

## Title 20 HISTORIC PRESERVATION

### Chapter 20.02 GENERAL PROVISIONS

#### 20.02.010: SHORT TITLE:

The ordinance codified in this title shall be known, cited, and referred to as the *ELGIN HISTORIC PRESERVATION ORDINANCE*. (Ord. G22-05 § 1, 2005)

#### 20.02.020: PURPOSE AND INTENT:

The purpose of this title is to promote the educational, cultural, economic and general welfare of the community by:

- A. Providing a mechanism to identify, designate, preserve, protect, enhance and encourage the continued utilization and rehabilitation of landmarks, buildings, fixtures, facades, places, districts, and natural objects within the city which have historical, community, architectural or aesthetic interest or value to the city of Elgin and its citizens;
- B. Safeguarding, protecting and enhancing the city's historic and cultural heritage, as embodied and reflected in such areas, districts, places, buildings, structures, and other objects determined eligible for designation by ordinance as "Elgin landmarks and historic districts";
- C. Preserving the character and vitality of neighborhoods, to promote economic development through rehabilitation, and to stabilize and improve the property tax base of Elgin;
- D. Protecting and enhancing the attractiveness of the city of Elgin to homeowners, home buyers, tourists, visitors, businesses, and shoppers, and thereby to support and promote business, commerce, industry, and tourism and to provide economic benefit to the city of Elgin;
- E. Fostering and encouraging the preservation, restoration, and rehabilitation of areas, districts, places, buildings, structures, works of art, and other objects, including districts and neighborhoods, and thereby prevent urban blight and in some cases reverse current urban deterioration;
- F. Fostering the education, pleasure, and welfare of the people of the city of Elgin through the designation of "Elgin landmarks and historic districts";
- G. Encouraging orderly and efficient development that recognizes the special value to the city of Elgin of the protection of areas, districts, places, buildings, structures, works of art, and other objects designated as "Elgin landmarks";
- H. Encouraging the continuation of surveys and studies of Elgin's historical and architectural resources and the maintenance and updating of a list of areas, districts, places, buildings, structures, works of art, and other objects which may be worthy of landmark designation; and
- I. Encouraging public participation in identifying and preserving historical and architectural resources through public hearings on proposed designations, certificates of appropriateness, building permits, and economic hardship variations.
- J. Encouraging civic pride in the accomplishments of the past as manifested in existing structures and landscapes. (Ord. G22-05 § 1, 2005)

### Chapter 20.04 DEFINITIONS

**20.04.005: GENERALLY:**

Unless specifically defined below, or unless specifically defined in [title 19](#) of this code, words or phrases in this title shall be interpreted in accordance with definitions contained in Webster's dictionary. (Ord. G20-15, 2015)

**20.04.010: TERMS DEFINED:**

**ADAPTIVE USE:** Rehabilitation of a historic structure for use other than its original use.

**ALTERATION:** Any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, addition, sandblasting, water blasting, chemical cleaning, chemical stopping, or removal of any structure, but not including changes to the color of exterior paint.

**AREA:** A specific geographic division of the city.

**CERTIFICATE OF APPROPRIATENESS:** A certificate issued by the building official or the Elgin heritage commission indicating its approval of plans for alteration, construction, removal or demolition of a landmark or of a structure within a historic district.

**CERTIFICATE OF ECONOMIC HARDSHIP:** A certificate issued by the Elgin heritage commission authorizing an alteration, construction, removal or demolition even though a certificate of appropriateness has previously been denied.

**CITY COUNCIL:** The city council of the city of Elgin.

**COMMISSION:** The Elgin heritage commission.

**COMMISSIONERS:** Voting members of the Elgin heritage commission.

**CONSTRUCTION:** The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

**DEMOLITION:** Any act or process that destroys in part or in whole a landmark or a structure within a historic district.

**DESIGN GUIDELINES:** The "Design Guideline Manual" dated March 1997 (revised 2008), prepared by the Elgin heritage commission and consultant Thomason And Associates, and other guidelines which may be adopted by the city council from time to time.

**EXTERIOR ARCHITECTURAL APPEARANCE:** The architectural character and general composition of the exterior of a structure, or natural object, including, but not limited to, the kind and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs and appurtenant elements.

**HISTORIC/ARCHITECTURAL REHABILITATION:** The preservation and replacement of those portions and features, or the replacement of missing portions and features of a structure which contribute to its historic, architectural, and cultural value.

**HISTORIC DISTRICT:** An area designated as a "historic district" by ordinance of the city council and which may contain within definable geographic boundaries one or more landmarks and which may have within its boundaries other properties or structures that, while not of such historic or architectural significance to be designated as landmarks, nevertheless contribute to the overall historic or architectural characteristics of the historic district.

**HISTORIC PRESERVATION:** The thoughtful management saving from destruction or deterioration, old and historic buildings, sites, structures, and providing for their continued use by means of restoration, rehabilitation, or adaptive use.

**HISTORICALLY/ARCHITECTURALLY SIGNIFICANT RESIDENTIAL STRUCTURE:** A residential structure listed as a significant or contributing structure, or a structure having the potential to be listed as a significant or contributing structure as a result of historic/architectural rehabilitation, within an Elgin historic district; or a residential structure designated as a landmark, or listed in the national register of historic places.

**LANDMARK:** A property, structure or natural object designated as a "landmark" by ordinance of the city council, pursuant to procedures prescribed in this title, that is worthy of rehabilitation, restoration and presentation because of its historic or architectural significance to the city.

**LAWFUL, CONFORMING RESIDENTIAL STRUCTURE:** A residential structure determined by the city to be lawful and conforming with respect to use under [title 19](#) of this code.

**OWNERS OF RECORD:** The person, corporation or other legal entity who holds fee simple title in a subject property.

**PROPERTY MAINTENANCE CODE:** The Building Officials And Code Administrators property maintenance code as amended and adopted by the city council of the city of Elgin.

**RECONSTRUCTION:** The act or process of reproducing by new construction, the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time.

**REHABILITATION:** The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.

**RELOCATION:** Any repositioning of a structure on its site or moving it to another site.

**REPAIR:** Any change that does not require a building permit that is not construction, relocation or alteration and does not alter the exterior architectural appearance of the structure.

**REPLICATION:** Constructing a building so that it is an exact replica or imitation of a historic architectural style or period.

**RESIDENTIAL STRUCTURE:** A structure used exclusively as a dwelling unit and for other uses permitted as accessory to a dwelling unit under [title 19](#) of this code.

**RESTORATION:** The act or process of accurately taking a building's appearance back to a specific period of time by removing later work and by replacing missing earlier features to match the original.

**SIGNIFICANT EXTERIOR ARCHITECTURAL FEATURE:** Foundation; cornerstone; siding; masonry; stucco; roofs; chimneys; gutters; downspouts; entrances and doors; windows; masonry piers, gateposts; porches; stoops and railings; cornices and friezes; ornamentation, including, but not limited to, trim, brackets, plaques, engravings, inscriptions, gargoyles, roof creating, ridge caps, finials, corbelled masonry, chimney straps, hoodmolds, shutters, awnings and light fixtures; grade levels adjacent to buildings; garages, outbuildings and other accessory structures.

**STABILIZATION:** The act or process of applying measures essential to the maintenance of a deteriorated building as it exists at present, establishing structural stability and a weather resistant enclosure.

**STANDARDS FOR REHABILITATION:** The secretary of the interior's standards for rehabilitation and guidelines for rehabilitating historic buildings as promulgated by the U.S. department of the interior, national park service, preservation assistance division.

**STRUCTURE:** Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality of the foregoing, buildings, fences, gazebos, advertising signs, billboards, backstops for tennis courts, radio and television antennas, including supporting towers, swimming pools, air conditioners, heat pumps, satellite dishes, basketball standards and solar energy equipment.

**TEMPORARY ACCESSORY STRUCTURE:** A structure which is subordinate in purpose to; which is customarily and traditionally designed, intended and used incidental to; and which is located on the same zoning lot as the principal structure served and which is established for a fixed period of time with the intent to discontinue and remove such structure on the expiration of the time period which shall not exceed four (4) years. Examples of temporary accessory structures include a contractor's office, a development sales office and a modular classroom.

**THEMATIC HISTORIC DISTRICT:** An area designated as a "thematic historic district" by ordinance of the city council composed of two (2) or more definable significant geographical areas, or properties, that are spatially discrete from one another and from other areas, or properties, not part of an established "historic district" as defined elsewhere in this chapter.

**THEMATIC HISTORIC DISTRICT PROPERTY:** A property designated as a "thematic historic district property" by ordinance of the city council, pursuant to procedures prescribed in this title, that is located within a thematic historic district and identified as worthy of rehabilitation, restoration and preservation because of its shared and unifying architectural, historic or cultural themes with the thematic historic district in which it is located. (Ord. G20-15, 2015)

## Chapter 20.06

# LANDMARK AND HISTORIC DISTRICT NOMINATION AND DESIGNATION

### 20.06.010: NOMINATION:

A. Individual Properties As Landmarks Or Thematic Historic District Properties: Nominations for an individual property as a landmark shall be made to the heritage commission on a form prepared by it and may be made and submitted by the heritage commission, owner of record of the nominated property or structure, or the city council. Nominations for an individual property as a thematic historic district property shall be made to the heritage commission on a form prepared by it and may be made and submitted only by the owner of record of the individual property. Nominations for local landmark designation or thematic historic district property designation shall be accompanied by the following documentation:

1. A statement of integrity consisting of the street address and legal description; description of original use; description of current use; date of construction of all structures on the property; description and the date of any additions, demolition or major alterations to all structures on the property; description of whether any secondary structures associated with the property may also retain their original appearance, use and/or relationship to the primary structure;
2. Statement of significance describing any associations with historic persons, events, or ongoing activities on the property; a description of how the property fits within the historic context of the surrounding area, community and/or region; a description of how the property, or features of the property, may be distinctive in design, style, execution, or if it is the work of an important architect, builder or craftsman; description of any potential to yield prehistoric or archaeological information.
3. Submission of photographs of all facades of currently existing buildings; a representative sample of historic photographs of the property, if available; a sketch of the floor plan of the property, drawn to scale, an accurate plat of survey; any other documentation that the heritage commission may reasonably request.
4. In addition to the foregoing, nominations for each individual property that is identified for inclusion within a thematic historic district as a thematic historic district property shall be accompanied by a statement demonstrating conformance with the characteristics of the thematic historic district.

B. Historic Districts And Thematic Historic Districts: Nominations for a historic district or a thematic historic district shall be made to the heritage commission on a form prepared by it and may be made and submitted by the heritage commission, at least a majority of owners of record of the nominated properties or structures within the proposed district, or the city council.

Nominations for historic districts and thematic historic districts shall be accompanied by the following documentation:

1. A statement of integrity describing the boundaries and/or legal description of the proposed district. An architectural overview addressing issues such as: the significance of the district as a whole, the role of the district in the city's development; a detailed listing of primary structures and whether these are significant, contributing or noncontributing to the historic district status; a listing of secondary structures; a description of public parks, squares, and other open spaces; a listing of significant but razed structures.

The statement of integrity for applications for a thematic historic district shall include a description of the architectural, historic or cultural themes that unify properties included within such district.

2. A statement of significance consisting of a brief history of the area; a description of associations with historic persons, events or ongoing activities within the proposed district; a description of how the district fits within the historic and architectural context of the surrounding area, community and/or region; a listing of significant structures or places within the proposed district that may be distinctive in design, style, execution, or are the work of an important architect, builder or craftsman; description of any potential to yield prehistoric or archaeological information.
3. Submission of photographs of at least the front facades of current existing primary structures; a representative sample of historic photographs of the proposed district, if available; an accurate plat of survey; any other documentation that the heritage commission may reasonably request.

Submission of photographs for applications for a thematic historic district shall consist of representative examples of structures and buildings on properties that demonstrate the architectural, historic or cultural themes that unify properties included within such district.

- C. Owner Consent: Nominations for landmarks or historic districts made by the Elgin heritage commission shall be accompanied by the written consent of the property owner(s) of record for individual landmarks, or the written consent of at least a majority of the owners of record of properties within the proposed historic district. No building that is owned by a religious organization and is used primarily as a place for the conduct of religious ceremonies shall be nominated for designation as a historical landmark without the expressed consent of the owner(s) of record of such a property.

A thematic historic district nomination shall serve as the basis for evaluating the eligibility of related properties and shall not require the consent of owners of record at the time of its nomination. Following the designation of a thematic historic district, no individual property that is identified for inclusion within such designated thematic historic district shall be nominated without the written consent of the property owner(s) of record. (Ord. G20-15, 2015)

#### **20.06.020: FEES:**

- A. Each nomination request submitted to the heritage commission pursuant to this chapter shall be accompanied by a fee in the amount of fifty dollars (\$50.00) for landmark nominations or thematic historic districts, and three hundred dollars (\$300.00) for historic district nominations. A nomination submitted without this fee shall have no effect under this title. Nomination requests submitted by the heritage commission or the city council shall be exempt from the payment of any fees.

Subsequent nominations for each thematic historic district property shall be accompanied by a fee in the amount of fifty dollars (\$50.00).

- B. In addition to the nomination fee, each applicant of an individual landmark, historic district, or thematic historic district property shall pay for the costs of providing an accurate verbatim account of the public hearing. A deposit of two hundred dollars (\$200.00) shall be made at the time of application to cover the direct costs of recording and transcription of the public hearing. If the cost is less than the deposit, the remainder shall be paid in full to the applicant. If the cost exceeds the deposit, the applicant shall pay the additional amount in full prior to consideration of the nomination by the city council. Thematic historic district nominations do not require a verbatim account of the public hearing and, therefore, no fee for recording and transcription is required.

- C. Any party pursuing an appeal pursuant to this title, including an application for a certificate of appropriateness (COA), or a certificate of economic hardship, shall pay the costs associated with such appeal. The heritage commission or the city council, as the case may be, may require a deposit for such costs prior to the processing of any appeal. (Ord. G20-15, 2015)

#### **20.06.030: CRITERIA FOR CONSIDERATION OF NOMINATION:**

A nominated structure, property, or area must be fifty (50) years of age on the date of designation unless it is an integral part of a designated historic district or if it has otherwise achieved significance of exceptional importance.

The heritage commission shall, upon such investigation as it deems necessary, make a determination as to whether a nominated structure, property or area meets at least six (6) of the following criteria. The heritage commission may vote to proceed with as few as four (4) criteria if the property is identified with a person, or persons, who significantly contributed to the development of the community, county, state, or country, or if the property is nominated for inclusion within a thematic historic district.

- A. That it has character, interest or value as part of the development, heritage or cultural characteristics of the community, county, state or country and retains the integrity to be highly representative of the relevant area's social and cultural history;
- B. That its location was a site of a significant local, county, state or national event or that it was the location of a series of events or activities that contributed in a significant fashion to the community's identity, and/or social, cultural or economic history;

- C. That it is identified with a person or persons who significantly contributed to the development of the community, county, state or country;
- D. That it embodies distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction or use of indigenous materials;
- E. That it is identified as the work of a master builder, designer, architect or landscape architect whose individual work has influenced the development of the community, county, state or country;
- F. That it embodies elements of design, detailing, materials or craftsmanship that render it architecturally significant;
- G. That it embodies design elements that make it structurally or architecturally innovative;
- H. That it has a unique location or singular physical characteristics that make it an established or familiar visual feature;
- I. That it is a particularly fine or unique example of a utilitarian structure, including, but not limited to, farmhouses, gas stations or other commercial structures, with a high level of integrity or architectural significance;
- J. That it is suitable for preservation or restoration, to foster the education and awareness of the community's past.

Any structure, property or area that meets the above criteria shall also have sufficient integrity of location, design, materials and workmanship to make it worthy of preservation or restoration.

- K. The nominated property possesses the unique architectural, historic or cultural themes to be included within an already established thematic historic district. (Ord. G20-15, 2015)

#### **20.06.040: NOTIFICATION OF NOMINATION:**

The heritage commission shall schedule a public hearing on a nomination under this title within ninety (90) days following receipt of such nomination. In cases of a nomination of a structure as a landmark or a thematic historic district property, notice of the date, time, place and purpose of the public hearing and a copy of the completed nomination form shall be sent by regular mail to the owner(s) of record and to the nominators, at least thirty (30) days prior to the date of the hearing. Notice of the nomination of a landmark or a thematic historic district property shall also be published at least once in a newspaper having general circulation in the city not less than fifteen (15) days prior to the date of the hearing. The publication notice shall state the common street address and legal description of a nominated landmark or thematic historic district property along with the date, time, place and purpose of the public hearing. In cases of a nomination of a thematic historic district, notice of the nomination shall be published at least once in a newspaper having general circulation in the city not less than fifteen (15) days prior to the date of the hearing, and shall state the date, time, place and purpose of the public hearing. In cases of a nomination of any area as a historic district, notice of the date, time, place and purpose of the public hearing and a copy of the completed nomination form shall be sent by regular mail to the common street address of each structure located within the boundaries of a nominated historic district and to the nominators, at least thirty (30) days prior to the date of the hearing. Notice of the nomination of a historic district shall also be published at least once a week for two (2) consecutive weeks in a newspaper having general circulation in the city not less than fifteen (15) days prior to the date of the hearing. The publication notice shall state the legal description and boundaries of a nominated historic district along with the date, time, place and purpose of the public hearing. (Ord. G20-15, 2015)

#### **20.06.050: OBJECTION TO A NOMINATION:**

An objection to the nomination of a landmark or of an area as a historic district may be made by petition signed by a majority of the owners of record of the nominated landmark or the properties in the nominated uses. Such an objection shall be filed with the heritage commission prior to the close of the public hearing on the nomination. In such cases where a majority of the owners of record have filed an objection, the subject property or area shall not be designated as a landmark or a historic district except by a favorable vote of two-thirds ( $\frac{2}{3}$ ) of the members of the council then holding office, and, unless so approved, shall bar the renomination of the subject property or area as a landmark or a historic district for a period of two (2) years from the filing of the objection. (Ord. G20-15, 2015)

#### **20.06.060: PUBLIC HEARING:**

Oral or written testimony concerning the significance of the nominated landmark, historic district, thematic historic district, or thematic historic district property shall be taken at the public hearing from any person concerning the nomination. The heritage commission may present expert testimony or present its own evidence regarding the compliance of the nominated landmark, historic district, thematic historic district, or thematic historic district property with the criteria for consideration of a nomination set forth in section [20.06.030](#) of this

chapter. The owner of any nominated landmark, nominated thematic historic district property or of any property within a nominated historic district shall be permitted to appear and be represented by counsel and shall be allowed reasonable opportunity to present evidence regarding the issues presented and shall be provided a reasonable opportunity to cross examine expert witnesses. A transcript of the entire hearing shall be made by a court reporter, except for a nomination for a thematic historic district in which case a summary report will be prepared by city staff. The hearing may be continued from time to time to a date certain and shall be closed upon completion of testimony and the submission of evidence. (Ord. G20-15, 2015)

### **20.06.070: FINDINGS AND RECOMMENDATION:**

Within thirty (30) days following close of the public hearing, the heritage commission shall make a determination upon the evidence whether the nominated landmark, historic district, thematic historic district, or thematic historic district property meets the criteria for designation. Such a determination shall be passed by resolution of the heritage commission and shall be accompanied by a report stating the findings of the heritage commission concerning the application of the criteria for designation in section [20.06.030](#) of this chapter and the nominated landmark, historic district, thematic historic district, or thematic historic district property. The report accompanying the heritage commission's resolution shall also include the following information:

- A. Explanation of the significance or lack of significance of the nominated landmark, historic district or thematic historic district as it relates to the criteria for designation, or how a thematic historic district property relates to the architectural, historic or cultural themes of such thematic historic district;
- B. Explanation of the integrity or lack of integrity of the nominated landmark, historic district, thematic historic district, or thematic historic district property;
- C. In the case of a nominated landmark or thematic historic district property found to meet the criteria for designation:
  - 1. The significant exterior architectural features of the nominated landmark or thematic historic district property that should be protected;
  - 2. The types of construction, alteration, removal and demolition, other than requiring a building or demolition permit, that should be reviewed for appropriateness pursuant to the provisions of chapters 20.08 and 20.10 of this title;
- D. In the case of a nominated historic district or thematic historic district found to meet the criteria for designation:
  - 1. The type of significant exterior architectural features of the structures within the nominated historic district that would be protected;
  - 2. The types of alterations and demolitions that should be reviewed for appropriateness pursuant to the provisions of chapters 20.08 and 20.10 of this title;
- E. Proposed design guidelines for applying the criteria for review of certificates of appropriateness to the nominated landmark, historic district, thematic historic district, or thematic historic district property;
- F. The relationship of the nominated landmark, historic district, thematic historic district, or thematic historic district property to the ongoing effort of the heritage commission to identify and nominate all potential areas and structures that meet the criteria for designation;
- G. Recommendations as to appropriate permitted uses, special uses, height and area regulations, minimum dwelling size, floor area, sign regulations and placing regulations necessary or appropriate to the preservation of the nominated landmark, historic district, thematic historic district, or thematic historic district property;
- H. A map showing the location of the nominated landmark or thematic historic district property and the boundaries of the nominated historic district including a listing of all street addresses and the number of principal buildings within a nominated historic district. (Ord. G20-15, 2015)

### **20.06.080: NOTIFICATION OF FINDINGS AND RECOMMENDATION:**

Notice of determination of the heritage commission, including a copy of the report, shall be sent by regular mail to the owner(s) of record of a nominated landmark or thematic historic district property, and to the common address of all property within a nominated historic district and to the nominator within seven (7) days following adoption of the resolution. Within seven (7) days following a determination by the heritage commission whether the nominated landmark, historic district, thematic historic district, or thematic historic district property meets the criteria for designation, a copy of the resolution and report accompanied by a recommendation whether the nominated landmark, historic district, thematic historic district, or thematic historic district property should be designated shall be sent to the council. (Ord. G20-15, 2015)

**20.06.090: APPEAL:**

A determination by the heritage commission that the nominated landmark, historic district or thematic historic district does not meet the criteria for designation, or that a property nominated to be included within a thematic historic district does not conform to the architectural, historic or cultural themes of such thematic historic district, may be appealed to the city council. The nominator or owner of the nominated landmark, or of property within the nominated historic district or thematic historic district, must, within thirty (30) days after the postmarked date of the notice of the determination, file with the city clerk such a written appeal to the city council. (Ord. G20-15, 2015)

**20.06.100: ACTION BY CITY COUNCIL:**

After receiving the recommendation that the nominated landmark, historic district, thematic historic district, or thematic historic district property be designated, or after receiving a written appeal, the city council shall either reject the recommendation or written appeal by formal resolution or designate the landmark, historic district, thematic historic district, or thematic historic district property by an ordinance. The city council may hold a public hearing before enacting the resolution or ordinance and provide notice and take testimony in the same manner as provided in sections [20.06.040](#) and [20.06.060](#) of this chapter. The city clerk shall provide written notification of the action of the city council by regular mail to the nominator, the applicant, and the owner(s) of record of the nominated landmark and to the common street address of all property within a nominated historic district or thematic historic district. The notice shall include a copy of the designation ordinance or resolution passed by the city council and shall be sent within seven (7) days of the city council action. A copy of each designation ordinance shall be sent to the heritage commission, the planning and land use commission and the community development department. (Ord. G20-15, 2015)

**20.06.110: INTERIM CONTROL PENDING CITY COUNCIL ACTION:**

Upon the submission of a nomination to designate a landmark, a historic district or an addition to an existing district, or a thematic historic district property to the heritage commission, all permits issued by the community development department for such buildings or property within an area nominated for designation shall be accompanied by a certificate of appropriateness from the building official until such time as a final determination is made on the nomination. Notwithstanding the above language, the building official may issue permits for work done on the interior of any structure. After a denial by the city council, a new petition for the same building or properties shall not be filed for a period of one year from the date of denial. New construction, alteration or demolition work begun pursuant to a building permit issued prior to the receipt of a nomination to designate a landmark, historic district, or thematic historic district property shall not be subject to review by the commission unless such permit has expired, been canceled or revoked. (Ord. G20-15, 2015)

**20.06.120: AMENDMENT OR RESCISSION OF DESIGNATION:**

Designation may be amended or rescinded upon petition to the heritage commission and compliance with the same procedure and according to the same criteria set forth herein for such designation. A petition to rescind the designation of a landmark, historic district, thematic historic district or thematic historic district property shall be accompanied by the written consent of a majority of the property owners of record of the landmark, a majority of the property owners of properties within a historic district, a majority of property owners of designated properties within a thematic historic district or a majority of the property owners of a designated thematic historic district property. In addition thereto, the community development director shall rescind the designation of a thematic historic district property upon the receipt of a petition requesting such a rescission from the successor property owner(s) to the property owner at the time of the designation, subject to the condition that there have been no city grants and no other known public grants awarded for the thematic historic district property in the previous ten (10) years from the date of such petition from the successor owner(s). (Ord. G36-15, 2015)

**20.06.130: RECORDING OF ORDINANCE:**

A certified copy of the ordinance designating a landmark, historic district or thematic historic district property shall be recorded with the county recorder in the county in which the subject property is located. (Ord. G20-15, 2015)

## **Chapter 20.08 CERTIFICATE OF APPROPRIATENESS**

**20.08.010: REQUIRED:**

A certificate of appropriateness shall be required before the following actions affecting the exterior architectural appearance of any designated landmark, of any property within a historic district or of any thematic historic district property may be undertaken:

A. Any construction, alteration, removal or demolition requiring a building permit from the city;

B. Any construction, alteration, removal or demolition affecting a significant exterior architectural feature. (Ord. G36-15, 2015; Ord. G22-05 § 1, 2005)

### **20.08.020: APPLICATION AND APPROVAL PROCESS:**

A. Applications To Design Review Subcommittee: Applications for a certificate of appropriateness, including the accompanying plans and specifications, shall be made to the design review subcommittee of the heritage commission. The design review subcommittee shall issue or deny a certificate of appropriateness within thirty (30) days of the receipt of a completed application. The design review subcommittee shall provide technical assistance as to the application of design guidelines for proposed work on any landmark or on any property within a historic district.

B. Administrative Approvals: The building official, or his designee, may issue certificates of appropriateness for certain routine or emergency kinds of work applications as specified by the heritage commission in its rules. The heritage commission shall adopt rules specifying routine or emergency kinds of work applications which may be processed by the building official or his designee. (Ord. G22-05 § 1, 2005)

### **20.08.030: DESIGN GUIDELINES:**

In considering an application for a certificate of appropriateness, the heritage commission and the design review subcommittee shall apply the design guidelines as set forth in the "Design Guideline Manual" dated March 1997 (revised 2008), prepared by the Elgin heritage commission and consultant Thomason And Associates, as a standard for whether to issue such certificates and other guidelines which may be adopted by the city council from time to time. (Ord. G33-08 § 3, 2008)

### **20.08.040: DENIAL OF CERTIFICATE:**

A denial of a certificate of appropriateness shall be accompanied by a statement of the reasons for the denial. The design review subcommittee of the heritage commission shall make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the design review subcommittee to reconsider its denial and shall confer with the applicant and attempt to resolve as quickly as possible the differences between the applicant and the design review subcommittee. The applicant may submit an amended application or reapply for a certificate of appropriateness that takes into consideration the recommendations of the design review subcommittee. (Ord. G22-05 § 1, 2005)

### **20.08.050: APPEALS:**

A determination by the design review subcommittee of the heritage commission that an application for a certificate of appropriateness be denied may be appealed to the entire heritage commission. All such appeals must be made to the commission within ten (10) days from the denial of the original application. (Ord. G22-05 § 1, 2005)

### **20.08.051: PUBLIC HEARING:**

The heritage commission shall provide notice of and hold a public hearing on such appeals made to the commission. The commission shall provide a reasonable opportunity for all interested persons to present testimony or evidence under such rules as the commission may adopt governing the proceedings of a hearing. At the hearing each speaker shall state his name, address, and the interest which he represents. The owner of any property appealing the decision of the design review subcommittee shall be allowed reasonable opportunity to present evidence regarding the proposed work and shall be permitted to appear and be represented by counsel and have the reasonable opportunity to cross examine expert witnesses. A transcript of the entire hearing shall be made by a court reporter. The hearing may be continued from time to time to a date certain and shall be closed upon completion of testimony and the submission of evidence.

In considering such appeals the commission shall use the design guidelines as provided in section [20.08.030](#) of this chapter. The commission shall render a decision on an appeal within ten (10) days from its final meeting to consider the matter and shall include written findings to accompany the decision. A denial of a certificate of appropriateness by the heritage commission pursuant to this section may be appealed to the city council as provided by section [20.10.040](#) of this title. (Ord. G22-05 § 1, 2005)

### **20.08.052: NOTIFICATION SIGNS FOR PUBLIC HEARING:**

Applicants appealing the decision of the design review subcommittee to the Elgin heritage commission shall post a sign on the subject property informing the general public of the impending public hearing. The public hearing notification sign shall contain the following information:

#### *NOTICE OF PUBLIC HEARING*



*FOR THIS PROPERTY  
HISTORIC PRESERVATION  
FOR MORE INFORMATION  
CALL 311 OR VISIT  
WWW.CITYOFELGIN.ORG/PUBLICHEARINGS*

The public hearing notification sign shall be posted on the subject property on the street frontage with the face of the sign placed perpendicular to the direction of traffic on each street and as close to the property line as practicable.

A. Public hearing notification signs shall be posted not less than fifteen (15) days prior to the scheduled hearing.

B. The applicant shall post a one hundred thirty five dollar (\$135.00) cash deposit with the community development department for the return of each required public hearing notification sign. The cash deposit shall be processed for a refund to the applicant on the return of each sign. In the event that the sign is not returned to the community development department within ten (10) days following the conclusion of the hearing for which the sign was posted, the one hundred thirty five dollar (\$135.00) cash deposit shall be forfeited and applied to the cost of the replacement of the sign. (Ord. G6-15, 2015; Ord. G36-14, 2014)

### **20.08.053: FINDINGS AND DECISION:**

If the heritage commission finds: a) that it would be unreasonable or impracticable to require an applicant to complete the requested work to conform with the design guidelines rather than as proposed, and b) the proposed work would be completed in such a manner that would continue to maintain the essential form and the integrity of the historic property upon which it is proposed to be completed, then the commission shall issue a certificate of appropriateness for the proposed work as requested. (Ord. G22-05 § 1, 2005)

### **20.08.060: POSTING OF CERTIFICATE:**

A true copy of the certificate of appropriateness shall be kept on the site of work and posted so as to be open to public view and inspection during the entire time of prosecution of the work and until completion of the same. (Ord. G22-05 § 1, 2005)

### **20.08.070: EMERGENCY ORDERS:**

Notwithstanding other provisions of this title, whenever the building official finds that an emergency exists in any landmark, property within a historic district or a thematic historic district property which requires immediate action to protect the public's health and safety or that of the occupants thereof, he may issue an order certifying that such conditions exist and requiring actions as are necessary to meet such emergency. Subsequent to the correction of an emergency, the owner of an affected property shall apply for and obtain a certificate of appropriateness and shall restore such property in conformance with the requirements of this title. (Ord. G36-15, 2015)

### **20.08.090: COMPLIANCE:**

It shall be unlawful for any person, firm or corporation to fail to perform any construction, alteration, removal, demolition or other work in accordance with the terms and conditions of a certificate of appropriateness. (Ord. G79-06 § 1, 2006)

### **20.08.100: PENALTY FOR VIOLATION:**

Any person, firm or corporation violating any of the provisions of this chapter shall be fined as provided in [title 1, chapter 1.20](#) of this code. Each day during which a violation of this chapter continues or is permitted to exist shall be considered a separate and distinct offense. The imposition of any penalty for a violation of this chapter shall not be construed as a waiver of the right of the city to seek other remedies available at law or equity to enforce the provisions of this chapter. (Ord. G79-06 § 2, 2006)

## **Chapter 20.10 CERTIFICATE OF ECONOMIC HARDSHIP**

### **20.10.010: ISSUANCE:**

Notwithstanding any of the provisions of this title to the contrary, the heritage commission may issue a certificate of economic hardship to allow for the performance of work for which a certificate of appropriateness has been denied. (Ord. G22-05 § 1, 2005)

**20.10.020: APPLICATION PROCEDURE:**

Application for a certificate of economic hardship shall be made on a form prepared by the heritage commission. The heritage commission shall schedule a public hearing concerning the application and provide notice in the same manner as in section [20.06.040](#) of this title, and any person may testify at the hearing concerning economic hardship in the same manner as provided by section [20.06.060](#) of this title.

The heritage commission may solicit expert testimony or require that the applicant for a certificate of economic hardship make submissions concerning any or all of the following information before it makes a determination on the application:

- A. Estimate of the cost of the proposed construction, alteration, removal or demolition and an estimate of any additional cost that would be incurred to comply with the recommendations of the heritage commission for changes necessary for the issuance of a certificate of appropriateness;
- B. 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;
- C. 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 heritage commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use;
- D. 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;
- E. 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 of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer;
- F. 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;
- G. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two (2) years;
- H. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property;
- I. Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years;
- J. Assessed value of the property according to the two (2) most recent assessments;
- K. Real estate taxes for the previous two (2) years;
- L. Form of ownership or operation of the property, whether sole proprietorship, for profit or not for profit corporation, limited partnership, joint venture or other;
- M. Any other information, including the income tax bracket of the owner, applicant, or principal investors in the property considered necessary by the heritage commission to make a determination as to whether the property does yield or may yield a reasonable return to the owner. (Ord. G22-05 § 1, 2005)

**20.10.030: FINDINGS:**

- A. If the commission finds that without approval of the proposed work, the owner of the property cannot obtain a reasonable beneficial use and a reasonable economic return therefrom then the application shall be delayed for a period not to exceed ninety (90) days. During this period of delay, the commission shall investigate alternatives and make recommendations to the city council to allow for a

reasonable beneficial use and a reasonable economic return from 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 the ordinance, a reduction in real property taxes, financial assistance, building code modifications or changes in zoning regulations.

- B. If by the end of this ninety (90) day period, the commission has found that without approval of the proposed work, the owner of the property cannot obtain a reasonable beneficial use and a reasonable economic return therefrom, then the commission shall issue a certificate of economic hardship approving the proposed work. If the commission finds otherwise, it shall deny the application for a certificate of economic hardship. (Ord. G22-05 § 1, 2005)

#### **20.10.040: APPEALS:**

When a certificate of appropriateness or a certificate of economic hardship is approved or denied by the heritage commission for a landmark, a structure within a historic district, or a thematic historic district property, the applicant may, within thirty (30) days, appeal the commission's decision to the city council. The council may receive comments on the contents of the record but no new matter may be considered by the council. The city council may affirm the decision or recommend changes by a majority vote of a quorum of the council after due consideration of the facts contained in the record submitted to the council by the commission. The council may overturn the commission's decision by a majority vote of the council. (Ord. G36-15, 2015)

## **Chapter 20.11 TEMPORARY ACCESSORY STRUCTURES**

#### **20.11.010: ISSUANCE; LIMITATIONS:**

Notwithstanding any of the provisions of this title to the contrary, the heritage commission may issue a certificate to allow for a temporary accessory structure which does not conform to the design guidelines to be located on any designated landmark property, any property within a historic district, or any thematic historic district property. No temporary accessory structure which does not conform to the design guidelines shall be located on any designated landmark property, any property within a historic district, or any thematic historic district property for a period of time which exceeds four (4) years. No temporary accessory structure which does not conform to the design guidelines shall be used as a residential dwelling unit or for any residential purpose. Temporary accessory structures shall comply with all other codes and ordinances. (Ord. G36-15, 2015)

#### **20.11.020: APPLICATION:**

Application for a certificate to allow for a temporary accessory structure shall be made on a form prepared by the heritage commission. Such application shall include at a minimum the following information:

- A. A description of the proposed temporary accessory structure including materials, floor plan and elevations;
- B. A site plan of the property in question depicting the location of any existing structures and of the location of the proposed temporary accessory structure;
- C. Information establishing that the temporary accessory structure would be located and constructed in such a manner that when removed in the future the essential form and the integrity of the historic property upon which the temporary accessory structure is proposed to be located would be unimpaired;
- D. Information establishing the cost of the proposed temporary accessory structure as compared to the estimated cost of a permanent structure which would comply with the design guidelines;
- E. A statement identifying the proposed time period the temporary accessory structure is to be located on the historic property; and
- F. A statement describing why the applicant is not presently proceeding with the construction of a permanent structure which conforms to the design guidelines. (Ord. G22-05 § 1, 2005)

#### **20.11.030: HEARING PROCEDURE:**

The heritage commission shall schedule a public hearing concerning the application for a certificate for a temporary accessory structure and provide a publication notice in the same manner as in section [20.06.040](#) of this title, and any person may testify at the hearing

concerning the proposed temporary accessory structure in the same manner as provided by section [20.06.060](#) of this title. (Ord. G22-05 § 1, 2005)

#### **20.11.040: FEES:**

Each application submitted to the heritage commission pursuant to this chapter shall be accompanied by a fee in the amount of fifty dollars (\$50.00). An application submitted without this fee shall have no effect under this title. In addition to the application fee, each applicant shall pay for the costs of providing an accurate, verbatim account of the public hearing. A deposit of two hundred dollars (\$200.00) shall be made at the time of application to cover the direct costs of recording and transcription of the public hearing. If the cost is less than the deposit, the remainder shall be paid in full to the applicant. If the cost exceeds the deposit, the applicant shall pay the additional amount in full. (Ord. G22-05 § 1, 2005)

#### **20.11.050: FINDINGS AND DECISION:**

If the heritage commission finds: a) that it would be unreasonable or impracticable to require an applicant to construct a permanent structure which conforms with the design guidelines rather than the proposed temporary accessory structure, and b) the temporary accessory structure would be located and constructed in such a manner that when removed in the future the essential form and the integrity of the historic property upon which the temporary accessory structure is proposed to be located would be unimpaired then the commission shall issue a certificate for the proposed temporary accessory structure. If the commission finds otherwise, it shall deny the application for a certificate for a temporary accessory structure. A certificate for a temporary accessory structure shall be issued for the time period as requested in the application therefor but in no event shall exceed four (4) years. (Ord. G22-05 § 1, 2005)

#### **20.11.060: REMOVAL:**

A temporary accessory structure for which a certificate has been issued pursuant to this chapter shall be removed upon the expiration of the certificate authorizing such temporary accessory structure. It is unlawful for any person who is the owner of property upon which a temporary accessory structure is located for which a certificate has been issued pursuant to this chapter to fail to remove such temporary accessory structure upon the expiration of the certificate issued therefor. If the owner of property upon which a temporary accessory structure is located fails to remove such temporary accessory structure upon the expiration of the certificate issued therefor, the city may file an action in the circuit court complaining of a violation of the provisions of this chapter and requesting an order commanding the owner to remove the temporary accessory structure or alternatively requesting an order authorizing entry onto the subject property to remove the temporary accessory structure and for such other relief as may be provided by law. (Ord. G22-05 § 1, 2005)

#### **20.11.070: LIEN:**

If the temporary accessory structure is removed by the city or by someone directed to remove the temporary accessory structure on behalf of the city, a notice of lien of the cost and expense thereof incurred by the city shall be recorded in the following manner: The city or the person performing the service by authority of the city, in its or his own name, may file notice of lien in the office of the recorder of deeds in the county in which said real estate is located. The notice of lien shall consist of a sworn statement setting out a description of the real estate sufficient for identification thereof, the amount of money representing the cost and expense incurred or payable for the service, and the date or dates when said costs or expenses were incurred by the city, and shall be filed within sixty (60) days after the cost and expense is incurred. For the purpose of this chapter cost and expense shall be a sum equal to the cost of removal of the temporary accessory structure plus an administrative fee equal to the actual cost of removal of the temporary accessory structure, but not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) to cover general overall overhead, inspection expenses, location of and notice to owner, and incidental and related actions. Upon filing of a notice of lien as provided herein, the city shall have a lien upon the land described therein and upon which the temporary accessory structure removal or other service have been made to seek secure costs and expenses thereof and nine percent (9%) interest per year on the amount which interest shall begin accruing sixty (60) days after the cost is incurred. Such lien shall be in addition to and shall not constitute a waiver of additional penalties, including, but not limited to, fines, as may be available by law. After notice of lien has been filed, a release of lien shall be issued upon payment of the costs, expenses and interest as provided herein. The parties seeking the relief shall be responsible for filing same in the office of the recorder of deeds for the appropriate county. (Ord. G22-05 § 1, 2005)

#### **20.11.080: APPEALS:**

When a certificate for a temporary accessory structure is denied by the heritage commission, the applicant may, within thirty (30) days, appeal the commission's decision to the city council. The city council may affirm the decision or recommend changes by a majority vote of a quorum of the city council after due consideration of the facts contained in the records submitted to the city council by the commission. The city council may overturn the commission's decision by a majority vote of the city council. (Ord. G22-05 § 1, 2005)

## **Chapter 20.12 MISCELLANEOUS PROVISIONS**

**20.12.010: DESIGNATION OF EXISTING HISTORIC DISTRICT:**

The area designated on the map which is made a part hereof by reference, being the same Elgin historic district designated in the 1981 resolution adopted by the Elgin city council on March 11, 1981, is established and designated as a historic district pursuant to the terms and provisions of this chapter. (Ord. G22-05 § 1, 2005)

**20.12.020: ADDITIONAL PROCEEDINGS TO PREVENT VIOLATIONS:**

In addition to the enforcement of the requirements of this chapter by the city, any owner or tenant of real property within one thousand two hundred feet (1,200') in any direction of property on which a violation of this title is occurring who shows that his property or person will be substantially affected by the alleged violation, may institute appropriate proceedings to prevent the alleged violation as provided by statute. (Ord. G22-05 § 1, 2005)

**20.12.030: NOTICE TO HERITAGE COMMISSION:**

The community development director shall provide notice in writing to the chairman of the heritage commission at least thirty (30) days in advance of forthcoming public hearings regarding zoning, special use or variation petitions involving designated properties. Additionally, the building official shall provide notice in writing to the chairman of the heritage commission at least sixty (60) days in advance of plans by the city to alter or demolish a designated property owned by the city. (Ord. G22-05 § 1, 2005)

**20.12.040: TECHNICAL ASSISTANCE:**

Notwithstanding other provisions of this title, the building official or his designee shall provide technical assistance as to the application of design guidelines for proposed work on interior features of any landmark or of any property within a historic district when specifically requested by the owner of record. (Ord. G22-05 § 1, 2005)

**20.12.050: AFFIRMATION OF EXISTING CODES AND ORDINANCES:**

Nothing contained in this title shall supersede the powers of other local legislative or regulatory bodies, or relieve any property owner from complying with the requirements of other applicable codes and ordinances. Specifically, this title shall not be construed to modify any applicable codes or ordinances. In the event of any conflict between the provisions of this title and any other applicable codes and ordinances, the more restrictive ordinance provision shall be deemed to apply. (Ord. G22-05 § 1, 2005)

**20.12.060: SEVERABILITY:**

If any section, subsection, sentence, clause, phrase or portion of this title is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof. (Ord. G22-05 § 1, 2005)

## **Chapter 20.14 PENALTIES**

**20.14.010: VIOLATION AND PENALTY:**

Any person who undertakes or causes any alteration, construction, removal or demolition of any nominated or designated landmark, property within a nominated or designated historic district, or a property nominated for or designated as a thematic historic district property without a certificate of appropriateness or a certificate of economic hardship shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) and shall also be required to restore the building or structure and its site to its appearance prior to the violation. Every day each such violation shall continue to exist shall constitute a separate violation. (Ord. G36-15, 2015)

## **Chapter 20.15 50/50 HISTORIC/ARCHITECTURAL REHABILITATION GRANT PROGRAM**

**20.15.010: TITLE:**

This program shall be entitled the *50/50 HISTORIC/ARCHITECTURAL REHABILITATION GRANT PROGRAM* of the city. (Ord. G22-05 § 1, 2005)

#### **20.15.020: PURPOSE:**

The purpose of this program is to provide a financial incentive to encourage private investment in the exterior rehabilitation and restoration of historically/architecturally significant residential structures, particularly designated landmarks, properties located in designated historic districts or designated thematic historic district properties. (Ord. G36-15, 2015)

#### **20.15.030: ESTABLISHMENT:**

There is hereby established a historical/architectural rehabilitation grant program for the city. Completed applications must be submitted by the deadline published by the community development department and shall be reviewed based on established criteria for selection. Grants for the program established may be made until funds budgeted for such use are exhausted. (Ord. G22-05 § 1, 2005)

#### **20.15.040: ADMINISTRATION:**

The administration of the provisions of this chapter is hereby assigned to the director of the community development department (director), or the director's designee. Applications hereunder shall be made to the community development department which shall have the authority and responsibility for carrying out the provisions of this chapter. The director may consult with the Elgin heritage commission in so carrying out the provisions of this chapter. The director shall establish any reasonable rules and procedures not otherwise established by this chapter that are deemed necessary for administration of the historic/architectural rehabilitation grant program. Such rules and procedures shall include scoring criteria and a minimum point threshold necessary to qualify for grants for the program. Such rules and procedures shall be written and published in pamphlet form. (Ord. G22-05 § 1, 2005)

#### **20.15.050: GUIDELINES:**

A. Eligible Activities: Grants for the exterior historic/architectural rehabilitation of historically/architecturally significant residential structures shall be limited to actual out of pocket expenses incurred in meeting the requirements of the Elgin "Design Guideline Manual". Program participation and historical/architectural rehabilitation activities must result in full compliance with such standards as they apply to the exterior of the structure. In addition, as a condition of any grant, the exterior of eligible properties must be brought into full compliance with the current, adopted international property maintenance code by the end of the eighteen (18) month term of the grant agreement. Notwithstanding the foregoing requirement, a property shall be considered eligible for participation in the grant program if the owner of the property has either previously or simultaneously with the execution of a grant program agreement also entered into a long term rehabilitation agreement for the property providing for the correction of all exterior code violations. The term of any such long term rehabilitation agreement shall not exceed fifty four (54) months. As a condition of continued eligibility for the grant program and disbursement of any grant funds, the property owner must at all times be in compliance with the schedule for corrective work in the long term rehabilitation agreement.

B. Applicant Qualifications: Eligible applicants shall include any person who:

1. Owns a lawful conforming or lawful nonconforming residential structure which is more than fifty (50) years old and contains no more than four (4) dwelling units; and
2. Is at least eighteen (18) years of age.

C. Grants: The amount of any grant shall be determined by the director of the community development department, or the director's designee, in accordance with an approved estimate of cost for eligible exterior historic/architectural rehabilitation work. Grants shall be limited to fifty percent (50%) of eligible, approved project construction costs and applicable to a minimum project of five thousand dollars (\$5,000.00) with no grant to exceed twenty thousand dollars (\$20,000.00).

D. Partial Payments: Partial payments of grant funds for completed historic/architectural rehabilitation activities may be allowed if the completed historic/architectural rehabilitation activities relate to discrete, separate improvements to a property and if the applicant's financial ability to participate in the program is dependent upon partial payments throughout the program of the work.

E. Conditions; Agreement Required: Program participation shall, within thirty (30) days of receiving notification of being awarded a grant, require the execution of an agreement between the applicant and the city. The director, or the director's designee, is authorized to execute the agreement on behalf of the city. The agreement shall include, but is not limited to, requirements for the applicant as follows:

1. Within one hundred eighty (180) days of executing the agreement, the applicant shall obtain a certificate of appropriateness for any construction work to be performed on the residential structure which is the subject of the agreement.

2. The applicant shall complete the historic/architectural rehabilitation of the residential structure which is the subject of the agreement in compliance with the Elgin "Design Guideline Manual" and in conformance with the certificate of appropriateness within an eighteen (18) month period from the date of the execution of the grant agreement.
3. The applicant shall post a sign at the residential structure which is the subject of the agreement stating that such structure is being rehabilitated in conjunction with the city's 50/50 historic/architectural rehabilitation grant program. Such sign shall be provided to the applicant by the city and shall be placed in the front yard of such structure at a location approved by the city with the sign faces being positioned perpendicular to the adjoining street. The sign shall remain posted in such manner until the applicant's rehabilitation project has been completed and approved by the city. Notwithstanding the foregoing, the city may require the grantee to remove such sign at any time upon written notice to the grantee. The city may require the applicant to post a refundable deposit in an amount equal to the replacement cost for such sign to guarantee the sign's return to the city in a satisfactory condition.

F. Change To Original Scope Of Grant Project: In the event an applicant desires to modify the scope of a grant project the applicant must make a written request to the director within one hundred eighty (180) days of execution of the grant agreement. Such written request shall specifically identify the proposed modifications to the original scope of the grant project and the reasons for same. Requests to modify the scope of a grant project shall not extend the eighteen (18) month term of a grant agreement. The modified project shall then be reevaluated based upon the established criteria for selection. If the modified project still qualifies for grant funds in the budget cycle for which the original grant was awarded then the grant allocation shall be adjusted to reflect the modifications to the scope of the grant project but in no event shall the grant allocation exceed the original allocated amount. If the modified grant project fails to qualify pursuant to the criteria for selection, the grant monies will be deemed forfeited and the next qualified applicant will be invited to participate in the grant program. (Ord. G17-07 §§ 3, 4, 2007; Ord. G81-06 § 3, 2006; Ord. G22-05 § 1, 2005)

## **20.15.060: COMPLIANCE; PENALTY:**

### **A. Evaluations And Compliance With Codes:**

1. The director of the community development department shall evaluate, or cause to be evaluated, all premises for which grants are approved by the city council pursuant to the terms of this program for compliance with the current, adopted international property maintenance code, [title 19](#) of this code, and any other applicable codes and ordinances. Such evaluation shall be made prior to the execution of any agreement for a grant in order to confirm the existence of any violations of codes or ordinances, and to determine the scope of the historic/architectural rehabilitation project. Any existing violations of codes and ordinances determined on the exterior of the property which are not subject to the scope of work to be completed under the grant program shall be rectified to comply with the current, adopted international property maintenance code, within the time set forth or determined by the citing code enforcement officer.
2. A second evaluation shall be made prior to the payment of a final grant to confirm compliance with the Elgin "Design Guideline Manual", the certificate of appropriateness and other codes and ordinances.
3. In the event the work under the grant program is completed within the eighteen (18) month time period as provided by the grant program agreement, but other code violations exist on the property which were not identified in the first evaluation, a compliance time frame shall be set by the director of the community development department setting forth a schedule for the correction of such code violations. No grant funds shall be paid until any and all such code violations are corrected in conformance with the compliance time frame. In establishing a compliance time frame the director of the community development department shall determine the reasonable minimal time necessary to correct the violations based upon the number and severity of the violations. Such a compliance time frame shall not exceed ninety (90) days unless the director of the community development department determines in writing that adverse weather conditions prevent the correction of violations within such ninety (90) day period. In such event the director of the community development department shall determine the additional reasonable time necessary for the compliance time frame. A further reinspection shall be conducted at the end of the compliance time frame. Upon completion of such reinspection grant funds shall be disbursed to the property owner if the property meets the requirements of applicable codes. If the director of the community development department finds that the requirements of applicable city codes have not been met, any grant funds shall be deemed forfeited.
4. In the event the work under the grant program has not been properly completed within the eighteen (18) month time period as provided by the grant program agreement or other code violations on the property remain which were identified in the first evaluation and which were not included within a previously executed long term rehabilitation agreement, the grant funds shall be deemed forfeited. Notwithstanding the foregoing, in the event the work under the grant program has not been properly completed within the eighteen (18) month time period as provided by the grant program agreement the director of the community development department, upon written application by the owner, may grant an extension of time not to exceed an additional ninety (90) days when the owner can establish that the completion of the work under the grant program has been delayed or stopped due to accident, strikes, shortages of materials, extreme weather, acts of God or other causes not within the owner's reasonable control. A further reinspection shall be conducted at the end of any such extension time frame and if the work under the grant program has not been properly completed at the time of such further reinspection the grant funds shall be deemed forfeited.

B. Applications And Guidelines: The director of the community development department, or the director's designee, is hereby authorized and directed to prepare and distribute the appropriate application forms and operational guidelines for the implementation of this program.

C. Limitations: Grants authorized under this chapter shall be limited to the reimbursement of actual expenses incurred for eligible historic/architectural rehabilitation work, shall be payable only upon satisfactory proof of payment for historic/architectural rehabilitation work, and shall be limited to the amount approved at the time of execution of the historic/architectural rehabilitation grant agreement. No grants shall be approved for any historic/architectural rehabilitation, repair, reconstruction, or accessibility improvement activities initiated or completed prior to the execution of the historic/architectural rehabilitation grant agreement. The total number of grants awarded to a single property shall be limited to two (2) in a five (5) year period.

D. Failure To Perform: Failure to perform the obligations of the historic/architectural rehabilitation grant agreement shall require the applicant to make repayment of any grant monies received.

E. Penalty For Misrepresentation: Any person who wilfully makes any false statement or misrepresentation in obtaining a grant under the provisions of this chapter shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) and shall forfeit the right to future participation in any property improvement program authorized under this code. Such person shall also repay any monies received pursuant to this chapter. (Ord. G22-05 § 1, 2005)

#### **20.15.070: TARGET AREA DESCRIPTION:**

Grants made pursuant to this chapter shall be limited to residential properties located within a historic district designated by ordinance of the city council, residential properties designated as a landmark by ordinance of the city council or residential properties designated as a thematic historic district property by ordinance of the city council. (Ord. G36-15, 2015)

#### **20.15.080: COMBINED HISTORIC/ARCHITECTURAL REHABILITATION GRANT FUND:**

Any annual funding which may be provided for the 50/50 historic/architectural rehabilitation grant program and the 75/25 historic/architectural rehabilitation grant program shall be combined into a single historic/architectural rehabilitation grant fund. (Ord. G31-15, 2015)

## **Chapter 20.16**

### **75/25 HISTORIC/ARCHITECTURAL REHABILITATION GRANT PROGRAM**

#### **20.16.010: TITLE:**

This program shall be entitled the *75/25 HISTORIC/ARCHITECTURAL REHABILITATION GRANT PROGRAM* of the city. (Ord. G22-05 § 1, 2005)

#### **20.16.020: PURPOSE:**

The purpose of this program is to provide a financial incentive to encourage private investment in the exterior rehabilitation and restoration of historically/architecturally significant residential structures, particularly designated landmarks, properties located in designated historic districts or designated thematic historic district properties. (Ord. G36-15, 2015)

#### **20.16.030: ESTABLISHMENT:**

There is hereby established a 75/25 historic/architectural rehabilitation grant program for the city. Completed applications must be submitted to the community development department and shall be reviewed based upon established criteria for selection. Grants for the program established may be made until funds budgeted for such use are exhausted. (Ord. G22-05 § 1, 2005)

#### **20.16.040: ADMINISTRATION:**

The administration of the provisions of this chapter is hereby assigned to the director of the community development department (director), or the director's designee. Applications hereunder shall be made to the community development department which shall have the authority and responsibility for carrying out the provisions of this chapter. The director may consult with the Elgin heritage commission in so carrying out the provisions of this chapter. The director shall establish any reasonable rules and procedures not otherwise established by this chapter that are deemed necessary for administration of the 75/25 historic/architectural rehabilitation grant program. Such rules and procedures shall include scoring criteria and a minimum point threshold necessary to qualify for grants for the program. Such rules and procedures shall be written and published in pamphlet form. (Ord. G22-05 § 1, 2005)

#### **20.16.050: GUIDELINES:**

A. Eligible Activities: Grants for the exterior historic/architectural rehabilitation of historically/architecturally significant residential structures shall be limited to actual out of pocket expenses incurred in meeting the requirements of the Elgin "Design Guideline Manual". Program participation and historical/architectural rehabilitation activities must result in full compliance on the exterior of the property with such standards as they apply to the exterior of the structure. In addition, as a condition of any grant, the exterior of



eligible properties must be brought into full compliance with the current, adopted international property maintenance code by the end of the eighteen (18) month term of the grant agreement. Notwithstanding the foregoing requirement, a property shall be considered eligible for participation in the grant program if the owner of the property has either previously or simultaneously with the execution of a grant program agreement also entered into a long term rehabilitation agreement for the property providing for the correction of all exterior code violations. The term of any such long term rehabilitation agreement shall not exceed fifty four (54) months. As a condition of continued eligibility for the grant program and disbursement of any grant funds, the property owner must at all times be in compliance with the schedule for corrective work in the long term rehabilitation agreement.

- B. **Painting Program:** Grants shall also be available for eligible applicants for the painting of the exterior qualifying properties. The director of the community development department may deny an application for a paint project grant upon the director's determination that an inappropriate color is proposed to be used on the exterior of a property. Grants for the painting project program may be made until funds budgeted for such use are exhausted.
- C. **Applicant Qualifications:** Eligible applicants shall include any person who:
1. Owns a lawful conforming or lawful nonconforming residential structure which is more than fifty (50) years old and contains no more than four (4) dwelling units; and
  2. Is at least eighteen (18) years of age.
- D. **Grant Amounts:** The amount of any grant shall be determined by the director of the community development department, or the director's designee, in accordance with an approved estimate of cost for eligible exterior historic/architectural rehabilitation work. Grants shall be limited to seventy five percent (75%) of eligible, approved project construction costs and applicable to a minimum project of two thousand five hundred dollars (\$2,500.00) with no grant to exceed twenty thousand dollars (\$20,000.00). Grants for the painting project program shall be one hundred percent (100%) of the cost for the painting of the exterior of a property with no painting project grant to exceed two thousand five hundred dollars (\$2,500.00).
- E. **Partial Payments:** Partial payments of grant funds for completed historic/architectural rehabilitation activities may be allowed if the completed historic/architectural rehabilitation activities relate to discrete, separate improvements to a property and if the applicant's financial ability to participate in the program is dependent upon partial payments throughout the program of the work.
- F. **Conditions; Agreement Required:** Program participation shall, within thirty (30) days of receiving notification of being awarded a grant, require the execution of an agreement between the applicant and the city. The director, or the director's designee, is authorized to execute the agreement on behalf of the city. The agreement shall include, but is not limited to, requirements for the applicant as follows:
1. Within one hundred eighty (180) days of executing the agreement, the applicant shall obtain a certificate of appropriateness for any construction work to be performed on the residential structure which is the subject of the agreement.
  2. The applicant shall complete the historic/architectural rehabilitation of the residential structure which is the subject of the agreement in compliance with the Elgin "Design Guideline Manual" and in conformance with the certificate of appropriateness within an eighteen (18) month period from the date of the execution of the grant agreement.
  3. The applicant shall post a sign at the residential structure which is the subject of the agreement stating that such structure is being rehabilitated in conjunction with the city's 75/25 historic/architectural rehabilitation grant program. Such sign shall be provided to the applicant by the city and shall be placed in the front yard of such structure at a location approved by the city with the sign faces being positioned perpendicular to the adjoining street. The sign shall remain posted in such manner until the applicant's rehabilitation project has been completed and approved by the city. Notwithstanding the foregoing, the city may require the grantee to remove such sign at any time upon written notice to the grantee. The city may require the applicant to post a refundable deposit in an amount equal to the replacement cost for such sign to guarantee the sign's return to the city in a satisfactory condition.
- G. **Change To Original Scope Of Grant Project:** In the event an applicant desires to modify the scope of a grant project the applicant must make a written request to the director of the community development department within one hundred eighty (180) days of execution of the grant agreement. Such written request shall specifically identify the proposed modifications to the original scope of the grant project and the reasons for same. Requests to modify the scope of a grant project shall not extend the eighteen (18) month term of a grant agreement. The modified project shall then be reevaluated based upon the established criteria for selection. If the modified project still qualifies for grant funds in the budget cycle for which the original grant was awarded then the grant allocation shall be adjusted to reflect the modifications to the scope of the grant project but in no event shall the grant allocation exceed the original allocated amount. If the modified grant project fails to qualify pursuant to the criteria for selection the grant monies will be deemed forfeited and the next qualified applicant will be invited to participate in the grant program. (Ord. G17-07 §§ 5, 6, 2007; Ord. G81-06 § 4, 2006; Ord. G22-05 § 1, 2005)

## **20.16.060: COMPLIANCE; PENALTY:**

### **A. Evaluations And Compliance With Codes:**

1. The director of the community development department shall evaluate, or cause to be evaluated, the exterior of all premises for which grants are approved pursuant to the terms of this program for compliance with the current, adopted international property maintenance code, [title 19](#) of this code, and any other applicable codes and ordinances. Such evaluation shall be made prior to the execution of any agreement for a grant in order to confirm the existence of any violations of codes or ordinances, and to determine the scope of the historic/architectural rehabilitation project. Any existing violations of codes and ordinances determined

on the exterior of the property which are not subject to the scope of work to be completed under the grant program shall be rectified to comply with the current, adopted international property maintenance code, within the time set forth or determined by the citing code enforcement officer.

2. A second evaluation shall be made prior to the payment of a final grant to confirm compliance with the Elgin "Design Guideline Manual", the certificate of appropriateness and other codes and ordinances.
3. In the event the work under the grant program is completed within the eighteen (18) month time period as provided by the grant program agreement, but other code violations exist on the exterior of the property which were not identified in the first evaluation, a compliance time frame shall be set by the director of the community development department setting forth a schedule for the correction of such code violations. No grant funds shall be paid until any and all such code violations are corrected in conformance with the compliance time frame. In establishing a compliance time frame the director of the community development department shall determine the reasonable minimal time necessary to correct the violations based upon the number and severity of the violations. Such a compliance time frame shall not exceed ninety (90) days unless the director of the community development department determines in writing that adverse weather conditions prevent the correction of violations within such ninety (90) day period. In such event the director of the community development department shall determine the additional reasonable time necessary for the compliance time frame. A further reinspection of the exterior of the property shall be conducted at the end of the compliance time frame. Upon completion of such reinspection grant funds shall be disbursed to the property owner if the property meets the requirements of applicable codes. If the director of the community development department finds that the requirements of applicable city codes have not been met, any grant funds shall be deemed forfeited.
4. In the event the work under the grant program has not been properly completed within the eighteen (18) month time period as provided by the grant program agreement or other exterior code violations on the property remain which were identified in the first evaluation and which are not included within a previously executed long term rehabilitation agreement, the grant funds shall be deemed forfeited.
5. In the event the work under the grant program is completed within the eighteen (18) month time period as provided by the grant program agreement but other code violations on the property remain which are included within a previously executed long term rehabilitation agreement, the city shall retain twenty five percent (25%) of the total of the grant funds until such time as the exterior property is brought into compliance with all applicable codes and ordinances. In the event the property owner at any time violates the schedule for corrective work of such a long term rehabilitation agreement, any grant funds not previously paid shall be deemed forfeited.

B. Applications And Guidelines: The director of the community development department, or the director's designee, is hereby authorized and directed to prepare and distribute the appropriate application forms and operational guidelines for the implementation of this program.

C. Limitations: Grants authorized under this chapter shall be limited to the reimbursement of actual expenses incurred for eligible historic/architectural rehabilitation work, shall be payable only upon satisfactory proof of payment for historic/architectural rehabilitation work, and shall be limited to the amount approved at the time of execution of the historic/architectural rehabilitation grant agreement. No grants shall be approved for any historic/architectural rehabilitation, repair, reconstruction, or accessibility improvement activities initiated or completed prior to the execution of the historic/architectural rehabilitation grant agreement. The total number of grants awarded to a single property shall be limited to two (2) in a five (5) year period.

D. Failure To Perform: Failure to perform the obligations of the historic/architectural rehabilitation grant agreement shall require the applicant to make repayment of any grant monies received.

E. Penalty For Misrepresentation: Any person who wilfully makes any false statement or misrepresentation in obtaining a grant under the provisions of this chapter shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) and shall forfeit the right to future participation in any property improvement program authorized under this code. Such person shall also repay any monies received pursuant to this chapter.

F. Income Requirements: Grants authorized pursuant to this chapter shall be limited to owner occupied premises of not more than four (4) dwelling units in which the owner-occupant household conforms to the guidelines and definitions of low or moderate income as defined by the U.S. department of housing and urban development community development block grant regulations at 24 code of federal regulations 570.3, as amended.

G. Combined Grants: Grants authorized pursuant to this chapter may be combined with other city administered or city sponsored grants. In no event, however, shall such combined grant payments exceed one hundred percent (100%) of any project costs; however, any previous city grant funded projects must be completed prior to execution of a new grant agreement. (Ord. G22-05 § 1, 2005)

#### **20.16.070: TARGET AREA DESCRIPTION:**

Grants made pursuant to this chapter shall be limited to residential properties located within a historic district designated by ordinance of the city council, residential properties designated as a landmark by ordinance of the city council or residential properties designated as a thematic historic district property by ordinance of the city council. (Ord. G36-15, 2015)

#### **20.16.080: COMBINED HISTORIC/ARCHITECTURAL REHABILITATION GRANT FUND:**

Any annual funding which may be provided for the 50/50 historic/architectural rehabilitation grant program and the 75/25 historic/architectural rehabilitation grant program shall be combined into a single historic/architectural rehabilitation grant fund. (Ord. G31-15, 2015)