

MINUTES
VILLAGE OF HINSDALE
HISTORIC PRESERVATION COMMISSION

April 8, 2014

Memorial Hall – Memorial Building, 19 East Chicago Avenue, Hinsdale
5:00 P.M.

Chairman Peterson called the meeting of the Historic Preservation Commission to order at 5:03 p.m. on April 8, 2014 in Memorial Hall in the Memorial Building, 19 East Chicago Avenue, Hinsdale IL.

Present: Chairman Peterson, Commissioner Bohnen, Commissioner Hutter,
Commissioner Harloe-Mowery and Commissioner Gonzalez

Absent: None

Also Present: Village Planner, Sean Gascoigne

Findings and Recommendations

HPC-02-2013 – 319 N. Washington Street – Barrow Residence – Withdrawal of Local Landmarking.

Chairman Peterson summarized the request from the two discussions. Commissioner Hutter motioned to approve the findings and recommendations for HPC-02-2013 – 319 N. Washington Street – Barrow Residence – Withdrawal of Local Landmarking. Commissioner Bohnen seconded. The motion passed with five (5) ayes and zero (0) nays.

Minutes

Chairman Peterson introduced the minutes from March 11, 2014. Commissioner Harloe made a motion to approve the March 11, 2014 minutes. Commissioner Gonzalez seconded. The motion passed unanimously.

Discussion

Chairman Peterson opened discussion regarding the proposed text amendment the Commission would undergo, to address standards and criteria for withdrawing a landmark.

Commissioner Bohnen offered his thoughts regarding how the term “financial hardship” could be subjective as well as a response to a Trustee’s comments regarding the First Amendment at prior meetings.

Mr. Gascoigne explained that because this was the first withdrawal the Village had seen, there has been a learning curve for everyone. He then stated that as a result, he and the Village Attorney had spent a significant amount of time in the withdrawal section of the Preservation Ordinance and summarized the differences between the different requests and how an applicant would qualify for the various criteria.

General discussion ensued regarding the proposed text amendment language and how to best amend the language to provide a reasonable balance between maintaining rigidity on the intent of landmarking, while not discouraging homeowners from doing it. The discussion continued and the Commission agreed that if an applicant had a true hardship, they should have an out.

Commissioner Hutter suggested that time needed to be spent on the language, now that everyone had a better understanding of what the Commission wanted to accomplish with the text amendment.

General discussion ensued and the Commission agreed that while the exact fix wasn't clear at this point, they could take some time to review the language and were confident they could come up with criteria that provided an applicant some flexibility based generally on financial hardship.

~~Chairman Peterson moved through the additional bullet points and provided brief~~ summaries of the other discussion points on the agenda including the mapping project and the status of other homes that had expressed interest in possibly landmarking. He then went on to Preservation Month and asked the Commissioners to provide a brief summary of their progress.

Discussion ensued, the Commissioners each presented a summary of their progress and briefly discussed the prizes for the various contests.

Commissioner Bohnen offered some final thoughts regarding wrought iron fences in a residential application and requested that the Commission consider placing this on a future agenda to discuss.

Adjournment

Commissioner Bohnen moved to adjourn. Commissioner Gonzalez seconded and the meeting adjourned at 5:41 p.m. on April 8, 2014.

Respectfully Submitted,

Sean Gascoigne
Village Planner

VILLAGE OF HINSDALE

ORDINANCE NG. O 2000- 7

AN ORDINANCE AMENDING THE
VILLAGE CODE OF HINSDALE
REGARDING HISTORIC PRESERVATION

WHEREAS, the Village has recently undertaken a reconnaissance survey of buildings and structures in the Village, and has identified a number of buildings or structures that may have historic significance and that may merit protection or preservation; and

WHEREAS, the Village has the authority, pursuant to Section 11-48.2-1 *et seq.* of the Illinois Municipal Code, 65 ILCS 5/11-48.2-1 *et seq.*, to adopt measures appropriate for the preservation, protection, enhancement, rehabilitation, reconstruction, perpetuation, or use of historic areas, buildings, or structures; and

WHEREAS, the President and Board of Trustees of the Village of Hinsdale have determined that it is appropriate and in the best interests of the Village to amend the Village Code of Hinsdale to adopt policies and procedures relating to historic preservation and to create an Historic Preservation Commission to oversee such procedures, as further described in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Hinsdale, DuPage and Cook Counties and State of Illinois, as follows:

Section I. Recitals. The foregoing recitals are incorporated in this Ordinance as findings of the President and Board of Trustees.

Section 2. Amendment to Title II. The Village Code of Hinsdale shall be, and it is hereby, amended by adding a new Chapter 12 to Title II of the Village Code of Hinsdale, entitled "Historic Preservation Commission," as follows:

CHAPTER 12

HISTORIC PRESERVATION COMMISSION

2-12-1: CREATION; PURPOSE: There is hereby created an Historic Preservation Commission. The purpose of the Commission shall be to assist the Village Board in the preservation, protection, enhancement, rehabilitation, reconstruction, or use of historic structures, buildings, sites, or areas in the Village, and to educate the residents of the Village regarding the importance of such historic preservation, all as outlined in this Code.

2-12-2: MEMBERS; TERMS; OFFICERS:

- A. Appointment and Qualifications: The Commission shall consist of nine members appointed by the Village President, with the advice and consent of the Board of Trustees. All Commissioners shall be residents of the Village. Commissioners shall be appointed on the basis of expertise, experience, or interest in historic preservation or architectural history, building construction or engineering, architecture or landscaping, finance, neighborhood organization, or real estate, with consideration given to appointment of residents of a variety of geographic areas within the Village.
- B. Term and Compensation: Commissioners shall serve for a term of four years and until their successors have been appointed and have qualified for office; provided, however, that initial appointments to the Commission upon its creation shall be made in a manner such that three Commissioners shall be appointed for initial terms of four years, three Commissioners for initial terms of three years, and three Commissioners for initial terms of two years, respectively, so that one-third of the Commissioners' terms shall expire each year. Any vacancy that may occur shall be filled for the balance of the unexpired term by appointment of the President and concurrence of the Board of Trustees. All appointments of successors ~~upon the expiration of any term of any Commissioner shall be for a period of three years~~ and until a successor has been appointed and has qualified for office. Commissioners shall be eligible for reappointment. All Commissioners shall serve without compensation.
- C. Chairperson and Vice Chairperson: The Village President, with the advice and consent of the Board of Trustees, shall designate one Commissioner as Chairperson, to preside at all meetings and hearings and to fulfill the customary functions of that office, and another Commissioner as Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson or, in the absence of the Vice Chairperson, a Temporary Chairperson elected by the Commission, shall act as Chairperson and shall have all the powers of the Chairperson.
- D. Staff Secretary: The Village Manager shall designate a Staff Secretary of the Commission, who shall attend proceedings of the Commission. The Staff Secretary shall provide for the keeping of minutes of the proceedings of the Commission, showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact, and shall maintain permanent records of all Commission meetings, hearings, and proceedings and all correspondence of the Commission. The Staff Secretary shall provide for keeping a file of all records of the Commission, and such records shall, except to the extent provided by the Illinois Freedom of Information Act, be public records open to inspection.

2-12-3: QUORUM; VOTING: .

- A. Quorum and Necessary Vote: No business shall be transacted by the Commission without a quorum, consisting of five members, being present. The affirmative vote of a majority of the Commission, consisting of at least four members, shall be necessary on any motion to recommend approval of any matter or any application. Any lesser vote on any such motion, even if a majority of those voting, shall be considered a final decision to recommend denial of such matter or application. If less than a quorum is present, the meeting or hearing may be adjourned from time to time as provided in the Illinois Open Meetings Act. The Staff Secretary shall in writing notify all members of the date of the adjourned meeting or hearing and shall also notify such other interested parties as may be designated in the vote of adjournment. Any Commissioner may file minority or dissenting reports in support of any position concerning a matter brought before the Commission.
- B. ~~Voting After Absence: No Commissioner absent from any portion of a hearing shall be~~ qualified to vote upon the matter heard unless that member shall first certify on the record that he or she has reviewed the entire record of any such portion of the hearing during which he or she was absent and has fully informed himself or herself of the essential facts and issues of the matter being heard so as to be able to cast an informed and independent vote.

2-12-4: MEETINGS; HEARINGS; PROCEDURES:

- A. Regular and Special Meetings: Regular meetings of the Commission shall be held at the call of the Chairperson or as provided by rule of the Commission. Special meetings shall be called at the request of the Chairperson or of any three members of the Commission or of the Board of Trustees.
- B. Open Meetings: All meetings and hearings of the Commission shall be open to the public except when closed pursuant to the provisions of the Illinois Open Meetings Act.
- C. Sworn Testimony: All testimony at any hearing of the Commission shall be given under oath or affirmation.
- D. Rules: The Commission shall adopt its own rules of procedure governing it and regulating its business as it, from time to time, deems proper and necessary. The adoption, amendment, or revision of such rules shall be by a majority vote of all members of the Commission. Each Commissioner shall be furnished a copy of such proposed rules and any amendment or revision thereto at least ten days before consideration for adoption. Such rules shall be filed with the Staff Secretary of the Commission and with the Village Clerk. Any rule so adopted that relates solely to the conduct of the Commission's meeting or hearings, and that is not mandated by this Code or the statutes of the State of Illinois, may be waived by the Chairperson upon good cause being shown.

2-12-5: RECORD: The transcript of testimony, if any; the minutes of the Staff Secretary; all applications, requests, exhibits, and papers filed in any proceeding before the Commission; and the decision and report, or reports, of the Commission shall constitute the record.

653

2-12-6: DECISIONS:

- A. application filed pursuant to Title XIV of this Code shall be by written resolution which shall
- Written Decisions: Every recommendation or decision of the Commission upon any include findings of fact; shall refer to all the evidence in the record and to the exhibits, plans, or specifications upon which such recommendation or decision is based; shall specify the reason or reasons for such recommendation or decision; and shall contain a conclusion or statement separate from the findings of fact setting forth the recommendation or decision of the Commission. Every resolution shall expressly set forth any limitations or conditions recommended or imposed by the Commission.

The Commission may take final action on any recommendation or decision pertaining to an application pending before it prior to the preparation of a written resolution, but in such event it shall, before taking such action, first state its findings and conclusions as above required at a meeting open to the public. The Commission's recommendation or decision shall be deemed made as of the date of the taking of such final action. The written resolution incorporating such findings and conclusions shall be presented and approved at the next regular meeting of the Commission open to the public.

- B. Failure to Act: In any case where this Code provides that the failure of the Commission to act within a fixed period shall be deemed a recommendation for grant or denial of an application, such failure shall, notwithstanding the absence of required findings and conclusions, be considered to be a decision of the Commission rendered on the day following the expiration of such fixed period.

- prepare such report as it shall deem appropriate to the subject matter.
- C. Other Reports: As to other matters brought before the Commission, the Commission shall

2-12-7: CONFLICTS: No Commissioner shall participate in the hearing or disposition of any matter in which that Commissioner has an interest as that term is defined in the Hinsdale Code of Ethics. Any conflict of interest prohibited by the Hinsdale Code of Ethics or state law shall disqualify a member.

2-12-8: POWERS AND DUTIES: The Commission shall have the powers and duties as set forth in Chapter 2 of Title XIV of this Code.

Section 3. Amendment to Add a New Title XIV. The Village Code of Hinsdale shall be, and it is hereby, amended by adding a new Title XIV to the Village Code of Hinsdale, entitled "Historic Preservation," as follows:



TITLE XIV
HISTORIC PRESERVATION

CHAPTER 1

GENERAL PROVISIONS

14-1-1: PURPOSE: The purpose of this Title is to promote historic and architectural preservation in the Village. The Village seeks to protect, enhance, and perpetuate those historical structures, buildings, sites, and areas valued by the Village and its residents that are significant to the Village's history, culture, and architecture.

14-1-2: GOALS: This Title is created in order to:

- A. Foster civic pride in the beauty and accomplishments of the past as represented in the Village's landmarks and historic districts;
- B. Preserve, promote, maintain and enhance the Village's historic resources and character as a community comprised principally of well-maintained single family residential neighborhoods and small, thriving business areas oriented to serve the day-to-day needs of local residents;
- C. Protect and enhance the Village's attractiveness to residents, businesses, visitors, and prospective home buyers and businesses;
- D. Maintain and improve property values in the Village;
- E. Protect, preserve, and enhance the Village's aesthetic appearance and character;
- F. Encourage the designation of landmark and historic district status upon structures, buildings, sites, and areas on a local, state, and national level; and
- G. Educate the general public as to the significance of historic preservation.

14-1-3: DEFINITIONS: For the purpose of this Title, and the interpretation and enforcement thereof, the following words and phrases shall have the following meanings, unless the context of the sentence in which they are used shall indicate otherwise:

ADDITION: Any act or process that changes the exterior architectural appearance of a structure or building by adding to, joining with, or increasing the size or capacity of the structure or building.

ALTERATION: Any act or process, other than demolition, that changes the exterior architectural appearance of a landmark or any structure, building, or site in a designated historic district, including without limitation the erection, construction,

655

reconstruction, addition, repair, rehabilitation, renovation, removal, restoration, or relocation of any structure or building. Repainting all or any portion of the exterior of a structure or building with paint of the same kind, color and texture is not an alteration for the purposes of this Title.

AREA: A specific geographic division of the Village.

BUILDING: A structure having a roof that is supported by columns or walls for the shelter, support, or enclosure of persons, animals, or chattels.

CERTIFICATE OF APPROPRIATENESS: A certificate issued by the Commission approving plans for the alteration, construction, removal, or demolition of a landmark or structure, building, or site within a designated historic district.

COMMISSION: The Hinsdale Historic Preservation Commission.

COMMISSIONERS: Members of the Commission.

CONSTRUCTION: The act of adding an addition to, reconstructing, or otherwise altering an existing structure or building, or the act of erecting a new principal or accessory structure or building on a lot or property.

DEMOLITION: Any act or process that destroys, in part or in whole, a landmark or a site within an historic district.

DESIGN GUIDELINES: The standards of appropriate activity that will preserve the historic and architectural character of a structure or area.

EXTERIOR ARCHITECTURAL APPEARANCE: The architectural character, general composition, and general arrangement of the exterior of a structure, building, or site, including without limitation, the kind, color, and texture of the building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant elements.

HISTORIC DISTRICT: An area designated as an historic district by ordinance of the Village Board that may contain, within definable geographic boundaries, one or more landmarks and which may have within its boundaries other structures, buildings, or sites that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district.

LANDMARK:

Any building, structure, or site designated as a landmark by ordinance of the Village Board, pursuant to procedures prescribed herein, that is worthy of rehabilitation, restoration,

and preservation because of its historic and/or architectural significance to the Village.

OWNER OF RECORD:

The person, corporation, or other legal entity listed as the holder of legal title on the records of the Recorder of Deeds of the county with jurisdiction. If a site has more than one owner of record, and action by the owner of record is required by this Title, there shall be a rebuttable presumption that action has been taken by the owner of record where the written consent of a majority of the owners of record for that site is submitted.

REHABILITATION:

The process of returning a structure, building, or site to a state of utility through repair, construction, or alteration, that makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic and architectural values.

RELOCATION:

The process of moving a structure or building on its site or to another site.

REMOVAL:

See Relocation.

REPAIR:

Any change that does not require a building permit that is not construction, relocation, or alteration.

RESTORATION:

The process of restoring, repairing, or reconstructing a property, through repair, construction, or alteration, to a former or original condition that enhances those portions and features of the property that are significant to its historic and architectural values.

SITE:

A single lot or parcel of property. For the purpose of determining any action by an owner of record pursuant to this Title, site also includes a zoning lot, as that term is defined in the Hinsdale Zoning Code.

STRUCTURE:

Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground or attached to something having a permanent location on or in the ground.

14-1-4: PROCEDURES FOR NOTICE OF PUBLIC HEARINGS AND MEETINGS:

- A. **Manager to Give Notice:** The Village Manager shall cause notice to be given of public hearings and public meetings set pursuant to this Title in the form and manner and to the persons herein specified.
- B. **Content of Notice:** All notices shall include the date, time, and place of such hearing or meeting, a description of the matter to be heard or considered, a legal description of the subject property, and the address or particular location of the subject property.
- C. **Persons Entitled to Notice:**
 - 1. **All Hearings and Meetings:** Notice of every hearing or meeting set pursuant to this Title shall be given:
 - (a) By mail or personal delivery to the applicant and, if a specific parcel is the subject of the application, to the owner of the subject property.
 - (b) By mail to any newspaper or person that shall have filed a written request, accompanied by an annual fee as established from time to time by the Village Manager to cover postage and handling, for notice of all hearings or meetings held pursuant to this Code. Such written request shall automatically expire on December 31 of the year in which it is made unless a written request for renewal, accompanied by the annual fee, is submitted prior to such date.
 - (c) By mail, personal delivery, or interdepartmental delivery to affected Village boards, commissions, departments, officials and consultants.

~~Notice by mail as herein required shall be mailed no fewer than seven days in advance of the hearing or meeting date by regular United States mail.~~

- 2. **Hearings on Applications:** In addition to notice as required by Subsection C1 of this Section, notice of every hearing set pursuant to this Title in connection with any application for landmark or historic district designation, withdrawal of landmark designation, or a certificate of appropriateness, shall be given:
 - (a) By publication in a newspaper published in the Village at least once no less than 15 days nor more than 30 days in advance of the hearing date.
 - (b) By certified mail, return receipt requested, or personal delivery to all owners of property within 250 feet of the subject property; provided, further, that in the case of an application for historic district designation, notice shall be to all owners of record of property within the proposed district and to all owners of record of property within 250 feet of the outside perimeter of the proposed district. Notice as required by this Subparagraph shall be given by the

LANDMARK:

Any building, structure, or site designated as a landmark by applicant not less than 15 days nor more than 30 days in advance of the hearing.

CHAPTER 2

- A. Rights of All Persons: Any person may appear and testify at a public hearing conducted pursuant to this Title, either in person or by a duly authorized agent or attorney, and may submit documentary evidence; provided, however, that the Commission may exclude irrelevant, immaterial, or unduly repetitious evidence.
- B. Rights of Parties and Proximate Owners: Subject to the discretion of the Commission, the applicant, any board, commission, department, or official of the Village, and any property owner entitled to written notice pursuant to this Section may be allowed any or all of the following rights:
 - 1. To present witnesses on their behalf.
 - 2. ~~To cross-examine all witnesses testifying in opposition to their position.~~
 - 3. To examine and reproduce any documents produced at the hearing.
 - 4. To a continuance, upon request, for the purpose of presenting evidence to rebut evidence introduced by any other person.
- C. Adjournment of Hearing: The Commission may at any time, on its own motion or at the request of any person, adjourn the hearing for a reasonable time and to a fixed date, time, and place, for the purpose of giving further notice, taking further evidence, gathering further information, deliberating further, or for such other reason as the hearing body may find to be sufficient. The Staff Secretary of the Commission shall notify in writing all Commissioners, all parties to the hearing, and any other person designated on the vote of adjournment of the date, time, and place of the adjourned hearing.
- D. Sworn Testimony: All testimony at any hearing held pursuant to this Title shall be given under oath or affirmation.
- E. Right to Submit Written Statements: Any person may at any time prior to the commencement of a hearing hereunder, or during such hearing, or within such time as may be allowed by the Commission following such hearing, submit written statements in support of or in opposition to the application being heard.
- F. Code and Rules to Govern: All other matters pertaining to the conduct of hearings shall be governed by the provisions of this Code pertaining to, and the rules promulgated by, the Commission.

**14-1-5: PROCEDURES FOR CONDUCT OF HEARINGS:
HISTORIC PRESERVATION COMMISSION**

14-2-1: CREATION: The Hinsdale Historic Preservation Commission shall be constituted as created pursuant to Section 2-12-2 of this Code.

14-2-2: POWERS AND DUTIES: Subject to the laws of the State of Illinois, this Code, and any other ordinances and resolutions of the Village, the Commission shall have the following powers and duties:

- A. To adopt its own procedural rules. In the absence of such rules, the Commission shall conduct its business, as nearly as practicable, in accordance with *Robert's Rules of Order*.
- B. To conduct a survey of structures, buildings, sites, and areas in the Village in order to identify those with historical and architectural significance.
- C. To keep a register of all buildings, structures, sites, and areas that have been designated as landmarks or historic districts, including all information required for each designation.
- D. To provide information to owners of landmarks and structures, buildings, or sites within historic districts, as well as to residents of the Village, regarding (i) physical and financial aspects of preservation, renovation, rehabilitation, and reuse, including information about incentives that may be available therefor and possible designation under this Title, and (ii) procedures for inclusion on the State or National Register of Historic Places.
- E. To inform and educate the residents of the Village concerning the historic and architectural heritage of the Village by (i) publishing appropriate maps, newsletters, brochures, and pamphlets, and (ii) holding programs and seminars.
- F. To hold public hearings, review applications, conduct advisory review conferences, and make recommendations regarding the designation and withdrawal of designation of landmarks and historic districts and the alteration or demolition of such landmarks and historic districts, and to issue decisions regarding the issuance of Certificates of Appropriateness and Certificates of Economic Hardship for such actions.
- G. To develop, subject to review and approval by the Village Board, specific guidelines for the alteration, demolition, construction, or removal of landmarks or structures, buildings, or sites within historic districts.
- H. To recommend, when requested by the Village Board, whether the Village should accept and administer any property or full or partial interest in real property, including conservation rights as that term is used in 765 ILCS 120/1, which the Village may have or accept as a gift or otherwise.
- I. To request technical advice and assistance from Village staff members and to retain specialists or consultants when expressly authorized by the Village Board.

- J. To review, upon request of the Village Board, the Plan Commission or the Zoning Board of Appeals, applications for zoning or subdivision relief affecting historically and architecturally significant landmarks and structures, buildings, and sites within historic districts.
- K. To periodically review, when requested by the Village Board, the Hinsdale Zoning Code and to recommend to the Plan Commission or the Village Board any amendments appropriate for the protection and continued use of landmarks or structures, buildings, or sites within historic districts.
- L. To perform such other functions as directed by the Village Board, including without limitation regulatory, acquisitive, informational, and incentive-oriented functions.

14-2-3: SURVEYS AND RESEARCH: When authorized by the Village Board, and within applicable budget or appropriations limitations, the Commission shall undertake an ongoing survey and research effort in the Village to identify neighborhoods, areas, sites, structures, and buildings that have historic, community, architectural, or aesthetic importance, interest, or value. As part of the survey, the Commission shall review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts, and photographs.

CHAPTER 3

LANDMARK AND HISTORIC DISTRICT DESIGNATION

14-3-1: CRITERIA: The Commission shall consider the criteria provided in this Chapter in order to recommend a structure, building, or site for designation as a landmark, or an area for designation as an historic district.

A. General Considerations:

1. The structure, building, site, or area has significant character, interest, or value as part of the historic, aesthetic, or architectural characteristics of the Village, the State of Illinois, or the United States.
2. The structure, building, site, or area is closely identified with a person or persons who significantly contributed to the development of the Village, the State of Illinois, or the United States.
3. The structure, building, site, or area involves the notable efforts of, or is the only known example of work by, a master builder, designer, architect, architectural firm, or artist whose individual accomplishment has influenced the development of the Village, State of Illinois, or the United States.
4. The unique location or singular physical characteristics of the structure, building, site, or area make it an established or familiar visual feature.
5. The activities associated with a structure, building, site, or area make it a current or former focal point of reference in the Village.

6. The structure or building is of a type or is associated with a use once common but now rare, or is a particularly fine or unique example of a utilitarian structure and possesses a high level of integrity or architectural significance.
7. The structure, building, or site is in an area that has yielded or is likely to yield historically significant information, or even prehistoric data.

B. Architectural Significance:

1. The structure, building, site, or area represents certain distinguishing characteristics of architecture inherently valuable for the study of a time period, type of property, method of construction, or use of indigenous materials.
2. The structure, building, site, or area embodies elements of design, detail, material, or craftsmanship of exceptional quality.
3. The structure, building, site, or area exemplifies a particular architectural style in terms of detail, material, and workmanship which has resulted in little or no alteration to its original construction.
4. The structure, building, site, or area is one of the few remaining examples of a particular architectural style and has undergone little or no alteration since its original construction.
5. The structure, building, site, or area is, or is part of, a contiguous grouping that has a sense of cohesiveness expressed through a similarity of style characteristics, time period, type of property, method of construction, or use of indigenous materials and accents the architectural significance of an area.
6. The detail, material, and workmanship of the structure, building, or site can be valued in and of themselves as reflective of or similar to those of the majority of the other visual elements in the area.

C. Historic Significance:

1. The structure, building, site, or area is an exceptional example of an historic or vernacular style, or is one of the few such remaining properties of its kind in the Village.
2. The structure, building, site, or area has a strong association with the life or activities of a person or persons who has significantly contributed to or participated in the historic events of the United States, the State of Illinois, or the Village.
3. The structure, building, site, or area is associated with an organization or group, whether formal or informal, from which persons have significantly contributed to or participated in the historic events of the United States, the State of Illinois, or the Village.
4. The structure, building, site, or area is associated with a notable historic event.

5. The structure, building, site, or area is associated with an antiquated use due to technological or social advances.
6. The structure, building, site, or area is a monument to, or a cemetery of, an historic person or persons.

14-3-2: APPLICATIONS FOR NOMINATIONS OF LANDMARKS AND HISTORIC DISTRICTS

A. Who May Nominate: Applications for nominations for designation of a landmark or historic district may be submitted by (1) the owner of record of the nominated landmark, or (2) the owners of record of 25% or more of the sites within an area to be nominated for historic district designation, or (3) the Village for an area to be nominated for historic district designation.

B. Application Requirements: Applications for nomination shall be filed with the Village Manager, ~~on forms provided by the Village Manager and shall, at a minimum, include the~~ following information and specifications:

1. For a Landmark:

- (a) The name and address of the applicant and owner of record.
- (b) The legal description and common street address of the property.
- (c) 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.

- (d) Written documentation and evidence establishing that the applicant is the current owner of record of the nominated property and that such 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 record ownership acceptable to the Village Manager.
- (e) An overall site plan and photographs of the landmark. The plan shall also include a front, side, and rear elevation drawing.
- (f) Such other relevant information as requested by the Village Manager or the Commission.

2. For an Historic District:

- (a) The names and addresses of the applicants.

263

- (b) The names and addresses of all of the owners of record of buildings, structures, or sites in the area nominated for designation.
- (c) A vicinity map delineating the boundaries of the area nominated for designation.
- (d) A written statement describing the area and structures, buildings, or sites located in the area nominated for designation as an historic district and setting forth the reasons in support of the proposed designation, including a list and photographs of significant exterior architectural features of all structures, buildings, or sites in the district that should be protected.
- (e) Written documentation and evidence establishing that applicants are the current owners of record of property in the area nominated for designation and that such owners comprise the owners of record of at least 25% of all sites contained in the nominated area. Such documentation or evidence of ~~record ownership shall include recent title policies in the names of the~~ applicants or other evidence of record ownership acceptable to the Village Manager.
- (f) The name, address, and telephone number of one of the applicants who shall be the designated contact person and liaison for the purposes of the application. The name, address, and telephone number of an additional applicant to serve as an alternative contact person shall also be provided.
- (g) Such other relevant information as requested by the Village Manager or the Commission.

14-3-3: PUBLIC HEARING: Following the proper filing of a complete application for ~~nomination of a landmark or historic district~~, a public hearing on the application shall be set, noticed and conducted in accordance with the provisions contained in Chapter 1 of this Title. Such hearing shall be commenced not less than 90 days following the filing of a complete application and may be continued upon request or consent of the applicant.

14-3-4: RECOMMENDATIONS BY HISTORIC PRESERVATION COMMISSION:

- A. General: The Commission shall review all information presented to it at the public hearing and shall adopt a recommendation that the nominated landmark or historic district does or does not meet the criteria for designation as herein prescribed. The Commission may recommend that an area consisting of less than all of the properties included in the original application be designated as an historic district, as long as the smaller recommended district complies with all requirements for consent of owners of record under this chapter. The recommendation shall contain the following information:
 - 1. The Commission's rationale for recommending either approval or rejection of the nomination;

2. In the case of a recommendation of approval of designation of a landmark, the significant feature or features in the exterior architectural appearance of the landmark that should be protected and preserved;
 3. In the case of a recommendation of approval or designation of an historic district, the significant features in the exterior architectural appearance of any structures, buildings, or sites within the historic district that should be protected and preserved; and
 4. Any other pertinent comments related to the nomination of the landmark or historic district.
- B. Landmarks: In the case of a nominated landmark, within 45 days following the conclusion of the public hearing, the Commission shall transmit to the Village Board its recommendation in the form specified by Subsection 2-12-6A of this Code. The failure of the Commission to act within 45 days following the conclusion of such hearing, or such further time to which the applicant may agree, shall be deemed a recommendation for the approval of the application for designation as submitted. The Village Board shall promptly act on such recommendation.
- C. Historic Districts: In the case of a nominated historic district, such recommendation by the Commission shall be deemed preliminary and shall be accompanied by action of the Commission requiring that notice be given to all owners of record of property within the nominated district that the nominated district has been preliminarily determined to meet the standards for designation as an historic district and allowing such owners of record an opportunity to complete a form indicating whether the owner consents to the designation of the nominated district. The manner of obtaining such consent shall be pursuant to Section 14-3-6 of this Chapter. Following receipt of the results of the consent forms submitted by the owners of record, the Commission shall reconsider its preliminary recommendation and shall issue a final recommendation to the Village Board within 45 days following receipt of the results. The Commission shall transmit to the Village Board its recommendation in the form specified by Subsection 2-12-6A of this Code. The failure of the Commission to act within 45 days following the receipt of the results, or such further time to which the applicant may agree, shall be deemed a recommendation for the approval of the application for designation as submitted. The Village Board shall promptly act on such recommendation.
- D. Recommendations on File: All recommendations by the Commission shall be filed with the Village Manager and made available to persons requesting the same in writing.

14-3-5: DESIGNATION BY VILLAGE BOARD: An ordinance passed by the affirmative vote of at least four members of the Village Board shall be required to designate an official landmark or historic district. Upon passing an ordinance approving the nomination for a landmark or historic district designation, the Village Board shall direct that notice be sent to the Building Commissioner and to the owners of record advising them of such designation and informing them that any structure, building, site, or area designated as a landmark or located within the boundaries of a designated historic district shall thereafter be subject to the requirements of Chapter 5 of this Title. The Village Board shall also direct that the ordinance approving a landmark or historic district designation be recorded in the offices of the appropriate County Recorder of Deeds.

665

14-3-6: CONSENT OF OWNERS OF RECORD IN PROPOSED HISTORIC DISTRICT:

- A. Manner of Consent: In the event that the Commission makes a preliminary recommendation that an historic district should be designated and that notice shall be given in accordance with Subsection 14-3-4C, the notice shall include one or more written forms on which the owners of record of each site within the proposed district may indicate their ownership and whether or not they consent to the designation of the proposed district. If a site is owned by more than one owner of record, only one consent form may be submitted for that site. The forms for such consent shall be prepared in a manner that enables the Village to verify whether the person submitting the consent form is the owner of record while keeping the owner's name separate from the owner's indication of whether or not the owner consents to the designation.
- B. Effect of Consent: No historic district shall be designated by the Village without affirmative written consent to such designation by the owners of record of more than 50% of the sites within the proposed district. However, the Village shall not be required to designate any ~~proposed district because of the affirmative written consent to such designation by the~~ owners of record of more than 50% percent of the sites within the proposed district.

14-3-7: DENIAL OF DESIGNATION: An applicant whose nomination for a landmark or historic district designation is denied by the Village Board may request reconsideration by filing a written request within 30 days after a decision denying designation is rendered; provided, however, that the Village Board shall reconsider a nomination only if substantial new evidence or information regarding the nominated landmark or historic district is provided. Once a nomination has been denied by the Village Board, no further nominations involving substantially the same relief under this Chapter of this Title for any structure, building, site, or area whose designation was denied may be filed for 90 days; provided, however, that this period does not apply to an application to designate a landmark within an area for which historic district designation was denied.

14-3-8: STAY OF PROCEEDINGS: No building, demolition, sign, or other permit shall be issued for a proposed landmark or a structure, building, site, or area in a proposed historic district from the date when the nomination form is filed with the Village Manager until the final disposition of the nomination unless the process for Certificate of Appropriateness review required by Chapter 5 is completed.

14-3-9: LANDMARK DESIGNATION CONTROLS: In the event that a building, structure, or site has been designated as both a landmark and as part of an historic district, the requirements, limitations, restrictions, and regulations contained in this Title pertaining to landmarks shall control over the requirements, limitations, restrictions, and regulations pertaining to historic districts, including, without limitation, the requirements contained in Chapter 5 regarding the issuance of a Certificate of Appropriateness.

14-3-10: SUCCESSIVE APPLICATIONS:

- A. Second Applications Without New Grounds Barred: Whenever any application filed pursuant to this chapter has been finally denied on its merits, a second application seeking essentially the same relief, whether or not in the same form or on the same theory, shall not be brought unless in the opinion of the Village Manager or the Commission there is substantial new evidence available or a mistake of law or fact significantly affected the prior denial.

- B. **New Grounds to Be Stated:** Any such second application shall include a detailed statement of the grounds justifying consideration Of such application.
- C. **Summary Denial With or Without Hearing:** Any such second application may be denied by the Village Manager summarily, and without hearing, on a finding that no grounds appear that warrant a new hearing. In any case where such application is set for hearing, the applicant shall be required to establish grounds warranting reconsideration of the merits of its application prior to being allowed to offer any evidence on the merits. Unless such grounds are established, the application may be summarily dismissed for such failure.
- D. **Exception:** Whether or not new grounds are stated, any such second application filed more than two years after the final denial of a prior application shall be heard on the merits as though no prior application had been filed. The applicant shall, however, be required to place in the record all evidence available concerning changes of conditions or new facts that have developed since the denial of the first application. In the absence of such evidence, it shall be presumed that no new facts exist to support the new petition that did not exist at the time of the denial of the first application.

CHAPTER4

WITHDRAWAL OF LANDMARK DESIGNATION

14-4-1: CONDITIONS FOR WITHDRAWAL: The designation of a structure, building, site, or area as a landmark may be withdrawn under any of the following conditions:

- A. The structure, building, site, or area has ceased to meet the criteria for designation because the qualities which caused it to be originally designated have been lost or destroyed, or such qualities were lost subsequent to nomination, but before designation;
- B. Additional information shows conclusively that the structure, building, site, or area does not possess sufficient significance to meet the designation criteria;
- C. The original designation was clearly in error; or
- D. There was prejudicial procedural error in the designation process.

14-4-2: REQUESTS FOR WITHDRAWAL: The owner of record of any designated landmark structure, building, or site may initiate a procedure to withdraw the designation from such structure, building or site.

14-4-3: APPLICATION AND HEARING: A procedure to withdraw a landmark designation shall be initiated by filing an application with the Village Manager, in accordance with Section 14-3-2 of this Title; provided, however, that the application shall include a written explanation of the reasons for withdrawal as allowed by Section 14-4-2. Upon the filing of a completed application, notice shall be given and a public hearing shall be held in accordance with Chapter 1 of this Title.

14-4-4: RECOMMENDATION; DETERMINATION: Promptly after the close of the public hearing, the Commission shall either (i) determine that withdrawal of a designation is not warranted and recommend to the Village Board denial of the application; or (ii) recommend to the Village

667

Board that a designation should be withdrawn. Such recommendation shall be in writing and shall set forth the reasons therefor. Any determination or recommendation shall be submitted to the Village Board, sent to the applicant, and filed with the Village Clerk.

14-4-5: BOARD ACTION: The Village Board shall promptly act upon a recommendation for withdrawal of a designation. An ordinance passed by the affirmative vote of at least four members of the Village Board shall be required to withdraw an official landmark designation. Upon passing an ordinance approving the withdrawal of such a designation, the Village Board shall direct that notice be sent to the Building Commissioner and the owners of record advising them that such designation has been withdrawn. The Village Board shall also direct that the ordinance withdrawing a landmark designation be recorded in the office of the appropriate County Recorder of Deeds.

CHAPTERS CERTIFICATE OF APPROPRIATENESS

14-5-1: CERTIFICATE OF APPROPRIATENESS REQUIRED:

- A. Landmarks: No alteration shall be allowed to, and no permits shall be issued for, the alteration, demolition, signage, or any other physical modifications of the exterior architectural appearance of a designated landmark without the prior issuance of a Certificate of Appropriateness in accordance with the procedures and criteria specified in this Chapter 5.
- B. Historic District: No alteration shall be allowed to, and no permits shall be issued for, the alteration, demolition, signage, or any other physical modifications of the exterior architectural appearance of any structure, building, site, or area located in a designated historic district without the rendering of a final decision by the Commission on an application for a Certificate of Appropriateness. The final decision of the Commission shall be advisory only.
- C. Exemption: Certificates of Appropriateness shall not be required in connection with permits necessary for compliance with a lawful order of a Village, including, without limitation, any permit necessary to correct what is determined by the issuing officer to be an immediate health or safety problem; provided that such order expressly exempts the alteration, demolition, signage, or other physical modifications from Certificate of Appropriateness procedures; and provided further that such order may be subject to appropriate conditions to advance the purpose and goals of this Title.

14-5-2: CRITERIA FOR CERTIFICATE OF APPROPRIATENESS: All applications for a Certificate of Appropriateness shall conform to the applicable standards in this Section:

- A. General Standards:
 - 1. Alterations that do not affect any essential architectural or historic features of a structure or building as viewed from a public or private street ordinarily should be permitted.

2. The distinguishing original qualities or character of a structure, building, or site and its environment should not be destroyed. No alteration or demolition of any historic material or distinctive architectural feature should be permitted except when necessary to assure an economically viable use of a site.
3. All structures, buildings, sites, and areas should be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance than the true age of the property are discouraged.
4. Changes that may have taken place in the course of time are evidence of the history and development of a structure, building, or site and its environment. These changes may have acquired significance in their own right, and this significance should be recognized and respected when dealing with a specific architectural period.
5. Distinctive stylistic features or examples of skilled craftsmanship that characterize a structure, building, site, or area should ordinarily be maintained and preserved.
6. Deteriorated architectural features should be repaired rather than replaced, whenever 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.
7. The surface cleaning of structures and buildings should be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the structures and buildings should be avoided.
8. New structures or buildings, or alterations to sites should not be discouraged when such structures or alterations do not destroy significant historical or architectural features and are compatible with the size, scale, color, material, and character of the site, neighborhood, or environment.
9. Whenever possible, new structures or buildings, or alterations to the existing conditions of sites should be done in such a manner that, if such new structures or alterations were to be removed in the future, the essential form and integrity of the original structure, building, site, or area would be unimpaired.
10. Any permitted alteration or demolition should promote the purposes of this Title and general welfare of the Village and its residents.
11. Demolition should not be permitted if a structure, building, or site is economically viable in its present condition or could be economically viable after completion of appropriate alterations, even if demolition would permit a more profitable use of such site.

B. Design Standards:

1. Height: The height of a landmark after alteration should be compatible with the height of the original landmark. The height of a structure or building and adjacent open spaces after any proposed alteration or construction within an historic district should be compatible with the style and character of the structure or building and with surrounding structures and buildings in an historic district.
2. Relationship Between Mass and Open Space: The relationship between a landmark and adjacent open spaces after its alteration should be compatible with such relationship prior to such alteration. The relationship between a structure or building and adjacent open spaces after alteration within an historic district should be compatible with the relationship between surrounding structures, buildings and adjacent open spaces within such historic district.
3. Relationship Among Height, Width and Scale: The relationship among the height, width, and scale of a landmark after alteration should be compatible with such relationship prior to such alteration. The relationship among height, width, and ~~scale of a structure or building after an alteration within an historic district should~~ be compatible with the relationship among height, width, and scale of surrounding structures and buildings within such historic district.
4. Directional Expression: The directional expressions of a landmark after alteration, whether its vertical or horizontal positioning, should be compatible with the directional expression of the original landmark. The directional expression of a structure or building after alteration within an historic district should be compatible with the directional expression of surrounding structures and buildings within such historic district.
5. Roof Shape: The roof shape of a landmark after alteration should be compatible with the roof shape of the original landmark. The roof shape of a structure, building, or object after alteration within an historic district should be compatible with the roof shape of surrounding structures and buildings within such historic district.
6. Architectural Details, General Designs, Materials, Textures, and Colors: The architectural details, general design, materials, textures, and colors of a landmark after alteration should be compatible with the architectural details, general design, materials, textures, and colors of the original landmark. The architectural details, general design, materials, textures, and colors of a structure or building after alteration within an historic district should be compatible with the architectural details, general design, materials, textures, and colors of surrounding structures and buildings within such historic district.
7. Landscape and Appurtenances: The landscape and appurtenances, including without limitation signs, fences, accessory structures, and pavings, of a landmark after alteration should be compatible with the landscape and appurtenances of the original landmark. The landscape and appurtenances of a structure or building after alteration within an historic district should be compatible with the landscape and appurtenances of surrounding structures and buildings within such historic district.

8. Construction: New construction in an historic district should be compatible with the architectural styles, design standards and streetscapes within such historic districts.
- C. Additional Standards: In addition to the foregoing standards, the Commission may consider the Secretary of the Interior's Standards for Rehabilitation Guidelines for Rehabilitating Historic Buildings (Revised 1983), and any amendments thereto, in reviewing any application under this Section.

14-5-3: APPLICATION FOR CERTIFICATE OF APPROPRIATENESS:

- A. Formal Application Requirements: Any person proposing an alteration to, or seeking a building, demolition, sign, or other permit for, any designated landmark, or for any structure, building, site, or area within a designated historic district, shall submit a formal application for a Certificate of Appropriateness as a precondition to commencing such alteration or obtaining such permit. The formal application for a Certificate of Appropriateness shall include the following information and specifications:

1. Applicant's name;
2. Owner's name, if different from applicant;
3. Street address and legal description of the site;
4. An overall site plan of the site, including front, side, and rear elevation drawings in the case of alteration or partial demolition;
5. Brief description of the structures, buildings, and objects on the site and the structures, buildings, and objects on site adjacent to and across from such original site;
6. Detailed description of the proposed alteration or demolition, together with any architectural drawings, sketches, and photographs indicating how and to what extent such alteration or demolition shall affect a landmark or historic district;
7. Names and addresses of the owners of property adjacent to and access from the site;
8. A list and photographs of significant architectural features in relation to the structures, buildings, or objects on the site previously designated by the Commission as being worthy of protection and preservation;
9. Identification of any architect or developer involved in the alteration or demolition; and
10. Such other relevant information as requested by the Village Manager or the Commission.

- B. Preliminary Application Requirements: Preliminary applications for nomination shall be filed with the Village Manager, on forms provided by the Village Manager and shall include such

information required by Subsection A of this Section as are necessary to allow review by the Commission. No applicant shall be required to file a preliminary application prior to filing a formal application. "

14-5-4: PUBLIC HEARING; REVIEW:

- A. Public Hearing on Formal Application: Following the proper filing of a complete formal application for a Certificate of Appropriateness, a public hearing on the application shall be set, noticed and conducted in accordance with the provisions contained in Chapter 1 of this Title. Such hearing shall be commenced not less than 90 days following the filing of a complete application and may be continued upon request or consent of the applicant.
- B. Review of Preliminary Applications: Following the proper filing of a complete preliminary application, the Village Manager shall cause such application to be on the agenda of the next regular Commission meeting after the date of its filing. The Commission shall, not later than the first regular Commission meeting after the preliminary application has been referred to it, commence and conclude its review of the preliminary application.

The purpose of such review shall be to broadly acquaint the Commission with the applicant's proposal and to provide the applicant with any preliminary views or concerns that members of the Commission may have at the time in the process when positions are still flexible and adjustment is still possible and prior to the time when the applicant is required to expend the funds necessary to prepare the complete documentation required for a formal application.

At the meeting at which the preliminary application is considered, any member of the Commission may make any comments, suggestions or recommendations regarding the preliminary application deemed necessary or appropriate by that member; provided, however, that no recommendation shall be made, and no final or binding action shall be taken, with respect to any preliminary application by the Commission. Any views expressed in the course of the Commission's review of any preliminary application shall be deemed to be only preliminary and advisory and only the individual views of the member expressing them. Nothing said or done in the course of such review shall be deemed to create, or to prejudice, any rights of the applicant or to obligate the Commission, or any member of it, to approve or deny any formal application following full consideration thereof as required by this Title. Applications by the Village shall not be subject to the provisions of this Subsection.

14-5-5: DECISION OF THE COMMISSION:

- A. Approval: If the application is approved without conditions, the Commission shall issue the Certificate of Appropriateness permitting the Building Commissioner to proceed with other required reviews and approvals. The Commission shall notify the applicants of its decision within 30 days after the close of the public hearing.
- B. Approval with Conditions: If the application is approved with conditions, the Commission shall notify the applicant in writing and shall specify the conditions to be imposed and the

reasons therefor in light of the criteria applicable to this Chapter. If the applicant notifies the Commission in writing that the conditions are acceptable, or if the applicant does not appeal the approval with conditions within the prescribed period of time, the Commission shall issue the Certificate of Appropriateness, subject to the conditions.

- C. Denial: If the application is denied, the Commission shall notify the applicant in writing and shall specify the particulars in which the application is inconsistent with the criteria applicable to this Chapter. If the Commission issues a denial of the Certificate of Appropriateness, no alteration shall be permitted to proceed, and no permits shall be issued for, the proposed alteration, demolition, signage, or any other physical modifications of, the designated landmark. If the Commission issues a denial of a Certificate of Appropriateness for a structure, building, site, or area within a designated historic district, such denial is merely advisory and shall not prohibit an applicant from proceeding with the proposed alteration, demolition, signage or any other physical modifications the structure, building, site, or area within the historic district upon receiving all other required approvals and permits therefor.
- D. Validity: A Certificate of Appropriateness shall be invalid if the plans approved by the Commission are changed, if any conditions of the Certificate are not satisfied, or if any building permit issued for the approved work becomes invalid. A Certificate of Appropriateness shall remain valid for a period of one year.
- E. Appeal: When a Certificate of Appropriateness for a designated landmark is denied, the applicant may appeal the Commission's decision to the Village Board by filing an appeal in writing to the Village Manager within 15 days after the applicant is served with notice by personal delivery or certified or registered mail of the Commission's decision. For the purposes of this Section, the date of mailing or delivery shall be the date of service. The Village Board may receive comments on the contents of the record but no new matter may be considered by the Village Board. The Village Board may affirm the decision or recommend changes by a majority vote of the Board after due consideration of the facts contained in the record submitted to the Board by the Commission. The Village Board may overturn the Commission's decision by a majority vote of a quorum of the Village Board.

14-5-6: CERTIFICATE OF ECONOMIC HARDSHIP: Notwithstanding any of the provisions of the ordinance to the contrary, the Commission may issue a Certificate of Economic Hardship to allow the performance of work for which a Certificate of Appropriateness has been denied.

- A. State Assistance: Applicants claiming economic hardship shall be required to apply to the State Historic Preservation Agency to determine eligibility for rehabilitation assistance. The eligibility for and availability of financial aid shall be considered by the Commission in making its decision.
- B. Application Requirements: An applicant for a Certificate of Economic Hardship may submit any or all of the following information in order to assist the Commission in making its determination on 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 most recent assessments.
 3. Real estate taxes for the previous two years.
 4. Remaining balance mortgage, if any, and annual debt service, if any, for the previous two years.
 5. All appraisals obtained within the previous two years by the owner or applicant or their lenders in connection with this purchase, financing, or ownership of the property.
 6. Any listing of the property for sale or rent, 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 years, itemized operating and maintenance expenses for the previous two 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. Any other information including income tax bracket of the owner, applicant, or principal investors in the property, reasonably necessary for a determination as to whether the property can be reasonably sold or yield a reasonable return to present or future owners.
- C. ~~Study Period: If the Commission finds that without approval of the proposed work, the property cannot obtain a reasonable economic return therefrom, then the application shall be delayed for a period not to exceed 45 days. During this period of delay, the Commission shall investigate plans and make recommendations to the Village Board to allow for a reasonably beneficial use or a reasonable economic return, or to otherwise preserve the subject property. Such plans and recommendations may include, without limitation, the following: a relaxation of the provisions of this Title, a reduction in real property taxes, financial assistance, building code modifications, and/or changes in zoning regulations.~~
- D. Decision: If, by the end of this 45 day period, the Commission has found that without approval of the proposed work, the property cannot be put to a reasonable beneficial use, or the owner cannot obtain a reasonable economic return therefrom, then the Commission shall issue a Certificate of Economic Hardship approving the proposed work. If the Commission finds otherwise, it shall deny the application for a Certificate of Economic Hardship.
- E. Appeal: When a Certificate of Economic Hardship is denied, the applicant may appeal the Commission's decision in the same manner provided for Certificates of Appropriateness, as described in Subsection 14-5-5 of this Title.

14-5-7: NATURAL DESTRUCTION OR DEMOLITION: In the case of partial or complete natural destruction or demolition of a landmark or structure, building, site, or area within an historic district, the owner of record shall be required to obtain a Certificate of Appropriateness from the Commission prior to reconstruction. Although exact duplication of the previous structure may not be required, the exterior design of the property shall be in harmony with:

- A. The exterior design of the structure prior to damage, and
- B. The character of the historic district, where the structure, building, site or area is within an historic district.

14-5-8: PENALTIES: Any person who undertakes or causes an alteration, construction, demolition, or removal of any nominated or designated landmark without a Certificate of Appropriateness shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars (\$50) nor more than seven hundred and fifty dollars (\$750). Any person who undertakes or causes an alteration, construction, demolition, or removal of any ~~structure, building, site, or area within a nominated or designated historic district without having~~ obtained a final decision from the Commission on a Certificate of Appropriateness application shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars (\$50) nor more than seven hundred and fifty dollars (\$750). Every day such violation shall continue to exist shall constitute a separate violation. In addition to such penalties, the Village may institute any appropriate action or proceeding to enjoin, correct or abate any violation of this Title.

675

Section 4. Effective Date. This Ordinance shall be in full force and effect commencing on May I, 2000, upon its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED this ..lll.tiay of April , 2000.

AYIES: TRUSTEES FAULSTICH, STEPHENS, ARENS, CICCARONE, BARROW AND MILKINT.

NAYS: NONE.

ABSENT: NONE.

APPROVED this lBthday of April , 2000.

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Village President

ATTEST:

4' Yk
Village Clerk
by Edward Morris
Deputy Village Clerk

- A. General Standard: All work undertaken pursuant to a building permit issued by the village pursuant to this title shall include protection against the migration of dust and other airborne particles from the subject property.
- B. Water Source; Spraying Equipment: Every construction site shall have a source of water and spraying equipment to control dust and other airborne particles.
- C. Outdoor Sawing: Except for sawing on top of a structure or within a framed structure, all outdoor sawing shall be undertaken within a specified location on the subject property. That specified location shall be protected against the migration of dust and other airborne particles by a solid barrier which shall be not less than four feet (4') high, shall extend not less than one hundred eighty degrees (180°) around the specified area, and shall be positioned between the specified area and the nearest adjacent property line. The solid barrier may be cloth, wood, plastic, or other material impervious to dust and may be temporary in nature. The solid barrier shall be in place at all times sawing is undertaken. (Ord. O2008-46, 8-12-2008)
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9-12-3: FENCES:

- A. Definitions: For the purposes of this section, the definitions of terms contained in the Hinsdale zoning ordinance shall apply to those terms as used in this section. Other terms are hereby defined as follows:

FENCE: Any structure, other than an enclosed building, forming a barrier or boundary between lots, between a lot and any street or alley, or between portions of a lot or lots.

MAINTENANCE: Incidental repairs to less than fifty percent (50%) of the total area of an existing fence.

REPLACE: The reconstruction of a fence due to damage, destruction, or alteration of fifty percent (50%) or more of the total area of an existing fence. "Maintenance" as defined in this section shall not be included.

WINGWALL: Architectural features of a structure that can appear to be a fence or wall, extending beyond the exterior face of a structure typically made of the same materials as the structure to which they are attached.

- B. General Prohibition: No fence shall be built, installed, erected, enlarged, extended, maintained, replaced, or allowed to exist in violation of the provisions of this section. Any fence so built, installed, erected, enlarged, extended, replaced, or maintained, except as provided in subsection K of this section, shall be removed by the owner thereof.
- C. Permit Required: No person shall build, install, erect, enlarge, replace, or extend a fence or part thereof without obtaining in advance a permit therefor and paying the fee provided in section 9-1-4 of this title. An application under this section shall be made to the building commissioner and shall include a sketch plan describing the proposed fence and showing, to the extent necessary to establish compliance with the requirements of this section, its location in relation to: 1) the lot lines of the lot on which the fence is placed, 2) any structures on said lot, and 3) any structures on adjacent properties, and depicting any proposed grade changes in said area.
- D. Construction Standards; General: All fences shall be built, installed, erected, reconstructed, restored, replaced, or extended in a good and workmanlike manner. No structural components of a fence, other than the structural components of a brick or stone fence, shall exceed six inches (6") in width. All fences shall be securely anchored in the ground. All fences shall be built, installed, erected, reconstructed, restored, replaced, or extended so that all posts and other structural components, and the unfinished side of the fence, if any, shall face into the lot on which the fence is placed. Fences shall be constructed of wood, aluminum, wrought iron, brick, stone, or polyvinyl chloride (PVC). Welded wire and plastic fabric type fencing are prohibited unless otherwise authorized on a temporary basis pursuant to a permit issued by the village for demolition or to construct a new principal structure in accordance with subsection 9-1-7F of this title.

E. Construction Standards; Height: No fence or part thereof shall be permitted in excess of the following height limits:

1. Residential districts and lots used for residential purposes:

a.	Front yard, except for subsections E1d and E1e of this section (solid fences shall be limited to 24 inches in height as measured from the natural grade as set forth in subsection H3 of this section)	3 feet
b.	Corner side yard, except for subsections E1d and E1e of this section	4 feet
c.	Any other yard, except for subsections E1d and E1e of this section	6 feet
d.	Within 10 feet of and parallel to a lot line of any lot used for nonresidential purposes	8 feet
e.	Within 10 feet of and parallel to a lot line abutting the Illinois Tri-State Toll Road, Route 83, 55th Street, or Ogden Avenue rights of way	8 feet

2. Nonresidential districts and lots used for nonresidential purposes:

- a. Front yard: Eight feet (8');
- b. Corner side yard: Eight feet (8');
- c. Any other yard: Eight feet (8');

provided, however, the maximum allowable fence height provided for in this subsection E2 shall be reduced to a maximum height of not less than four feet (4') along any lot line abutting a lot used for residential purposes, if determined by the building commissioner to be necessary for purposes of promoting pedestrian and vehicular traffic safety.

3. Exceptions to subsections E1 and E2 of this section:

a.	Chainlink fences wherever located	4 feet
b.	Any fence governed by the provisions of section <u>7-1D-4</u> or <u>7-1D-5</u> of this code	2 feet

c.	Any post or other principal vertical support component	6 inches above maximum height
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F. Measurement Of Height: The height of all fences shall be measured from the existing natural grade on which the fence is located, as determined by the building commissioner, to the top of the fence.

G. Maintenance: All fences shall be maintained in good condition.

H. Prohibited Fences: Notwithstanding any provision of this code to the contrary, the following prohibitions apply to all fences in the village:

1. No fence shall be permitted in violation of sections 7-1D-4 to 7-1D-5 of this code.
2. No chainlink, stockage, or cinder block fence shall be permitted in any front yard or any corner side yard.
3. No "solid fence", as defined herein, shall be permitted that exceeds twenty four inches (24") in height as measured from the natural grade in any front yard or any corner side yard. A "solid fence" is a fence in which the open spaces, when viewed at a right angle to the vertical fence plane, constitute less than one-third ($\frac{1}{3}$) of the total fence contour. The "total fence contour" is the entire square foot area within and between the outside vertical outline of the fence. The "open spaces" are areas within the "total fence contour", which, when viewed at right angles to the vertical fence plane, allow clear visibility through said fence plane.
4. No chainlink fence shall contain strips or slats of any kind between or among the links.
5. No barbed wire fences shall be permitted; provided, however, that no more than three (3) strands of barbed wire may be used on the top of fences enclosing public utility facilities.
6. No electrically charged fences shall be permitted.
7. No wingwall may encroach into a required yard.

I. Protective Fences: Any school, church, hospital, or library may petition to the zoning board of appeals for a permit to construct a protective fence that would not conform to the requirements of subsection E of this section or the requirements of subsection H1 of this section insofar as such requirements relate to chainlink fences; provided, however, that under no circumstances shall any fence be permitted under this subsection on a lot zoned in the AA or A residence districts of the Hinsdale zoning ordinance which is used for residential purposes except in conformance with all the requirements of this section. The zoning board of appeals shall approve such petition only upon the finding that: 1) the fence is justified in light of the

seriousness of the risk posed to the safety of persons and the fence will mitigate that risk; 2) the fence will not alter the essential character of the locality; 3) the fence will be in harmony with the general purpose and intent of this section; 4) the fence will set no unfavorable precedent either to the locality or to the village as a whole; 5) the fence will be the minimum size and type necessary to accomplish its intended purpose; and 6) the fence will not adversely affect the public safety and general welfare.

J. Variations: Any person may petition to the zoning board of appeals for a variation from the provisions of this section. A petition for a variation shall include the following information: name, address, and telephone number of petitioner; a description of the requested variation; a site plan, drawn to scale, depicting the proposed fence and showing its location in relation to the lot lines of the lot on which the fence is placed, any structures on said lot, and all adjacent properties; existing elevations in the area in which the fence is placed and any proposed grade changes in said area; and such additional information as the zoning board of appeals may require. The zoning board of appeals shall grant a variation from the provisions of this section only upon finding that: 1) the petitioner is affected by unique circumstances which create a hardship justifying relief from the provisions of this section, 2) the variation will not alter the essential character of the locality, 3) the variation will be in harmony with the general purpose and intent of this section, 4) the variation will set no unfavorable precedent either to the locality or to the village as a whole, 5) the variation will be the minimum necessary to afford relief to the petitioner, and 6) the variation will not adversely affect the public safety and general welfare. Every grant of a variation shall be based on written findings of fact evidencing compliance with the foregoing standards and specifying the reasons for granting the variation.

K. Nonconforming Fences: All fences heretofore lawfully constructed and not in conformity with the provisions of this section shall be deemed nonconforming fences and may exist and may be maintained; provided, however, that no such maintenance shall expand any existing nonconformity or create any new nonconformity. No nonconforming fence shall be enlarged or extended in any manner except in accordance with the provisions of this section.

L. Swimming Pools: Nothing in this section shall be construed to alter or limit the provisions of the international residential code related to fences designed to enclose swimming pools.

M. Exemptions: The provisions of this section shall not apply to fences owned or maintained by the village or to fences constructed and maintained by any other governmental body or agency for the principal purpose of reducing noise. (Ord. O2008-46, 8-12-2008)

9-12-4: MOVING BUILDINGS: