Draft

Report and Recommendations on Historic Preservation

Prepared by:

Architectural Design Review Board

and

Ad Hoc Subcommittee on Historic Preservation

October 21, 2015

Village of DOWNERS GROVE FOUNDED IN 1832

Acknowledgements

The Village of Downers Grove would like to acknowledge and thank the members of the Architectural Design Review Board and the Ad Hoc Subcommittee on Historic Preservation for their efforts and focus to preserve historically significant structures. Their efforts have resulted in a document which provides valuable guidance and direction for the future of Historic Preservation efforts in the Village.

Architectural Design Review Board

David Matthies, Chair

Carine Acks

Caryn Englander

Thomas Casey

Edward Larson

Jeff Riemer

Mike Davenport

Ad Hoc Subcommittee on Historic Preservation

Mike Behm, Chair

Mac Birch

Amy Gassen

Joseph Georcaris

Paul Jarosz

Ben Leitschuh

Thomas Zimolzak

Report Contents

- Executive Summary
- Introduction
- Process Summary
- Property Owner Survey
- Key Findings
- Desired Outcomes
- Proposed Ordinance Changes
- Public Education and Awareness Strategies
- Incentive Strategies
- Next Steps
- Attachments
    - Proposed Historic Preservation Ordinance
    - Meeting Minutes
    - July 21 Resolution creating the Ad Hoc Subcommittee on Historic Preservation
    - Property Owner Survey Results

Executive Summary

On July 21, 2015, the Village Council passed a resolution creating the *Architectural Design Review Board Ad Hoc Sub-Committee on Historic Preservation.* The resolution directed the Sub-Committee to work with the *Architectural Design Review Board (ADRB)* to achieve the following:

- Increase the number of properties or areas designated as historic landmarks or districts under the Village's Historic Preservation Ordinance.
- Decrease or avoid the loss of historically or architecturally significant buildings and places in the Village.

The ADRB and Ad Hoc Subcommittee reviewed the Village's current historic preservation ordinance, considered the Village's experience with the preservation effort, surveyed the owners of potentially historically significant properties, and considered public comments. Their research identified the following issues:

- The current ordinance contains too many regulations that deter participation.
- There is lack of community awareness about the ordinance and the Village's preservation efforts.
- There is lack of community understanding of the ordinance regulations and the designation process.
- The cost of participating in preservation efforts are significant.

The ADRB and AD Hoc Subcommittee developed the following desired outcomes that guided the recommended changes to the Historic Preservation Ordinance and the education and incentive strategies.

Create Financial Incentives
Reduce Regulatory Requirements
Emphasize Voluntary Participation
Simplify the Application & Approval Process
Inform and Educate the Community
Instill Pride and Celebrate
Leverage Partnerships

The ADRB and Ad Hoc Subcommittee **prepared an amended Historic Preservation Ordinance** with the following key changes:

- Eliminate Certificate of Appropriateness (COA) for construction projects that do not require a building permit, except for window and door replacements.
- Require COAs only for construction projects that are visible from a public right-of-way, excluding alleys.
- Revise definitions and provide new definitions that are easy to read and understand.
- Reduce requirements for filing petitions.
- Revise the public hearing requirements to align with similar requirements in Zoning Ordinance.
- Create certificate of economic hardship provisions.
- Include references to the Zoning Ordinance and Comprehensive Plan.
- Create provisions for demolition by natural causes (acts of God).

- Clarify applicant for a historic landmark is the owner or the owner's authorized agent and the applicant for the historic district is a property owner or authorized agent within the proposed district.
- Create provisions that any property that is nominated as a landmark or district cannot complete construction which would change their historic status during the approval process.
- Create opportunity for non-contiguous historic districts.

The ADRB and Ad Hoc Subcommittee developed these **public education and awareness strategies**:

- Create easy to read and use applications.
- Create easy to use step-by-step guide emphasizing assistance that staff provides and efforts that volunteers/groups can provide.
- Create easy to read educational pamphlets that explain the benefits of historic preservation and counter any misconceptions.
- Partner with local groups to provide assistance in completing landmark nominations.
- Continue to complete historic building surveys.
- Provide updated materials and applications to the owners of identified significant properties.
- Use the Village website, Facebook, Nextdoor,Twitter,Village Corner, newsletter & press releases.
- Use Village YouTube Channel and DGTV-6 to broadcast videos about preservation or landmarked properties.
- Provide plaques for all landmarked properties.
- Create a recognition and awards program that highlights and celebrates successes.
- Encourage the Village, Park District & other local government agencies to landmark properties.
- Continue to apply for IHPA grants for education programs and building surveys.
- Personalize the approach to historic preservation by partnering with local group volunteers to communicate with property owners about the historic significance of their property.
- Partner with local groups/government to assist in identifying potential landmark properties.
- Create new historic preservation hashtag.
- Offer walking or bike tours of historic areas.
- Create a book that features the story of Downers Grove and images of historic homes.

The ADRB and Ad Hoc Subcommittee developed these **financial incentive strategies**:

- Eliminate fees for filing petitions.
- Increase all demolition fees to provide funding for historic preservation efforts (pamphlets, direct mail, plaques, etc.) or to offset the impact of eliminating filing fees.
- Village participation in IHPA tax freeze program.
- Federal tax credit program for historic commercial buildings.
- Consider "historic" public improvements throughout the Village.
- Increase demo fees to provide a clear funding source for creation of historic preservation efforts.
- Consider a “rebate”program for historic landmarks.
- Consider discounted permit fees for all landmarked and historic district properties.

Introduction

The Village adopted a Historic Preservation Ordinance in 2007. Since that time only two properties sought and received landmark status under the Ordinance. Further, the Village did not receive any petitions seeking to create historic districts.

On July 21, 2015, the Village Council passed a resolution creating the *Architectural Design Review Board Ad Hoc Sub-Committee on Historic Preservation.* The resolution called for the Architectural Design Review Board (ADRB) to work together with the Sub-Committee to achieve two goals.

Project Goals

Increase the number of properties or areas designated as historic landmarks or districts under the Village's Historic Preservation Ordinance.

Decrease or avoid the loss of historically or architecturally significant buildings and places in the Village.

The general purpose of the Sub-Committee was to:

1. Identify and make recommendations designed to achieve the goals of (i) increasing the number of properties or areas designated as landmarks and districts under the Ordinance; and (ii) decreasing or avoiding the instances of loss of historically or architecturally significant buildings and places in Downers Grove.

2. Create enhanced public awareness and understanding of the Ordinance.

3. Identify ways to assist property owners and neighborhoods with the designation application process under the Ordinance.

4. Solicit, consider and respond to public comments regarding historic preservation.

5. Seek and consider appropriate information or expertise from outside the community relating to historic preservation, including researching other municipalities' ordinances and processes relating to historic preservation.

6. Discuss and consider amendments to the Ordinance including, but not limited to: the process and thresholds for landmarking a structure or creating a Historic District; applicability of Certificates of Appropriateness for landmarked structures or in Historic Districts; designing regulations for new and existing structures in Historic Districts and for alterations to landmarked structures; regulations for the demolition of landmarked structures or existing structures in Historic Districts.

Process Summary

To meet these goals, the Ad Hoc Sub-Committee met jointly with the Architectural Design Review Board six times from August to October 2015. The issues discussed at each meeting are listed below:

Meeting Date	Topics
8/5/2015	• ADRB & Ad Hoc Introductions • ADRB Introduction of their past work • Review Issue, Goal, Discussion Items, Roles, Deliverables, Schedule • Review and discuss existing Historic Preservation Ordinance (Process, Thresholds, Certificates of Appropriateness, Design Regulations) • Introduce / Assign Survey of Property owners • Public Comment
8/19/2015	• Review other Village's ordinances and programs • Brainstorm possible revisions to the Village's HPO • Public Comment
9/2/2015	• Discussion of Property Survey Results by the Ad Hoc & ADRB • Key Policy Direction Discussion • Public Comment
9/16/2015	• Review Historic Preservation Ordinance Term Sheet • Review Education and Incentive Term Sheet • Public Comment
10/7/2015	• Review Draft Historic Preservation Ordinance • Review Final Education and Incentive Term Sheet • Public Comment
10/21/2015	• Recommend adoption of Ad Hoc and ADRB Report • Public Comment

Property Owner Survey

The ADRB and the Ad Hoc Subcommittee undertook a short survey of property owners whose properties were listed as significant structures in the 2013 Historic Building Survey. The results of these surveys assisted in learning about the level of understanding and interest from those property owners who might be most affected by proposed changes to the program. The results of the survey are shown in the attachments and summarized below:

- Approximately 50% of the respondents were not aware that the Village has a Historic Preservation Ordinance. Of the respondents that were aware that the preservation ordinance exists, 74% were not familiar with the ordinance requirements.
- Approximately 60% of the respondents were not aware that the Village conducted a historic building survey in their neighborhood or that their property was identified as potentially historically significant.
- About 90% of the respondents indicated that they have not considered designating their property as a landmark. The primary reasons for not seeking a landmark designation were 1) too many regulations; 2) cost; and 3) not understanding the ordinance and approval process.

Key Findings

Members of the ADRB and Ad Hoc Subcommittee reviewed the Village's current Historic Preservation Ordinance, considered the Village's experience with the preservation effort since the adoption of the ordinance, surveyed the owners of potentially historically significant properties identified in the 2013 Historic Building Survey and considered public comments. The following key findings were identified and discussed:

Too Many Regulations Residents felt that if they landmarked their property or were a part of a historic district that there would be additional regulations placed on them. Residents were concerned that any improvements to their designated property would have to be part of an additional Village approval which would add cost to their project, increase their timelines and may or may not be approved.

Lack of Awareness Many residents were not aware that the Village had a Historic Preservation Ordinance and program. Additionally, residents that were aware of the ordinance and program were unaware of the requirements of the ordinance.

Lack of Understanding of the Ordinance and Designation Process It was found that many people did not understand the ordinance and felt that the ordinance was too technical and thus not understandable. Members and residents both believed that the designation process was onerous with too many requirements. It was not clear in the ordinance that staff was available to offer technical assistance with the ordinance.

Cost of Participating Residents noted that the application fees to landmark your property or to receive a Certificate of Appropriateness are a deterrent to landmark your property. The fee charges are seen as another cost that the property owner will not be able to recoup.

Desired Outcomes

Based on discussions by the ADRB and AD Hoc Subcommittee, a list of desired outcomes was developed. These outcomes guided the joint committee in developing recommended changes to the Historic Preservation Ordinance and developing education and incentive strategies.

1. **Create Financial Incentives** Property owners seeking to participate in the historic preservation process by landmarking their property or being part of a historic district should receive financial incentives.
2. **Reduce Regulatory Requirements** The properties benefitting from historic district and landmark designations should not be subject to burdensome regulatory requirements. The regulations included in the current ordinance should be reduced.
3. **Emphasize Voluntary Participation** Participation in the Historic Preservation Ordinance and program should be voluntary. The number of properties subject to involuntary participation should be reduced or eliminated.
4. **Simplify the Application & Approval Process** The process for obtaining landmark status and creating historic districts should be simple and easy. Property owners should be able to file petitions quickly with the full assistance of Village staff.
5. **Inform and Educate the Community** Residents and property owners throughout the Village should be aware of the historic structures in the community, the value of preserving these structures and the resources available to preserve historic structures. To that end, the Village should inform and educate residents and property owners.
6. **Instill Pride and Celebrate** Successful efforts to preserve historic structures should be celebrated by the entire community. The Village's historic preservation efforts should be celebrated.
7. **Leverage Partnerships** There are many citizen groups, not-for-profit agencies and residents that are committed to historic preservation efforts and willing to assist the Village and residents. The Village should partner with these groups and individuals to further preservation efforts.

Proposed Ordinance Changes

Based on the ADRB and Ad Hoc Subcommittee's discussions, a listing of key proposed ordinance changes to the Historic Preservation Ordinance in support of the Desired Outcomes were developed. The key proposed changes are shown in the table below. The left column identifies the proposed key changes, the center column identifies the desired outcome the proposed change meets, and the right column identifies the ordinance section and page number of the draft ordinance where the change has occurred. Additionally, within the revised ordinance, notations have been added to denote a key change (K.C. #1).

Key Proposed Changes	Desired Outcome	Where key proposed change can be found in the Draft Historic Preservation Ordinance
1. Eliminate Certificate of Appropriateness (COA) for construction projects that do not require a building permit, except for window and door replacements.	2	Section 12.501, page 10
2. Require COAs only for construction projects that are visible from a public right-of-way, excluding alleys.	2	Section 12.501, page 10 Section 12.502, page 11
3. Revise definitions and provide new definitions that are easy to read and understand.	4 & 5	Section 12.200, page 2
4. Reduce requirements for filing (e.g. eliminate requirements for pictures of all four facades or list of significant architectural features).	2	Section 12.301, page 5 Section 12.401, page 8 Section 12.503, page 12
5. Revise the public hearing requirements to align with public hearing requirements in Zoning Ordinance.	2	Section 12.301, page 6 Section 12.401, page 8 Section 12.503, page 12
6. Create certificate of economic hardship provisions.	2	Section 12.600, page 17

7. Include references to the Zoning Ordinance and Comprehensive Plan.	5	Section 12.100, page 2
8. Create provisions for demolition by natural causes (acts of God).	2	Section 12.800, page 22
9. Clarify applicant for a historic landmark is the owner or the owner's authorized agent and the applicant for the historic district is a property owner or authorized agent within the proposed district.	3	Section 12.301, page 5 Section 12.401, page 8
10. Create provisions that any property that is nominated as a landmark or district cannot complete construction which would change their historic status during the approval process.	5 & 6	Section 12.301, page 6 Section 12.401, page 8
11. Create opportunity for non-contiguous historic districts.	3	Section 12.200, page 4 Section 12.402, page 11

Public Education and Awareness Strategies

The ADRB and Ad Hoc Subcommittee developed a thorough list of public education and awareness strategies to accomplish the two goals of the committee. The items in this list can be used individually, but more likely will be used together in a concerted public education and awareness program in the years to come. The numbers shown at the end of each item identify which of the seven desired outcomes are met by the proposed strategy.

- Create easy to read and use applications. (Meets desired outcome numbers 2, 4)
- Create easy to use step-by-step guide emphasizing assistance that staff provides and efforts that volunteers/groups can provide. (2, 4, 5)
- Partner with local groups to provide assistance in completing landmark nominations. (2, 4, 5, 6, 7)
- Increase website presence. (4, 5, 6)
    - Update historic preservation page
    - Use top story feature
    - Create interactive mapping tool
    - Provide easy access to previous reports that are searchable
    - Provide easy way for interested parties to submit information on historic properties.
- Create easy to read educational pamphlets that explain the benefits of historic preservation counter any misconceptions. (4, 5)
- Continue to complete historic building surveys. (2, 4, 5, 6)
- Direct mail property owners of identified significant properties with updated materials and applications. (2, 4, 5, 6)
- Use Village Facebook, Nextdoor and Twitter accounts. (4, 5, 6)
- Use Village Corner (weekly) and newsletter (quarterly). (4, 5, 6)
- Use Village YouTube Channel and DGTV-6 to broadcast videos about preservation or landmarked properties. (4, 5, 6)
- Create press releases for publication in local newspapers. (4, 5, 6)
- Provide plaques for all landmarked properties. (3, 5, 6)
- Create a recognition program that highlights and celebrates successes. (3, 5, 6)
- Create an awards program for historic landmarks. (3, 5, 6)
- Encourage the Village, Park District and other local government agencies to landmark their properties. (5, 6, 7)
- Continue to apply for IHPA grants for education programs and building surveys. (4, 5, 6, 7)
- Personalize the approach to historic preservation by partnering with local group volunteers to communicate door-to-door with property owners about the historic significance of their property. (5, 6, 7)

- Partner with local groups/government entities to provide assistance in identifying potential landmark properties. (2, 4, 5, 6, 7)
- Create new historic preservation hashtag. (5, 6, 7)
- Offer walking or bike tours of historic area. (5, 6, 7)
- Create a book that features the story of Downers Grove and images of historic homes. Proceeds from the book sale could be used for historic preservation activities. (5, 6, 7)

Incentive Strategies

The ADRB and Ad Hoc Subcommittee developed a thorough list of incentive strategies to accomplish the two goals of the committee. The items in this list can be used individually or in conjunction with one another. The numbers shown at the end of each item identify which of the seven desired outcomes are met by the proposed strategy.

- Eliminate filing fees for historic landmark, historic district and Certificate of Appropriateness applications. (1, 2, 3, 4)
- Increase all demolition fees to provide funding for historic preservation efforts (pamphlets, direct mail, plaques, etc.) or to offset the impact of eliminating filing fees. (1, 2)
- Village participation in IHPA tax freeze program. (1)
- Federal tax credit program for historic commercial buildings. (1)
- Consider "historic" public improvements throughout the Village. (1, 6, 7)
- Increase demo fees to provide a clear funding source for creation of historic preservation efforts (pamphlets, direct mail, plaques, etc.). (1,2)
- Consider a “rebate” program for historic landmarks. Rebates could take the form of a financial incentive for a period of years once a landmark is established. (1, 3)
- Consider discounted permit fees for all landmarked and historic district properties. (1, 2, 4)

Next Steps

Upon ADRB and Ad Hoc Subcommittee approval of the report, the following steps will be undertaken:

1. Present the Report to the Village Council Village staff will present the final ADRB and AD Hoc Subcommittee Report to the Village Council in early November.

2a. Village Council Consideration of the Amendments to the Historic Preservation Ordinance Upon Council acceptance of this report, Village staff will formally present the Draft Historic Preservation Ordinance to the Village Council for their consideration at a Village Council meeting in November.

2b. Village Council Consideration of the Recommendations for Education, Awareness and Incentive Strategies Upon Council acceptance of this report, Village staff will formally present the education, awareness and incentive strategies to the Village Council for their consideration at a Village Council meeting in November.

3. Implementation of Report Recommendations Upon Village Council approval of the Historic Preservation Ordinance and the education, awareness and incentive strategies, Village staff will reconvene the ADRB to develop a work plan to implement the strategies.

Landmark - 5256 Carpenter

Landmark - 4943 Highland

Attachments

- Proposed Historic Preservation Ordinance
  - Clean Copy
  - Redlined Copy
- Minutes of the ADRB and Ad Hoc Subcommittee meetings
  - August 5, 2015
  - August 19, 2015
  - September 2, 2015
  - September 16, 2015
  - October 7, 2015
  - October 21, 2015
- July 21 Resolution creating the Ad Hoc Subcommittee on Historic Preservation
- Property Owner Survey Results

Chapter 12

HISTORIC PRESERVATION

Sections:

12.100. Findings.
12.200. Definitions.
12.300. Landmarks
12.301. Landmark Designation Procedures
12.302. Landmark Designation Criteria.
12.400 Historic Districts
12.401. Historic District Designation Procedures.
12.402. Historic District Criteria.
12.500. Certificate of Appropriateness (COA).
12.501. Certificate of Appropriateness Not Required.
12.502 Certificate of Appropriateness – Required
12.503 Certificate of Appropriateness Application and Procedure
12.504. Reviewing Criteria for Certificate of Appropriateness.
12.505. Design Guidelines for a Certificate of Appropriateness.
12.506. Appeal of Denial of a Certificate of Appropriateness.
12.507 Appeal of an Administrative Decision.
12.600 Certificate of Economic Hardship
12.700 Remedying of Dangerous Conditions
12.800 Demolition by Natural Causes
12.900. Penalties.

Section 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;

VI. Encourage the completion of historic building surveys to identify buildings, structures and sites that are potential landmarks or potential historic districts which may contain potential contributing, potential non-contributing or potential significant building;

VII. Implementing the policies and goals contained within the Comprehensive Plan and other officially adopted plans of the Village. (K.C. #7)

(Ord. 4881, Add, 07/03/2007)

Section 12.200. Definitions. (K.C.#3)

For the purposes of this Chapter, the following words and phrases shall have the meanings ascribed to them as follows. Words that are not expressly defined in Chapter 1 of the Municipal Code or this Historic Preservation Ordinance have the meaning given in the latest edition of *Merriam-Webster's Unabridged Dictionary*.

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.

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

Architectural Integrity. The authenticity of a building or structure's historic identity, evidenced by the survival of physical characteristics that existed during the building or structure's historic period.

Board. The Downers Grove Architectural Design Review Board.

Building. Any structure with a permanent roof, separated on all sides from adjacent open areas by walls, built for shelter or enclosure of persons, animals, personal property, or property of any kind.

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 (COA). A certificate issued by the Board pursuant to Section 12.500 of this Chapter.

Certificate of Economic Hardship. A certificate issued by the Board pursuant to Section 12.600 of this Chapter authorizing an addition, alteration, construction, relocation or demolition even though a certificate of appropriateness has previously been denied.

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.

Contributing Building. A building, site or structure that is part of a historic district that is at least fifty (50) years old and possesses a moderate to good degree of architectural integrity and a majority of its architectural features and elements as designated by resolution of the Council.

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, excluding demolition associated with routine maintenance and repair.

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

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

Façade, Primary. The portion of the façade that abuts or is nearest to a street yard and is visible from a street.

Façade, Rear. The portion of the façade that abuts or is nearest to a rear yard and is not a primary or secondary façade.

Façade, Secondary. The portion of a façade that abuts or is nearest to a side yard and abuts a primary façade.

Historic District. A contiguous historic district or a thematic historic district. .

Historic District, Contiguous. A specific geographic area containing two (2) or more contiguous properties designated by resolution of the Council.

Historic District, Thematic. An area designated as a 'thematic historic district' by resolution of the Council composed of two or more definable significant geographical areas, or properties, that are spatially discrete from one another or from other areas, or properties, and not part of an established " contiguous historic district" as defined elsewhere in this Ordinance. A thematic district is organized by 'context' or 'property type.' The context could be historic events, significant persons (such as an architect), or architectural style or characteristic. The property type of a group of buildings or structures included in such a district would be common physical and associative attributes (such as ranch style and residential). (K.C. #11)

In-kind. The repair or replacement of existing materials or features using the same material type, design, dimension, texture, detailing and exterior appearance.

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

National Register Landmark. A building, structure or site that is listed in the National Register of Historic Places.

Non-Contributing Building. A building, structure or site that is part of a historic district that has not been designated as a contributing or significant building by resolution of the Council.

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

Potential Contributing Building. A building, site or structure that was identified in a building survey that is at least fifty (50) years old and possesses a moderate to good degree of integrity and a majority of its architectural features and elements.

Potential Historic District. A specific geographic area containing two (2) or more contiguous properties ("contiguous historic district") or an area composed of two (2) or more definable significant geographical areas, or properties, that are spatially discrete from one another or from other areas ("thematic historic district"), or properties that have been identified in a building survey as possessing characteristics that could qualify the area as a historic district or a thematic historic district.

Potential Landmark. Any building, structure or site which has been identified in a building survey that may meet the requirements to be a landmark.

Potential Non-Contributing Building. A building, structure or site that was identified in a building survey survey which may be part of a historic district but does not possess individual historic, architectural, archaeological significance, or architectural integrity that would not qualify as a

potential contributing building or a potential significant building.

Potential Significant Building. A building, site or structure that was identified in a building survey that is at least fifty (50) years old and possesses a high majority of its architectural features and elements typical to its form and style and a high degree of integrity of location, setting, feeling and association.

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.

Relocation. 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.

Significant Building. A building, site or structure that is at least fifty (50) years old and possesses a high majority of its architectural features and elements typical to its form and style and a high degree of integrity of location, setting, feeling and association as designated by resolution of the Council.

Street. For the purpose of this Ordinance only, a private or public thoroughfare, including road, highway, drive, lane, avenue, place, boulevard and any other thoroughfare (excluding alleys) that affords the principal means of access to a property.

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.

Yard, Rear. See Section 28.15.280 of the Municipal Code

Yard, Side. See Section 28.15.280 of the Municipal Code

Yard, Street. See Section 28.15.280 of the Municipal Code

(Ord. 4881, Add, 07/03/2007)

Section 12.300. Landmarks

Section 12.301. Landmark Designation Procedures. (K.C. #4, #9)

A. An application for landmark designation may be submitted by the owner(s) of record of the property on which the proposed landmark is located or the owner of record's authorized representative. A filing fee may be required as identified in the User-Fee, License and Fine Schedule.

B. A complete application for landmark designation must be filed with the Department. 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.

C. From the date that a complete application for landmark designation is filed to the date that the application is granted, denied or expires, whichever comes first, no exterior architectural feature of the proposed landmark may undergo alteration, construction, or demolition if such alteration, construction, or demolition would be subject to the issuance of a certificate of appropriateness pursuant to the provisions of Section 12.500 after designation. Nothing in this paragraph shall prohibit any work that would not be subject to the issuance of a certificate of appropriateness or any work that is necessary to prevent or correct an imminently dangerous or hazardous condition as described in Section 12.700. (K.C. #10)

D. Within thirty (30) days of the receipt by the Department of a complete application for landmark designation, the Board shall schedule a public hearing on the application, said hearing shall be held no more than sixty (60) days after such receipt. (K.C. #5)

1. Notice of the required public hearing on a landmark application shall be published in accordance with Section 28.12.010.F of the Municipal Code.

2. Failure to provide any form of courtesy notice that is not required by State law or any defect in such courtesy notice does not invalidate, impair, or otherwise affect any application, public hearing or decision rendered in respect to the matter under consideration.

3. During the public hearing, the Board shall review and evaluate the application according to the criteria set forth in Section 12.302. A majority vote of the Board shall be necessary to make a recommendation to the Council regarding the application.

4. 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. Within ninety (90) days of receipt of the Board's findings and and recommendation, the Council may act to approve or deny the landmark application. 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, and filed with the Village Clerk's office.

5. If the Council approves the application, the Village shall:

a. Cause the approved landmark designation to be recorded with the County Recorder of Deeds within thirty (30) days.

b. Place such designation on the Village's official Zoning Map.

6. If the Council denies the application, such denial shall constitute a final administrative decision subject to administrative review as provided by State law. If an application is denied, the owner(s) of record may not reapply for landmark status for the same property for two (2) years from the date of the denial by the Council.

7. Landmark designation may be amended or rescinded by the same procedure and according to the same criteria set forth herein for designation.

(Ord. 4881, Add, 07/03/2007)

Section 12.302. Landmark Designation Criteria.

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

A. The proposed landmark is either over fifty (50) years old, in whole or in part or is under fifty (50) years of age and possesses exceptional importance such as might be recognized immediately for its reflection of an extraordinary political event or architectural innovation; and

B. That one or more of the following conditions exist:

1. The property is a significant value as part of the historic, heritage or cultural characteristics of the community, county, State or Nation;

2. The property was owned or occupied by a person or persons of historic significance to the community, county, State or Nation;

3. The property represents the distinguishing characteristics of an architectural period, style, type, method of construction or use of indigenous materials;

4. The property represents notable work of a master builder, designer, architect or artist whose individual work has influenced the development of the community, county, State or Nation;

5. An area that has yielded or may be likely to yield, information important in history or prehistory;

6. A source of civic pride or identity for the community; or

7. The property is included in the National Register of Historic Places.

(Ord. 4881, Add, 07/03/2007)

Section 12.400. Historic Districts

Section 12.401. Historic District Designation Procedures. (K.C. #4, #9)

A. An application for the designation of a historic district may be submitted by any property owner(s) of record within a proposed historic district or an authorized representative of a property owner(s) of record within a proposed historic district. A filing fee may be required as identified in the User-Fee, License & Fine Schedule.

B. . A complete application for designation of a historic district must be filed with the Department. An application for historic district designation shall be deemed to be complete only if the application is accompanied by:

1. An owner consent form containing the signatures of one hundred percent (100%) of all owners of record of the properties within the proposed historic district. For condominium developments, an affirmative vote of the condominium board shall be considered as owner consent for the condominium development.
2. A written statement by the owners of record included on the owner consent form indicating that they have received copies of the Historic Preservation Ordinance and acknowledge its requirements.

C. From the date that a complete application for a historic district designation is filed to the date that the application is granted, denied or expires, whichever comes first, no exterior architectural feature of any building within the proposed historic district may undergo alteration, construction, or demolition if such alteration, construction, or demolition would be subject to the issuance of a certificate of appropriateness pursuant to the provisions of Section 12.500 after designation. Nothing in this paragraph shall prohibit any work that would not be subject to the issuance of a certificate of appropriateness or any work that is necessary to prevent or correct an imminently dangerous or hazardous condition as described in Section 12.700. (K.C. #10)

D. The Board shall, within thirty (30) days of the of the receipt by the Department of a complete application 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. (K.C. #5)

1. Notice of the required public hearing on a historic district application shall be published in accordance with Section 28.12.010.F of the Municipal Code.
2. Failure to provide any form of courtesy notice that is not required by State law or any defect in such courtesy notice does not invalidate, impair, or otherwise affect any

application, public hearing or decision rendered in respect to the matter under consideration.

3. During the public hearing, the Board shall review and evaluate the application according to the criteria established by Section 12.402. A majority vote of the Board shall be necessary to make a recommendation to the Council regarding the application.

4. 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. Within ninety (90) days of receipt of the Board's findings and recommendation, the Council may act to approve or deny the landmark application. A resolution passed by majority vote of Council is necessary for approval of a 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 and filed with the Village Clerk's office.

5. If the Council approves the historic district application, the Village shall within thirty (30) days:

   a. Cause the approved historic district designation to be recorded with the County Recorder of Deeds; and

   b. Place such historic district designation on the Village's official Zoning Map.

6. If the Council denies the historic district application, such denial shall constitute a final administrative decision subject to administrative review as provided by State law. If an application is denied, the owner(s) of record may not reapply for historic district status for two (2) years from the date of the denial by the Council.

7. Historic district designation may be amended or rescinded by the same procedure and according to the same criteria set forth herein for designation.

(Ord. 4881, Add, 07/03/2007)

Section 12.402. Historic District Criteria. (K.C. #11)

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

A. No less than fifty-one percent (51%) of properties within the proposed historic district must be over fifty (50) years old; and

B. That one or more of the following conditions exists:

   1. That the proposed historic district has a sense of cohesiveness expressed through a similarity or evolution of architectural style, time period, method of construction, or use of indigenous materials that reflect a significant aspect of the

architectural heritage of the Village;

2. That some architectural or land use characteristics are prevalent within the proposed district in a manner which distinguishes it from the rest of the Village and which is relevant to the historical development of the Village;

3. The proposed district establishes a sense of time and place unique to the Village of Downers Grove; or

4. The proposed district is listed in the National Register of Historic Places.

(Ord. 4881, Add, 07/03/2007)

Section 12.500. Certificate of Appropriateness (COA).

(Ord. 4881, Add, 07/03/2007)

Section 12.501. Certificate of Appropriateness Not Required (K.C. #1, #2)

A certificate of appropriateness is not required for the following items:

A. Secondary or Rear Façade: Any work (e.g. addition, demolition, alteration, change in material, repair, or rehabilitation) performed on the secondary or rear façade of the principal building or structure if such work will result in no change to the exterior architectural appearance or feature of the building or structure that is visible from a street measured by a line of sight perpendicular to the primary façade(s).

B. Detached garages: New detached garages or changes to existing detached garages, including demolition (unless the garage has been deemed a landmark or significant building via resolution by the Council).

C. Rear yard improvements: Any accessory building or structure (e.g. shed, rear deck, rear porch, patio or trellis) located behind the principal building or structure.

D. Driveways and sidewalks: new construction, repair or replacement.

E. Fences: Any fence altered or constructed in compliance with fence regulations in Section 28.10.010 of the Municipal Code.

F. Reversible Appurtenances: air conditioning units, gutters, downspouts, antennas, satellite dishes and mail boxes.

G. Painting

H. Landscaping

I. Repairing damaged architectural features to their original state

J. Replacement of roof materials

K. Routine maintenance and cleaning

L. Installation, repair or removal of storm doors

M. Replacement of aluminum clad or vinyl clad windows not original to the structure or contributing to the historic significance as defined in a Council resolution.

N. Replacement of aluminum or vinyl siding when associated with a structure not contributing to the significance as defined in a Council resolution.

O. Signs and graphics.

(Ord. 4881, Add, 07/03/2007)

Section 12.502 Certificate of Appropriateness – Required (K.C. #2)

A certificate of appropriateness (COA) shall be required before any addition, alteration, construction, demolition, rehabilitation, relocation or repair requiring a building permit from the Village that affects the primary façade(s) exterior architectural features of any designated landmark, a contributing building or significant building within a historic district.

A. Certificate of Appropriateness – Minor Exterior Modification

a) The Director may issue a COA for proposed minor exterior modifications. Minor exterior modifications include the following work performed on the primary façade(s) of the principal building or structure or where such a projection of the work would be visible from a street measured by a straight line of sight perpendicular to the primary façade(s):

a. Doors: In-kind replacement with use of wood or original material

b. Windows: In-kind replacement with use of wood or aluminum clad wood.

c. Exterior Building Materials: In-kind replacement of fifty percent (50%) or more of the primary façade(s) with use of original material or fiber cement board in place of wood.

d. Porches: In-kind replacement in whole or replacement of porch columns with use of wood, plaster or cement materials; porch flooring with use of wood or composite decking materials; or other porch components with use of wood or original material

B. Certificate of Appropriateness – Major Exterior Modification

1. The Board may issue a Certificate of Appropriateness for proposed major exterior modifications. If the proposed work does not fall within the categories as set forth in Section 12.501 or 12.502.A, then the proposed work shall be considered a major exterior

modification. Major exterior modifications include, but are not limited to, the following work performed on the primary façade(s) of the principal building or structure or where such a projection of the work would be visible from a street measured by a straight line of sight perpendicular to the primary façade(s) that is visible from a street and any building plane that connects the primary façade and the projecting plane that is visible from a street:

a. Demolition of principal structure
b. Additions
c. Attached garages
d. New primary facades
e. Roofs: Any work that will result in a change in height or pitch; or use of material other than asphalt, wood or original material

Section 12.503. Certificate of Appropriateness Application and Procedure

(Ord. 4881, Add, 07/03/2007)

A. 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 as identified in the User-Fee, License & Fine Schedule. (K.C. #4)

B. The Director shall determine whether or not the proposed work is minor or major, in accordance with Section 12.502. The Director shall review any work not listed in Sections 12.501 and 12.502 to determine whether a certificate of appropriateness shall be required and what type of review is required. An appeal of the Director's decision shall be made in accordance with the procedures described in Section 12.507.

C. If the proposed work is not identified in Section 12.501 (Certificate of Appropriateness - Not Required) or Section 12.502.A (Certificate of Appropriateness – 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: (K.C. #5)

1. Within thirty (30) days from the receipt by the Department of a complete 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.
2. Notice of the required public hearing on a COA application shall be published in accordance with Section 28.12.010.F of the Municipal Code.
3. Failure to provide any form of courtesy notice that is not required by State law or any

defect in such courtesy notice does not invalidate, impair, or otherwise affect any application, public hearing or decision rendered in respect to the matter under consideration.

4. During the public hearing, the Board shall review and evaluate the application according to the criteria set forth in Section 12.504 and 12.505. A simple majority vote of the Board shall be necessary for the approval of a COA.
5. 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.
6. 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 application for the COA are required, a new COA shall be required.
7. Applicant(s) denied the issuance of a COA may appeal the decision the Board to the Council as provided by Section 12.506 or apply for a certificate of economic hardship as provided by Section 12.600. Either application must be completed within thirty (30) days from the date of mailing of the notice of the decision of the Board.
8. All permits involving the issuance of a COA shall be subject to a COA compliance inspection. Such inspection shall be completed by the Department prior to the issuance of any Certificate of Occupancy.

(Ord. 4881, Add, 07/03/2007)

Section 12.504. 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.

(Ord. 4881, Add, 07/03/2007)

Section 12.505. 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. 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;

F. 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;

G. 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;

H. New Structures - New structures in a historic district shall be compatible with the architectural styles and design in said districts.

(Ord. 4881, Add, 07/03/2007)

Section 12.506. Appeal of Denial of a Certificate of Appropriateness.

A. When a minor COA is denied for either a landmark or a structure within a historic district, the applicant may, within thirty (30) days of the date of the decision, appeal the Director's decision to the Board. Notice of such appeal shall be in writing to the Director, who shall notify the Board. The Department shall prepare the record and forward it to the Board. The Board shall consider the findings of fact of the Director and shall determine whether the COA should be approved or denied.

B. When a major COA is denied for either a landmark or a structure within a 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 State law.

(Ord. 4881, Add, 07/03/2007)

Section 12.507. Appeal of a Director's Decision

A. The Board is authorized to hear and decide appeals where it is alleged there has been an error in any order, requirement, decision or determination made by the Director in the administration, interpretation or enforcement of this Ordinance.

B. Appeals of the Director's decisions may be filed by any person aggrieved by the Director's decision or action. The Board is authorized to make determinations about whether individuals filing appeals are "aggrieved" by the decision or action.

C. Complete applications for appeals of the Director's decisions must be filed with the Director.

D. Appeals of the Director's decisions must be filed within 45 days of the date of the decision being appealed.

E. The filing of a complete notice of appeal stays all proceedings in furtherance of the action appealed, unless the director certifies to the Board, after the appeal is filed, that, because of facts stated in the certification, a stay would cause immediate peril to life or property, in which case the proceedings will not be stayed unless by a restraining order, which may be granted by the Board or by a court of record based on due cause shown.

F. Upon receipt of a complete application of appeal, the Director whose decision is being appealed must transmit to the Board all papers constituting the record upon which the action appealed is taken.

G. Notice of the required public hearing must be published in accordance with Sec 28.12.010.F of the Municipal Code.

H. The Board must hold a public hearing on the appeal within sixty (60) days of the date that the appealed is filed.

I. Within forty-five (45) days of the close of the public hearing, the Board must take action on the appeal. The Board's decision must be in writing and be supported by written findings of fact.

J. In exercising the appeal power, the Board has all the powers of the Director from whom the appeal is taken. The Board may affirm or may, upon the concurring vote of at least 4 members, reverse, wholly or in part, or modify the decision being appealed.

K. In acting on the appeal, the Board must grant to the Director's decision a presumption of correctness, placing the burden of persuasion of error on the appellant.

L. All decisions of the Board are final administrative decisions subject to administrative review as provided by State law.

M. An appeal may be sustained only if the Board finds that the Director erred.

Section 12.600. Certificate of Economic Hardship (K.C. #6)

A. Following denial of a certificate of appropriateness by the Board or by the Council on appeal, the owner(s) of record or designated representative may apply for a certificate of economic hardship by submitting to the Board a completed application for a certificate of economic hardship.

B. Within thirty (30) days of the receipt by the Department of a complete application for a certificate of economic hardship, the Board shall schedule a public hearing on the application, said hearing to be held no more than sixty (60) days after such receipt.

1. Notice of the required public hearing on a certificate of economic hardship shall be published in accordance with Section 28.12.010.F of the Municipal Code.

2. Failure to provide any form of courtesy notice that is not required by State law or any defect in such courtesy notice does not invalidate, impair, or otherwise affect any application, public hearing or decision rendered in respect to the matter under consideration.

3. At the public hearing, the Board shall take testimony presented by the owner(s) of record and any other interested parties concerning the effect of the proposed alteration, construction, relocation, relocation or demolition of a landmark or relocation or demolition of a contributing or significant building, structure or improvement within a historic district based upon the criteria set forth in Section 12.600.C and 12.600.D of this Chapter.

C. Standards For Board Decision And Factors To Be Considered:

1. The Board shall issue a certificate of economic hardship only if the Board finds that the subject property cannot be put to any reasonably beneficial use or that the owner(s) of record/applicant will suffer a substantial economic loss thereon without the alteration, construction, relocation, removal or demolition being sought by the owner(s) of record/applicant and that the owner(s) of record/applicant is not responsible in any way for the hardship from which he or she is seeking relief. The factors to be considered by the Board and the Council on the issue of economic hardship shall include, but are not limited to, the following:

a. A substantial decrease in the fair market value of the property as a result of the denial of the certificate of appropriateness;

b. A substantial decrease in the pretax or after-tax return to owners of record or other investors in the property as a result of the denial of the certificate of appropriateness;

c. The cost of the proposed construction, alteration, relocation or demolition, and an estimate of any additional cost that would be incurred to comply with the recommendations of the Board for changes necessary for the issuance of a certificate of appropriateness;

d. The structural soundness of any structures on the property and their suitability for rehabilitation;

e. The economic feasibility of rehabilitation or reuse of the existing structure or improvement on the property in the case of a proposed demolition.

f. The owner(s) of record/applicant's purchase of the subject property after a Council resolution designating the property as a landmark or a contributing or significant structure within a historic district without making said purchase contingent upon the owner(s) of record/applicant first obtaining necessary Council and/or Board approvals under the Historic Preservation Ordinance shall be deemed to be conclusive evidence of the fact that the applicant is responsible for his or her own economic hardship, if any.

D. The Board may solicit expert testimony. The owner(s) of record/applicant may be required to submit evidence at the hearing to support any of the factors, including those listed above, which the owner(s) of record/applicant believes to have contributed to the economic hardship which the applicant alleges he or she would suffer if the owner(s) of record/applicant is not granted a certificate of appropriateness. Specific information and documentation which should be presented by the owner(s) of record/applicant as competent evidence at the hearing shall include, but not be limited to, the following:

1. The amount paid for the property, the date of purchase and the party from whom the property was purchased (including description of the relationship, if any, between the owner(s) of record/ and the person from whom the property was purchased);

2. The assessed value of the land and improvements thereon according to the two (2) most recent assessments;

3. Real estate taxes for the previous two (2) years;

4. Remaining balance on mortgage, if any, and annual debt service, if any, for the previous two (2) years;

5. All appraisals obtained within the previous two (2) years by the owner(s) of record/applicant in connection with his 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(s) of record/applicant as to profitable adaptive uses for the property;

8. If the property is income-producing, the annual gross income from the property for the previous two (2) years, itemized operating and maintenance expenses for the previous two (2) years, and annual cash flow, if any, during the same period;

9. Any executed construction agreements or proposals;

10. Engineering or architectural reports on the structural integrity of the building or structure upon which work is being proposed.

11. Any other relevant information, including, without limitation, income tax bracket of the owner(s) of record, applicant or principal investors in the landmark or property in the designated historic district, reasonably necessary for a determination as to whether the building can be reasonably sold or yield a reasonable return to present or future owners.

12. In the event that any of the required information is not reasonably available to the owner(s) of record/applicant and cannot be obtained by the owner(s) of record/applicant, the owner(s) of record/applicant shall provide to the Board a statement of the information which cannot be obtained and describe the reasons why such information cannot be obtained.

E. Issuance or Denial of Certificate Of Economic Hardship

1. If the Board finds that the owner(s) of record has not established that the owner(s) of record/applicant will suffer a demonstrable economic hardship as a result of the denial of a certificate of appropriateness, then the Board shall deny the owner(s) or record's/applicant's application for a certificate of economic hardship.

2. If the Board makes an initial determination that the owner(s) of record/applicant has presented a case which may establish that without approval of the proposed work all reasonable use of, or return from, a landmark or contributing or significant building, structure, or improvement within a historic district will be denied an owner(s) of record/applicant, but the Board finds that reasonable alternatives may exist which should be addressed by the owner(s) of record/applicant, then the application shall be delayed for a period of no more than sixty (60) days following the finding.

   During this period of delay, the Board shall investigate plans and make recommendations to the Council to allow for a reasonably beneficial use or a reasonable economic return, or to otherwise preserve the landmark or property within the historic district. Such plans and recommendations may include, without limitation, a relaxation of the provisions of this Ordinance, financial assistance, or other appropriate relief.

   If, at the end of this sixty (60) day period, after reviewing its initial finding and its subsequent proposals and the owner(s) of record's/applicant's response thereto, the Board finds that without approval of the proposed work the property cannot be put to any reasonable use or the owner(s) of record/applicant cannot obtain a reasonable economic return therefrom, then the Board shall issue a certificate of economic hardship approving the proposed work. If the Board finds otherwise, it shall deny the application for a certificate of economic hardship. The Board shall notify the applicant of its decision in writing within fifteen (15) days of the date of the decision.

3. The Certificate of Economic Hardship 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 application for a Certificate of Economic Hardship are required, a new certificate shall be required.

F. When a Certificate of Economic Hardship is denied for either a landmark or a contributing or significant building within a historic district, structure or improvement within a historic district, the applicant may, within thirty (30) days of the date of the decision, appeal the Board's decision

to the Council. Notice of such appeal shall be in writing to the Village Manager, who shall notify 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 State law.

Section 12.700. Remedying of Dangerous Conditions

A. In the event that a condition on a landmark or contributing or significant building, structure or site located within a historic district or on a building, structure or site designated as a landmark, presents an imminent danger to the public health, safety, or welfare or requires immediate construction, reconstruction, repair, alteration, or demolition as ordered by a court of competent jurisdiction or as determined by a representative of the Village, then such work may be performed without a certificate of appropriateness. Work performed under such circumstances shall be the minimum necessary in order to render the improvement safe, after which any additional construction, reconstruction, alteration or demolition shall be processed in accordance with the provisions of Section 12.500 of this Chapter.

B. Under the circumstances described in Section 12.700.A, the owner(s) of record of the property shall notify the Director in writing prior to performing the work necessary to make the property safe. If advance notification is not practical due to the emergency nature of the situation, the owner(s) of record shall provide written notification to the Director within seven (7) calendar days of commencement of such work. In either case, the written notice shall include the following:

1. A detailed description of the dangerous condition in question;
2. The timeframe needed to complete the work; and
3. The specific actions to be taken in the performance of such work.

Section 12.800. Demolition by Natural Causes (K.C. #8)

A. For the purposes of this Section, natural demolition shall occur when an improvement is damaged by fire, explosion or other casualty or act of God as defined in Section 28.15.040 of the Municipal Code.

B. In the case of demolition by natural causes of all or part of a landmark or an improvement located within a historic district, the owner(s) of record shall obtain a certificate of appropriateness prior

to the reconstruction when required under the provisions of this Ordinance.

Section 12.900. Penalties.

A. Demolition occurring under the provisions of Section 12.700 and 12.800 of this Chapter shall not be considered illegal demolition for the purposes of this Ordinance, provided that the Director is property notified in writing as provided in Section 12.700.B and 12.800.B of this Chapter

B. It shall be unlawful to demolish any portion of any landmark or contributing or significant building structure, improvement or site located within a historic district unless specifically permitted through a certificate of appropriateness issued for that property.

C. It shall be unlawful to complete any construction or alteration to any landmark or contributing or significant building, structure, improvement or site located within a historic district unless specifically permitted through the certificate of appropriateness provisions in Section 12.501 or 12.502 of this Chapter.

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

(Ord. 4881, Add, 07/03/2007)

Chapter 12

HISTORIC PRESERVATION

Sections:

12.100. Findings.
12.200. Definitions.
12.300. Landmarks ~~Designation Procedures.~~
12.301. Landmark Designation Procedures
12.~~400~~302. Landmark Designation Criteria.
12.400 Historic Districts
12.~~500~~401. Historic District Designation Procedures.
12.~~600~~402. Historic District Criteria.
12.~~600ART~~500. Certificate of Appropriateness (COA).
12.~~700~~501. Certificate of Appropriateness Not Required.
12.502 Certificate of Appropriateness – Required
12.503 Certificate of Appropriateness Application and Procedure

~~12.701. Application.~~
~~12.702. Issuance.~~
12.~~703~~504. Reviewing Criteria for Certificate of Appropriateness.
12.~~704~~505. Design Guidelines for a Certificate of Appropriateness.
12.~~705~~506. Appeal of Denial of a Certificate of Appropriateness.
12.507 Appeal of an Administrative Decision.
12.600 Certificate of Economic Hardship
12.700 Remedying of Dangerous Conditions
12.800 Demolition by Natural Causes
12.~~706~~900. Penalties.

Section 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;

VI. Encourage the completion of historic building surveys to identify buildings, structures and sites that are potential landmarks or potential historic districts which may contain potential contributing, potential non-contributing or potential significant building; .

V.VII. Implementing the policies and goals contained within the Comprehensive Plan and other officially adopted plans of the Village. (K.C. #7)

(Ord. 4881, Add, 07/03/2007)

Section 12.200. Definitions. (K.C.#3)

For the purposes of this Chapter, the following words and phrases shall have the meanings ascribed to them as follows. Words that are not expressly defined in Chapter 1 of the Municipal Code or this Historic Historic Preservation Ordinance have the meaning given in the latest edition of *Merriam-Webster's Unabridged Dictionary*.:

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.

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

Architectural Integrity. The authenticity of a building or structure's historic identity, evidenced by the

survival of physical characteristics that existed during the building or structure's historic period.

Board. The Downers Grove Architectural Design Review Board.

Building. Any structure ~~enclosed~~ with ~~walls and~~ a permanent roof, separated on all sides from adjacent open areas by walls, built for ~~created for the support,~~ shelter or enclosure of persons, ~~animals~~ animals, personal property, 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 (COA). A certificate issued by the Board pursuant to Section 12~~-700.~~.500 12~~-700.~~.500 of this Chapter.

Certificate of Economic Hardship. A certificate issued by the Board pursuant to Section 12.600 of this Chapter authorizing an addition, alteration, construction, relocation or demolition even though a certificate of appropriateness has previously been denied.

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.~~.~~

Contributing Building. A building, site or structure that is part of a historic district that is at least fifty (50) years old and possesses a moderate to good degree of architectural integrity and a majority of its architectural features and elements as designated by resolution of the Council.

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, excluding demolition associated with routine maintenance and repair.~~.~~

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/Feature. The architectural character and style 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 other appurtenant elements.

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

Façade, Primary. The portion of the façade that abuts or is nearest to a street yard and is visible from a street.

Façade, Rear. The portion of the façade that abuts or is nearest to a rear yard and is not a primary or

secondary façade.

Façade, Secondary. The portion of a façade that abuts or is nearest to a side yard and abuts a primary façade.

Historic District. A contiguous historic district or a thematic 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~~.

Historic District, Contiguous. A specific geographic area containing two (2) or more contiguous properties designated by resolution of the Council.

Historic District, Thematic. An area designated as a 'thematic historic district' by resolution of the Council composed of two or more definable significant geographical areas, or properties, that are spatially discrete from one another or from other areas, or properties, and not part of an established " contiguous historic district" as defined elsewhere in this Ordinance. A thematic district is organized by 'context' or 'property type.' The context could be historic events, significant persons (such as an architect), or architectural style or characteristic. The property type of a group of buildings or structures included in such a district would be common physical and associative attributes (such as ranch style and residential). (K.C. #11)

In-kind. The repair or replacement of existing materials or features using the same material type, design, dimension, texture, detailing and exterior appearance.

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~~.

National Register Landmark. A building, structure or site that is listed in the National Register of Historic Places.

Non-Contributing Building. A building, structure or site that is part of a historic district that has not been designated as a contributing or significant building by resolution of the Council.

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

Potential Contributing Building. A building, site or structure that was identified in a building survey that is at least fifty (50) years old and possesses a moderate to good degree of integrity and a majority of its architectural features and elements.

Potential Historic District. A specific geographic area containing two (2) or more contiguous properties ("contiguous historic district") or an area composed of two (2) or more definable significant geographical areas, or properties, that are spatially discrete from one another or from other areas

("thematic historic district"), or properties that have been identified in a building survey as possessing characteristics that could qualify the area as a historic district or a thematic historic district.

Potential Landmark. Any building, structure or site which has been identified in a building survey that may meet the requirements to be a landmark.

Potential Non-Contributing Building. A building, structure or site that was identified in a building survey survey which may be part of a historic district but does not possess individual historic, architectural, archaeological significance, or architectural integrity that would not qualify as a potential contributing building or a potential significant building.

Potential Significant Building. A building, site or structure that was identified in a building survey that is at least fifty (50) years old and possesses a high majority of its architectural features and elements typical to its form and style and a high degree of integrity of location, setting, feeling and association.

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.*~~ *Relocation.* 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.

Significant Building. A building, site or structure that is at least fifty (50) years old and possesses a high majority of its architectural features and elements typical to its form and style and a high degree of integrity of location, setting, feeling and association as designated by resolution of the Council.

Street. For the purpose of this Ordinance only, a private or public thoroughfare, including road, highway, drive, lane, avenue, place, boulevard and any other thoroughfare (excluding alleys) that affords the principal means of access to a property.

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.

Yard, Rear. See Section 28.15.280 of the Municipal Code

Yard, Side. See Section 28.15.280 of the Municipal Code

Yard, Street. See Section 28.15.280 of the Municipal Code

(Ord. 4881, Add, 07/03/2007)

Section 12.300. Landmarks

Section 12.301. Landmark Designation Procedures. (K.C. #4, #9)

A~~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 or the owner of record's authorized representative. A filing fee may be ~~provided for by administrative regulation. regulation.~~ required as identified in the User-Fee, License and Fine Schedule.

~~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.~~B. A complete application for landmark designation must be filed with the Department. 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.

C. From the date that a complete application for landmark designation is filed to the date that the application is granted, denied or expires, whichever comes first, no exterior architectural feature

of the proposed landmark may undergo alteration, construction, or demolition if such alteration, construction, or demolition would be subject to the issuance of a certificate of appropriateness pursuant to the provisions of Section 12.500 after designation. Nothing in this paragraph shall prohibit any work that would not be subject to the issuance of a certificate of appropriateness or any work that is necessary to prevent or correct an imminently dangerous or hazardous condition as described in Section 12.700. (K.C. #10)

D4. Within thirty (30) days of the receipt by the Department of a complete~~d~~ application for landmark designation, the Board shall schedule a public hearing on the application, said hearing ~~to~~ shall be held no more than sixty (60) days after such receipt. (K.C. #5)

1~~a~~. Notice of the required public hearing on a landmark application shall be published in accordance with Section 28.12.010.F of the Municipal Code. ~~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.~~

2. Failure to provide any form of courtesy notice that is not required by State law or any defect in such courtesy notice does not invalidate, impair, or otherwise affect any application, public hearing or decision rendered in respect to the matter under consideration.

3. During the public hearing, the Board shall review and evaluate the application according to the criteria set forth in Section 12.~~400~~302. A majority vote of the Board shall be necessary to make a recommendation to the Council regarding the application.

~~c~~4. 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. Within ninety (90) days of receipt of the Board's findings and and recommendation, the Council may act to approve or deny the landmark application. 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 filed with ~~to~~ the Village Clerk's office.

5. If the Council approves the application, the Village shall:

a. ~~The Village, within thirty (30) days of the approval, shall c~~Cause the approved landmark designation to be recorded with the County Recorder of Deeds within thirty (30) days.

b. Place such designation on the Village's official Zoning Map.

6. If the Council denies the application, such denial shall constitute a final administrative decision subject to ~~review administratively~~administrative review as provided ~~by~~ by State law. If an application is denied, the owner(s) of record may not reapply for landmark status for the same property for two (2) years from the date of the denial by the Council.

~~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.~~ 7. 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.~~

(Ord. 4881, Add, 07/03/2007)

Section 12.~~400~~302. Landmark Designation Criteria.

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

A. The proposed landmark is either over fifty (50) years old, in whole or in part or is under fifty (50) years of age and possesses exceptional importance such as might be recognized immediately for its reflection of an extraordinary political event or architectural innovation; and

B. That one or more of the following conditions exist:

1. The property is a ~~S~~significant value as part of the historic, heritage or cultural characteristics of the community, county, State or Nation;

2. ~~b.~~ The property was owned or occupied by ~~Identification with~~ a person or persons ~~who significantly contributed to the development of~~ of historic significance to the community, county, State or Nation;

~~c~~3.~~.~~ The property ~~R~~represent~~atives~~s ~~of~~ the distinguishing characteristics of an architecturale ~~inherently valuable for the study of a~~ period, style, type, method of construction or use of indigenous materials;

~~d.~~4. The property represents ~~N~~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~~5.~~.~~ An a~~A~~rea that has yielded or may be likely to yield, information important in history or prehistory;~~.~~

~~H~~6.~~.~~ A source of civic pride or identity for the community~~.~~; or

7. The property is included in the National Register of Historic Places.

(Ord. 4881, Add, 07/03/2007)

Section 12.4~~5~~00. Historic Districts

Section 12.401. Historic District Designation Procedures. (K.C. #4, #9)

A~~1~~. An application for the designation of a~~n~~ historic district may be submitted by any ~~interested party~~ property owner(s) of record within a ~~.~~proposed historic district or an authorized representative of a property owner(s) of record within a proposed historic district. A filing fee may be ~~provided for for by administrative regulation~~required as identified in the User-Fee, License & Fine Schedule.

B. ~~2~~. ~~-~~A complete application for designation of a historic district must be filed with the Department. Department. An application for historic district designation shall be deemed to be complete only if the application is accompanied by:

1. An owner consent form containing the signatures of one hundred percent (100%) of all owners of record of the properties within the proposed historic district. For condominium condominium developments, an affirmative vote of the condominium board shall be considered as owner consent for the condominium development.
2. A written statement by the owners of record included on the owner consent form indicating that they have received copies of the Historic Preservation Ordinance and acknowledge its requirements.

~~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.

C. From the date that a complete application for a historic district designation is filed to the date that the application is granted, denied or expires, whichever comes first, no exterior architectural feature of any building within the proposed historic district may undergo alteration, construction, or demolition if such alteration, construction, or demolition would be subject to the issuance of a certificate of appropriateness pursuant to the provisions of Section 12.500 after designation. Nothing in this paragraph shall prohibit any work that would not be subject to the issuance of a certificate of appropriateness or any work that is necessary to prevent or correct an imminently dangerous or hazardous condition as described in Section 12.700. (K.C. #10)

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 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.~~

D~~4~~. The Board shall, within thirty (30) days of the of the receipt by the Department of a complete application ~~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. (K.C. #5)

1~~a~~. Notice of the required public hearing on a historic district application shall be published in accordance with Section 28.12.010.F of the Municipal Code. ~~Not less than fifteen (15) (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 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.~~

2~~b~~. Failure to provide any form of courtesy notice that is not required by State law or any defect in such courtesy notice does not invalidate, impair, or otherwise affect any application, public hearing or decision rendered in respect to the matter under consideration.

3. During the public hearing, the Board shall review and evaluate the application according to the criteria established by Section 12.~~600~~402. A majority vote of the Board shall be necessary to make a recommendation to the Council regarding the application.

~~c~~4. 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. Within ninety (90) days of receipt of the Board's findings and and recommendation, the Council may act to approve or deny the landmark application. A resolution passed by majority vote of Council is necessary for approval of a~~n~~ 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 and ~~. Written copies of the decision shall be provided to the Department of Community Development and~~ filed with the Village Clerk's office.

5. If the Council approves the historic district application, the Village shall within thirty

(30) days:

a. Cause the approved historic district designation to be recorded with the County Recorder of Deeds; and

b. Place such historic district designation on the Village's official Zoning Map.

6. If the Council denies the historic district application, such denial shall constitute a final administrative decision subject to administrative review as provided by State law. If an application is denied, the owner(s) of record may not reapply for historic district status for two (2) years from the date of the denial by the Council.

~~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.~~ 7. Historic district 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.~~

(Ord. 4881, Add, 07/03/2007)

Section 12.~~600~~402. Historic District Criteria. (K.C. #11)

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

A. No less than fifty-one percent (51%) of properties within the proposed historic district must be over fifty (50) years old; and

B. That one or more of the following conditions exists:

1. That the proposed historic district has a sense of cohesiveness expressed through a similarity or evolution of architectural style, time period, method of construction, or use of indigenous materials that reflect a significant aspect of the architectural heritage of the Village;

2. That some architectural or land use characteristics are prevalent within the proposed district in a manner which distinguishes it from the rest of the Village and which is relevant to the historical development of the Village;

3. The proposed district establishes a sense of time and place unique to the Village of Downers Grove; or

4. The proposed district is listed in the National Register of Historic Places.

~~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.~~

(Ord. 4881, Add, 07/03/2007)

Section 12.~~600ART~~500. Certificate of Appropriateness (COA).

(Ord. 4881, Add, 07/03/2007)

Section 12.~~700~~501. Certificate of Appropriateness Not Required~~.~~ (K.C. #1, #2)

~~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.~~

A certificate of appropriateness is not required for the following items:

A. Secondary or Rear Façade: Any work (e.g. addition, demolition, alteration, change in material, repair, or rehabilitation) performed on the secondary or rear façade of the principal building or structure if such work will result in no change to the exterior architectural appearance or feature of the building or structure that is visible from a street measured by a line of sight perpendicular to the primary façade(s).

B. Detached garages: New detached garages or changes to existing detached garages, including demolition (unless the garage has been deemed a landmark or significant building via resolution by the Council).

C. Rear yard improvements: Any accessory building or structure (e.g. shed, rear deck, rear porch, patio or trellis) located behind the principal building or structure.

D. Driveways and sidewalks: new construction, repair or replacement.

E. Fences: Any fence altered or constructed in compliance with fence regulations in Section 28.10.010 of the Municipal Code.

F. Reversible Appurtenances: air conditioning units, gutters, downspouts, antennas, satellite dishes and mail boxes.

G. Painting

H. Landscaping

I. Repairing damaged architectural features to their original state

J. Replacement of roof materials

K. Routine maintenance and cleaning

L. Installation, repair or removal of storm doors

M. Replacement of aluminum clad or vinyl clad windows not original to the structure or contributing to the historic significance as defined in a Council resolution.

N. Replacement of aluminum or vinyl siding when associated with a structure not contributing to the significance as defined in a Council resolution.

O. Signs and graphics.

(Ord. 4881, Add, 07/03/2007)

Section 12.502 Certificate of Appropriateness – Required (K.C. #2)

A certificate of appropriateness (COA) shall be required before any addition, alteration, construction, demolition, rehabilitation, relocation or repair requiring a building permit from the Village that affects the primary façade(s) exterior architectural features of any designated landmark, a contributing building or significant building within a historic district.

A. Certificate of Appropriateness – Minor Exterior Modification

a) The Director may issue a COA for proposed minor exterior modifications. Minor exterior modifications include the following work performed on the primary façade(s) of the principal building or structure or where such a projection of the work would be visible from a street measured by a straight line of sight perpendicular to the primary façade(s):

a. Doors: In-kind replacement with use of wood or original material

b. Windows: In-kind replacement with use of wood or aluminum clad wood.

c. Exterior Building Materials: In-kind replacement of fifty percent (50%) or more of the primary façade(s) with use of original material or fiber cement board in place of wood.

a.d. Porches: In-kind replacement in whole or replacement of porch columns with use of wood, plaster or cement materials; porch flooring with use of wood or composite decking materials; or other porch components with use of wood or original material

B. Certificate of Appropriateness – Major Exterior Modification

1. The Board may issue a Certificate of Appropriateness for proposed major exterior modifications. If the proposed work does not fall within the categories as set forth in Section 12.501 or 12.502.A, then the proposed work shall be considered a major exterior modification. Major exterior modifications include, but are not limited to, the following work performed on the primary façade(s) of the principal building or structure or where such a projection of the work would be visible from a street measured by a straight line of sight perpendicular to the primary façade(s) that is visible from a street and any building plane that connects the primary façade and the projecting plane that is visible from a street:

a. Demolition of principal structure

b. Additions

c. Attached garages

d. New primary facades

e. Roofs: Any work that will result in a change in height or pitch; or use of material other than asphalt, wood or original material

Section 12.701503. Certificate of Appropriateness Application and Procedure.

(Ord. 4881, Add, 07/03/2007)

A. 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 regulationas identified in the User-Fee, License & Fine Schedule. Such application shall include the following: (K.C. #4)

B. 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.~~

~~(Ord. 4881, Add, 07/03/2007)~~

~~**Section 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:~~

~~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.~~

The Director shall determine whether or not the proposed work is minor or major, in accordance with Section 12.502. The Director shall review any work not listed in Sections 12.501 and 12.502 to determine whether a certificate of appropriateness shall be required and what type of review is required. An appeal of the Director's decision shall be made in accordance with the procedures described in Section 12.507.

~~B.~~C. ~~2.~~ If the proposed work is not identified in Section 12.501 (Certificate of Appropriateness - Not Required) or Section 12.502.A (Certificate of Appropriateness – Minor Exterior Modification) ~~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: (K.C. #5)

a1.. Within thirty (30) days from the receipt by the Director Department 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.

2. Notice of the required public hearing on a COA application shall be published in accordance with Section 28.12.010.F of the Municipal Code.

3. Failure to provide any form of courtesy notice that is not required by State law or any defect in such courtesy notice does not invalidate, impair, or otherwise affect any application, public hearing or decision rendered in respect to the matter under consideration.

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 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 or otherwise affect any action taken regarding the COA.

4c. During the public hearing, the Board shall review and evaluate the application according to the criteria set forth in Section 12.504703 and 12.704505. A simple majority vote of the Board shall be necessary for the approval of a COA.

5d. 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.

e6. 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 application for the COAcertificate are required, a new certificate COA shall be required.

7f. Applicant(s) denied the issuance of a COA may appeal the decision the Board to the Village Council as provided by Section 12.506 or apply for a certificate of economic hardship as provided by Section 12.600. Either application must be completed within

thirty (30) days from the date of mailing of the notice of the decision of the Board~~ as provided by Section 12.705~~.

8~~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.

(Ord. 4881, Add, 07/03/2007)

Section 12.~~703~~504. 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. 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~~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~~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~~d~~. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved;

E~~e~~. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site shall be treated with sensitivity;

F~~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~~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 be undertaken using the gentlest means possible;

H~~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~~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;

Jj. 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.~~

(Ord. 4881, Add, 07/03/2007)

Section 12.~~704~~505. 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:

Aa. 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;

Bb. 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;

Cc. 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;

Dd. 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~~E. 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~~F. 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~~G. 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~~H. New Structures - New structures in a~~n~~ historic district shall be compatible with the architectural styles and design in said districts.

(Ord. 4881, Add, 07/03/2007)

Section 12.~~70~~5~~06~~. Appeal of Denial of a Certificate of Appropriateness.

A. When a minor COA is denied for either a landmark or a structure within a historic district, the applicant may, within thirty (30) days of the date of the decision, appeal the Director's decision to the Board. Notice of such appeal shall be in writing to the Director, who shall notify the Board. The Department shall prepare the record and forward it to the Board. The Board shall consider the findings of fact of the Director and shall determine whether the COA should be approved or denied.

~~A.~~B. When a major ~~Certificate of Appropriateness (~~COA~~)~~ is denied for either a landmark or a structure within a~~n~~ 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 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 State law.

(Ord. 4881, Add, 07/03/2007)

Section 12.507. Appeal of a Director's Decision

A. The Board is authorized to hear and decide appeals where it is alleged there has been an error in any order, requirement, decision or determination made by the Director in the administration, interpretation or enforcement of this Ordinance.

B. Appeals of the Director's decisions may be filed by any person aggrieved by the Director's

decision or action. The Board is authorized to make determinations about whether individuals filing appeals are "aggrieved" by the decision or action.

C. Complete applications for appeals of the Director's decisions must be filed with the Director.

D. Appeals of the Director's decisions must be filed within 45 days of the date of the decision being appealed.

E. The filing of a complete notice of appeal stays all proceedings in furtherance of the action appealed, unless the director certifies to the Board, after the appeal is filed, that, because of facts stated in the certification, a stay would cause immediate peril to life or property, in which case the proceedings will not be stayed unless by a restraining order, which may be granted by the Board or by a court of record based on due cause shown.

F. Upon receipt of a complete application of appeal, the Director whose decision is being appealed must transmit to the Board all papers constituting the record upon which the action appealed is taken.

G. Notice of the required public hearing must be published in accordance with Sec 28.12.010.F of the Municipal Code.

H. The Board must hold a public hearing on the appeal within sixty (60) days of the date that the appealed is filed.

I. Within forty-five (45) days of the close of the public hearing, the Board must take action on the appeal. The Board's decision must be in writing and be supported by written findings of fact.

J. In exercising the appeal power, the Board has all the powers of the Director from whom the appeal is taken. The Board may affirm or may, upon the concurring vote of at least 4 members, reverse, wholly or in part, or modify the decision being appealed.

K. In acting on the appeal, the Board must grant to the Director's decision a presumption of correctness, placing the burden of persuasion of error on the appellant.

L. All decisions of the Board are final administrative decisions subject to administrative review as provided by State law.

M. An appeal may be sustained only if the Board finds that the Director erred.

Section 12.600. Certificate of Economic Hardship (K.C. #6)

A. Following denial of a certificate of appropriateness by the Board or by the Council on appeal, the owner(s) of record or designated representative may apply for a certificate of economic hardship by submitting to the Board a completed application for a certificate of economic hardship.

B. Within thirty (30) days of the receipt by the Department of a complete application for a certificate of economic hardship, the Board shall schedule a public hearing on the application, said hearing to be held no more than sixty (60) days after such receipt.

1. Notice of the required public hearing on a certificate of economic hardship shall be published in accordance with Section 28.12.010.F of the Municipal Code.

2. Failure to provide any form of courtesy notice that is not required by State law or any defect in such courtesy notice does not invalidate, impair, or otherwise affect any application, public hearing or decision rendered in respect to the matter under consideration.

3. At the public hearing, the Board shall take testimony presented by the owner(s) of record and any other interested parties concerning the effect of the proposed alteration, construction, relocation, relocation or demolition of a landmark or relocation or demolition of a contributing or significant building, structure or improvement within a historic district based upon the criteria set forth in Section 12.600.C and 12.600.D of this Chapter.

C. Standards For Board Decision And Factors To Be Considered:

1. The Board shall issue a certificate of economic hardship only if the Board finds that the subject property cannot be put to any reasonably beneficial use or that the owner(s) of record/applicant will suffer a substantial economic loss thereon without the alteration, construction, relocation, removal or demolition being sought by the owner(s) of record/applicant and that the owner(s) of record/applicant is not responsible in any way for the hardship from which he or she is seeking relief. The factors to be considered by the Board and the Council on the issue of economic hardship shall include, but are not limited to, the following:

a. A substantial decrease in the fair market value of the property as a result of the denial of the certificate of appropriateness;

b. A substantial decrease in the pretax or after-tax return to owners of record or other investors in the property as a result of the denial of the certificate of appropriateness;

c. The cost of the proposed construction, alteration, relocation or demolition, and an estimate of any additional cost that would be incurred to comply with the

recommendations of the Board for changes necessary for the issuance of a certificate of appropriateness;

d. The structural soundness of any structures on the property and their suitability for rehabilitation;

e. The economic feasibility of rehabilitation or reuse of the existing structure or improvement on the property in the case of a proposed demolition.

f. The owner(s) of record/applicant's purchase of the subject property after a Council resolution designating the property as a landmark or a contributing or significant structure within a historic district without making said purchase contingent upon the owner(s) of record/applicant first obtaining necessary Council and/or Board approvals under the Historic Preservation Ordinance shall be deemed to be conclusive evidence of the fact that the applicant is responsible for his or her own economic hardship, if any.

D. The Board may solicit expert testimony. The owner(s) of record/applicant may be required to submit evidence at the hearing to support any of the factors, including those listed above, which the owner(s) of record/applicant believes to have contributed to the economic hardship which the applicant alleges he or she would suffer if the owner(s) of record/applicant is not granted a certificate of appropriateness. Specific information and documentation which should be presented by the owner(s) of record/applicant as competent evidence at the hearing shall include, but not be limited to, the following:

1. The amount paid for the property, the date of purchase and the party from whom the property was purchased (including description of the relationship, if any, between the owner(s) of record/ and the person from whom the property was purchased);

2. The assessed value of the land and improvements thereon according to the two (2) most recent assessments;

3. Real estate taxes for the previous two (2) years;

4. Remaining balance on mortgage, if any, and annual debt service, if any, for the previous two (2) years;

5. All appraisals obtained within the previous two (2) years by the owner(s) of record/applicant in connection with his 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(s) of record/applicant as to profitable adaptive uses for the property;

8. If the property is income-producing, the annual gross income from the property for the previous two (2) years, itemized operating and maintenance expenses for the previous two (2) years, and annual cash flow, if any, during the same period;

9. Any executed construction agreements or proposals;

10. Engineering or architectural reports on the structural integrity of the building or structure upon which work is being proposed.

11. Any other relevant information, including, without limitation, income tax bracket of the owner(s) of record, applicant or principal investors in the landmark or property in the designated historic district, reasonably necessary for a determination as to whether the building can be reasonably sold or yield a reasonable return to present or future owners.

12. In the event that any of the required information is not reasonably available to the owner(s) of record/applicant and cannot be obtained by the owner(s) of record/applicant, the owner(s) of record/applicant shall provide to the Board a statement of the information which cannot be obtained and describe the reasons why such information cannot be obtained.

E. Issuance or Denial of Certificate Of Economic Hardship

1. If the Board finds that the owner(s) of record has not established that the owner(s) of record/applicant will suffer a demonstrable economic hardship as a result of the denial of a certificate of appropriateness, then the Board shall deny the owner(s) or record's/applicant’s application for a certificate of economic hardship.

2. If the Board makes an initial determination that the owner(s) of record/applicant has presented a case which may establish that without approval of the proposed work all reasonable use of, or return from, a landmark or contributing or significant building,

structure, or improvement within a historic district will be denied an owner(s) of record/applicant, but the Board finds that reasonable alternatives may exist which should be addressed by the owner(s) of record/applicant, then the application shall be delayed for a period of no more than sixty (60) days following the finding.

During this period of delay, the Board shall investigate plans and make recommendations to the Council to allow for a reasonably beneficial use or a reasonable economic return, or to otherwise preserve the landmark or property within the historic district. Such plans and recommendations may include, without limitation, a relaxation of the provisions of this Ordinance, financial assistance, or other appropriate relief.

If, at the end of this sixty (60) day period, after reviewing its initial finding and its subsequent proposals and the owner(s) of record's/applicant's response thereto, the Board finds that without approval of the proposed work the property cannot be put to any reasonable use or the owner(s) of record/applicant cannot obtain a reasonable economic return therefrom, then the Board shall issue a certificate of economic hardship approving the proposed work. If the Board finds otherwise, it shall deny the application for a certificate of economic hardship. The Board shall notify the applicant of its decision in writing within fifteen (15) days of the date of the decision.

3. The Certificate of Economic Hardship 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 application for a Certificate of Economic Hardship are required, a new certificate shall be required.

F. When a Certificate of Economic Hardship is denied for either a landmark or a contributing or significant building within a historic district, structure or improvement within a historic district, the applicant may, within thirty (30) days of the date of the decision, appeal the Board's decision to the Council. Notice of such appeal shall be in writing to the Village Manager, who shall notify 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 State law.

Section 12.700. Remedying of Dangerous Conditions

A. In the event that a condition on a landmark or contributing or significant building, structure or site located within a historic district or on a building, structure or site designated as a landmark, presents an imminent danger to the public health, safety, or welfare or requires immediate construction, reconstruction, repair, alteration, or demolition as ordered by a court of competent jurisdiction or as determined by a representative of the Village, then such work may be performed without a certificate of appropriateness. Work performed under such circumstances shall be the minimum necessary in order to render the improvement safe, after which any additional construction, reconstruction, alteration or demolition shall be processed in accordance with the provisions of Section 12.500 of this Chapter.

B. Under the circumstances described in Section 12.700.A, the owner(s) of record of the property shall notify the Director in writing prior to performing the work necessary to make the property safe. If advance notification is not practical due to the emergency nature of the situation, the owner(s) of record shall provide written notification to the Director within seven (7) calendar days of commencement of such work. In either case, the written notice shall include the following:

1. A detailed description of the dangerous condition in question;
2. The timeframe needed to complete the work; and
3. The specific actions to be taken in the performance of such work.

Section 12.800. Demolition by Natural Causes (K.C. #8)

A. For the purposes of this Section, natural demolition shall occur when an improvement is damaged by fire, explosion or other casualty or act of God as defined in Section 28.15.040 of the Municipal Code.

B. In the case of demolition by natural causes of all or part of a landmark or an improvement located within a historic district, the owner(s) of record shall obtain a certificate of appropriateness prior to the reconstruction when required under the provisions of this Ordinance.

Section 12.~~706~~900. Penalties.

A. Demolition occurring under the provisions of Section 12.700 and 12.800 of this Chapter shall not be considered illegal demolition for the purposes of this Ordinance, provided that the Director is property notified in writing as provided in Section 12.700.B and 12.800.B of this Chapter

B. It shall be unlawful to demolish any portion of any landmark or contributing or significant building structure, improvement or site located within a historic district unless specifically

permitted through a certificate of appropriateness issued for that property.

C. It shall be unlawful to complete any construction or alteration to any landmark or contributing or significant building, structure, improvement or site located within a historic district unless specifically permitted through the certificate of appropriateness provisions in Section 12.501 or 12.502 of this Chapter.

~~A.~~D. Any person who violates any provision of this Ordinance~~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.

(Ord. 4881, Add, 07/03/2007)

VILLAGE OF DOWNERS GROVE

ARCHITECTURAL DESIGN REVIEW BOARD
AND
AD HOC SUBCOMMITTEE ON HISTORIC PRESERVATION
PUBLIC WORKS – LUNCH ROOM
5101 WALNUT AVENUE

AUGUST 5, 2015, 6:30 P.M.

Chairman Matthies called the August 5, 2015 meeting of the Architectural Design Review Board and AdHoc Subcommittee on Historic Preservation meetings to order at 6:33 p.m. and asked for a roll call:

ARCHITECTURAL DESIGN REVIEW BOARD

PRESENT: Chairman Matthies, Members Mrs. Acks, Ms. Englander, Mr. Larson, Mr. Riemer, Mr. Casey

ABSENT: Mr. Davenport

AD HOC SUBCOMMITTEE ON HISTORIC PRESERVATION

PRESENT: Chairman Behm, Members Mr. Birch, Ms. Gassen, Mr. Jarosz, Mr. Leitschuh, Mr. Zimolzak

ABSENT: Mr. Georcaris

STAFF: Deputy Village Manager Mike Baker and Planning Manager Stan Popovich

VISITORS: Mr. Tom Le Cren, 545 Chicago Ave., Downers Grove; Mr. Scott Lazar, 808 Maple Ave., Downers Grove; Kathy and John Hebert, 802 Maple Ave., Downers Grove; Ms. Christine Martin, 701 Maple Ave., Downers Grove; Ms. Melissa Nysson, 900 59th St., Downers Grove; Ms. Shanon Tully, 5413 Main St., Downers Grove; Ms. Marge Earl, 4720 Florence Ave., Downers Grove; Mr. Rich Rulovany, 6825 Camden Rd., Downers Grove; Kathy Nybo and Tom Nybo, 5253 Blodgett Ave., Downers Grove

APPROVAL OF MINUTES – JUNE 17, 2015

THE MINUTES OF THE JUNE 17, 2015 ADRB MEETING WERE APPROVED ON MOTION BY MR. LARSON, SECONDED BY MR. CASEY. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF 6-0.

ADRB AND AD HOC INTRODUCTION

Chairman Matthies asked members of the ADRB to introduce themselves. He stated that as a developer in the area he takes pride in his family having long-time roots in the village (from 1890). His great grandfather established the oldest business in the village that still exists today: Dicke Tool, located on Warren Avenue. While he tears down as well as constructs new homes in the village, Chairman Matthies stated he likes to think of himself as a "developer with a conscious." He shared a short story about his family regarding Queen Anne homes and Sears Roebuck homes.

Chairman Behm asked for members of the Ad Hoc subcommittee introduce themselves. He was pleased to be a part of this group and to see the number of participants. He was excited to hear the input from everyone.

INTRODUCTION OF ISSUES, GOALS, DELIVERABLES AND SCHEDULE

Deputy Village Manager, Mike Baker, reminded everyone that the structure of the meeting would be informal in order to invite conversation not only from the two committees but also the public. He explained that the meeting is intended to provide a solid foundation from which the group will move forward and make recommendations to the village council.

Mr. Baker stated that of issue was the fact that the village has had a historic preservation ordinance since 2007 which had either not been used or applied to the degree it was intended. Therefore, the goal of this process was to identify ways in which landmarks and historic districts could be increased while decrease the instances of loss of historically or architecturally significant structures and places within the village. Examples followed. Mr. Baker explained the ad hoc subcommittee would be working with the ADRB making proposed amendments to the ordinance or recommendations to the village council to achieve the above two goals. He also elaborated on how the work of this group was one of the village's highest priorities in its long-range planning process. Upcoming meeting topics were briefly reviewed.

REVIEW OF EXISTING HISTORIC PRESERVATION ORDINANCE

A. <u>How to Create a Historic District</u>: Planning Manager, Stan Popovich walked through the steps involved in creating a historic district nomination: filing an application and meeting with staff; scheduling a pre-meeting before the ADRB; mailing notices to those within the district and those 250 feet within the proposed boundaries of the district; holding the hearing with the ADRB who determines whether the application meets the district criteria to proceed to a formal public hearing, and finally, a recommendation to the Village Council. Details followed.

B. <u>How to Create a Historic Landmark</u>: Mr. Popovich walked through the steps involved in creating a historic landmark: filing an application to landmark one's own property or someone else's (with owner consent) property; a written description of the property, along with photographs, site plans, research, etc.; mailing notices to those property owners within 250 feet of the nominated landmark; publishing a notice in the newspaper; holding a public hearing and reviewing the standards in Section 12.400, followed by a recommendation to the village council. Further details followed.

Questions followed as to what happens when a landmarked home is sold to a new owner as well as what were the advantages of having a home landmarked, i.e., tax freeze incentives and the benefit of preserving an older home.

Chairman Matthies summarized for the subcommittee that over the past few years, the ADRB has been discussing ideas on how to reach out and explain the benefits of landmarking a structure and also how to encourage landmarking and increase awareness. He appreciated the diverseness of the group and hoped to get additional ideas.

Mr. Birch, in reading the past minutes, pointed out the significant amount of work already done by the ADRB and did not want to recreate the wheel. He hoped to come up with some new ideas. However, in reviewing the code, he found it very difficult to read/comprehend for the average person yet, with staff reviewing the steps above, he commented it mainly was an explanation of the process. Therefore, when reviewing examples of other codes, Mr. Birch believed the code should be simple, understandable, and fit in with other approval processes within the village. He believed the group should "start over."

However, Mr. Behm did not necessarily agree with starting over but did believe the code needed to be simplified, understandable and revisited as to what it was that the village wanted to accomplish. Seeing there were many structures within the village that were historic and worth saving, he stated the fact that the village had only two structures landmarked, which was an issue. Therefore, tonight's group had to somehow make property owners see the value or incentive of landmarking their home while, at the same time, the community recognizing the value of keeping it versus keeping something that was just old.

Discussion followed that only two applications came forward to the village which were for the two current landmarked properties. Staff mentioned there were a couple of interested parties but they never moved forward with their applications. Dialog then followed that awareness in the community would have to be key. Asked if the owners of significant or contributing properties from the 2009 and 2013 surveys were ever contacted, staff confirmed they were not.

Staff proceeded to explain what the CLG status meant, i.e., Certified Local Government which allowed the village to be able to participate in historic preservation programs, specifically through the Illinois Historic Preservation Agency, and allowed the village to apply for certain grants, technical assistance with the state, and participate in a tax freeze program. The ADRB then provides an annual report to the state on the activities of the village. Per a question, Mr. Popovich stated he did not hear anything about the state dropping the CLG program.

Conversation then followed that it appeared there was a lack of incentives for preservation, especially given the fact that there was an economic downturn and preservation was costly overall, which begged the question of what was really worth preserving. Suggestions included to contact similar communities that had positive programs working and to learn from them. Chairman Matthies provided his own input on some of the comments made but ultimately shared that the ADRB was trying to preserve the character of the Downers Grove community and yet find a balance between what was historic and the costs associated with such preservation. Discussion followed regarding the difficulty of understanding the village's current ordinance, the village's application process being cumbersome, and that an interpretive guide of the village's ordinance would be a benefit to have since it was difficult to read for the average homeowner.

Mr. Popovich shared what resources the village had for homeowners who wanted to do their own historic research and application.

Mr. Baker explained that one of the reasons for the timing of completing these meetings by the end of October was that it coincided with the village's budgeting process so that financial resources could be attached to the recommendations being proposed. Also when the original recommendation to establish the subcommittee was put to council it included that after the committee completed its work, another process would begin to focus on the village's zoning ordinance. Mr. Birch then proceeded to discuss how many communities incorporate their historic preservation requirements within their zoning ordinance, some using a unified development ordinance. It was noted that zoning codes regulate land use.

Moving forward, Mr. Reimer discussed a grid which compared a number of ordinances from various municipalities, as well as the ADRB's goals as compiled by former planner, Kelley Chrisse, and he shared how these documents were examples of how to make the process more understandable and user-friendly. A short dialog followed by Chairman Matthies regarding the deadline given to the committees and the challenges of recent staff turn-over.

Again, the two committees agreed that incentives needed to be part of the program. A suggestion was made that the larger state and national historic preservation programs should be researched for low cost loans for renovations and to speak with the communities that had successful historic preservation programs. Other comments included that the incentive was purely recognition. Examples of various municipal programs were shared. Per a question, Mr. Popovich proceeded to explain that the village did not participate in any local monetary incentive programs offered by the IHPA only because there had been no applications for the program which typically had to do with renovations, such as the tax freeze. He offered to get more information for the next meeting. Members believed that incentive could be under the village's program.

Discussion ensued on how the 8-year tax freeze program worked with Mr. Birch pointing out that some misinformation about the program possibly existed and the communication had be clear. It was noted that the tax freeze was for exterior renovations only and just landmarking a building did not constitute a tax freeze. Details followed. At the same time, it was pointed out that the issue with tear-downs was that the land was worth more than the structure so the two committees had to come up with a financial incentive for the program to work. Also, it was mentioned that many homes existed in the village that were not pristine and owners needed financial help to get the homes to the standards the committees were discussing; it took significant amounts of money.

Mr. Birch summarized that the two committees could also identify the threatened structures within the village currently and look at what resources could be applied to save them rather than redefine the ordinance. Or, as another member said, to publicize some of the not-so-pristine structures and explain the history behind them to generate some interest to save them or re-adapt them. Funding ideas were mentioned, wherein Mr. Birch suggested that the two committees may have to use some form of a non-governmental funding program, similar to that used by the Heritage Preservation Council or by universities, that have endowment programs to protect structures.

Chairman Matthies added that the ARDB used to have a TIF incentive program for the village's downtown business district and said it may have to review again but this time with an incentive. He cited the Tivoli as a TIF example. Continuing on that point and using the Tivoli as an example, Mr. Birch explained that it now may be a matter of how the village could help the owner to continue the preservation of his building yet not constrain him with the regulations that may otherwise triple the costs of improvements. Mr. Birch believed the village needed to be open to the requirements that are imposed on applicants, wherein staff explained that it would probably come down to what the requirements of being a certificate local government were.

PUBLIC COMMENT

Chairman Matthies opened up the meeting to public comment.

Ms. Kathy Hebert, 802 Maple, Downers Grove, expressed concern about the required standards for work on her home's exterior, the additional fees charged to do the work, and disclosing the same information to a buyer if she sold her home. She did not see that as a selling point but instead, a financial burden. As to what work should be allowed to be done on her home to preserve it, Ms. Hebert said she was fine with projects that would need a building permit anyway but issue it without any additional fee. The two groups recommended waiving the fee.

Ms. Shannon Tully, 5413 Main St., Downers Grove, mentioned that when the village decides to create a historic district, not every home in the district will be historic and that such newer homes should not be subject to certain regulations. She was pleased to see the two committees discussing the topics that she found interesting.

On that point, it was suggested by a member to eliminate/relax the requirements for non-contributing homes in a historic district since currently all homes were subject to the requirements. Dialog was then raised that just because a home was non-contributing and no requirements should apply, it was pointed out the home was still within a historic district and there would still be some restrictions.

Mr. Scott Lazar, 808 Maple, Downers Grove, suggested that rather scrapping the ordinance entirely, to review Commissioner Bob Barnett's version of the ordinance but include some mechanisms such as the incentives being discussed. (Mr. Baker briefly mentioned that Commissioner Barnett brought a version of the ordinance to the village council, as a New Business item around the time the subcommittee was being formed but the ordinance was not acted upon at that time. Instead it was recommended that it be considered by this group.) On another matter Mr. Lazar mentioned that he was impressed with the landmarked applications for 5256 Carpenter Street and 4943 Highland Avenue because they were two applications that worked. He pointed out how personal the stories were to the owners regarding their homes and the fact that that kind of spark would have to come from individual owners for the preservation program to move forward. Also, because it was mentioned by one of the applicants that the process was simple, it would behoove the village to provide any staff assistance it could because it would be the best return on investment for the village.

Mr. Lazar also expressed concern about creating a historic district and pitting neighbors against each other with the 51% requirement for nomination. Instead, he suggested increasing the percentage to 75% or more to truly represent the will of the neighborhood. He cautioned the two committees that when a district is forced, unintended consequences can occur; whereas, if it

was voluntary, the consequences go away. He supported the individual landmarking process but also supported incentives and any assistance that staff could supply to a homeowner. Furthermore, Mr. Lazar recognized that the 20% of those homeowners who supported the Maple Avenue historic district were interested parties and should be pursued.

Ms. Shannon Tully returned and stated that the real estate firm she worked for had a contract to purchase the Bunge mansion.

Ms. Christine Martin, 701 Maple Ave., Downers Grove, stated she and her husband purchased a home in 2013 that was in very poor condition but explained that she and her husband saved their money and knew that they were going to go through a process with the home. As a result, their children learned how to maintain an older home and understood the responsibilities of owning a home. As far as a pursuing the landmarking process, she believed the process was cumbersome and should be simplified. Eventually, she will pursue the landmarking process. Lastly, Ms. Martin recommended that the requirements for a historic district be minimal.

Chairman Matthies asked Ms. Martin some follow-up questions regarding the permitting process and if the permitting fees had been removed, would they have helped her, or given her an incentive, wherein Ms. Martin indicated they would. Dialog was raised that some of the language in the current ordinance was written in the negative and needed to be changed.

Given the 90-day deadline, one of the ad hoc members recommended tabling the historic district discussion for a year and to focus on the guidelines. Public input continued:

Mr. Rich Kulovany, 6825 Camden Road, Downers Grove, asked if the committees could provide the community with more accurate information, for instance, how many properties were really significant, contributing, etc., provide a current set of guidelines, complete the survey and post the information on the village's web site. He believed there was a sense of urgency as the Edwards House was recently torn down.

Ms. Martin returned to the podium and stated that for her to pay a fee to better her house or better it for the neighbors; she said she did not want to pay that fee.

Mr. Lazar also returned and agreed that focusing on landmarking individual homes versus a historic district made more sense, was voluntary, and less controversial. He stated it begins to build pride within a neighborhood first and the rest follow.

(The committees took a five minute break at 8:30 p.m.; reconvened at 8:35 p.m.)

REVIEW OF EXISTING HISTORIC PRESERVATION ORDINANCE

A. Certificates of Appropriateness (COA): Mr. Popovich proceeded to walk through the landmarking process, noting the ordinance does not differentiate between a landmark or significant, contributing or non-contributing structure. He explained that staff, using the ordinance, determines whether the application is considered a minor or major project noting the major projects go through staff and then the ADRB. The minor projects go through staff and can be approved administratively. Examples of each were explained. Mr. Popovich went on to explain additional steps, noting that the ADRB had the final say in granting a Certificate of

Appropriateness and then the building permit can be issued after the COA is approved. If the ADRB denied an application, the applicant could appeal to the village council. The village council, in turn, could approve, deny or return the application to the ADRB with recommended changes.

Mr. Birch suggested rewording the COA in the positive versus the negative. He stated that in looking at other community ordinances, some regulations were worded as "required" while others were worded as "suggested."

In discussing the specifics of the ordinance, Chairman Matthies, brought to the committees' attention that minor items such as landscaping, painting, or shingles should be relaxed and many of the items listed in the ordinance were already routine maintenance that required a permit anyway; not just for those who lived in a historic home. A short dialog followed as to why staff had to provide notice to neighbors within 250 feet of a proposed landmarked property. Mr. Birch then questioned whether the public notification process was really required for a landmarked property and suggested having the village attorney review the issue. However, Mr. Popovich stated it was an Illinois law. For minor, administrative reviews, Mr. Popovich clarified that neighborhood notification was not necessary.

Dialog was then raised that the two committees should focus on the individual landmarking over the historic district issue, or, take a different direction, as suggested by Chairman Matthies, whereby a landmark status is one issue while a historic district is more general or has an overlay. He provided a couple of examples. To that point, Mr. Birch spoke about neighborhood conservation districts but indicated those would require an overhaul of the village's zoning code. Mr. Popovich clarified that it could be an amendment to the zoning code. Dialog then followed from staff on how a group of residents could propose an overlay to the village ordinance with Chairman Matthies commenting that that could be the route to take since the village was not getting anything out its CLG status. Further conversation followed with a concluding comment that the group should discuss overlays at a future meeting, given that some of the restrictions could be minimal yet achieve what was being discussed. In hearing the discussions, Mr. Baker recommended that the village attorney be part of the discussions, especially regarding overlays.

PUBLIC COMMENT

Chairman Matthies invited the public to speak again.

Ms. Christine Martin, 701 Maple Ave., after hearing about a zoning overlay, preferred an overlay versus a historic district.

Mr. Scott Lazar, 808 Maple Ave., preferred a historic district because it had an owner consent component to it. However, regarding the Certificate of Appropriateness process and the public hearing process for major applications, Mr. Lazar asked whether it was possible for an applicant to hold a public hearing only if his or her application did not meet compliance. Staff clarified the difference, again, between a major and minor application (administrative nature) and the steps involved for the public hearing process to take place.

Mr. Kulovany, 6825, Camden Road, supported the removal of minor exterior modifications from the COA.

INTRODUCTION OF PROPERTY OWNER SURVEY

Mr. Popovich referenced a folder that included a questionnaire/survey for the members to take with them. Members were asked to contact the four to five property owners listed and survey them with the questions. He asked that the surveys be completed by August 28th. Discussion would then take place at the following meeting about what the members found out in their conversations with the property owners.

Ms. Shanon Tully, 5413 Main Street, inquired as to who the property owners were, wherein Mr. Popovich explained they were part of the 64 significant property owners that were surveyed in the 2013 survey.

Ms. Kathy Hebert inquired whether the survey that was done on Maple Avenue last August would be used, wherein staff confirmed it would. Ms. Hebert cautioned staff that 806 Maple should be listed as a significant property since it was the George Lyman home, one of the oldest homes in the village. Mr. Popovich noted the survey was based on the architecture of the buildings and the scope did not include research on the historic tenants of the surveyed properties which could make them locally historic. Chairman Matthies pointed out for the members that there were some inconsistencies identified in the survey but that the ADRB did discuss making the survey more interactive on the village's web site.

Mr. Lazar recommended that the members, after they survey the property owners, to dig a little further and talk about landmarking or creating a historic district.

In response to Ms. Martin's comments, staff explained that the 806 Maple home was surveyed under the National Register criteria versus local criteria. Details followed. Chairman Matthies suggested holding a future discussion about amending the ordinance to include local significance. Mr. Birch added that there should be a distinction between landmarks, neighborhoods and districts because while a structure may not be applicable for a landmarking in and of itself, it could be contributory to a historic district, thereby maintaining the fabric of the community. This was why he preferred to discuss historic districts along with landmarking versus separating the two.

Resident, Mr. Kulovany, recommended that the committees read and understand the sections in the 2013 study about the difference between significant and contributing.

Mr. Lazar returned and asked that the definitions in the ordinance be clarified.

Chairman Matthies closed by asking the committee members to read through the ordinance by the next meeting and have their questions ready. Mr. Leitschuh also asked that the group review staff's recommended changes (from January 2015) to the ordinance as well as Commissioner Barnett's recommendations.

ADJOURNMENT

MR. JAROSZ MOTIONED TO ADJOURN THE AD HOC SUBCOMMITTEE ON HISTORIC PRESERVATION MEETING AT 9:47 P.M. SECONDED BY MR. LEITSCHUH. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF 6-0.

MR. RIEMER MOTIONED TO ADJOURN THE ADRB MEETING AT 9:47 P.M. SECONDED BY MR. LARSON. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF 6-0.

Respectfully submitted,

/s/ Celeste K. Weilandt
Celeste K. Weilandt
(As transcribed by MP-3 audio)

APPROVED 9/2/15

VILLAGE OF DOWNERS GROVE

ARCHITECTURAL DESIGN REVIEW BOARD
AND
AD HOC SUBCOMMITTEE ON HISTORIC PRESERVATION
PUBLIC WORKS – LUNCH ROOM
5101 WALNUT AVENUE

AUGUST 19, 2015, 6:30 P.M.

Chairman Matthies called the August 19, 2015 meeting of the Architectural Design Review Board and AdHoc Subcommittee on Historic Preservation meetings to order at 6:37 p.m. and asked for a roll call:

ARCHITECTURAL DESIGN REVIEW BOARD

PRESENT: Chairman Matthies, Members Mr. Davenport (6:50 p.m.) Ms. Englander, Mr. Larson, Mr. Riemer

ABSENT: Mrs. Acks, Mr. Casey

AD HOC SUBCOMMITTEE ON HISTORIC PRESERVATION

PRESENT: Chairman Behm, Members Mr. Birch, Ms. Gassen, Mr. Georcaris, Mr. Leitschuh, Mr. Zimolzak

ABSENT: Mr. Jarosz

STAFF: Deputy Village Manager Mike Baker and Planning Manager Stan Popovich

VISITORS: Mr. Matthew Maher, 819 Maple Ave, Downers Grove; Mr. Tom LeCren,545 Chicago Ave., Downers Grove; Mr. Scott Lazar, 808 Maple Ave., Downers Grove; John Hebert, 802 Maple Ave., Downers Grove; Ms. Shannon Tully, 5413 Main St., Downers Grove; Mr. Rich Kulovany, 6825 Camden Rd., Downers Grove; Kathy Nybo, 5253 Blodgett Ave., Downers Grove

APPROVAL OF MINUTES – AD-HOC SUBCOMMITTEE – AUGUST 5, 2015

THE MINUTES OF THE AUGUST 5, 2015 AD-HOC SUBCOMMITTEE ON HISTORIC PRESERVATION MEETING WERE APPROVED ON MOTION BY MR. ZIMOLZAK, SECONDED BY MS. GASSEN. ROLL CALL:

AYE: MR. ZIMOLZAK, MS. GASSEN, MR. BIRCH, MR. GEORCARIS, MR. LEITSCHUH, CHAIRMAN BEHM
NAY: NONE

MOTION CARRIED. VOTE: 6-0

APPROVAL OF MINUTES – ADRB – AUGUST 5, 2015

THE MINUTES OF THE AUGUST 5, 2015 ADRB MEETING WERE APPROVED ON MOTION BY MR. RIEMER, SECONDED BY MS. ENGLANDER. ROLL CALL:

AYE: MR. RIEMER, MS. ENGLANDER, MR. LARSON, CHAIRMAN MATTHIES
NAY: NONE

MOTION CARRIED. VOTE: 4-0

REVIEW AND SUMMARY OF AUGUST 5TH MEETING

Chairman Matthies summarized that there was good input received from the public at the last meeting especially as it related to the CLG status, its benefits, if any, and separating individual landmarks from a historic district. A list of last meeting's discussion topics was placed on the flipcharts by Mr. Baker who also repeated the goals of these meetings.

Items discussed last meeting included:

- eliminating the landscaping requirements from the Certificate of Appropriateness;
- consider changes to the public hearing requirements for applicants;
- facilitate, early on, any information-gathering processes for the applicant;
- remove non-contributing structures from the district;
- reduce/eliminate Certificate of Appropriateness requirements for non-contributing structures; and
- waive hearing or application fees and consider an overlay of conservation districts (example: Prince Pond)

Other recommendations staff heard included:

- develop simple and easy-to-use informational materials that assist applicants in the process that help explain and quantify the benefits and credits of landmarking;
- explain what can/cannot be done in clear terms;
- clear up misperceptions that may exist around landmark status;
- consider public improvements in historic areas as a way to demonstrate the village's commitment to investment in the history of the community;
- develop/support programs to recognize historic structures and improvements;
- identify the most significant/threatened structures and engage property owners into how they may protect or assist in protecting the significance of those properties;
- identify all potential sources for incentives and make readily available;
- determine whether the CLG status is a benefit or a burden; and
- update the inventory to include structures with local historical significance that may not be captured in the architectural survey.

Comments followed that the two committees could continue to grow the list, but eventually trim it down. An explanation followed as to what was meant by "consider public improvements,"

Another member pointed out that the above list had a reoccurring theme about developments using materials and their misperceptions. It was pointed out that there was a need to distinguish between what was similar and/or different between the Certificate of Approval process for a landmarked building versus any regular permit operations.

DISCUSSION OF OTHER COMMUNITY ORDINANCES

A. Like/Dislike about other community ordinances; Why?

It was pointed out that the reoccurring theme in the table that was provided in the packet appeared to be that a large majority of the historic districts in the various communities were formed 25 years ago when there were more programs and the incentives were more realistic than they were today. More specifically, the City of Aurora had an urban conservation district which was in addition to its historic district. The program still offered protection to areas that could lose a landmark/historic structure. It was suggested to review that aspect carefully since there were many neighborhood members who wanted to maintain even though they may not be as historic as other areas under discussion.

It was also brought up that the village's ordinance went into affect just before the recession took place, which was poor timing, and that many people probably felt different about their own real estate now than they did in the 1960s, 1970s and 1980s where every home appreciated every year. That was not so true now. Another similar theme throughout the table was the non-voluntary nature of some of the designations as well as the concern about a third party nominating someone's home while that person was in the process of being considered for either landmarked status or for a historic district. Not enough clarity was provided as to when a COA was required and when it was not.

Other comments followed that the definition of "alterations" was not clear; anyone in Downers Grove could nominate a historic district, while in other districts the Historic Preservation Commission nominated them; while Elgin had a great incentive program, most communities did not, except for what was offered by the state; and Highland Park had a non-contiguous district which could be considered by Downers Grove.

Additional comments included that the Certificate of Economic Hardship and Certificates of Approval for some communities was very clearly stated and worth looking at; all of the ordinances listed were very powerful and residents or groups of residents living in those communities could nominate someone's home for landmark or could nominate a district; however, the approval process required more vetting (details followed) and it appeared that once something had been nominated, all work had to stop, which was a powerful tool on personal property rights.

The chairman asked for input on the group's thoughts about not requiring owner consent. Comments followed that having anyone nominate/landmark something was fine but once something was nominated the work should not have to stop, but instead continue through the process before the restrictions apply. Having the more than the 51% needed to nominate a historic district was also noted in many of the communities and, while it was fine for anyone to nominate an individual property, it was more difficult for the homeowner than if two-thirds majority of the council wanted the nomination. However, someone mentioned that the prohibition period addressed that type of circumstance as a fail-safe. Chairman Matthies believed that was a "reactive" response versus a "proactive" response. It was also mentioned

that when some of the ordinances were created, not much information existed regarding hazardous materials and for someone to nominate a historic property whose owner had children could not be done today. Dialog followed that there had to be a balance between the two ideas, the group had to think long-term, and the ordinances mentioned had safeguards in them.

B. Like/Dislike about education, outreach and awareness efforts in other communities; Why?

A discussion followed regarding the amount of outreach that the various communities conducted and the fact that if the village wanted a community buy-in of preservation, then having a heavy-handed ordinance may run contrary and be counter-productive. If the concern was neighbors nominating their neighbor's home that would be difficult. If a resident wanted to apply for landmark status for their own property, an idea was to require a conservation plan (with performance standards). The conservation plan could identify future improvements of the structure and once those were approved, a COA could be automatic as long as it was in compliance with the plan. This would avoid going through the COA process every time work needed to be done. Further dialog was raised on the federal tax incentive program and possibly working with the county to freeze the assessed values or create a historic preservation fund from increased demolition fees. Someone mentioned that defining the role of the board should be incorporated into the ordinance. It was noted the City of Aurora's ordinance was a very good example in that it was very easy to read.

Turning back to the discussion of whether the village wanted a historic district or not, Chairman Matthies pointed out that the non-contiguous district would be fitting for the village. However, dialog followed that at the last meeting it was mentioned that getting individual landmarked homes first could eventually generate interest in the creation of a historic district. Chairman Matthies reminded the group that Mr. Lazar commented at the last meeting that the village had to "get the base hits first; not home runs" and the group had to focus on how to get those base hits, which went back to how does the village provide an incentive to the individual owner. Other member comments included support of the City of Elgin's nomination criteria checklist (with 6 criteria) was very good and it provided guidance; others concurred.

Dialog then turned to one member discussing the fact that he did not mind the idea of nominating a neighbor's property but did mind the "freeze" with certain conditions, such as freezing the property from being demolished (for a certain period of time) or not damaging it intentionally, but also being cognizant of not making a decision for that property owner and stepping on their property rights. Comments followed that "a good enough reason" had to exist to take the process further. Examples followed where preservation would have to be a priority and where some sort of elected body to step in and have the power within the ordinance to do something.

Chairman Matthies, in speaking to the group, did not believe the village's ordinance was preventing the goals previously listed. It needed some fine turning but, overall, he felt it was "pretty good." Also, he felt it was a matter of the residents not understanding the process, what was it going to do to them in terms of their property rights, and not having any incentives. He believed there had to be non-monetary ways to create incentives.

The idea to appeal to those individuals who had the financial resources to landmark their property and had the civic pride to do so was discussed. Also, to consider the target homeowner: did the person just purchase the home or was he/she a third generation owner? Consider the two

different approaches: was the home getting ready to be placed on the market or was it a dilapidated structure? By considering those distinctions, some solutions could be recommended.

Dialog turned to what the group thought about the approval and nomination vote percentages for creating a district only. Currently it was 51%/49% and Chairman Matthies believed those figures could have scared some residents. Then it was clarified that the simple majority of 51%/49% was the percentage to obtain just the nomination and not the final vote, which would be determined by the village council. A due process would take place.

Chairman Matthies invited the public to speak.

Mr. Mike Maher, 819 Maple Avenue, found that many of the residents were uneducated about the process and in reading through the ordinance rules on his own, he found them to be very restrictive. He believed some residents were scared by it and it pitted neighbors against each other. He believed there was no benefit to living in a historic district and he wanted to make the decisions for his own home. He did not know what type of incentive, if any, would change his mind at this time. Asked if he knew living in a historic district increased his property value or knew if there were no fees or less restrictions attached to same would he live in one, Mr. Maher stated it would make a difference but then again, it was a speculative statement by the members. Again, Mr. Maher stated he purchased his home and it was his choice.

Out of this dialog, came the fact that there was concern about property values and more government restriction, which were some of the barriers the group discussed at its last meeting and that it had to overcome them. Someone pointed out that “opting out” in a number of ordinances appeared to be an option.

Per a question, Mr. Maher then shared what he and his neighbors initially thought what a historic district meant, i.e., historic signs, plaques, tax breaks, etc. but then he read what the requirements were. He emphasized that he did not want to impose any requirements on his neighbor nor should his neighbor impose any requirements on him and that everyone should be able to make the best financial decision for his or her own property.

Regarding the above conversation, it was brought up that possibly the village was looking at the process the wrong way and should consider, for example, returning some streets back to brick or installing gas lighting in an effort to bring the area back to its historical reference without imposing something on the community. Would the community buy into it? Citing the E.H. Prince subdivision a member recalled where the village was going to pave over its brick streets and the residents came together and did not want it to occur. As a result, it became a special service area for them. Comments followed that maybe the group should start nominating properties that the village owned.

Resident, Mr. Scott Lazar, stated he was speaking on behalf of Downers Grove Families for Sensible Historic Preservation (FFSHP), a group that was organizing itself slowly, with the goal of its body believing that historic preservation should always be voluntary, safe for families, and not cause financial harm. He clarified the FFSHP was not aligned with any political party but he did want his group’s input conveyed. He distributed copies of a document discussing national landmark registrations and historic district statistics for various communities within DuPage County. He pointed out that there were benefits to having national register properties which were less restrictive, less protective, and more honorary. Details followed. He questioned the

group if some of the districts identified in the survey applied for national register designation and would the group feel good about it. One member explained his own experience, commenting to get on the National Register was very difficult and what were the actual number of eligible structures that existed in the village?

Mr. Lazar then turned the discussion to owner consent requirements/opt outs for the Village of Glen Ellyn noting theirs was one hundred percent voluntary with an opt-out provision and an opt-in provision. His points included: 1) there was merit to preservation; 2) other communities were doing a better job at communication; and 3) other communities were looking at unique ways of funding. He reviewed the villages of Elmhurst, Lombard and Hinsdale in more detail, noting they had national districts and local landmarks but no local districts and were doing better than the Village of Downers Grove with 100% voluntary preservation. He argued that 100% participation could exist and still make progress in preservation. However, it was pointed out by Mr. Davenport that it was unknown if the Downers Grove kept its 51%/49% that would mean the village could not have a similar success with local landmarking. Something else was going on with the communities.

Per a question whether there was a correlation between incentives provided by the above-referenced communities and the landmark figures, Mr. Lazar stated he did not have time to look at that aspect. It was pointed out that the communities discussed had a concentration of wealth, however.

Mr. Lazar then handed staff a copy of Hinsdale's ordinance summary, written in easy-to-read language, and asked that staff distribute it to the members. He then cited the Village of Wayne's preservation ordinance which, when created, established a preservation fund (privately funded) but where the village actually drove the preservation. Wayne also accepted land donations. Mr. Lazar asked whether the village should have an acquisition approach for historic structures and could it be set up for that. Questions followed regarding the legality of that idea.

The group was reminded to not concern itself with linking a historic district to a preservation of structures, buildings or homes but to realize that the communities discussed above had many landmarks. The tie did not necessarily have to be 100% voluntary participation to a successful ordinance but that it was good information and somewhere these communities were doing something differently than Downers Grove.

Resident, Ms. Kathy Nybo, 5253 Blodgett, Downers Grove brought up the fact that this whole preservation idea came up when her son saw the Edwards house was for sale and he wanted to save it. She said she and her son met with Mr. Popovich who informed them that the only way that it could be saved was that it had to be part of a historical district. It was under a tight timeline and it was not saved. She explained that she had four piles of papers -- from those who supported the preservation, those that were "maybes", those that never responded, and those who were against the preservation. She stated the "no" group was the smallest group but the loudest group and that the village could not have a historic district without landmarked houses. After landmarks, the district would create itself.

Mr. John Hebert, 802 Maple Ave., Downer Grove, stated that he and his wife did not want anything that would reduce or place restrictions on their property in case they had to sell their property. He asked if anyone spoke to the owner whose historic house was landmarked and was for sale for the past 18 months and whether the landmark status hindered the sale of his home.

He believed it would be beneficial to speak with that owner as well as the person who purchased the home on Carpenter Avenue. Mr. Hebert believed having a home in a historic district would hinder someone from purchasing the home but said when he purchased his home he maintained its character voluntarily and believed that made his home more valuable. If he had to go through the village to get approval to replace his shutters, it took more time and would make someone hesitant about wanting to get involved.

Mr. Behm noted the fact that having a true historic district added value to homes. San Diego's Gaslight District was cited as one such district. However, comments were also made that districts could decrease property values and that not one answer existed. Where a negative perception existed, a positive result could actually be obtained.

Mr. Tom LeCren, 545 Chicago Ave., Downers Grove asked if two separate ordinances could be created, given the group's time constraints. He asked for confirmation that a historic district did not have to have landmarked homes within its boundaries. And he stated that if the members were going to include that a neighbor can nominate a neighbor's home that it be reviewed with the U.S. Constitution property rights in mind. He also suggested to review the ordinance's current definitions since a community development director did not exist anymore. He inquired about demolitions and guidelines for constructing new.

The group agreed that it would be beneficial to have some form of guidelines within a district explaining what should be constructed in the historic district once a building was razed.

Mr. Rich Kulovany, 6825 Camden Rd., Downer Grove, a member of the Friends of the Edwards group, stated he met with Bob Barnett recently regarding his take on historic preservation and what this group wanted get out of the discussions. He believed much of the negativity from the individual opposing preservation was based on the old ordinance and that there were some issues that needed to be addressed. He supported removing some of requirements from the ordinance and the groups appeared to have a consensus on that. However, he felt that no matter what changes this group made, be it tax breaks or incentives, he stated that Mr. Maher, who spoke above, would not be interested in landmarking his home.

Mrs. Shannon Tully, 5413 Main St., Downers Grove, confirmed that when Ms. Nybo was trying to save the Edwards House, it was to utilize the only option that was available at the time and that was now in the past. The current issue was how to move forward with changes to make preservation voluntary. She suggested everyone become part of the Friends of the Edwards group because that group was all voluntary and she was a private property rights advocate. She believed everyone was on the same page and should be working together to make it more desirable for the community to landmark their own home.

Mr. Kulovany then asked those members in the group who were speaking differently about this topic, would they be willing to support voluntary preservation, since he did not see anyone from the group present when the Edwards home was being razed, and would the group do anything different now since an architecturally significant building was lost? He believed everyone should be working together to come up with a mutually agreeable document. He distributed an education plan for members to review.

Mr. Scott Lazar clarified that he and a number of individuals were not opposed to preservation but were trying to make constructive suggestions and trying to provide some solutions.

Mr. LeCren shared a story about a home in Downers Grove he visited in 1940s as a child which was still standing.

DOWNERS GROVE ORDINANCE BRAINSTORMING

A. Elements of Downers Grove's ordinance would you consider changing and why: Chairman Matthies summarized that it appeared there was an underlying discussion of separating the two ordinances and focusing on individual landmarking. Because the "districting" portion of the discussion seemed to be an issue, it was suggested to not include a district ordinance at all. Dialog followed that it may not be necessary to remove the district portion entirely but to work on the positive ideas and focus on landmarking and discuss the 51%/49% approval for a district nomination sometime in the future.

Chairman Matthies directed the group's attention to discuss the overlying items that affect both historic districts and individual landmarks and how the burden could be eased, and then discuss whether the members wanted to effect the district by creating an opt-out provision. After some dialog, the members decided it should focus on pursuing individual landmarks versus districts and create an educational campaign. Then someone suggested another alternative: to add a buffer within 200 or 300 feet of a landmark to protect its context by imposing certain types of regulations as to what could happen to the other properties. Examples followed, noting the character of the area would be protected without establishing a district. Concerns were raised that it became a property rights issue. Looking at the larger picture, if there 20 to 30 landmarks in the village then the conversation could begin about starting a historic district, but for now it needed to build over time.

He directed the group to work on changes to the ordinance as it affected individual landmarks and then to hold a future discussion regarding the 51%/49% and opt-out provisions. Mr. Riemer suggested to start with staff's red-line changes to the ordinance and add to it as a start. Chairman Matthies asked that the members read through staff's changes and continue the discussion at the next meeting.

Conversation vacillated whether to include or exclude "historic districts" in the ordinance or placing a moratorium on it for a certain length of time or after a certain number of landmarks are reached, and then revisit the topic again. The residents attending the meeting were then asked how they would respond if the "district" portion was removed from the ordinance. The public's comments followed:

PUBLIC COMMENT

Mr. Lazar commented that given the number of districts that have been identified in the village's survey, with the exception of Maple Avenue, no one has come forward requesting a district to be created.

Mr. Kulovany, with Friends of the Edwards House, believed it would be beneficial if the "district" portion of the discussion could be tabled and supported staff's recommendations. He did not support starting the ordinance from scratch but making the adjustments discussed. Making positive steps and getting the public excited about preservation would be a good start.

The group discussed three options that were available to them regarding the ordinance:

1) make changes to the ordinance to make it more attractive;
2) leave the ordinance alone but focus on the landmarks and make a recommendation that the existing ordinance be repealed and a new ordinance be adopted that has the same provisions for the districts; or
3) remove all of the provisions relating to the district and have landmarks only.

Some members believed option 2 made sense. Mr. Popovich noted he has not seen an ordinance that only discussed landmarks and excluded districts. He explained that the group could determine how Certificates of Appropriateness related to landmarks individually versus significant, contributing, and non-contributing buildings in a historic district. If changes to the COA process were made it might assist with historic districts and the districts would not need to be removed from the ordinance.

For the next meeting, the goals were to

1) discuss staff's redline draft of the ordinance and to hear the results of the members' surveys;
2) have staff provide the members some clarification of what it can and cannot do as it relates to the village's CLG status; and
3) see if members would care if the CLG status was removed.

Comments followed that the CLG was being overlooked and that the only benefit to the village was the tax freeze and if the village lost its CLG status, that incentive was gone, which may be why it could be beneficial to keep the district in the ordinance.

Mr. Popovich asked members to return the surveys to him by August 28th. He briefly discussed the agenda items planned for the next meeting. Staff was asked to also provide a list of items that need a COA versus those that need a permit.

Mr. Lazar asked if members could read through the redline draft ordinance submitted to them by the Downers Grove Families for Sensible Historic Preservation.

ADJOURNMENT

MR. LEITSCHUH MOTIONED TO ADJOURN THE AD HOC SUBCOMMITTEE ON HISTORIC PRESERVATION MEETING AT 9:44 P.M. SECONDED BY MR. ZIMOLZAK. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF 6-0.

MR. DAVENPORT MOTIONED TO ADJOURN THE ADRB MEETING AT 9:44 P.M. SECONDED BY MR. RIEMER. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF 5-0.

Respectfully submitted,

/s/ Celeste K. Weilandt
Celeste K. Weilandt
(As transcribed by MP-3 audio)

APPROVED 9/16/15

VILLAGE OF DOWNERS GROVE

ARCHITECTURAL DESIGN REVIEW BOARD
AND
AD HOC SUBCOMMITTEE ON HISTORIC PRESERVATION
PUBLIC WORKS – LUNCH ROOM
5101 WALNUT AVENUE

SEPTEMBER 2, 2015, 6:30 P.M.

Chairman Matthies and Chairman Behm called the September 2, 2015 meeting of the Architectural Design Review Board and AdHoc Subcommittee on Historic Preservation meetings to order at 6:35 p.m. and asked for a roll call:

ARCHITECTURAL DESIGN REVIEW BOARD

PRESENT: Chairman Matthies, Members Mrs. Acks, Mr. Casey, Mr. Riemer

ABSENT: Mr. Davenport, Mr. Larson, Ms. Englander

AD HOC SUBCOMMITTEE ON HISTORIC PRESERVATION

PRESENT: Chairman Behm, Members Mr. Birch, Ms. Gassen, Mr. Georcaris, Mr. Jarosz, Mr. Leitschuh, Mr. Zimolzak

STAFF: Deputy Village Manager Mike Baker and Planning Manager Stan Popovich

VISITORS: Mr. Ross Johnson, 5221 Main St., Downers Grove; Chris and Patty Patterson, 4502 Prince St., Downers Grove; John and Kathy Hebert, 802 Maple Ave., Downers Grove; Don Richards, 4735 Main St., Dowers Grove; Ms. Kathy Nybo, 5253 Blodgett, Downers Grove; Ms. Christine Martin, 701 Maple Ave., Downers Grove; Irene Hogstrom, Downers Grove; Ms. Melissa Nassen, 900 59th St., Downers Grove; Ms. Phyllis Serbou, 1905 Curtiss, Downers Grove; Mr. Matthew Maher, 819 Maple, Downers Grove; Mr. Scott Lazar, 808 Maple Ave., Downers Grove; Ms. Hilary Denk, 433 Wilson St., Downers Grove; Charlotte and Byron Holtzen, 5226 Carpenter St., Downers Grove

APPROVAL OF MINUTES – AD-HOC SUBCOMMITTEE – AUGUST 19, 2015

THE MINUTES OF THE AUGUST 19, 2015 AD-HOC SUBCOMMITTEE ON HISTORIC PRESERVATION MEETING WERE APPROVED ON MOTION BY MR. BIRCH, SECONDED BY MS. GASSEN. ROLL CALL:

AYE: MR. BIRCH, MS. GASSEN, MR. GEORCARIS, MR. LEITSCHUH, MR. ZIMOLZAK, CHAIRMAN BEHM
NAY: NONE
ABSTAIN: MR. JAROSZ

MOTION CARRIED. VOTE: 6-0-1

APPROVAL OF MINUTES – ADRB – AUGUST 19, 2015

THE MINUTES OF THE AUGUST 19, 2015 ADRB MEETING WERE APPROVED ON MOTION BY MR. CASEY, SECONDED BY MR. RIEMER. ROLL CALL:

AYE: MR. CASEY, MR. RIEMER, CHAIRMAN MATTHIES
NAY: NONE
ABSTAIN: MRS. ACKS

MOTION CARRIED. VOTE: 3-0-1

REVIEW AND SUMMARY OF AUGUST 5th and 19TH MEETINGS

Chairman Matthies summarized that from the two previous meetings it appears the groups have consensus on some points yet are far apart on other points. Tonight's meeting would focus on finding those points that the two groups have consensus on in order to move forward and allow staff to begin drafting its preliminary ordinance for village council. He briefly reminded members on the stipulations for the Open Meetings Act. Chairman Behm also asked the public to hold their comments to five minutes per person in order to conduct the meeting in a timely manner.

PROPERTY OWNER SURVEY DISCUSSION

Planning Manager Stan Popovich discussed the background of the previous historic building survey completed in 2013 which covered four areas of the village and included 865 properties of which 67 were identified as being significant. He noted the boards were tasked with surveying these properties. Of the 36 surveys that were returned with responses, there was a 50/50 split where half of the responders were not aware that the village had a historic preservation ordinance while the other half did. A quick overview of the survey questions followed, along with their results. Given the figures from this survey, Mr. Popovich summarized that four areas from the survey stood out: 1) too many regulations; 2) residents not understanding the process; 3) residents not understanding the ordinance; and 4) the financial costs involved. However, what was not addressed in the survey data, Mr. Popovich pointed out, were those individuals that were either aware they were eligible or those four homeowners whom would consider landmarking and why they did not apply or hold off.

Staff was asked to explain the split between residential and commercial structures and the reason for numerous PIN numbers or duplicated addresses. Chairman Behm then asked members to provide the comments they received on their surveys for their assigned areas. Mr. Zimolzak noted in the commercial area, the surveyed individuals did not want any other ordinance that would affect them, except to have some other protection, possibly grandfathered in or deal with sign-related issues. One member said one of the surveyed owners was representing three individuals in neighboring towns fighting their own historic districts. Clarifying the cost concern, one member said it was a matter of a compliance cost while Mr. Georcaris noted the application fee was a concern for the church in his survey area. Details followed regarding the

First Baptist Church and its changes over the years as well as a residential home that changed over the years.

Another issue that was raised by the members was the survey itself. For instance, Ms. Gassen's surveyed individuals questioned why someone else's home was considered significant and theirs was not; that in speaking to property owners, in general, they did not know they could landmark their home; and misunderstandings of what was contained in the ordinance existed. Similarly, there were comments that there was confusion between the landmark ordinance and the honorarium (plaque) from the Downers Grove Historical Preservation. Mr. Georcaris mentioned that other homeowners, who were, for example, third owners of a home and took much pride and effort in maintaining their home, would consider landmarking with more information. Mr. Casey shared that some of the owners did not want to attract attention to their home but thought it was great their home was considered significant, while another homeowner expressed interest in landmarking his/her home but did not have knowledge about the ordinance nor know that it even existed. A common theme that surfaced, as mentioned by Mr. Riemer, was the fact that many owners did not want something imposed upon them that they did not want and believed the process should be voluntary. Many residents (some on Prince) did not like the restrictions and saw no benefit to the process.

Mr. Jarosz summarized what he found with his five homes – two were knocked down for "McMansions", one he was unable to contact the homeowner, one owner was surprised his home was in the survey, and the last owner at Prairie/Linscott appeared very proud of his home, was interested in landmarking it, but said if he sold his home he would want his home to remain as is. Chairman Behm commented on the very fine home the Pattersons owned (whom were present at the meeting). The status of the two remaining homes followed along with the pastor's response from Gloria Dei Church, which was very positive and whom wanted to learn more about the program. Regarding Downers Grove North High School, Chairman Behm said the superintendent expressed interest, suggesting that the matter could go to the school board for discussion. He encouraged the village to follow up with those two commercial properties and reiterated that education and more information needed to get out to the public.

Mr. Patterson, 4502 Prince Street, spoke and stated he was not aware of the survey nor his home's significance; however, he was interested in obtaining more information about the process, the benefits, any restrictions and have the home remain as is, if sold. His concern was if it was worth to invest in new windows or would the home become a tear-down. He commented he visited the village's web site and tried downloading information but it was too cumbersome.

Chairman Matthies then questioned whether the facades on buildings could be designated as historic versus entire buildings – citing the southern facade of the North High School. He asked if that could be researched.

Mr. Zimolzak noted an easy-to-read educational pamphlet would have to be instrumental in getting the message out to the public and contain information such as what tax savings a homeowner might expect in a hypothetical situation. Also, it was pointed out that of the survey conducted between the two committees, 4 out of 18 homeowners were interested in landmarking their homes, which was 22%, noting that if more of the public was aware of the process, the landmark designation would "fall into line" along with staff providing assistance to move the owners forward. Further discussion followed. Mr. Birch reiterated that regulation, education and staff support was key to the effectiveness of the entire effort.

One member felt that continued conversation with those owners who expressed interest in landmarking should continue, building on that momentum versus waiting for the village to decide on its preservation ordinance. Comments followed that, most likely, home owners would wait for the village to complete the ordinance review process.

Mr. Jarosz confirmed with staff that if a landmarked property was sold the landmark status would carry over. Staff confirmed same and stated it was recorded with the county. However, Mr. Popovich also clarified that any new owner would have to obtain a Certificate of Appropriateness and go before the ADRB to obtain a demolition. Adding to the comments, Chairman Behm explained that an easement could be created and given to a third party, such as the Historic Illinois, who would then hold the protected easement and would have to agree to any major change or demolition to the structure. As to any punitive process involved, Mr. Popovich explained that most likely the village would issue fines which would have to be determined through discussions with legal counsel.

Chairman Matthies pointed out what he and Mr. Davenport discussed – that education and outreach to the public were key and the survey that was taken by both committees reflected same. However, some surprises that did arise when members were giving the survey to the residents was that some residents indicated they knew the ordinance very well but in further conversation, it became apparent they did not. Some asked what were the benefits. Mr. Jarosz suggested that when the new owners of the 67 identified significant properties move in to send them a letter welcoming them into their landmarked home; however, Chairman Behm believed a face to face meeting with them would be more beneficial. Ms. Gassen was curious as to how those owners who went through the Centennial Homes process would answer the survey.

Mr. Popovich then proceeded to discuss the village's CLG status and the update he received from IHPA (Illinois Historic Preservation Agency) regarding the discussions taking place at the village regarding preservation. He told the two committees that if the IHPA had any concerns about ordinance changes it would follow up with the National Park Service. As to obtaining grants, the Village is eligible to receive grant funds and in the past has partnered with non-profits for assistance. He confirmed grants were available and the ADRB could apply for grants in October, which Chairman Matthies confirmed and stated should be part of this groups' recommendations.

Regarding last comments about the survey, Chairman Behm believed the original survey and website needed to be updated with accurate information. Mr. Popovich asked that if members spoke to the owners they surveyed and their information was inaccurate for some reason, to contact him to update it. Mr. Georcaris then questioned a resident's comment on page 7 of the survey, stating it related to the culture of the community and, as a result, he believed a more tempered ordinance, versus aggressive ordinance, should be considered.

(The two committees took a five minute break at 7:30 p.m. and reconvened at 7:35 p.m.)

DOWNERS GROVE – KEY POLICY DIRECTION DISCUSSION

Chairman Matthies asked to focus on a few topics to reach a consensus in order to direct staff. Of note, he confirmed with both committees that they were of the consensus for removing the $400 application fee for landmarking. However, in order to cover administrative costs, he

recalled there was discussion about increasing the demolition fee. Staff also explained how the $400 application fee was determined initially. Dialog then continued that it was not up to the two committees to determine the actual fee amounts and where they should come from. Instead, staff, through this groups' recommendation, would determine the actual fees to be eliminated, i.e., demolition or permitting fees on renovations, and forward that recommendation to the village council, once the two groups reviewed staff's draft ordinance. Ms. Gassen also recommended removing the COA fees in addition to the application fee, but others agreed it would be better to waive all fees associated with the preservation ordinance.

Other ideas were voiced, including that a resident should not need to obtain a COA as part of the landmark status if the resident did not need a permit initially, i.e., primarily for maintenance items: landscaping, exterior painting, repairing roof shingles, etc. Members supported that recommendation. Windows were then discussed with staff differentiating between window replacements that were similar in size needing no permit versus windows being replaced of not similar size requiring a permit. Members then discussed the idea of reducing the COA requirements on some of the smaller items and items not seen from the street. The groups concurred on not requiring a COA for items not visible from a street. Due to a dialog about windows and siding and their importance, Chairman Matthies recommended discussing these two topics in the future. Members concurred.

Returning to the education goal, the two groups agreed that the village should apply for a grant or have staff seek a non-profit entity to partner with that could educate the public about the village's historic preservation ordinance. The two groups agreed an educational pamphlet at the counter was necessary as a first step, but then staff could draft a strategic outreach plan in the future addressing the various types of outreach that could occur. Chairman Behm noted these are all passive approaches and it was important to continue taking an active approach with targeted outreach.

Chairman Matthies then summarized that marketing the preservation ordinance would be important. Specifically, he reminded the two groups that the ADRB discussed at its prior meetings the following: 1) better exposure on the city's web site; a simplified explanation page; and a future interactive mapping system similar to Naperville's website. Mr. Casey mentioned that when the initial survey was done, the residents were contacted via one robo-call but no follow-up interaction was ever done afterward. Comments followed that personalization was important as was a plaque recognition program or a similar program awarding the best renovation or addition project, etc. Mr. Casey suggested the village could brand itself as "Historic" Dowers Grove when additional landmarks were created.

Then the topic of historic districts arose, wherein members agreed the topic did not have to be discussed currently and the focus should be on individual landmarks, which would, in essence, create a historic district as individual landmarks were added in the future. Some members preferred that the topic of historic districts be reviewed later; however, some members preferred to hear public comments on the subject. Consensus was to leave the language alone in the ordinance for now. As to the village's preservation application packet itself (42 pages), Ms. Gassen recommended to divide the village's current application into two separate applications -- one for landmarks and one for a historic district -- and make both concise. (The St. Charles' application packet was seven pages.)

Per a question, Mr. Popovich clarified that the reason the village's application packet was not on the web site was because staff preferred to meet with an applicant individually to explain the process. Detailed steps followed. It was noted staff could review the application with a keen eye and eliminate extraneous information and the make it simpler. Chairman Matthies recommended that rather than presenting a 42-page application, staff may want to approach the process from a softer perspective and provide some general information initially to an applicant. If the applicant was still interested, then print off the application and walk through it with the applicant. It was suggested surveying neighboring towns to see if their application was on-line and what it entailed. Ms. Gassen suggested of creating architectural guidelines (not rules) was also offered and could be for those owners who had older homes but wanted to keep the integrity/style of their home in tact, which the chairman suggested to place on the village's web site.

Addressing the groups' goals, someone pointed out that back in 2007 the village council discussed the same goals/plans for the preservation ordinance as these two committees were. This same person questioned why the ordinance appeared to be stalled and asked whether it was because the ADRB was inactive at the time. He hoped this group could prevent that from occurring in the future. Mr. Popovich explained that in the first two years, there were two landmarks. After that some of it had to do with the economy and the fact that it was not a priority at the time. Mr. Zimolzak believed having an ongoing budget for the ADRB would also keep the effort from diminishing.

PUBLIC COMMENT

Chairman Matthies opened up the meeting to public comment.

Mr. Ross Johnson, 5221 Main Street, said he owns a commercial property on Main Street and this was his first meeting. His property was on the list. He asked if the groups would consider a follow-up survey because he did not believe many in the village knew what the two groups are trying to accomplish or either the residents glossed over it. Because he felt the number of survey responses were low, he believed better preservation communication was in order and added that the face-to-face contact was difficult and time-consuming. If there was going to be limited participation, he thought the effort may not be worth it.

Mr. Scott Lazar, 808 Maple, with Downers Grove Families for Sensible Historic Preservation noted there were five members in attendance representing Maple Avenue and Denburn Woods. He turned members' attention to page 7 of the survey, specifically the statement, "I am likely to make an application to designate my house as a historic landmark," and stated that 50% responded were "somewhat" to "very likely" to do so and there was sufficient interest. In addition, since robust and voluntary participation in preservation was the ideal, the challenge of it becoming a reality involved two things, however: having a timeline and having a scope with the right expectations. Unfortunately he said because the issue around the ordinance was highly charged and had a perceived sense of urgency, he did not want to see the groups' efforts be thrown away because someone had different expectations about a realistic timeline. He encouraged the two groups to review the ordinance the right way and to not rush it. He believed the 90-day timeline was ridiculous. There was a reasonable perception that certain elected officials wanted a historic district and, regardless of the recommendations made, they may decide to make changes. He did not like the discussions about urban development zones since it took the decision away from homeowners. There was also the risk that changes could be made "through backdoor zoning" due to newly appointed ZBA members.

Chairman Matthies reiterated that the two groups had come to a consensus that they did not want to push the ordinance but to make it as "organic" as possible and voluntary, which would be done through education, marketing and refining the preservation ordinance to make it easier to read. Ultimately, if council decided to follow otherwise, the public always had the right to vote.

Mr. Lazar added few more points: He believed historic districts should be addressed now since the efforts on Maple Avenue were fresh in everyone's mind because he did not like the alternative, i.e., conservation districts. He asked that when staff removes the fees to make it easy to understand and that when the preservation pamphlets go out, that the village controls the message and that they are authorized materials from the village.

Ms. Irene Hogstrom stated she was with the Pierce Downer Heritage Alliance, Friends of the Edwards House, and on the village's Plan Commission. She stated the PDHA was very excited to assist with the outreach activity regarding the preservation ordinance. In October, the PDHA would be holding a public meeting with the hopes of having a historic preservation program on the agenda. She noted Mr. Popovich has come to a PDHA in the past to discuss historic preservation. On a personal note, she said she has requested a preservation packet from staff for her historic home.

Ms. Charlotte Holtzen, 5226 Carpenter Street, stated this was her first meeting with no one contacting her regarding the survey. Her home was renovated and plaqued (Centennial Home). While she appreciated the discussions taking place, she believed the village needed to speak to the residents who lived in the homes and find out what the issues they were running into when renovating their historic home. She noted the costs associated with renovations of historic homes.

Ms. Christine Martin, 701 Maple Avenue, is a member of the Friends of the Edwards House and believed her group of volunteers would be happy to assist with any distribution of pamphlets from the village.

Ms. Hilary Denk, 433 Wilson St., stated this was her first attendance at a meeting and appreciated the members' time spent on this matter. She reminded everyone of the homes that were coming up for the next Centennial. More recently, a bungalow was razed on her street and only three bungalows remained, resulting in a significant change in neighborhood's character. Ms. Denk invited the two groups and the public to attend two upcoming events -- one on September 12, 2015 to discuss the results from a suburban preservation survey (sponsored by Landmarks Illinois, the Illinois Association of Historic Preservation Commissioners, the Chicago Suburban Preservation Alliance, and the Evanston Historic Society, to be held in Evanston) and another event on September 16, 2015, hosted by IHPC president, Doug Karre, the historic preservation planner for the Village of Oak Park. Also at that meeting she said will be a speaker from the Morton Arboretum discussing the importance of tree preservation. She will be videotaping the September 16th event for those members from this meeting who cannot attend.

Last comments and for the record, Chairman Behm stated the two groups here were not political at all. They are not following guidelines from anybody and are speaking their minds. They are trying to cross the differences between historic preservation and property rights and have been diligent from the start. They are trying to look at what is best for the community as a whole. All sides of this challenging topic were being discussed.

ADJOURNMENT

MR. LEITSCHUH MOTIONED TO ADJOURN THE AD HOC SUBCOMMITTEE ON HISTORIC PRESERVATION MEETING AT 9:20 P.M. SECONDED BY MR. ZIMOLZAK. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF 7-0.

MRS. ACKS MOTIONED TO ADJOURN THE ADRB MEETING AT 9:21 P.M. SECONDED BY MR. RIEMER. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF 4-0.

Respectfully submitted,

/s/ Celeste K. Weilandt
Celeste K. Weilandt
(As transcribed by MP-3 audio)

VILLAGE OF DOWNERS GROVE

ARCHITECTURAL DESIGN REVIEW BOARD
AND
AD HOC SUBCOMMITTEE ON HISTORIC PRESERVATION
PUBLIC WORKS – LUNCH ROOM
5101 WALNUT AVENUE

SEPTEMBER 16, 2015, 6:30 P.M.

Chairman Pro tem Davenport called the September 16, 2015 meeting of the Architectural Design Review Board and AdHoc Subcommittee on Historic Preservation meetings to order at 6:33 p.m. and asked for a roll call:

ARCHITECTURAL DESIGN REVIEW BOARD

PRESENT: Chairman Pro tem Davenport, Members Mr. Casey, Ms. Englander, Mr. Riemer

ABSENT: Chairman Matthies, Mrs. Acks, Mr. Larson

AD HOC SUBCOMMITTEE ON HISTORIC PRESERVATION

PRESENT: Chairman Behm, Members Mr. Birch, Ms. Gassen, Mr. Georcaris, Mr. Jarosz, Mr. Zimolzak

ABSENT: Mr. Leitschuh

STAFF: Deputy Village Manager Mike Baker and Planning Manager Stan Popovich

VISITORS: John and Kathy Hebert, 802 Maple Ave., Downers Grove; Don Richards, 4735 Main St., Dowers Grove; Mr. Philip Shaw, 5117 Brookbank Rd., Downers Grove; Mr. Mark Thoman, 1109 61st St., Downers Grove; Mr. Rich Kulovany, 6825 Camden Rd., Downers Grove; Ms. Melissa Nyssen 900 59th St., Downers Grove; Mr. Scott Lazar, 808 Maple Ave., Downers Grove; Ms. Peg Knight, 1101 Maple, Downers Grove; Mr. Gordon Goodman, 5834 Middaugh, Downers Grove; Chuck and Byron Holtzen, 5226 Carpenter St., Downers Grove

APPROVAL OF MINUTES – AD-HOC SUBCOMMITTEE – SEPTEMBER 2, 2015

THE MINUTES OF THE SEPTEMBER 2, 2015 AD-HOC SUBCOMMITTEE ON HISTORIC PRESERVATION MEETING WERE APPROVED ON MOTION BY MR. JAROSZ, SECONDED BY MS. GASSEN. VOICE VOTE:

AYE: MR. BIRCH, MS. GASSEN, MR. GEORCARIS, MR. JAROSZ, MR. ZIMOLZAK, CHAIRMAN BEHM
NAY: NONE
MOTION CARRIED. VOTE: 6-0

APPROVAL OF MINUTES – ADRB – SEPTEMBER 2, 2015

THE MINUTES OF THE SEPTEMBER 2, 2015 ADRB MEETING WERE APPROVED ON MOTION BY MS. ENGLANDER, SECONDED BY MR. RIEMER. VOICE VOTE:

AYE: MR. CASEY, MS. ENGLANDER, MR. RIEMER
NAY: NONE
ABSTAIN: MR. DAVENPORT

MOTION CARRIED. VOTE: 3-0-1

DOWNERS GROVE ORDINANCE – REVIEW TERM SHEET

Chairman Behm reviewed the powers and duties charged to each of the two committees by the Village Council. He reviewed the general duties and responsibilities of the Subcommittee and felt that both Boards were working with each other and proceeding to meet those duties and responsibilities. Asked if the two committees felt they were on task, general comments from the groups were positive and that they should focus on Goal No. 2.

In response to some questions, Mr. Baker handed out a term sheet that was focusing on narrowing down some of the ideas and concepts that may make their way into a draft ordinance. The draft ordinance would come at the next meeting. Mr. Jarosz had hoped to see a draft ordinance from village staff along with the ordinance from the Downers Grove Families for Sensible Historic Preservation in order to compare the two since some good recommend-ations were made in both documents.

After discussing the matter, it was decided to follow staff's lead and expand the term sheet to cover Goal No. 2 and the district idea. Mr. Baker explained how the term sheet was created in order to "capture" what the two committees had been discussing over the past meetings, finding common themes, and then becoming more specific. Details followed.

Key Proposed Changes to the Historic Preservation Ordinance

Addressing Key Proposed Change No. 1, Mr. Popovich asked for consensus whether a permit was needed on window and door replacements. A hearty discussion followed. Chairman Behm circled the discussion around and asked both committees if they agreed that if someone wanted to replace a window or door and the opening size did not change or affect the structure, did the applicant need a COA? If the door/window was the same size, the only concern Ms. Gassen voiced was would the replacements work with the character of the home? It was then brought up that the two committees would give leeway to siding, roofing and other elements, and if they were going to impose requirements for windows to include divided lights, etc., the committees had to be careful and consistent – remembering that the committees already discussed keeping structures versus making them historic and decreasing the loss.

The conversation then turned to someone removing a double-hung window and replacing it with glass block, wherein it was noted that was the very reason for the review process. But then it was brought up that a public hearing/notification process would have to take place. Dialog

followed that the windows/doors issue was minor compared to other aspects and if the two committees felt it was important for someone to review the windows and doors as it relates to the character to the home, then it should be important. Asked if changing the windows or door, or even the type of siding could affect a building's historic significance, some members thought it could. Mr. Casey mentioned the concise marketing piece that the City of Moline used for its landmarking.

Because so much time was spent on this topic, dialog followed that staff would take a straw poll of the members on each of the 13 Key Proposed Changes and if there were not objections, staff would move forward or make minor modifications.

Key Point No. 1 – No objections. Move forward.

Key Point No. 2 – No objections. Mr. Jarosz clarified that this applied to exterior improvements only. Members agreed to use standard language either found in other ordinances or use a graphic to depict the 90 degree angle suggestion, as suggested by staff. Move forward.

Key Point No. 3 – No objections. Move forward.
Key Point No. 4 – No objections. Staff will make minor revisions. Move forward.
Key Point No. 5 – No objections. Move forward.
Key Point No. 6 - No objections. Staff will research other codes. Move forward.
Key Point No. 7 – No objections. Move forward.

Key Point No. 8 – Ms. Englander noted that the provision is subjective. Staff noted in other situations, neglect is handled through the village's property code maintenance. A suggestion was made to refer to the village's property code maintenance and remove Key Point 8 all together.

Key Point No. 9 – No objections. Move forward.
Key Point No. 10 – No objections. Move forward.
Key Point No. 11 – No objections. Move forward.
Key Point No. 12 – No objections. Move forward.

Key Point No. 13 – Mr. Popovich introduced the idea of creating a sliding scale for approval based on the number of consenting property owners. Mr. Riemer suggested 100% consent would be less controversial. Mr. Casey suggested leaving it at 51% and the change should be made based on only one instance of a district being considered. He noted district may be a long way off.

Mr. Davenport noted that if it was changed to 100% it may appear that districts are not a priority. He noted he had no problem with the current ordinance. Chairman Behm noted it is hard to get a district but how do you make people comfortable with a district, 100% would make people comfortable. Ms. Gassen brought up the possibility of a non-contiguous district, but noted it would need to be thematic, i.e. all Four Squares or all Sears (kit) homes. Mr. Popovich confirmed a thematic district could not typically include various style homes in one thematic district. Chairman Behm noted the controversy with the 51%, while Ms. Gassen noted with 100% it may not increase the likelihood of a district being created. Chairman Behm noted the 100% gives people an opportunity to participate if they choose, but if they don't want to participate they don't have to.

Members agreed to remove Key Point 13 and instead require 100% consent for a historic district.

Key Proposed Changes to the Administrative User-Fee Schedule

Key Point No. 1 – Dialog followed to eliminate the words "offset the impact of eliminating filing fees" and for staff to review the incremental increase in demolition fees and determine how it would affect the preservation efforts. Move forward.

Key Point No. 2 - No objections. Move forward.

Key Proposed Changes to the Application and Review Process

Key Point No. 1 – No objections. Move forward.
Key Point No. 2 – No objections. Move forward.
Key Point No. 3 – No objections. Move forward.

(The committees took a five minute break at 7:50 pm; reconvened at 7:55 pm)

Public Education and Awareness Strategies

Per Mr. Baker, if there was concurrence with the strategies it would be turned into a work plan.

Strategy No. 1 – No objections. Move forward.
Strategy No. 2 – No objections. Move forward.
Strategy No. 3 – No objections. Move forward.
Strategy No. 4 – No objections. Move forward.
Strategy No. 5 – Mr. Jarosz noted this item shouldn't be a priority right now and wondered how to define areas for new surveys. Overall, no objections but to add "continue to complete/update/revise" surveys. Move forward.

Strategy No. 6 - No objections. Move forward.
Strategy No. 7 – No objections. Mr. Georcaris suggested coming up with a hash tag for historic preservation in the Village. Move forward.
Strategy No. 8 – No objections. Move forward.
Strategy No. 9 – No objections. Move forward.
Strategy No. 10 – No objections. Move forward.
Strategy No. 11 – No objections. Ms. Gassen suggested the plaque be presented to the property owners at a Village Council meeting. Move forward.

Strategy No. 12 – No objections. Move forward.
Strategy No. 13 – No objections. Add anyone who does a "decent" rehab on a structure, new construction that matches what is in the neighborhood. Glen Ellyn has four categories. Move forward.

Strategy No. 14 – No objections. Move forward.
Strategy No. 15 – No objections. Move forward.
Strategy No. 16 – No objections. Move forward.
Strategy No. 17 – No objections. Add design guidelines as a resource. Chairman Behm suggested that members keep in contact with those surveyed property owners who expressed

interest in the possibility of landmarking their properties. A discussion ensued about what to say to those property owners and how to keep them interested. It was noted it would need to occur quickly so no time or momentum is lost. Mr. Davenport suggested sending interested parties a summary of what has been discussed by the Village. Move forward.

Incentive Strategies

Strategy No. 1 – No objections. Move forward.
Strategy No. 2 – No objections. Move forward.

Strategy No. 3 – Chairman Behm suggested "historic" improvements not only in districts, but throughout the Village to create character. Mr. Casey inquired about maintenance and how Special Service Areas have been used in the past. No objections. Move forward.

Strategy No. 4 – No objections. Move forward.

Strategy No. 5 – No objections. Staff was asked to clarify what was meant by a rebate program. Move forward.

Dialog followed regarding the earlier comment about disincentive where someone who wanted to demolish a building would have to pay a higher fee to do it and possibly think twice about demolishing it. However, in talking through the matter, Chairman Pro tem Davenport believed there was a "gray" area that existed and it could be a potential "tool" used for unintended purposes in terms of control from the village side.

Members discussed the reasons why someone would purchase a property only to demo the structure, i.e., the land was more valuable or the structure had the same value as the land. Mr. Davenport reminded everyone that increasing fees does not affect a builder when constructing a new home, wherein, it affects the owner who is adding on to his or her structure or remodeling a home.

Mr. Jarosz suggested an increase in demolition fees for new construction only. Mr. Zimolzak suggested an increased fee on demolition of historic properties, but the discussion was had about what would constitute a historic property. Just a surveyed property or a listed property. Talk of a having a two-tier fee structure for full teardowns and partial teardowns was suggested as was discussion about the village staff having a list of the "vulnerable" structures within the village, similar to Landmarks Illinois and the National Trust. Mr. Jarosz suggested contacting the various preservation organizations and the community and asking them for their top 10 vulnerable buildings in the village. The information could then be compared, publicized, and promoted, thereby educating the community and creating less discourse when the next "Edwards" house came up. Mr. Davenport noted there isn't a precedent for that to occur, as the Plan Commission doesn't go out and solicit comments. Mr. Georcaris suggested engaging middle and high school students in debates about preservation, getting them to talk and to talk about it at home.

PUBLIC COMMENT

Chairman Behm opened up the meeting to public comment and stated five minutes would be allowed for each person.

Mr. Philip Shaw, 5117 Brookbank Rd., welcomed historic preservation. He shared how his own father took him and his siblings to historic places when they were younger. He learned five standards about historic preservation from a professor. The subject property represents: 1) the first of its kind; 2) the last of its kind; 3) the best of its kind; 4) is associated with a famous figure; and 5) something historic happened at the site. He stated the committees were discussing public policy on private property and he recommended members to use the five standards, pointing out the Edwards House may have been 100 years old but age was not stated in the five standards. He said the village may have to catch up to acquire one of the five standards for historic preservation. He also reiterated many resources were available to the members and what the public needed was less administration.

Mr. Gordon Goodman, 5834 Middaugh, believed that Key Point No. 7 under "Changes to the Ordinance" was a good recommendation which he supported. He believed the village wanted to reduce the amount of procedure in the committees' plan yet emphasize the benefits and objectives of historic preservation programs that the village wanted to sponsor. As to Key Point No. 12, he thought it was very innovative to have non-contiguous historic districts but believed a descriptive theme was necessary to identify them. He agreed with the suggestion for D.5. to continue to revise and update the historic building surveys but stated that once they were updated, they should be used. Mr. Goodman distributed copies of the provisions in the village's current ordinance relating to granting a demolition permit, noting the permit can be granted on the basis of either a site restoration plan or following the first review of a construction plan. He cited the Edwards House as an example and believed that for historically significant buildings that have been identified through the village's survey it was not appropriate to grant a demolition based on the fact that the building should no longer be located on the site. He hoped the two committees would revise the criteria for granting demolition permits based on the fact that buildings have a historic significance and are to be replaced by another significant building unless they are of public danger. Lastly, under E.3 Incentive Strategies, Mr. Goodman suggested looking at Geneva's ability to accept private party donations and make certain improvements towards historic structures. Examples followed, noting it gives people a sense of participation.

Mr. Scott Lazar, 808 Maple Ave., appreciated the discussion about the 100% voluntary preservation combined with the non-contiguous approach and believed it would create much interest in the community. He believed there was an opportunity for interest and progress. Mr. Lazar asked the committees to have exceptions in the ordinance based on health and accommodation for those with disabilities.

Mr. Rich Kulovany, 6825 Camden Rd., appreciated the committees' work and supported the 100% vote. Regarding education, he believed it would be good to get the high schools involved by having debates or essay contests and getting their families engaged.

A note from Melissa Nyssen, 900 59th Street, who could not stay for the meeting, was read by Ms. Gassen. Ms. Nyssen supported having a delay period for demolitions especially if the home was historic. Alternatives could be explored, such as moving or buying it for a set period of time. Ms. Nyssen supported having a significant demolition fee for viable historic buildings.

Other topics discussed included that the definitions for contiguous and non-contiguous districts should be better defined other than just a "theme" for non-contiguous districts, i.e., a kit home versus a Sears home.

In closing, Chairman Behm recommended that the committees read the draft ordinances they were given either by staff or other entities and to review them, comment on what they like/dislike and send them to Mr. Popovich. Dialog followed on how staff would move forward with the draft ordinances previously discussed or supplied, the terms sheet, the input received tonight and what may have not been discussed.

A member asked Mr. Popovich how preservation ordinances address lead paint, asbestos, etc. and ADA requirements, wherein Mr. Popovich said there were no special standards for single-family homes since it was a federal regulation. However, it was suggested that the Moline document, which addresses some of those concerns, be sent to all members and staff.

ADJOURNMENT

MR. ZIMOLZAK MOTIONED TO ADJOURN THE AD HOC SUBCOMMITTEE ON HISTORIC PRESERVATION MEETING AT 9:00 P.M. SECONDED BY MR. GEORCARIS. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF 7-0.

MR. RIEMER MOTIONED TO ADJOURN THE ADRB MEETING AT 9:01 P.M. SECONDED BY MS. ENGLANDER. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF 5-0.

Respectfully submitted,

/s/ Celeste K. Weilandt
Celeste K. Weilandt
(As transcribed by MP-3 audio)

VILLAGE OF DOWNERS GROVE

ARCHITECTURAL DESIGN REVIEW BOARD
AND
AD HOC SUBCOMMITTEE ON HISTORIC PRESERVATION
PUBLIC WORKS – LUNCH ROOM
5101 WALNUT AVENUE

OCTOBER 7, 2015, 6:30 P.M.

Chairmen Matthies and Behm called the October 7, 2015 meeting of the Architectural Design Review Board and AdHoc Subcommittee on Historic Preservation meetings to order at 6:30 p.m. and asked for a roll call:

ARCHITECTURAL DESIGN REVIEW BOARD

PRESENT: Chairman Matthies, Members Mrs. Acks (arrives 6:35 p.m.) Mr. Casey, Mr. Davenport, Ms. Englander, Mr. Larson, Mr. Riemer

AD HOC SUBCOMMITTEE ON HISTORIC PRESERVATION

PRESENT: Chairman Behm, Members Mr. Birch, Ms. Gassen, Mr. Georcaris, Mr. Jarosz, Mr. Leitschuh (arrives 6:40 p.m.), Mr. Zimolzak

STAFF: Deputy Village Manager Mike Baker and Community Development Director Stan Popovich

VISITORS: Ms. Kathy Nybo, 5253 Blodgett, Downers Grove; Mr. Rich Kulovany, 6825 Camden Rd., Downers Grove; Dr. Gordon Goodman, 5834 Middaugh, Downers Grove; Mr. Byron Holtzen, 5226 Carpenter St., Downers Grove, and Ms. Barbara Murphy, 309 41st St. Downers Grove

APPROVAL OF MINUTES – AD-HOC SUBCOMMITTEE – SEPTEMBER 16, 2015

THE MINUTES OF THE SEPTEMBER 16, 2015 AD-HOC SUBCOMMITTEE ON HISTORIC PRESERVATION MEETING WERE APPROVED ON MOTION BY MR. JAROSZ, SECONDED BY MS. GASSEN. VOICE VOTE:

AYE: MR. BIRCH, MS. GASSEN, MR. GEOCARIS, MR. JAROSZ, MR. ZIMOLZAK, CHAIRMAN BEHM
NAY: NONE
MOTION CARRIED. VOTE: 6-0

APPROVAL OF MINUTES – ADRB – SEPTEMBER 2, 2015

THE MINUTES OF THE SEPTEMBER 16, 2015 ADRB MEETING WERE APPROVED ON MOTION BY MR. RIEMER, SECONDED BY MR. DAVENPORT. VOICE VOTE:

AYE: MR. DAVENPORT, MR. CASEY, MS. ENGLANDER, MR. LARSON, MR. RIEMER, CHAIRMAN MATTHIES
NAY: NONE

MOTION CARRIED. VOTE: 6-0

Director Popovich summarized the work the two committees had been focusing on over the past four meetings and the types of applications that would be reviewed for Certificates of Appropriateness ("COA"). Per staff, graphics would depict examples of structures to better clarify to an applicant what would qualify and what would not qualify for a COA. Discussion about the graphics being used followed. Chairman Matthies expressed concern whether the committees would have any governing ability to review, for example, an application on a historic home whose owned wanted to install a contemporary element on the rear of his home. He cited the petition that came before the ADRB last week. Dir. Popovich reminded the two committees that the focus would be on what would be seen from the street. Chairman Matthies and others agreed that verbiage should be inserted into the ordinance for these types of review. Further concern was raised by Mr. Davenport that certain situations could open up an application to a full review by the committees and not necessarily the review the applicant originally was seeking.

Dialog then followed regarding review of secondary facades linked with primary facades and that staff come up with text to address it in the ordinance. Members concurred. Members also agreed that each case would have to be reviewed on a case by case basis. Per a question, Dir. Popovich explained how homes located at an angle would be reviewed under Section 12.502.A of the ordinance and addressed roof height and pitch under Section 12.502.B.

Continuing Dir. Popovich reviewed the requirements for Thematic Historic Districts and explained how an applicant would apply for a contiguous historic district. Examples followed. Discussion then followed on how an owner, who did not want to be in a contiguous historic district, would remove himself from a district. Again, member comments followed that the goal was to save the village's historic homes when creating these types of districts and not necessarily focusing on having a 100% contiguous historic district immediately.

Dialog was raised regarding the definition of themes, the types of homes that could be grouped together under a theme, and the fact that the committees probably wanted the definition to be more specific so as not to leave the committees to make arbitrary decisions (based on personal preference), which could be challenged. Comments and examples to the contrary followed by both members and staff. It was suggested to add text to the definition to address the comments being discussed above.

For the record, one member, after hearing the explanation of how thematic historic districts would physically be located, thought it was "illogical" to have a district set up that way. Mr. Birch suggested that for the contiguous districts, the verbiage could be "relaxed" and be defined as "either contiguous properties or properties within 400 feet." However, in discussing the matter a bit more, members stated that this issue was already addressed in the ordinance and it could actually jump-start a larger district.

Mr. Georcaris pointed out how the committees were really discussing "bundled landmarking" over "districting" and while the traditional district was more desirable, the thematic districts were a positive and a new way to look at historic districts.

DOWNERS GROVE ORDINANCE – REVIEW TERM SHEET

Historic Preservation Ordinance – Review Draft Ordinance

Focusing on the ordinance itself, members discussed the following:

Page 9: Since getting 100% owner consent of condominium owners was a challenge, Mr. Birch recommended to remove it and insert "condominium association-approved."

Page 14, Line 33: Fix the reference.

Page 2, Line 33, Definitions: Remove the word "chattels."

Staff was asked to be consistent with its defined terms.

Page 11, Line 15: Dialog followed that the council can table or return an application and was not "required" to make a decision on an application. [No change here.]

Page 16, Line 27: The notice for publishing would be clarified by staff.

Ms. Englander recommended that staff review the definitions of "Construction" and "Repair", as well as the definition of "Demolition" and to add to it the words "other than in connection with routine repair and maintenance" or similar text. Some members preferred having no percentage of a structure defined, while others did. A discussion about the definition of demolition and what would be considered demolition. Staff would review and re-clarify the term "Demolition."

Section 12.502.A: Under the category of Minor Modifications define the term "in-kind."

Page 23: As it pertains to the Certificate of Economic Hardship – Ms. Englander questioned as to what amount of time must an applicant file for a Certificate of Economic Hardship;

Page 13, Line 32: For the items that do not require a building permit, it was recommended to include those items listed under Section 12.501.G, or, more specifically, the words, "The following items do not require a Certificate of Appropriateness." Others concurred.

Page 4, Definitions, Line 13, Potential Historic District: Define as "two or more."

Page 4, Non-Contributing Building: Make this definition part of the second half of the "Contributing Building" definition.

(The committees took a ten-minute break at 7:50 p.m.; reconvened at 8:00 p.m.)

Returning to the topic of a contributing building as being 50 years or older or having some sort of historic significance but being less than 50 years old, a member recommended adding verbiage that says "at least 50 years, or less, at the discretion of the board."

Page 4, Definitions, Removal: Staff to review how the term is used throughout the ordinance.

Page 1 & 2, Findings: A suggestion was recommended to add verbiage about the "quaintness" of the village; however, no action was taken. Mr. Birch suggested that the ADRB should be renamed to the Historic Preservation Commission; however, it was pointed out the ADRB had other responsibilities besides historic preservation. Examples followed. However, comments followed that a historic preservation commission could be created in the future.

Ms. Gassen suggested to add to the ADRB's and Village Council's role the ability to nominate a historic district or landmark, now that it required 100% consent, especially for the historic districts. However, concern was raised that the public voiced two concerns: 1) it did not want third parties making nominations even if there was 100% consent required, and 2) confusion about what nominations meant in general. Commentary followed on the positives and negatives of keeping the words "interested parties" or inserting the words "ADRB" or "Village Council." Members agreed to not include ADRB or Village Council as having the ability to nominate a landmark or district.

Page 8 & 9: A hearty dialog followed regarding the difference between an application for designation and a nomination for designation, to which Dir. Popovich indicated the terms were interchangeable. No changes made.

Page 3 – Staff to define the word "yard" and to refer it back to the zoning ordinance.

Education and Incentive – Review Final Term Sheet

Deputy Village Manager Mike Baker referenced his report which summarized the public awareness and educational strategies the two committees discussed in previous meetings. Dir. Popovich reviewed some of the minor adjustments made in the document.

Ms. Gassen reminded staff that the committees discussed, under public education, the idea of holding bike or walking tours, a book idea, and having a set of design guidelines for homeowners to refer. Asked if the committees should be prioritizing the list of items for the short-term and long-term, Dir. Popovich agreed they could if they chose. Mr. Baker said he envisioned that once the recommendations went before village council and were supported, it would result in staff developing a work plan and how they would be accomplished. He believed most of the items listed were a shifting of resources, since many were already in place currently.

Conversation then turned to staffing and designating someone to ensure that the items get accomplished, wherein Dir. Popovich reported that a designated liaison would probably report to the ADRB and take the lead on some of the tasks listed in the report. Members asked that staff break out the list of tasks as to external resources/internal resources and then the committees could decide on what tasks needed to be prioritized.

Members also spoke about the importance of completing their surveys and speaking/reaching out to those neighbors who expressed an interest in landmarking their homes and "were waiting for a

call." Mr. Davenport suggeste that staff add to the list, as a short-term goal, to hold a local outreach meeting.

Staff made reference to the fee schedule that was in the packet. It was suggested to expand upon the rebate program but to keep it as its own entity. Also, vulnerable parcels located in the transitional areas were mentioned as a high priority.

PUBLIC COMMENT

Chairman Matthies invited the public to speak.

Ms. Kathy Nybo, 5253 Blodgett, said she contacted the park district and library to see if they could hold an educational class on how an owner could landmark his or her house to which both entities indicated they were interested and willing to work with the ADRB. Details followed on the types of classes that could be held. Ms. Nybo offered to assist the ADRB. Members agreed that both options discussed above, did not affect the village's budget.

Ms. Barbara Murphy, 309 41st Street (Shady Lane Estates), asked if areas like Prince Pond, Denburn Woods, etc. were considered thematic historic districts already just by the nature of their geographic limitations. Mr. Casey explained Maple Avenue and other areas are only honorary districts that were created by the Downers Grove Historical Society, and recognized by the village, but they did not have any formal regulation or ordinance. As to the committees' suggestion of holding outreach meetings for the various areas, she believed it was a great idea, but if there were no incentives, she envisioned little support for a designation. Some of the fears voiced by her neighbors included perceived restrictions, relinquishing homeowners' rights, the expense of hiring architects, absent owners, the affect on property values and the added expense of maintaining a historic home. She stated that educating the community would be very important, seeing that the village had such a variety of historic homes.

Ms. Murphy then shared some of the previous attempts she made to create a district in her area with no success. She liked the idea of preserving her home but explained that many buyers wanted larger family homes and she did not know how restrictive it would be if she landmarked her home and then had to sell it. Ms. Murphy also commented there were some homes in Shady Lane Estates that were constructed later and which did not fall within the original style of the Shady Lane homes, i.e., the Mid-Century Modern homes.

Dr. Gordon Goodman, 5834 Middaugh, Downers Grove, supported the incorporation of a thematic district versus a non-contiguous district into the village's ordinance but added that thematic districts had to be mentioned throughout the ordinance rather than just in the definitions section. As to the findings, he recommended the committee explain why they were charged by the village council to get more homes on the historic register in Downers Grove, i.e., because it was due to matters brought out by the village's comprehensive plan as well as to preserve the look and feel of the community. He explained that the members needed to explain in this section what the benefit was, to the community as a whole, to have a historic district.

Regarding staff's strategy to complete the historic building surveys, Dr. Goodman suggested that members explain the purpose of this exercise, i.e., to provide a point of reference, or framework, of what the village was trying to protect in the community. In addition, he suggested that the information that was gathered as part of preserving the village's Certificate of Local Government

be available to the public as part of the zoning map since it reflected where the resources of the community existed. Chairman Matthies pointed out this was a bullet point the committee was already recommending to the village. Lastly, Dr. Goodman reminded members that he made an earlier comment that a historical structure should not be demolished unless there was a redevelopment plan approved for the site. Again, Mr. Matthies indicated that in order to receive a demolition permit, an owner would have to submit, in conjunction with the demolition permit, a restoration plan or construction plan for the new building. However, he pointed out to Dr. Goodman that this process was outside of the two committees' purview.

Members also agreed that the survey had to be updated since some of its information was missing. Dr. Goodman agreed but, again, said that the results from both surveys needed to be available to the public. Members concurred with Dr. Goodman's comments and agreed that the current survey was inaccurate and needed to be improved.

Mr. Rich Kulovany, 6825 Camden Rd., Downers Grove, recommended for the education incentive that staff show the value of landmarked properties. He recommended that staff obtain a tape from the September 16, 2015 meeting of the League of Women Voters who had a presentation on historic preservation. Lastly, that members attend an upcoming October 15th meeting of the Pierce Downers Heritage Alliance, 7:00 p.m., at the Lincoln Center, who will be hosting Mr. Michael Lambert, preservation planner for the City of Geneva. Mr. Lambert would be discussing successful promotional strategies for historic preservation. Finally, Mr. Kulovany recommended that coordinated efforts take place between the historical society and the museum as it relates to plaquing homes. Clarification of the process followed by a member of the historical society.

General conversation followed among the members that there appeared to be some confusion between various entities about historical plaquing and general miscommunications. Members agreed that the information had to be unified.

Dr. Goodman returned to the podium and thanked the historical society for donating a bronze plaque to the 1845 Blodgett House at the Founders Day celebration. In addition to the survey information presented and accepted by the village council, Dr. Goodman recommended that the boundaries of the honorary historic districts that had been designated by the historical society and accepted by the village council, should also be on the zoning overlay.

No further public comment was received.

ADJOURNMENT

MR. JAROSZ MOTIONED TO ADJOURN THE AD HOC SUBCOMMITTEE ON HISTORIC PRESERVATION MEETING AT 9:28 P.M. SECONDED BY MR. LEITSCHUH. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF 7-0.

MRS. ACKS MOTIONED TO ADJOURN THE ADRB MEETING AT 9:28 P.M. SECONDED BY MS. ENGLANDER. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF 7-0.

Respectfully submitted,

/s/ Celeste K. Weilandt
Celeste K. Weilandt
(As transcribed by MP-3 audio)

DRAFT

Resolution 2015-49

A RESOLUTION ESTABLISHING THE DOWNERS GROVE ARCHITECTURAL DESIGN REVIEW BOARD AD HOC SUBCOMMITTEE ON HISTORIC PRESERVATION

WHEREAS, the Village Council has determined the need to convene an Architectural Design Review Board Ad Hoc Subcommittee on Historic Preservation to work in conjunction with the Architectural Design Review Board (ADRB); and

WHEREAS, the Village Council of the Village of Downers Grove has determined that it is in the best interest of the Village and its residents to work cooperatively on any potential amendments to the Historic Preservation Ordinance (hereinafter referred to as "the Ordinance") and any other Village ordinances, policies or plans as may be appropriate to advance the goal of enhanced appreciation for and preservation of historically or architecturally significant buildings and places in Downers Grove; and

NOW, THEREFORE, BE IT RESOLVED BY the Village Council of the Village of Downers Grove as follows:

SECTION 1. Architectural Design Review Board Ad Hoc Subcommittee on Historic Preservation, established.

(a) The Architectural Design Review Board Ad Hoc Subcommittee (hereinafter referred to as the "Subcommittee") is hereby created. The Subcommittee shall automatically dissolve December 31, 2015 unless otherwise extended by the Village Council.

(b) The Subcommittee shall consist of seven (7) members, including the chairperson. The Mayor shall appoint the members of the Subcommittee, as well as the chairperson, subject to confirmation by the Village Council. All members shall be appointed for the term of the Subcommittee, unless otherwise removed.

SECTION 2. Conduct of Meetings; records.

(a) The Subcommittee shall only meet jointly with the ADRB at the same times and locations as the ADRB. They shall follow any rules concerning the procedure, meeting and operation of the meetings as the ADRB may have adopted.

(b) All meetings of the Subcommittee shall be open to the public and conform to the Illinois Open Meetings Act.

(c) The Subcommittee shall keep written records of all of its meetings and proceedings. Copies of all minutes shall be forwarded to the Village Clerk.

SECTION 3. Powers and Duties.

The general purpose and duty of the Subcommittee shall be to:

1. Identify and make recommendations designed to achieve the goals of (i) increasing the number of properties or areas designated as landmarks and districts under the Ordinance; and (ii) decreasing or avoiding the instances of loss of historically or architecturally significant buildings and places in Downers Grove;

2. Create enhanced public awareness and understanding of the Ordinance;

3. Identify ways to assist property owners and neighborhoods with the designation application process under the Ordinance;

4. Solicit, consider and respond to public comments regarding historic preservation;

5. Seek and consider appropriate information or expertise from outside the community relating to historic preservation, including researching other municipalities' ordinances and processes relating to historic preservation;

6. Discuss and consider amendments to the Ordinance including but not limited to: the process and thresholds for landmarking a structure or creating a Historic District; applicability of Certificates of Appropriateness for landmarked structures or in Historic Districts; designing regulations for new and existing structures in Historic Districts and for alterations to landmarked structures; regulations for the demolition of landmarked structures or existing structures in Historic Districts;

7. Deliver to the Village Council no later than October 31, 2015 any proposed amendments to the Ordinance and any other recommendations for Village and/or community actions to achieve an increase in the number of properties or districts landmarked under the Ordinance;

8. Hold regular meetings to discuss and consider accomplishing the above-mentioned items;

9. Perform any additional duties and tasks as the Village Council may from time to time direct.

SECTION 4. General Provisions.

(a) All resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed.

(b) This Resolution shall be in full force and effect from and after its passage and publication.

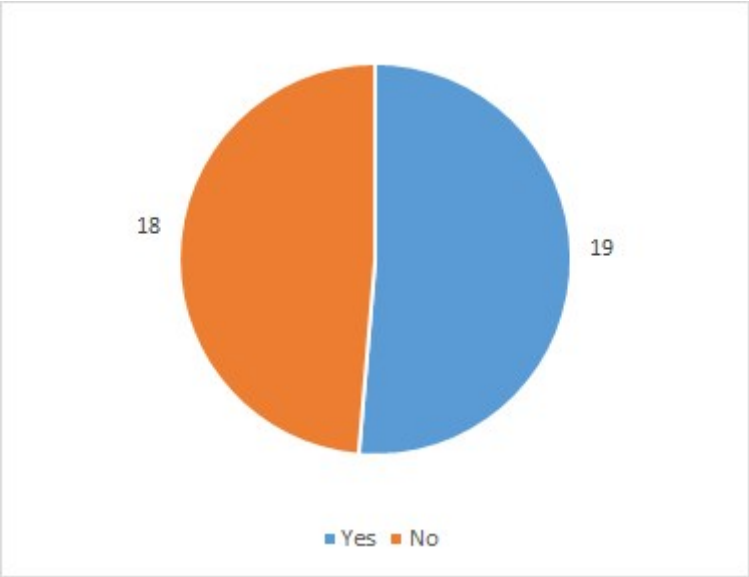
Mayor pro tem

Passed: July 21, 2015
Published: July 22, 2015
Attest: _____
Village Clerk

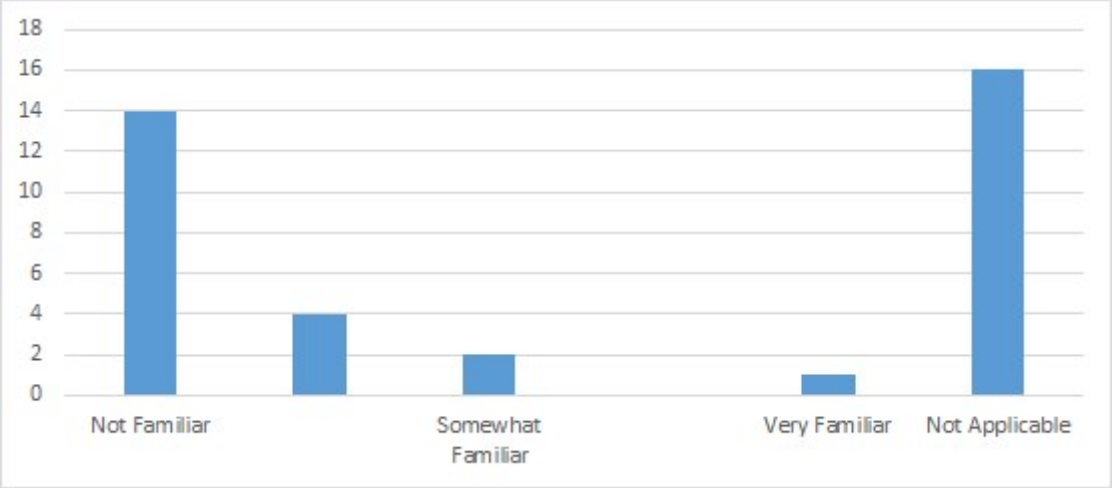
I\mw\res.15\AdHocSub-ARDC

Property Owner Survey Responses

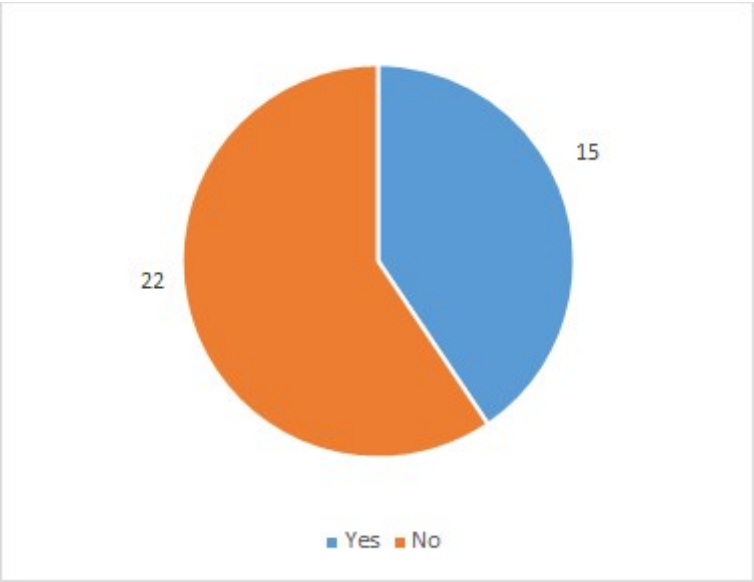
1. I am aware that the Village has a Historic Preservation Ordinance.



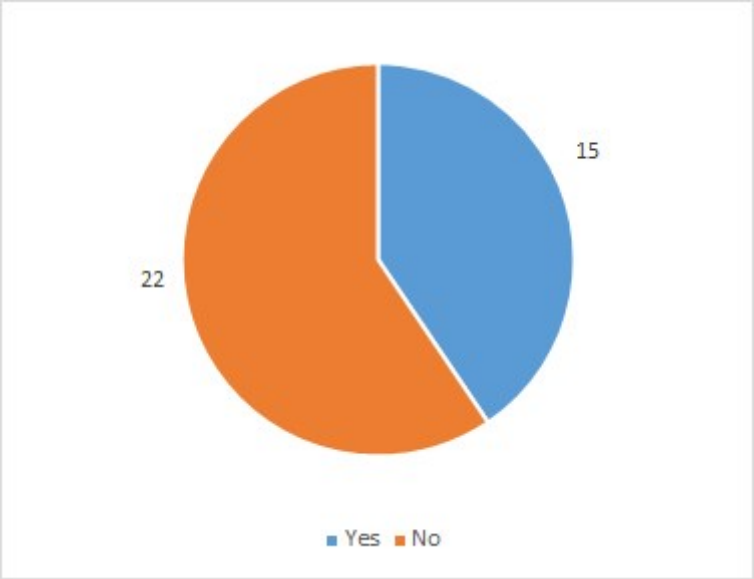
2. If you answered yes to Question #1, I am familiar with the attributes of the Village's Historic Preservation Ordinance.



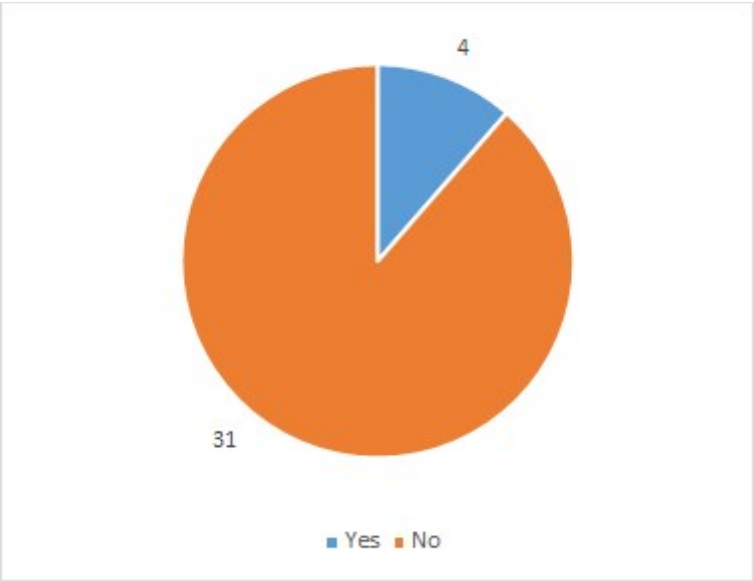
3. I am aware that the Village completed a historic building survey in my neighborhood.



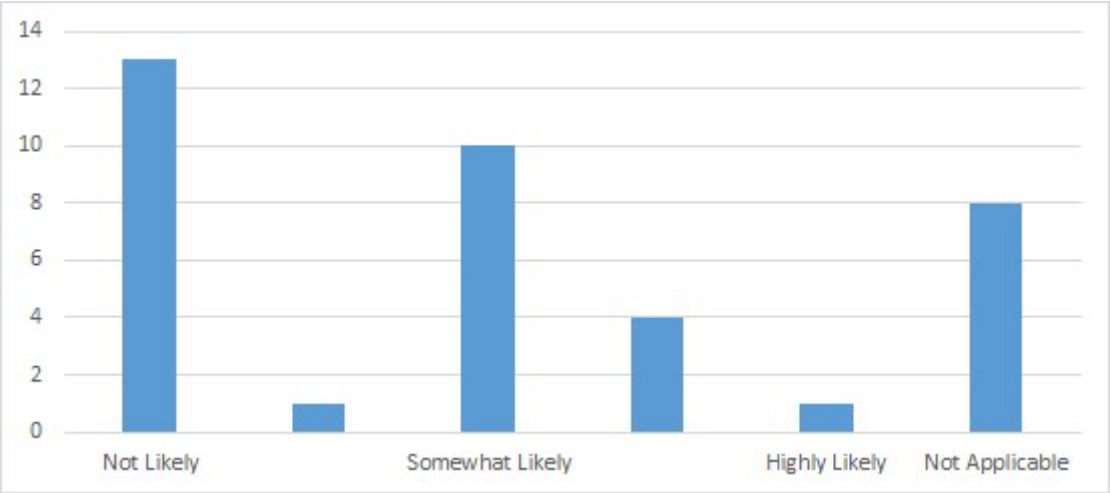
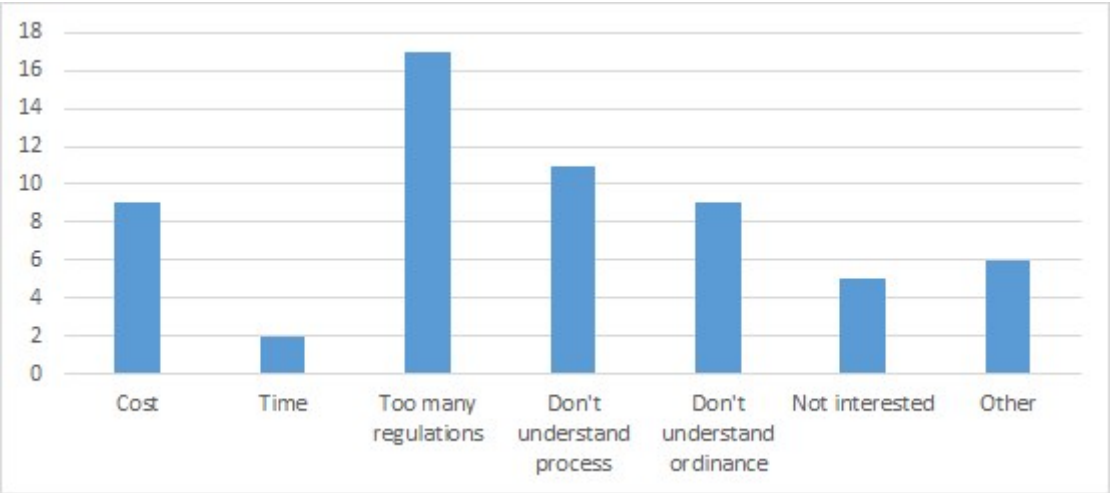
4. I am aware that my property was identified as a significant building and is eligible to be a historic landmark and could contribute to a potential historic district.



5. I have considered seeking historic landmark designation for my house.



6. I am likely to make an application to designate my house as a historic landmark.



7. Why have you not considered applying for landmark status?