request shall be received by the chairman no less than five (5) days prior to the requested date of meeting.
- 3. Notice Of Meetings: Whenever any action affecting an owner of property proposed or designated as a landmark is to be considered at a regular or special meeting of the commission, the owner shall be provided at least seven (7) days' advance written notice of such meeting except where different notice provisions are specified elsewhere in this chapter. (Ord. 3825, 4-22-1991)
- 4. Quorum: The presence of a majority of the commission members then in office shall be necessary to constitute a quorum to transact any commission business at any regular or special meeting of the commission. (Ord. 5751, 4-27-2009)
- 5. Manner Of Acting: Except as otherwise provided in this chapter, the act of a majority of the members present at a meeting at which a quorum is present shall be the act of the members.
- 6. Rules Of Procedure: The commission shall enact rules of procedure and regulations not inconsistent with ordinances or statutes that further enhance the purpose of the commission.

- (C) Reports And Records: The commission shall keep permanent records and minutes of its meetings, showing the vote of each member upon each topic submitted to it, and of all public hearings. The commission shall prepare and submit minutes of each meeting to the village board in a timely manner. The commission shall submit its recommendations to the village board in writing. A minority report may be attached to the majority recommendation.
- (D) Commission Powers And Duties: The commission shall have and may exercise the following duties, powers, and responsibilities:
 - 1. To conduct an ongoing survey of the village for the purpose of identifying those areas, districts, places, buildings, structures, works of art and other objects of historic or architectural significance;
 - 2. Upon consent of the owner or owners thereof, to hold hearings and to recommend that the village board designate by ordinance areas, districts, places, buildings, structures, works of art and other objects as official "Glen Ellyn landmarks", if they qualify as defined hereunder, and to recommend that such designation include all or some portion of the property or any improvements thereon;
 - 3. To cause plaques to be manufactured and installed that identify the significance of designated landmarks and landmark districts;
 - 4. To prepare and publish maps, brochures and other descriptive and educational materials and to advise and assist residents about Glen Ellyn's landmarks and landmark districts and their designation and protection;
 - 5. Subject to provisions set forth in subsection <u>2-13-10(A)</u> of this chapter, to review permit applications for alteration, construction, reconstruction, erection, demolition, relocation or work of any kind affecting landmarks and structures or unimproved sites in landmark districts and to require the presentation of such plans, drawings, elevations and other information as may be necessary to review those applications;
 - To advise and assist owners or prospective owners of designated or potential landmarks or structures in landmark districts on technical and financial aspects of preservation, renovation and rehabilitation and to establish standards and guidelines therefor;
 - 7. To apply for and accept any gift, grant or bequest from any private or public source, including government agencies, upon approval by the village board, for any purpose authorized by these provisions;
 - 8. To spend and disburse such sums as may be appropriated for its use, upon approval of the village board;
 - 9. To make recommendations to the village board concerning means to preserve, protect, enhance, rehabilitate and perpetuate landmarks and structures in landmark districts;

- To adopt, publish and make available rules of procedure and other regulations for the conduct of commission meetings, hearings and other business;
- 11. To prepare and present nominations of landmarks and historic districts to any state or federal registers of historic places;
- 12. To assume whatever responsibility and duties may be assigned to it by the state under certified local government provisions of the national historic preservation act of 1966, as amended;
- 13. To cooperate with and enlist the aid of persons, organizations, corporations, foundations and public agencies in matters involving historic preservation, renovation, rehabilitation and reuse;
- 14. To advise any village department or agency concerning the effect of its actions, programs, capital improvements or activities on designated or potential landmarks;
- 15. To hold hearings and make recommendations to the village board regarding applications for permits to alter, relocate or demolish landmarks or proposed landmarks and applications of property owners for economic hardship exceptions;
- 16. To exercise any other power or authority necessary or appropriate to carry out the purpose of these provisions. (Ord. 3825, 4-22-1991)

2-13-3: DESIGNATION OF LANDMARK OR LANDMARK DISTRICT; RECOMMENDATION AND PRELIMINARY DETERMINATION:

- (A) Criteria For Designation: The commission shall familiarize itself with areas, districts, places, buildings, structures, works of art and other objects within the village which may be considered for designation by ordinances as "Glen Ellyn landmarks", and maintain a register thereof. In making its recommendation to the village board for designation, the commission shall limit its consideration solely to the following criteria concerning such area, district, place, building, structure, work of art and other objects:
 - 1. Its value as an example of the architectural, cultural, economic, historic, social or other aspect of the heritage of the village of Glen Ellyn, the state of Illinois, or the United States;
 - 2. Its location as a site of a significant historic event;
 - 3. Its identification with a person or persons who significantly contributed to architectural, cultural, economic, historic, social or other aspect of the development of the village of Glen Ellyn, the state of Illinois, or the United States;
 - 4. Its exemplification of an architectural type or style distinguished by innovation, rarity, uniqueness or overall quality of design, detail, materials or craftsmanship;

- 5. Its identification as the work of an architect, designer, engineer or builder whose individual work is significant in the history or development of the village of Glen Ellyn, the state of Illinois, or the United States;
- 6. Its representation of an architectural, cultural, economic, historic, social or other theme expressed through distinctive areas, districts, places, buildings, structures, works of art or other objects that may or may not be contiguous;
- 7. Its unique location or distinctive physical appearance or presence representing an established and familiar visual feature of a neighborhood, community or the village.
 - In the case of residences, the commission shall limit its consideration of landmark status to the exterior of the structure.
- (B) Recommendations Of Landmarks And Landmark Districts; Preliminary Determination: The commission or any person may recommend districts, places, buildings, structures, works of art and other objects for landmark designation. If other than the commission, such person shall complete and submit a form provided by the planning and development department. Following a recommendation, the commission may, by resolution, make a preliminary determination of landmark designation; provided, that the proposed area, district, place, building, structure, work of art or other object meets one or more of the criteria for landmark designation. (Ord. 3825, 4-22-1991)

2-13-4: NOTICE OF PRELIMINARY DETERMINATION; REQUEST FOR OWNER CONSENT:

Within fifteen (15) days of its preliminary determination, the commission shall, by certified mail, return receipt requested, notify the owner(s) of the property of the reasons for and effects of the proposed designation and request that the owner(s) consent in writing to the proposed designation, and shall forward a copy of such notice to the village board. The owner(s) shall have forty five (45) days from the date of mailing of the request to respond to the request.

- (A) Proposed Designation Of Building, Etc.: In the case of the proposed designation of an area, place, building, structure, work of art or other object, an owner may, within the forty five (45) day period, request an extension of time, not to exceed ninety (90) days, to submit a response. (Ord. 3825, 4-22-1991; amd. Ord. 4458, 1-13-1997)
- (B) Proposed Designation Of District: In the case of the proposed designation of a district, an owner or any trustee may, within the forty five (45) day period, request an extension of

time, not to exceed ninety (90) days, for owners of property within the district to submit responses. Of all owners in a proposed landmark district, sixty six and two-thirds percent $(66^2/_3\%)$ of the property owners within the proposed landmark district must consent before the commission may proceed under sections 2-13-5 through 2-13-7 of this chapter. (Ord. 5266, 6-14-2004)

For purposes of this chapter, a "district" shall mean an area which contains, within definable geographic boundaries, one or more landmarks along with such other buildings, places, or areas which, while not of such historic significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark(s) located within the district; and/or an area which contains within definable geographic boundaries such buildings, places, or areas which, while not of such individual significance to be designated as landmarks, nevertheless, as an aggregate, possess historic significance for the village in:

- 1. Establishing a sense of time and place unique to the village; and/or
- 2. Exemplifying or reflecting the cultural, social, economic, political, or architectural history of the nation, the state, or the village; and/or
- 3. Representing distinguishing characteristics of an architectural type which is inherently valuable for studying a period, style, method of construction, indigenous materials, or unique craftsmanship. (Ord. 3825, 4-22-1991)
- (C) Owner Consent: If the owner of a proposed individual landmark or if sixty six and two-thirds percent (66²/₃%) of owners in a proposed landmark district fail(s) or refuse(s) to consent to the proposed designation within the applicable time periods, the designation process shall terminate as to that property without further action, and the subject of the proposed designation shall not be reconsidered for a period of two (2) years. If the owner (s) consent(s) within the applicable time period, the commission shall schedule a public hearing on the proposed designation pursuant to section 2-13-6 of this chapter to be held within sixty (60) days of receipt of consent by the commission. (Ord. 5266, 6-14-2004)

2-13-5: REQUEST FOR PLANNING REPORT:

Upon adoption of a resolution making a preliminary determination, and receipt of owner's consent in writing, the commission shall advise the board of trustees of such resolution and consent and shall request a report from the planning and development director which evaluates the relationship of the proposed designation to the comprehensive plan of the village and the effect of the proposed designation on the surrounding neighborhood. The report shall also include the director's opinion and recommendation regarding any other planning consideration relevant to the proposed designation and the director's recommendation of approval, rejection or modification of the proposed designation. The report shall be submitted to the commission within forty five (45) days of the request, if the

proposed designation is of an area, place, building, structure, work of art or other object, or within sixty (60) days, if the proposed designation is a district, and shall become part of the official record concerning the proposed designation. The commission may make such modifications concerning the proposed designation and recommendation as it deems necessary. If the director fails to submit a report within the time provided herein, the commission may proceed with the designation process. (Ord. 3825, 4-22-1991)

2-13-6: PUBLIC HEARING; RECOMMENDATION OF COMMISSION:

- (A) Notice Requirements: Prior to conducting a public hearing as provided hereunder, the commission shall give at least fifteen (15) days' written notice of the date, time and place of the hearing to any owner of the subject property. The commission shall also cause to be posted, for a period of not less than fifteen (15) days immediately preceding the hearing, a placard stating the time, date, place and matter to be considered at the hearing and such other information as directed by the planning and development director. The placard shall be prominently displayed on the place, building, object or structure, or on the public ways abutting the property, and, in the case of designation of areas or districts, the placards shall be placed on the principal boundaries thereof. In addition, not more than thirty (30) nor less than fifteen (15) days prior to the hearing, the commission shall cause a legal notice to be published in a newspaper of general circulation in the village setting forth the nature of the hearing, the property, area or district involved, and the date, time and place of the scheduled public hearing.
- (B) Presentation Of Evidence; Designation Of Parties: The commission shall provide a reasonable opportunity for all interested persons to present testimony or evidence under such rules as the commission may adopt governing the proceedings of a hearing. The hearing may be continued to a date certain, and a transcript and record shall be kept of all proceedings. A person, organization or other legal entity whose use or whose members' use or enjoyment of the area, district, place, building, structure, work of art or other object proposed for designation may be injured by the designation or the failure of the commission to recommend designation, may become a party to the proceeding. The foregoing shall include, without limitation, persons, organizations or other legal entities residing in, leasing or having an ownership interest in real property located within two hundred fifty feet (250') of the property line of the proposed or designated landmark or landmark district.
- (C) Commission Recommendation Following Hearing; Objections; Vote Of Commission: No later than its next regular meeting after the conclusion of the public hearing, the commission shall vote upon whether to recommend the proposed landmark designation to the board of trustees. The affirmative vote of five (5) members of the commission shall be required to recommend a designation to the board of trustees. If the commission

recommends a designation, it shall set forth its recommendation in writing, including findings of fact relating to the criteria for designation in subsection 2-13-3(A) of this chapter that constitutes the basis for its decision. The commission shall include with its written report the official record of its proceedings. If the proposed designation is of an area, place, building, structure, work of art or other object, the commission shall transmit its report to the board of trustees within sixty (60) days from the conclusion of the public hearing. If the proposed designation is of a district, the commission shall transmit its report to the board of trustees within ninety (90) days from the conclusion of the public hearing. Copies of the commission report shall be sent to the owner of the property and placed on file with the village clerk. (Ord. 3825, 4-22-1991)

2-13-7: CONSIDERATION OF RECOMMENDED DESIGNATION BY VILLAGE BOARD OF TRUSTEES; PLAQUES:

Within forty five (45) days of receipt of the commission recommendation, the board of trustees shall review and give due consideration to the findings, recommendations and record of the commission in making its determination with respect to the proposed designation of any area, district, place, building, structure, work of art or other object having a special historical, community, architectural or aesthetic interest or value and shall vote upon such recommendation. The board of trustees may, by passage of an ordinance within forty five (45) days of the commission recommendation, designate an area, district, place, building, structure, work of art or other object meeting one or more of the criteria stated in subsection 2-13-3(A) of this chapter as a "Glen Ellyn landmark". The village board shall direct that a suitable plaque or plaques be created by the commission appropriately identifying said landmark and the owner(s) of the designated landmark shall affix said plaque to the property. (Ord. 3825, 4-22-1991)

2-13-8: LANDMARKS; NOTICE OF OFFICIAL DESIGNATION:

The commission shall, within ten (10) days of official landmark designation, send a certified copy of the ordinance designating the property and a summary of the effects of designation to the owner(s) of the property by certified mail, return receipt requested. The commission shall also file with the recorder of deeds of DuPage County, the assessor of DuPage County, the village clerk, the department of public works of the village, and all other relevant village departments, a certified copy of the designating ordinance. (Ord. 3825, 4-22-1991)

2-13-9: AMENDMENT, RESCISSION AND RECONSIDERATION OF DESIGNATION:

Any designation of an area, district, place, building, structure, work of art or other similar object as a "Glen Ellyn landmark" shall only be amended or rescinded in the same manner and procedure as the original designation was made. If the commission votes not to recommend a proposed designation to the village board, or if the commission has failed to issue its recommendations on a proposed designation within the time provided, or if the village board has refused to designate a proposed "Glen Ellyn landmark", then the commission may not reconsider the proposed designation for a period of one year from the date of the negative commission vote, or from the date of expiration of the time limitation for commission action, or from the date of the village board's refusal to designate, whichever is applicable. (Ord. 3825, 4-22-1991)

2-13-10: ALTERATION, RELOCATION OR DEMOLITION OF LANDMARKS:

(A) Application For Permit; Review Requirements: All permits for alterations, construction, erection, demolition, relocation or other work on the exterior of the structure shall be reviewed by staff in the administration or planning and development departments within fifteen (15) days of receipt thereof. The report will evaluate the impact of the permit application on the landmark structure and the effect on the surrounding neighborhood. The report shall also include staff's opinion and recommendation regarding any other planning consideration relevant to the permit application and staff's recommendation of approval, rejection or modification of the permit application. Staff will then forward a report and recommendation regarding the permit application to the commission within fifteen (15) days of receipt thereof.

No permit for alteration, construction, reconstruction, erection, demolition, relocation or any other work affecting exterior appearance shall be issued to any applicant by any department of the village without the written approval of the commission for any area, district, place, building, structure, work of art or other object for which the commission has made a preliminary determination of landmark status or which has been designated as a "Glen Ellyn landmark": 1) where such permit would allow the alteration or reconstruction of or addition to any exterior improvement which constitutes all or a part of a landmark or proposed landmark; or 2) where such permit would allow the demolition of any improvement which constitutes all or a part of a landmark or proposed landmark; or 3) where a permit would allow the construction or erection of any addition to any improvement or the erection of any new structure or improvement on any land within a landmark district; or 4) where a permit would allow the construction or erection of any sign or billboard within the public view which may be placed on, in or immediately adjacent to any improvement which constitutes all or part of any landmark or proposed landmark.

Where the permit application involves a proposed landmark and the owner has submitted written consent to designation, the commission may initiate the review process provided hereunder or it may impose a moratorium on the issuance of any permits until the designation process is completed. Where the proposed or officially designated landmark

is a residence, the commission shall concern itself solely with applications pertaining to alteration or reconstruction of the exterior, to the exterior of any proposed additions, and to the effect such addition will have on the character and appearance of the exterior in its entirety.

Any village department which receives an application for a permit as defined in this section shall forward the application, including copies of all detailed plans, designs, elevations, specifications and documents relating thereto, to administration or planning and development staff within fifteen (15) days of receipt thereof, which will then be sent to the commission within fifteen (15) days of receipt thereof. It shall be a violation of this chapter for an owner to perform, authorize or allow work or other acts requiring review without a permit. (Ord. 5266, 6-14-2004)

- (B) Exception For Preexisting Work, Ordinary Maintenance And Hazardous Conditions:
 - 1. Erection, construction, reconstruction, alteration or demolition work begun pursuant to a properly issued permit prior to a preliminary determination of landmark status shall not be subject to review by the commission unless such permit has expired, been canceled or revoked, or the work is not diligently proceeding to completion in accordance with the Glen Ellyn building code.
 - 2. Nothing in this chapter shall be construed to prevent the ordinary repair and maintenance of any exterior elements of a property or structure designated or proposed as a landmark or located within a designated or proposed landmark district.
 - 3. Where property conditions pose an immediate threat to safety, the commission shall approve necessary work as provided in subsection (C)2 of this section.
- (C) Application For Permit; Preliminary Decision By Commission: Within fifteen (15) days of its receipt of a permit application from the relevant village department, the commission shall, by motion taken at a regular or special meeting, decide whether to preliminarily approve or disapprove the application and shall send written notice to the applicant and the appropriate village department(s) of its preliminary decision.
 - 1. Preliminary Approval By Commission: If the commission finds that the proposed work will not adversely affect any significant historical or architectural feature of the improvement or of the district, and is in accord with the standards for rehabilitation set forth by the United States secretary of the interior at 36 CFR 67, as amended, as well as the commission's published procedures and regulations, the commission shall issue a preliminary approval of the application and shall notify the appropriate village department(s) which shall proceed in its usual manner to review the application. If the village department approves the building, demolition or other requested permit, it shall be issued in accordance with and governed by applicable village codes and regulations, including the eighteen (18) month limitation for commencement of authorized construction.

- 2. Preliminary Disapproval By Commission: If the commission finds that the proposed work will adversely affect or destroy any significant historical or architectural feature of the improvement or the district, or is inappropriate or inconsistent with the designation or design of the structure, area or district, or is not in accordance with the spirit and purposes of this chapter, or does not comply with the standards for rehabilitation¹ established by the secretary of the interior, the commission shall issue a preliminary decision disapproving the application for permit; provided, however, that if the construction, reconstruction, alteration, repair or demolition of any improvement would remedy conditions imminently dangerous to life, health or property, as determined in writing by the planning and development department, the commission shall approve the work, notwithstanding other considerations relating to its designation as a "Glen Ellyn landmark" or to the fact that the commission has made a preliminary determination of landmark status. Notice of preliminary disapproval shall be sent to the applicant by certified mail, return receipt requested.
- 3. Informal Conference Following Preliminary Disapproval: Within ten (10) days after receiving the commission's notice of preliminary disapproval, the applicant for permit may request in writing an informal conference before the commission for the purpose of securing compromise regarding the proposed work so that the work will not, in the opinion of the commission, adversely affect any significant historical or architectural feature of the improvement or district and will be appropriate and consistent with the spirit and purposes of this chapter. The commission shall hold such conference within fifteen (15) days after receipt of the request. The commission shall consider with the applicant every reasonable means for substantially preserving, protecting, enhancing and perpetuating the special historical or architectural feature of the improvement or district, including investigating the possibility of modifying the proposed work, the possibility of any alternative private use of the structure or structures that would substantially preserve its special features, and the possibility of public incentives for enhancing the use of the structure or structures or district involved. If the commission and the applicant for permit reach accord through the informal conference, as evidenced by a written agreement, the commission shall issue its approval of the application for permit as modified and so notify the applicant and the appropriate village departments which shall proceed with their own review.

(D) Public Hearing; Consideration Of Economic Hardship Exception:

- 1. If the commission and applicant for permit have failed to reach accord by means of the informal conference, or if the applicant fails to request an informal conference, the commission shall hold a public hearing on the permit application in accordance with procedures set forth in section <u>2-13-6</u> of this chapter.
- 2. Said hearing shall be held within forty five (45) days following the conclusion of the conference or the owner's failure to request a conference. Any person, organization or other legal entity whose use or enjoyment of the area, district, place, building, structure, work of art or other object designated as a landmark may be injured by the approval or disapproval of a proposed alteration, construction, reconstruction, erection, demolition or relocation of a proposed or designated landmark, may become a party to a permit application proceeding.

- 3. In conjunction with such hearing, the applicant may file a request for an economic hardship exception on the basis that a denial of the permit applied for will result in the loss of reasonable and beneficial use of or return from the property. Failure of the applicant to request this exception and present pertinent evidence at the hearing shall be deemed a voluntary waiver of this right and preclude the applicant from raising the issue at any subsequent hearings before the commission or the village board. Evidence to be submitted prior to and presented at the hearing and considered by the commission in the event the commission recommends disapproval of the permit shall include, but not be limited to, the following:
 - (a) The amount paid for the property and the date of purchase.
 - (b) The assessed value of the land and improvements thereon according to the two (2) most recent assessments.
 - (c) Real estate taxes for the previous two (2) years.
 - (d) Annual debt service, if any, for the previous two (2) years.
 - (e) All appraisals obtained within the previous two (2) years by the owner or applicant in connection with his purchase, financing or ownership of the property.
 - (f) Any listing of the property for sale or rent, price asked and offers received, if any.
 - (g) Any consideration by the owner as to profitable adaptive uses for the property.
 - (h) If the property is income producing, the annual gross income from the property for the previous two (2) years, itemized operating and maintenance expenses for the previous two (2) years, and annual cash flow, if any, during the same period.
- 4. The commission shall first consider the permit application on its merits. If the commission recommends disapproval, it shall then consider and decide the request for an economic hardship exception.
- (E) Commission Decision Approving Or Disapproving Permit Application And Economic Hardship Exception: Within thirty (30) days after the conclusion of the hearing, the commission shall issue a written report approving or disapproving the permit application and, where applicable, granting or denying the request for an economic hardship exception. The report shall contain the findings of fact that constitute the basis for the decisions consistent with the criteria in subsection (C)1 of this section. The commission shall send written notice of its report to the applicant by certified mail, return receipt requested, to the appropriate village departments and to the village board.
 - 1. Approval: If the commission approves the permit, it shall recommend issuance of the permit; provided, the appropriate village departments have authorized its issuance. Said decision shall be deemed a final decision of the commission.
 - 2. Disapproval; Commission Recommendation; Plan To Relieve Hardship: If the commission recommends permit disapproval, it shall then determine whether denial of

the permit would deprive the applicant of reasonable and beneficial use of or return from the property and shall issue and forward to the village board a written recommendation and report pertaining to its disapproval of the permit and approving or denying the requested exception. In the case of a finding of economic hardship, the report shall be accompanied by a recommended plan to relieve any economic hardship. This plan may include, but is not limited to, property tax relief, loans or grants from the village or other public or private sources, acquisition by purchase or eminent domain, building code modifications, changes in applicable zoning regulations including a transfer of development rights, or relaxation of the provisions of this chapter sufficient to allow reasonable beneficial use of or return from the property.

- (F) Village Board Decision: Within thirty (30) days following the commission's recommendation, the village board shall affirm, reverse or modify the recommendation of the commission regarding permit disapproval and the economic hardship exception. If the village board affirms the commission recommendation to disapprove the permit and deny an economic hardship exception, no permit shall issue. If the village board approves a plan to relieve economic hardship, it shall be by ordinance, and if the plan requires that any action be taken by village departments or agencies, the action shall be initiated within thirty (30) days following passage of the ordinance. If the village board does not approve a plan to relieve economic hardship within the time specified, the plan to relieve economic hardship shall be deemed to be denied and the permit shall issue.
- (G) Failure Of The Commission To Act: The commission's failure to act upon an application for permit within the applicable time periods shall constitute approval by the commission and no other evidence shall be needed. (Ord. 3825, 4-22-1991)

2-13-11: PENALTIES AND REMEDIES FOR VIOLATIONS:

The following penalties and remedies shall be applicable to violations of this chapter:

(A) Penalties: Failure to perform any act required by the ordinance codified in this chapter or performance of any action which is prohibited by said sections shall constitute a violation thereof. Every day on which a violation exists shall constitute a separate violation and a separate offense. Any person violating any of the provisions of this chapter shall be subject to a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for each offense. In addition, if the owner of property designated a "Glen Ellyn landmark" wilfully or through gross negligence causes all or any part of the property to be demolished or substantially destroyed or altered without the approval of the village board or the commission, as the case may be, then no permit to construct a new structure or improve said structure shall be issued for said property or for

the land upon which the landmark stood within five (5) years of the date of the demolition or alteration. Thereafter for a period of twenty (20) years, commencing at the end of the five (5) year period hereinbefore stated, any application for a building permit on the subject premises shall follow the procedure heretofore set out in section $\underline{2-13-10}$ of this chapter.

(B) Remedies: Notwithstanding the provisions of subsection (A) of this section, in the event any building or structure is erected, constructed, reconstructed, altered, added to or demolished in violation of this chapter, the village may institute appropriate proceedings to prevent or remedy such unlawful erection, construction, reconstruction, alteration, addition or demolition. (Ord. 3825, 4-22-1991)

2-13-12: SEVERABILITY:

If any provision of this chapter or application thereof to any person or circumstance is invalid, such invalidation shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable. (Ord. 3825, 4-22-1991)

Chapter 20.06

LANDMARK AND HISTORIC DISTRICT

NOMINATION AND DESIGNATION

20.06.010: NOMINATION:

- A. Individual Properties As Landmarks: Nominations for an individual property as a landmark shall be made to the heritage commission on a form prepared by it and may be made and submitted by the heritage commission, owner of record of the nominated property or structure, or the city council. Nominations for local landmark designation shall be accompanied by the following documentation:
 - 1. A statement of integrity consisting of the street address and legal description; description of original use; description of current use; date of construction of all structures on the property; description and the date of any additions, demolition or major alterations to all structures on the property; description of whether any secondary structures associated with the property may also retain their original appearance, use and/or relationship to the primary structure;
 - 2. Statement of significance describing any associations with historic persons, events, or ongoing activities on the property; a description of how the property fits within the historic context of the surrounding area, community and/or region; a description of how the property, or features of the property, may be distinctive in design, style, execution, or if it is the work of an important architect, builder or craftsman; description of any potential to yield prehistoric or archaeological information.
 - 3. Submission of photographs of all facades of currently existing buildings; a representative sample of historic photographs of the property, if available; a sketch of the floor plan of the property, drawn to scale, an accurate plat of survey; any other documentation that the heritage commission may reasonably request.
- B. Historic Districts: Nominations for a historic district shall be made to the heritage commission on a form prepared by it and may be made and submitted by the heritage commission, at least a majority of owners of record of the nominated properties or structures within the proposed district, or the city council. Nominations for historic districts shall be accompanied by the following documentation:
 - 1. A statement of integrity describing the boundaries and/or legal description of the proposed district. An architectural overview addressing issues such as: the significance of the district as a whole, the role of the district in the city's development; a detailed listing of primary structures and whether these are significant, contributing or noncontributing to the historic district status; a listing of secondary structures; a

description of public parks, squares, and other open spaces; a listing of significant but razed structures.

- 2. A statement of significance consisting of a brief history of the area; a description of associations with historic persons, events or ongoing activities within the proposed district; a description of how the district fits within the historic and architectural context of the surrounding area, community and/or region; a listing of significant structures or places within the proposed district that may be distinctive in design, style, execution, or are the work of an important architect, builder or craftsman; description of any potential to yield prehistoric or archaeological information.
- 3. Submission of photographs of at least the front facades of current existing primary structures; a representative sample of historic photographs of the proposed district, if available; an accurate plat of survey; any other documentation that the heritage commission may reasonably request.
- C. Owner Consent: Nominations for landmarks or historic districts made by the Elgin heritage commission, shall be accompanied by the written consent of the property owner (s) of record for individual landmarks, or the written consent of at least a majority of the owners of record of properties within the proposed historic district. No building that is owned by a religious organization and is used primarily as a place for the conduct of religious ceremonies shall be nominated for designation as a historical landmark without the expressed consent of the owner(s) of record of such a property. (Ord. G23-09 § 1, 2009)

20.06.020: FEES:

- A. Each nomination request submitted to the heritage commission pursuant to this chapter shall be accompanied by a fee in the amount of fifty dollars (\$50.00) for landmark nominations and three hundred dollars (\$300.00) for historic district nominations. A nomination submitted without this fee shall have no effect under this title. Nomination requests submitted by the heritage commission or the city council shall be exempt from the payment of any fees.
- B. In addition to the nomination fee, each applicant shall pay for the costs of providing an accurate verbatim account of the public hearing. A deposit of two hundred dollars (\$200.00) shall be made at the time of application to cover the direct costs of recording and transcription of the public hearing. If the cost is less than the deposit, the remainder shall be paid in full to the applicant. If the cost exceeds the deposit, the applicant shall pay the additional amount in full prior to consideration of the nomination by the city council.

C. Any party pursuing an appeal pursuant to this title, including an application for a certificate of appropriateness (COA), or a certificate of economic hardship, shall pay the costs associated with such appeal. The heritage commission or the city council, as the case may be, may require a deposit for such costs prior to the processing of any appeal. (Ord. G22-05 § 1, 2005)

20.06.030: CRITERIA FOR CONSIDERATION OF NOMINATION:

A nominated structure, property, or area must be fifty (50) years of age on the date of designation unless it is an integral part of a designated historic district or if it has otherwise achieved significance of exceptional importance.

The heritage commission shall, upon such investigation as it deems necessary, make a determination as to whether a nominated structure, property or area meets at least six (6) of the following criteria. The heritage commission may vote to proceed with as few as four (4) criteria if the property is identified with a person, or persons, who significantly contributed to the development of the community, county, state, or country.

- A. That it has character, interest or value as part of the development, heritage or cultural characteristics of the community, county, state or country and retains the integrity to be highly representative of the relevant area's social and cultural history;
- B. That its location was a site of a significant local, county, state or national event or that it was the location of a series of events or activities that contributed in a significant fashion to the community's identity, and/or social, cultural or economic history;
- C. That it is identified with a person or persons who significantly contributed to the development of the community, county, state or country;
- D. That it embodies distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction or use of indigenous materials;
- E. That it is identified as the work of a master builder, designer, architect or landscape architect whose individual work has influenced the development of the community, county, state or country;

- F. That it embodies elements of design, detailing, materials or craftsmanship that render it architecturally significant;
- G. That it embodies design elements that make it structurally or architecturally innovative;
- H. That it has a unique location or singular physical characteristics that make it an established or familiar visual feature;
- I. That it is a particularly fine or unique example of a utilitarian structure, including, but not limited to, farmhouses, gas stations or other commercial structures, with a high level of integrity or architectural significance;
- J. That it is suitable for preservation or restoration, to foster the education and awareness of the community's past.

Any structure, property or area that meets the above criteria shall also have sufficient integrity of location, design, materials and workmanship to make it worthy of preservation or restoration. (Ord. G23-09 § 2, 2009)

20.06.040: NOTIFICATION OF NOMINATION:

The heritage commission shall schedule a public hearing on a nomination within ninety (90) days following receipt of such nomination. In cases of a nomination of a structure as a landmark, notice of the date, time, place and purpose of the public hearing and a copy of the completed nomination form shall be sent by regular mail to the owner(s) of record and to the nominators, at least thirty (30) days prior to the date of the hearing. Notice of the nomination of a landmark shall also be published at least once in a newspaper having general circulation in the city not less than fifteen (15) days prior to the date of the hearing. The publication notice shall state the common street address and legal description of a nominated landmark along with the date, time, place and purpose of the public hearing. In cases of a nomination of any area as a historic district, notice of the date, time, place and purpose of the public hearing and a copy of the completed nomination form shall be sent by regular mail to the common street address of each structure located within the boundaries of a nominated historic district and to the nominators, at least thirty (30) days prior to the date of the hearing. Notice of the nomination of a historic district shall also be published at least once a week for two (2) consecutive weeks in a newspaper having general circulation in the city not less than fifteen (15) days prior to the date of the hearing. The publication notice

shall state the legal description and boundaries of a nominated historic district along with the date, time, place and purpose of the public hearing. (Ord. G22-05 § 1, 2005)

20.06.050: OBJECTION TO A NOMINATION:

An objection to the nomination of a landmark or of an area as a historic district may be made by petition signed by a majority of the owners of record of the nominated landmark or the properties in the nominated uses. Such an objection shall be filed with the heritage commission prior to the close of the public hearing on the nomination and shall bar the renomination of the subject property or area as a landmark or a historic district for a period of two (2) years from the filing of the objection. In such cases where a majority of the owners of record have filed an objection, the subject property or area shall not be designated as a landmark or a historic district except by a favorable vote of two-thirds (2/3) of the members of the council then holding office. (Ord. G22-05 § 1, 2005)

20.06.060: PUBLIC HEARING:

Oral or written testimony concerning the significance of the nominated landmark or historic district shall be taken at the public hearing from any person concerning the nomination. The heritage commission may present expert testimony or present its own evidence regarding the compliance of the nominated landmark or historic district with the criteria for consideration of a nomination set forth in section 20.06.030 of this chapter. The owner of any nominated landmark or of any property within a nominated historic district shall be permitted to appear and be represented by counsel and shall be allowed reasonable opportunity to present evidence regarding the issues presented and shall be provided a reasonable opportunity to cross examine expert witnesses. A transcript of the entire hearing shall be made by a court reporter. The hearing may be continued from time to time to a date certain and shall be closed upon completion of testimony and the submission of evidence. (Ord. G22-05 § 1, 2005)

20.06.070: FINDINGS AND RECOMMENDATION:

Within thirty (30) days following close of the public hearing, the heritage commission shall make a determination upon the evidence whether the nominated landmark or historic district meets the criteria for designation. Such a determination shall be passed by resolution of the heritage commission and shall be accompanied by a report stating the findings of the heritage commission concerning the application of the criteria for designation in section 20.06.030 of this chapter and the nominated landmark or historic district. The report

accompanying the heritage commission's resolution shall also include the following information:

- A. Explanation of the significance or lack of significance of the nominated landmark or historic district as it relates to the criteria for designation;
- B. Explanation of the integrity or lack of integrity of the nominated landmark or historic district;
- C. In the case of a nominated landmark found to meet the criteria for designation:
 - 1. The significant exterior architectural features of the nominated landmark that should be protected,
 - 2. The types of construction, alteration, removal and demolition, other than requiring a building or demolition permit, that should be reviewed for appropriateness pursuant to the provisions of chapters 20.08 and 20.10 of this title;
- D. In the case of a nominated historic district found to meet the criteria for designation:
 - 1. The type of significant exterior architectural features of the structures within the nominated historic district that would be protected,
 - 2. The types of alterations and demolitions that should be reviewed for appropriateness pursuant to the provisions of chapters 20.08 and 20.10 of this title;
- E. Proposed design guidelines for applying the criteria for review of certificates of appropriateness to the nominated landmark or historic district;
- F. The relationship of the nominated landmark or historic district to the ongoing effort of the heritage commission to identify and nominate all potential areas and structures that meet the criteria for designation;
- G. Recommendations as to appropriate permitted uses, special uses, height and area regulations, minimum dwelling size, floor area, sign regulations and placing regulations necessary or appropriate to the preservation of the nominated landmark or historic district;

heritage commission, the planning and land use commission and the community development department. (Ord. G22-05 § 1, 2005)

20.06.110: INTERIM CONTROL PENDING CITY COUNCIL ACTION:

Upon the submission of a nomination to designate a landmark or a historic district or an addition to an existing district to the heritage commission, all permits issued by the community development department for such buildings or property within an area nominated for designation shall be accompanied by a certificate of appropriateness from the building official, at least until such time as a final determination is made on the nomination. Notwithstanding the above language, the building official may issue permits for work done on the interior of any structure. After a denial by council, a new petition for the same building or properties shall not be filed for a period of one year from the date of denial. New construction, alteration or demolition work begun pursuant to a building permit issued prior to the receipt of a nomination for landmark or historic district shall not be subject to review by the commission unless such permit has expired, been canceled or revoked. (Ord. G22-05 § 1, 2005)

20.06.120: AMENDMENT OR RESCISSION OF DESIGNATION:

Designation may be amended or rescinded upon petition to the heritage commission and compliance with the same procedure and according to the same criteria set forth herein for such designation. A petition to rescind the designation of a landmark or historic district shall be accompanied by the written consent of a majority of the property owners of record of the landmark or historic district within the designated area. (Ord. G22-05 § 1, 2005)

20.06.130: RECORDING OF ORDINANCE:

A certified copy of the ordinance designating a landmark or historic district shall be recorded with the county recorder in the county in which the subject property is located. (Ord. G22-05 § 1, 2005)

Sterling Codifiers, Inc.

Batavia 454-2700

Chapter 4 LANDMARK DESIGNATION PROCEDURES

12-4-1: NOMINATIONS:

- A. The Batavia historic preservation commission or any person, group of persons or association may nominate for historic landmark designation any structure, building or property within the boundaries of the city of Batavia that may have historic or architectural significance as defined by this title.
- B. Completed nomination forms shall be filed with the commission at the community development department, which shall forward these to the commission for their consideration. A filing fee may be required, as established by the city council. At a minimum, the application shall include the following:
 - 1. The name and address of the property owner;
 - 2. The legal description and common street address of the property;
 - 3. A written statement describing the property and setting forth reasons in support of the proposed designation;
 - 4. Documentation that the property owner has been notified or consents to the application for designation;
 - 5. A list of significant exterior architectural features that should be protected;
 - 6. An overall site plan and photographs of the landmark. The submittal shall also include a front, side and rear elevation. (Ord. 06-13, 3-20-2006)

12-4-2: CRITERIA:

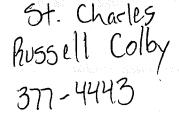
The commission shall, upon investigation as it deems necessary, make a preliminary determination as to whether a property, structure or building possesses the integrity of design, workmanship, materials, location, setting and feeling and meets one or more of the following criteria:

- A. Has significant value as part of the historic, heritage or cultural characteristics of the community, county, state or nation;
- B. Is identified with a person or persons who significantly contributed to the development of the community, county, state or nation;
- C. Is representative of the distinguishing characteristics of architecture inherently valuable for the study of period, type, method of construction or use of indigenous materials;
- D. Is a notable work of a master builder, designer, architect or artist whose individual work has influenced the development of the community, county, state or nation;
- E. Has a unique location or singular physical characteristics that make it an established or familiar visual feature;
- F. Is a particularly fine or unique example of a utilitarian structure, including, but not limited to, farmhouses, gas stations, or other commercial structures, with a high level of integrity or architectural significance;
- G. Has yielded or may be likely to yield, information important in history or prehistory, or other areas of archeological significance;
- H. Embodies elements of design, detailing, materials, or craftsmanship that are of architectural significance;
- I. Embodies design elements that make it structurally or architecturally innovative;
- J. Is suitable for preservation or restoration;
- K. Is included in the Illinois or National Register of Historic Places, or the Illinois historic preservation agency's structures survey. (Ord. 06-13, 3-20-2006)

12-4-3: PROCEDURE:

- A. The Batavia historic preservation commission shall conduct a public hearing to be held within forty five (45) days after filing of an application.
- B. Notice of date, time, place and purpose of the public hearing shall be sent by certified mail to owner(s) of record, not less than fifteen (15) nor more than thirty (30) days prior to the date of the hearing. A public hearing notice also shall be published in a newspaper having general circulation in the city of Batavia. The notice shall state the location of the property and a statement summarizing how the proposed landmark meets the criteria set forth in subsection 12-4-2B of this chapter.
- C. During the public hearing the commission shall review and evaluate the application according to the criteria established by this title.
- D. If the historic preservation commission finds at the time that the application merits further consideration, then the commission may table the request until its next regularly scheduled meeting.
- E. A certificate of appropriateness shall be required for alteration, construction, removal or demolition of a proposed landmark from the date when the nomination form is filed with the commission at the community development department until the final disposition of the request.
- F. A formal decision on a recommendation, by way of a motion and vote, shall be made following the closing of the public hearing. Such decision shall be made at a public meeting of the commission with the owner(s) of the subject property(s) being given the opportunity to be present. Such decision shall be made within thirty (30) days following the date of the closing of the public hearing unless the time is extended by the commission.
- G. Within thirty (30) days following the decision on a recommendation, the commission's evaluation and recommendation shall be submitted to the city council.

- H. A landmark designation shall be approved by the adoption of an ordinance by the city council. If the city council so approves the application for a designation, a copy of the ordinance shall be sent to the property owner and recorded with the county recorder of deeds.
- I. If a landmark designation is not approved by council, no nomination or application for landmark designation relating to the same property shall be accepted by the city for ninety (90) days following such denial.
- J. Landmark designation may be rescinded by the same procedures and applying the same criteria set forth herein for landmark designation.
- K. Buildings, structures or properties designated as historic landmarks shall be subject to issuance of certificates of appropriateness, except as otherwise provided herein. (Ord. 06-13, 3-20-2006)



Chapter 17.32

HISTORIC PRESERVATION

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17.32.010 Purpose

This Historic Preservation Ordinance is established for the purposes of:

A. Fostering awareness and appreciation among the citizens of the City of St. Charles of the unique history of the City embodied in its architecture and historic sites.

B. Providing a mechanism to identify and preserve the distinctive historic architectural areas and structures that are significant to the City's history.

C. Protecting and increasing the value of property within the historic areas of the City of St. Charles and those sites designated as landmarks.

D. Encouraging preservation, restoration, and rehabilitation of the City's buildings.

E. Ensuring that the economic benefits resulting from preservation are available to the citizens of St. Charles.

17.32.020 Definitions

The following definitions are provided in addition to those found in Chapter 17.30, Definitions, and shall be used to establish the meaning of the defined terms when used in this Chapter. If there is any conflict between the meaning of a term defined in this Chapter and the same term defined in Chapter 17.30, the definitions of this Chapter shall apply with respect to the provisions of this Chapter, and the definitions of Chapter 17.30 shall apply with respect to the remainder of this Title.

Alteration: Any act or process which changes one (1) or more of the exterior architectural features of a structure or site, including, but not limited to, the erection, construction, reconstruction or removal of any structure.

Area: A specific geographic division of the City of St. Charles.

Addition: Any act or process which changes one (1) or more of the exterior architectural features of a building or structure designated for preservation by adding to, joining with, or increasing the size or capacity of the structure.

Architectural Significance: Embodying the distinctive characteristics of a type, period, style or method or use of indigenous construction, or representing the work of an important builder, designer, architect or craftsman who has contributed to the development of the community, county, state or nation.

Certificate of Appropriateness: A certificate issued by the Historic Preservation Commission authorizing issuance of a permit for alterations, construction, removal or demolition of a landmark structure or a building or site within a designated historic district.

Certificate of Economic Hardship: A certificate issued by the City Council authorizing alterations, construction, relocation, removal or demolition when a landmark, or a building, structure or other improvement within an historic district, cannot be put to a reasonably beneficial use or the owner cannot obtain a reasonable economic return thereon without the proposed alteration, construction, relocation, removal or demolition.

Commission: The St. Charles Historic Preservation Commission.

Construction: The act of altering an existing structure, building an addition to an existing structure, or the erection of a new principal or accessory structure on a lot or property.

Contributing: A building, structure or site that may not necessarily have architectural or historic significance as a single property, but which adds to the overall character and significance of an historic district due to its architectural or historical merit and its compatibility with other buildings, structures and sites within an architectural or historic setting such as a neighborhood. Contributing buildings, structures and sites are considered to be an integral part of an historic district.

Demolition: Any act or process which destroys in part, or in whole, a landmark or a building, structure or site within a historic district.

Exterior Architectural Appearance: The architectural character and general composition of the exterior of a building or structure including, but not limited to, the kind and texture of the building materials and the type, design, arrangement and character of all architectural elements.

Historic and Architectural Resources: Any designated landmark, and any site or structure within a designated historic district rated as having historic significance or as contributing to the historic district.

Historic District: An area designated as an historic district by ordinance of the City of St. Charles, pursuant to this Chapter.

Historic Significance: Having character, interest or value as part of the development, heritage or culture of the community, county, state or nation, as the location of an important local, county, state or national event, or through identification with a person or persons who made important contributions to the development of the community, county, state or nation.

Landmark: Any building, structure or site which has been designated as a "landmark" by action of the City Council of St. Charles, pursuant to this Chapter or by its inclusion in the National Register of Historic Places.

Non-Contributing: A building, structure or site that does not have architectural or historic significance, and does not add to the overall character and significance of an historic district, due to a lack of architectural or historical merit or its incompatibility with other buildings, structures and sites. Non-contributing buildings are usually characterized by either older buildings with additions or exterior alterations that are incompatible with the character of the original construction, or newer buildings whose design is incompatible with older buildings in the area or whose placement is incompatible with the historic pattern of development in the area.

Owner of Record: The person, corporation or other legal entity listed as the owner of a property in the records of the Kane County Recorder.

Rehabilitation: The process of returning a property to a state of utility, through repair or alteration, which makes possible efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.

Removal: Any relocation of a structure from its original site.

Repair: Any change that requires a building permit, but is not construction, relocation or alteration.

17.32.030 Historic Preservation Commission Establishment

A. There is hereby established the Historic Preservation Commission which shall consist of seven (7) members. At least one (1) member shall be a resident who is a representative of a local historical society or preservation organization; at least one (1) member shall be an architect who is a resident or who works at an architectural firm located within the City; at least one (1) member shall be a representative of the business community who is a resident or who owns and operates a business located within the City; and the remaining four (4) members shall be at large members. At large members shall either reside within the City or own property within a Historic District or own a designated Landmark. All members shall have demonstrated an interest in historic preservation. In addition, a non-voting, ex-officio member shall be a St. Charles Community Development Department staff employee designated by the Director of Community Development.

B. The Mayor shall appoint, subject to City Council approval, the members of the Historic Preservation Commission for terms of three (3) years. Initial members shall serve staggered terms

of two (2) members for three (3) years, two (2) members for two (2) years and the remaining three (3) members for one (1) year. Members may serve for more than one term.

17.32.040 Historic Preservation Commission Officers and Meetings

A. The Commission shall elect from its membership a Chairperson and a Vice-Chairperson, and such other officers as it may determine. Officers shall serve for terms of one (1) year, commencing May 1 and ending April 30 of the following year, and shall be eligible for re-election.

B. A quorum shall consist of a majority of the members. All recommendations to the Building and Code Enforcement Division Manager, Plan Commission or City Council shall be made by a majority of those members present at any meeting where a quorum exists. Any member of the Commission who fails to attend one-third (1/3) or more of the meetings held within any six (6) month period may be deemed to have vacated their office and may be replaced by another person appointed by the Mayor and approved by the City Council. (Ord. 2010-Z-4 § 5.)

C. Meetings shall be held at regularly scheduled times or at the call of the Chairperson; minutes of the proceedings of each meeting shall be made and kept, all in accordance with the Illinois Open Meetings Act and as otherwise required by law,.

D. Members may be removed from the Commission for cause, upon the recommendation of the Mayor or a motion proposed by the City Council, by a two-thirds (2/3) majority vote of the City Council.

17.32.050 Powers and Duties of the Historic Preservation Commission

The Historic Preservation Commission shall have the powers and duties enumerated in Chapter 17.04, Administration.

17.32.060 Landmark Designation Procedures

- A. Nominations for landmark designation shall be made to the Historic Preservation Commission by completing the application form available from the Director of Community Development. A property or site may be nominated by any St. Charles property owner or the Historic Preservation Commission.
- B. Within thirty (30) days of receiving or initiating a nomination, the Commission shall schedule a public hearing to consider the eligibility of a property for landmark designation.
 - 1. Notice of the time and place of the public hearing shall be provided by the Director of Community Development not more than thirty (30) days, or less than fifteen (15) days, before such hearing, by mail to all owners of property proposed for landmark designation and by publication in one (1) or more newspapers published in the City.
 - 2. At the hearing, the Historic Preservation Commission will take testimony presented by the nominator, the owner, and any other interested parties who wish to comment on the application in relation to the criteria for designation as a landmark. The nominator shall be responsible to make the case for designation and supply such supporting evidence of eligibility as can be made available.
- C. The Commission shall evaluate the property's eligibility for landmark designation based on its historic and/or architectural significance, the integrity of its design, workmanship, materials, location, setting and feeling, and the extent to which it meets one (1) or more of the following criteria:
 - 1. Has character, interest or value which is part of the development, heritage or cultural character of the community, county, state or nation.
 - 2. Is the site of a significant local, county, state or national event.
 - 3. Is identified with a person who significantly contributed to the development of the community, county, state or nation.
 - 4. Embodies distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction or use of indigenous materials.

- 5. Is identified with the work of a master builder, designer, architect or landscape architect whose work has influenced the development of the area, the county, the state or the nation.
- 6. Embodies elements of design, detailing, materials, or craftsmanship that are of architectural significance.
- 7. Embodies design elements that make it structurally or architecturally innovative.
- 8. Has a unique location or physical characteristics that make it a familiar visual feature of the community.
- 9. Is a particularly fine or unique example of a utilitarian structure with a high level of integrity or architectural significance.
- 10. Is suitable for preservation or restoration.
- 11. Is included in the Illinois or National Register of Historic Places.
- 12. Has yielded, or is likely to yield, information important to prehistory, history or other areas of archaeological significance.
- D. Within thirty (30) days after the conclusion of the public hearing, the Historic Preservation Commission shall make a recommendation regarding the proposed landmark designation. The Historic Preservation Commission's recommendation shall be made by resolution, which shall include its findings and reasoning based on the preceding criteria. The Director of Community Development shall forward a copy of the resolution to the applicant, the owner of record, and the City Council.

After the Historic Preservation Commission recommends designation as a landmark, and before the City Council approves or disapproves the nomination application, no permit shall be issued for alteration, construction, removal or demolition of the proposed landmark unless a Certificate of Appropriateness is issued. However, if the City Council does not approve or disapprove the nomination application within sixty (60) days of the Historic Preservation Commission's recommendation, a Certificate of Appropriateness shall not be required after expiration of this sixty (60) day period.

- E. Landmark designations, and additions or modifications to their boundaries, shall be made by ordinance, which shall include the legal description of the area to be included within the landmark designation.
- F. Landmark designation may be rescinded by the same procedures and according to the same criteria set forth herein for landmark designation. No nomination application relating to the same property will be entertained by the Historic Preservation Commission for six (6) months following City Council disapproval.

17.32.070 Historic District Designation Procedures

- A. The Historic Preservation Commission shall conduct a survey, or surveys, to identify potential historic districts within the corporate limits of the City of St. Charles. Such surveys shall identify buildings, structures and sites having architectural or historic significance, as well as buildings, structures and sites which contribute to the historic or architectural significance of the area as a whole. Based on the outcomes of those surveys, the Historic Preservation Commission may nominate an area for designation as an historic district or districts, and may recommend additions to or deletions from any existing historic district. Nominations may also be made by any property owner in St. Charles; such nominations must be accompanied by a petition supporting the nomination signed by the owners of record of at least twenty-five percent (25%) of the properties within the proposed district.
- B. Within thirty (30) days of receiving or initiating a nomination, the Historic Preservation Commission shall schedule a public hearing to consider the eligibility of an area for designation as an historic district.
 - 1. Notice of the time and place of the public hearing shall be provided by the Director of Community Development not more than thirty (30) days, or less than fifteen (15) days, before

such hearing by mail to all owners of property within the proposed historic district and by publication in one (1) or more newspapers published in the City.

2. At the hearing, the Historic Preservation Commission will take testimony presented by the nominator, property owners and any other interested parties who wish to comment on the application in relation to the criteria for designation as an historic district. The nominator shall be responsible to make the case for designation and supply such supporting evidence of eligibility as can be made available.

C. The Historic Preservation Commission shall evaluate the proposed district for its eligibility as an historic district based on its overall historic and/or architectural significance, and the extent to which

it meets the following criteria:

1. The area contains one (1) or more buildings, structures or sites meeting the criteria for landmark designation, and may also include other buildings, structures or sites which, although they may not qualify for individual landmark designation, contribute to the overall visual character of the area and to its architectural or historic significance.

2. The area is historically, economically or culturally significant to the development of St.

Charles.

3. The area has sufficient integrity to convey the sense of a particular period in the history of the

community.

D. Within thirty (30) days after the conclusion of the public hearing, the Historic Preservation Commission shall make a recommendation regarding the proposed historic district designation. The Commission's determination shall be made by resolution, which shall include its findings and reasoning. The Director of Community Development shall forward a copy of the resolution to the applicant and the City Council.

If a petition signed by at least 51% of the electors residing within the proposed historic district and by at least 51% of the owners of record of land included within the proposed historic district is filed with the City Clerk within 60 days following the final adjournment of the public hearing, the historic district shall not be created or enlarged except by a favorable vote of 2/3 of the aldermen

then holding office.

E. After the Commission makes a recommendation regarding designation as an historic district, and before the City Council approves or disapproves the nomination application, no permit shall be issued for alteration, construction, removal or demolition of any building within the proposed historic district unless a Certificate of Appropriateness is issued. However, if the City Council does not approve or disapprove the nomination application within sixty (60) days of the Commission's recommendation, a Certificate of Appropriateness shall not be required after expiration of this sixty (60) day period.

F. Historic districts, and additions or modifications to their boundaries, shall be made by ordinance, which shall include the legal description of the area to be included within the historic district. Historic district boundaries shall be shown on the official St. Charles Zoning Map.

(Ord. 2010-Z-4 § 2.)

G. Historic district designation may be rescinded by the same procedures and according to the same criteria set forth herein for historic district designation. No nomination application relating to the same property will be entertained by the Historic Preservation Commission for six (6) months following City Council disapproval.

17.32.080 Certificates of Appropriateness

A. Concept Review

1. Purpose

A concept plan may be submitted for the purpose of obtaining the Historic Preservation Commission's comments and recommendations prior to the owner spending significant time and expense in the preparation of detailed plans and architectural drawings and applying for a Certificate of Appropriateness.

2. Procedure

The property owner requesting a concept review shall submit a preliminary drawing of any exterior alterations or construction, current photographs of the property, a map or survey showing locations of all structures on the property, and a list of proposed materials. The owner shall present the concept plan at a Historic Preservation Commission meeting.

3. After discussion with the owner, the Historic Preservation Commission may make a preliminary determination whether the proposed work complies with the established criteria, and may make recommendations as to any changes that would bring the proposal into compliance.

B. Certificate of Appropriateness: When Required

- 1. Except as provided herein, a Certificate of Appropriateness is required prior to issuance of a permit for construction, alteration, repair, demolition, relocation or other material change that affects the exterior architectural appearance of any structure or site within an historic district or of any designated landmark building or site.
- 2. Prior to the issuance of a Certificate of Appropriateness for demolition or relocation of a building or structure, a plan for the use of the property being vacated by the proposed demolition or relocation shall be submitted and approved by the Commission, or upon appeal, by the City Council. The approval of a Certificate of Appropriateness for demolition or relocation may be conditioned on issuance of a Certificate of Appropriateness for the new construction on the site.
- 3. A Certificate of Appropriateness may be issued administratively upon the approval of the Director of Community Development in consultation with the Chairman or Vice-Chairman of the Historic Preservation Commission for minor repairs, alterations or other changes that will have no impact on historic and architectural resources. From time to time, the Historic Preservation Commission may recommend, and the City Council may approve, a description of such minor repairs, alterations or other changes for which a Certificate of Appropriateness may be issued administratively.
- 4. The requirement for a Certificate of Appropriateness may be waived in emergency circumstances which require immediate relief, repair, or demolition, where the Fire Chief or Building and Code Enforcement Division Manager certifies that such conditions exist and that said conditions can be eliminated as quickly as is needed only if the Certificate of Appropriateness is waived. Emergencies are defined as life or health threatening conditions requiring immediate attention, as determined by the Fire Chief or Building and Code Enforcement Division Manager. This subsection shall apply only in cases where it is impractical for the Historic Preservation Commission to review a Certificate of Appropriateness. (Ord. 2010-Z-4 § 5.)
- 5. Any above-grade attachment or other physical connection between a building located within an historic district or a landmark site, and any other building, structure, above-ground improvement, open space or other portion of a property not located within the district or landmark site (excluding public and private utility wires, poles and related appurtenances), shall be deemed an Alteration and/or an Addition to the building located within the historic district or landmark site that is subject to the Certificate of Appropriateness requirements hereunder. Such attachments or connections include, but are not limited to, an addition to a building located in the district or landmark site that extends across the district or landmark site boundaries or an outdoor deck and stairs from a building in the district or landmark site that extends across the district or landmark site boundaries. The plans and specifications submitted for the Certificate of Appropriateness shall include the existing and proposed improvements to the property located outside the district or landmark site boundaries to which the attachment or connection extends. In determining whether an attachment or physical connection to a building outside the district meets the applicable criteria of this Chapter, the Historic Preservation Commission may

take into account the improvements existing on or proposed for such property outside the district or landmark site. (Ord. 2010-Z-4 § 3.)

C. Certificate of Appropriateness: Procedure

1. Where a Certificate of Appropriateness is required, the Building and Code Enforcement Division Manager shall furnish building permit applicants with an application for a Certificate

of Appropriateness.

2. The Historic Preservation Commission shall review an application for a Certificate of Appropriateness within twenty-two (22) days following receipt of the application. Plans and specifications for exterior work submitted with a permit application shall be made available to the Historic Preservation Commission. The Director of Community Development shall notify the applicant of the time and place of the meeting. Failure of the Historic Preservation Commission to act upon an application for a Certificate of Appropriateness within twenty-two (22) days shall constitute approval and no other evidence shall be needed. Tabling the application shall be considered action by the Historic Preservation Commission, provided, however, that any such delay shall not exceed twenty (22) days unless the applicant has not provided the additional documentation or expert technical advice requested.

3. The Historic Preservation Commission may table the application for a Certificate of Appropriateness if it finds that additional documentation or expert technical advice from outside its membership is needed to properly evaluate the application. The Commission shall hold an additional meeting or meetings to consider the application not more than twenty-two

(22) days from receipt of all requested documentation and technical advice.

4. If the Historic Preservation Commission finds, on a preliminary basis, that the work proposed in the application does not meet the applicable criteria of this Chapter, it may recommend changes to the applicant that would cause the proposed work to meet the applicable criteria, and may confer with the applicant and attempt to resolve any differences between the applicant's plan and the applicable criteria.

(Ord. 2010-Z-4 § 4.)

D. Historic Preservation Commission Findings and Recommendations

1. If the Historic Preservation Commission finds that the work proposed in the application meets the applicable criteria of this Chapter, it shall approve a Certificate of Appropriateness.

2. If the Historic Preservation Commission finds that the work proposed in the application does not meet the applicable criteria and will therefore adversely affect or destroy historically or architecturally significant features of a landmark or of a building, structure or site within a designated historic district, it shall recommend to the City Council denial of the Certificate of Appropriateness. The Historic Preservation Commission's recommendation for denial shall be in the form of a resolution stating its findings and reasoning. The Director of Community Development shall forward the application for Certificate of Appropriateness and the Historic Preservation Commission's Resolution to the City Council.

3. The applicant may submit an amended application to address the Historic Preservation Commission's findings and recommendations. If the Historic Preservation Commission finds that the amended application conforms with the applicable criteria, it shall issue a Certificate of

Appropriateness, and no action by the City Council shall be required.

E. City Council Resolution

1. The City Council may deny a Certificate of Appropriateness in accordance with the recommendations of the Historic Preservation Commission. Upon review of the Commission's resolution, its minutes and the application, if the City Council finds that the applicable criteria of this Chapter for granting a Certificate of Appropriateness will be met, it may disregard the Historic Preservation Commission Commission's recommendation and approve a Certificate of Appropriateness.

2. The applicant may submit an application for a certificate of economic hardship pursuant to Section 17.32.090, "Economic Hardship". The City Council shall not deny a Certificate of

Appropriateness until a determination has been made concerning the certificate of economic hardship.

F. Invalidity. A Certificate of Appropriateness shall be invalid if:

- 1. Changes have been made to the plans as approved by the Historic Preservation Commission or City Council
- 2. The permit issued for the work becomes invalid. A Certificate of Appropriateness remains in force for the same period of validity as the permit.

G. Certificate of Appropriateness: Criteria

In making a determination whether to approve or to recommend denial of an application for a Certificate of Appropriateness, the Historic Preservation Commission shall be guided by the following criteria:

1. Significance of a Site, Structure or Building

- a. The Historic Preservation Commission shall apply the maximum flexibility allowed by this Chapter in its review of applications for new construction and for alteration, removal or demolition of structures that have little architectural or historic significance. However, if the new construction, alteration, removal or demolition would seriously impair or destroy historically or architecturally significant features of a landmark or of a building, structure or site within a designated historic district, the Historic Preservation Commission shall give due consideration to protection of those historically and architecturally significant features.
- b. The following properties are presumed to have architecturally or historically significant features:
 - i. Properties within a designated historic district that are classified as architecturally or historically significant by a survey conducted pursuant to Section 17.32.070.
 - ii. Properties designated as landmarks pursuant to Section 17.32.300.
 - iii. All properties listed on the National Register of Historic Places.
- c. The following properties will sometimes have architecturally or historically significant features properties within a designated historic district that are classified as architecturally or historically contributing by a survey conducted pursuant to Section 17.32.070.
- d. The following properties will usually have little architectural or historic significance properties within a designated historic district that are classified as architecturally or historically non-contributing by an architectural survey conducted pursuant to Section 17.32.070.
- 2. General Architectural and Aesthetic Guidelines
 - a. Height

The height of any proposed alteration or construction should be compatible with the style and character of the structure and with surrounding structures.

b. Proportions of the Front Facade

The relationship between the width of a building and the height of the front elevation should be compatible with surrounding structures.

c. Proportions of Windows and Doors

The proportions and relationships between doors and windows should be compatible with the architectural style and character of the building.

d. Relationship of Building Masses and Spaces

The relationship of a structure to the open space between it and adjoining structures should be compatible.

e. Roof Shapes

The design of the roof, fascia and cornice should be compatible with the architectural style and character of the building and with adjoining structures.

f. Scale

The scale of the structure after alteration, construction or partial demolition should be compatible with its architectural style and character and with surrounding structures

g. Directional Expression

Facades in historic districts should blend with, and reflect, the dominant horizontal or vertical expression of adjacent structures. The directional expression of a building after alteration, construction or partial demolition should be compatible with its original architectural style and character.

h. Architectural Details

Architectural details, including types of materials, colors and textures, should be treated so as to make a building compatible with its original architectural style and character, and to enhance the inherent characteristics of surrounding structures.

i. New Structures

New structures in an historic district shall be compatible with, but need not be the same as, the architectural styles and general designs and layouts of the surrounding structures.

- 3. Secretary of the Interior's Standards for Rehabilitation
 - a. Every reasonable effort shall be made to provide a compatible use for a property that requires minimal change to the defining characteristics of the building, structure or site, and its environment, or to use the property for its originally intended purpose.
 - b. The distinguishing original qualities or historic character of a building, structure or site, and its environment, shall be retained and preserved. The removal or alteration of any historic materials or distinctive architectural features should be avoided when possible.
 - c. All buildings, structures or sites shall be recognized as physical records of their own time, place and use. Alterations that have no historical basis, or which seek to create an earlier appearance, shall be avoided.
 - d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 - e. Distinctive stylistic features, finishes and construction techniques or examples or skilled craftsmanship, which characterizes a building, structure or site, shall be preserved.
 - f. Deteriorated historical features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be based on accurate duplications substantiated by documentary, physical or pictorial evidence, and not conjectural designs or the availability of different architectural elements from other buildings or structures.
 - g. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible. Sandblasting and other physical or chemical treatments which will damage the historic building materials shall not be used.
 - h. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - i. New additions, exterior alterations or related new construction shall not destroy historic materials that characterize a property. Contemporary design for the new work shall not be discouraged when such alterations and additions are differentiated from the old, and are compatible with the massing, size, scale, color, material and character of the property and its environment.
 - j. New additions, and adjacent or related new construction, shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- 4. Design Guidelines

Advisory recommendations for applying the criteria of the above subsections "2. General Architectural and Aesthetic Guidelines" and "3. Secretary of the Interior's Standards for Rehabilitation" to neighborhoods, Historic Districts, Landmarks, or to specific types of structures or sites. Design Guidelines shall be recommended by the Historic Preservation Commission and adopted by the City Council. (Ord. 2011-Z-3 § 3.)

5. Code Conflicts

Where there are irreconcilable differences between the requirements of the building code, life safety code, or other codes adopted by the City and the requirements of this Chapter, conformance with those codes shall take precedence, and therefore the Historic Preservation Commission shall approve a Certificate of Appropriateness. In so doing, however, the Historic Preservation Commission shall be obligated only to approve those portions of the proposed work that are necessary for compliance with the applicable codes, as determined by the Building and Code Enforcement Division Manager or Fire Chief. (Ord. 2011-Z-3 § 2; Ord. 2010-Z-4 § 5.)

17.32.090 Economic Hardship

Notwithstanding any of the provisions of this Chapter to the contrary, upon receipt of a recommendation from the Historic Preservation Commission, and upon making the findings described herein, the City Council may approve a certificate of economic hardship to allow the performance of work for which a Certificate of Appropriateness has been denied.

- A. Applicants claiming economic hardship shall be required to show evidence of having sought rehabilitation assistance from available sources. The Historic Preservation Commission will provide the applicant with a list of sources known to it.
- B. Applicants may submit any, or all, of the following information in support of the application:
 - 1. The amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the property was purchased.
 - 2. The assessed value of the land, and improvements thereon, according to the two (2) most recent officially documented assessments.
 - 3. Real estate taxes for the two (2) previous years.
 - 4. Remaining balance on mortgage, if any, and annual debt service, if any, for the previous two (2) years.
 - 5. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property.
 - 6. Any listing of the property for sale or rent, and the price asked and offers received, if any.
 - 7. Any consideration by the owner as to profitable adaptive uses for the property.
 - 8. If the property is income-producing, the annual gross income from the property for the previous two (2) years, itemized operating and maintenance expenses for the previous two (2) years, and annual cash flow before and after debt service, if any, during the same period.
 - 9. Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture or other.
 - 10. An estimate from an architect, developer, real estate consultant, appraiser or other real estate professional, experienced in rehabilitation, as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
 - 11. A report from a licensed architect or engineer, with experience in rehabilitation, as to the structural soundness of any structures on the property and their suitability for rehabilitation.
 - 12. Any other information reasonably necessary for a determination as to whether the property can be reasonably used by, or yield a reasonable return to, present or future owners.
- C. After reviewing the application and any other information available, the Historic Preservation Commission shall make a recommendation to the City Council regarding the application for a certificate of economic hardship. If the City Council finds that without approval of the proposed work the property cannot obtain a reasonable economic return, it may issue a certificate of economic hardship. In the alternative, it may delay the issuance of a certificate of economic hardship for a period of up to three (3) months. During this time, the City Council shall invite

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- plans and recommendations from the Historic Preservation Commission, or any interested party, to provide for a reasonable beneficial use or a reasonable economic return, or to otherwise preserve the subject property. Such plans and recommendations may include, but not be limited to, a relaxation of the provisions of this ordinance, an abatement of real property taxes, financial assistance, the application of building code requirements, and/or changes in zoning regulations.
- D. If by the end of this three (3) month period, the City Council determines that no viable alternative is available and the property cannot be put to a reasonably beneficial use, or the owner cannot obtain a reasonable economic return, then it shall issue a certificate of economic hardship approving the proposed work.
- E. The City Council shall consider the recommendations of the Historic Preservation Commission in deciding whether to issue the certificate of economic hardship, but may overturn the Historic Preservation Commission's recommendation if, in its sole discretion, it finds such action appropriate.

Michael Lambert, Proservation Planner 938-4541

CHAPTER 6 - HISTORIC PRESERVATION

SECTION:

10-6-1: - PURPOSE:

The purpose of this chapter is to promote the educational, cultural, and economic welfare of the public of the city by insuring the preservation of historic structures that define the history and cultural heritage of the city. Furthermore, it is the purpose of this chapter to strengthen the economy of the city by protecting, defining and enhancing sites, monuments, locations, structures and neighborhoods that are significant in the history of the city by insuring new construction, redevelopment and adaptive reuse that are compatible in terms of scale, building materials, site design and exterior features. (1975 Code § 2-460)

10-6-2: - DEFINITIONS:

ALTERATION:	Any act or process which changes one or more of the "exterior features" of the property and improvements which have been designated for preservation under this chapter.
COMMISSION ON HISTORIC PRESERVATION:	A commission as established under <u>title 3</u> , chapter 3 of this code with the jurisdiction and authority granted in section 3-3-4 of this code.
CONSTRUCTION:	Any act or process which requires a building permit.
DEMOLITION:	Any act or process which destroys or removes, in whole or in part, an improvement which has been designated for preservation under this chapter. For the purposes of this chapter demolition requires a permit.
EXTERIOR FEATURES:	Exterior features shall include the architectural style, general design and general arrangement of the exterior of a building or other structure, including the color, kind, and texture of the building material and the type and style of all windows, doors, light fixtures, signs, other appurtenant fixtures and other natural features such as trees and shrubbery.

HISTORIC DISTRICT:

Any area established by city ordinance which includes or encompasses such historic sites, landmarks, buildings, signs, appurtenances, structures, or objects as may be determined as appropriate for historic preservation. Such designated district or districts need not be a single enclosed area, nor do the areas or sites have to be contiguous to constitute a district. For the purposes of this chapter the following historic district has been established but not limited to the area bounded by: on the north, the southerly right of way line of Stevens Street from the Fox River to the easterly right of way line of the former Chicago and Northwestern Transportation Company spur track; on the east, the easterly shore line of the Fox River; on the south, the northerly boundary line of the Chicago and Northwestern Transportation Company main line; on the west, the easterly boundary of the former Chicago and Northwestern Transportation Company spur track lying West of Seventh Street and Seventh Street extended north and south, said district having been established by Ordinance 87-15 passed by the city council on February 16, 1987.

HISTORIC LANDMARK:

An historic landmark or historical landmark is any site (including significant trees or other plant life located thereon), building or structure of particular historic or aesthetic significance to the city, the state or the nation. Landmarks include sites, buildings or structures where cultural, political, spiritual, economic, educational, social or artistic history of the community, state or nation is reflected or exemplified 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 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.

IMPROVEMENT:

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

ORDINARY REPAIRS AND MAINTENANCE:	Any work done on or replacement of any part of an improvement for which a permit issued by the building department is not required by law. The purpose and effect of such work or replacement is generally 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.
PERSON IN CHARGE:	Owner(s) of record. (1975 Code § 2-461)

10-6-3: - HISTORIC DISTRICTS AND LANDMARKS:

Historic districts and landmarks shall be established by ordinance of the city council in accordance with the procedures of the zoning regulations of the city. Historic districts and landmarks shall be shown on the zoning map of the city and included as a part of the zoning regulations.

Before the establishment of an historic district or designation of a landmark, the historic preservation commission shall conduct studies and research and make a report on the historic significance of the exteriors of buildings, structures, features, sites, objects and surroundings in the city. The commission's report shall contain recommendations concerning the areas to be included in the historic district(s) and the recommended action needed to reasonably protect and enhance the character of the structure or district.

When making such a report, the commission shall consider the following in reviewing property and improvements for designation as historic districts:

- A. Any of the standards listed in subsection 10-6-4B of this chapter.
- B. Homogeneity of architectural design or dates of construction throughout the area.
- C. Identifiability, with clear and distinctive boundaries.
- D. Repetition of distinguishing architectural or land use characteristics throughout the area. Copies of the report shall be transmitted to the plan commission for a public hearing and recommendation to the city council in accordance with the provisions of the zoning regulations of the city. (1975 Code § 2-467)

10-6-4: - LANDMARK DESIGNATIONS:

A. Procedure:

1. Any person, group of persons or association, or the historic preservation commission on its own initiative, may request landmark designation for any improvement or site which is located within the corporate limits of the city and which may have historic significance as set forth in the criteria for evaluation. No such person, group of persons or association, nor the

commission, shall be required to obtain the consent of the owner of the improvement or site prior to filing the application for landmark designation, 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 director of community development, upon request.

Any structure already on the national register of historic sites shall be a designated landmark, subject to a public hearing.

- 2. The application for landmark designation shall be filed with the director of community development. Within five (5) working days of filing, the director of community development shall transmit the application to the commission for review and public hearing.
- 3. Within sixty (60) days after filing of the application for landmark designation, the commission shall hold a public hearing on the question of proposed landmark designation.
- 4. Prior to the public hearing on the application for landmark designation, the commission shall conduct a study of the improvement or site proposed for landmark designation and make a report containing preliminary findings on the historic, architectural and aesthetic significance of the improvement.
- 5. Notice of the public hearing shall be published in a newspaper of general circulation within the city; not less than fifteen (15) days nor more than thirty (30) days in advance of the date of the hearing. The notice shall identify the applicant, property owners, proper affected and shall describe the proposed amendment.

The director of community development shall direct the erection of at least one sign upon the property that is the subject of the public hearing at least ten (10) days in advance of the date of the public hearing and shall include the date, time and place of such hearing.

The applicant shall provide a list to the director of community development, along with addressed envelopes with return receipts (certified mail), of the owner of the subject property and the owners of record of all properties situated either two hundred fifty feet (250') (excluding rights of way) from the property that is the subject of the public hearing or two (2) lots deep, whichever is the greater distance and the director of community development shall mail to said owners a written notice of the public hearing not less than ten (10) days prior to the hearing.

The director of community development shall make every reasonable effort to comply with the notice provisions set forth in this section. Failure to comply with any of the notice provisions, except for the publishing of the legal notice in the newspaper and the notice to the owner of the subject property, shall not render any amendment invalid.

- 6. The public hearing shall be conducted by the historic preservation commission and a record of such proceedings shall be preserved in such manner as the commission shall, by rule, prescribe from time to time.
- 7. The commission shall make written findings of fact and shall submit same, together with its recommendations, to the city council within sixty (60) days of receipt by the commission of the application for landmark designation.

8.

Within one hundred twenty (120) days of the filing of the application, the city council shall grant or deny the application for landmark designation. If the city council approves the application for landmark designation, a notice of the designation will be sent by the city clerk to the applicant and the owner of the improvement and a copy of the ordinance effectuating the designation shall be recorded with the appropriate county recorder of deeds and with the appropriate township assessor.

- 9. The person, group of persons or association submitting the application for landmark designation, excluding 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.
- 10. During the period beginning with the filing of an application for landmark designation and ending with the final action of the city council granting or denying said application, no exterior architectural feature of any improvement or any site which is the subject of an application for landmark designation may undergo alteration, construction, demolition or removal if such alteration, construction, demolition or removal would be subject to the issuance of a determination of appropriateness after designation. Nothing in this subsection shall operate to bar ordinary repair and maintenance or any work that is necessary to prevent or correct an imminently dangerous or hazardous condition.
- 11. Landmarks shall be designated by ordinance. Once an improvement has been designated as a landmark no exterior architectural feature of said designated landmark may undergo alteration, construction, demolition or removal if such alteration, construction, demolition or removal would be subject to the issuance of a determination of appropriateness under the provision of the chapter. Nothing in this subsection shall operate to bar ordinary repair and maintenance or any work that is necessary to prevent or correct imminently dangerous or hazardous condition.
- 12. In the event that an application for landmark designation is denied by the city council, or the application is withdrawn after the public hearing, no application for landmark designation of the same improvement shall be made within twelve (12) months of the date of the denial or withdrawal, unless the owner consents to such application and designation.
- B. Standards For Designation Of Landmarks: The historic preservation 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:
 - 1. That it is located within the corporate boundaries of the city; and
 - 2. That it is over thirty (30) years old, in whole or in part; and
 - 3. That one or more of the following conditions exists:
 - a. That it may identify with an historic personage or with important events in national, state or local history;
 - b. 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;
 - c. That it may represent the notable work of a master builder, designer or architect whose individual genius influences an era;

- d. That it may be an improvement embodying all or part of the above characteristics, which is subject to encroachment of detrimental influences;
- e. That it may be an improvement of historic, architectural, or cultural significance which is threatened with demolition by public or private action;
- 4. That it possess integrity of design, materials, workmanship, setting, location, feeling and association; and
- 5. That it embodies such other qualities and characteristics as in the judgment of the commission should be considered for the designation of a landmark. (1975 Code § 2-468)

10-6-5: - HISTORIC PRESERVATION DISTRICT DESIGNATIONS:

A. Procedures:

- Any person, group of persons or association, or the commission, on its own initiative, may
 request historic preservation district designation for any geographic area within the corporate
 limits of the city which may have historic significance as set forth in the criteria for evaluation.
 No such person, group of persons or association, nor the commission, shall be required to
 obtain the consent of the property owners within the proposed historic preservation district
 prior to filing the application for designation of said district, nor shall the owner's consent be
 required as a condition of designation itself.
- 2. Each application for designation of an historic preservation district shall contain the following information:
 - a. A map delineating the boundaries of the area proposed for designation.
 - b. A written statement setting forth the character of the area and reasons for which the proposed area should be designated as an historic preservation district.
 - c. Drawings or pictures of significant structures, sites or improvements within the designated area, including information as to age, condition and use of each.
 - d. Such other information as the historic preservation commission may, by rules, prescribe from time to time.

Forms required for designation of historic preservation districts shall be supplied by the director of community development, upon request.

The application for designation of an historic preservation district shall be filed with the director of community development, who shall promptly review the application to determine that it is complete. Within five (5) working days of filing, the director of community development shall transmit the complete application to the commission for review and public hearing.

- 3. Within sixty (60) days after filing of the application for designation of an historic preservation district, the commission shall hold a public hearing on the question of proposed designation.
- 4. Prior to the public hearing on the application for designation of an historic preservation district, the commission shall conduct a study of the area proposed for designation as an historic preservation district and make a report containing preliminary findings on the historic, architectural and aesthetic significance of the improvement.
- 5. Notice of the public hearing shall be published in a newspaper of general circulation within the city not less than fifteen (15) days nor more than thirty (30) days in advance of the date of the hearing. The notice shall identify the application, property owners, property affected and shall describe the proposed amendment.

The director of community development shall direct the erection of at least one sign upon the property that is the subject of the public hearing at least ten (10) days in advance of the date of the public hearing and shall include the date, time and place of such hearing, a description of the matter to be heard or considered, and an address or location of the subject property.

The applicant shall provide a list to the director of community development, along with addressed envelopes with return receipts (certified mail) of the owner's of record of all properties within the proposed district which is the subject of the public hearing, and the director of community development shall mail to said owners a written notice of the public hearing not less than ten (10) days prior to the hearing. (1975 Code § 2-469)

Every reasonable effort shall be made to comply with the notice provisions set forth in this subsection. Failure to comply with any of the notice provision except for the publishing of the legal notice in the newspaper shall not render any amendment invalid. (1975 Code § 2-469; amd. 2003 Code)

- The public hearing shall be conducted by the historic preservation 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.
- 7. The commission shall make written findings of fact and shall submit same, together with its recommendations, to the city council within sixty (60) days of receipt by the commission of the application for designation of an historic preservation district. If the commission recommends designation, a legal description of the proposed district, provided at the expense of the applicants, shall be forwarded to the city council with the commission's recommendations and findings.
- 8. The commission may recommend, or the city 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.
- 9. Within one hundred twenty (120) days of the filing of the application, the city council shall grant or deny the application for designation of an historic preservation district. If the city council approves the application for designation of an historic preservation district, notice of the designation will be sent by the city clerk to the applicant and to all owners of record of real property within the district, and a copy of the ordinance effectuating the designation shall be recorded with the Kane County recorder or deeds and with the Geneva township assessor.
- 10. The person, group of persons or association submitting the application for historic preservation district designation, excluding 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.
- 11. During the period beginning with the filing of an application for designation of an historic preservation district, and ending with the final action of the city council granting or denying said application, no exterior architectural feature of any improvement which is located in the proposed historic preservation district may undergo alteration, construction, demolition or removal if such alteration, construction, demolition or removal would be subject to a

- determination of appropriateness after designation. Nothing in this subsection shall operate to bar ordinary maintenance or any work that is necessary to prevent or correct an imminently dangerous or hazardous condition.
- 12. Historic preservation districts shall be designated by ordinance. Once an historic district has been designated no exterior architectural feature of a building or structure within such district may undergo alteration, construction, demolition or removal if such alternation, construction, demolition or removal would be subject to the issuance of a determination of appropriateness under the provisions of the chapter. Nothing in this paragraph shall operate to bar ordinary repair and maintenance or any work that is necessary to prevent or correct an imminently dangerous or hazardous condition.
- 13. In the event that an application for designation of an historic preservation district is denied by the city council or is withdrawn prior to public hearing, no application for designation of an historic preservation district, including any portion of the same area, shall be made within twelve (12) months of the date of denial or withdrawal of the application, unless all owners within the proposed historic preservation district consent to such renewed application and designation.
- B. Standards For Designation Of Historic Preservation Districts: The commission shall not recommend nor the city council grant a designation of an historic preservation district unless it shall make findings based upon the evidence presented to it in each specific case that the proposed historic preservation district meets the following requirements:
 - 1. That the proposed area is located within the corporate boundaries of the city; and
 - 2. That the proposed area possesses integrity of design, materials, workmanship, setting, location, feeling and association; and
 - 3. That one or more of the following conditions exists:
 - a. That the proposed area may exemplify the broad cultural, political, economic or social history of the nation, state or community; or
 - b. That the proposed area may identify with an historic personage or with important events in national, state or local history; or
 - c. That the proposed area 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
 - d. That the proposed area may represent the notable work of a master builder, designer or architect whose individual genius influences an era; or
 - e. That some architectural or land use characteristics are repented throughout the area in a manner which distinguishes the proposed area from the rest of the city; or
 - f. That the proposed area embodies such other qualities and characteristics as in the judgment of the commission should be considered for the designation of an historic preservation district. (1975 Code § 2-469)

10-6-6: - CONSTRUCTION PLAN REVIEW PROCESS:

A.

Upon receipt of an application for a building, demolition, or sign permit as required under the provision of this code for any improvement within an historic district or any site or building designated as a landmark, the director of community development shall notify the person in charge of said property that such plans will be reviewed by the commission subject to the provisions of this chapter.

- B. Within ten (10) days of receipt of said plan or drawing, the commission shall hold a public meeting and provide the person in charge of the property and the director of community development with a written determination as to the appropriateness of the design, materials, and exterior features of the proposed building or sign. No determination shall be made unless a quorum of the commission has visited the site.
- C. The commission's determination of appropriateness shall be in writing and shall include findings of fact in support thereof. Such determination may be an approval, modification or disapproval of the applicant's request. The director of community development shall forward copies of the determination to the applicant and the owner of the subject property. Such determinations by the commission shall be binding except as provided in subsection E of this section.
- D. The commission may not make any determination which conflicts with the provisions the subdivision regulations or the zoning regulations of this code.
- E. If the commission fails to grant approval of the applicant's request, or if the applicant objects to the commission's determination, then the applicant may request, in writing, to the director of community development that an appeal of the commission's decision be made to the city council. Both the applicant and the commission have the right to be heard at the appeal.

Within thirty (30) days after such an appeal is made, the city council shall, by resolution, affirm or reverse the commission's determination according to the applicable standards set forth in this chapter. In accordance with said standards, the city council may also modify the commission's determination. A reversal or modification of the commission's determination shall be approved by a vote of two-thirds (2/3) of the aldermen of the city council holding office. (1975 Code § 2-470)

10-6-7: - SUBDIVISION, PLANNING AND ZONING REVIEW PROCESS:

- A. On receipt of a petition for: 1) approval of a preliminary plat for a subdivision or planned development; 2) a zoning map amendment; or 3) a variation of the zoning ordinance or subdivision control ordinance for any property within an historic district, the director of community development shall notify the person in charge of said property that such petition will be reviewed by the commission subject to the provisions of this chapter.
- B. Within thirty (30) days of notice of a petition concerning zoning amendments or variances, the commission shall hold a public meeting and provide written comments to the plan commission or zoning board of appeals, as the case may be, describing recommendations to enhance the proposed project relative to character of the district, including yard setbacks, landscaping and building scale. No comments shall be made unless a quorum of the commission has visited the site.
- C. Within thirty (30) days of notice of a petition concerning a subdivision or a planned development; or a request for comments regarding a revision of development policies within the district, the commission shall hold a public meeting and provide written comments to the city council or the plan commission, as the case may be, concerning historic features, structures and sites that may be affected, and the commission's recommendations concerning the most effective means of achieving the city's development objectives within the district.

- D. In the case of a subdivision or planned development the commission's recommendations relating to the character of the development, yard setbacks, landscaping and building scale shall be made at the time of development review as outlined in subsection C of this section. No additional commission review shall be required at the time of building permit for any improvement within said subdivision or planned development which has since been approved by the city council; provided, however, that said improvement is consistent with the approved plans.
- E. In matters affecting development policy, the recommendations of the commission must be made to the committee of the whole or the plan commission. (1975 Code § 2-471)

10-6-8: - REVIEW STANDARDS:

In making recommendations to the director of community development, the director of community development, the zoning board of appeals, the plan commission, the city council, or the person in charge of the subject property, the commission shall be governed by the following review standards:

- A. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment or to use a property for its originally intended purpose.
- B. The original distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- C. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- D. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- E. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.
- F. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- G. The surface cleaning of structures shall be undertaken with the least destructive means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- H. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.
- I. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- J. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

K. In addition to the foregoing, the commission may apply the review standards as further set forth in the secretary of the interior's standards for rehabitation and guidelines for rehabilitating historic buildings, as amended. (1975 Code § 2-472)

10-6-9: - MAINTENANCE AND REPAIRS:

Nothing contained in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior feature in an historic district which does not involve change in the design, material, color or other appearance thereof. Moreover, nothing contained in this chapter shall prevent the construction, reconstruction, alteration, restoration or demolition of any such feature which the director of community development shall certify is required by the public safety because of an unsafe or dangerous condition. (1975 Code § 2-473)

10-6-10: - VIOLATIONS: PENALTY:

Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine as provided in the general penalty in section 1-3-1 of this code. Each day that a violation exists shall be deemed a separate offense. (1975 Code § 2-475; amd. 2003 Code)