




M E M O R A N D U M

DATE: February 12, 2009
TO: Historic Preservation Task Force
FROM: Juliana A. Maller, Deputy City Manager 
RE: Historic Preservation Ordinance

Attached is a draft Table of Contents for a Historic Preservation Ordinance. Based on this outline, the following questions need to be discussed by the Task Force to determine what the ordinance should include. This is a starting point and in no way is it set in stone. Please review the “Draft A” ordinance prepared by the City Attorney in preparation for this discussion. There will be plenty of opportunity to raise other issues that you feel are important to discuss that have not been included here.

This is being presented to you to begin a more structured discussion of what a historic preservation ordinance should include.

Chapter 1 - General

Chapter 2 – Preservation Commission

- Should a Historic Preservation Commission be formed?
- If so, what is the appropriate number of commissioners?
(The draft suggests 5 commissioners -
In comparison, the Appearance Commission has 5; the ZBA has 7; the P&Z has 9)
- What should the term of office be?
It is recommended that there be staggered terms.
- Should there be specific expertise outlined for commissioners? If so, what?

Chapter 3 – Procedure for Any Designation by the Commission or City Council

- Application – Who may apply?
(Owner, non-owner, City, Commission)
- Procedures – It is standard for the Commission to have the final administrative decision on denials, when they feel that the “site” does not meet the standards for designation. Do you agree?
- Who should make the final decision on designation?
(Commission, City Council)
- Should there be an appeals process? If so to whom?
- Should there be an informal preliminary review process? If so, by whom? Should it be required?

Chapter 4 – Landmarks

- What should the standards be for landmark designation?
- What should be the number of votes required for the commission to submit an application for a site?
- Should it be required that there be owner consent prior to having his/her property approved for Landmark status?

Chapter 5 – Historic Districts

- What should the standards be for designation of a Historic District?
- Should there be a requirement that a Historic District contain at least one (1) Landmark?
- For a Historic District, what should be the percentage (%) of property owners needed to consent in order to apply for designation? (Draft says 51%; Hinsdale ordinance requires 25%)
- For a Historic District, what should be the percentage (%) of property owners needed to consent prior to approval of designation?

Chapter 6 – Alteration of Designated Sites

- Do you agree with this definition of ‘Alteration’?
 (“Alteration: Any change or modification, including, but not limited to demolition or addition to the structural aspect, the materials, color, texture or details of all or a part of the exterior of any improvement or site. Alteration shall not include normal repair or maintenance”)
- Who should have the authority to make the decision that something is “normal repair or maintenance”?
- Certificate of Appropriateness – review standards and design criteria
- Should the Commission have the final approval of a Certificate of Appropriateness?
- If so, should there be an ability to appeal to the City Council?

Chapter 7 – Withdrawal of Designation of Landmarks

- *Should there be a process for withdrawal from Landmark status?*
- *If so, under what circumstances?*
- *What would the process be and who would make the final decision?*

Historic Preservation Ordinance

Table of Contents

Note: This Table of Contents is based on the “Draft A” ordinance prepared by the City Attorney. The italicized portions of the table represent language found in the Illinois Historic Preservation Agency model ordinance (which most communities in the state have modeled their own ordinances after), as well as the Village of Hinsdale ordinance.

Chapter 1: General

Declaration

Purposes

Definitions

General Principles for Construing all the Requirements and Each of the Processes of this Chapter

Penalties

Other Remedies

Chapter 2: Preservation Commission

Creation; Members

Organization; Rules; Meetings; Removals; Conflicts

Powers and Duties

Chairman ~~Director~~

Surveys and Research (IHPA)

Chapter 3: Procedure for Any Designation by the Commission or City Council

Application for Any Designation

Period of Interim Control

Notification and Preliminary Review as to Any Application for Designation

Public Hearing on any Application for Designation

Procedures for All Designation Applications

Chapter 4: Landmarks

Landmark Designation Standards

Persons Who May Apply for Landmark Designation

Alterations of Designated Landmarks

Chapter 5: Historic Districts

Historic District Designation Standards

Persons Who May Apply ~~Application~~ for a Historic District Designation

Alteration of Sites Within A Historic District

Chapter 6: Alteration of Designated Sites

Jurisdiction of Commission with Respect to Alterations

Standards and Criteria for Obtaining any Certificate of Appropriateness

Design Guidelines (IHPA)
Certificate of Appropriateness of a Designated Site
Denial of a Certificate of Appropriateness (IHPA)
Appeals (IHPA)
Natural Destruction or Demolition (IHPA)

Chapter 7: Withdrawal of Designation for Landmarks (Hinsdale)
Conditions for Withdrawal
Requests for Withdrawal
Application and Hearing
Recommendation Determination
City Council Action

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