

**VILLAGE OF OAK PARK
CHAPTER 7, ARTICLE 9 OF THE VILLAGE CODE
HISTORIC PRESERVATION**

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7-9-1: PURPOSE OF ARTICLE:

The purpose of this Article is to promote the economic, educational, cultural and general welfare of Oak Park by:

- A. Providing a Municipal process to identify, preserve, protect and enhance the distinctive historic and architectural heritage of Oak Park representing elements of the Village's cultural, social, economic, political and architectural history;
- B. Conserving and improving the value of properties designated as historic landmarks or located within historic districts;
- C. Enhancing the attractiveness of the Village to homeowners, visitors, tourists, and shoppers and, thereby, supporting business, commerce and industry in the Village and providing economic benefits to the Village;
- D. Fostering civic pride in the accomplishments of the past as manifested in properties, structures, improvements and areas of historical and architectural significance within the Village;
- E. Fostering and encouraging the preservation, restoration and rehabilitation of properties, structures, improvements and areas and, thereby, preventing deterioration, dilapidation and blight. (Ord. 1999-0-7, 3-15-99)

7-9-2: DEFINITIONS:

For the purposes of this Article, the following words and phrases shall have the meanings ascribed to them hereinbelow; and words and phrases used in the context of this Article but not defined herein shall have the meanings ascribed to them in Section [1-1-2](#) of the Village Code and in [Chapter 7](#) of the Village Code, other than this Article, including the building, mechanical, electrical and plumbing codes adopted by reference therein. All other words and phrases used in the context of this Article shall have the commonly understood meanings normally ascribed to them.

ADVISORY REVIEW: The process of examining the documents prepared by an owner of property and/or an improvement within an historic district that is not an historic landmark which describe proposed construction on such property and/or improvement, which will lead to a certificate of advisory review.

ALTERATION: Any act or process that changes one or more of the exterior architectural features of property which has been designated as an historic landmark under this Article, or any interior architectural feature of any structure when such interior has been specifically designated as an interior historic landmark.

ARCHITECTURAL REVIEW COMMITTEE: A Committee of no less than three (3) members of the Commission, of which one member need not possess the demonstrated expertise required under subsection [2-23-1C](#) of this Code for at least eight (8) members of the full Commission, appointed by the chairperson to review

documents for certificates of advisory review which shall be issued by the Commission, based upon the Committee's review of the documents and recommendations to the owner. Subsection [7-9-13C](#) of this Article authorizes the Commission to recommend and the Village Board to adopt amended rules and regulations which would expand Committee and/or Commission staff authority to minimal types of construction and alteration work requiring a certificate of appropriateness.

BUILDING PERMIT: Any permit required by the Department of Code Administration of the Village of Oak Park.

CERTIFICATE OF ADVISORY REVIEW: A certificate issued by the Commission after advisory review of plans for construction on, or relocation of, property and/or improvements located within an historic district which have not been designated as historic landmarks, indicating that the Commission has conducted a review of the plans and has made recommendations to the owner with regard to same.

CERTIFICATE OF APPROPRIATENESS: A certificate issued by the Commission indicating its approval of plans for the alteration, or construction, or relocation of an historic landmark, or the removal or demolition of an historic landmark or a building, structure or improvement within an historic district.

CERTIFICATE OF ECONOMIC HARDSHIP: A certificate issued by the Commission, after denying a certificate of appropriateness, which authorizes the performance of alterations, construction or relocation with regard to historic landmarks, or the removal or demolition of an historic landmark or a building, structure or improvement within an historic district when such historic landmarks, or properties within an historic district, cannot be put to a reasonably beneficial use or the owner will suffer a substantial economic loss thereon without the proposed alteration, construction, relocation, removal or demolition; and the owner is not responsible in any way for the hardship from which he or she is seeking relief.

COMMISSION: The Oak Park Historic Preservation Commission ¹⁰ .

COMMISSION STAFF: An employee of the Village assigned by the Village Manager as staff to the Commission.

CONSTRUCTION: Any act or process which requires a building permit, including the act of adding to a structure by an addition, or the erection of a new principal or accessory structure on a lot or property.

DAY: A calendar day, except where otherwise specified herein.

DEMOLITION: The razing or destruction, whether entirely or in significant part of a building, structure, site or object. Demolition includes the removal of a building, structure or object from its site or the removal or destruction of its facade or surface.

ELIGIBLE HISTORIC LANDMARK: Any property and/or improvement nominated for designation as an historic landmark which has been determined by the Commission, after notice and an opportunity to be heard for the owner(s), nominators and other

interested parties in accordance with Section [7-9-6](#) of this Article, to be eligible for designation by resolution and recommendation of the Commission to the Village Board, but which has not yet been so designated by the Village Board.

EXTERIOR ARCHITECTURAL FEATURES: The architectural character and general composition of the exterior of a structure or improvement, including the kind and texture of all the building materials and the type, design and character of all architectural details, including, but not limited to, windows, walls, roofs, doors, light fixtures, fences, signs and appurtenant elements.

HISTORIC DISTRICT: An historic district is an area with geographically definable boundaries, possessing a significant concentration, linkage or continuity of properties and/or improvements united by past events or aesthetically by plan or physical development that has been designated as an Oak Park historic district pursuant to Village ordinance. A district may include properties and/or improvements which are individually designated as historic landmarks under this Article and may also contain other properties and/or improvements which, while not of such individual historical and/or architectural value to be designated historic landmarks, nevertheless contribute to the overall special character or value of the landmark or landmarks located within the district.

HISTORIC LANDMARK: Any property and/or improvement which has special character or significant historical, cultural, architectural, archeological, community or aesthetic value as part of the heritage of the Village of Oak Park, the State of Illinois, or the United States which has been designated as an Oak Park historic landmark pursuant to this Article and shall include all designated interior historic landmarks.

IMPROVEMENT: Any visible built feature constituting a physical addition or any part of such addition to a property, including any building, structure, fixture, bridge, work of art, place, parking facility, fence, gate, wall, landscaping or paving.

INTERIOR ARCHITECTURAL FEATURES: The architectural character and general composition of the interior of a structure, including the room design and configuration, color and texture of materials, and the type, pattern and character of all architectural details and elements, including, but not limited to, staircases, doors, hardware, moldings, trim, plaster work, light fixtures and wall coverings.

INTERIOR HISTORIC LANDMARK: An interior, or part thereof, which is normally open or accessible to the public and which has a significant historical or aesthetic interest or value as part of the development, heritage or cultural characteristics of the Village, State of Illinois or United States and which has been designated as an interior landmark pursuant to the provisions of this Article.

NOMINATED HISTORIC LANDMARK: A property and/or improvement nominated by an interested party for consideration by the Commission for designation as an historic landmark prior to determination by the Commission that it is eligible for historic landmark designation.

NONCONTRIBUTING RESOURCE: A property and/or improvement located within an historic district that does not represent significant historical and/or aesthetic characteristics which qualified that district as an historic district under this Article.

OWNER: Owner of record as determined by the tax rolls except where otherwise specified herein.

PROPERTY: Land and improvements identified as a separate lot for purposes of the zoning regulations of the Village of Oak Park.

PUBLIC WORKS PROJECT: Work carried out by the Village of Oak Park for public use or service, including, but not limited to, the installation, major repair or improvements to streets, curbs and gutters, alleys, sidewalks, public utilities, streetlights, signs, banners and traffic signals.

RELOCATION: Any repositioning of an improvement on the same property upon which it is located.

REMOVAL: Any moving of an improvement from the property upon which it was originally located.

REPAIR: Minor work which does not require a building permit and which does not affect the architectural features of an improvement.

REVIEW: The process of examining the plans and documents prepared by an owner of property and/or an improvement designated as an historic landmark which describes proposed work on the landmark, which will lead to the decision to grant or deny a certificate of appropriateness or a certificate of economic hardship.

SITE: The location of an event, activity, building, structure or improvement.

STRUCTURE: Anything constructed or erected, the use of which requires permanent or semipermanent location on or in the ground.

"THE SECRETARY OF THE INTERIOR'S STANDARDS": The "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings", revised U.S. 1990, Department of the Interior, National Park Service, Preservation Assistance Division, Washington, D.C.

WORK: Any construction, alteration, repair, relocation, removal or demolition of an improvement. (Ord. 1999-0-7, 3-15-99)

7-9-3: RECOGNITION OF EXISTING HISTORIC DISTRICT:

That area designated as "The Oak Park Historic District" by ordinance of the Village of Oak Park adopted February 7, 1972, as Ordinance 1972-0-8, and renamed the Frank Lloyd Wright Prairie School of Architecture Historic District, is hereby recognized and reaffirmed as a designated historic district within the Village of Oak Park. (Ord. 1999-0-7, 3-15-99)

7-9-4: LOCAL DESIGNATION OF AN HISTORIC DISTRICT:

- A. On July 20, 1983, the Village successfully nominated the area known as the Ridgeland/Oak Park Historic District for listing in the National Register of Historic Places where such District remains officially registered as the Ridgeland/Oak Park Historic District.
- B. The Village hereby designates the area set forth on the map on file in the office of the Village Clerk as Exhibit A and incorporated herein by reference, as an historic district within the Village known as the Ridgeland/Oak Park Historic District. (Ord. 1999-0-7, 3-15-99)

7-9-5: CRITERIA FOR DESIGNATION OF HISTORIC LANDMARKS AND INTERIOR HISTORIC LANDMARKS:

- A. The Commission, in determining whether to recommend for designation, and the Village Board, in determining whether to approve designation of particular sites, structures, or improvements as historic landmarks and/or interiors of structures or parts thereof as interior historic landmarks, shall consider the following criteria:

Historical And/Or Cultural Importance

- 1. Significance as an example of the architectural, cultural, economic, historic or social development or heritage of the Village of Oak Park, the State, or the United States;
- 2. Location as a site of an historic event, with a significant effect on the Village of Oak Park, the State, or the United States;
- 3. Identification with a person or persons who significantly contributed to the architectural, cultural, economic, historic or social heritage, or other aspect, of the Village of Oak Park, the State, or the United States;

Architectural And/Or Engineering Importance

- 4. Existence on the National Register of Historic Places;
- 5. Embodiment of those distinguishing characteristics of significant architectural type, or style, or engineering specimen;
- 6. Identification as the work of a builder, designer, architect, craftsman, engineer or landscape architect whose individual work is significant in the development of the Village of Oak Park, the State, or the United States;
- 7. Contains design elements, detail, materials or craftsmanship that make the property or building structurally or architecturally innovative, rare or unique;
- 8. Representation of an architectural, cultural, economic, historic or social theme, style or period, expressed in distinctive areas, districts, places, buildings or structures that may or may not be contiguous.

- B. Any site, structure or improvement that meets one or more of the above criteria shall also be at least fifty (50) years old and shall have sufficient integrity of location, design, materials and workmanship to make it worthy of preservation or restoration.
- C. It shall be within the discretion of the Village Board to deny designation of any historic landmark, irrespective of whether or not the proposed landmark satisfies one or more of the above listed criteria. (Ord. 1999-0-7, 3-15-99)

7-9-6: NOMINATION AND PRELIMINARY DETERMINATION OF ELIGIBILITY FOR DESIGNATION AS AN HISTORIC LANDMARK OR INTERIOR HISTORIC LANDMARK:

A. Submission Of Nominations: Historic landmark and interior historic landmark nominations may be submitted to the Commission by any person, group of persons, or association, including any member of the Commission, on a nomination form provided by the Commission. The nomination form shall include, or be accompanied by, the following:

1. The name and address of the owner of the property proposed for designation, including the names of the beneficial owners of property held in a land trust, where possible.
2. The legal description and common street address of the property proposed for designation.
3. An indication of whether or not the owner is in favor of the proposed designation.
4. A written statement describing the property and setting forth reasons in support of the proposed designation.
5. Photographs of the property or selected properties within a district.
6. Such other information as may be required by the Commission.

B. Commission Action:

1. The Commission shall, upon receipt of a properly completed nomination, immediately notify the office of the Village Clerk and Village Code Administration Department of the Commission's receipt of such nomination and shall deliver copies of same to the Village Clerk's office and Code Administration Department as soon thereafter as is possible and shall make a preliminary determination of eligibility within fifteen (15) days of the receipt of the nomination, or by the Commission's next regularly scheduled meeting, whichever occurs later. A determination by the Commission of preliminary eligibility must be based upon a finding by the Commission that there is a likelihood that a nominated historic landmark will meet one or more of the "Criteria for Designation" set forth in Section [7-9-5](#) of this Article.
2. If a majority of the Commission members determine that there is not a likelihood that the nominated historic landmark may meet at least one of the criteria for designation, it shall enter a formal denial of the nomination and so notify the party

making the nomination in writing. Such a denial shall be the final administrative decision. The Commission may not reconsider the preliminary eligibility of such an historic landmark for at least one year following the submission of the original nomination and, then, only upon further evidence of qualification. If a preliminary determination is made that there is a likelihood that the nominated historic landmark may meet one or more criteria, the Commission shall schedule a designation hearing to be held within forty five (45) days of the preliminary determination and shall send the owner of record written notice of same no less than fifteen (15) days in advance of such hearing by regular and certified mail, properly addressed to the owner of record as shown in the records of the Recorder of Deeds or Registrar of Titles, whichever is appropriate, and with sufficient postage affixed thereto. Failure to receive notice shall not invalidate the proceedings of the Commission. (Ord. 1999-0-7, 3-15-99)

7-9-7: DESIGNATION HEARING:

- A. Following a preliminary determination by the Commission that there is a likelihood that a proposed historic landmark may be eligible for designation, the Commission shall conduct a hearing and shall notify the party making the nomination, the owner(s) of record of the proposed historic landmark and the owners of record of any property within two hundred fifty feet (250') of the proposed historic landmark, as to the date, time, place and purpose of the public hearing. If the owner(s) of record is not the party making the nomination, the Commission's notice to the owner(s) of record of the proposed historic landmark shall also include a copy of the nominating petition, any supporting documentation submitted therewith and a form for use by the owner entitled the "Owner(s) of Record Statement of Position" form indicating the owner's support for or opposition to the proposed designation and a brief statement of the reasons therefor. The form shall provide a return address for the Commission and shall direct the owner to return the completed form to the Commission no less than seven (7) days prior to the scheduled hearing. The form shall further indicate that the owner's failure to respond shall be presumed by the Commission to indicate the owner's support for the proposed designation. The owner may rebut this presumption by appearing at the hearing and testifying in opposition to the proposed designation. The Commission shall make every reasonable effort to contact personally or by telephone owner(s) of record who have not returned an executed owner's form to explain the designation process and to encourage the return of the signed form.
- B. At the hearing the Commission shall take testimony and receive evidence from the nominators, owner(s) of record, and any other interested parties who wish to be heard and/or present evidence on the application of the criteria for designation, set forth in Section [7-9-5](#) of this Article, to the proposed historic landmark. The Commission shall hear testimony and receive evidence in accordance with such procedural rules as the Commission may, from time to time, propose and the Village Board may, from time to time, adopt for the purpose of governing the conduct of such hearings before the Commission. The procedural rules set forth in Exhibit B on file in the office of the Village Clerk and incorporated herein by reference, are hereby

adopted as the rules of procedure governing the conduct of hearings before the Commission which rules shall be subject to amendment by action of the Commission and the Village Board as set forth above. (Ord. 1999-0-7, 3-15-99)

7-9-8: DESIGNATION OF HISTORIC LANDMARKS AND INTERIOR HISTORIC LANDMARKS:

- A. Within forty five (45) days following completion of the public hearing(s), the Commission shall determine, based on the criteria set forth in Section [7-9-5](#) of this Article whether to recommend designation of an historical landmark to the Village Board and shall deliver to the nominator, the Village Board, the Village Clerk, the Code Administration Department and to the owner(s) of record, a resolution and report recommending designation if such a determination has been made by the Commission. The resolution shall require an affirmative vote of a majority of the full Commission to recommend designation to the Village Board. The resolution shall be accompanied by a written report summarizing the evidence presented at the hearing, setting forth findings of fact based thereon, and explaining the basis for the Commission's recommendation. A decision by the Commission not to recommend designation is final and will terminate the designation process. The Commission shall notify the owner and nominators of its decision not to recommend designation within forty five (45) days of the completion of the public hearing. The Commission shall not consider the renomination of the same or a substantially similar historic landmark for at least one year following submission of the original nomination.
- B. Within thirty (30) days after receiving the resolution and report containing the recommendation for designation from the Commission, the Village Board shall either designate the historic landmark or reject the nomination by simple majority vote of the full Board. In making this determination, the Village Board shall apply the designation standards set forth in Section [7-9-5](#) of this Article and shall give due consideration to the record of the public hearing(s), and findings and recommendations of the Commission set forth in the Commission's resolution and report and may take public testimony with regard to same. Upon a majority vote of the Village Board to approve designation, the Village Board shall enact an ordinance designating the historic landmark, which ordinance shall provide that the newly designated historic landmark shall be subject to the provisions of [Chapter 7, Article 9](#) of the Village Code.
- C. Upon designation of an historic landmark by the Village Board, the Commission shall provide written notification by regular and certified mail to the owner(s) of record of the designated historic landmark which notification shall include a certified copy of the ordinance designating same. The Village shall file with the Recorder of Deeds or Registrar of Titles of Cook County, whichever is appropriate, a certified copy of the designation ordinance for each historic landmark designated. A copy of the designation ordinance shall be sent to the Village Code Administration Department, the Village Clerk's office and the Department of Community Services.

- D. If the Board of Trustees does not approve a designation, then a nomination for the same or a substantially similar historic landmark may not be considered by the Commission for at least one year from the date of the Village Board action.
- E. Designations may be amended or rescinded by the same procedure and according to the same criteria set forth herein for an original designation.
- F. The following properties and/or improvements have been designated as Oak Park Historic Landmarks (including Interior Landmarks) pursuant to [Chapter 7, Article 9](#) of the Oak Park Village Code: (Ord. 1999-0-7, 3-15-99)
1. Frank Lloyd Wright Home & Studio
428 Forest and 951 Chicago Avenue
Interior, Exterior and Improvements
 2. John Farson Home
217 Home Avenue
Exterior, Walk and Fence
 3. Pilgrim Congregational Church
460 Lake Street
Exterior
 4. Unity Temple
875 Lake Street
Interior and Exterior
 5. Ernest Hemingway Birthplace Home
339 N. Oak Park Avenue
Interior and Exterior
 6. The Plaza Hotel
123 S. Marion Street
 7. The Plaza Hotel
123 S. Marion Street
Interior
The lobby or foyer area including: the four-story atrium with a turned spindle latticework stairway, the ornamental stained and beveled glass door surround between the foyer of the original building and the former dining area in the addition, and the two (2) brick archways leading off from the foyer area. (Ord. 1998-0-14, 3-16-98)
 8. The Hills-DeCaro House
313 Forest Avenue
Exterior

Oak Park Historic Preservation Ordinance

9. The Rollin Furbeck House
515 Fair Oaks Avenue
Exterior
10. The Harry S. Adams House
710 Augusta Street
Exterior
11. The George Furbeck House
223 N. Euclid Avenue
Exterior
12. The Thomas Gale House
1027 Chicago Avenue
Exterior
13. The Oak Park and River Forest Day Nursery
1139 Randolph Street
Exterior
14. Charles Roberts House
321 N. Euclid Avenue
Exterior
15. Roberts Building
300-304 N. Grove Avenue/818 Erie Street
Exterior
16. Odd Fellows Hall
812-818 Harrison Street
Exterior
17. The Albert and Kittie Ernst House
1023 Wenonah Avenue
Exterior
18. Oak Park Conservatory
615 Garfield Street
Exterior – Original Structure
19. Park Grove and Park View Manor
173-181 N. Grove Avenue
Exterior

Oak Park Historic Preservation Ordinance

20. Bishop Quarter School Addition
605 Lake Street
Exterior
21. C. A. Sharpe House (Dole/Cheney Mansion)
220 N. Euclid Avenue
Exterior – House, Greenhouse, Coach House, Fence
22. Andreas Brisch House
701 S. East Avenue
Exterior
23. Harold C. Lewis House
950 Columbian Avenue
Exterior
24. George and James Tough House
1045 Wesley Avenue
Exterior
25. Poley Building
408-410 S. Austin Blvd.
Exterior
26. Margaret Morse House
1036 Fair Oaks Avenue
Exterior
27. Albert Schneider House
553 N. Marion Street
Exterior
28. Dorothy Manor Apartments
424-426 S. Austin Blvd.
Exterior
29. Maze Branch Library
845 Gunderson Avenue
Exterior, Interior (Main Floor, Foyer)
30. First United Methodist Church
324 N. Oak Park Avenue
Exterior

31. Howard Jenkins House
500 Linden Avenue
Exterior
32. Dr. Harry Bernhardt Cottage
705 S. East Avenue
Exterior
33. Charles W. Eils House
625 S. Oak Park Avenue
Exterior
34. Boulevard Arcade Building
1033 South Boulevard
Exterior
35. Cicero Fire House No. 2
129 Lake Street
Exterior

7-9-9: WORK REQUIRING THE ISSUANCE OF A CERTIFICATE OF APPROPRIATENESS, A CERTIFICATE OF ECONOMIC HARDSHIP OR A CERTIFICATE OF ADVISORY REVIEW:

- A. No building permit or demolition permit shall be issued and no alteration authorized by the Department of Code Administration affecting any site, building, structure or improvement designated hereinbelow until such time as the corresponding requirement or requirements set forth hereinbelow for each such designated site, building, structure or improvement shall first have been satisfied:
1. In the case of the construction on, and/or the alteration, relocation, demolition or removal of an eligible historic landmark, the building or demolition permit shall be issued or the alteration authorized upon the denial of designation of historic landmark status by the Village Board; provided, however, that if the site, building, structure or improvement which has been denied landmark status is located within a designated historic district, then the issuance of a building or demolition permit shall also be contingent upon satisfying the requirements set forth herein for property located within a designated historic district; or
 2. In the case of a demolition or removal of: a) an eligible or designated historic landmark; b) any site, building, structure or improvement within a designated historic district; or c) a site, building, structure or improvement located in a designated historic district or listed in the National Register of Historic Places, which is wholly or partially financed by the Village or by one or more Federal, State or Village funding sources which are dispersed through or administered by the Village, the demolition permit shall be issued upon the authorization of such a permit by formal resolution of the Village Board as being necessary to protect the public health, safety or welfare; or
 3. In the case of: a) the construction on, and/or the alteration, relocation, demolition or removal of an eligible or designated historic landmark; b) the alteration, demolition or removal of a site, building, structure or improvement located in a designated historic district or listed in the National Register of Historic Places which is wholly or partially financed by the Village or by one or more Federal, State or Village funding sources which are dispersed through or administered by the Village; or c) the removal or demolition of any building, structure or improvement located within a designated historic district for which demolition has not been authorized under subsection [7-9-9A2](#) of this Section, the building or demolition permit shall be issued or the alteration shall be authorized upon the issuance of a certificate of appropriateness in accordance with Section [7-9-13](#) of this Article set forth hereinbelow or a certificate of economic hardship in accordance with Section [7-9-14](#) of this Article set forth hereinbelow.
- B. No building permit for construction shall be issued by the Department of Code Administration affecting any nonlandmark property or structure within a designated historic district unless a certificate of advisory review is issued in accordance with Section [7-9-16](#) of this Article set forth hereinbelow.

- C. The Code Administration Department shall provide written authorization for alteration work affecting eligible or designated historic landmarks, which does not require a building permit, upon receipt of the certificate of appropriateness or certificate of economic hardship for such alteration work. Such authorization must be given prior to commencement of such alteration work.
- D. No work requiring the issuance of a building or demolition permit or the authorization of an alteration by the Department of Code Administration, shall commence prior to such issuance or authorization in accordance with this Section.
- E. Public works projects within designated historic districts or affecting eligible or designated historic landmarks shall require a certificate of advisory review. The Director of Public Works shall report such projects to the Commission as they are proposed by the Director in a timely fashion. In emergency situations, or where time constraints otherwise require the immediate commencement of such projects, work may commence prior to the issuance of the certificate of advisory review. (Ord. 1999-0-7, 3-15-99)

7-9-10: ZONING AND SUBDIVISION ACTIONS AFFECTING ANY NOMINATED, ELIGIBLE OR DESIGNATED HISTORIC LANDMARKS OR DESIGNATED HISTORIC DISTRICTS:

- A. The Director of the Department of Code Administration, in the case of applications before the Zoning Board; the Director of Community Services, in the case of applications or proposed zoning ordinance amendments before the Plan Commission; or the Village Manager or Manager's designee, in the case of design review applications before the Community Design Commission, shall notify the Commission, within three (3) working days of submission to the Department, of all applications for zoning amendments, variances, special use permits, subdivision or planned unit developments affecting: 1) property in any designated historic district, 2) any eligible or designated historic landmarks, or 3) any property located within two hundred fifty feet (250') of such landmark.
- B. In furtherance of its duties as set forth in subsection [2-32-2F](#) of the Village Code, the Commission shall evaluate the anticipated effect of the zoning action requested in the application on the designated historic district or nominated, eligible or designated historic landmark(s) and shall consider the long-term compatibility of the proposed zoning action with the character of the affected historic resources and the effect of any proposed zoning action on the long-range preservation of these resources. In its review, the Commission shall also consider the criteria specified in Section [7-9-12](#) of this Article.
- C. The Commission may present its evaluation or opinion on the effects of such anticipated zoning action on an historic district or nominated, eligible or designated landmark to the board or commission hearing such zoning action.

- D. In no event shall the provisions of this Section preclude the necessity of obtaining a certificate of appropriateness or a certificate of economic hardship when required under Section [7-9-13](#) or [7-9-14](#) of this Article. (Ord. 1999-0-7, 3-15-99)

7-9-11: ACQUISITION OR USE OF PUBLIC PROPERTY:

- A. The Village Manager's office shall advise the Commission, in a timely manner, of all proposed or pending acquisitions, sales or changes in use by the Village or by any other public agency, including any other unit of local government, when known to the Village, of any property designated as an historic landmark, or located within two hundred fifty feet (250') of a landmark, or located in an historic district. The Commission shall advise the Village Board, other appropriate public agency or other unit of local government, as to the effects of such actions on the special historic, architectural, community or aesthetic interest or value of such properties to Oak Park.
- B. The Commission shall request that other public agencies serving the community agree to advise the Commission of pending acquisition, sales or changes by such agencies in use of property designated as an historic landmark or located within two hundred fifty feet (250') of a landmark, or located in an historic district, in order that the Commission may advise such agencies as to the impact of such actions on the historic, architectural, community or aesthetic interest or value of such properties to Oak Park. The Commission shall take appropriate steps to notify all public agencies which own or may acquire property in the Village about the existence and character of designated historic landmarks and historic districts, and the Commission shall provide a current record of such landmarks and districts to such public agencies for their maintenance. (Ord. 1999-0-7, 3-15-99)

7-9-12: REVIEW CRITERIA FOR CERTIFICATE OF APPROPRIATENESS AND CERTIFICATE OF ADVISORY REVIEW:

- A. Guidelines For Construction, Alteration And Relocation Work: In making a determination to issue or deny a certificate of appropriateness for construction, alteration or relocation work affecting an eligible or designated historic landmark, or a determination to conduct an advisory review and either approve or make recommendations with regard to construction or relocation work on property located in a designated historic district, either the Commission or the Village Board, when considering an appeal, shall consider the effect of the proposed construction, alteration, or relocation on the architectural features and on the historic, aesthetic or architectural value, characteristics and significance of the eligible or designated historic landmark or designated historic district.

In making a determination whether to issue a certificate of appropriateness or a certificate of advisory review, the Commission, or the Village Board when considering an appeal, shall follow the "Secretary of the Interior's Standards", revised 1990, as amended herein, and such other criteria and guidelines as the Commission may recommend, and which the Village Board may adopt, for use by

the Commission, or the Village Board when considering an appeal. Such criteria shall include, but are not limited to, the following:

1. 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 and environment.
2. The significant original qualities and/or historic character of a property shall be retained and preserved. The removal or alteration of historic or distinctive architectural materials or features and spaces that characterize a property shall be avoided.
3. 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.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize an historic property shall be preserved.
6. 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, inherent and not renewable color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. The historic and architectural integrity of the property and its environment shall be protected by making the new work compatible with the existing structures, surrounding structures, streetscape or the character of the historic district, whenever one or more of these elements is affected by such work, with respect to the following design criteria:
 - a. The height of the alteration, addition or construction.
 - b. Proportions between the width and height of structure's front facade.
 - c. The proportions and relationships between doors and windows.

d. Relationship of building masses and the open space around them, including setbacks and placement on the lot.

e. The design of the roof shapes, forms and materials.

f. Landscaping and appurtenances which should also be sensitive to the individual structure, its occupants and their needs.

g. The scale of the proposed structure.

h. Dominant horizontal or vertical directional expression of front elevation.

i. Architectural style, design, details and materials, including textures and patterns, but not necessarily color.

10. 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.

B. Guidelines For Removal Or Demolition Of Historic Landmarks, Or Buildings, Structures Or Improvements Located Within An Historic District: Guidelines to be used by the Commission, or by the Village Board when considering an appeal, in making a determination of appropriateness of the removal or demolition of a landmark or a building, structure or improvement in an historic district shall include, but not be limited to, the guidelines set forth in subsection [7-9-12A](#) of this Section. Certificates of appropriateness for the removal or demolition of a building, structure or improvement in an historic district shall be granted by the Commission, without the need for any determination based upon the above referenced criteria, if the proposal is for the removal or demolition of a noncontributing resource. (Ord. 1999-0-7, 3-15-99)

7-9-13: PROCEDURES FOR CERTIFICATE OF APPROPRIATENESS:

- A. Preapplication: Any owner of an historic landmark may, at any time, request the Commission to make a preliminary review of proposed work in order to determine whether the proposed work will meet the criteria set forth herein. The Commission may, on the basis of documents and other material presented, make a preliminary finding of acceptability which may then be used by the Commission to expedite the processing of a certificate of appropriateness after the owner has applied for a building permit and/or a certificate of appropriateness. The certificate of appropriateness will be issued by the Commission only if the work described on the permit documents submitted by the owner to obtain the permit are found to be substantially the same as that which was preapproved. If, during the preapplication review, the Commission finds that the proposed work does not meet the criteria, the Commission may advise the owner on possible ways to meet the criteria.
- B. Application: Any application for a building permit and/or certificate of appropriateness for construction, alteration or relocation affecting an eligible or designated historic landmark or for the removal of an eligible or designated historic landmark or the

removal of a building, structure or improvement from a property within a designated historic district and any application for a demolition permit for the demolition of an eligible or designated historic landmark or for the demolition of a building, structure or improvement in a designated historic district shall be sent by the Code Administration Department, within three (3) working days of receipt, to the Commission. At the time of receipt of the application(s), the Code Administration Department shall issue to the applicant an historic preservation guidelines pamphlet prepared by the Commission which summarizes the preservation requirements and preservation assistance available in the Village with regard to the historic landmarks and historic districts. The Code Administration Department shall not issue a building permit and shall not authorize any alterations until a certificate of appropriateness or certificate of economic hardship has been issued.

- C. Architectural Review Committee And Commission Staff Review And Issuance Of Certificate Of Appropriateness: The Commission may propose, and the Village Board may adopt rules, procedures and criteria under which a committee of the Commission and/or Commission staff may approve applications for certificates of appropriateness when the proposed work involves: 1) restoration to original conditions, or 2) no changes in materials, or 3) changes not visible from the street and not affecting an interior landmark, or 4) other types of activities determined by the Commission to have limited effect on the historic, architectural or aesthetic qualities of landmarks or districts. Such rules, procedures and criteria for the above mentioned limited activities only, if adopted, shall provide that such committee or Commission staff shall act within five (5) working days from receipt of the application by the Commission to review, approve and issue a certificate of appropriateness, or to refer the application to the full Commission for its consideration.
- D. Commission Review: If rules, procedures and criteria are adopted providing for committee and/or staff issuance of certificates of appropriateness under certain limited circumstances, applications which would not meet the criteria for committee or staff review under subsection [7-9-13C](#) of this Section, shall be referred to the Commission by such committee or Commission staff, or applications which have been denied a certificate of appropriateness by committee or Commission staff shall be referred to the Commission. Except as otherwise provided for in rules and procedures adopted in accordance with subsection [7-9-13C](#) of this Section, all applications for certificates of appropriateness shall be referred directly to the full Commission for review. The Commission shall review the completed application and supporting information within thirty (30) days of receiving same, either from a committee or directly from the Code Administration Department. The applicant shall be notified, in writing, of the date, time and place of the meeting at which Commission review on the proposed work shall take place. The applicant shall be requested to submit such plans, drawings, photographs or other information the Commission may request to complete its review. Requested information shall not delay the meeting. The notice shall be sent no less than five (5) days before the meeting at which the proposed work is to be reviewed. The requirement for this five (5) day advance notice may be waived, in writing, by the applicant. A special meeting of the Commission may be called if the application is received more than

fifteen (15) days before the Commission's next scheduled meeting. A final vote, as to approval or denial, shall be made within forty five (45) days of the receipt of a complete application.

- E. Acceptance Of Proposed Work And Issuance Of Certificate Of Appropriateness: If, upon review, a majority of a quorum of the Commission finds the proposed work is in accordance with the applicable criteria set forth in Section [7-9-12](#) of this Article and the purposes of this Article, it may issue a certificate of appropriateness. The resolution issuing a certificate of appropriateness shall be sent to the applicant and the Department of Code Administration within five (5) working days after the decision. A certificate of appropriateness shall expire one year after the date of issuance. Any change in the proposed work after issuance of a certificate of appropriateness shall require inspection by Commission staff to determine whether the work is still in substantial compliance with the certificate of appropriateness. If staff determines that the change in work is not in substantial compliance with the certificate of appropriateness, then the owner must immediately cease work upon notification and submit a revised application to the Commission for review. The owner may be required to revise plans and redo work to comply with the certificate of appropriateness.
- F. Failure To Issue A Certificate Of Appropriateness: If the Commission finds that the proposed work does not meet the established criteria and, therefore, will adversely affect or destroy any significant historic, aesthetic or architectural feature or value of an eligible or designated historic landmark, or that the demolition or removal of a building, structure or improvement in a designated historic district will adversely affect the historic, aesthetic or architectural character or value of the historic district or is inappropriate or inconsistent with the spirit and purposes of this Article, it shall not take action on the application and shall so advise the applicant and the Department of Code Administration, in writing, within five (5) working days of the determination not to act on the application and shall further indicate to the applicant at that time that the applicant may submit an amended application for expedited review or may request a public hearing.

Within the same five (5) working day time frame, the Commission shall send a letter to the applicant explaining any changes recommended by the Commission before an amended application may be considered. The letter will address the appropriate review criteria and other points deemed pertinent by the Commission. The applicant may either amend the application and resubmit same for expedited review, or the applicant may request a public hearing on the application. If the applicant submits an amended application and it is determined to conform to Commission recommendations, a certificate of appropriateness may be issued by a majority of a quorum of the Commission.

- G. Public Hearing Following Denial Of A Certificate Of Appropriateness: Within fifteen (15) days of notice to the applicant to file an amended application or request a public hearing, the applicant may request that the Commission hold a public hearing where additional evidence and testimony may be heard regarding the application for a

certificate of appropriateness. The Commission shall hold such a public hearing within forty five (45) days of receipt of the written request.

1. Notice of the date, time, place and purpose of the public hearing shall be sent by regular and certified mail to the applicant and to property owners within two hundred fifty feet (250') of the property for which the application has been made, and said notice shall also be published in a newspaper of general circulation in the Village of Oak Park. The notice shall be sent and published not less than fifteen (15) days nor more than thirty (30) days prior to the date of the hearing. Such notice shall include the time and place of the hearing, a general description of the request to be heard, and the address or location of the property to which the request applies.

2. At the public hearing, the Commission shall take testimony presented by the applicant and any other interested parties concerning the effect of the proposed alteration, construction, relocation, removal or demolition of an eligible or designated historic landmark upon an eligible or designated historic landmark and the surrounding neighborhood or the effect of the proposed removal or demolition of any structure, building or improvement within an historic district upon the district, and shall conduct such hearings in a manner consistent with the Rules of Procedure for Hearings before the Historic Preservation Commission adopted herein and made a part hereof and as may be amended, from time to time, by action of the Commission and the Village Board. The hearing may be continued to a date certain, with the concurrence of the applicant.

3. Within fifteen (15) days following the completion of the public hearing, the Commission shall issue or deny the certificate of appropriateness. Notice of the Commission's decision will be sent to the applicant and owner and the Code Administration Department within five (5) working days of rendering the decision. Notification procedures outlined under Section [7-9-7](#) of this Article will apply.

H. Appeal To The Village Board: Upon denial of the application for a certificate of appropriateness by the Commission, the applicant may appeal the denial to the Village Board or may request a certificate of economic hardship. (Ord. 1999-0-7, 3-15-99)

7-9-14: PROCEDURES FOR CERTIFICATE OF ECONOMIC HARDSHIP:

- A. Application: Following denial of a certificate of appropriateness by the Commission or by the Village Board on appeal, the owner or designated representative may apply for a certificate of economic hardship by submitting to the Commission a completed application for a certificate of economic hardship, which form shall be available in the Village Hall and in particular, at the office of the Village Clerk, the Department of Code Administration and/or the Commission staff.
- B. Public Hearing Process: The Commission shall hold a public hearing within forty five (45) days of receipt of a completed application for a certificate of economic hardship. Notice of the public hearing shall be sent by regular and certified mail to the applicant and to property owners within two hundred fifty feet (250') of the property

for which application has been made. Notice also shall be published in a newspaper of general circulation in the Village of Oak Park. The notice shall be sent not less than fifteen (15) days nor more than thirty (30) days prior to the date of the hearing. Such notice shall include the time and place of the hearing, a general description of the contents of the request to be heard and the address or location of the property to which the request applies.

At the public hearing, the Commission shall take testimony presented by the owner(s) and any other interested parties concerning the effect of the proposed alteration, construction, relocation, removal or demolition of an eligible or designated historic landmark or removal or demolition of a building, structure or improvement within a designated historic district based upon the criteria set forth in Section [7-9-12](#) of this Article and shall conduct such hearing in a manner consistent with the Rules of Procedure for Hearings Before the Historic Preservation Commission, as adopted herein and made a part hereof and as may be amended from time to time by action of the Commission and the Village Board. The hearing may be continued to a date certain. A record shall be kept of all proceedings.

- C. Standards For Commission Decision And Factors To Be Considered: The Commission shall issue a certificate of economic hardship only if the Commission finds that the subject property cannot be put to any reasonably beneficial use or that the owner/applicant will suffer a substantial economic loss thereon without the alteration, construction, relocation, removal or demolition being sought by the owner/applicant and that the owner/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 Commission and the Village Board on the issue of economic hardship shall include, but are not limited to, the following:
1. A substantial decrease in the fair market value of the property as a result of the denial of the certificate of appropriateness;
 2. 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;
 3. 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 Commission for changes necessary for the issuance of a certificate of appropriateness;
 4. The structural soundness of any structures on the property and their suitability for rehabilitation;
 5. The economic feasibility of rehabilitation or reuse of the existing structure or improvement on the property in the case of a proposed demolition.
 6. The owner/applicant's purchase of the subject property after the enactment of the relevant provisions of the Historic Preservation Ordinance without making said purchase contingent upon the owner/applicant first obtaining necessary Board

and/or Commission 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. Evidence: The Commission may solicit expert testimony. The applicant may be required to submit evidence at the hearing to support any of the factors, including those listed above, which the applicant believes to have contributed to the economic hardship which the applicant alleges he or she would suffer if the applicant is not granted a certificate of appropriateness. Specific information and documentation which should be presented by the 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 purchased (including description of the relationship, if any, between the owner and the person from whom the property was purchased);
2. The assessed value of the land and improvements thereon according to the two (2) most recent assessments;
3. Real estate taxes for the previous two (2) years;
4. Annual debt service, if any, for the previous two (2) years;
5. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with 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 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. Executed construction agreements or proposals;
10. Engineering or architect reports on the structural integrity of the building or structure upon which work is being proposed.

In the event that any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall provide to the Commission 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 Commission finds that the owner/applicant has not established that the owner/applicant will suffer a demonstrable economic hardship as a result of the denial of a certificate of appropriateness, then the Commission shall deny the applicant's application for a certificate of economic hardship.

2. If the Commission makes an initial determination that the applicant has presented a case which may establish that without approval of the proposed work all reasonable use of, or return from, a designated historic landmark or building, structure, or improvement within a designated historic district will be denied a property owner, but the Commission finds that reasonable alternatives may exist which should be addressed by the applicant, then the application shall be delayed for a period of no more than sixty (60) days following the finding. During the first thirty (30) days of this period, the Commission shall investigate plans and make recommendations to the owner and Village Board which are intended to provide for reasonable use of, or return from the property, or to otherwise preserve the subject property. During the second thirty (30) days of this period, the applicant will investigate the proposal of the Commission and provide the Commission with written response thereto.

3. If, at the end of this sixty (60) day period, after reviewing its initial finding and its subsequent proposals and the applicant's response thereto, the Commission finds that without approval of the proposed work the property cannot be put to any reasonable use or the owner cannot obtain a reasonable economic return therefrom, then the Commission shall issue a certificate of economic hardship approving the proposed work. If the Commission finds otherwise, it shall deny the application for a certificate of economic hardship. Within fifteen (15) days following the completion of the public hearing and within fifteen (15) days of the sixty (60) day delay period provided for in subsection [7-9-14E](#) of this Section, if applicable, the Commission shall render its decision on the certificate of economic hardship by adopting a resolution which shall set forth the findings of fact and decision of the Commission either granting or denying the certificate of economic hardship.

4. An executed copy of the resolution shall be sent to the applicant and property owner and the Department of Code Administration within five (5) working days after the decision. (Ord. 1999-0-7, 3-15-99)

7-9-15: APPEALS:

- A. Within fifteen (15) days of receipt of a final denial of a certificate of appropriateness or a certificate of economic hardship, the applicant and/or his or her representative may appeal the Commission's decision to the Village Board. The Village Board, within forty five (45) days of the applicant filing his or her appeal, shall affirm, reverse or modify the decision of the Commission after due consideration of the facts contained in the record, which the Commission shall submit to the Village Board within ten (10) working days of the filing of the appeal. The Board of Trustees may receive comments on the contents of the record, orally at the meeting or in writing, not less than ten (10) days prior to the meeting at which the Board will first consider the appeal but shall not consider any new matters that were not presented during the Commission hearings.
- B. The Village Board shall, within ten (10) days of its decision, advise the applicants and the Commission, in writing, of its final decision and shall direct the Village Manager to advise all affected departments of the Village government.

- C. The failure of the Village Board to affirm, modify or reverse the decision of the Commission within forty five (45) days of the applicant filing his or her appeal shall be considered as an affirmance by the Village Board of the decision of the Commission and a denial of the appeal, and the Commission shall so notify the applicant and the affected departments of the Village government.

The decision of the Village Board will be the final administrative decision of the Village. (Ord. 1999-0-7, 3-15-99)

7-9-16: ADVISORY REVIEW PROCEDURES:

A. Application For Advisory Review:

1. Advisory review is provided by the Commission as a service to the public. Any owner may, at any time, consult with the Commission to determine whether intended work on a structure may comply with the review guidelines and seek the Commission's advice on how best to accomplish the work to comply with them.

2. Except as otherwise provided by rules and procedures adopted in accordance with subsection [7-9-16B](#) of this Section, any application for a building permit for construction or relocation work on a property within an historic district other than historic landmarks, government-funded projects and structures intended to be demolished (which receive certificate of appropriateness reviews as outlined above), shall be sent to the Commission by the Code Administration Department within three (3) days of receipt. At the time of the permit application, the Code Administration Department shall issue to the applicant an historic preservation guidelines pamphlet prepared by the Commission, which summarizes the preservation requirements and preservation assistance available in the Village with regard to the historic landmarks and historic districts. The Department of Code Administration shall not issue a building permit until the Commission has reviewed the permit application and taken action, or until the passage of thirty (30) days from the filing of the said application, whichever occurs first.

- B. Architectural Review Committee And Commission Staff Review And Approval: The Commission may propose and the Village Board may approve rules, procedures and criteria under which a committee of the Commission, or Commission staff, may review applications for advisory review when the proposed work involves: 1) restoration to original conditions, or 2) no changes in materials, or 3) changes not visible from a public right of way, or 4) other types of activities determined by the Commission to have limited effect on the historic, architectural or aesthetic qualities of the structure. Such committee or Commission staff shall take one of the following actions within five (5) days from receipt of the application from the Code Administration Department:

1. Send the permit application on to Code Administration marked: "*REVIEWED*".

2. Request that the owner meet with the review committee to make suggestions concerning revisions to the proposed work which will bring it in line with review criteria. Immediately after this meeting, the application for permit will be returned to

the applicant marked, "*REVIEWED WITH SUGGESTED REVISIONS*". At this point the applicant is free to either revise his plans in accordance with the suggested changes and submit to the Department of Code Administration, or to submit them without change.

3. Meet with the owner and/or submit the permit application and project description to the full Commission to review at its next regularly scheduled meeting.

C. Commission Review: Applications which have been referred to the Commission either directly from the Code Administration Department or indirectly through committee or Commission staff, shall be reviewed by the full Commission within thirty (30) days of its receipt of the complete application. The applicant shall be notified, in writing, of the date, time and place of the meeting at which a review of the proposed work shall take place. The applicant may be requested to submit plans, drawings, photographs or other information to enable the Commission to conduct a more complete review. The notice shall be sent no less than five (5) days before the meeting at which the proposed work is to be reviewed. The requirement for this five (5) day advance notice may be waived, in writing, by the applicant. The Commission may, at that meeting, make recommendations concerning revisions to the proposed work which will bring the work into conformity with review criteria set forth in Section [7-9-12](#) of this Article. These recommendations will be forwarded, in writing, to the applicant as soon as possible after this meeting, but no later than ten (10) days after the meeting, and the application for permit will be returned to the applicant at the close of the review meeting marked "*REVIEWED WITH SUGGESTED REVISIONS*". If the Commission agrees that the intended work conforms to the review guidelines, the permit application shall be returned to the applicant at the close of the review meeting marked: "*REVIEWED*". Once the permit application has been stamped with either "reviewed with suggested revisions" or "reviewed", the application shall have satisfied the requirements of this Article with regard to advisory review. At this point, the applicant is free to either revise his or her plans in accordance with the suggested changes and submit them to the Department of Code Administration, or to submit them without change, and the permit will be issued if the application is otherwise in compliance with Village Code. The Commission may delay issuance of the permit by a period of no longer than thirty (30) days from time of its receipt of the complete permit application in an attempt to resolve nonconformity issues with regard to the review criteria. (Ord. 1999-0-7, 3-15-99)

7-9-17: PREVENTION OF DEMOLITION BY NEGLECT:

The Commission, on its own initiative, may file a petition with the Department of Code Administration requesting that the Department proceed under the Public Safety and Housing Ordinance to require correction of defects or repairs to eligible or designated historic landmarks or buildings, structures or improvements in designated historic districts so that such landmarks, buildings, structures or improvements shall be preserved and protected in accordance with the purposes of this Article and the Public Safety and Housing Ordinance ¹¹. (Ord. 1999-0-7, 3-15-99)

7-9-18: HAZARDOUS STRUCTURES AND PUBLIC NUISANCES:

- A. This Article shall not prohibit the demolition of any structure which poses an immediate hazard to human health and safety. When an eligible or designated historic landmark or building, structure or improvement in a designated historic district requires immediate demolition due to its imminent threat to human health and safety and an authorized Village official, pursuant to ordinance, has made the determination that the landmark, building, structure or improvement should be demolished immediately, then nothing in this Article shall prohibit the demolition of such landmark, building, structure or improvement. The Village official ordering the demolition shall, prior to causing the demolition, attempt notification of a member of the Commission, designated by the chairperson of the Commission for this purpose, of the imminent threat posed by the landmark, building, structure or improvement if such notice may be given without jeopardizing human health and safety. The chairperson of the Commission shall designate three (3) members of the Commission, any of whom shall be authorized to receive notice of emergency demolitions as provided in this Section.

- B. If the Village has, pursuant to official action, declared a building, structure or improvement that is an eligible or designated landmark or is located in a designated historic district as a public nuisance and has authorized its demolition, the Village Manager or his designee shall have a copy of the declaration of public nuisance delivered to the chairperson of the Commission, who shall place the matter on the agenda of the next meeting of the Commission. The Commission shall be authorized to review the building, structure or improvement and determine if the owner or some other person can commence rehabilitation of it immediately. The Commission shall ensure that whoever will rehabilitate the building, structure or improvement shall have either public or private financing, or both, to make sure that the building, structure or improvement is promptly rehabilitated in accordance with the criteria set forth in this Article. If the Commission is unable to secure the rehabilitation of the building, structure or improvement within ninety (90) days of the date that it was declared a public nuisance by the Village or by the date the Village obtains judicial authorization to demolish it, whichever is later, then the Village may proceed with the demolition of the building, structure or improvement.

- C. An owner of a building, structure or improvement eligible or designated as a landmark or located within an historic district shall not be authorized to demolish such building, structure or improvement without filing an application for and obtaining a certificate of appropriateness or certificate of economic hardship, except when an authorized Village official, pursuant to ordinance, or has made the determination that the building, structure or improvement poses an imminent threat to human health and safety and should be demolished immediately.

- D. If the Village has declared an eligible or designated landmark or a building, structure or improvement in a designated historic district to be a public nuisance and, after such declaration, the owner of the building, structure or improvement files an application for a certificate of appropriateness so the building, structure or improvement may be rehabilitated, the Commission may exercise jurisdiction over

the application and the structure until such time as the Village obtains judicial authorization to demolish the structure. Once the Village has obtained such judicial authorization, then the rehabilitation of the structure may proceed only if the Village Board consents to withholding its authority to demolish the structure in abeyance while the structure is rehabilitated. (Ord. 1999-0-7, 3-15-99)

7-9-19: HANDICAPPED ACCESSIBILITY PROVISIONS:

Nothing in this Article shall exempt owners from complying with applicable Federal, State or Village laws concerning handicapped accessibility. In providing for handicapped accessibility as may be required by such laws or desired by an owner, every effort shall be made to visually integrate such physical devices as may be necessary to accomplish accessibility with the architectural design of the historic landmark or building, structure or improvement in an historic district. Emphasis shall be placed on providing readily removable physical accessibility provisions such as ramps or chair lifts, with no permanent damage to the historic fabric of the building. (Ord. 1999-0-7, 3-15-99)

7-9-20: ENFORCEMENT AND PENALTIES FOR VIOLATION:

- A. It shall be unlawful for any person to alter, relocate, remove or demolish any historic landmark or to do construction work on, relocate, remove or demolish any building, structure or improvement within an historic district, or attempt to take any of these actions without complying with the provisions of this Article. Persons violating any provision of this Article other than mandatory advisory review shall also be subject to the institution of proceedings by the Village to prevent, restrain, abate or correct such violations of this Article, including restoration of the building or structure and its site to its appearance prior to the violation if such appearance is integral to the significance of the site or structure as determined by the Commission. Any action to enforce this Section shall be brought by the Village Attorney, his designee or by designated representatives of the Village Manager. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty contained in this Section.
- B. If construction, alteration, relocation, removal or demolition of an eligible or designated historic landmark or of any building, structure or improvement, located in a designated historic district occurs without a permit or without proper authorization as set forth in this Article, then the Village may seek to revoke the license of the company, individual, principal owner, or its or his/her successors' interest in performing such construction, alteration, relocation, removal or demolition for a period of one year.
- C. If demolition of an historic landmark occurs without a permit, the person causing such demolition shall, upon conviction, be guilty of a misdemeanor offense punishable by incarceration in the County jail for a term not to exceed six (6) months.
- D. Any person violating any provision of this Article shall, upon conviction, be punished by a fine not to exceed five hundred dollars (\$500.00). Each day during which any

violation hereof is committed shall constitute a separate offense. (Ord. 1999-0-7, 3-15-99)

7-9-21: JUDICIAL REVIEW OF FINAL DECISION:

Any final decisions rendered by the Village Board under this Article shall be subject to judicial review pursuant to the provisions of the Administrative Review Law, 735 Illinois Compiled Statutes 5/3-101 et seq., as amended, and rules adopted pursuant thereto. (Ord. 1999-0-7, 3-15-99)