

Ordinance #O.23.07

An Ordinance **AMENDING CHAPTER 151: "HISTORIC PRESERVATION" OF THE GALENA CODE OF ORDINANCES.**

Adopted by the City Council of the City of Galena this 24<sup>th</sup> Day of April 2023.

Published in pamphlet form by authority of the City Council of the City of Galena, Jo Daviess County, Illinois, this 24<sup>th</sup> Day of April 2023.

STATE OF ILLINOIS            )  
  )       City of Galena  
COUNTY OF JO DAVIESS    )

CERTIFICATE

I, Mary Beth Hyde, certify that I am the duly elected municipal clerk of the City of Galena, JoDaviess County, Illinois.

I further certify that on the 24<sup>th</sup> Day of April 2023, the Corporate Authorities of said municipality passed and approved Ordinance No. O.23.07 entitled **AN ORDINANCE AMENDING CHAPTER 151: "HISTORIC PRESERVATION" OF THE GALENA CODE OF ORDINANCES**, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. O.23.07 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing the 25<sup>th</sup> Day of April 2023 and commencing for at least ten (10) days thereafter.

Dated at Galena, Illinois, this 25<sup>th</sup> Day of April 2023.

  
Mary Beth Hyde, City Clerk

(Seal)

**Ordinance #O.23.07**

**AN ORDINANCE AMENDING CHAPTER 151: "HISTORIC PRESERVATION"  
OF THE GALENA CODE OF ORDINANCES**

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**WHEREAS**, the City of Galena, Illinois (hereinafter, "the City"), is a municipal corporation operating under the laws of the State of Illinois, in Jo Daviess County, Illinois; and

**WHEREAS**, Chapter 151 of the Galena Code of Ordinances, "Historic Preservation" is intended to define the historic district in the City of Galena and set forth regulations for the property within the district; and

**WHEREAS**, on April 6, 2023, the Galena Historic Preservation Commission conducted a duly noticed public hearing and considered a request by the City of Galena to amend the Historic Preservation Ordinance to clarify the intent, remove inconsistencies, and improve the overall ordinance for historic preservation purposes; and

**WHEREAS**, following the public hearing, Galena Historic Preservation Commission, voted five in favor and one against to recommend the approval of the ordinance amendments to the Galena City Council; and

**WHEREAS**, in making its recommendation, the Galena Historic Preservation Commission found that the amendments are in harmony with the intent and purpose of the Historic Preservation Ordinance; and

**WHEREAS**, the City Council has reviewed the recommendation by the Historic Preservation Commission and determined that the amendments to the Historic Preservation Ordinance are in the best interest of the City of Galena and its residents.

**THEREFORE, BE IT ORDAINED** by the City Council of the City of Galena, Jo Daviess County, Illinois, as follows:

**SECTION I.** The City Council accepts the recommendation from the Historic Preservation Commission to amend the Historic Preservation Ordinance.

**SECTION II.** That Chapter 151 "Historic Preservation" of the Galena Code of Ordinances shall be repealed and replaced with the ordinance attached hereto and made part hereof as Exhibit A.

**SECTION III:** All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed.

**SECTION IV:** Passed on this 24<sup>th</sup> day of April, 2023, in open session of the Galena City Council.

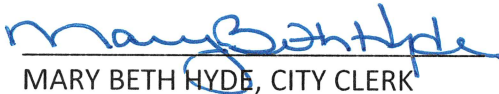
**AYES:** Kieffer, McCoy, Westemeier, Bernstein, Hahn, Renner

**NAYS:** Wienen



TERRY RENNER, MAYOR

**ATTEST:**



MARY BETH HYDE, CITY CLERK

## EXHIBIT A

### CHAPTER 151: HISTORIC PRESERVATION

#### Section

#### General Provisions

- 151.01 Intent
- 151.02 Definitions
- 151.03 Designated areas; map
- 151.04 Designated areas to retain original exterior appearance
- 151.05 Permit required for work

#### Galena Historic Preservation

- 151.20 Historic District boundaries
- 151.21 Standards
- 151.22 Design guidelines
- 151.23 Certificate of appropriateness; scope and exemptions
- 151.24 Galena Historic Preservation Commission (HPC)
- 151.25 Application requirements; review and approval
- 151.26 Standards and guidelines for review process
- 151.27 Amendments
- 151.28 Fees

#### Historic Landmark, Historic Landmark Districts, and Historic Districts

- 151.30 Landmark designation criteria
- 151.31 Landmark designation procedures
- 151.32 Historic district designation criteria
- 151.33 Historic district designation procedures
- 151.34 Applications for nominations of Landmarks and Landmark and historic districts
- 151.99 Penalty

## EXHIBIT A

### GENERAL PROVISIONS

#### § 151.01 INTENT

The intent and 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 interest of the health, prosperity, safety, and welfare of the people of the City of Galena by:

(A) Providing a mechanism to identify and preserve the historic and architectural characteristics of the City of Galena which represents elements of the City's cultural, social, economic, political and architectural history.

(B) To promote civic pride in the beauty and noble accomplishments of the past as represented in Galena's landmarks and Historic District.

(C) Stabilizing and improving the economic vitality and value of Galena's landmarks and historic areas.

(D) Protecting and enhancing the attractiveness of the City to have buyers, visitors and shoppers and thereby supporting business, commerce, industry, and providing economic benefit to the City.

(E) Fostering and encouraging preservation, restoration of structures, areas, and neighborhoods and thereby preventing future urban blight.

#### § 151.02 DEFINITIONS

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**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 of any structure.

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

**APPELLANT.** Any person aggrieved by a ruling of the Building Official charged with the enforcement of this subchapter or by any officer, department, board or bureau of the city concerning the interpretation of this subchapter may take an appeal to the Building Board of Appeals.

**BUILDING.** Any structure created for the support, shelter or enclosure of persons, animals or property of any kind and which is permanently affixed to the land.

## EXHIBIT A

**CERTIFICATE OF APPROPRIATENESS.** A certificate from the Galena Historic Preservation Commission authorizing plans for alterations, construction, removal or demolition of a landmark or site within the Historic District.

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

**CONTRIBUTING STRUCTURE.** Any structure which adds to the historical integrity or architectural qualities that makes the Historic District significant.

**COUNCIL.** The Galena City Council.

**DEMOLITION.** Any act or process that destroys in part or whole a landmark or site within the Historic District.

**DESIGN GUIDELINE.** A standard of appropriate activity that will preserve the historic and architectural character of a structure or area.

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

**GALENA NATIONAL HISTORIC DISTRICT.** The area designated as the Galena National Historic District (NHD) by the United States Department of the Interior and adopted by ordinance by the city. The area is defined as roughly bounded by Davis Creek and Fourth Street; then along Fifth and Adams Streets to Field and Wann Streets; all of Dewey Avenue; then along North Dodge, Fulton and N. Hickory to Hill and Ridge Streets; from Ridge to Spring and South West Streets; from here to South Street and then to the end of South Bench, as approved by the United States Department of the Interior on October 23, 2013. The Galena National Historic District is designated as the Historic District under this ordinance.

**HISTORIC DISTRICT.** An area designated as a "Historic District" by ordinance of the City Council and which may contain within definable geographic boundaries one or more landmarks and which may have within its boundaries other properties or structures that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the Historic District. The Galena National Historic District is designated as the Historic District.

**HISTORIC LANDMARK.** A building, property, structure, or site that is recognized by the City Council as having outstanding historical significance.

**HISTORIC LANDMARK DISTRICT.** An area containing buildings, structures, sites or objects recognized by the City Council as having outstanding historical significance.

**IMPROVEMENT.** Any building, structure, fence, gate, wall, walkway, parking facility, light fixture, bench, fountain, sign, work of art, earth work, or other man-made object constituting a physical betterment of real property.

## EXHIBIT A

**OWNER OF RECORD.** The person, corporation, or other legal entity listed as the owner on the records of the County Recorder of Deeds.

**PRESERVATION.** The act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property. Work including preliminary measures to protect and stabilize the property, generally focus upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. The limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

**RECONSTRUCTION.** The act or process of depicting, by means of new construction, the form, features and detailing of a non-surviving site, landscape, building, structure or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

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

**REMOVAL.** Any relocation of a structure on its site or to another site.

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

**RESTORATION.** The act or process of accurately depicting the form, features and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within the restoration project.

**SITE.** Any parcel of real property within the Historic District.

**STRUCTURE.** Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality of the foregoing, buildings, fences, gazebos, advertising signs, billboards, backstops for tennis courts, radio and television antennae, including supporting towers, swimming pools, satellite dishes, solar panels and wind generation.

**STRUCTURAL CHANGE.** Any change or repair in the supporting members of a building, structure, roof, or exterior walls which would expand the building in height, width, or bulk of the building.

### § 151.03 DESIGNATED AREAS; MAP.

(A) The Galena National Historic District is hereby designated the local Historic District.

## EXHIBIT A

(B) A map of the Historic District designating the boundaries of said area shall at all times be kept at City Hall, Galena, Illinois.

('69 Code, § 5-29) (Ord. passed 8-25-65; Am. Ord. O-72-6, passed 2-8-72; Am. Ord. O-96-02, passed 1-8-96; Am. Ord. O.20.17, passed 9-14-20)

### § 151.04 DESIGNATED AREAS TO RETAIN ORIGINAL EXTERIOR APPEARANCE.

All structures created, constructed, or installed prior to December 31, 1930 and within the Historic District shall retain the exterior appearance of the period in which it was built or constructed and any new construction, alterations or repairs in the designated area shall be designed and constructed with essentially the same exterior appearances as the original structure that was located on the same premises.

('69 Code, § 5-30) (Ord. passed 8-25-65; Am. Ord. O-96-02, passed 1-8-96)

### § 151.05 PERMIT REQUIRED FOR WORK.

No construction, alteration, demolition, or use of any real estate or improvements thereon within the Historic District, shall be started, commenced, undertaken or done without first complying with the terms of the Galena Historic Preservation Ordinance.

('69 Code, § 5-31) (Ord. passed 8-25-65; Am. Ord. O-96-02, passed 1-8-96) Penalty, see § 151.99

## GALENA HISTORIC PRESERVATION

### § 151.20 HISTORIC DISTRICT BOUNDARIES.

(A) The boundaries of the NHD and the Historic District are defined as that area roughly bounded by Davis Creek and Fourth Street; then along Fifth and Adams Streets to Field and Wann Streets; all of Dewey Avenue; then along North Dodge, Fulton and N. Hickory to Hill and Ridge Streets; from Ridge to Spring and South West Streets; from here to South Street and then to the end of South Bench, as approved by the United States Department of the Interior on October 23, 2013.

(B) Site planning, building bulk, and other zoning requirements within the Historic District shall be subject to the zoning guidelines as defined for the particular districts in §§ 154.110 through 154.167 of this chapter.

(C) All contributing property in the Historic District shall retain the exterior appearance of the period in which it was built or constructed and any new construction, alterations or



## EXHIBIT A

repairs in the designated area shall be designed and constructed with essentially the same exterior appearance as was the original structure that was located on the same premises.

(Ord. O-97-01, passed 1-27-97; Am. Ord. O.20.17, passed 9-14-20)

### § 151.21 STANDARDS.

(A) Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure, or site and environment or to use a property for its originally intended purpose.

(B) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature shall be prohibited.

(C) All buildings, structures, and sites shall be recognized as products of their own time. Changes that create a false sense of historical development, such as adding conjectural features or architectural features from other buildings, shall not be undertaken.

(D) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. Those changes that have acquired significance in their own right shall be retained.

(E) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

(F) Deteriorated architectural features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of an architectural feature, the new feature shall match the old in design, color texture, and other visual qualities and where possible materials. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

(G) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting, grinding or other cleaning methods that will damage the historic building materials shall not be undertaken.

(H) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigating measures shall be undertaken.

(I) New additions, exterior alterations or related new construction shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with size, color, scale, material, and character of the property, neighborhood and environment.

## EXHIBIT A

(J) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(K) The quality of materials and craftsmanship used in a rehabilitation project must be commensurate with the quality of materials and craftsmanship of the historic building in question. Certain treatments, if improperly applied, or certain materials by their physical properties, may cause or accelerate physical deterioration of historic buildings. Inappropriate physical treatments include but are not limited to: improper tuckpointing techniques; improper exterior masonry cleaning methods; or improper introduction of insulation if damage to historic fabric would result. In almost all situations, use of these materials and treatments will result in denial of certification. Similarly, exterior additions that duplicate the form material and detailing of the structure to the extent that they compromise the historic character of the structure will result in denial of certification. For further information on appropriate and inappropriate rehabilitation treatments, owners are to consult the Guidelines for Rehabilitating Historic Buildings published by the National Park Service or contact the City Building Department. 'Preservation Briefs' and additional technical information to help property owners formulate plans for the rehabilitation, preservation and continued use of historic properties consistent with the intent of the Secretary's Standards for Rehabilitation are available from the State Historic Preservation Officer, the National Park Service regional offices and the City Building Department. Owners are responsible for procuring this material as part of property planning for a certified rehabilitation.

(Ord. O-97-01, passed 1-27-97) Penalty, see § 151.99

### § 151.22 DESIGN GUIDELINES.

(A) Height. The height of any proposed alteration or construction shall be compatible with the style and character of the subject building and with surrounding structures in the Historic District.

(B) Relationship of building masses and spaces. The relationship of a structure within the Historic District to the open space between and adjoining structures should be compatible.

(C) Scale. The scale of the structure after alteration, construction, or partial demolition should be compatible with its predominant architectural style and character and with the surrounding structures in the Historic District.

(D) Proportions of windows and doors. The proportions and relationships between windows and doors should be compatible with the architectural style and character of the building or structure.

(E) Roof shape. The design of the roof, fascia, and cornice should be compatible with the architectural style and character of the building or structure.

## EXHIBIT A

(F) Landscaping. Landscaping should be compatible with the architectural character and appearance of the building or structure.

(G) Directional expression. Facades in the Historic District should blend with other structures with regard to directional expression. Structures in the Historic District should be compatible with the dominant horizontal or vertical expression of surrounding buildings or structures. The directional expression of a building or structure after alteration, construction, or partial demolition should be compatible with its original architectural style and character.

(H) Architectural details. Architectural details including types of materials, colors, and textures should be treated so as to make the building or structure compatible with its original architectural style and character of the building or structure within the Historic District.

(I) New structures. New structures in the Historic District shall be compatible with the architectural styles and designs within the Historic District.

(Ord. O-97-01, passed 1-27-97) Penalty, see § 151.99

### § 151.23 CERTIFICATE OF APPROPRIATENESS; SCOPE AND EXEMPTIONS.

(A) Certificate required. Unless expressly exempted in this subchapter, no permits for new construction, demolition, alteration, repair, signage, or any other physical modifications of a property within the Historic District may be issued by the city without the prior or simultaneous issuance of a certificate of appropriateness in accordance with the procedures specified in this subchapter.

(B) Scope. A certificate of appropriateness means a certificate issued by the Building Official after review and recommendation by the Galena Historic Preservation Commission indicating that new construction, alteration, or demolition within the Historic District is in accordance with the standards and requirements of this section.

(C) Exemptions. A certificate of appropriateness shall not be required in connection with:

(1) Applications for permits not involving any alteration to the exterior features of a structure.

(2) Permits necessary for compliance with a lawful order of the city, including any permit necessary to correct an immediate health or safety problem.

(Ord. O-97-01, passed 1-27-97; Am. Ord. O-06-23, passed 8-14-06) Penalty, see § 151.99

## EXHIBIT A

### § 151.24 GALENA HISTORIC PRESERVATION COMMISSION.

(A) Establishment. There is hereby created a Galena Historic Preservation Commission (HPC) for the purposes of carrying out the objectives and provisions enumerated in this section and to review and advise the Building Official on site plans and construction proposals in the Historic District and to review and advise the Building Official on the issuance of certificates of appropriateness in the Historic District.

(B) Powers and duties. The HPC shall:

(1) Assist and advise the Building Official, the City Council, other city officials and departments and county and state agencies as may be necessary in matters involving the Historic District and sites, structures and improvements therein.

(2) Advise owners of property in the Historic District on methods of preservation as per the Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings.

(3) Upon request, review and make recommendations to the Building Official regarding variations and amendments in the Historic District.

(4) Promote the preservation of the historic sites, improvements and structures in the Historic District and make recommendations to the City Council on methods to accomplish same.

(5) Assist the Building Official in maintaining an ongoing survey of potential local landmarks and adopt procedures to nominate them.

(C) Composition of the HPC. The HPC shall consist of at least five members nominated by the Mayor and appointed by the City Council. All members shall be qualified by training, education, experience or activity in historic preservation matters generally and with the Historic District designated by the City Council specifically. The term of service of members of the HPC shall be two years. Initially, however, three members shall be appointed for a two-year term and two members for a one-year term. Any vacancies shall be filled by the Mayor, subject to conformation by the City Council, for the unexpired term. Members may be removed by the City Council for cause after written charges have been filed and after a hearing has been held, if requested by the member so charged. One of the members of the HPC shall be designated by the Mayor as chairperson and shall hold the office until a successor is appointed. A quorum shall be one more than half of the HPC. Decisions shall be by majority vote of the members present. A member of the HPC may not vote on a matter involving property in the Historic District in which the member has a legal or equitable ownership interest.

(D) Meetings. Meetings shall be held at regularly scheduled times or at any time upon the call of the chairperson. Meetings may be cancelled at the discretion of the chairperson when there are no items of business. Written notice must be given to all applicants with the notice to state time and place of the meeting in which their application will be reviewed by the HPC.

## EXHIBIT A

### § 151.25 DEMOLITION.

(A) Application. Each person intending to demolish a structure larger than 100 square feet in floor area and within the Historic District shall file a certificate of appropriateness application with the Building Official or Board Secretary. The application shall be on a form provided by the city.

(B) Notice of demolition request. An application for a certificate of appropriateness to demolish a structure larger than 200 square feet in ground area and within the Historic District shall require a public notice of the meeting to be published in a newspaper of general circulation in the city with the notice to state the time and place of the meeting, the purpose of the meeting and a brief description of property or properties under consideration at such meeting. The notice shall be published at least 15 but not more than 30 days prior to the hearing. Notice shall also be mailed at least 15 but not more than 30 days before the date of the hearing to all owners of property within 250 feet excluding public streets, roads or alleys, of the property affected by the demolition request.

(C) Filing fee required. An application for the demolition of a structure in the Historic District shall be accompanied by a filing fee as established by the City Council.

(D) Public meetings. All meetings shall be open to the public at which time a public hearing will be held regarding the properties under consideration. Consistent with city ordinances and state statutes the HPC may adopt rules and regulations to govern the procedures of such meetings and the proper administration and enforcement of its duties pursuant to this section.

(E) Demolition of a non-historic structure. Approval of an application for a certificate of appropriateness to demolish a non-contributing structure within the Historic District shall be at the discretion of the planning department and approved by the mayor. The structure in question shall be, without a reasonable doubt, built after 1930 as determined by the planning department. All supporting evidence shall be reviewed by the planning department and mayor before approval. If the date of construction cannot be determined, the certificate of appropriateness shall be reviewed by the HPC as stated in § 151.24 (D)(1) through (4).

(Ord. 0-97-01, passed 1-27-97; Am. Ord. 0-06-23, passed 8-14-06; Am. Ord. 0.18.17, passed 11-13-18; Am. Ord. 0.21.11, passed 6-28-21)

### § 151.26 APPLICATION REQUIREMENTS; REVIEW AND APPROVAL.

(A) Application. Prior to requesting a building permit, an applicant whose property is in the Historic District shall submit an application for a certificate of appropriateness on a form provided by the city. The application shall include but not be limited to a site plan, drawn to scale showing location of proposed construction, floor plan showing existing conditions and proposed changes, elevations - all exterior views, current photographs showing all elevations of the building and existing conditions, historic photographs if available, a list of materials including product sources and color description.

## EXHIBIT A

(B) Coordination. If a site plan and/or zoning approval is required pursuant to §§ 154.245 through 154.248 of this chapter, the review and approval process for the certificate of appropriateness shall be coordinated to the maximum extent possible, with the review and approval process for the site plan and/or zoning application so that all aspects of the proposed activity are considered at one time by both the HPC and the Zoning Board of Appeals.

(C) Submission, review and approval.

(1) Upon receipt of an application for a certificate of appropriateness, the Building Official and HPC Board Secretary shall determine if the proposed construction is of a major or minor alteration.

(a) Types and kinds of improvements to be considered minor:

1. Painting and other related exterior maintenance.
2. Addition or deletion of awnings, shutters, canopies, and similar appurtenances.
3. Application or use of exterior materials of the same kind, type, color, or texture already in use on that structure which substantially cover one or more sides of the structure. This provision applies to roofing as well as siding.
4. Repair or replacement of existing architectural details with materials of the same kind, type, color, texture and design as those already in use on the structure. For minor alterations, the certificate of appropriateness need only be approved by the Building Official and Board Secretary.

(b) Types and kinds of improvements considered major:

1. Construction of a new building or auxiliary structure.
2. Any addition to or alteration of an existing structure which increases the square footage in that structure or otherwise alters its size, height, contour, or outline.
3. Change or alteration of a structures architectural style.
4. Alteration of a roof line.
5. Demolition of any structure or portion of a structure.

For major alterations, the certificate of appropriateness must be submitted to the HPC for review in accordance with this ordinance. The HPC shall return its decision to the Building Official and Board Secretary within 30 days following receipt of the application.

(2) The Building Official shall grant the certificate, deny the certificate, or grant the certificate with conditions.

(3) If the application is approved without conditions a certificate of appropriateness shall be issued.

## EXHIBIT A

(4) If the application is approved with conditions, the Building Official shall notify the applicant in writing and shall specify the conditions to be imposed and the reasons therefore in light of the standards and criteria of the this code. If the applicant accepts all of the conditions or takes no other action, such approval, with conditions, shall be effective and a certificate of appropriateness shall issue. If the applicant notifies the Building Official in writing within 30 days of the date of such approval with conditions of his refusal to accept all of the conditions, the application shall be deemed to be denied.

(5) If the certificate is denied, the Building Official or Board Secretary shall notify the applicant in writing and shall specify the particulars in which the application is inconsistent with the standards and criteria of this code. .

(6) Any person aggrieved by a ruling of the HPC may appeal the decision to the City Council.

### (D) Appeals and review.

(1) Timing of appeal. Such appeal shall be undertaken within 30 days to the City Council by filing with the HPC Secretary a notice of appeal specifying the ground thereof, together with such plats and exhibits as are reasonably necessary. Such appeals shall be made on forms provided by the Building Official. The HPC Secretary shall forthwith transmit to the Building Official all of the papers constituting the record upon which the action appealed was taken.

(2) Powers of the City Council. The City Council may reverse or affirm, wholly or partly, or may modify or amend the order, requirement, decision, or determination appealed from, to the extent and in the manner that the City Council may decide to be fitting and proper on the premises and to that end the City Council shall also have all the powers of the officer from whom the appeal was taken.

(3) Reversal of an order. The concurring vote of a majority of Mayor and full City Council shall be necessary to reverse any order, requirement, decision, or determination of the Building Official or to decide in favor of the applicant any matter upon which:

(a) Applicants claiming economic hardship shall be required to attempt to obtain reasonable financing, tax incentives, preservation grants or other incentives sufficient to allow a reasonable use of or return on the property.

(b) An applicant for a certificate of economic hardship shall submit all of the following information in order to assist the authorized by this subchapter to render decisions:

1. Notwithstanding any of the provisions of this subchapter to the contrary, the City Council may issue a certificate of economic hardship to allow the performance of work for which a certificate of appropriateness has been denied. The City Council in making its determination on the application shall consider:

## EXHIBIT A

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

b. The assessed value of the land and improvements thereon according to the two most recent assessments.

c. Real estate taxes for the two previous years.

d. Remaining balance on the mortgage, if any, and annual debt service, if any, for the two previous years.

e. All appraisals obtained within the previous two years by the owner or applicant in connection with this purchase, financing or ownership of the property.

f. Any listing of the property for sale or rent, price asked and offers received, if any.

g. Any consideration by the owner as to profitable adaptive uses for the property.

h. If the property is income-producing, the annual gross income from the property for the previous two years, itemized operating and maintenance expenses for the two previous years, and annual cash flow before and after debt service, if any during the same time period.

i. Form of ownership or operation of the property, whether sole proprietorship, for-profit, or not-for-profit corporation, limited partnership, joint venture or other.

j. Any information including the income tax bracket of the owner, applicant or principal investors in the property, reasonably necessary for a determination as to whether the property can be reasonably used or yield a reasonable return to present or future owners.

(c) If the City Council finds that without approval of the proposed work, the property cannot obtain a reasonable economic return therefrom, then the application shall be delayed for a period not to exceed three months. During this period of delay, the City Council shall investigate plans and make recommendations to allow for a reasonably beneficial use or a reasonable economic return, or to otherwise preserve the subject property. Such plans and recommendations may include, but not be limited to: a relaxation of the provisions of this subchapter, a reduction in real property taxes, financial assistance, building code modifications and/or changing in zoning regulations.

(Ord. O-97-01, passed 1-27-97; Am. Ord. O-06-23, passed 8-14-06) Penalty, see § 151.99

### § 151.27 STANDARDS AND GUIDELINES FOR REVIEW PROCESS.

(A) In reviewing an application for a certificate of appropriateness for the erection, construction, reconstruction, remodeling, exterior alteration, or restoration of a building or structure, the HPC shall consider the following:



## EXHIBIT A

(1) The exterior architectural features, including all signs, which are subject to public view from a public street, way or place;

(2) The general design, arrangement, texture, material, color and fenestration of the building or structure and the relation of such factors to similar features of buildings or structures in the immediate vicinity of the historic landmarks within the Historic District;

(3) The extent to which the building or structure would be harmonious with or architecturally incompatible with the Historic District;

(4) The extent to which the building or structure will preserve or protect the Historic District;

(5) The extent to which the building or structure will promote the general welfare of the city and all citizens by the preservation and protection of historic places, areas of historic interest in the city and the Historic District.

(6) The extent to which the preservation and protection will promote the general welfare by maintaining and increasing real estate values, generating business creating new positions, attracting tourists, attracting new residents, encouraging study and interest in American history, stimulating interest and study in architecture and design, educating citizens in American culture and heritage, and making the city a more attractive and desirable place in which to live.

(7) Photographs shall be used whenever possible to establish the true historic appearance of a structure.

(B) In reviewing an application for a certificate of appropriateness to demolish a building or structure, the Building Official and HPC shall consider the following:

(1) Is the building of such architectural or historic interest that its removal would be a detriment to the public interest?

(2) Is the building of such old and unusual or uncommon design, texture, and material that it could not be reproduced or reproduced only with great difficulty?

(3) Would retention of the building help preserve and protect an historical place or the Historic District?

(4) Would retention of the building promote the general welfare by maintaining and increasing real estate values generating business, creating new positions, attracting tourists, attracting new residents, encouraging study and interest in American history, stimulating interest and study in architecture and design, educating citizens in American culture and heritage, and making the city a more attractive and desirable place in which to live?

(5) Would demolition of the building or structure adversely affect the cohesiveness and historical significance of the Historic District or the community as a whole?

## EXHIBIT A

(C) In reviewing an application for a certificate of appropriateness to relocate a building or structure, the Building Official and HPC shall consider the following:

- (1) Would the proposed relocation have a detrimental effect on the structural soundness of the building or structure?
- (2) Would the proposed relocation have a detrimental effect on the historical aspects of other structures and buildings in the Historic District?
- (3) Would relocation provide new surroundings that would be harmonious with or incongruous to the historical and architectural aspects of the structure or building?
- (4) Would relocation of the building help preserve and protect an historic place or area of historic interest in the city?
- (5) Would relocation of the building promote the general welfare by maintaining and increasing real estate values generating business, creating new positions, attracting tourists, attracting new residents, encouraging study and interest in American history, stimulating interest and study in architecture and design, educating citizens in American culture and heritage, and making the city a more attractive and desirable place in which to live?

(Ord. 0-97-01, passed 1-27-97; Am. Ord. 0-06-23, passed 8-14-06)

### § 151.28 AMENDMENTS.

#### (A) Petition amendments.

- (1) Application for amendment. The City Council and any private petitioner may apply for an amendment in the text of this subchapter.
- (2) Fee required. Any petition for an amendment by a private party shall be accompanied by a filing fee as established by the City Council which fee shall be deposited with the City Clerk with the petition and no part shall be returnable to the petitioner.

#### (B) Criteria for Historic Preservation Commission decision.

- (1) In consideration of all proposed amendments to the text of this subchapter, the HPC shall, before recommending that the City Council approve any amendment, first determine that the proposed amendment is in harmony with the intent and purpose of this subchapter as set forth in any applicable section hereof.
- (2) The regulations imposed under this subchapter may be amended by ordinance, but no such amendment shall be made by the City Council without public notice and without a public hearing and the HPC shall forward its recommendations to the City Council within 30 days of the hearing unless the petition is withdrawn by the petitioner.

(C) Notice of public hearing. The HPC shall cause notice of public hearing of the petitioner's application to be given in the following manner:

## EXHIBIT A

(1) By publishing notice of the time and place of such hearing in a paper of general circulation in the city not less than 15 nor more than 30 days prior to the date of the hearing.

(2) By causing the notice to contain a brief statement describing the proposed amendment; and

(3) By notifying such property owners, groups or organizations as it deems desirable of the proposal.

(D) Final decision. The City Council, without further public hearings, may adopt or deny the report of the HPC for any proposed amendment or may refer the petition back to the HPC for further consideration. No application, however, which has been denied wholly or in part by the City Council shall be resubmitted for a period of one year from the date of the denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the HPC.

(Ord. O-97-01, passed 1-27-97)

### § 151.29 FEES.

The HPC may establish (with the approval of the City Council) an appropriate system of processing fees for the review of applications for a certificate of appropriateness.

(Ord. O-97-01, passed 1-27-97; Am. Ord. O-06-23, passed 8-14-06)

## HISTORIC LANDMARK, HISTORIC LANDMARK DISTRICTS, AND HISTORIC DISTRICTS

### § 151.30 LANDMARK DESIGNATION CRITERIA.

(A) Nominations for Historic Landmarks and Historic Landmark Districts shall be made to the HPC on a form provided by the HPC. A filing fee may be required. Illinois enabling legislation does not require owner consent for local landmark designations. Designation should be based on meeting the criteria exclusively.

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

(1) Significant value as part of the historic, heritage or cultural characteristics of the community, county, state or nation;

(2) Its identification with a person or persons who significantly contributed to the development of the community, county, state or country;

## EXHIBIT A

(3) Representative of the distinguishing characteristics of architecture inherently valuable for the study of a period, type, method of construction or use of indigenous materials;

(4) Notable work of a master builder, designer, architect or artist whose individual work has influenced the development of the community, county, state or country.

(5) Its unique location or singular physical characteristics that make it an established or familiar visual feature;

(6) Its 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;

(7) Area that has yielded or may be likely to yield, information important in history or prehistory.

(C) A preliminary determination as to whether a property, structure, or area meets one or more of the foregoing criteria shall be made within 15 days of filing of a nomination with the HPC.

(Ord. O-06-23, passed 8-14-06)

### § 151.31 LANDMARK DESIGNATION PROCEDURES.

(A) The HPC shall schedule a public hearing within 60 days after filing of an application to the Building Department.

(1) Any person, group of persons or association, including but not limited to the HPC, may request Historic Landmark or Historic Landmark District designation for any structure, building or site within the corporation limits of the city which may have historic or architectural significance as defined by the ordinance. The Building Department shall supply, upon request, the application forms. Completed forms shall be submitted to the Building Department which shall be forwarded to the HPC for their consideration.

(2) Notice of date, time, place and purpose of the public hearing shall be sent by mail to owner(s) of record and to the nominator(s) as well as to the adjoining property owners, not less than 15 nor more than 30 days prior to the date of the hearing. A public hearing notice also shall be published in a newspaper having general circulation in the city. The notice shall state the location of the property and a statement summarizing how the proposed landmark meets the criteria set forth in § 151.30(B).

(3) Upon receipt of the application, the secretary of the HPC shall schedule a public hearing to be held within 45 days after preliminary approval of applications.

(4) During the public hearing the HPC shall review and evaluate the application according to the criteria established by ordinance.

## EXHIBIT A

(5) If the HPC finds at the time that the application merits further consideration, then the HPC may table the request until its next regularly scheduled meeting.

(6) A Certificate of Appropriateness shall be required for alterations, construction, removal or demolition or a proposed landmark from the date when the nomination form is presented to the HPC until the final disposition of the request.

(B) A decision shall be made within 30 days following the date of the closing of the public hearing.

(1) Following the public hearing, the Secretary of the HPC shall prepare the HPC's evaluation, recommendation and all available information for submission to the City Council within 30 days.

(2) If the HPC decides that the landmark should be designated, it shall do so by a resolution passed by a majority of the HPC.

(3) The owner(s) of record shall be notified promptly by a letter containing information of the HPC's decision.

(4) If the City Council approves the application for a designation (by a simple majority vote), a notice will be sent to the property owner, the Building Department, the City Clerk's office and recorded with the County Recorder of Deeds. If the City Council denies the petition, no petitioner or applicant can file for 90 days to the Secretary of the HPC.

(5) Every building designated as a Historic Landmark shall be subject to issuance of Certificate of Appropriateness, just as for any building in the Historic District.

(Ord. O-06-23, passed 8-14-06)

### § 151.32 HISTORIC DISTRICT DESIGNATION CRITERIA.

(A) Nominations shall be made to the HPC on a form provided by the HPC. A filing fee may be required.

(B) The following criteria shall be utilized by the HPC in determining the designation of a new historic district:

(1) The proposed historic district contains one or more landmarks 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;

(2) A significant number of structures meeting any of the standards of § 151.30(B);

(3) Establishing a sense of time and place unique to the city, and/or;

(4) Exemplifying or reflecting the cultural, social, economic, political or architectural history of the nation, the state or the city.

## EXHIBIT A

(C) A preliminary determination as to whether a district or an area meets one or more of the foregoing criteria shall be made within 60 days of the filing of a nomination with the HPC.

(Ord. O-06-23, passed 8-14-06)

## EXHIBIT A

### § 151.33 HISTORIC DISTRICT DESIGNATION PROCEDURES.

(A) (1) Any person, group of persons, or association, including but not limited to the HPC, may present to the HPC a petition requesting that a defined geographical area be designated as a historic district. The Building Department shall supply, on request, the application forms. Completed forms shall be submitted to the Building Department which shall forward them to the HPC for their consideration.

(2) The petition shall contain the names of no less than 51% of the property owners within the defined geographical area. Or, if lease holders, with a five year or longer leasehold interest, are signatories to the petition then the petition shall contain no less than 51% of the property owners and/or leaseholders.

(3) Notice of date, time, place and purpose of the public hearing shall be sent by mail to owner(s) of record and to the nominator(s) as well as to the adjoining property owners, not less than 15 nor more than 30 days prior to the date of the hearing. A public hearing notice also shall be published in a newspaper having general circulation in the city. The notice shall state the location of the property and a statement summarizing how the proposed landmark meets the criteria set forth in § 151.40(B).

(4) Upon receipt of the application, the Secretary of the HPC shall schedule a public hearing to be held within 45 days after preliminary approval of the application.

(5) During the public hearing, the HPC shall review and evaluate the application according to the criteria established by ordinance.

(6) If the HPC finds at the time that the application merits further consideration, then the HPC may table the request until its next regularly scheduled meeting.

(B) A decision shall be made within 30 days following the date of the closing or the public hearing.

(1) Following the public hearing, the Secretary of the HPC shall prepare the HPC's evaluation, recommendation and all available information for submission to the City Council within 30 days.

(2) If the HPC decides that the proposed historic district should be designated, it shall do so by a resolution passed by a majority of the HPC.

(3) The owner(s) of record shall be notified promptly by a letter containing information of the HPC's decision.

(4) A simple majority vote by the City Council is necessary for approval of a historic district designation. If the City Council approves the application for a designation (by a simple majority vote), a notice will be sent to the property owner, the Building Department, the City Clerk's office and recorded with the County Recorder of Deeds that the area has been designated as such and that buildings located within the boundaries of the historic district shall be subject to issuance of Certificate of Appropriateness. If the City Council denies the petition, no petitioner can file for 90 days to the Secretary of the HPC.

## EXHIBIT A

(C) If a new historic district(s) is approved in accordance with the criteria and procedure set forth in this subchapter, the Historic Preservation Ordinance shall be amended accordingly to recognize there are multiple historic districts.

(Ord. O-06-23, passed 8-14-06)

### § 151.34 APPLICATIONS FOR NOMINATIONS OF LANDMARKS AND LANDMARK AND HISTORIC DISTRICTS.

Applications for a nomination shall be filed at the Building Office. Persons wishing guidance or advice prior to completing an application may contact the Building Official or Chair of the HPC. At a minimum the application shall include the following:

(A) For a Historic Landmark:

- (1) The name and address of the property owner.
- (2) The legal description and common street address of the property.
- (3) A written statement describing the property and setting forth reasons in support of the proposed designation.
- (4) Documentation that the property owner has been notified or consents to the application for designation.
- (5) A list of significant exterior architectural features that should be protected.
- (6) An overall site plan and photographs of the landmark. The plan shall also include a front, two sides and a rear elevation drawings.

(B) For a Historic Landmark District or Historic District:

- (1) The names and addresses of the property owners.
- (2) A map delineating the boundaries of the area to be designated.
- (3) A written statement describing the area and properties within the proposed district and setting forth reasons in support or the proposed designation.
- (4) A list and photographs of significant exterior architectural features of all properties in the district that should be protected.

(Ord. O-06-23, passed 8-14-06)

### § 151.99 PENALTY.

Any person who undertakes or causes an alteration, construction, demolition or removal of a Historic Landmark or the same to any property within the Historic District or a Historic Landmark District, without a certificate of appropriateness shall be guilty of a



## EXHIBIT A

misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50 or more than \$500. Every day such violation shall continue to exist shall constitute a separate violation.

(Ord. 0-97-01, passed 1-27-97)