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CHAPTER 24: HISTORIC PRESERVATION

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Sec. 24.001 Title.

This Chapter shall be known, referred to and cited as “The Highland Park Historic Preservation Ordinance.”

Sec. 24.002 Purpose of Ordinance.

The purpose of this Chapter is to promote the educational, cultural, economic and general welfare of the community by:

- (1) Providing a mechanism to identify and preserve the distinctive historic, architectural, and/or landscaping characteristics of Highland Park which represent elements of the City’s cultural, social, economic, political, and architectural history;
- (2) Fostering civic pride in the beauty and noble accomplishments of the past as represented in the City’s landmarks and historic districts;
- (3) Stabilizing and improving the property value of the City’s landmarks and historic districts;
- (4) Protecting and enhancing the attractiveness of the City to its home buyers, homeowners, residents, tourists, visitors, and shoppers, and thereby supporting and promoting business, commerce, industry, and providing economic benefit to the City; and
- (5) Fostering and encouraging preservation, restoration and rehabilitation and, when applicable, in accordance with the Environmental Policy of Highland Park. (Ord. 78-02, J. 28, p. 553-556, passed 12/9/02)

Sec. 24.005 Definitions.

Alteration:

- (1) Any act or process that requires a building permit and changes one or more of the features of a regulated structure including, without limitation, the erection, construction, reconstruction or relocation of any regulated structure or any part of a

regulated structure;

(2) Any act or process that, while not requiring a building permit, significantly changes the interior or exterior of a regulated structure so as to change a feature that relates to the regulated structure's status as a Landmark or contributing regulated structure; or

(3) Any act or process that significantly modifies or changes a contributing landscape of significance.

Applicant: A person or entity submitting an application for issuance of a certificate of appropriateness or certificate of economic hardship.

Area: A specific geographic division of the City of Highland Park.

Certificate of appropriateness: A certificate issued by the Commission pursuant to the applicable provisions of Sections 24.030, 24.035, 24.040, and 24.050 of this Chapter authorizing regulated activity involving a Landmark or a contributing regulated structure within a Historic District.

Certificate of economic hardship: A certificate issued by the Commission pursuant to the applicable provisions of Sections 24.045 and 24.050 of this Chapter authorizing regulated activity involving a regulated structure even though a certificate of appropriateness has previously been denied.

City: The City of Highland Park, an Illinois municipal corporation. . (Ord. 2-98, J. 24, p. 451-454, passed 1/12/98)

Commission: Highland Park Historic Preservation Commission.

Commissioners: Members of the Highland Park Historic Preservation Commission.

Construction: The act of adding an addition to an existing structure, erecting a new structure, placing an object, or creating a landscape of significance.

Contributing regulated structure: Any regulated structure that is located within a Historic District and which (a) is a designated Landmark; (b) meets the criteria for a Landmark but has not been officially designated as a Landmark; or (c) does not meet the criteria for a Landmark, but nevertheless contributes to the overall special characteristics of the Historic District, Landmark(s) or the contributing regulated structures located within an Historic District.

Council: The City Council of the City of Highland Park.

Demolition: Any act or process within the control of the owner of any Landmark or regulated structure within a Historic District that results in the removal or destruction of the Landmark or regulated structure in whole or in part to the extent of 50 percent or more of the structure or building as existed prior to the commencement of such act or process. (Ord. 34-02, J. 28, p. 266-279, passed 5/28/02)

Design criterion: A standard of appropriate activity that will preserve the historic, visual, aesthetic, cultural, archaeological and/or architectural character of a Landmark or contributing regulated structure.

Exterior architectural appearance: The architectural character and general composition of the exterior of a structure, including, without limitation, the kind, color and texture of the building material and the type, design and character of all windows, doors, light fixtures, ornamental details, signs and appurtenant elements.

Historic District: An area designated as an “Historic District” by ordinance of the City Council and which may contain within definable geographic boundaries one or more Landmarks; and which may have within its boundaries contributing regulated structures which, while not of such historic, visual, aesthetic, cultural, archaeological, and/or architectural significance as to be designated as Landmarks, nevertheless contribute to the overall historic, visual, aesthetic, cultural, archaeological, and/or architectural characteristics of the Landmark or Landmarks and/or other contributing regulated structures within the District; and which further may have within its boundaries non-contributing regulated structures that do not contribute to the overall historic, visual, aesthetic, cultural, archaeological, and/or architectural characteristics of the Landmark(s) or the contributing regulated structures within the District. (Ord. 2-98, J. 24, p. 451-454, passed 1/12/98; Ord. 48-00, J. 26, p. 181-206, passed 8/14/00)

Historic significance: A characteristic of a building or structure evidenced by any one or combination of the following:

- (1) Having been designed by or associated with a notable architect, architectural firm, or builder;
- (2) Being an example of a particular style in terms of detail, material, and/or workmanship, and possessing a high degree of stylistic integrity, having undergone little or no alteration since its construction, including those buildings or structures designed in the Federalist, Swiss Gothic, or Prairie styles of architecture; and/or
- (3) Being one of a contiguous grouping of buildings or structures having a sense of cohesiveness of design expressed through a similarity of characteristics of a style, scale, period, or method of construction and accenting the contextual significance of the whole neighborhood. (Ord. 2-98, J. 24, p. 451-454, passed 1/12/98; Ord. 48-00, J. 26, p. 181-206, passed 8/14/00)

Landmark: A regulated structure that is designated as a “Landmark” by ordinance of the City Council, according to the criteria and pursuant to the procedures prescribed in this Chapter, and which is therefore worthy of rehabilitation and preservation because of its historic, visual, aesthetic, cultural, archaeological, and/or architectural significance to the City of Highland Park.. (Ord. 2-98, J. 24, p. 451-454, passed 1/12/98; Ord. 48-00, J. 26, p. 181-206, passed 8/14/00)

Landscape of significance: A landscape that is significant in its own right as landscape architecture and not merely as a complementary setting for a structure or a group of structures.

Non-contributing: A designation applied to a regulated structure within an Historic District indicating that it is not representative of the qualities that give the District historic, visual, aesthetic, cultural, archaeological, and/or architectural significance as embodied in the criteria for designating an Historic District.

Object: Anything constructed, fabricated or created, the use of which does not require permanent or semi-permanent location on or in the ground, and can be moved from one location to another, including, without limitation, ships, boats, railroad cars, automobiles, wagons, tractors, statues, and works of art.

Owner of record: The person, corporation, or other legal entity whose name appears on the records of the Lake County recorder of deeds as the titleholder.

Park Board: The board governing the Park District of Highland Park.

Property: Land and improvements identified as a separate lot for purposes of the subdivision and zoning regulations of the City of Highland Park.

Regulated activity: Any act or process involving the erection, construction, reconstruction, rehabilitation, repair, relocation, alteration, or demolition of a regulated structure.

Regulated structure: Any property, structure, area, object, landscape, or landscape of significance that is subject to the provisions of this Chapter or the provisions of Chapter 170 of this Code.

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

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

Repair: Any change that is not construction, relocation or alteration.

Structure: Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, without limitation, advertising signs, billboards, backstops for tennis courts, gazebos, radio and television antennae (including supporting towers), satellite sending or receiving dishes, cellular antenna facilities and towers, walks, walls, steps, sidewalks, works of art, and swimming pools.

Sec. 24.010 Highland Park Historic Preservation Commission created.

There is hereby created the Highland Park Historic Preservation Commission. All provisions governing said Commission are contained in Article XVII, entitled "Historic Preservation Commission," of Chapter 33, entitled "Boards and Commissions," of this Code. (Ord. 65-98, J. 24, p. 839-852, passed 9/28/98; Ord. 52-01, J. 27, p. 233-270, passed 8/27/01)

Sec. 24.025 Landmark and Historic District Designation Procedures.

(A) A Landmark nomination shall be made to the Commission on a form prepared by the Commission. A nomination may be submitted by:

- (1) A member of the Historic Preservation Commission;
- (2) The owner(s) of record of the nominated regulated structure;
- (3) The City Council; or
- (4) An organization or individual with an interest in preservation, restoration, rehabilitation, local history, archaeology, modes of cultural or artistic expression, and/or neighborhood conservation or revitalization.

(B) Historic District nominations shall be made to the Commission on a form prepared by it, may be submitted by any person or organization listed in Subsection (A) of this section, and shall be accompanied by a petition signed by 25 percent of the owners of record in the area proposed as a Historic District.

(C) The Commission shall, upon receipt of a properly completed nomination, make a preliminary determination within 90 days, upon such investigation as it deems necessary, as to whether the nominated regulated structure meets one or more of the following criteria, and in so doing the Commission shall identify which, if any, regulated structure it deems to be contributing and which it deems to be non-contributing:

- (1) It demonstrates character, interest or value as part of the development, heritage or cultural characteristics of the community, county, state or country;
- (2) It is the site of a significant local, county, state or national event;
- (3) It is identified with a person or persons who significantly contributed to the development of the community, county, state or country;
- (4) It embodies distinguishing characteristics of an architectural and/or landscape style valuable for the study of a period, type, method of construction or use of indigenous materials;
- (5) It is identifiable as the work of a master builder, designer, architect, artist, or landscape architect whose individual work has influenced the development of the community, county, state or country;

(6) It embodies, overall, elements of design, detailing, materials, and/or craftsmanship which renders it architecturally, visually, aesthetically, and/or culturally significant;

(7) It embodies, overall, design elements that make it structurally, visually, aesthetically, and/or architecturally innovative;

(8) It has a unique location or it possesses or exhibits singular physical and/or aesthetic characteristics that make it an established or familiar visual feature;

(9) It is a particularly fine or unique example of a utilitarian structure or group of such structures, including, but not limited to farmhouses, gas stations or other commercial structures, with a high level of integrity and/or architectural, cultural, historical and/or community significance; and/or

(10) It possesses or exhibits significant aesthetic, cultural and/or archaeological qualities.

(D) An area nominated for designation as a Historic District shall be identifiable by clear and distinct boundaries, and it shall possess a significant concentration of regulated structures united historically, visually, aesthetically, culturally, archaeologically, and/or architecturally by plan or physical development.

(E) Any regulated structure that meets one or more of the criteria set forth in subsections (C) and (D) of this Section shall also have sufficient integrity of location, design, materials and workmanship to make it worthy of preservation or rehabilitation.

(F) Within 28 working days following the preliminary determination(s) made pursuant to Subsection (C) of this Section (1) that a proposed Landmark or Historic District meets one or more of the criteria set forth in subsections (C) and (D) of this Section, and (2) which regulated structures are deemed to be contributing and which are deemed to be non-contributing, the Commission shall so notify by certified mail return receipt requested the owner(s) of record of said regulated structures, with a duplicate copy additionally sent by first class mail. The Commission shall within the same time period place in a newspaper having general circulation in the City of Highland Park a copy of its preliminary determinations, said notice to be published a minimum of one time.

(G) Included with the notice required pursuant to Subsection (F) shall be a form for use by the owner(s) of record to approve or disapprove the proposed designation of an area as an Historic District or the proposed designation of a regulated structure as a Landmark. The owner(s) shall have 60 days following receipt to return the signed form either approving or rejecting the nomination. Prior to expiration of the 60 day period, a Commission representative shall make every reasonable effort to speak with any owner of record who has not returned a signed owner consent form, in order to explain the designation process and to urge return of the signed form. The failure of any owner to return the signed form for a proposed Landmark designation shall be construed as the owner's rejection and disapproval of the proposed designation. (Ord. 10-86, J. 16, p. 324, passed 2/24/86)

(H) If a simple majority of the owners of record who return their signed owner consent forms support the nomination of an area as an Historic District, the proposed Historic District shall be deemed to be approved by the requisite number of owners. Each owner of record of a property located within a proposed Historic District shall have one vote for each property which that party owns, regardless of whether the property the party owns contributes to the historic, visual, aesthetic, cultural, archaeological or architectural significance of the proposed Historic District. Joint owners of a property shall have only one total vote, and the signatures of all owners of record of a particular property are necessary to express approval or disapproval.

(I) If the owner(s) of record of a nominated Landmark rejects, or a simple majority of the owners of record who return their signed owner consent forms regarding a nominated Historic District, reject the proposed designation, the nomination process shall terminate, and a nomination for that Landmark or Historic District shall not be resubmitted (except, in the case of a proposed Landmark, by the owner(s) of record) for a period of two years from the date of such rejection.

(J) Upon approval of the nomination of a proposed Landmark by the owner(s) of record of said Landmark, or of the nomination of a proposed Historic District by the requisite number of owners of record, the Commission shall, within 15 days of receipt of being apprised of said approval, schedule a public hearing on the nomination, said hearing to be held no more than 45 days after such receipt.

(1) Notice of the date, time, place and purpose of the public hearing shall be sent by mail to the owner(s) of record and to the nominators not less than seven nor more than 30 days prior to the date of the hearing. The notice shall state the location and legal description of a property or the boundaries of an area, and shall further set forth a brief statement summarizing how the proposed Landmark or Historic District meets the criteria set forth in Subsections (C) and (D) of this Section. A like notice shall also be published in a newspaper having general circulation in the City of Highland Park.

(2) At the hearing the Commission shall take testimony presented by the nominators, the owner(s) or record, and any other interested parties who wish to be heard on the designation of the proposed Historic District or Landmark. In addition, the Commission shall consider all written comments received by the Commission prior to the hearing.

(3) The Commission shall review and evaluate all available information according to the applicable criteria set forth in section 24.025 of this Chapter.

(4) If, following the hearing, the Commission decides to recommend to the City Council that a proposed Landmark or Historic District (with those regulated structures deemed to be contributing and non-contributing being expressly so identified) should be designated, it shall do so by resolution. The Commission may impose a 365 day demolition delay pursuant to Paragraph 170.040(D)(2) if the Commission, by said resolution duly adopted by two-thirds of a quorum present and voting, finds and determines that a proposed Landmark or contributing regulated structure meets three or more of the criteria specified in Subsection (C) of this Section. In the alternative, the Commission may impose a 180 day demolition delay pursuant to Paragraph 170.040(D)(2) if the Commission,

by said resolution duly adopted by a majority of a quorum present and voting (but in no case less than four Commissioners), finds and determines that a proposed Landmark or contributing regulated structure meets one of the criteria specified in Subsection (C) of this Section. **(Ord. 17-03, J. 29, p. 77-79, 2/10/03)**

(a) A decision shall be made within 15 days following the date of the close of the hearing.

(b) The owner(s) of record shall be notified promptly by a letter containing a copy of the resolution and the accompanying report referred to in Subparagraph (C) below.

(c) The Secretary shall send to the City Council a copy of the resolution and an accompanying report which summarizes the evidence presented at the hearing and explains the recommendation regarding designation by ordinance of the proposed Landmark or Historic District.

(d) A decision by the Commission not to recommend a designation to the City Council shall be the final administrative decision. However, the nominator may, within 30 days after the mailing of the notice of the decision, file with the City Clerk a written appeal to the City Council. In the case of a rejected nomination that was made by petition of 25 percent or more of the owners of record in an area proposed as a Historic District, the written appeal must be accompanied by a new petition signed by at least 25 percent of the owners of record.

(5) After waiting an appropriate period of time to determine whether the appeal provided for in Paragraph (4) is filed, the City Council shall either (a) reject the Commission's designation recommendation or the written appeal, if one is submitted, by resolution or (b) affirm the Commission's recommendation or grant the appeal and designate the Landmark or Historic District (with those regulated structures deemed to be contributing being expressly identified) by an ordinance that establishes boundaries in the case of a Historic District, and makes the designated Landmark or Historic District subject to the provisions of this Chapter. The City Council's action shall in no event be taken later than 60 days following receipt of the recommendation from the Commission or 60 days following receipt of an appeal.

(K) The City Clerk shall provide written notification by regular mail to the nominator(s) and the owner(s) of record of the designated Landmark or of regulated structures in the designated Historic District of the action taken by the City Council and include with the notice a copy of the designation ordinance or resolution passed by the City Council. A copy of each designation ordinance shall be sent to the Building Department. The City Council shall also direct that the ordinance approving a Landmark or Historic District designation be recorded against the designated properties in the office of the Lake County Recorder of Deeds.

(L) No building permit shall be issued for any regulated activity involving a proposed Landmark or any regulated structure within a proposed Historic District from the date of the meeting of the Commission at which a nomination form is presented until rejection of a nomination by the owner(s) of record as provided in subsection (I) of this

Section or the final disposition of the nomination by the City Council unless such regulated activity is earlier authorized by formal resolution of the City Council as necessary for public health, welfare or safety.

(M) Designation may be amended or rescinded by the same procedure and according to the same criteria set forth herein for designation except that owner consent shall not be required for rescission.

Sec. 24.030 Regulated Activity Involving Regulated Structures -- Certificates of Appropriateness.

(A) With regard to a Landmark and/or a contributing regulated structure within a Historic District, it shall be unlawful to undertake a regulated activity that requires a building permit or that, while not requiring a building permit, significantly affects a Landmark or a contributing regulated structure within a Historic District without first having obtained a certificate of appropriateness from the Commission for such action. Any application for a building permit for a regulated activity, including plans and specifications, involving Landmarks or for contributing regulated structures within Historic Districts shall be sent by the Building Department to the Commission within 7 days of the receipt of the application by the Building Department. Any applicant may request a meeting with the Commission before the building permit is sent by the Building Department to the Commission for review and may consult with the Commission during its review of the application.

(B) In making a determination whether to issue or deny a certificate of appropriateness for a Landmark or for a contributing regulated structure within a Historic District, the Commission shall consider, among other things, the effect of the proposed regulated activity upon the historic, visual, aesthetic, cultural, archaeological, or architectural value, characteristics and significance of the Landmark, the Historic District, and/or the contributing regulated structure within the District. The criteria to be used by the Commission in making its determination shall include, without limitation, the following:

(1) The maintenance of the significant original qualities or character of the regulated structure. The relocation or alteration of any historically, visually, aesthetically, culturally, archaeologically, or architecturally distinctive features should be avoided when possible;

(2) The compatibility of the general design, arrangement, scale, texture or materials of the construction or alteration, with the historic, visual, aesthetic, cultural, archaeological or architectural values, characteristics and significance of the contributing regulated structures within the Historic District and/or of the Landmark;

(3) The relationship of the location of the regulated activity to the streets, public or semi-public ways and to any Landmark or contributing regulated structures within a Historic District;

(4) Whether the proposed regulated activity involving a Landmark or contributing regulated structure is to be undertaken in accordance with the following standards:

(a) Every reasonable effort shall be made to provide a compatible use for a Landmark or contributing regulated structure which requires minimal alteration of the Landmark or regulated structure and its environment, or to use a contributing regulated structure for its originally intended purpose;

(b) All contributing regulated structures shall be recognized as products of their own time and so alterations that have no historical basis and which seek to create an earlier appearance than is properly attributable to the particular regulated structure that is being altered shall be discouraged;

(c) Changes which may have taken place in the course of time are evidence of the history and development of Landmarks and contributing regulated structures and their environments. These changes may have acquired significance in their own right, and this significance shall be recognized and respected;

(d) Distinctive stylistic features or examples of skilled craftsmanship or artistry which characterize a Landmark or a contributing regulated structure shall be treated with sensitivity.

(e) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material need not be identical to but should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures;

(f) The surface cleaning of Landmarks or contributing structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historically, visually, aesthetically, culturally or archaeologically significant materials used in such Landmarks and regulated structures shall not be undertaken;

(g) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to any project;

(h) Contemporary design for alterations and additions to existing Landmarks and contributing regulated structures shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, visual, aesthetic, archaeological or cultural material, and such design is compatible with the size, scale, color, material, and character of the Landmark, regulated structure, neighborhood or environment; and

(i) Wherever possible, additions or alterations to Landmarks and contributing regulated structures shall be done in such manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the Landmark or regulated structure would not be impaired.

Section 24.035 New Construction — Certificates of Appropriateness.

(A) It shall be unlawful to undertake the construction of a new structure requiring a building permit (as opposed to an addition to an existing structure, which addition is addressed in Section 24.030 above) within a Historic District without first having obtained a certificate of appropriateness from the Commission for such action. Any application for a building permit, including plans and specifications, shall be sent by the Building Department to the Commission within 7 days of the receipt of the application by the Building Department. Any applicant may request a meeting with the Commission before the building permit is sent by the Building Department to the Commission for review and may consult with the Commission during its review of the application.

(B) In making a determination whether to issue or deny a certificate of appropriateness with regard to an application for new construction, the criteria to be used by the Commission in making its determination shall include, without limitation, the following:

(1) The compatibility of the style and design detailing of the proposed new construction with the style and design of the Landmarks and contributing regulated structures within the Historic District;

(2) The compatibility of the general design, arrangement, scale, texture or materials of the proposed new construction with the historic, visual, aesthetic, cultural, archaeological, and/or architectural values, characteristics and significance of the Landmarks and contributing regulated structures within the Historic District;

(3) The relationship of the location of the proposed new construction to the streets, public or semi-public ways and to any Landmark and/or contributing regulated structure within the Historic District;

(4) Whether the proposed new construction is to be undertaken in accordance with the following standards:

(a) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any new construction project;

(b) New construction of contemporary design shall not be discouraged when such design is compatible with the size, scale, color, material, and character of the Landmarks and contributing regulated structures within the Historic District.

Section 24.040 Issuance of Certificates of Appropriateness.

(A) If the Commission finds that the issuance of a certificate of appropriateness, as provided for in Sections 24.030 and 24.035, is proper, it shall, within 30 days of receipt of the application, issue the certificate by resolution passed by a majority of a quorum and forward copies to the applicant and the Building Department. An applicant may make a request in writing, addressed to the Secretary of the Commission, for a special meeting of the Commission if the Commission does not act within that 30-day period, and such meeting shall be held within 30 days of receipt by the Secretary of such request. If the

Commission does not act on or before the date of such meeting, the Commission will have been deemed to have approved and issued the requested certificate of appropriateness.

(B) If the Commission finds that the issuance of a certificate of appropriateness, as provided for in Sections 24.030 and 24.035, is not proper, it shall, within 30 days of receipt of the application, disapprove the application by resolution passed by a majority of a quorum and shall so advise the applicant and the Building Department in writing. An applicant may make a request in writing, addressed to the Secretary of the Commission, for a special meeting of the Commission if the Commission does not act within that 30-day period, and such meeting shall be held within 30 days of receipt by the Secretary of such request. If the Commission does not act on or before the date of such meeting, the Commission will have been deemed to have approved and issued the requested certificate of appropriateness.

(1) The Commission shall briefly state its reasons in writing for its approval or disapproval of the application for a certificate of appropriateness. When the Commission disapproves an application, it shall make recommendations to the applicant with respect to the appropriateness of design, arrangement, texture, scale, material, color, location or other elements of appearance of the Landmark or regulated structure.

(2) In cases of disapproval accompanied by recommendation, the applicant may again be heard before the Commission if within 60 days of the date of receipt of the notice of disapproval of the application, the application is amended to conform with the recommendations. The applicant shall be heard by the Commission within 30 days after receipt by the Secretary of the Commission of the amended application, and the Commission, within 30 days following such presentation, shall approve or disapprove the amended application by resolution.

(3) In the event that the Commission and the applicant fail to resolve differences of opinion after consideration of the amended application, or in the event that an application for a certificate of economic hardship pursuant to Section 24.045 has been filed, under the procedures outlined in that Section, the Commission shall hold a public hearing within 15 days following disapproval of the amended application or receipt of an application for a certificate of economic hardship.

(4) Notice of the date, time, place and purpose of the public hearing shall be sent by regular mail to the applicant, to adjoining property owners, and to all owners of record within the Historic District and also within 250 feet of the regulated structure for which an application has been made. The notice shall be sent not less than 10 days prior to the date of the hearing. The notice shall state the location, including the common street address of the property, and shall include a brief description of the proposed regulated activity for which an application has been made and the differences of opinion between the applicant and the Commission.

(5) 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 regulated activity.

(6) Within 15 days following completion of the public hearing, the Commission shall issue or deny the certificate of appropriateness or the certificate of economic hardship and transmit copies of its decision to the applicant and to the Building Department.

Sec. 24.045 Certificate of Economic Hardship.

(A) A certificate of economic hardship shall be issued by the Commission upon a finding by it that all reasonable use of, or return from, a designated Landmark or a contributing regulated structure within a Historic District would be denied the owner thereof as a result of the disapproval of a certificate of appropriateness.

(B) The Commission may solicit expert testimony, or the applicant may submit evidence, concerning any of the following items at the time of the public hearing provided for in Paragraph 24.040(B)(3):

(1) Any substantial decrease in the fair market value of the regulated structure as a result of the denial of the certificate of appropriateness;

(2) Any substantial decrease in the pre-tax or after-tax return to owners of record or other investors in the regulated structure as a result of the denial of the certificate of appropriateness;

(3) Any additional cost of work necessary to comply with the standards and criteria for the issuance of a certificate of appropriateness as stated in Sections 24.030 and 24.035 of this Chapter; and

(4) In the case of a proposed demolition, the economic feasibility of rehabilitation or reuse of the existing regulated structure on its present site or elsewhere.

(C) The Commission may adopt procedural rules concerning the types of information, evidence or expert testimony that it considers necessary to make a determination on an application for a certificate of economic hardship.

(D) Upon finding by the Commission that, as the result of the denial of a certificate of appropriateness, all reasonable use of, or return from, a designated Landmark or contributing regulated structure within a Historic District will be denied the owner thereof, denial of the certificate of appropriateness shall be delayed for a period not to exceed 60 days. During this period of delay, the Commission shall investigate plans and make recommendations to the City Council to allow for a reasonable use of, or return from, the regulated structure or to otherwise preserve the subject structure. Such plans and recommendations may include, without limitation, a relaxation of the provisions of this Chapter, a reduction in real property taxes, financial assistance, building code modifications and/or changes in zoning regulations.

(E) If by the end of this 60-day period, the Commission has found that as a result of the refusal to issue a certificate of appropriateness the regulated structure cannot be put to any reasonable use or the owner cannot obtain any reasonable economic return therefrom, 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 and notify the applicant by mail of the final denial.

Sec. 24.050 Appeals.

(A) Upon receipt of a notice of final denial of a certificate of appropriateness or certificate of economic hardship for either a Historic District, a Landmark, or a contributing regulated structure within a Historic District, the applicant(s) may, within 15 days, appeal the Commission's decision to the City Council. The City Council may affirm or modify the decision, after due consideration of the facts contained in the record submitted to the Council by the Commission. The Council may receive comments on the content of the record, but no new matter may be considered by the Council. Upon a decision by the Council that a certificate of appropriateness or a certificate of economic hardship shall be issued, the Secretary shall notify the Commission, the applicant(s) and the Building Department within 30 days and the Building Department shall then issue the permit, if such permit is required for the work in question, within 15 days of receipt of notice of the Council's action.

(B) If the Council concurs with a decision of the Commission not to issue a certificate of appropriateness or a certificate of economic hardship, the Secretary shall notify the Commission, the applicant and the Building Department within 30 days.

Sec.24.055 Enforcement and Penalties for Violation.

Any person who undertakes regulated activity involving a Landmark or a contributing regulated structure within a Historic District, including, without limitation, new construction (as addressed in Section 24.035 of this Chapter), without a certificate of appropriateness or a certificate of economic hardship shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50 or more than \$5,000. Every day each such violation shall continue to exist shall constitute a separate violation. In addition to monetary penalties, and any other penalties and remedies that may be provided by law, in the event of any unauthorized regulated activity, the City Council may direct the Corporation Counsel to seek injunctive and other equitable relief to cause the immediate cessation of any such unauthorized regulated activity. The City may also order that the regulated structure be returned to the condition it was in immediately prior to the unauthorized regulated activity.

(Chapter 24 added by Ord. 36-83, J. 15, p. 398, passed 8/8/83; amended in toto by Ord. 11-97, J. 24, p. 44-61, passed 2/10/97; amended in toto by Ord. 48-00, J. 26, p. 181-206, passed 8/14/00; Sections 24.015 and 24.020 repealed by Ord. 52-01, J. 27, p. 233-270, passed 8/27/01)