CITY OF HIGHLAND PARK

ORDINANCE NO. O55-2018

AN ORDINANCE AMENDING CHAPTERS 24, 33, AND 170 OF "THE HIGHLAND PARK CODE OF 1968", AS AMENDED, CONCERNING HISTORIC PRESERVATION

WHEREAS, pursuant to Section 24.025 of "The Highland Park Code of 1968," as amended (***"City Code"***), the City may designate properties, structures, areas, objects, and landscapes as landmarks; and

WHEREAS, Section 24.025 of the City Code permits the landmarking of a property, structure, area, object, or landscape without the consent of the owner thereof, upon compliance with certain specified procedures; and

WHEREAS, in order to provide sufficient time for the City Council to study and review the involuntary landmarking procedures, on February 13, 2017, the City Council adopted Ordinance No. O14-2017, imposing a six-month temporary moratorium on the processing or review of any nomination for the landmarking of any property, structure, area, object, or landscape except upon the receipt of the written consent of the owner thereof (***"Temporary Moratorium"***); and

WHEREAS, on July 24, 2017, the City Council adopted Ordinance No. O73-2017, extending the Temporary Moratorium for an additional six months, until 12:01 a.m. on February 13, 2018; and

WHEREAS, on January 22, 2018, the City Council adopted Ordinance No. O073-2018, extending the Temporary Moratorium for an additional 91 days, until 12:01 a.m. on May 15, 2018; and

WHEREAS, the City Council has completed its study and review of the involuntary landmarking procedures of the City Code, and now desires to amend various provisions of Chapters 24, 33, and 170 of the City Code to: (i) prohibit the landmarking of a property or structure without the consent of the owner thereof; and (ii) update and clarify various other related provisions; and

WHEREAS, the City Council has determined that the amendment of the City Code, as set forth in this Ordinance, is in the best interests of the City and its residents;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HIGHLAND PARK, LAKE COUNTY, ILLINOIS, as follows:

SECTION ONE: RECITALS. The foregoing recitals are incorporated into, and made a part of, this Ordinance as findings of the City Council.

SECTION TWO: HISTORIC PRESERVATION - DEFINITIONS. Section 24.005, titled "Definitions," of Chapter 24, titled "Historic Preservation," of Title III, titled "Administration," of the City Code is hereby amended further to read as follows:

"Sec. 24.005. Definitions.

For purposes of this Chapter, and for purposes of Section 170.040 of the Building Code, the following words and phrases shall have the following meanings:

* * *

Integrity: The degree of original design and historic material remaining in place on a Property, Structure, Area, Object, or Landscape of Significance."

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SECTION THREE: LANDMARK DESIGNATION PROCEDURES. Section 24.025, titled "Landmark Designation Procedures," of Chapter 24, titled "Historic Preservation," of Title III, titled "Administration," of the City Code is hereby amended further to read as follows:

"Sec. 24.025. Landmark Designation Procedures.

(A) Nomination. A Property, Structure, Area, Object, or Landscape of Significance may be nominated for Landmark designation by presentation to the Chairman of the Commission of a written nomination on a form prepared by the Commission and signed by any one of the following:

(1) One or more Commissioners.

(2) The Owner of the applicable Property, Structure, Area, Object, or Landscape of Significance.

(3) The City Council, by resolution duly adopted.

(4) The City Manager.

(5) 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.

All Nominations made by persons other than the Owner of the applicable Property, Structure, Area, Object, or Landscape of Significance must be accompanied by written consent of the Owner for the Landmark designation prior to consideration by the Commission.

All nominations must demonstrate that Property, Structure, Area, Object, or Landscape of Significance that is the subject of the nomination: (1) satisfies the Landmark criteria set forth in Section 24.015 of this Chapter; and (2) has sufficient integrity of location, design, materials, and workmanship to make it worthy of preservation or Rehabilitation.

(B) Preliminary Recommendation.

(1) Within 30 days following receipt of a nomination for Landmark Designation, the Chairman of the Commission shall initiate the Landmark Designation Process by scheduling a meeting of the Commission. and by causing a written notice to be sent to the Owner of the Property that is the subject of consideration for Landmark designation, or to the Owner of the Property on which the Structure, Area, Object or Landscape of Significance that is the subject of consideration for preliminary Landmark designation **is located**. Such notice shall be sent ~~by certified mail, return receipt requested~~ not less than 15 or more than 30 days prior to the date of the meeting at which the Commission will first consider the Landmark designation, and shall specify the date, time, location, and purpose of such meeting.

(2) ~~Provided that the Owner has been notified as required in Paragraph (B)(1) of this Section, the~~ **The** Commission may, by resolution duly adopted, make a preliminary Landmark designation recommendation if the Commission preliminarily determines that the nominated Property, Structure, Area, Object, or Landscape of Significance (a) meets two or more Landmark criteria set forth in Section 24.015 of this Chapter, and (b) has sufficient integrity of location, design, materials, and workmanship to make it worthy of preservation or Rehabilitation. ~~If, prior to the adoption of the resolution, the Commission receives written notice from the Owner objecting to the proposed Landmark designation, the Commission shall not make a preliminary Landmark designation recommendation unless the Commission preliminary determines that (i) the nominated Property, Structure, Area, Object, or Landscape of Significance meets three or more of the Landmark criteria set forth in Section 24.015 of this Chapter and (ii) either or both of the Criterion No., 2 or Criterion No. 5 are among the three or more criteria determined to have been met.~~

(3) Upon adoption of the resolution making a preliminary landmark designation recommendation, and until provided otherwise in this Chapter, the nominated Property, Structure, Area, Object, or Landscape of Significance shall be a Regulated Structure.

(4) Within 30 days after the adoption of a resolution making a preliminary Landmark designation recommendation, the Commission shall send, by certified mail, return receipt requested, written notice of such recommendation to the Owner of the Regulated Structure. The Commission shall also notify all relevant City departments of its recommendation.

(5) No building permit shall be issued (a) for any Regulated Activity involving a Regulated Structure for which the Commission has adopted a preliminary Landmark designation resolution or (b) for any new construction on the Property on which such Regulated Structure is located (unless the Commission determines that such new construction will not be inconsistent with the purposes and intent of this Chapter), from the date of the Commission meeting at which that resolution is adopted until either (i) final disposition by the Commission resulting in no recommendation to the City Council or (ii) final disposition by the City Council on the Commission recommendation, unless such Regulated Activity is earlier

authorized by formal resolution of the City Council as necessary for public health, welfare, or safety.

(C) Request for Planning Report. Upon adoption of a resolution making a preliminary landmark designation recommendation, the Commission shall request a report from the Director of Community Development that evaluates the relationship of the proposed designation to the City's Comprehensive Plan and the effect of the proposed designation on the surrounding neighborhood. The report shall be submitted to the Commission within 60 days of the request and the Commission shall make such modifications, changes, and alterations to the report concerning the proposed Landmark designation as it deems necessary in consideration of any recommendation of the City's Director of Community Development made in the report. If the Director of Community Development declines or fails to submit the report within the time provided herein, the Commission may proceed with the designation process.

~~(D) *Request for Owner Consent.*~~

~~(1) Within 15 days after the adoption of a resolution making a preliminary landmark designation recommendation, the Commission shall, by certified mail, return receipt requested, deliver to the Owner of the Property under review or the Owner of the Property on which the proposed Regulated Structure is located a written statement of the reasons for, and effects of, the proposed designation and request that the Owner consent in writing to the proposed designation.~~

~~(2) The Owner shall have the opportunity to respond in writing by consenting or objecting to the proposed Landmark designation within 45 days after the date on which the statement is delivered. However, the Owner may, within the 45-day response period, make a written request for an extension of time, not to exceed 120 days, to submit a response.~~

~~(3) If the Owner consents to designation, the Commission shall notify the Owner of the Commission's determination with respect to the proposed designation within 45 days after receipt of the Owner's consent and shall forward its recommendation to the City Council, unless the Commission decides not to make a recommendation on the proposed Landmark.~~

~~(4) If the Owner declines or fails to give written consent to the proposed designation within the time specified in this Section, the Commission shall schedule and hold a public hearing on the proposed designation in the manner set forth in Subsections (E) and (F) of this Section, and proceed with the designation process.~~

~~(E) Notice of Public Hearing. Prior to conducting the public hearing required by Subsection (D)(4) of this Section, the Commission shall give written notice of the date, time, and place of the hearing to the Owner of the Property under review or to the Owner of the Property on which the proposed Regulated Structure is located. The Commission shall also cause to be posted, for a period of not less~~

~~than 15 days immediately preceding the hearing, a notice stating the time, date, place, and matter to be considered at the hearing. The notice shall be prominently displayed on the Property or on the proposed Regulated Structure, or on the public ways abutting the Property. In addition, not less than 15 days prior to the hearing, the Commission shall cause a legal notice to be published in a newspaper of general circulation in the City of Highland Park setting forth the nature of the hearing, the property involved, and the date, time, and place of the scheduled public hearing.~~

~~(F) Public Hearing on Designation. The Commission shall provide a reasonable opportunity for all interested persons to present testimony or evidence at the public hearing under such rules as the Commission may adopt governing the proceedings of such hearings. At the hearing each speaker shall state his name, address, and the interest(s) that he represents. The hearing may be continued to a date certain, and a record shall be kept of all proceedings.~~

~~(G)~~**(D)** Commission Recommendation.

(1) Within ~~30~~ **90** days after the ~~conclusion of the public hearing required by Subsection (D)(4) of this Section~~ **date on which the Commission adopted its resolution making a preliminary landmark designation pursuant to Section 24.025(B) of this Chapter**, the Commission shall determine whether to recommend the proposed Landmark designation to the City Council.

(2) If the Commission makes a determination to recommend a Landmark designation to the City Council, it shall set forth its written recommendation, including findings of fact relating to the criteria for designation that constitute the basis for its decision, and shall transmit its recommendation to the City Council, to the Owner, and to the parties appearing at the public hearing.

~~(3) If the Owner continues to oppose, or fails to give written consent to Landmark designation, the Historic Preservation Commission may not recommend approval of the Landmark designation (a) without the affirmative vote of at least five members of the Historic Preservation Commission, and (b) unless the Historic Preservation Commission makes a determination that (i) the proposed Landmark designation meets three or more of the Landmark criteria set forth in Section 24.015 of this Chapter and (ii) either or both of Criterion No. 2 or Criterion No. 5 are among the three or more criteria determined to have been met.~~

~~(4)~~**(3)** The Commission shall also transmit to the City Council the official record of its proceedings concerning the recommended designation. If an extension of time has been granted, the time allowed for submission under this section shall be extended by the same number of days.

~~(5)~~**(4)** If the Commission determines not to make a recommendation for Landmark designation, or if the Commission does not, or cannot, make a recommendation for Landmark designation within the ~~30-day~~ **90-day** time period, as the same may be extended, such action or inaction shall be deemed to be the final disposition by the Commission, and the Landmark designation process shall be complete, and the Property, Structure, Area, Object or Landscape of Significance that had been the subject of the process shall, as of the last day of the ~~30-day~~ **90-day** period, no longer be a Regulated Structure.

~~(H)~~**(E)** Failure to Act by Commission. If the Commission does not, or cannot, act to either recommend or not recommend a Landmark designation to the City Council within 180 days after the date on which the Commission adopted its resolution making a preliminary Landmark designation pursuant to Section 24.025(B) of this Chapter (unless an extension of time has been granted, in which case this time period shall be extended by the same number of days), such inaction shall be deemed to be the final disposition by the Commission, and the Landmark designation process shall be complete, and the Property, Structure, Area, Object, or Landscape of Significance that had been the subject of the process shall, as of the last day of the 180-day period, no longer be a Regulated Structure.

~~(I)~~**(F)** City Council Consideration of Designation.

(1) Review of Findings. The City Council shall give due consideration to the findings, recommendations, and official record of the Commission in making its determination with respect to the proposed Landmark designation of any Regulated Structure.

(2) Approval of Recommendation. The City Council may, by ordinance duly adopted, designate as a Landmark any Regulated Structure recommended for Landmark designation by the Commission, provided that the City Council finds and determines, based on the findings, recommendations, and official record of the Commission, that the Regulated Structure both (1) has sufficient integrity of location, design, materials, and workmanship to make it worthy of preservation or Rehabilitation, and (2) meets two or more of the Landmark criteria set forth in Section 24.015 of this Chapter~~; provided, however, that if the Owner continues to oppose, or fails to give written consent to, the Landmark designation, then the City Council may not designate the Regulated Structure as a Landmark without a determination by the City Council that (i) the Regulated Structure meets three or more of the Landmark criteria set forth in Section 24.015 of this Chapter and (ii) either or both of Criterion No. 2 or Criterion No. 5 are among the three or more criteria determined to have been met~~. The adoption of the Ordinance shall be deemed to be the final disposition on the Landmark designation by the City Council.

(3) Rejection of Recommendation. The City Council may, by resolution duly adopted, reject the recommendation of the Commission and determine that a Regulated Structure does not meet the criteria for Landmark designation. The adoption of the resolution shall be deemed to be the final disposition on the proposed Landmark designation by the City Council, and the Property, Structure, Area, Object, or Landscape of Significance that had been the subject of the process shall, as of the date of adoption of such resolution, no longer be a Regulated Structure.

(4) Failure to Act by City Council. In the event that the City Council does not, for any reason, within 90 days of the date of its receipt of the Commission recommendation, either (a) adopt an ordinance designating a Regulated Structure recommended by the Commission as a Landmark or (b) adopt a resolution rejecting the Commission recommendation, the City Council shall be deemed to have rejected the Commission's recommendation. Such inaction shall be deemed to be the final disposition on the proposed Landmark designation by the City Council, and the Property, Structure, Area, Object, or Landscape of Significance that had

been the subject of the process shall, as of the last day of the 90 day time period, no longer be a Regulated Structure.

~~(I)~~**(G)** Successive Applications. No proposed Landmark designation that fails to be approved pursuant to the provisions of this Section, and no proposed Landmark designation that is substantially the same as any such failed Landmark designation (collectively, "Failed Landmark"), shall be resubmitted or considered for a period of two years from the date of the final disposition of the Failed Landmark under the terms of this Section; provided, however, that a new Landmark designation nomination for the Failed Landmark may be submitted and considered at any time in the future so long as the Owner(s) of the Failed Landmark nominate the Failed Landmark for designation.

~~(K)~~**(H)** Removal of Landmark Designation.

(1) Automatic Removal of Landmark Designation. The Landmark designation of a Property, Structure, Area, Object, or Landscape of Significance that has been demolished in accordance and compliance with all applicable City ordinances shall be deemed to have been automatically removed as of the date of demolition.

(2) Condition Precedent for City Council Removal of Landmark Designation. Under no circumstances shall the City Council remove the Landmark designation for any Property, Structure, Area, Object, or Landscape of Significance unless it finds that the reasons for which the Landmark designation was once appropriate are no longer present. Nothing herein shall be deemed or interpreted as requiring the City Council to remove the Landmark designation upon such a finding.

(3) Application for Removal of Landmark Designation.

(a) Application. The Owner of a Property, Structure, Area, Object, or Landscape of Significance that has been previously designated as a Landmark may file an application with the Chairman of the Historic Preservation Commission to remove the Landmark designation from the Property, Structure, Area, Object, or Landscape of Significance.

(b) Procedure. An application to remove the Landmark designation from a Property, Structure, Area, Object, or Landscape of Significance filed in accordance with this Section shall be processed and heard in the manner provided in Sections 24.025(E) through 24.025(J) of this Chapter.

(c) Ordinance Required. Except as provided for automatic removal of Landmark designation in Section 24.025(K)(1) of this Code, removal of a Landmark designation shall be effective only upon approval of the City Council, by ordinance duly adopted."

SECTION FOUR. HISTORIC PRESERVATION COMMISSION - JURISDICTION AND PURPOSE. Section 33.1706, titled "Jurisdiction and Purpose," of Chapter 33, titled "Boards and Commissions," of Title III, titled "Administration," of the City Code is hereby amended further to read as follows:

"Sec. 33.1706. Jurisdiction and purpose.

(A) The Historic Preservation Commission is created for the purpose of:

(1) Identifying such property, structures, or areas within the City of Highland Park that are historically significant in that they exemplify and/or reflect the cultural, social, economic, political, or architectural history of the Nation, State or the City;

(2) Advising the City Council on the designations of such property, structures, or areas as either Landmarks or Historic Districts,

(3) Protecting the distinctive visual characteristics of the Landmarks or Historic Districts by reviewing, giving advice, and recommending changes to their exterior architectural appearance; and

(4) Performing such other functions as may be useful or necessary to safeguard and enhance the community heritage as embodied in properties, structures, and areas.

(B) The Historic Preservation Commission shall have the following powers and duties:

(1) To adopt its own procedural regulations;

(2) To conduct from time to time surveys to identify Highland Park's historically, culturally, aesthetically, archaeologically, and architecturally significant regulated structures;

(3) To investigate, hold public hearings and recommend to the City Council the adoption of ordinances designating certain Highland Park regulated structures having special historic, community, visual, aesthetic, cultural, archaeological, or architectural value as Landmarks or Historic Districts;

(4) To keep a register of all regulated structures which have been designated under Chapter 24, including all information required for each designation;

(5) To determine an appropriate system of markers and make recommendations for the design and implementation of specific markings of the streets and routes leading from and to Landmarks, Historic Districts, and contributing regulated structures within Historic Districts;

(6) To advise and assist owners of Landmarks and regulated structures within Historic Districts on physical and financial aspects of preservation, renovation, rehabilitation and reuse, and on procedures for inclusion on the National Register of Historic Places;

(7) To nominate Landmarks and Historic Districts to the National Register of Historic Places;

(8) To inform and educate the citizens of Highland Park concerning the historical, visual, aesthetic, cultural, archaeological, and architectural heritage of the City by publishing appropriate maps, newsletters, brochures and pamphlets, and by holding programs and seminars;

(9) To hold public hearings and to review building permit applications for regulated activities involving (1) Landmarks, (2) contributing regulated structures within Historic Districts, and (3) new construction within Historic Districts, and to issue or deny certificates of appropriateness for such actions pursuant to the applicable provisions set forth in this Article or Chapter 24. Applicants may be required to submit plans, drawings, elevations, specifications and other information as may be necessary to make decisions;

(10) To consider applications for certificates of economic hardship that would allow the performance of work for which a certificate of appropriateness has been denied;

(11) To develop specific design criteria for regulated activity involving Landmarks and contributing regulated structures within Historic Districts, and for new construction within Historic Districts;

(12) To review proposed zoning amendments, applications for special uses and applications for zoning variances that affect Landmarks, Historic Districts and/or contributing regulated structures within Historic Districts;

(13) To administer on behalf of the City of Highland Park any property, or full or partial interest in real property, including a conservation right which the City may have or accept as a gift or otherwise, upon request or authorization by the City Council or Park Board;

(14) To accept and administer on behalf of the City of Highland Park or the Park District of Highland Park such gifts, grants or money as may be designated by the grantor or donor for the purposes of Chapter 24. Such money may be expended for publishing maps and brochures, for hiring staff persons or consultants, or for performing other appropriate functions for the purpose of carrying out the duties and powers of the Historic Preservation Commission and the purposes of this Article or Chapter 24;

(15) To call upon available Park District and City staff members as well as other experts for technical advice;

(16) To retain such specialists or consultants, or to appoint such Citizen Advisory Committees, as may be required from time to time, and as may be provided for in the budget of the Historic Preservation Commission;

(17) To testify before all Boards and Commissions, including the Plan **and Design** Commission~~, the Design Review Commission,~~ and the~~ Lake Front~~ **Natural Resources** Commission, on any matter affecting Landmarks, Historic Districts, and/or historically, visually, culturally, aesthetically, archaeologically, and/or architecturally significant regulated structures;

(18) To confer recognition upon the owners of Landmarks or regulated structures within Historic Districts by means of certificates, plaques, or markers;

(19) To develop a preservation component in the Comprehensive Master Plan of the City of Highland Park, and to recommend it to the Plan Commission and the City Council;

(20) To periodically review the Highland Park Zoning Code and to recommend to the Plan Commission and the City Council amendments appropriate for the protection and/or continued use of Landmarks and contributing regulated structures within Historic Districts; ~~and~~

(21) To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties, or to the implementation of the purposes of this Article or Chapter 24.~~;~~ **; and**

(22) To inform and educate property owners, the housing market and the general public of the historic and architectural significance of properties in the City, and of opportunities to preserve historically and architecturally significant properties, through sale, relocation, rehabilitation, restoration, and other alternatives prior to demolition; to facilitate documentation of significant properties prior to their loss by demolition; and to raise general public awareness and appreciation for historic resources within the City."

SECTION FIVE: DEMOLITION OF DWELLINGS. Section 170.040, titled "Demolition of Dwellings," of Chapter 170, titled "Building Code," of Title XVII, titled "Building Regulations," of the City Code is hereby amended further to read as follows:

"Sec. 170.040. Demolition of Dwellings.

(A) Applicability **and Purpose**. It shall be unlawful to cause the Demolition of**, and no permit for Demolition may be issued by the City for,** any residential building located in ~~the R1, R2, R3, R4, R5, R5A, R6, R7, RM1, and RM2 Residential Districts under Chapter 150 of this Code (collectively, "~~ **a** Covered Residential District~~s")~~ without first complying with the requirements of this Section. **The purpose of this Section is to inform and educate property owners, the housing market and the general public of the historic and architectural significance of properties in the City, and of opportunities to preserve historically and architecturally significant properties, through sale, relocation, rehabilitation, restoration, and other alternatives prior to demolition; to facilitate documentation of significant properties prior to their loss by demolition; and to raise general public awareness and appreciation for historic resources within the City.**

(B) Definitions. For purposes of this Section 170.040, capitalized words and phrases shall be defined as set forth in this Section or in Section 24.005 of

Chapter 24 of this Code ("Historic Preservation Regulations"), except that for the purposes of this Section 170.040~~,~~**:**

Commission: The Historic Preservation Commission of the City.

Covered Residential District: The R1, R2, R3, R4, R5, R5A, R6, R7, RM1, and RM2 Residential Zoning Districts, as set forth in Chapter 150 of this Code.

~~"demolition"~~ **Demolition:** means any act or process within the control of the Owner of a structure that results in the removal or destruction of 50 percent or more of the structure as it existed prior to the commencement of such act or process.

Demolition Delay Period: The 180-day or 365-day period imposed pursuant to Section 170.040(E) of this Code.

~~A "~~Significant Demolition Application~~:" shall be any~~ **Any complete** application for a permit for a Demolition within a Covered Residential District.

(C) Historic Preservation Commission. All Significant Demolition Applications shall be submitted to the Commission within ten days after the date on which the completed permit application has been submitted to the City ("Application Completion Date")~~.~~; provided, however, that the City shall not be required to submit a Significant Demolition Application to the Commission, and no Commission review conducted pursuant to this Section shall be required, if:

(1) the Significant Demolition Application is for demolition of a Structure that has been identified in the City of Highland Park Comprehensive Architectural Survey as "non-contributing," and

(2) the Historic Preservation Commission Chairman approves, in advance and in writing, the Significant Demolition Application .

(D) Application ~~Completion~~ **Requirements**; Utilities **Disconnection**. No Significant Demolition Application shall be deemed complete unless and until the Application meets the requirements of the Building Code including, without limitation, the payment of all applicable fees and the submission of any site management plans and other required submittals. A Significant Demolition Application ~~may~~ **shall** be deemed complete by the code official prior to receipt by the City of disconnection notices from providers of utilities to the structure or building; provided, however, that no permit to demolish or remove a Structure shall be issued until receipt by the City of all required disconnection notices from providers of utilities to the structure or building.

(E) Historic Preservation Commission Review.

(1) Within 60 days after the Application Completion Date, the Historic Preservation Commission shall hold a meeting to determine whether the Structure that is the subject of the Application satisfies one or more, or none, of the Landmark designation criteria set forth in Section 24.015 of the Historic Preservation Regulations ("Landmark Standards").

(2) **Determination of Significance and Demolition Delay Period.**

(a) ~~365-Day Review Period.~~ If the Historic Preservation Commission determines that the Structure that is the subject of the Significant Demolition Application satisfies ~~three~~ **four** or more of the Landmark Standards, **and has sufficient integrity of location, design, materials, and workmanship to make it worthy of preservation or Rehabilitation,** then **the Commission shall impose a 365-day Demolition Delay Period on such Structure.**~~, subject to a City Council determination on appeal the determination as provided in this Paragraph 2, the Commission shall have a 365 day review period, commencing on the Application Completion Date, within which to receive applications for Landmark nominations for the Structure. Nomination applications shall be filed pursuant to the procedures contained in the Historic Preservation Regulations. In the event that the Commission makes the determination set forth in this Paragraph 2, then the~~ **The** Applicant shall have the right to appeal the determination to the ~~city~~ **City** Council by filing an appeal in writing with the Office of the City Manager within 15 days after the date on which the Commission makes the determination. On appeal, the City Council review shall be limited to a determination on whether the Commission properly applied the standard for imposing a ~~365-Day review period set forth in this Paragraph 2~~ **365-day Demolition Delay Period**. The City Council may determine that (1) the ~~365-Day review period~~ **365-day Demolition Delay Period** is appropriate, or (2) a ~~180-Day review period~~ **180-day Demolition Delay Period** is appropriate.

~~(3)~~**(b)** ~~180-Day Review Period.~~ If the Historic Preservation Commission determines that the Structure that is the subject of the Significant Demolition Application satisfies ~~one or~~ two **or three** of the Landmark Standards, **and has sufficient integrity of location, design, materials, and workmanship to make it worthy of preservation or Rehabilitation,** then the Commission shall ~~have a 180-day review period, commencing on the Application Completion Date, within which to receive applications for Landmark nominations for the Structure. Nomination applications shall be filed pursuant to the procedures contained in the Historic Preservation Regulations~~ **impose a 180-day Demolition Delay Period on such Structure**.

~~(4)~~**(c)** ~~No Review Period.~~ If the Historic Preservation Commission determines that the Structure that is the subject of the Significant Demolition Application ~~does not satisfy any~~ **satisfies one or none** of the Landmark Standards, **or does not have sufficient integrity of location, design, materials, or workmanship to make it worthy of preservation or Rehabilitation,** then the City shall proceed immediately to process the Application pursuant to all other applicable provisions of this Code.

(d) The Demolition Delay Period will begin on the date that the Significant Demolition Application is deemed complete pursuant to Section 170.040(D) of this Code.

(e) No Structure may be demolished, and no demolition permit may be issued for a Structure, during any Demolition Delay Period imposed by the Commission on such Structure.

(3) Education and Outreach During Demolition Delay Period. The City shall undertake historic documentation of the Structure subject to the Demolition Delay Period, including photographs and collection of records. The City shall utilize standard communication channels, including all practicable, best-practice, and commonly used methods, to provide information to the public concerning the proposed demolition and the historic nature of the Structure. The Commission must hold a public meeting to inform the applicant of the historical significance of the Structure, and work with the owners of the Structure to discuss alternatives to Demolition.

~~(5)~~**(4) Termination of Demolition Delay Period.** Notwithstanding ~~Paragraphs 2 and 3 of this Subsection~~ **Sections 170.040(E)(2) and 170.040(E)(3) of this Code, the Demolition Delay Period may be terminated early, as follows:**

(a) ~~the~~ **The** Commission shall terminate ~~its review period~~ **the Demolition Delay Period** at any time in the event it determines that the Structure that is the subject of the Significant Demolition Application does not satisfy any of the Landmark Standards.

~~(6) Termination After Unsuccessful Sales Efforts. Notwithstanding Paragraphs 2 and 3 of this Subsection:~~

~~(a)~~**(b)** The Commission may terminate ~~its review period~~ **the Demolition Delay Period** at any time in the event that it determines, based upon ~~a showing~~ **evidence submitted** by the Applicant, that a bona fide, reasonable, and unsuccessful effort has been made to sell the Structure for which a Demolition permit has been sought**, in a manner consistent with the requirements set forth in Section 170.040(E)(3) of this Code**, and/or that further time will not reasonably be expected to result in a sale or otherwise to result in the avoidance of the necessity to demolish the Structure**.**~~; and~~

~~(b)~~**(c)** The City Council may terminate the ~~review period~~ **Demolition Delay Period** at any time, if the Structure for which a Demolition permit has been sought was subject to a previous review period under this Section 170.040 at any time during the preceding three years, but only if the City Council determines, based upon ~~a showing~~ **evidence submitted** by the Applicant, that a bona fide, reasonable, and unsuccessful effort has been made to sell the Structure for which a Demolition permit has been sought, and/or that further time will not

reasonably be expected to result in a sale or otherwise to result in the avoidance of the necessity to demolish the Structure.

~~(7)~~**(d)** ~~Notwithstanding Paragraphs 2 and 3 of this Subsection, the~~ **The** Commission may terminate ~~its review period~~ **the Demolition Delay Period** at any time in the event that the Applicant agrees to subject the proposed Demolition to the Commission consultations and standards that govern the issuance of a Certificate of Appropriateness as set forth in Section 24.030 of this ~~Chapter~~ **Code**. The Commission's decision pursuant to this ~~Paragraph~~ **Section 170.040(E)(4)(d)** shall be subject to such terms and conditions as the Commission shall deem reasonable and appropriate. If the Commission determines that the standards and criteria for a Certificate of Appropriateness, and such other terms and conditions as the Commission may impose, regarding any inadvertent Demolition of a Structure or Regulated Structure, have been satisfied, the penalties for unauthorized Demolition under ~~Subsection (H) of this Section~~ **Section 170.040(I) of this Code** may be reduced or waived in their entirety by the Commission.

~~(8) Once a Significant Demolition Application has been filed, no other building permits shall be issued for any new or other construction on the Property on which the proposed Demolition will take place, unless the Commission determines that such permit and such new or other construction will not be inconsistent with the purposes and intent of this Chapter, or until the Significant Demolition Application has been authorized under Subsection (F) of this Section.~~

~~(F) Permits for Significant Demolitions. Except as provided in Subsection (G) of this Section with regard to public safety emergency permits, a Significant Demolition Application shall not be issued until (i) the latter of (a) the expiration of the period of time for receipt of a Landmark nomination application by the Historic Preservation Commission as set forth in Subsection (E)(2) or (3) (whichever is applicable) of this Section, or (b) the final disposition of a nomination of the Structure pursuant to the Historic Preservation Regulations; or (ii) the Commission, pursuant to Paragraph (E)(4) of this Section, determines that the Structure does not satisfy any of the Landmark Standards, or as otherwise provided under Paragraphs (E)(5), (E)(6), or (E)(7) of this Section.~~

~~(G)~~**(F)** Emergency Permit: A Demolition permit may be issued by the Building Code Official upon the code official's determination that Demolition of the Structure is necessary to eliminate or prevent a threat to public safety. If the Building Code Official makes that determination on a Significant Demolition Application, the Application shall not be submitted to the ~~Historic~~ Preservation Commission as otherwise required by this Section and the provisions of ~~Subsections (C) and (E)~~ **all other provisions** of this Section shall not apply.

(G) Other Building Permits During Review of Significant Demolition Application. Once a Significant Demolition Application has been filed with the City, building permits may be applied for, but no other building permits shall be issued for any new or other construction on the Property on

which the proposed demolition will take place, unless the Commission determines that such permit and such new or other construction will not be inconsistent with the purposes and intent of this Section 170.040, or until the permit related to a Significant Demolition Application has been authorized in accordance with this Section.

(H) Expiration of Right to Demolish. If the Structure that is the subject of a Significant Demolition Application is not demolished within 365 days after the expiration or termination of any Demolition Delay Period imposed pursuant to this Section 170.040, as may be extended in accordance with the provisions of Chapter 170 of this Code, or, if no Demolition Delay Period was imposed, within two years after the date that the Significant Demolition Application was deemed complete pursuant to Section 170.040(D) of this Code, then such Structure may not be demolished, and no permit for the demolition of such Structure may be issued, prior to the submission and review of a new Significant Demolition Application pursuant to this Section 170.040.

~~(H)~~**(I)** Penalties. Any Person that violates any provision of this Section shall be subject to the following fines, in addition to any other applicable penalties, fines, and punishments as provided in this Code or by law.

* * *

~~(I)~~**(J)** Affordable Housing Demolition Tax."

* * *

SECTION SIX: TERMINATION OF TEMPORARY MORATORIUM. The City Council hereby terminates the Temporary Moratorium imposed pursuant to Ordinance No. O14-2017, as extended pursuant to Ordinance Nos. O73-2017 and O07-2018.

SECTION SEVEN: PUBLICATION. The City Clerk is hereby directed to publish this Ordinance in pamphlet form pursuant to the Statutes of the State of Illinois.

SECTION EIGHT: EFFECTIVE DATE. This Ordinance will be in full force and effect from and after its passage and approval in the manner provided by law.

[SIGNATURE PAGE FOLLOWS]

AYES: Mayor Nancy Rotering, Councilmen Stolberg, Knobel, Holleman

NAYS: Councilmen Stone, Kaufman, Blumberg

PASSED: May 14, 2018

ADOPTED: May 14, 2018

PUBLISHED IN PAMPHLET FORM: May 15, 2018

ORDINANCE NO. O55-2018

Nancy R. Rotering, Mayor

ATTEST:

Ghida S. Neukirch, City Clerk