

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
JULY 3, 2007 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Historic Preservation Ordinance	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

An ordinance has been prepared to amend the Village Code to include a historic preservation ordinance and officially establish the Architectural Design Review Board as the Village’s Historic Preservation Commission.

STRATEGIC PLAN ALIGNMENT

The Five Year Plan and Goals for 2006-2011 identified *Preservation of the Residential and Neighborhood Character*. Supporting these goals are the objectives *Continuing Reinvestment in the Neighborhoods*, the 2006-2007 Policy Actions *Historic Preservation Ordinance: Policy Direction and Implementation* (Moderate Priority).

FISCAL IMPACT

On an annual basis as a part of the municipal budget process, the fiscal impact of the ordinance will be evaluated.

RECOMMENDATION & UPDATE

This item was discussed at the June 26, 2007 Workshop meeting. Approval is recommended on the July 3, 2007 active agenda.

BACKGROUND

A draft Historic Preservation Ordinance was prepared by the Village in 2005. This ordinance is meant to preserve the Village’s historically significant buildings and sites. If adopted, the ordinance will provide a tool for the Village to preserve its historic resources. Currently, there is no Village-ordained method for residents to preserve historically significant structures.

The ordinance has four major components (described below) that work together to allow property owners and neighborhoods to voluntarily place extra protections on their properties. The ordinance contains strong owner-consent provisions that protect property owners from having others (including the Village) apply the historic preservation regulations to properties without owners’ consent.

The Architectural Design Review Board (“ADRB”) will receive nominations from property owners and neighborhoods; review the nominations based on standards set forth in the ordinance and make a recommendation to Council on whether or not to designate the property or neighborhood as “historic.” Once a property or neighborhood is designated as historic, property owners must receive a Certificate of Appropriateness to complete modifications to their properties. In most cases, the ADRB issues a Certificate of Appropriateness in a public meeting format.

1. Historic Preservation Commission

The ordinance creates a Historic Preservation Commission and sets forth the members' terms, required qualifications and the commission's duties. As written, the ordinance designates the Architectural Design Review Board as this commission. The ADRB would administer the Historic Preservation Ordinance. The ADRB would still be available for other necessary duties assigned by the Village Council.

2. Historic Landmarks

The Historic Preservation Ordinance creates a process by which a property owner could apply to the Village to have their property recognized as a historic landmark. Properties must meet certain criteria as outlined by the ordinance to be designated as a landmark. By designating a property as a landmark, the owner protects the property as it currently exists.

Properties are designated as Historic Landmarks only after going through a public hearing process. The ordinance requires that the property owner sign the petition before it is reviewed. The ADRB makes recommendations to the Village Council after the public hearing and the Village Council approves or rejects the designation. If the designation is approved, it is recorded with DuPage County and identified on the Village's zoning map.

3. Historic Districts

The ordinance also provides residents the opportunity to place the historic preservation regulations on neighborhoods having a large concentration of historic homes. The area must meet certain criteria to be designated as a historic district and 51% of the property owners in the proposed district must sign the petition for nomination. By designating an area as a Historic District, all properties within it must receive ADRB approval for most modifications.

Historic Districts are created through a public hearing process. There would be a preliminary hearing and a final hearing conducted by the ADRB. The first hearing would preliminarily determine the merits of the district nomination. Notice of the ADRB's preliminary determination would be sent to owners within the proposed district. After notice is sent, a final hearing is scheduled and the ADRB would make recommendations to the Village Council. If the designation is approved, the district is recorded with DuPage County and placed on the Village's zoning map.

4. Certificates of Appropriateness

A Certificate of Appropriateness (COA) is required to complete most modifications to properties designated as Historic Landmarks and/or in Historic Districts. COAs generally require ADRB approval through a public meeting process for major projects such as additions, teardowns, new homes, accessory structures over 100 square feet and removal of historic materials. An owner may appeal the conditions or denial of a COA to the Village Council if they are not satisfied with the ADRB's decision.

COAs can be issued administratively for minor work such as landscaping, rear decks and porches, accessory structures less than 100 square feet and major interior renovations that do not impact the historic features of a building as described by the original designation. Work such as exterior painting, routine maintenance and repair, and minor interior modifications do not require COAs. All COAs must be obtained prior to receiving a building permit. The finished work must comply with

the conditions (if any) outlined in the COA and Community Development staff will inspect the work prior to issuing a Certificate of Occupancy.

The ADRB originally discussed the draft ordinance in 2006 and forwarded a recommendation to the Village Council in June 2006. The Board recommended the Village Council move forward with the draft ordinance. The ADRB also recommended the Village receive more public input regarding the ordinance's specific requirements prior to adopting any regulations. The Council reviewed the recommendation in December 2006 and directed the ADRB to hold public hearings and forward a recommendation regarding the draft ordinance within 90 days.

The ADRB held two public hearings on February 22 and February 24, 2007. At the February 24, 2007 hearing, the Board recommended unanimous approval of the draft ordinance. Staff made the recommended changes to the draft ordinance and made some additional modifications that were deemed administratively appropriate. Due to the nature of these changes, staff requested the ADRB review the ordinance at an additional public meeting. The Board held a meeting on May 31, 2007 and recommended unanimous approval of the revised ordinance. Staff concurs with this recommendation.

ATTACHMENTS

Draft historic preservation ordinance

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Village Attorney **DATE:** July 3, 2007
(Name)

RECOMMENDATION FROM: Plan Commission **FILE REF:** _____
(Board or Department)

NATURE OF ACTION:

- Ordinance
- Resolution
- Motion
- Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to Adopt "AN ORDINANCE ESTABLISHING AN HISTORIC PRESERVATION ORDINANCE", as presented.

SUMMARY OF ITEM:

Adoption of the attached ordinance shall establish an historic preservation ordinance and an Architectural Design Review Board.

RECORD OF ACTION TAKEN:

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ORDINANCE NO. _____

**AN ORDINANCE ESTABLISHING
AN HISTORIC PRESERVATION ORDINANCE**

WHEREAS, the Village of Downers Grove contains a number of structures and areas that embody a sense of time and place unique to the Village or which exemplify or reflect the cultural, social, economic, political or architectural history of the Nation, the State or the Village; and

WHEREAS, movements and shifts of population and the changes in residential, commercial and industrial uses and customs threaten the destruction of areas, places, structures, works of art, and other objects having special historic, community, architectural or aesthetic importance, interest, or value and whose preservation and continued utilization are necessary and desirable for the enjoyment and beauty of the Village and for the welfare of its residents; and

WHEREAS, the protection of the historic and architectural character and resources of the Village is necessary for the promotion of its economic development and to meet its stated goal of preserving the balance between tradition and progress; and

WHEREAS, the Mayor and Council have determined that it is necessary and desirable to preserve buildings, structures, and sites of historical and architectural significance in the Village; and

WHEREAS, the Mayor and Council have determined that it is necessary to create an entity charged with identifying and overseeing the Village's historic landmarks, districts and sites and preserving same for the use, observation, education, enjoyment, and general welfare of the residents of the Village; and

WHEREAS, the authority for these purposes is found in the Illinois Historic Preservation Act 20 ILCS 3410/1 et. seq. and the Illinois Municipal Code, 65 ILCS 5/11-48.2-1 et. seq., which grant powers to the Mayor and Council to provide for official landmark designation of areas, places, buildings, structures, and other objects having special, historical, community or aesthetic interest or value, and in connection with such areas to impose regulations governing construction, alteration, demolition and use, and to adopt other additional measures appropriate for their preservation, protection, enhancement, rehabilitation, reconstruction, perpetuation or use; and

WHEREAS, the Village is further authorized to enact an Historic Preservation Ordinance pursuant to its Home Rule power as such an ordinance pertains to its government and affairs.

NOW, THEREFORE, BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by **shading**/underline; deletions by ~~strikeout~~):

Section 1. That Section 2.53. is hereby amended to read as follows:

2.53. Appointment of members to boards and commissions.

(a) Members of the following boards and commissions shall be appointed by the Village Council as provided herein:

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Library Board of Trustees - all members as provided by law.

(b) Members of the following boards and commissions shall be appointed by the Mayor as provided herein:

Police Pension Board - two members, with balance as provided by statute.

Fire Pension Board - two members, with balance as provided by statute.

(c) Members of the following boards and commissions shall be appointed, and the chairperson designated, by the Mayor, subject to confirmation by the Village Council:

Plan Commission

Zoning Board of Appeals

Human Service Commission

Board of Fire and Police Commissioners

Community Grants Commission

Community Events Commission

Stormwater and Flood Plain Oversight Committee

Electrical Commission

Parking and Traffic Commission

Liquor Commission

Technology Commission

Environmental Concerns Commission

Transportation Advisory Commission

Architectural Design Review Board

(d) Members of the following boards and commissions shall be appointed, and the chairperson designated, by the Village Manager:

Design Review Committee

(e) Members of the following boards and commissions shall be appointed, and the chairperson designated, by the Village Manager, subject to confirmation by the Village Council:

Building Board of Appeals

(f) Each member of a board or commission, including the chairman, shall hold office until the expiration of the term for which such member was appointed or until such time as a successor has been appointed or qualified, unless prior to such time such member resigns his/her position or is removed from it by the appointing official.

(g) Vacancies on any board or commission shall be filled as soon as possible for the unexpired term of the member whose place has become vacant.

(h) Each member of a board or commission shall be a resident of the Village unless otherwise specifically provided.

(i) Only duly appointed members may vote on any matter before any board or commission.

(j) The Mayor may, in his/her discretion, subject to confirmation by the Village Council, appoint for a one (1) year term, a student who will be enrolled in the 11th grade during the majority of his/her term on the following boards and commissions:

(1) Human Services Commission;

(2) Environmental Concerns Commission;

(3) Community Events Commission; and

(4) Grants Commission.

Each student shall reside within the Village of Downers Grove and shall be a voting member of the board or commission. Any student member appointed pursuant to this section may be in addition to any regularly appointed members of the board or commission as established by Ordinance. (Ord. No. 3266, § 34; Ord. No. 3294, § 1.)

Section 2. That Section 2.55DIV. is hereby amended to read as follows:

2.55DIV. Division 3. Architectural Design Review Board.

Section 3. That Section 2.56. is hereby amended to read as follows:

2.56. Created; composition; terms of office.

An Architectural Design Review Board is hereby created, which commission shall consist of seven members appointed for staggered terms of three (3) years each. Members shall hold office for their designated terms until their successors have been appointed. Two (2) members shall be architects, one (1) member shall be an attorney, one (1) member shall be a representative of the Downers Grove Historical Society and three (3) members shall be citizens from the general public. (Ord. No. 1622, § 2; Ord. No. 3266, § 34.)

Section 4. That Section 2.57. is hereby amended to read as follows:

2.57. Powers and Duties.

The Architectural Design Review Board shall have the following powers and duties:

- a. Administer the historic preservation provisions of this Code;
- b. Perform such additional duties as the Village Council may direct. (Ord. No. 1622, § 2; Ord. No. 2261, § 21; Ord. No. 2641, § 2; Ord. No. 3266, § 34.)

Section 5. That Section 12.100. is hereby added to read as follows:

12.100. Findings.

The purpose of this ordinance is to promote the protection, enhancement, perpetuation, and use of improvements of special character or historical interest or value in the Village of Downers Grove by:

- I. Providing a mechanism to identify and preserve the historic and architectural characteristics of the Village which represent elements of the Village's cultural, social, economic, political and architectural history;
- II. Promoting civic pride in the beauty and noble accomplishments of the past as represented in the Village's landmarks and historic districts;
- III. Stabilizing and improving the economic vitality and value of Downers Grove's landmarks and historic areas;
- IV. Protecting and enhancing the attractiveness of the Village to home buyers, visitors and shoppers and thereby supporting business, commerce, industry, and providing economic benefit to the Village;
- V. Fostering and encouraging preservation and restoration of structures, areas, and neighborhoods and thereby preventing future urban blight.

Section 6. That Section 12.200. is hereby added to read as follows:

12.200. Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings ascribed to them as follows:

Alteration. Any act or process that changes one or more of the architectural features of a structure, including, but not limited to the erection, construction, reconstruction, or removal of any structure.

Addition. Any act or process which changes one or more of the exterior architectural features of a structure by adding to, joining with or increasing the size or capacity of the structure.

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Board. The Downers Grove Architectural Design Review Board.

Building. Any structure enclosed with walls and a permanent roof created for the support, shelter or enclosure of persons, animals or property of any kind and which is permanently affixed to the land.

Building Survey. A written report conducted by an Illinois licensed architect or other qualified third party professional identifying at a minimum the architectural style, historical status and condition of all structures and properties within a proposed historic district.

Certificate of Appropriateness. A certificate issued by the Board pursuant to Section 12-700.

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

Council. The Village Council of the Village of Downers Grove.

Demolition. Any act or process that destroys in part or in whole a building, structure or accessory structure.

Department. The Department of Community Development.

Design Guideline. A standard of appropriate activity that will preserve the historic and architectural character of a structure or area.

Director. The Director of the Department of Community Development.

Exterior Architectural Appearance. The architectural and general composition of the exterior of a structure, including, but not limited to the kind, color, and the texture of the building material and the type, design and character of all windows, doors, light fixtures, signs, and appurtenant elements.

Exterior Modification. Any alteration, addition, construction, demolition, rehabilitation, removal or repair.

Historic District. A specific geographic area containing more than two contiguous properties designated by resolution of the Village Council after a recommendation by the Board.

Landmark. Any building, structure or site which has been designated as a landmark by resolution of the Village Council after a recommendation by the Board.

Owner Consent Form. A form provided by the Village identifying the owner(s) of record and their consent to landmark or historic district designation.

Owner of Record. The person, corporation, or other legal entity listed on the records of the County Recorder of Deeds.

Rehabilitation. The process of returning a property to a state of utility, through repair or alteration of the exterior of the property, which makes possible an 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 on its site or to another site.

Repair. Any external change that does not require a building permit or that is not construction, removal or alteration.

Structure. Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but not limited to buildings, fences, gazebos, advertising signs, backstops for tennis courts, radio and television antennae, including supporting towers, swimming pools, satellite dishes, solar panels and wind generation devices.

Structural Change. Any change or repair in the supporting members of a building, structure, roof or exterior walls or which would expand, reduce, or otherwise substantially modify the building in height, width or bulk.

Section 7. That Section 12.300. is hereby added to read as follows:

12.300. Landmark Designation Procedures.

1. An application for landmark designation may be submitted by any interested party or by the owner(s) of record of the property on which the proposed landmark is located. A filing fee may be provided for by administrative regulation.

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2. Applications for landmark designation shall be filed with the Department on a form provided by the Department and shall include the following, unless specifically waived by the Director:

- a. The name and address of the property owner(s).
- b. Owner Consent Form.
- c. Proof of ownership.
- d. The legal description and common street address of the property.
- e. A written statement describing the property and setting forth reasons in support of the proposed designation.
- f. A written statement indicating the applicant(s) is in receipt of a copy of the Historic Preservation Ordinance and acknowledging its requirements.
- g. A list of significant exterior architectural features .
- h. An overall site plan and photographs of the proposed landmark.
- i. Any other information required by the Director.

3. An application for landmark designation shall be deemed to be complete only if the application is accompanied by an owner consent form containing the signatures of all owners of record of a property on which the proposed landmark is located.

4. Within thirty (30) days of the receipt by the Department of a completed application for landmark designation, the Board shall schedule a public hearing on the application, said hearing to be held no more than sixty (60) days after such receipt.

- a. Not less than fifteen (15) nor more than thirty (30) days prior to the date of the hearing, notice of date, time, place and purpose of the public hearing shall be sent by first class mail to the applicants as well as to the owners of all property located within two hundred fifty (250) feet of the proposed landmark. The public hearing notice shall also be published once in a newspaper having general circulation in the Village, not less than fifteen (15) nor more than thirty (30) days prior to the date of the hearing. The failure of any person to receive written notice shall not invalidate, impair or otherwise affect any action taken regarding the proposed landmark.
- b. During the public hearing, the Board shall review and evaluate the application according to the criteria set forth in Section 12.400. A majority vote of the Board shall be necessary to make a recommendation to the Council regarding the application.
- c. Within thirty (30) days following the date of the closing of the public hearing, the Board shall prepare its written evaluation, recommendation and all available information for submission to the Council. A resolution passed by majority vote of the Council is necessary for approval of a landmark. If the Council approves or denies the application, a notice shall be sent to the property owner(s) of record via certified mail, to the Department of Community Development, and to the Village Clerk's office. The Village, within thirty (30) days of the approval, shall cause the approved landmark designation to be recorded with the County Recorder of Deeds. If the Council denies the application, such denial shall constitute a final administrative decision subject to review administratively as provided by law.
 - i. If a building and/or site is designated as a landmark by the Council, such designation shall be identified on the Village's Official Zoning Map.
 - ii. Landmark designation may be amended or rescinded by the same procedure and according to the same criteria set forth herein for designation.
 - iii. If an application is denied, the owner(s) of record may not reapply for landmark status for two (2) years from the date of the denial by the Council.

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Section 8. That Section 12.400. is hereby added to read as follows:

12.400. Landmark Designation Criteria.

The following criteria shall be utilized by the Board in determining the designation of landmarks:

- a. Significant value as part of the historic, heritage or cultural characteristics of the community, county, State or Nation;
- b. Identification with a person or persons who significantly contributed to the development of the community, county, State or Nation;
- c. Representative of the distinguishing characteristics of architecture inherently valuable for the study of a period, type, method of construction or use of indigenous materials;
- d. 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. Unique location or singular physical characteristics that make it an established or familiar visual feature;
- f. Character as 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. Area that has yielded or may be likely to yield, information important in history or prehistory.
- h. A source of civic pride or identity for the community.

Section 9. That Section 12.500. is hereby added to read as follows:

12.500. Historic District Designation Procedures.

1. An application for the designation of an historic district may be submitted by any interested party. A filing fee may be provided for by administrative regulation.

2. Applications for historic district designation shall be filed with the Department on a form provided by the Department and shall include the following, unless specifically waived by the Director:

- a. The names and addresses of the property owners of each parcel of property to be included in the proposed district.
- b. Owner Consent Form signed by all owners of record of 51% or more of the properties to be included in the proposed historic district.
- c. Proof of ownership for all of the petitioning property owners.
- d. Photographs of the proposed district supporting the application.
- e. A written statement indicating the owners of record included on the owner consent form have received copies of the Historic Preservation Ordinance and acknowledging its requirements.
- f. A map delineating the boundaries of the area proposed to be designated.
- g. A written statement describing the area and properties within the historic district and setting forth reasons in support of the proposed designation.
- h. A list and photographs of significant exterior architectural features of properties in the district.
- i. A building survey for all buildings within the proposed district.
- j. Any other information required by the Director.

3. A preliminary hearing concerning the application shall be held by the Board within thirty (30) days of the receipt of the application by the Department. The following procedure shall be used for the

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preliminary hearing regarding the designation of historic districts:

- a. Not less than fifteen (15) nor more than thirty (30) days prior to the date of the hearing, notice of date, time, place and purpose of the public hearing shall be sent by first class mail to owner(s) of record in the proposed district and to the applicant(s), as well as the owners of all property located within two hundred fifty (250) feet of the boundaries of the proposed historic district. The public hearing notice also shall be published once in a newspaper having general circulation in the Village of Downers Grove not less than fifteen (15) nor more than thirty (30) days prior to the date of the hearing.
 - b. During the preliminary public hearing, the Board shall review and evaluate the application according to the criteria established by Section 12.600 and shall make a preliminary determination by majority vote regarding designation of the proposed historic district. Such preliminary determination shall be sent via certified mail to all owners of record within the proposed district.
4. The Board shall, within thirty (30) days of the preliminary determination, schedule a public hearing on the application, said hearing to be held no more than sixty (60) days after the date of the preliminary determination.

- a. Not less than fifteen (15) nor more than thirty (30) days prior to the date of the hearing, notice of date, time, place and purpose of the public hearing shall be sent by first class mail to the owner(s) of record in the proposed historic district and to the applicant(s) as well as to the owners of property located within two hundred fifty (250) feet of the boundaries of the proposed historical district. The public hearing notice also shall be published once in a newspaper having general circulation in the Village of Downers Grove, not less than fifteen (15) nor more than thirty (30) days prior to the date of the hearing. The failure of any person to receive written notice shall not invalidate, impair or otherwise affect any action taken regarding the proposed historic district.
- b. During the public hearing, the Board shall review and evaluate the application according to the criteria established by Section 12.600. A majority vote of the Board shall be necessary to make a recommendation to the Council regarding the application.
- c. Within thirty (30) days following the date of the closing of the public hearing, the Board shall prepare its written evaluation, recommendation and all available information for submission to the Council. A resolution passed by majority vote of Council is necessary for approval of an historic district. If the Council approves or denies the application, a notice shall be sent to the property owner(s) of record via certified mail. Written copies of the decision shall be provided to the Department of Community Development and the Village Clerk. The Village shall, within thirty days of approval, cause the approved historic district determination to be recorded with the County Recorder of Deeds. If the Council denies the application, such denial shall constitute a final administrative decision subject to administrative as provided by law.
 - i. If a building and/or site is designated as an historic district by the Council, such designation shall be identified on the Village's Official Zoning Map.
 - ii. Historic designation may be amended or rescinded by the same procedure and according to the same criteria set forth herein for designation.
 - iii. If an application is denied by the Council, the property may not be the subject of an application for a period of two (2) years from the date of the denial by the Council.

Section 10. That Section 12.600. is hereby added to read as follows:

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12.600. Historic District Criteria.

The following criteria shall be utilized by the Board in determining the designation of historic districts:

- a. The proposed historic district contains two or more contiguous properties along with such other buildings, places or areas within its definable geographic boundaries which, while not of such historic significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located in such district;
- b. A significant concentration of structures meeting any of the criteria for landmark designation;
- c. The proposed district establishes a sense of time and place unique to the Village of Downers Grove, and/or;
- d. The proposed district exemplifies or reflects the cultural, social, economic, political or architectural history of the nation, the state, or the community;
- e. An area nominated for designation as an historic district shall be identifiable by clear and distinct boundaries.

Section 11. That Section 12.700. is hereby added to read as follows:

12.700. Certificate of Appropriateness.

In addition to a building permit, demolition permit or moving permit, as the case may be, a certificate of appropriateness shall be required for all exterior modifications made to landmarks or to any building, structure, site or part thereof located within an historic district.

Section 12. That Section 12.701. is hereby added to read as follows:

12.701. Application.

An application for a Certificate of Appropriateness (COA) shall be on a form provided by the Department and shall be submitted to the Department. A filing fee may be required pursuant to administrative regulation. Such application shall include the following:

- a. Owner's name, street address and legal description of the property involved.
- b. A brief description of the present improvements located on the property.
- c. A detailed description of the exterior modification proposed together with architectural drawings or sketches, if applicable.
- d. Name, address and telephone number of the developer, contractor or architect, if applicable.
- e. Any other information as required by the Director.

Section 13. That Section 12.702. is hereby added to read as follows:

12.702. Issuance.

1. The Director may issue a Certificate of Appropriateness (COA) for minor exterior modifications proposed to the landmark or building, structure, site or part thereof located within an historic district. Minor exterior modifications are as follows:

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- a. Installation or removal of landscaping.
- b. Construction or alteration of fences.
- c. Construction or alteration of patios.
- d. Construction or repair of driveways and sidewalks.
- e. Construction of new sheds.
- f. Construction or alteration of open rear porches or decks.
- g. Demolition or alteration of accessory structures not contributing to historic significance as defined by the findings of the Board.
- h. Replacing or repairing wood or asphalt shingles.
- i. Exterior painting.
- j. Construction of new exterior steps.
- k. Routine maintenance or cleaning.
- l. Replacing aluminum clad or vinyl clad windows not original to the structure or contributing to the historic significance as defined by the findings of the Board.
- m. Repairing damaged architectural features to their original state.
- n. Replacing aluminum or vinyl siding when associated with a structure not contributing to the significance of an historic district.

2. If the proposed work does not fall within the definition of minor exterior modification as set forth above, then the proposed work shall be considered a major exterior modification and the consideration of the COA shall be by the Board as follows:

- a. Within thirty (30) days from the receipt by the Director of a completed application for a COA, the Board shall schedule a public hearing on the application, such hearing shall be held not more than sixty (60) days after such receipt.
- b. Not less than fifteen (15) nor more than thirty (30) days prior to the date of the hearing, notice of the time, place and purpose of the public hearing shall be sent by first class mail to the applicant(s) as well as to the owners of all property located within two hundred fifty (250) feet of the property which is the subject of the proposed certificate of appropriateness. If the property is located within an historic district, all property owners within the historic district shall be sent notice by certified mail. The public hearing shall also be published once in a newspaper having general circulation in the Village not less than fifteen (15) nor more than thirty (30) days prior to the date of the hearing. The failure of any person to receive written notice shall not invalidate, impair or otherwise affect any action taken regarding the COA.
- c. During the public hearing, the Board shall review and evaluate the application according to the criteria set forth in Section 12.703 and 12.704. A simple majority vote of the Board shall be necessary for the approval of a COA.
- d. The Board shall notify the applicant of its decision in writing within fifteen (15) days of the date of the hearing. If approved, the Director shall issue the COA. If denied, the notice shall state the reasons for such denial.
- e. The COA shall remain valid for one year or until a building permit is issued, whichever is less. If substantial changes to the plans submitted with the certificate are required, a new certificate shall be required.

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- f. Applicant(s) denied the issuance of a COA may appeal the decision the Board to the Village Council within thirty (30) days from the date of mailing of the notice of the decision of the Board as provided by Section 12.705.
- g. All permits involving the issuance of a COA shall be subject to a COA compliance inspection. Such inspection shall be completed by the Department of Community Development prior to the issuance of any Certificate of Occupancy.

Section 14. That Section 12.703. is hereby added to read as follows:

12.703. Reviewing Criteria for Certificate of Appropriateness.

In making a determination whether to approve or deny an application for a Certificate of Appropriateness (COA) the Board shall be guided by the Secretary of the Interior's "Standards for Rehabilitation," as follows:

- a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site environment;
- b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided;
- c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken;
- 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 or examples of skilled craftsmanship that characterize a building, structure, or site shall be treated with sensitivity;
- f. Deteriorated historic 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 substantiated by documentary, physical, or pictorial evidence;
- g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of the structures, if appropriate, shall be undertaken using the gentlest means possible;
- 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 the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity 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.
- k. Non-contributing structures in historic districts as defined by the building survey submitted with the application for designation of an historic district are exempt from these criteria and shall only be subject to the design guidelines set forth in Section 12.704.

Section 15. That Section 12.704. is hereby added to read as follows:

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12.704. Design Guidelines for a Certificate of Appropriateness.

Design guidelines for applying the criteria for review of Certificates of Appropriateness (COAs) shall at a minimum, consider the following architectural criteria:

- a. Height - the height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures in a historic district;
- b. Proportions of windows and doors - The proportions and relationships between doors and windows should be compatible with the architectural style and character of the landmark;
- c. Relationship of Building Masses and Spaces - The relationship of a structure within a historic district to the open space between it and adjoining structures should be compatible;
- d. Roof Shape - The design of the roof, fascia, and cornice should be compatible with the architectural style and character of the landmark;
- e. Landscaping - Landscaping should be compatible with the architectural character and appearance of the landmark;
- 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 in a historic district;
- g. Directional Expression - Facades in historic districts should blend with other structures with regard to directional expression. Structures in a historic district should be compatible with the dominant horizontal or vertical expression of surrounding structures. Directional expression of a landmark 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 the landmark compatible with its original architectural style and character of a landmark or historic district;
- i. New Structures - New structures in an historic district shall be compatible with the architectural styles and design in said districts.

Section 16. That Section 12.705. is hereby added to read as follows:

12.705. Appeal of Denial of a Certificate of Appropriateness.

When a Certificate of Appropriateness (COA) is denied for either a landmark or a structure within an historic district, the applicant may, within thirty (30) days, appeal the Board's decision to the Council. Notice of such appeal shall be in writing to the Village Manager, who shall notify the Department. The Department shall prepare the record and forward it to the Council. The Council may receive comments on the contents of the record but no new material may be considered by the Council. The Council may affirm or overturn the decision and may also send the application back to the Board with recommended changes. Decisions of the Council shall constitute final administrative decisions subject to administrative review as provided by law.

Section 17. That Section 12.706. is hereby added to read as follows:

12.706. Penalties.

Any person who violates any provision of this Chapter shall be guilty of an offense subject to the general penalties for ordinance violations pursuant to Section 1.15. the Downers Grove Municipal Code.

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Section 17. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 18. That this ordinance shall be in full force and effect ninety (90) days after its passage and publication in the manner provided by law.

Mayor

Passed:

Published:

Attest: _____
Village Clerk