

VILLAGE OF DOWNERS GROVE
Report for the Village Council Meeting
7/7/2015

SUBJECT:	SUBMITTED BY:
New Business – Consider Amendments to the Historic Preservation Ordinance	David Fieldman Village Manager

SYNOPSIS

At the request of Commissioner Barnett, a proposal to amend the Historic Preservation Ordinance has been placed on the New Business Agenda. Pursuant to Village Council policy, this topic shall be a discussion item only to allow for the Council to direct staff to prepare an ordinance for consideration at a later date.

STRATEGIC PLAN ALIGNMENT

Consider Amendments to the Historic Preservation Ordinance was identified and discussed by the Village Council at the first Long-Range Plan meeting as a potential priority action item and the Council is expected to further discuss the priority action items at the August 18 LRP meeting.

FISCAL IMPACT

N/A

RECOMMENDATION

Action at the discretion of the Village Council.

BACKGROUND

Commissioner Barnett requested that the Council consider a proposal to amend the Historic Preservation Ordinance. The New Business item is to consider specific changes to the Historic Preservation Ordinance (Chapter 12) as outlined in the attached October 6, 2014 email and the red-lined version of Chapter 12.

ATTACHMENTS

Email from Commissioner Barnett outlining proposed changes
 Red-lined version of Chapter 12

----- Forwarded message -----

From: **Bob Barnett** <rtbarnett@downers.us>
 Date: Mon, Oct 6, 2014 at 10:38 AM
 Subject: Historic District Ordinance Changes
 To: Enza Petrarca <epetrarca@downers.us>

Enza,

I'd like to introduce changes the section 12 of our ordinance as soon as possible - I'd also like to take this opportunity to solicit staff for any recommended changes they would like to have considered at this time.

Please review the notes below ...

12.500.2

EXISTING: b. Owner Consent Form signed by all owners of record of 51% or more of the properties to be included in the proposed historic district.

PROPOSED: b. Owner Consent Form signed by all owners of record of **81%** or more of the properties to be included in the proposed historic district.

EXISTING: e. A written statement indicating the owners of record included on the owner consent form have received copies of the Historic Preservation Ordinance and acknowledging its requirements

PROPOSED: e. A written statement indicating the owners of record included on the owner consent form have received copies of the Historic Preservation Ordinance and acknowledging its requirements **and specifically, each owner applicant must initial each line of section 12.700, 12.702 and 12.703.**

ADD:

k. The names and addresses of any owners who wish to opt out of the district.

12.500.4 *[new, also some commentary in 12.500.3 - removal after notice received]*

Exclusion by owner.

We should allow individual owners to opt out.

There should be a written process which is in some way tied to the preliminary notice.

12.600

EXISTING: b. A significant concentration of structures meeting any of the criteria for landmark designation;

PROPOSED: b. **More than 75% of structures must meet at least four** of the criteria for landmark designation;

12.702.1

Change this section to be "the following items are EXEMPT from COA requirements"

12.703

STRIKE

Part a. in it's entirety

Part c. in it's entirety

Part g. in it's entirety

STRIKE the following partial sentence from section i.;
"... be differentiated from the old and shall ... "

12.704

STRIKE the following partial sentence from section a.
"... and with surrounding structures in a historic district"

STRIKE Part e. in it's entirety

MODIFY part i. "New Structures - New accessory structures on existing significant parcels shall be compatible with the architectural style and design of said parcel. Other new structures in a historic district shall be compatible with the predominant architectural styles and design in said districts as determined by the Village Historical Survey."

12.705

STRIKE the following sentence:
" The Council may receive comments on the contents of the record but no new material may be considered by the Council."

... it's a start.

RTB

--

Robert T. Barnett, Commissioner

Village of Downers Grove

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c: [630.605.2112](tel:630.605.2112)

rtbarnett@downers.us

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Chapter 12

HISTORIC PRESERVATION

Sections:

- 12.100. Findings.**
- 12.200. Definitions.**
- 12.300. Landmark Designation Procedures.**
- 12.400. Landmark Designation Criteria.**
- 12.500. Historic District Designation Procedures.**
- 12.600. Historic District Criteria.**
- 12.600ART. Certificate of Appropriateness (COA).**
- 12.700. Certificate of Appropriateness.**
- 12.701. Application.**
- 12.702. Issuance.**
- 12.703. Reviewing Criteria for Certificate of Appropriateness.**
- 12.704. Design Guidelines for a Certificate of Appropriateness.**
- 12.705. Appeal of Denial of a Certificate of Appropriateness.**
- 12.706. Penalties.**

Section 12.100. Findings.

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

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

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

Section 12.200. Definitions.

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

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

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

Board. The Downers Grove Architectural Design Review Board.

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

Building Survey. A written report conducted by an Illinois licensed architect or other qualified third party

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professional identifying at a minimum the architectural style, historical status and condition of all structures and properties within a proposed historic district.

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

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

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

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

Department. The Department of Community Development.

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

Director. The Director of the Department of Community Development.

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

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

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

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

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

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

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

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

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

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

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

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

Section 12.300. Landmark Designation Procedures.

1. An application for landmark designation may be submitted by any interested party or by the owner(s) of record of the property on which the proposed landmark is located. A filing fee may be provided for by administrative regulation.
2. Applications for landmark designation shall be filed with the Department on a form provided by the Department and shall include the following, unless specifically waived by the Director:
 - a. The name and address of the property owner(s).
 - b. Owner Consent Form.

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- c. Proof of ownership.
 - d. The legal description and common street address of the property.
 - e. A written statement describing the property and setting forth reasons in support of the proposed designation.
 - f. A written statement indicating the applicant(s) is in receipt of a copy of the Historic Preservation Ordinance and acknowledging its requirements.
 - g. A list of significant exterior architectural features .
 - h. An overall site plan and photographs of the proposed landmark.
 - i. Any other information required by the Director.
3. An application for landmark designation shall be deemed to be complete only if the application is accompanied by an owner consent form containing the signatures of all owners of record of a property on which the proposed landmark is located.
4. Within thirty (30) days of the receipt by the Department of a completed application for landmark designation, the Board shall schedule a public hearing on the application, said hearing to be held no more than sixty (60) days after such receipt.
- a. Not less than fifteen (15) nor more than thirty (30) days prior to the date of the hearing, notice of date, time, place and purpose of the public hearing shall be sent by first class mail to the applicants as well as to the owners of all property located within two hundred fifty (250) feet of the proposed landmark. The public hearing notice shall also be published once in a newspaper having general circulation in the Village, not less than fifteen (15) nor more than thirty (30) days prior to the date of the hearing. The failure of any person to receive written notice shall not invalidate, impair or otherwise affect any action taken regarding the proposed landmark.
 - b. During the public hearing, the Board shall review and evaluate the application according to the criteria set forth in Section 12.400. A majority vote of the Board shall be necessary to make a recommendation to the Council regarding the application.
 - c. Within thirty (30) days following the date of the closing of the public hearing, the Board shall prepare its written evaluation, recommendation and all available information for submission to the Council. A resolution passed by majority vote of the Council is necessary for approval of a landmark. If the Council approves or denies the application, a notice shall be sent to the property owner(s) of record via certified mail, to the Department of Community Development, and to the Village Clerk's office. The Village, within thirty (30) days of the approval, shall cause the approved landmark designation to be recorded with the County Recorder of Deeds. If the Council denies the application, such denial shall constitute a final administrative decision subject to review administratively as provided by law.
 - i. If a building and/or site is designated as a landmark by the Council, such designation shall be identified on the Village's Official Zoning Map.
 - ii. Landmark designation may be amended or rescinded by the same procedure and according to the same criteria set forth herein for designation.
 - iii. If an application is denied, the owner(s) of record may not reapply for landmark status for two (2) years from the date of the denial by the Council.

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

Section 12.400. Landmark Designation Criteria.

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

- a. Significant value as part of the historic, heritage or cultural characteristics of the community, county, State or Nation;

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- b. Identification with a person or persons who significantly contributed to the development of the community, county, State or Nation;
- c. Representative of the distinguishing characteristics of architecture inherently valuable for the study of a period, type, method of construction or use of indigenous materials;
- d. Notable work of a master builder, designer, architect or artist whose individual work has influenced the development of the community, county, State or Nation;
- e. Unique location or singular physical characteristics that make it an established or familiar visual feature;
- f. Character as a particularly fine or unique example of a utilitarian structure, including but not limited to farmhouses, gas stations, or other commercial structures, with a high level of integrity or architectural significance;
- g. Area that has yielded or may be likely to yield, information important in history or prehistory.
- h. A source of civic pride or identity for the community.

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

Section 12.500. Historic District Designation Procedures.

1. An application for the designation of an historic district may be submitted by any property owner within the proposed Historic District, the Architectural Design Review Board or the Village Council. ~~interested party.~~ A filing fee may be provided for by administrative regulation.
2. Applications for historic district designation shall be filed with the Department on a form provided by the Department and shall include the following, unless specifically waived by the Director:
 - a. The names and addresses of the property owners of each parcel of property to be included in the proposed district.
 - b. Owner Consent Form signed by all owners of record of 51% or more of the properties to be included in the proposed historic district **that have not received an Exception pursuant to Section 12.707.**
 - c. Proof of ownership for all of the petitioning property owners.
 - d. Photographs of the proposed district supporting the application.
 - e. A written statement indicating the owners of record included on the owner consent form have received copies of the Historic Preservation Ordinance and acknowledging its requirements and specifically, each owner must initial each line of section 12.700, 12.702 and 12.703.
 - f. A map delineating the boundaries of the area proposed to be designated.
 - g. A written statement describing the area and properties within the historic district and setting forth reasons in support of the proposed designation.
 - h. A list and photographs of significant exterior architectural features of properties in the district.
 - i. A building survey for all buildings within the proposed district.
 - j. Any other information required by the Director.
 - k. The names and addresses of any property owners within the proposed district who wish to opt out of the district pursuant to Secion 12.707(b).
3. A preliminary hearing concerning the application shall be held by the Board within thirty (30) days of the receipt of the application by the Department. The following procedure shall be used for the preliminary hearing regarding the designation of historic districts:
 - a. Not less than fifteen (15) nor more than thirty (30) days prior to the date of the hearing, notice of date, time, place and purpose of the public hearing shall be sent by first class mail to owner(s) of record in the proposed district and to the applicant(s), as well as the

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owners of all property located within two hundred fifty (250) feet of the boundaries of the proposed historic district. The public hearing notice also shall be published once in a newspaper having general circulation in the Village of Downers Grove not less than fifteen (15) nor more than thirty (30) days prior to the date of the hearing.

- b. During the preliminary public hearing, the Board shall review and evaluate the application according to the criteria established by Section 12.600 and shall make a preliminary determination by majority vote regarding designation of the proposed historic district. Such preliminary determination shall be sent via certified mail to all owners of record within the proposed district.
4. The Board shall, within thirty (30) days of the preliminary determination, schedule a public hearing on the application, said hearing to be held no more than sixty (60) days after the date of the preliminary determination.
- a. Not less than fifteen (15) nor more than thirty (30) days prior to the date of the hearing, notice of date, time, place and purpose of the public hearing shall be sent by first class mail to the owner(s) of record in the proposed historic district and to the applicant(s) as well as to the owners of property located within two hundred fifty (250) feet of the boundaries of the proposed historical district. The public hearing notice also shall be published once in a newspaper having general circulation in the Village of Downers Grove, not less than fifteen (15) nor more than thirty (30) days prior to the date of the hearing. The failure of any person to receive written notice shall not invalidate, impair or otherwise affect any action taken regarding the proposed historic district.
 - b. During the public hearing, the Board shall review and evaluate the application according to the criteria established by Section 12.600. A majority vote of the Board shall be necessary to make a recommendation to the Council regarding the application.
 - c. Within thirty (30) days following the date of the closing of the public hearing, the Board shall prepare its written evaluation, recommendation and all available information for submission to the Council. A resolution passed by majority vote of Council is necessary for approval of an historic district. If the Council approves or denies the application, a notice shall be sent to the property owner(s) of record via certified mail. Written copies of the decision shall be provided to the Department of Community Development and the Village Clerk. The Village shall, within thirty days of approval, cause the approved historic district determination to be recorded with the County Recorder of Deeds. If the Council denies the application, such denial shall constitute a final administrative decision subject to administrative as provided by law.
 - i. If a building and/or site is designated as an historic district by the Council, such designation shall be identified on the Village's Official Zoning Map.
 - ii. Historic designation may be amended or rescinded by the same procedure and according to the same criteria set forth herein for designation.
 - iii. If an application is denied by the Council, the property may not be the subject of an application for a period of two (2) years from the date of the denial by the Council.

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

Section 12.600. Historic District Criteria.

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

- a. The proposed historic district contains two or more contiguous properties along with such other buildings, places or areas within its definable geographic boundaries which, while not of such historic significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located in such district;
- b. ~~A significant concentration of structures meeting any~~ At least 33% of structures

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within the proposed district must meet more than two of the criteria for landmark designation;

- c. The proposed district establishes a sense of time and place unique to the Village of Downers Grove, and/or;
- d. The proposed district exemplifies or reflects the cultural, social, economic, political or architectural history of the nation, the state, or the community;
- e. An area nominated for designation as an historic district shall be identifiable by clear and distinct boundaries.

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

Section 12.600ART. Certificate of Appropriateness (COA).

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

Section 12.700. Certificate of Appropriateness.

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

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

Section 12.701. Application.

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

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

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

Section 12.702. Issuance.

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

- a. Installation or removal of landscaping.
- b. Construction or alteration of fences.
- c. Construction or alteration of patios.
- d. Construction or repair of driveways and sidewalks.
- e. Construction of new sheds.
- f. Construction or alteration of open rear porches or decks.
- g. Demolition or alteration of accessory structures not contributing to historic significance as defined by the findings of the Board.
- h. Replacing or repairing wood or asphalt shingles.
- i. Exterior painting.

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- j. Construction of new exterior steps.
- k. Routine maintenance or cleaning.
- l. Replacing aluminum clad or vinyl clad windows not original to the structure or contributing to the historic significance as defined by the findings of the Board.
- m. Repairing damaged architectural features to their original state.
- n. Replacing aluminum or vinyl siding when associated with a structure not contributing to the significance of an historic district.

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

- a. Within thirty (30) days from the receipt by the Director of a completed application for a COA, the Board shall schedule a public hearing on the application, such hearing shall be held not more than sixty (60) days after such receipt.
- b. Not less than fifteen (15) nor more than thirty (30) days prior to the date of the hearing, notice of the time, place and purpose of the public hearing shall be sent by first class mail to the applicant(s) as well as to the owners of all property located within two hundred fifty (250) feet of the property which is the subject of the proposed certificate of appropriateness. If the property is located within an historic district, all property owners within the historic district shall be sent notice by certified mail. The public hearing shall also be published once in a newspaper having general circulation in the Village not less than fifteen (15) nor more than thirty (30) days prior to the date of the hearing. The failure of any person to receive written notice shall not invalidate, impair or otherwise affect any action taken regarding the COA.
- c. During the public hearing, the Board shall review and evaluate the application according to the criteria set forth in Section 12.703 and 12.704. A simple majority vote of the Board shall be necessary for the approval of a COA.
- d. The Board shall notify the applicant of its decision in writing within fifteen (15) days of the date of the hearing. If approved, the Director shall issue the COA. If denied, the notice shall state the reasons for such denial.
- e. The COA shall remain valid for one year or until a building permit is issued, whichever is less. If substantial changes to the plans submitted with the certificate are required, a new certificate shall be required.
- f. Applicant(s) denied the issuance of a COA may appeal the decision the Board to the Village Council within thirty (30) days from the date of mailing of the notice of the decision of the Board as provided by Section 12.705.
- g. All permits involving the issuance of a COA shall be subject to a COA compliance inspection. Such inspection shall be completed by the Department of Community Development prior to the issuance of any Certificate of Occupancy.

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

Section 12.703. Reviewing Criteria for Certificate of Appropriateness.

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

- a. ~~A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site environment;~~
- b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided;
- e. ~~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~~

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~~features or architectural elements from other buildings, shall not be undertaken;~~

- d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved;
- e. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site shall be treated with sensitivity;
- f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities, and, where possible materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence;
- g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of the structures, if appropriate, shall be undertaken using the gentlest means possible;
- h. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken;
- i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall ~~be differentiated from the old and shall~~ be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment;
- j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- k. Non-contributing structures in historic districts as defined by the building survey submitted with the application for designation of an historic district are exempt from these criteria and shall only be subject to the design guidelines set forth in Section 12.704.

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

Section 12.704. Design Guidelines for a Certificate of Appropriateness.

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

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

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- should be compatible with its original architectural style and character;
- h. Architectural Details - Architectural details including types of materials, colors, and textures should be treated so as to make the landmark compatible with its original architectural style and character of a landmark or historic district;
 - i. New Structures - New structures in an historic district shall be compatible with the predominant architectural styles and design in said districts.
 - j. New Accessory Structures - New accessory structures on existing significant parcels shall be compatible with the architectural style and design of said parcel.

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

Section 12.705. Appeal of Denial of a Certificate of Appropriateness.

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

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

Section 12.706. Penalties.

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

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

Section 12.707 Exceptions (to allow non-historically significant buildings to opt-out)

- (a) No property within any Historic District shall be subject to the requirements of Sections 12.700 through 12.706 if it has been recommended by the Board and determined by majority vote of the Council to fail to meet each of the criteria listed in Section 12.400.
- (b) The owner of any property failing to meet the requirement of 12.707(a) located within a proposed Historic District may submit to the Department an application for an Exception from the Historic District pursuant to this subsection. Such application shall be granted and the requirements of Sections 12.700 through 12.706 of this Chapter shall not apply to the property subject to such Exception.
- (c) No property receiving an Exception pursuant to this Section 12.707 shall be counted in favor or against the requirement to create an Historic District located in 12.500.2.b.

Section 12.800 Incentives

- (a) Every property subject to the Certificate of Appropriateness requirement of Section 12.700 and every Landmark designated pursuant to this Chapter shall be eligible for the Incentive program created by this section.
- (b) Historic Preservation Fund
 - a. The Historic Preservation Fund shall consist of the following:

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- i. All fees paid to the Village of Downers Grove pursuant to this Chapter, if any; and
 - ii. 4.00% of all revenue generated by building and demolition permit fees on an annual basis.
- (c) Together with an application for a Certificate of Appropriateness or within forty-five (45) days following the completion of any exterior modifications made pursuant to a Certificate of Appropriateness, the owner of a Landmark or property subject to the Certificate of Appropriateness requirement may make application to the Department for an incentive under this Section.
- (d) All exterior modifications approved pursuant to this Chapter shall be eligible for reimbursement from the Historic Preservation Fund of 50% of the cost of such exterior modifications up to a maximum of \$5,000.00, subject to the availability of monies within the Fund.