

Chapter 20 - HISTORIC LANDMARK DESIGNATION

20.1.01. - Declaration of Policy and Purpose.

It is hereby declared as matter of public policy of the City of Country Club Hills that the protection, enhancement, perpetuation and use of sites and improvements of special character or special historical interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this chapter is to:

- (a) Effect and accomplish the protection, enhancement and perpetuation of such improvements that represent or reflect elements of the City's cultural, social, economic, political and architectural history;
- (b) Safeguard the City's historic and cultural heritage, as embodied and reflected in such sites and improvements;
- (c) Stabilize and improve property values;
- (d) Foster civic pride in the beauty and noble accomplishments of the past;
- (e) Protect and enhance the City's attractions to residents, tourists and visitors and serve as a support and stimulus to business and industry;
- (f) Strengthen the economy of the City;
- (g) Promote the use of historic landmarks for the education, pleasure and welfare of the people of the City.

20.1.02. - Powers and Authority.

The City Council shall have the power to provide for official landmark designation by ordinance of areas, places, buildings, structures, works of art or other objects having a special historical, community or aesthetic interest or value; and in connection with such areas, places, buildings structures, works of art or other objects so designated by ordinance, whether owned or controlled privately or by any public body, to provide special conditions, to impose regulations governing construction, alteration, demolition and use, and to adopt other additional measures appropriate for their preservation, protection enhancement, rehabilitation, reconstruction, perpetuation, or use, and to exercise sch other powers or authority as may be granted by the Illinois Historic Preservation Act, Chapter 24, Section 11-48.2-1 et seq., of the Illinois Revised Statutes.

20.1.03. - Historic Preservation Commission.

The City Council may, at any time, by Ordinance, create one or more special commissions, boards or departments, or designate one or more existing commissions, boards or departments to administer the powers and purposes of this Ordinance in lieu of the City Council or as an advisory

assistant to the City Council, in accordance with the authority found in Section 11-48.2-3 of Chapter 24 of the Illinois Revised Statutes.

20.1.04. - Definitions.

1. *Alteration.* Any act or process which changes one or more of the "exterior architectural features" of an improvement.
2. *Architectural Significance.* A building, structure or site has architectural significance if:
 - a) It is the work of, or associated with, a nationally or locally noted architect, building or architectural firm.
 - b) It is an example of a particular style, whether local or typical, major or not, in terms of detail, material, workmanship and with no or negligible alteration to the original structure.
 - c) It is one of a contiguous grouping of such which have a sense of cohesiveness expressed through a similarity of characteristics of a style, period, or method of construction and accenting the architectural significance of the area.
 - d) The detail, material and workmanship can be valued in and of themselves as reflective of, or similar to, those of the majority of the other visual elements in the area.
3. *Block Face.* All properties on a block facing or fronting one street.
4. *Certificate of Appropriateness.* A Certificate from the City Council authorizing plans for alteration, construction, removal or demolition of a landmark, in whole or in part.
5. *Construction.* Any act or process whereby a new improvement is built, an existing improvement is expanded in size or area, or a demolished improvement is re-built.
6. *Council.* The City Council of Country Club Hills.
7. *Demolition.* Any act or process which destroys, in part or in whole, an improvement.
8. *Deterioration.* The condition or appearance of a building or structure characterized by holes, breaks, rock crumbling, cracking, peeling, rusting, or other evidence of physical decay or neglect, excessive use, or lack of maintenance.
9. *Exterior Architectural Feature.* The architectural character, general composition, and general arrangement of the exterior of a structure, including the kind and texture of the building material and the type and character of all windows, doors, light fixtures, signs and appurtenant elements, visible from public streets, alleys, walkways and thoroughfares.
10. *Historic Significance.* A building, structure or site has historic significance if:
 - a) It has a strong association with the life or activities of a person or persons, organization or group (whether formal or informal), who have contributed to, or participated in, the historic events of the nation, state or community.
 - b) It is the location of a significant historic event.
 - c) It exemplifies the cultural, economic, social, or historic heritage of the City of Country Club

Hills of the State of Illinois, or the United States.

- d) It is associated with an antiquated use due to technological or social changes in the nation, state of community.
 - e) It is representative of an historical era in the development of the City.
11. *Improvement.* Any building, structure, site, parking facility, fence, gate, wall, work of art or other object constituting a physical betterment of or addition to real property, or any part of such betterment or addition.
 12. *Landmark.* Any site or improvement which has a special character or special historic and/or architectural significance as part of the development, heritage or cultural characteristics of the City of Country Club Hills, the State of Illinois, or the nation, which has been designated as a Historic Landmark, in compliance with the provisions of this Ordinance.
 13. *Ordinary Repairs and Maintenance.* Any work done or replacement of any part of an improvement for which a permit is not required by statute or ordinance, where the purpose and effect of such work or replacement is to correct any deterioration or decay of or damage to such improvement or any part thereof and to restore the same, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay or damage, provided that such work complies with the City of Country Club Hills and BOCA Building and Housing Codes.
 14. *Rehabilitation.*
 - a) Repairs to, or replacement of, present exterior or interior elements of any existing building, such as windows, stairs, flooring, wiring, etc.; or
 - b) Rearrangement of rooms, by the relocation of partitions or walls; or by the installation of new bathrooms or kitchens; or
 - c) The general replacement of the interior or portions of the interior of a building; which may or may not include changes to a structural element such as flooring systems, roof systems, columns, or load-bearing interior or exterior walls.
 15. *Removal.* Any act or process which changes the location or position of an improvement or any portion of an improvement.
 16. *Renovation.* A building and its facilities made to conform to present day minimum standards of sanitation, fire and life safety, and building code.
 17. *Site.* That piece or parcel of land where something is located.

20.1.05. - Landmark Designation.

Any person, group of persons or association may request an Historic Landmark designation for any site or improvement within the corporate limits of the City of Country Club Hills which may have historic or architectural significance set forth in the standards for landmark designation. The City

Council may also initiate such application on its own motion. Nominations shall be on a form supplied by the Office of the City Clerk. Completed forms shall be submitted to the City Clerk who shall forward them to the Council for consideration.

The application shall describe the site to be designated, and shall include a detailed statement of the reasons why the applicant believes the site should be designated as an official landmark.

The City Clerk shall notify the owner of such real property of the proposed designation and of all meetings and hearings pertaining to the proposed designation in accordance with the requirements of Section 20.1.06 of this Chapter. Whenever possible, the owner's written consent to the proposed designation shall be secured.

Each application for Historic Landmark designation shall be scheduled for an informal review at a public meeting of the City Council. At the conclusion of that informal review, if the City Council believes that the application merits further consideration, the Council shall schedule a public hearing, at which time testimony may be given for or against such designation.

At the conclusion of the public hearing, the City Council may either deny the application, instruct the City Attorney to draft the necessary ordinance establishing the property as an official landmark, refer the matter for additional study or advice, or take any other action authorized by Division 48.2 of Article 11 of Chapter 24 of the Illinois Revised Statutes. When designating any property as an official landmark, the City Council shall support that designation with findings of fact based upon testimony given at said public hearing.

A simple majority vote by the City Council is necessary for approval of a Landmark designation. If the City Council denies the petition, no application for landmark designation of the same improvement shall be made within ninety (90) days of the final action on the original application.

Building designated as Historic Landmarks shall be subject to issuance of Certificates of Appropriateness.

20.1.06. - Notice.

No action taken by the City under this Chapter directing a private owner to do or refrain from doing any specific thing, or refusing to permit a private owner to do some specific thing he desires to do, in connection with property designated by ordinance hereunder, shall be taken by the City except after due notice to such owner and opportunity for such owner to be heard at the public hearing required under Section 20.1.05 of this Chapter. "Due notice" shall mean a minimum of fifteen (15) days written notice to the actual owner of record of the subject property. Such notice shall either be hand delivered or mailed by certified or registered mail. The said fifteen (15) day period shall

begin to run from the date said notice is hand delivered to the owner of record or the date said notice is deposited by either certified or registered mail in the United States mail, return receipt requested, addressed to the owner of record at his or her place of residence.

The Council shall cause a legal notice to be published in a newspaper of general circulation in the City of country Club Hills setting forth the nature of the hearing, the property involved, including the commonly known address and legal description of the subject property, and the date, time and place of the scheduled hearing at least fifteen (15) days prior to said public hearing.

20.1.07. - Standards for Landmark Designation.

No site or improvement shall be given an official landmark designation, unless the City Council finds that it meets one or more of the following criteria:

- a) That it has architectural significance; and/or
- b) That it has historic significance; and/or
- c) That it embodies such other qualities and characteristics as in the judgment of the City Council should be considered for the designation of a Landmark.

20.1.08. - Notice of Landmark Designation.

A certified copy of the Ordinance designating a landmark shall be furnished to the property owner within ten (10) days after its effective date. Such notice shall be made in accordance with the requirements of Section 20.1.06 of this Chapter. Failure of the property owner to receive such ordinance within said ten (10) day period shall not invalidate the force and effect of this ordinance. Notice of the landmark designation shall also be sent to the Building Department and the City Clerk's Office and a certified copy of the ordinance designating the landmark shall be filed with the County Recorder of Deeds.

20.1.09. - Regulation of Construction, Alteration and Demolition of Landmarks; Certificate of Appropriateness.

Unless otherwise provided in this Chapter, no persons shall construct, alter, demolish or remove the exterior or any aspect of the exterior or any aspect of the exterior of any landmark without first obtaining a Certificate of Appropriateness from the City Council authorizing such work. A Certificate of Appropriateness shall not be required for ordinary repair or maintenance.

A. *Procedure.*

1. Application forms for a Certificate of Appropriateness are available from the City Clerk's Office. Applications for a Certificate of Appropriateness shall be filed with the City Clerk who shall forward them to the City Council for consideration. The application must include:

- a) Street address of the property involved.
 - b) Legal description of the property.
 - c) Brief description of the present improvements situated on the property.
 - d) Detailed description of the construction, alteration, demolition or use proposed together with any architectural drawings or sketches if those services have been utilized by the applicant and if not, a sufficient description of the construction, alteration, demolition and use to enable anyone to determine what the final appearance and use of the real estate will be.
2. The City Council shall review each application for a Certificate of Appropriateness within thirty (30) days of its having been filed with the City and shall approve the request if it finds that proposed work is in accordance with the applicable criteria hereinafter established in this Chapter. Should the City Council determine that the proposed work is not in accordance with the criteria hereinafter established, it shall schedule a public hearing to be held not more than thirty (30) days after such determination is made.
 3. An applicant may request a hearing on his application, in which case the public hearing shall be held within thirty (30) days of making the hearing request. All applications for Certificates of Appropriateness for demolition or removal of a landmark shall be subject to a public hearing within thirty (30) days of the filing of the application.
 4. Notice of the time, date, place and purpose of any hearing on any application under this section shall be given to the applicant, at the address given on his application, and to the owners of record, as shown on the tax assessor's most recent rolls, of property within two hundred fifty (250) feet in each direction of the subject landmark. All such notices shall be mailed by certified mail, return receipt requested, not more than thirty (30) days nor less than ten (10) days in advance of such hearing. Also, notice shall be published at least once not less than fifteen (15) days nor more than thirty (30) days in advance of such hearing in a paper of general circulation in the City of Country Club Hills. The hearing may be continued from time to time without further notice.

At the public hearing, the applicant, all notified property owners and all other interested parties shall be allowed to speak. A record of the proceedings shall be made and maintained by the City Clerk.

The City Council shall render a decision to approve, deny or modify the applicant's request on the basis of the criteria hereinafter established within thirty (30) days after the conclusion of said public hearing. If the City Council approves the applicant's request, it shall issue the Certificate of Appropriateness. A denial shall be in writing and shall include findings of fact in support thereof. A copy of the denial shall be mailed to the applicant.

If the proposed work is denied, the same application shall not be resubmitted within the next twelve (12) months except upon the written request of an applicant indicating the incorporation of changes in plans and specifications as may have been recommended by the City Council.

If the proposed work is approved, no change may be made in that proposed work without the submission of a new application. Any Certificate of Appropriateness issued by the City Council shall become invalid if issuance of a building permit necessitates changes in the plans reviewed by the Council or if the building permit issued for the same work becomes invalid. The Certificate of Appropriateness remains valid for the same period of validity as the building permit.

- B. *Standards for Issuance of a Certificate of Appropriateness.* In making a determination whether to approve or deny an application for a Certificate of Appropriateness, the City Council shall be governed by the following criteria and principles:
1. Every reasonable effort should be made to provide a compatible use for buildings which will require minimum alteration to the building and its environment.
 2. Rehabilitation work should not destroy the distinguishing qualities or character of the property and its environment. The removal or alteration of any historic material should be held to the minimum. The proposed work should preserve, highlight or enhance the historic or architectural character of the building.
 3. Construction, new improvements or rehabilitation work should be visually compatible with other buildings and places in the surroundings and have a positive effect on and harmonize with the aesthetic, cultural or historic nature of the building.
 4. Architectural details and materials should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent character of the building and its surroundings.
 5. Deteriorated architectural features should be repaired rather than replaced, wherever possible. In the event that replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities.
 6. Many changes in buildings and environments which have taken place in the course of time are evidence of the history of the building and the neighborhood. These changes may have developed significance in their own right and this significance should be recognized and respected.
 7. All buildings should be recognized as products of their own time. Alterations to create an appearance inconsistent with the actual character of the building should be discouraged.
 8. Wherever possible, new additions or alterations to buildings should be done in such a manner that if they were to be removed in the future, the essential form and integrity of

the original building would be unimpaired.

Further, the Council shall consider, among other things, the following architectural and aesthetic features of a building or structure when applying the criteria and principles in a determination whether to approve or deny an application for a Certificate of Appropriateness.

1. The height;
2. The proportion of the front facade, that is, the relationship between the width of the building to the height of the front elevation;
3. The proportion of the openings into the structure that is, the relationship between the width and height of the windows and doors;
4. The relationship of the building mass to the open space between it and adjoining buildings or structures;
5. The directional expression of a building or structure, that is the vertical or horizontal positioning;
6. The roof shape;
7. Architectural details, general design, materials, textures and colors;
8. Landscape and appurtenances including signs, fences, accessory structures and pavings;
9. The relationship of features (1) through (8) to similar features of other neighboring buildings, structures and visual elements.

C. *Additional Procedures and criteria for demolition or Removal of Landmarks.* At the hearing on any application for Certificate of Appropriateness for the demolition or removal of any landmark, the Council shall request the following information:

1. A report from the Building Commissioner and/or City Engineer on the state of repair and structural stability of the structure under consideration;
2. Information and graphics on the extent and process of demolition or removal, including information on any proposed changes in landscaping;
3. An assessment of any alteration in the essential character of the area which would occur as a result of demolition or removal action.

D. *Certificate of Economic Hardship.* A Certificate of Economic Hardship shall be issued by the Council upon a finding by it that all reasonable use of, or return from, a designated landmark would be denied the applicant as a result of the disapproval of a Certificate of Appropriateness. Evidence of economic hardship shall be presented at the hearing on the application for Certificate of Appropriateness and, at a minimum, should consist of an affidavit signed by or on behalf of the applicant and should specify the following:

1. The amount paid for the property, the date of purchase and the party from whom purchased (including a description of the relationship, if any, between the owner and the

person from whom the property was purchased).

2. The assessed value of the land and improvements thereof according to the two most recent assessments.
3. Real estate taxes for the previous two years.
4. Annual debt service, if any, for the previous two years.
5. All appraisals obtained within the previous two years by the owner or applicant in connection with this purchase, financing or ownership of the property.
6. Any listing of the property for sale or rent, and the price asked.
7. Any consideration by the owner as to profitable adaptive uses for the property.
8. If the property is income-producing, the annual gross income from the property for the previous two years, itemized operating and maintenance expenses for the previous two years and annual cash flow, if any, during the same period.

The Council may solicit expert testimony, or may require the applicant to submit evidence, concerning any of the following items at the time of the public hearing on the Certificate of Appropriateness:

1. Any substantial decrease in the fair market value of the property 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 property 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.
4. In the case of a proposed demolition, the economic feasibility of rehabilitation or reuse of the existing structure on the property.

Upon a finding by the Council that without approval of the proposed work all reasonable use of, or return from, a designated landmark or property within an historic district will be denied a property owner, then the application shall be delayed for a period not to exceed sixty (60) days. During this period of delay, the Council and/or designated staff shall investigate the property, or to otherwise preserve the subject property. Such plans and recommendations may include, but are not limited to, 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.

If sale of property is considered a feasible alternative to the owner, the building must remain on the open market for at least six (6) months.

If, after a period not to exceed the required waiting period, no alternative agreement has been reached with the applicant, the Council shall issue the Certificate of Appropriateness.

E. *Remedying of Dangerous Conditions.* In the case of unusual circumstances whereby the normal

process for obtaining a Certificate of Appropriateness as set forth in this Chapter will jeopardize the health, safety and welfare of any person, the Council may, at its discretion, waive the normal process and immediately grant the Certificate of Appropriateness, stating in writing its reasons for each immediate approval.

20.1.10. - Appeals.

An appeal from the final decision of the City Council under this Chapter 20 shall be taken directly to a court of competent jurisdiction in the manner prescribed in Sections 3-101 et seq. of Chapter 110 of the Illinois Revised Statutes.

20.1.11. - Relation to Other Ordinances.

This Ordinance supplements and is in addition to the provisions set forth in the Building Code, Zoning Code, property Maintenance Code Comprehensive Plan for the City. Nothing herein is to be construed as repealing any requirement in those provisions, any requirement for a building permit or any requirement relating to the property wiring, plumbing and construction of any building or structure or other work required to be in conformity with the Building Code and other ordinances of the City.