

# ENABLING ORDINANCE

- **ARTICLE VI. - LOMBARD HISTORIC PRESERVATION COMMISSION**

- **§ 32.075 - Created; membership; terms; officers.**

(A)

An Lombard Historic Preservation Commission of the village is hereby created.

(B)

The Commission shall consist of 11 members appointed by the President and Board of Trustees.

(C)

Appointments shall be for a period of four years, with five members being appointed in January of odd-numbered years (when the four-year terms expire), and six members being appointed in January of even-numbered years (when the four-year terms expire). All appointments made hereunder shall continue until a successor appointment has been duly made.

(D)

Commissioners shall elect their own Chairperson and Secretary from their members, together with such other officers as they deem fit and pursuant to rules to be promulgated, adopted, and amended by the Commission.

('70 Code, § 2.34.010) (Ord. 2575, passed 2-10-82; Ord. No. 7217, § 2, passed, 5-19-16; Ord. No. 7257, § 1, passed 8-18-16)

- **§ 32.076 - Meetings; annual report.**

(A)

The Lombard Historic Preservation Commission shall meet as provided in its rules, but not less than once per quarter each year.

(B)

The Commission shall make an annual report to the corporate authorities in January of each year, or more often as it may deem fit, which report may make recommendations in keeping with the spirit of this subchapter, and the enabling statute providing for creation of this Commission.

('70 Code, § 2.34.010; Ord. 2575, passed 2-10-82; Ord. No. 7257, § 2, passed 8-18-16)

- **§ 32.077 - Public hearings.**

The Lombard Historic Preservation Commission shall have the authority to conduct public hearings upon its own motion, or on a citizen's petition therefore to implement the spirit of this subchapter for the purposes and uses set forth in 65 ILCS 5/11-48.2-2, and all modification and amendments thereof. Such hearings shall be pursuant to notice as is otherwise set forth in 65 ILCS 5/11-48.2-4. Upon the conclusion of such hearing, a recommendation shall be made within a reasonable time to the corporate authorities, which corporate authorities shall then take such action on the recommendation of the Commission as they may deem fit, necessary, and indicated.

('70 Code, § 2.34.020) (Ord. 2575, passed 2-10-82; Ord. No. 7217, § 2, passed, 5-19-16)

- **§ 32.078 - Judicial review.**

Any proceedings of the Lombard Historic Preservation Commission shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", and all amendments and implications thereof and rules adopted pursuant thereto by the state, if such action is taken by administrative decision as defined in 760 ILCS 20/14.

('70 Code, § 2.34.030) (Ord. 2575, passed 2-10-82; Ord. No. 7217, § 2, passed, 5-19-16)

- **§ 32.079 - Historical sites; designation and maintenance.**

(A)

The Lombard Historic Preservation Commission shall have the authority to recommend the designation or rejection of sites having a special historical or community interest or value, thereby making the designation as a "landmark site" or "landmark district". These designations shall be made only with the written approval of the property owners; however, written approval of the property owners shall not be required in the case of an "abandoned cemetery," as said term is defined in 65 ILCS 5/11-49-1(d), in the event that the owners of the abandoned cemetery are unknown, or no longer in existence.

(B)

The Commission shall have the authority to conduct a survey of sites within the village which may be eligible for said designation and maintain a register thereof. This list may include single structures or sites, portions of structures, groups of structures, man-made or natural landscape elements, works of art, or integrated combinations thereof.

(C)



In making its recommendation for said designation, the Commission shall consider the following criteria concerning such sites:

(1)

The character, interest, or value as part of the development, heritage, or cultural characteristics of the village.

(2)

The identification with a person or persons who significantly contributed to the cultural, economic, social, or historical development of the village.

(3)

The architectural significance of a building which is at least 50 years of age and is a good example of a specific architectural style containing distinctive elements of design, detail, materials, or craftsmanship, or is an example of a style which had an impact on the community. Such a building must retain much of its original architectural integrity.

(4)

The archeological importance of a site which has yielded, or may be likely to yield, information important in pre-history or history.

(D)

Upon reaching a preliminary conclusion that a site meets one or more of the criteria contained in the above division, the Commission shall schedule a public hearing on the question of said proposed designation, setting forth a date, time, and place and causing written notice, by certified mail, to be given to all property owners of record of said property and to the public through a local newspaper, not more than 30 nor less than 15 days prior to said public hearing.

(1)

The hearing shall be conducted and a record of the proceedings shall be preserved in such manner and according to such procedures as are prescribed by the above governing public hearings within the village, and by 65 ILCS 5/11-48.2-4.

(2)

The Commission shall make a determination with respect to the proposed designation, in writing, 30 days after the hearing and shall forthwith transmit its recommendation to the Board of Trustees.

(3)

If the Board of Trustees approves the designation, the Commission shall notify the Bureau of Inspectional Services and the Plan Commission of the official designation. The Commission shall also file with the County Recorder of Deeds and County Assessor a certified copy of the designation ordinance and send a certified copy of said ordinance and notice to the owner of record of said property by certified mail.

(E)

(1)

The Commission shall have the authority to review all proposed alterations, regardless of whether or not they require a building permit. Alterations shall be defined as any work that results in changes in the exterior form, shape, or appearance of a building designated as a "landmark site" which thereby destroys its original architectural integrity. No alterations will be made and no building permit issued in regard to property classified as a "landmark site" to any applicant without a certificate of appropriateness from the Lombard Historic Preservation Commission in the following instances:

(a)

Where such permit would allow the alteration or reconstruction of any building designated as a "landmark site";

(b)

Where such permit would allow the demolition of any building designated as a "landmark site", except that in the event of extensive damage because of fire, windstorm, or other natural causes, demolition shall be allowed upon the recommendation of the Building Commissioner;

(c)

Where such a permit would allow the construction or erection of any addition to a building designated as a "landmark site"; or

(d)

Where such permit would allow the erection of another building or buildings on property designated as a "landmark site."

(2)

The Commission, in considering the appropriateness of any alteration, removal in part, new construction, reconstruction, restoration, remodeling, other modification of any building requiring a permit, shall consider among other things, the purpose of this subchapter, the historical and architectural value and significance of the "landmark site" or "landmark district", the exterior texture and/or material of the building or structure in question or its appurtenant fixtures, other buildings within a "landmark district", and the position of such building or structure in relation to the street or public way and to other buildings and structures.

(3)

The Commission shall review an application for demolition and have the authority to delay said demolition for a period not to exceed six months, to enable the Commission to try to find a purchaser or alternate use for the building.

(4)

Nothing in this subchapter shall be construed to prevent ordinary maintenance or repair of any exterior elements of any building or structure described as a "landmark site."

*Repairs* shall be defined as any work where the purpose and effect of the work is to replace damaged or defective portions of a structure with like materials, thereby retaining the original architectural integrity.

*Ordinary maintenance* shall be defined as any work for which a building permit is not required by law, where the purpose and effect of such work is to correct any deterioration, decay of, or damage to a structure 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.

(5)

Interiors of buildings are only included as part of the historical designation when specifically established in the siting ordinance.

(F)

(1)

A certificate of appropriateness must precede the issuance of any permit in regard to property classified as a "landmark site." Application made to the Lombard Historic Preservation Commission must include copies of all detailed plans, designs, elevations, specifications, and documents relating thereto. The Commission shall meet with the



applicant to approve, modify, or disapprove the application in whole or in part or suspend action.

(2)

If the Commission finds the proposed work of a nature which meets the criteria established in division (E), it shall issue a certificate of appropriateness and forward it to the Building Commissioner. The Building Commissioner shall thereafter proceed with his own review of the application for a building permit. If the Commission finds that the proposed work does not meet the criteria, a certificate of appropriateness will not be issued. Written notice of the denial of the certificate of appropriateness, together with the reasons therefor, shall be given to the applicant.

(G)

(1)

Regulations and orders of the Commission issued pursuant to this subchapter shall be enforced by the Building Commissioner. Violations shall be punished as set forth in § 32.999.

(2)

Any person aggrieved by a decision of the Commission may, within 30 days after receipt by certified mail of the notice of denial, apply to the Board of Trustees of the village for a review of the Commission's decision. He shall file with the Village Clerk a written notice requesting the Board to review said decision. Should the Village Board agree with the aggrieved and override the Lombard Historic Preservation Commission's recommendation, its action would constitute an automatic removal of the "landmark site" designation.

(3)

In the event that the landmark site designation is removed pursuant to subsection (2) above, any landmark site plaque, that was issued to the property owner by the Lombard Historic Preservation Commission, shall be returned to the Lombard Historic Preservation Commission by the property owner.

('70 Code, § 2.34.040) (Ord. 2575, passed 2-10-82; Ord. 6641, passed 9-1-11; Ord. No. 7102, § 1, passed 7-16-15; Ord. No. 7217, §§ 2, 3, passed, 5-19-16; Ord. No. 7541, § 1, passed 6-21-18)

**Cross reference—** Penalty, see § 32.999