

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda


 X Resolution or Ordinance (Blue) _____ *Waiver of First Requested*
 X Recommendations of Boards, Commissions & Committees (Green)
_____ Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE: June 8, 2015 (B of T) Date: June 18, 2015

TITLE: Text Amendment to the Historical Commission Ordinance

SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

Your Historical Commission submits for your consideration its recommendation regarding the above-referenced petition. The Village is requesting text amendments to the Lombard Historical Commission Ordinance Title 3, Chapter 32, Article 6, Section 32.079 pertaining to the scope of elements included as part of a Historical Site designation.

The Historical Commission recommended approval of this text amendment by a vote of 9-0.

Fiscal Impact/Funding Source:

Review (as necessary):
Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development *WJH*

DATE: June 18, 2015

SUBJECT: **Historical Commission Text Amendment**

Please find the following items for Village Board consideration as part of the June 18, 2015 Village Board meeting:

1. Historical Commission referral letter;
2. An Ordinance granting approval of a requested text amendment; and

The Historical Commission recommended approval of this text amendment by a vote of 9-0. Please place this petition on the June 18, 2015 Board of Trustees consent agenda.



VILLAGE OF LOMBARD

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June 18, 2015

Village President
Keith T. Giagnorio

Mr. Keith Giagnorio
Village President, and
Board of Trustees
Village of Lombard

Village Clerk
Sharon Kuderna

Subject: Text Amendment to the Historical Commission Ordinance

Trustees

Dan Whittington, Dist. 1
Michael A. Fugiel, Dist. 2
Reid Foltyniewicz, Dist. 3
Bill T. Johnston, Dist. 4
Robyn Pike, Dist. 5
William "Bill" Ware, Dist. 6

Dear President and Trustees:

Your Historical Commission submits for your consideration its recommendation of a text amendment.

Village Manager
Scott R. Niehaus

At the public hearing for the landmark site designation of 101 W. St. Charles Road on March 24, 2015, the Commissioners discussed the topic of landmark site designation applying to the exterior of the building only. President Schneider indicated that the intent of the ordinance in 1982 was only to pertain to the exteriors and the interiors are not to be included unless specifically designated. Staff was directed to prepare a text amendment to 32.079(E)(4) to move the last sentence "Interiors of buildings are only included when specifically designated in the siting ordinance" from under "Ordinary maintenance" paragraph and establish this sentence as #5 of 32.079(E). This text amendment was to be discussed at the next regularly scheduled meeting of the Historical Commission on April 21, 2015. The Commissioners also indicated that the interiors were not intended to be included for the past landmark site designations.

*"Our shared **Vision** for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."*

At the April 21, 2015 Historical Commission meeting the proposed text amendment was placed on the Historical Commission's agenda under New Business as Section 32.079 (E) (4) Remove the sentence "Interiors of buildings are only included when specifically designated in the siting ordinance." Add item number (5) to 32.079 (E) and add the sentence "Interiors of buildings are only included when specifically designated in the siting ordinance." to item number (5). This amendment is to further clarify Historical Commission's intention that landmark site designation is to apply to the exterior of buildings only unless specifically identified otherwise. Removal from the paragraph titled "Ordinary maintenance" is necessary due to the unintentional narrow interpretation of the placement of the sentence. (DISTRICTS - ALL)

*"The **Mission** of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."*

The following proposed text amendment is to further clarify the Historical Commission's intention that land mark site designation is to apply to the exterior of buildings only unless specifically identified otherwise:

New Text ~~Deleted Text~~

Portion of Section 32.079 - Historical sites; designation and maintenance.

(E)(1) The Commission shall have the authority to review all proposed alterations, regardless of whether or not they require a building permit. Alterations shall be defined as any work that results in changes in the exterior form, shape, or appearance of a building designated as a "landmark site" which thereby destroys its original architectural integrity. No alterations will be made and no building permit issued in regard to property classified as a "landmark site" to any applicant without a certificate of appropriateness from the Historical Commission in the following instances:

- (a) Where such permit would allow the alteration or reconstruction of any building designated as a "landmark site";
- (b) Where such permit would allow the demolition of any building designated as a "landmark site", except that in the event of extensive damage because of fire, windstorm, or other natural causes, demolition shall be allowed upon the recommendation of the Building Commissioner;
- (c) Where such a permit would allow the construction or erection of any addition to a building designated as a "landmark site"; or
- (d) Where such permit would allow the erection of another building or buildings on property designated as a "landmark site."

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

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

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

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

Ordinary maintenance shall be defined as any work for which a building permit is not required by law, where the purpose and effect of such work is to correct any deterioration, decay of, or damage to a structure or any part thereof and to restore the same, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay, or damage. ~~Interiors of buildings are only included when specifically designated in the siting ordinance.~~
(5) Interiors of buildings are only included when specifically designated in the siting ordinance.

Commissioner Henaghan made a motion to recommend to the Corporate Authorities approval of the proposed text amendment of Section 32.079 (E) as presented. Commissioner Poskocil seconded the motion. All were in favor of the motion.

Respectfully,

VILLAGE OF LOMBARD

Rita Schneider
Chairperson
Historical Commission

ORDINANCE _____

**AN ORDINANCE APPROVING TEXT AMENDMENTS
TO THE LOMBARD HISTORICAL COMMISSION ORDINANCE
TITLE 3, CHAPTER 32, ARTICLE 6, SECTION 32.079
OF THE CODE OF LOMBARD, ILLINOIS**

Interiors of buildings are exempt unless specifically designated in the siting ordinance.

WHEREAS, the Village of Lombard maintains a Historical Commission Ordinance which is found in Title 3, Chapter 32, Article 6 of the Code of Lombard, Illinois; and,

WHEREAS, the Board of Trustees deem it reasonable to periodically review said Historical Commission Ordinance and make necessary changes; and,

WHEREAS, a public meeting to consider text amendments to the Historical Commission Ordinance has been conducted by the Village of Lombard Historical Commission on April 21, 2015 pursuant to appropriate and legal notice; and,

WHEREAS, the Historical Commission has filed its recommendations with the President and Board of Trustees recommending approval of the text amendment described herein; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Historical Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That the following text amendment set forth within Title 3, Chapter 32, Article 6, Section 32.079, of the Code of Lombard, Illinois, is hereby amended to delete the text below in ~~strikeout~~ and add the underlined language:

32.079 Historical sites; designation and maintenance

- (E) (1) The Commission shall have the authority to review all proposed alterations, regardless of whether or not they require a building permit. Alterations shall be defined as any work that results in changes in the exterior form, shape, or appearance of a building designated as a "landmark site" which thereby

destroys its original architectural integrity. No alterations will be made and no building permit issued in regard to property classified as a "landmark site" to any applicant without a certificate of appropriateness from the Historical Commission in the following instances:

- (a) Where such permit would allow the alteration or reconstruction of any building designated as a "landmark site";
 - (b) Where such permit would allow the demolition of any building designated as a "landmark site", except that in the event of extensive damage because of fire, windstorm, or other natural causes, demolition shall be allowed upon the recommendation of the Building Commissioner;
 - (c) Where such a permit would allow the construction or erection of any addition to a building designated as a "landmark site"; or
 - (d) Where such permit would allow the erection of another building or buildings on property designated as a "landmark site."
- (2) The Commission, in considering the appropriateness of any alteration, removal in part, new construction, reconstruction, restoration, remodeling, other modification of any building requiring a permit, shall consider among other things, the purpose of this subchapter, the historical and architectural value and significance of the "landmark site" or "landmark district", the exterior texture and/or material of the building or structure in question or its appurtenant fixtures, other buildings within a "landmark district", and the position of such building or structure in relation to the street or public way and to other buildings and structures.
 - (3) The Commission shall review an application for demolition and have the authority to delay said demolition for a period not to exceed six months, to enable the Commission to try to find a purchaser or alternate use for the building.
 - (4) Nothing in this subchapter shall be construed to prevent ordinary maintenance or repair of any exterior elements of any building or structure described as a "landmark site."

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

Ordinary maintenance shall be defined as any work for which a building permit is not required by law, where the purpose and effect of such work is to correct any deterioration, decay of, or damage to a structure or any part thereof and to restore the same, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay, or damage.

~~Interiors of buildings are only included when specifically designated in the siting ordinance.~~

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

SECTION 2: That this ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2015.

First reading waived by action of the Board of Trustees this _____ day of _____, 2015.

Passed on second reading this _____ day of _____, 2015.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2015.

Keith T. Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published in pamphlet from this _____ day of _____, 2015.

Sharon Kuderna, Village Clerk