

ARTICLE IV - ALTERATION, CONSTRUCTION, DEMOLITION, AND MAINTENANCE

1. Scope. Work on property and improvements so designated pursuant to this ordinance shall be regulated as follows:
 - a) Landmarks: No significant alterations, exterior construction, exterior or interior alteration which may affect the exterior appearance demolition may be performed on property and structures which have been designated under this ordinance as landmarks, except as shall be approved by a Certificate of Appropriateness.
 - b) Preservation Districts: No significant alterations, exterior construction or exterior demolition or interior alteration which may affect the exterior appearance may be performed on property and structures located within an area which is designated under this ordinance as a preservation district, except as shall be approved by a Certificate of Appropriateness.
2. Certificate of Appropriateness
 - a) A Certificate of Appropriateness from the Preservation Commission established pursuant to this Ordinance shall be required before any significant alteration, construction, demolition or removal that affects pending or designated landmarks and preservation districts is undertaken. Such a certificate is required for all such actions from the date a completed nomination form is submitted to the Preservation Commission.
 - b) Applications for Certificates of Appropriateness. Every application submitted to the Will County Land Use Department, Division of Building and Zoning for a permit wherein the applicant represents and/or delineates plans to commence any action as immediately described above in subsection (a) affecting any such property, improvements or areas therein described, shall be forwarded by the Director of Building and Zoning to a representative or representatives of the Preservation Commission, within three (3) days following the receipt of said application by the Building and Zoning Division. The Building and Zoning Division shall not issue the building or demolition permit until a Certificate of Appropriateness has been issued by the Preservation Commission. Any applicant may request a meeting with the Preservation Commission before the application is sent by the Director of Building and Zoning to the Preservation Commission or during the review of the application. Application for review of construction, alteration, demolition, or removal not requiring a building permit for which a Certificate of Appropriateness is required shall be made on a form prepared by the Preservation Commission and available at the office of Will County Land Use Department. The Preservation Commission may schedule, provide notice and conduct a public hearing concerning the application in the manner previously described in Article III, Section 6 and 7. If a public hearing is not scheduled, the Commission may consider the completed application at its next regular meeting and may grant a Certificate of Appropriateness at that time. The Commission may further designate support staff be responsible for reviewing routine applications for Certificates of Appropriateness when the proposed work is clearly appropriate and in accordance with the criteria set forth in Article IV, Sections 2(c) and (d) below, and the purposes of this Ordinance. The Commission may seek technical advice from outside its members on any application for a Certificate of Appropriateness. The applicant and each commissioner shall receive a copy of the consultant's written opinion at least seven (7) days before a determination is to be made on the application. The Commission shall act promptly and in a reasonable manner in its judgment of plans for new construction or for alteration, removal, or demolition of structures in preservation districts that have little historic value and that are not shown on priority lists, except where such construction, alteration, removal, or demolition would seriously impair the historic or architectural value of surrounding structures or the surrounding area.
 - c) Design Guidelines. The Commission shall consider the following factors in reviewing applications for Certificates of Appropriateness:
 - i) 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 preservation district.

- ii) 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 and with surrounding structures within a preservation district.
 - iii) Relationship of Building Masses and Spaces - The relationship of a structure within a preservation district to open space between it and adjoining structures should be compatible or similar to relationships commonly found between similar structures in the district.
 - iv) Roof Shape - The design of the roof should be compatible with the architectural style and character of the landmark and surrounding structures which are similar in design in a preservation district.
 - v) Landscaping - Landscaping should be compatible with the architectural character and appearance of the landmark and of surrounding structures and landscapes in preservation districts.
 - vi) 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 preservation district.
 - vii) 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 or of its stylistic design. The directional expression of a landmark after any alteration, construction, or partial demolition should be compatible with its original architectural style and character.
 - viii) Architectural Details - Architectural details including materials and textures should be treated so as to make a landmark compatible with its original architectural style or character.
- d) Standards for Review. The Commission, in considering the appropriateness of any alteration, demolition, new construction, or removal to any property or structures designated, or pending designation, as a landmark, or any area designated, or pending designation as a preservation district shall be guided by the following general standards in addition to any design guidelines in the ordinance designating the landmark or preservation district, as well as conformance to applicable zoning classification, height, and area limitation:
- i) Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
 - ii) The distinguishing original qualities or character of a building, structure, site, and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided whenever possible.
 - iii) All buildings, structures, and sites shall be recognized as products of their time. Alterations that have no historical basis or that seek to create an earlier/later appearance shall be discouraged.
 - iv) Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
 - v) Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site shall be treated with sensitivity.
 - vi) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material 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 duplication 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.
 - vii) The surface cleaning of structures shall be undertaken with the utmost care and consideration. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

- viii) Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.
 - ix) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
 - x) Wherever possible, new additions or alterations to structures should be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be impaired.
- e) Determination by Preservation Commission. Within fifteen (15) days (Saturdays, Sundays and legal holidays excluded) after support staff review, or from the date of the regular meeting, or from the close of a public hearing concerning an application for a Certificate of Appropriateness, or within such further time as the applicant for said certificate (and/or permit) approves in writing, the Commission shall determine whether:
- i) the proposed construction, alteration, demolition, removal or other modification will be appropriate to the preservation of the particular landmark or preservation district and a Certificate of Appropriateness may be issued; or
 - ii) such proposed modification is inappropriate to the preservation of the particular landmark or preservation district and a Certificate of Appropriateness may be denied. Written notice of the approval or denial of the application for a Certificate of Appropriateness shall be provided the applicant, sent by certified mail with return receipt requested, and to the Will County Land Use Department within seven (7) days (Saturdays, Sundays, and legal holidays excluded) following the determination and shall be accompanied by a Certificate of Appropriateness in the case of an approval.
- f) Denial of Certificate of Appropriateness. A denial of a Certificate of Appropriateness shall be accompanied by a statement of the reasons for the denial. The Preservation Commission shall make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the Preservation Commission to reconsider its denial and shall confer with the applicant and attempt to resolve as quickly as possible the difference(s) between the applicant and the Commission. The applicant may resubmit an amended application or reapply for a building or demolition permit that takes into consideration the recommendations of the Preservation Commission.
- g) Decision Binding on Director, Building and Zoning. The Director of the Will County Land Use Department, shall be bound by the determination of the Commission and approve, if in conformance with other provisions of the Building Code, or disapprove any application for the proposed construction, alteration, removal of an exterior architectural feature, or demolition of any building or structure in a preservation district or any landmark in accordance with said determination.
- h) Failure of Commission to Review Application in a Timely Manner. Failure of the Commission to act upon an application for Certificate of Appropriateness within ninety (90) days shall constitute approval and no other evidence shall be needed. This time limit may be waived only by mutual consent of the applicant and the Commission.
- i) Demolitions.
- i) Pursuant to Article IV, Sections 2(c) and (d) above, the Preservation Commission may deny any application for a Certificate of Appropriateness where demolition is proposed upon a finding that such proposed action will adversely affect the historic, archeological, architectural, or scenic significance of a landmark or preservation district. Upon receipt of an application for a Certificate of Appropriateness for demolition, the Preservation Commission

shall as soon as possible make a determination, supported by written findings, whether one or more of the following criteria are met:

- 1) The structure is of such interest or quality that it would reasonably meet national, state or local criteria for designation as an historic or architectural landmark.
 - 2) The structure is of such unusual or uncommon design, texture or materials that it could not be reproduced, or be reproduced only with great difficulty and expense.
 - 3) Retention of the structure would aid substantially in preserving and protecting another structure which meets criteria (i) or (ii) hereinabove. Where the Preservation Commission determines that one or more of these criteria are met, no Certificate of Appropriateness shall be issued and the application shall be denied.
- ii) The Preservation Commission shall also require the applicant to submit for review and consideration post-demolition plans which shall include drawings or sketches with sufficient detail to show, as far as they relate to exterior appearance, the architectural design of any and all improvements incorporated in such plans.
- j) Compliance with Certificate. A Certificate of Appropriateness will become void if:
- i) If there is any change in the scope of work pursuant to the approved application subsequent to the issuance of the Certificate; or
 - ii) If twenty-four (24) months have elapsed after issuance of the Certificate and no building permit has been issued or if twenty-four (24) months have lapsed after issuance of the last building permit and the project has not been completed.
- k) Appeals. A denial of a Certificate of Appropriateness is an administrative decision as defined in Section 3-101 of the Illinois Administrative Review Law, and it shall be subject to judicial review pursuant to provisions of said Administrative Review Law and all amendments and modifications thereof, and the rules adopted thereto.

3. Economic Hardship.

- a) The Preservation Commission may issue a Certificate of Economic Hardship upon determination that the failure to issue a Certificate of Appropriateness has denied, or will deny, the owner of a landmark or of a property within a preservation district all reasonable use of, or return on, the property. Application for a Certificate of Economic Hardship shall be made on a form and in the manner as prescribed by the Preservation Commission. The Preservation Commission may schedule a public hearing concerning the application and provide notice in the same manner as prescribed in Article III, Section 6, of this Ordinance and conduct the hearing in the same manner as prescribed in Article III, Section 7, of this Ordinance.
- b) The Preservation Commission may solicit expert testimony and the applicant for a Certificate of Economic Hardship shall submit all of the following information in order to assist the Preservation Commission in its determination on the application:
 - i) An estimate of the cost of the proposed construction, alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the recommendations of the Preservation Commission for changes necessary for the issuance of a Certificate of Appropriateness;
 - ii) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
 - iii) Estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal; after any changes recommended by the Preservation Commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use;

- iv) In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;
 - v) Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, of any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer;
 - vi) 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 depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
 - vii) Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two (2) years;
 - viii) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years;
 - ix) Assessed value of the property according to the two (2) most recent assessments;
 - x) Real estate taxes for the previous two (2) years;
 - xi) Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or other.
 - xii) Any other information, including the income tax bracket of the owner, applicant, or principal investors in the property considered necessary by the Preservation Commission to make a determination as to whether the property does yield or may yield a reasonable return to the owners.
- c) Determination of Economic Hardship. Within sixty (60) days from receiving a request for a Certificate of Economic Hardship, the Commission, upon a determination that the denial of a Certificate of Appropriateness has denied, or will deny the owner of a landmark or of a property within a preservation district of all reasonable use of or return on the property, may undertake one of the following actions:
- i) offer the owner of the property reasonable financing, tax or other incentives sufficient to allow a reasonable use of, or return on, the property; or
 - ii) offer to purchase the property at a reasonable price or institute eminent domain proceedings pursuant to Article VII of the Illinois Code of Civil Procedure; or
 - iii) issue a Certificate of Appropriateness for the proposed construction, alteration, demolition or removal. Written notice of the determination shall be provided in the same manner as required by Article IV, Section 2(e) of this Ordinance. This time limit may be waived only by mutual consent of the applicant and the Commission.
- d) Appeals. A denial of a Certificate of Economic Hardship is an administrative decision as defined in Section 3-101 of the Illinois Administrative Review Law, and it shall be subject to judicial review pursuant to provisions of said law and all amendments and modifications thereof, and the rules adopted thereto.
4. Maintenance of Historic Properties. Nothing in this Article shall be construed to prevent the ordinary maintenance of any exterior elements of a property or structures designated or nominated as a landmark or located within a designated or nominated preservation district.
5. Public Safety Exclusion. None of the provisions of this ordinance shall be construed to prevent any measures of construction, alteration, or demolition necessary to correct or abate the unsafe or dangerous condition of any structure, other feature or part thereof, where such condition has been declared unsafe or dangerous by the Director, Will County Building and Zoning Division, the Will County Health Department or any Fire Protection District and where the proposed measures have been declared necessary, by such department or departments to correct the said condition; provided, however, that only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed pursuant to this Section. In the event any structure or other feature shall

be damaged by fire or other calamity, or by Act of Nature or by the public enemy, to such an extent that, in the opinion of the aforesaid department or departments, it cannot reasonably be repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws.