

ARTICLE XI. HISTORIC PRESERVATION*

***State law references:** Authority to adopt historic preservation regulations, 65 ILCS 5/11-48.2-2.

Sec. 98-531. Definitions.

The following words, terms and phrases, when used in this article, shall have the same meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alteration means any act or process that changes the exterior architectural appearance of a building, structure or property including, but not limited to, the erection, construction, reconstruction, addition, repair, rehabilitation, restoration, relocation or demolition of such building, structure or property.

Area means a specific geographic division of the Village.

Addition means any act or process which changes one or more of the "exterior architectural features" of a structure designated for preservation by adding to, joining with or increasing the size or capacity of the structure.

Building means any structure created for the support, shelter or enclosure of persons, animals or property of any kind, and which is permanently affixed to the land.

Certificate of appropriateness means a certificate issued by the Village Board of trustees authorizing plans for alteration, construction, removal or demolition of a historic Landmark or site, or a structure within a designated historic district.

Commission means the Village historic preservation commission.

Commissioner means voting members of the Village historic preservation commission.

Community means the Village.

Construction means the act of adding an addition to an existing structure, or the erection of a new, and/or principal accessory structure on a lot or property.

Demolition means any act or process that destroys in part or in whole a landmark or site feature within a historic district including landscaping.

Exterior architectural appearance means the architectural and general composition of the exterior of a structure, including but not limited to, kind, color and texture of building materials, and the type, design, and character of windows, doors, light fixtures, signs and other pertinent elements.

Historic districts means an area designated as a historic district by ordinance of the Village, which may contain within the definable geographic boundaries of one or more landmarks, and which may have within its boundaries other properties or structures that, while not of such historic and or architectural significance to be designated as landmarks, nevertheless contribute to overall visual characteristics of the landmark or landmarks located

within the historic districts.

Landmark means a building, structure, object or site designated by ordinance of the Village Board of Trustees that meets any one of the criteria listed in section 98-536.

Owner of record means the person, corporation or other legal entity listed as owner on the records of the Cook County Recorder of Deeds.

Rehabilitation means 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.

Removal means any relocation of the structure on its site or to another site.

Repair means any change that does not require a building permit that is not construction, relocation or alteration.

Structure means 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, satellite dishes, solar panels and wind generations.

Structural change means any change or repair in the supporting members of a building, structure, roof or exterior walls which would expand the building in height, width, or bulk of the building.

(Ord. No. 4382, § 5, 3-19-2002; Ord. No. 4512, 4-15-2003; Ord. No. 4649, § 2(2), 6-1-2004)

Cross references: Definitions generally, § 1-2.

Sec. 98-532. Purpose.

The purpose of this article is to promote the protection, enhancement, perpetuation and use of buildings or sites of special character or historical significance or value for the people of the Village by:

- (1) Providing a mechanism to identify and preserve the distinctive, historic, architectural and/or landscaping characteristics of the Village which represent the Village's cultural social, economic, political and architectural history.
- (2) Fostering a civic pride in the beauty and notable accomplishments of the past as represented in the Village's landmark and historic districts.
- (3) Stabilizing and improving the property values of Village's landmarks and historic districts.
- (4) Protecting and enhancing the attractiveness of the Village to its businesses, homeowners, residents and tourists, visitors and shoppers, thereby supporting and promoting business, commerce, industry and providing economic benefit to the Village.
- (5) Fostering and encouraging preservation, restoration and rehabilitation.(Ord. No. 4382, § 3, 3-19-2002; Ord. No. 4512, 4-15-2003; Ord. No. 4649, § 2(1), 6-1-2004)

Sec. 98-533. Creation of the commission; membership; meetings.

- (a) The Village historic preservation commission is hereby created.
- (b) The Village historic preservation commission shall consist of seven voting members, residents of the Village appointed by the village president, and approved by the Village Board of trustees, and one ex-officio nonvoting member who shall be the director of development. One commissioner shall be an active member of the Village historical society. One commissioner shall be a licensed real estate broker. One commissioner shall be a State-licensed architect. One commissioner shall be a resident or property owner within a local historic district and the other local commissioners shall be chosen at large.
- (c) Commissioners shall serve terms of three years. Initially, commissioners shall serve staggered terms of three persons for three years, two persons for two years and two persons for one year. Commissioners may serve more than one term, but after two consecutive terms, must wait one full three-year term before reappointment. Commissioners who are appointed to fill an unexpired term of less than two years shall be eligible to serve two full terms in addition to the unexpired term.
- (d) The secretary to the commission shall be the director of development or designee from within the department of development. The secretary shall do the following:
 - (1) Take minutes of each commission meeting, the originals of which shall be kept in the office of the development department;
 - (2) Provide administrative and technical assistance to the commission to assist in making the decisions and findings as provided under this article; and
 - (3) Publish and distribute to the commissioners copies of the minutes, reports, and decisions of the commission. The secretary shall have no vote.
- (e) A chair shall be appointed by the village president. The chair shall preside over all commission meetings. In the absence of the chair, an acting chair shall be chosen by and from among the members present.
- (f) Meetings of the historic preservation commission shall conform with the following:
 - (1) A quorum shall consist of a majority of the members.
 - (2) All decisions or actions of the commission shall be made by a majority vote of those members present and voting at any meeting where a quorum exists except as otherwise provided in this article.
 - (3) Meetings shall be held at regularly scheduled times to be established by the secretary at the beginning of each calendar year, or at any time upon the call of the chair in compliance with the Open Meetings Act, 5 ILCS 120/1 et seq. Meetings shall be held at least four times per calendar year.
 - (4) No action shall be taken by the commission which could in any manner deprive, or restrict the owner of a property and its use, modification, maintenance, disposition or demolition until such owner shall first have the opportunity to be heard at a public meeting of the commission as provided in this article.

(Ord. No. 4382, § 6, 3-19-2002; Ord. No. 4412, § 1, 6-18-2002; Ord. No. 4512, 4-15-2003; Ord. 4649, § 2(3), 6-1-2004)

Sec. 98-534. Powers and duties of the commission.

The Village historic preservation commission shall have the following duties and powers:

- (1) To adopt its own procedural regulations.
- (2) To conduct an ongoing survey of the Village using the criteria identified in section 98-536 to identify buildings, structures, and property by address or location that are of historic, cultural or architectural significance, and potential landmarks.
- (3) To investigate, hold public hearings and recommend to the Village Board the adoption of ordinances designating as Landmarks certain Glenview properties or structures having special historic, community or architectural value.
- (4) To compile information concerning designated landmarks.
- (5) To prepare, keep current, and publish maps and/or registers of designated landmarks.
- (6) To develop and maintain technical information pertaining to the physical and financial aspects of preservation, renovation, rehabilitation and reuse, and on procedures for inclusion on the National Register of Historic Places and to make such information available to the owners of potential and designated landmarks.
- (7) To inform and educate the residents of the Village concerning the historic and architectural heritage of the Village by publishing appropriate maps, newsletters, brochures and pamphlets, by other appropriate means and by holding programs and seminars.
- (8) To investigate, hold public hearings and recommend to the Village Board certain Village areas as having special historic, community or architectural value as historic districts.
- (9) To keep a register of all property and structures which have been designated under this article, including all information required for each designation.
- (10) To seek grants and donations to achieve the purposes of this article and, upon authorization by the Village Board of trustees, to seek the certifications or approvals necessary to qualify the Village, the commission or the owners of designated landmarks, for financial or other assistance.
- (11) To determine an appropriate system of markers and make recommendations for the design and implementation of specific markings of the street and route leading from one landmark historic district to another.
- (12) To advise and assist owners of landmarks and property or structures within the historic districts on physical and financial aspects of preservation, renovation, rehabilitation and reuse and on procedures for inclusion on the National Register of Historic Places.
- (13) To nominate landmarks and historic districts to the National Register of Historic Places.

- (14) To hold hearings and to review public building permit applications for construction, alterations, removal or demolition of designated landmarks or structures within historic districts, and to recommend to the Village Board of trustees issuance or denial of certificates of appropriateness, for which applicants may be required to submit plans, drawings, elevations, specification and other information as may be necessary to make decisions.
- (15) To consider and make recommendations to the Village Board of trustees on applications for economic hardship that would allow the performance of work on any structure for which an application for certificate of appropriateness has been denied.
- (16) To develop specific criteria for the alteration, construction, or removal of landmarks or property or structures within the historic district.
- (17) To review applications for proposed subdivision or site plan review, zoning amendments applications for conditional uses or application for zoning variances that affect historic districts. The director of development shall send copies of applications to the historic preservation commission applications prior to the date of the hearing by the appearance review commission, plan commission or zoning board of appeals.
- (18) To make recommendations to the Village Board of trustees about possible amendments to this chapter, but not limited to, this article, that relate to the protection and continued use of designated landmarks or property and structures within historic districts.
- (19) To testify before all village boards and commissions on any matter affecting historically and architecturally significant property and landmarks.

(Ord. No. 4382, § 7, 3-19-2002; Ord. No. 4512, 4-15-2003; Ord. No. 4649, § 2(4), 6-1-2004)

Sec. 98-535. Landmark and historic district designation procedures.

- (a) *Applications.* Any person, organization or association may submit an application to the commission requesting that a building, place or area be designated as a landmark or be removed as a designated landmark. The commission may also initiate its own request for designation or removal from designation, any building, place, or area as a landmark by filing an application with the secretary of the commission. In the case of a historic district, applications must be accompanied by a petition signed by 51 percent of the owners of record in an area proposed as a historic district, unless such an application is initiated by the commission.
- (b) *Exemptions.* Property owned by any unit of local government, school district or other governmental agency, in which the governmental agency or unit of local government has adopted a valid ordinance regulating the historic preservation of properties owned by such agency, shall be exempt from landmark designation as prescribed by this ordinance. Such exemption shall not apply to property owned by the Village.
- (c) *Notification and public preliminary review.*
 - (1) Upon receipt of an application for landmark or historic district designation, the secretary to the commission shall schedule a preliminary review to be held at the

next regular meeting, or special meeting of the commission called for that purpose consistent with the time period specified in subsection (c)(2) of this section. The secretary shall arrange for written notification to the owner of record of the property, or the owners of record of an area nominated to be a historic district, of the time and place of the public preliminary review meeting and shall also cause the same notice to be delivered to the director of development advising the Director that an application for landmark or historic district designation has been received, requesting that the director report to the commission on any matters affecting the subject property or surrounding area.

- (2) The public preliminary review meeting shall be scheduled to take place not later than five business days after notice is served by mail or delivery upon the applicant, and delivered to the director of development.
 - (3) At the public meeting noticed for the purpose of preliminary review, the commission shall consider the application and decide whether it merits a public hearing. The commission shall allow the applicant to provide reasons as to the merit or lack thereof regarding designation of the property as a landmark or a historic district. In determining whether there is merit in conducting a public hearing, the commission shall take into consideration the criteria established in section 98-536. In the event the commission finds that the application does not merit a public hearing, it shall enter a formal denial of the application. In the event the commission determines the application merits a public hearing, such hearing shall be scheduled in accordance with the procedures established in this article.
 - (4) No building permit shall be issued for alteration, construction, removal or demolition of a proposed landmark or of a property or structure within a proposed historic district from the date the secretary of the commission receives the application for landmark or historic district designation. After the public preliminary review meeting, in the event the commission denies the application for landmark or historic district designation, the freeze on issuance of building permits shall automatically be null and void. In the event a public hearing is scheduled, the freeze on the issuance of building permits shall remain in effect until the final disposition of the nomination by the Village Board of trustees, unless such alteration, removal or demolition of the proposed landmark or historic district properties, or structure, is authorized by the Village Board of trustees as may be necessary to protect the public health, safety or welfare.
- (d) *Fee.* Each application submitted to the commission by an applicant who is not an owner of the property for which the application is being filed, nor is a member of the commission recommending consideration of a property being nominated by the commission, shall be accompanied with a nonrefundable fee in the amount of \$100.00.
 - (e) *Waiver of fees.* Application fees may be waived if the applicant verifies that he or she is unable to pay the application fee because he or she has insufficient income to pay these fees without substantial financial hardship.
 - (f) *Notice and hearing:* A public hearing shall be scheduled within 75 days of a receipt of the application for landmark and or historic district designation or removal from designation, and written notice, setting forth the date, time anyplace of the hearing, shall be given to the owners of record and any other person having a legal or equitable interest in the property subject to the application for landmark or historic designation.

Further, the secretary shall cause notice to be published in a newspaper of general circulation within the Village, setting forth the nature of the hearing and the common address of the property or properties which are the subject of the hearing, and the date, time, and place scheduled for the public hearing. At the public hearing, the commission shall afford the opportunity to any person attending the hearing to give testimony regarding the proposed designation or removal from designation. If the hearing is continued, the commission shall provide oral notice at the hearing and any subsequent hearings of such continuance or continuances until the matter is concluded at the commission level.

- (g) *Commission review and recommendation:* The commission shall review all information presented to it pertinent to the request for designation or removal from designation and within 30 days of the last public hearing date considering the request, submit a written report and recommendation containing its findings to the Village Board.
- (h) *Action by Village Board:* The Village Board shall take final action approving or denying the application within 60 days of the submission of the report and recommendation of the commission. An ordinance passed by the majority vote of the Village Board is required to approve landmark or historic district designation.
- (i) *Protection by designation:* Upon designation by ordinance of the Village Board, such building, place or area shall be a landmark or historic district, afforded the protections provided by this article. A copy of this article designating the building, place, or area as a landmark or historic district shall be mailed by certified mail, return receipt requested, to the owners of record of the property or properties which have been landmarked or which comprise a historic district, and recorded with the County recorder of deeds.
- (j) *Denial of an application by Village Board of trustees.* The denial of an application by the board of trustees shall be deemed to have occurred one of three ways:
 - (1) A majority vote of the board of trustees adopting a commission report recommending a denial of an application for a certificate of appropriateness shall be deemed denied;
 - (2) If the board of trustees fails to act within 60 days of the submission of the commission's report; or
 - (3) If a majority vote of the board of trustees recommends denial of an application which has been recommended for approval by the commission.
- (k) *Reapplication.* Upon denial or expiration as provided in subsection (j) of this section, a new application for designation or removal from designation shall not be considered for a period of one year from the date of denial or expiration.
- (l) *Administrative review:* Any final action taken by the board of trustees under this article shall be subject to review in accordance with the provisions of the Illinois Administrative Review Law, 735 ILCS 5/3-101 et seq.

(Ord. No. 4382, § 8, 3-19-2002; Ord. No. 4512, 4-15-2003; Ord. 4649, § 2(5), 6-1-2004)

Sec. 98-536. Criteria for landmark or historic designation.

The following criteria shall be utilized by the Village historic commission in determining whether a site, building or property should be declared a landmark or historic district:

- (1) Its character, interest or value as part of the development heritage or cultural characteristics of the community, County, State or country.
- (2) Its location as the site of a significant local, County, State or national event.
- (3) Its identification with a person or persons who significantly contributed to the development of the community, County, State or country.
- (4) Its embodiment of distinguishing characteristics of an architectural and or landscape style valuable for the study of a period, type, method of construction or use of indigenous materials.
- (5) Its identification as the work of a master builder, designer, architect or landscape architect whose individual work has influenced the development, County, State or country.
- (6) Its overall embodiment of design, detailing, materials or craftsmanship which renders it architecturally significant.
- (7) Its overall embodiment of design elements that make it structurally or architecturally innovative.
- (8) Its unique location or singular physical characteristics that make it an established or familiar visual feature.
- (9) It is located in an area that has yielded or may be likely to yield information important in history or prehistory.
- (10) Whether the property owner opposes or supports the designation.(Ord. No. 4382, § 9, 3-19-2002; Ord. No. 4512, 4-15-2003; Ord. No. 4649, § 2(6), 6-1-2004)

Sec. 98-537. Certificate of appropriateness.

- (a) *Required.* A certificate of appropriateness issued by the Village Board shall be required before a building permit, moving, or demolition permit is issued for any designated historic landmark or any building structure or site or part thereof in a historic district. A Certificate of appropriateness is required if the building, structure or site will be altered, extended or repaired in such a manner as to produce a change, in the exterior appearance of such building or structure. Such changes include but are not limited to:
 - (1) Changes by addition, alteration, maintenance, reconstruction, rehabilitation, demolition, renovation or repair which requires a building permit or a demolition permit;
 - (2) Moving a building; and
 - (3) Any construction or alteration, demolition or removal affecting a significant exterior architectural feature as specified in the ordinance designating the landmark or historic district.
- (b) *Exception.* An exception to this requirement of a Certificate of Appropriateness may be made if the applicant provides evidence sufficient to convince the Board of Trustees that a failure to grant the Building permit will cause an imminent threat to life, health, or property.

- (c) *Application.* Every application for a demolition permit or a building permit including plans and specifications shall be forwarded by the development department to the historic preservation commission within 15 days following receipt of the application by the development department. The application for issuance of certification of appropriateness must include the following:
- (1) Street address of the property involved;
 - (2) Legal description of the property involved;
 - (3) Brief description of the present improvements located on the property;
 - (4) Detailed description of the construction, alteration, demolition or use proposed together with any architectural drawing or sketches, if those services have been utilized by the applicant, and if not, a sufficient description of the construction, alteration, demolition and use to enable anyone to determine what the final appearance and use will be;
 - (5) Owner's name;
 - (6) Developer's name, if different than the owner;
 - (7) Architect's name;
 - (8) A filing fee of \$100.00; and
 - (9) Any other information required by the development department or the historic preservation commission.
- (d) *Standards.* In making a recommendation as to whether the Village Board approves or denies an application for a certificate of appropriateness, the commission shall be guided by the following criteria:
- (1) A property shall be used for its historic purpose or be utilized for a new use that requires minimal change to the defining characteristics of the building or property and its site environment.
 - (2) The historic character of a property shall be retained and preserved. The removal of historic materials and/or alterations of features and spaces that characterize a property shall be avoided.
 - (3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development such as adding conjectural features or architectural elements from other buildings shall not be undertaken.
 - (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 - (5) Distinctive stylist features or examples of skilled craftsmanship that characterize a building, structure or site shall be treated with sensitivity.
 - (6) Deteriorated historic features shall be repaired or restored rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall

be substantiated by documentary, physical, or pictorial evidence.

- (7) Chemical or physical treatment, such as sandblasting, that causes damage to historic material shall not be used. The surface cleaning of the structures, if appropriate, shall be undertaken using the gentlest means possible.
 - (8) Significant archeological resources affected by a project shall be protected and preserved if such resources must be disturbed mitigation measures shall be undertaken.
 - (9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.
 - (10) New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
 - (11) Contemporary design for alteration and addition to existing properties shall not be discouraged when such alteration or addition does not destroy significant, historical, architectural, or cultural material and such design is compatible with the size scale, color, material, and character of the property, neighborhood or environment.
- (e) *Public hearing.* A public hearing shall be scheduled on the application for a certificate of appropriateness and written notice, setting forth the date, time and place of the hearing, shall be given to the owner of record and any other person having a legal equitable interest in the property subject to the request. Further, the secretary shall cause notice to be published in the newspaper of general circulation in the Village, setting forth the nature of the hearing of the property involved, and the date, time and place of the scheduled hearing. At the public hearing, the commission shall afford the opportunity to any person in attendance to present their views pertinent to the certificate of appropriateness. If the commission must schedule any meeting for subsequent public hearing on the request, it shall so announce at the first meeting but need not give further published notice. Public hearings shall be initiated within 60 days of receipt of the application.
- (f) *Commission review and recommendation.* The commission shall review all information presented to it pertinent to the applicant for a certificate of appropriateness and shall present and submit to the Village Board, within 30 days of the last public hearing date considering the applicant, a written report and recommendation containing its findings and recommendations.
- (g) *Action by board of trustees.* The board of trustees shall take final action approving or denying the application of a certificate of appropriateness within 60 days of the submission of the report and recommendation by the commission. An ordinance passed by the majority vote of the Village Board is required to approve a certificate of appropriateness.
- (h) *Denial of an application by board of trustees.* The denial of an application by the board of trustees will occur in one of three ways:

- (1) A majority vote of the board of trustees adopting a commission report recommending a denial of an application shall be deemed a denial;
 - (2) If the Village Board fails to act within 60 days of the submission of the commission's report the application shall be deemed denied; or
 - (3) A majority vote of the Village Board recommends denial of an application which has been recommended for approval by the Commission.
- (i) *Appeals.* Appeals from the decision of the Village Board shall be filed in accordance with the provisions of the Illinois Administrative Review Act, 735 ILCS 5/3-101 et seq.
- (j) *Issuance and validity.* A Certificate of appropriateness shall be issued by the development department following approval by the Village Board. A certificate of appropriateness shall be invalid if the plans upon which the board of trustees issued the certificate of appropriateness are modified without prior notice and approval of the Village Board, or if the building permit issued for the same work becomes invalid. The certificate of appropriateness remains valid for the same one-year period of validity as the building permit.(Ord. No. 4382, § 10, 3-19-2002; Ord. No. 4512, 4-15-2003; Ord. No. 4649, § 2(7), 6-1-2004)

Sec. 98-538. Certificate of economic hardship.

- (a) *Purpose.* Notwithstanding any of the provisions of this article to the contrary, a certificate of economic hardship may be issued to allow the performance of work for which a certificate of appropriateness has been denied. A certificate of economic hardship shall be issued by the Village Board upon a finding by it that all reasonable use of, or return from, a designated landmark or property within a historic district would be denied a property owner as a result of the disapproval of a certificate of appropriateness. The notice and hearing procedures required for the designation of a historic landmark shall be followed for the issuance of a certificate of economic hardship.
- (b) *Application.* The following information must accompany an application for certificate of economic hardship:
- (1) The amount paid for the property, the date of purchase, and the party from whom it was purchased including a description of the relationship if any, between the owner and the person from whom the property was purchased;
 - (2) The assessed value of the land and the improvements thereon according to the two most recent assessments;
 - (3) Real estate taxes for the previous two years;
 - (4) The remaining balance on the mortgage, if any, and annual debt service, if any, for the previous two years;
 - (5) All appraisals obtained within the previous two years by the owner or applicant in connection with this purchase, financing or ownership of the property;
 - (6) Any listing of the property for sale or rent, price asked or offer received if any;
 - (7) Any consideration by the owner as profitable adaptive uses for the property;
 - (8) If the property is income-producing, the annual gross income from the property

for the previous two years, itemized operating, and maintenance expenses for the previous two years, and annual cash flow before and after debt service, if any, during the same period;

- (9) The form of ownership or operation of the property whether sole proprietorship, for profit or not for profit corporation, limited partnership, joint venture or other;
 - (10) Any other information including the income tax bracket of the owner, applicant or principal investors in the property reasonably necessary for determination as to whether the property can be reasonably used or yield a reasonable rate of return to the present or future owners.
- (c) *Public hearing.* The commission may solicit expert testimony or the applicant may submit evidence concerning any of the following items at the time of the public hearing, on the issuance of the certificate of economic hardship:
- (1) Any substantial decrease in the fair market value of the property as a result of the denial of the certificate of appropriateness.
 - (2) Any substantial decrease in the pre-tax or after-tax return to owners of record or other investors in the property as a result of the denial of the certificate of appropriateness.
 - (3) Any additional cost of work necessary to comply with the standards and criteria for the issuance of a certificate of appropriateness.
 - (4) in the case of a proposed demolition, the economic feasibility of rehabilitation or reuse of the existing structure on the property.
- (d) *Commission review and recommendation.* Upon a finding by the commission that without approval of the proposed work, all reasonable use of or return from designated landmark or property within a historic district will be denied a property owner, then the application shall be delayed for a period not to exceed 60 days. During this period of time, the commission shall investigate plans and make recommendations to the Village Board to allow for reasonable use of or 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 this article, a reduction in real property taxes, financial assistance, building code modifications, and/or changes in zoning regulations. If, by the end of the 60-day period, the commission has found that without approval of the proposed work the property cannot be put to reasonable use or the owner cannot obtain a reasonable economic return therefrom, then the commission shall recommend the issuance of a certificate of economic hardship approving the proposed work. A written report and recommendation containing its findings and recommendations shall be submitted to the Village Board.
- (e) *Action by Village Board.* The Village Board shall take final action approving or denying the certificate of economic hardship within 60 days of the submission of the report and recommendation of the historic preservation commission.
- (f) *Denial of an application by the Village Board.* The denial of an application for a certificate of economic hardship will occur in one of three ways:
- (1) A majority vote of the Village Board adopting a commission report recommending denial of an application for a certificate of economic hardship shall be deemed a

denial;

- (2) If the Village Board fails to act within 60 days of the submission of the commission report and recommendation, the application shall be deemed denied; or
- (3) A majority vote of the Village Board recommends denial of an application which has been recommended for approval by the commission.

(Ord. No. 4382, § 11, 3-19-2002; Ord. No. 4512, 4-15-2003; Ord. No. 4649, § 2(8), 6-1-2004)

Sec. 98-539. Unlawful alteration, demolition or removal.

Any person who causes the alteration, demolition or removal of any designated landmark or improvement within a historic district without a certificate of appropriateness or certificate of economic hardship who shall be found guilty by a court of competent jurisdiction shall be fined not less than \$50.00 nor more than \$500.00 for each violation. Each day that such violation shall continue to exist shall constitute a separate violation.

(Ord. No. 4382, § 12, 3-19-2002; Ord. No. 4512, 4-15-2003; Ord. No. 4649, § 2(10), 6-1-2004)