

## Planning Commission Meeting

The Planning Commission of the City of Oregon met Tuesday August 21, 2012, 6:00 P.M. in the City Hall Council Chambers.

Present: Amy Trimble Chairman  
Mike Bowers  
Joe Ebens  
Mark Herman  
Jerry Hinrichs  
Tom Miller  
Rich Rhoads  
Rob Zimmerman

Chairman Amy Trimble called the meeting to order.

Mark Herman moved to approve the June 19, 2012 minutes, Seconded by Rich Rhoads.

Motion carried. No Nays.

Ogle County Educational Cooperative has submitted a variance for the residential home at 106 S 10<sup>th</sup> Street, to be used as an age appropriate educational site for adult students ages 18-22 years old. The program focuses on teaching living skills in order to function independently. Amy felt that in R-1 zoning it is a permitted use, so they won't need a variance; however felt that it would be appropriate to contact the neighbors to let them know what it will be used for even though this is not required.

Mike Bowers moved that the Plan Commission supports the use that the Ogle County Educational Cooperative has outlined in their letter dated July 31, 2012 (that the property be used as an age appropriate educational site for adult students ages 18-22) , Seconded by Tom Miller.

Motion carried. No Nays.

The Plan Commission members discussed the punch list that was prepared by Cory Buck, engineer at WHA, for Settler's Ridge Subdivision. A TAC meeting is scheduled this week with a representative from the bank.

Jerry Hinrichs moved to adjourn the meeting, Seconded by Rich Rhoads.

Motion carried. No Nays.

Adjourned at 6:35 pm

Charlene Ruthe, Secretary

## Application for Variation

1. Applicant's name Keith Bowcock / Denise Gibbons

2. Applicant's address 709 S 2nd St

3. Applicant's phone number 732-2888

4. Address of property for which variance is being requested

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5. Nature of variance Front Porch

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6. Application fee: \$25.00 fee for each variance applied for

7. A drawing to scale – to include lot dimensions, location & size of all buildings on lot, set backs, unusual characteristics, and variation as requested. The Plan Commission has the right to request a survey at the land owner's expense if so needed.

On building Permit application

Permit No. \_\_\_\_\_

Is property in a flood plain: Yes No

## CITY OF OREGON – APPLICATION FOR BUILDING PERMIT

I (we), hereby make application for a permit to perform the following described work:

Front porch

**Note:** A diagram of the work being done will also be needed – attach separately or draw in the space provided on the back of this page.

Zoning Class:  R1 (1 family dwelling)  
 R2 (2 family dwelling)  
 R3 (multi family dwelling)

Commercial  
 Industrial

773-415-7840

Keith Bourke / Denise Gibbons  
(name of owner)

709 S. 2nd St.  
(address of lot)

SAHE  
(address of owner)

815-732-2888  
(phone number)

\$ 600.00  
(estimated cost of proposed improvement)

Parcel (PIN) Number 16-03-377-005  
(This number is on your tax bill, or call the  
Assessment Office: 815-732-1150)

Type of Building	Minimum Fee
Move or upgrade electric service	\$50.00
Storage shed – less than 50 sq. ft.	\$25.00*
Storage shed – 50 sq. ft. and over	\$50.00*
Pool – above ground	\$50.00*
Pool – in ground	\$100.00*
Fence	\$50.00
Sign - less than 5 sq. ft.	\$25.00*
Sign - 5 sq. ft. or more	\$50.00*
Deck, porch, slab (less than 300 sq. ft.) steps, ramp	\$50.00
*Electrical work on these items have an additional fee	\$50.00
<b>Total Fees Due</b>	

BENALD SEPESY  
(Name of Contractor)

815-732-2888

The card furnished with this permit is for display at the construction site and must be visible from the street upon which the construction fronts.

This application is hereby approved upon payment of the required fee and approval of the Building Inspector.

Date \_\_\_\_\_

NOTE: Please call City Hall for all required inspections – (815) 732-6321

**Starting work without a permit  
Two (2) times the permit fee**

Any fees not covered herein  
to be established by Building Official

First Christian Church  
609 South Tenth Street  
Oregon, IL 61061  
September 17, 2012

City of Oregon:

Our interest is in separating our property for the purpose of selling our house known as the parsonage on 810 Webster Street. The attached survey by Willett Hofmann & Associates shows the entire property divided into six lots, 70 through 75. The attached aerial with overlaid lot lines shows the house and its entrance in lots 74 and 75. Our desire is to create new lot lines in lots 74 and 75 such that the house can be sold without the church losing a significant portion of its parking lot. We are interested in defining the Webster Street property line of the house as 154.67 feet ( $77.34+77.33=154.67$ ) west from the southeastern marker along Webster Street, which would include the house and entrance. The depth of the lot would be a minimum of 69 feet deep, lining up with northern boundary of lot 72, for a total of 10,672 square feet. Or, the depth could be up to 29 feet from the back side of the house which is approximately a depth of 87 feet (measured through GIS on Ogle County website) for a total of 13,456 square feet. Beyond the 29 feet from the back side of the house is our parking lot drain which we would prefer to keep ownership of. If our proposal is accepted by the City, we would then have a survey done to establish the depth of the lot. Our plan would be to maintain the church entrance on Tenth Street and create a separation in the existing pavement at the new property lines.

Thank you,

Jeremy Heller  
First Christian Church Trustee  
815.677.1329 (cell)

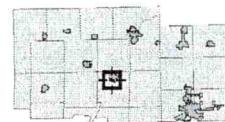
# Ogle County, IL



Date Created: 9/17/2012



Overview



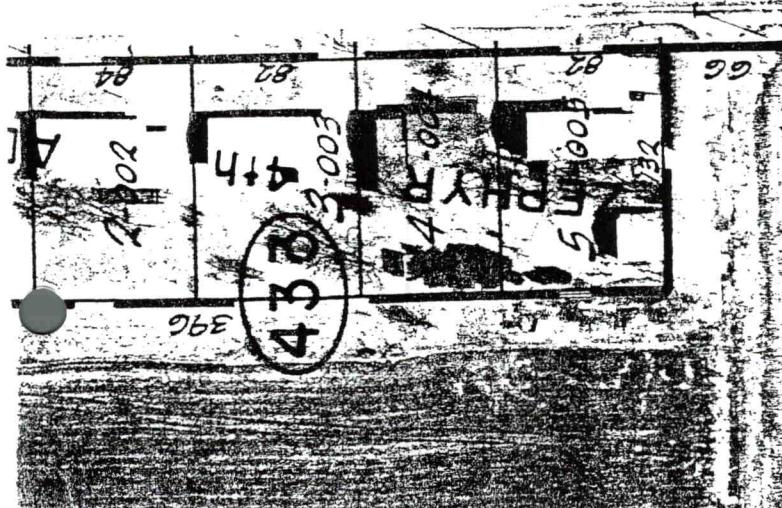
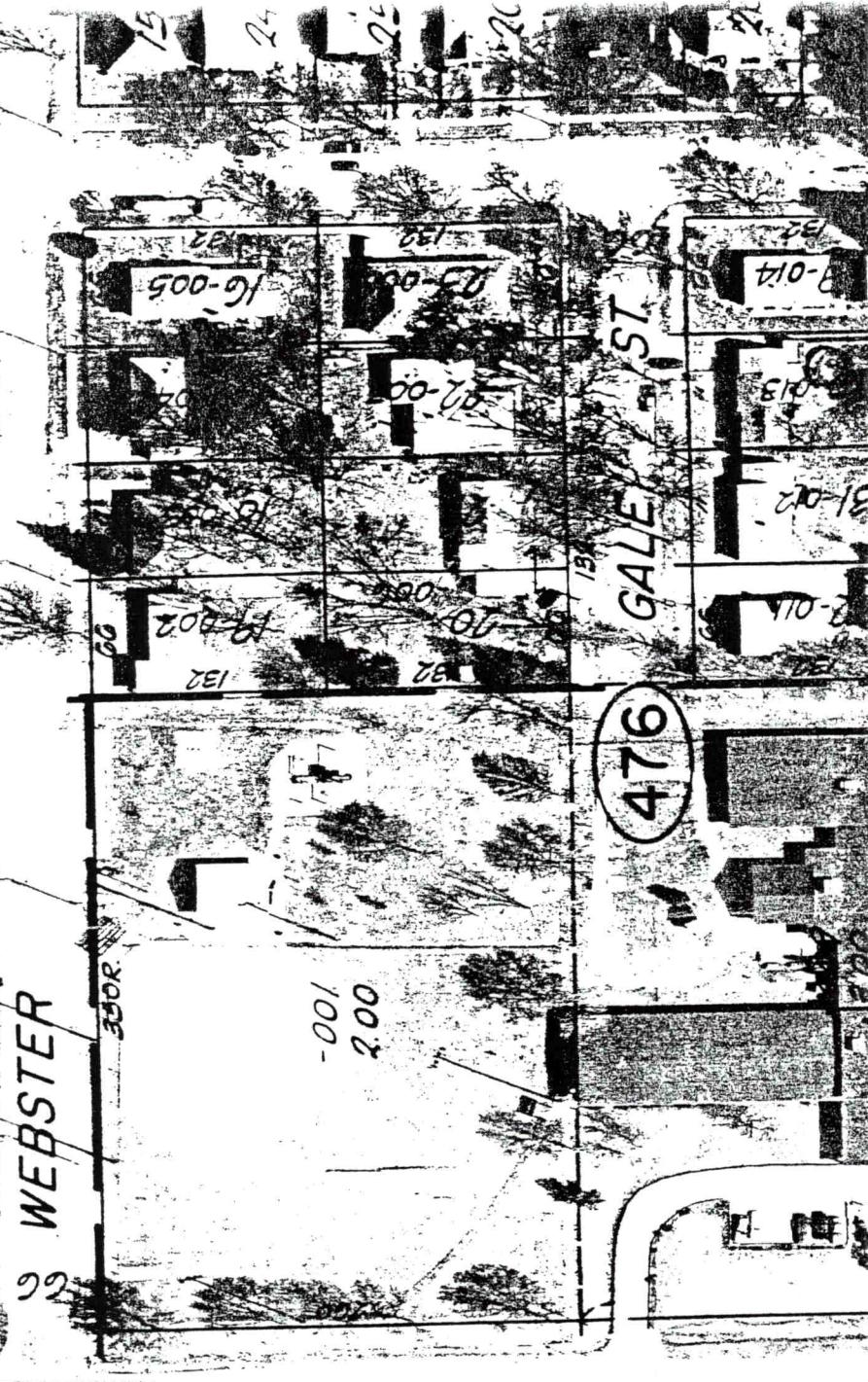
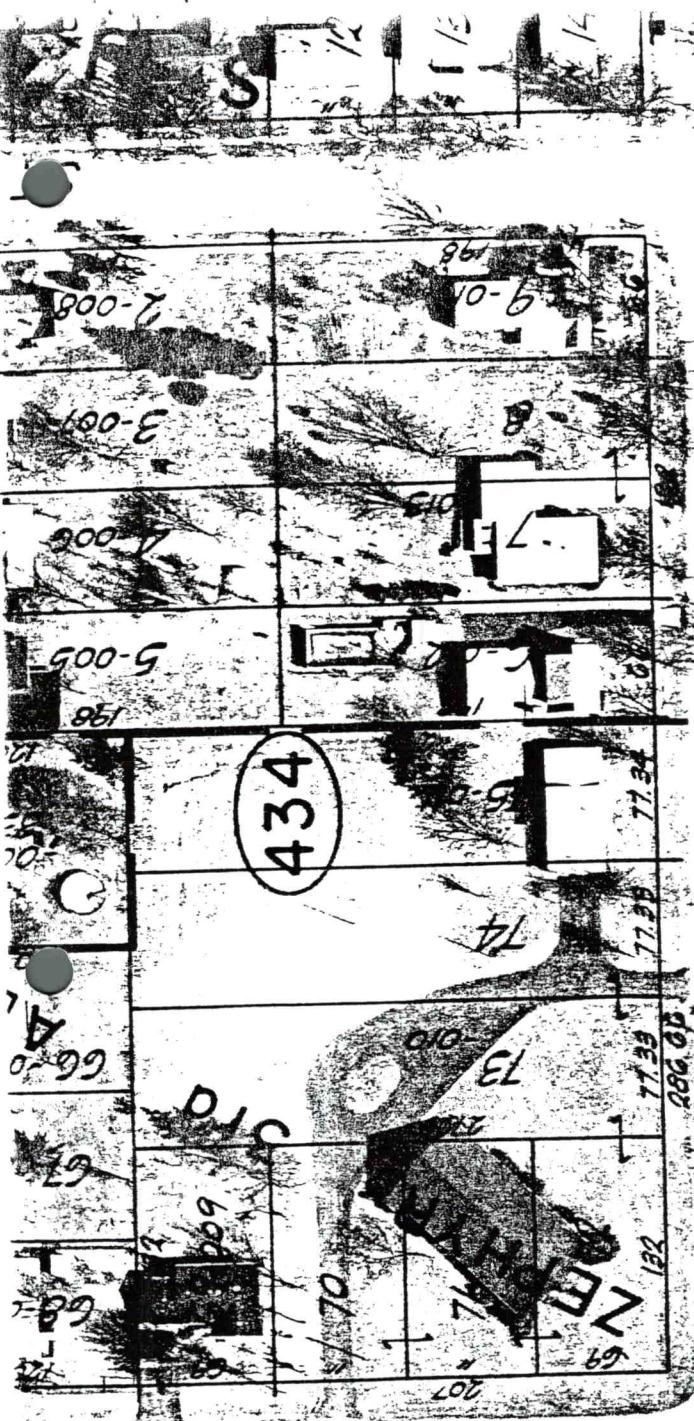
Legend

- Municipalities
- Townships
- Major Roads
- Roads
- Parcels

Last Data Upload: 9/17/2012 3:15:01 AM



developed by  
The Schneider Corporation  
[www.schneidercorp.com](http://www.schneidercorp.com)



PL 16-04401-0006  
PL 29.80

**ORDINANCE NO. 2012-111**  
**An Ordinance adding Section 7-15 Planning and Development:**

**Be it ordained by the City Council of the City of Oregon, Ogle County, Illinois to add Section 7-15 as follows:**

**Definition of T.A.C. Committee:**

Technical Advisory Committee for the City Council consisting of the Mayor, City Attorney, City Engineer, Street Department Superintendent, Water/Sewer Superintendent, Building Inspector, Plan Commission Chairman, and City Clerk.

**Duties:**

To meet with developers and/or anyone else that is applying for a building permit in Commercial, Highway Business District, Industrial, and Residential zoning when necessary.

There will be no charge for the first three (3) hours of initial consultation. Any meeting exceeding the initial time will be charged an additional rate of five hundred dollars (\$500.00) per occurrence.

This ordinance shall be in full force and effect from and after its passage as provided by law.

**Passed and approved by the City Council of the City of Oregon, Ogle County, Illinois, and this \_\_\_\_\_ day of \_\_\_\_\_, 2012.**

**Yea: \_\_\_\_\_ Nay: \_\_\_\_\_ Absent: \_\_\_\_\_**

ATTEST:

Tom R. Stone, Sr., Mayor

Charlene Ruthe, City Clerk

## RECOMMENDED HISTORIC PRESERVATION ORDINANCE

AT A PUBLIC HEARING LAST JUNE ON THE PROPOSED HISTORIC PRESERVATION ORDINANCE THE PLANNING COMMISSION VOTED 7 TO 1 NOT TO RECOMMEND THE ORDINANCE TO THE COUNCIL. AT THAT TIME I SAID I BELIEVE WE CAN ACHIEVE A WORKABLE HISTORIC PRESERVATION ORDINANCE THAT WILL RECOGNIZE THE UNIQUE NATURE OF OUR DOWNTOWN AND RESPECT THE BASIC RIGHTS OF PROPERTY OWNERS.

ATTACHED IS SUCH AN ORDINANCE. IT IS MODELED ON THE ONE USED BY GLEN ELLYN WHO IS RECOGNIZED BY THE IHPA AS A CERTIFIED LOCAL GOVERNMENT. I BELIEVE THIS ORDINANCE CAN DO THE FOLLOWING FOR OUR CITY:

1. MEET THE REQUIREMENTS TO ATTAIN A CLG STATUS WITH THE IHPA.
2. PROVIDE THE EXISTING NATIONAL REGISTER HISTORIC BUSINESS DISTRICT WITH THE HELP IT NEEDS TO MAINTAIN ITS CHARACTER.
3. BE A MORE STREAMLINED ORDINANCE WITH THE GOAL TO ASSIST PROPERTY OWNERS, NOT ADD MORE GOVERNMENT MANDATES FOR PROPERTY OWNERS.
4. ESTABLISH AN HISTORIC PRESERVATION COMMISSION TO:
  - ADVISE BUILDING OWNERS ON THE BEST WAYS TO IMPROVE THEIR BUILDINGS AND MAINTAIN THE OVERALL CHARACTER OF THE DOWNTOWN
  - MANAGE THE FAÇADE GRANT PROGRAM OFFERED BY THE CITY
  - ASSIST BUILDING OWNERS THROUGHOUT THE CITY WHO WISH TO BE RECOGNIZED AS A LANDMARK
  - RECOMMEND CHANGES TO THE PLANNING COMMISSION ON OTHER ORDINANCES THAT HAVE AN EFFECT ON THE DOWNTOWN SUCH AS THE SIGN ORDINANCE

KEN WILLIAMS

FINANCE COMMISSIONER

## HISTORIC PRESERVATION COMMISSION

### SECTION:

2-13- 1: Purpose of Provisions

2-13- 2: Commission on Oregon Landmarks

2-13- 3: Designation of Landmark or Landmark District; Recommendation and Preliminary Determination

2-13- 4: Notice of Preliminary Determination; Request for Owner Consent

2-13- 5: Request for Planning Report

2-13- 6: Public Hearing; Recommendation of Commission

2-13- 7: Consideration of Recommended Designation by City council

2-13- 8: Landmarks; Notice of Official Designation

2-13- 9: Amendment, Rescission and Reconsideration of Designation

2-13-10: Alteration, Relocation or Demolition of Landmarks

2-13-11: Penalties and Remedies for Violations

2-13-12: Severability

### **2-13-1 PURPOSE OF PROVISIONS:**

It is hereby declared necessary for the general welfare of the citizens of the city to protect and encourage the continued utilization of areas, districts, places, buildings, structures, works of art, and other similar objects within the city, eligible for designation by ordinance as "Oregon Landmarks". This declaration of intent shall incorporate the following purposes:

- (A) To identify, preserve, protect, enhance and encourage the continued utilization and the rehabilitation of such areas, districts, places, buildings, structures, works of art and other objects having a special historical, community, architectural or aesthetic interest or value to the city and its citizens;
- (B) To safeguard the city's historic and cultural heritage, as embodied and reflected in such areas, districts, places, buildings, structures, works of art and other objects determined eligible for designation by ordinance as "Oregon Landmarks";
- (C) To preserve the character and vitality of the neighborhoods and central area, to promote economic development through rehabilitation, and to conserve and improve the property tax base of the city;
- (D) To foster civic pride in the beauty and noble accomplishments of the past as presented in such "Oregon Landmarks";
- (E) To protect and enhance the attractiveness of the city 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;
- (F) To foster and encourage preservation, restoration, and rehabilitation of areas, districts, places, buildings, structures, works of art and other objects, including entire districts and neighborhoods, and thereby prevent future urban blight and in some cases reverse current urban deterioration;
- (G) To foster the education, pleasure, and welfare of the people of the city through the designation of "Oregon Landmarks";
- (H) To encourage the continuation of surveys and studies of Oregon's historical and architectural resources and the maintenance and updating of a register of areas, districts, places, buildings, structures, works of art and other objects which may be worthy of landmark designation;
- (I) To encourage public participation in identifying and preserving historical and architectural resources through public hearings on proposed designations, building permits, and economic hardship variations;

## **2-13-2: COMMISSION ON OREGON LANDMARKS:**

### **(A) Creation, Membership; Terms;**

1. **Creation And Membership:** There is hereby established a Historic Preservation Commission of the city of Oregon, which commission shall be empowered to recommend the designation of historical and architectural landmarks within the city in compliance with the powers and duties enumerated herein. The commission shall consist of seven (7) members, within a five mile radius of the City of Oregon appointed by the mayor with the approval of a majority of the city council, to serve without compensation. An effort shall be made to select as members persons who are professionals in the disciplines of history, architecture, historic architecture, planning, archaeology, real estate, historic preservation, or related fields, or who have demonstrated special interest, knowledge or experience in architecture, history, neighborhood preservation or related disciplines.

2. **Terms:** Each member shall serve for a term of three (3) years and until a successor is appointed.

3. **Vacancies:** Vacancies on the commission shall be filled for the unexpired term of the member whose place has been vacant in the same manner in which original appointments are required to be made.

4. **Removal:** A commission member may be removed by a majority vote of the mayor and city council.

### **(B) Meetings; Voting:**

1. **Regular Meetings:** Regular meetings shall be monthly on a day certain as determined by the chairman of the commission.

2. **Special Meetings:** Special meetings of the commission may be called by the chairman from time to time. Members of the commission must receive notice not less than forty eight (48) hours prior to a special meeting. Notice of said special meeting must be posted in the civic center not less than forty eight (48) hours before said meeting. Special meetings may be called by the written request of any two (2) members of the commission. Such written request shall be received by the chairman no less than five (5) days prior to the requested date of meeting.

3. **Notice Of Meetings:** Whenever any action affecting an owner of property proposed or designated as a landmark is to be considered at a regular or special meeting of the commission, the owner shall be provided at least seven (7) days' advance written notice of such meeting except where different notice provisions are specified elsewhere in this chapter.

4. **Quorum:** The presence of four (4) commission members shall constitute a quorum to transact any commission business at any regular or special meeting of the commission.

5. **Manner Of Acting:** Except as otherwise provided in this chapter, the act of a majority of the members present at a meeting at which a quorum is present shall be the act of the members.

6. **Rules Of Procedure:** The commission shall enact rules of procedure and regulations not inconsistent with ordinances or statutes that further enhance the purpose of the commission.

(C) **Reports And Records:** The commission shall keep permanent records and minutes of its meetings, showing the vote of each member upon each topic submitted to it, and of all public hearings. The commission shall prepare and submit minutes of each meeting to the city council in a timely manner. The commission shall submit its recommendations to the city council in writing. A minority report may be attached to the majority recommendation.

(D) **Commission Powers And Duties:** The commission shall have and may exercise the following duties, powers, and responsibilities:

1. To conduct an ongoing survey of the city for the purpose of identifying those areas, districts, places, buildings, structures, works of art and other objects of historic or architectural significance;

2. Upon consent of the owner or owners thereof, to hold hearings and to recommend that the city council designate by ordinance areas, districts, places, buildings, structures, works of art and other objects as official

“Oregon Landmarks”, if they qualify as defined hereunder, and to recommend that such designation include all or some portion of the property or any improvements thereon;

- 3. To cause plaques to be manufactured and installed that identifies the significance of designated landmarks and landmark districts;
- 4. To prepare and publish maps, brochures and other descriptive and educational materials and to advise and assist residents about Oregon’s landmarks and landmark districts and their designation and protection;
- 5. Subject to provisions set forth in subsection 2-13-10(A) of this chapter, to review permit applications for alteration, construction, reconstruction, erection, demolition, relocation or work of any kind affecting landmarks and structures or unimproved sites in landmark districts and to require the presentation of such plans, drawings, elevations and other information as may be necessary to review those applications;
- 6. To advise and assist owners or prospective owners of designated or potential landmarks or structures in landmark districts on technical and financial aspects of preservation, renovation and rehabilitation and to establish standards and guidelines therefore;
- 7. To apply for and accept any gift, grant or bequest from any private or public source, including government agencies, upon approval by the city council, for any purpose authorized by these provisions;
- 8. To spend and disburse such sums as may be appropriated for its use, upon approval of the city council;
- 9. To make recommendations to the city council concerning means to preserve, protect, enhance, rehabilitate and perpetuate landmarks and structures in landmark districts;
- 10. To adopt, publish and make available rules of procedure and other regulations for the conduct of commission meetings, hearings and other business;
- 11. To prepare and present nominations of landmarks and historic districts to any state or federal registers of historic places;
- 12. To assume whatever responsibility and duties may be assigned to it by the state under certified local government provisions of the National Historic Preservation Act of 1966, as amended;
- 13. To cooperate with and enlist the aid of persons, organizations, corporations, foundations and public agencies in matters involving historic preservation, renovation, rehabilitation and reuse;
- 14. To advise any city department or agency concerning the effect of its actions, programs, capital improvements or activities on designated or potential landmarks;
- 15. To hold hearings and make recommendations to the city council regarding applications for permits to alter, relocate or demolish landmarks or proposed landmarks and applications of property owners for economic hardship exceptions;
- 16. To exercise any other power or authority necessary or appropriate to carry out the purpose of these provisions.

### **2-13-3: DESIGNATION OF LANDMARK OR LANDMARK DISTRICT; RECOMMENDATION AND PRELIMINARY DETERMINATION:**

(A) Criteria For Designation: The commission shall familiarize itself with areas, districts, places, buildings, structures, works of art and other objects within the city which may be considered for designation by ordinances as “Oregon Landmarks”, and maintain a register thereof. In making its recommendation to the city council for designation, the commission shall limit its consideration solely to the following criteria concerning such area, district, place, building, structure, work of art and other objects:

- 1. Its value as an example of the architectural, cultural, economic, historic, social or other aspect of the heritage of the city of Oregon, the state of Illinois, or the United States;
- 2. Its location as a site of a significant historic event;

3. Its identification with a person or persons who significantly contributed to architectural, cultural, economic, historic, social or other aspect of the development of the city of Oregon, the state of Illinois, or the United States;

4. Its exemplification of an architectural type or style distinguished by innovation, rarity, uniqueness or overall quality of design, detail, materials or craftsmanship;

5. Its identification as the work of an architect, designer, engineer or builder whose individual work is significant in the history or development of the city of Oregon, the state of Illinois, or the United States;

6. Its representation of an architectural, cultural, economic, historic, social or other theme expressed through distinctive areas, districts, places, buildings, structures, works of art or other objects that may or may not be contiguous;

7. Its unique location or distinctive physical appearance or presence representing an established and familiar visual feature of a neighborhood, community or the city. In the case of residences, the commission shall limit its consideration of landmark status to the exterior of the structure.

(B) Recommendations Of Landmarks And Landmark Districts; Preliminary Determination: The commission or any person may recommend districts, places, buildings, structures, and works of art and other objects for landmark designation. If other than the commission, such person shall complete and submit a form provided by the planning and development department. Following a recommendation, the commission may, by resolution, make a preliminary determination of landmark designation; provided that the proposed area, district, place, building, structure, work of art or other object meets one or more of the criteria for landmark designation. (Ord. 3825, 4-22-1991)

#### **2-13-4: NOTICE OF PRELIMINARY DETERMINATION; REQUEST FOR OWNER CONSENT:**

Within fifteen (15) days of its preliminary determination, the commission shall, by certified mail, return receipt requested, notify the owner(s) of the property of the reasons for and effects of the proposed designation and request that the owner(s) consent in writing to the proposed designation, and shall forward a copy of such notice to the city council. The owner(s) shall have forty five (45) days from the date of mailing of the request to respond to the request.

(A) Proposed Designation Of Building, Etc.: In the case of the proposed designation of an area, place, building, structure, work of art or other object, an owner may, within the forty five (45) day period, request an extension of time, not to exceed ninety (90) days, to submit a response. (Ord. 3825, 4-22-1991; amd. Ord. 4458, 1-13-1997)

(B) Proposed Designation Of District: In the case of the proposed designation of a district, an owner or any trustee may, within the forty five (45) day period, request an extension of time, not to exceed ninety (90) days, for owners of property within the district to submit responses. All owners of property within the proposed landmark district must consent before the commission may proceed under sections 2-13-5 through 2-13-7 of this chapter, except that the commission may proceed with a proposed district designation by eliminating from the district those properties whose owners fail or refuse to consent; provided, however, that no interior lots shall be eliminated. Elimination of properties from a proposed district shall not restrict the commission's analysis of such properties at the said section 2-13-6, public hearing, of this chapter. If a nonconsenting owner later requests inclusion in the district which was the subject of a public hearing, such property may be included upon commission approval if a written request is submitted to the commission prior to its subsection 2-13-6(C), vote, of this chapter. (Ord. 4493, 5-12- 1997)

For purposes of this chapter, a "district" shall mean an area which contains, within definable geographic boundaries, one or more landmarks along with such other buildings, places, or areas which, while not of such

historic significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark(s) located within the district; and/or an area which contains within definable geographic boundaries such buildings, places, or areas which, while not of such individual significance to be designated as landmarks, nevertheless, as an aggregate, possess historic significance for the city in:

1. Establishing a sense of time and place unique to the city; and/or
2. Exemplifying or reflecting the cultural, social, economic, political, or architectural history of the nation, the state, or the city; and/or
3. Representing distinguishing characteristics of an architectural type which is inherently valuable for studying a period, style, method of construction, indigenous materials, or unique craftsmanship.

(C) Owner Consent: If the owner fails or refuses to consent to the proposed designation within the applicable time periods, the designation process shall terminate as to that property without further action, and the subject of the proposed designation shall not be reconsidered for a period of two (2) years. If the owner consents within the applicable time period, the commission shall schedule a public hearing on the proposed designation pursuant to section 2-13-6 of this chapter to be held within sixty (60) days of receipt of consent by the commission.

#### **2-13-5: REQUEST FOR PLANNING REPORT:**

Upon adoption of a resolution making a preliminary determination, and receipt of owner's consent in writing, the commission shall advise the city council of such resolution and consent and shall request a report from the planning and development committee which evaluates the relationship of the proposed designation to the Comprehensive plan of the city and the effect of the proposed designation on the surrounding neighborhood. The report shall also include the director's opinion and recommendation regarding any other planning consideration relevant to the proposed designation and the planning committee's recommendation of approval, rejection or modification of the proposed designation. The report shall be submitted to the

commission within forty

five (45) days of the request, if the proposed designation is of an area, place, building, structure, work of art or other object, or within sixty (60) days, if the proposed designation is a district, and shall become part of the official record concerning the proposed designation. The commission may make such modifications concerning the proposed designation and recommendation as it deems necessary. If the director fails to submit a report within the time provided herein, the commission may proceed with the designation process.

#### **2-13-6: PUBLIC HEARING; RECOMMENDATION OF COMMISSION:**

(A) Notice Requirements: Prior to conducting a public hearing as provided hereunder, the commission shall give at least fifteen (15) days' written notice of the date, time and place of the hearing to any owner of the subject property. The commission shall also cause to be posted, for a period of not less than fifteen (15) days immediately preceding the hearing, a placard stating the time, date, place and matter to be considered at the hearing and such other information as directed by the planning and development director. The placard shall be prominently displayed on the place, building, object or structure, or on the public ways abutting the property, and, in the case of designation of areas or districts, the placards shall be placed on the principal boundaries thereof. In addition, not more than thirty (30) nor less than fifteen (15) days prior to the hearing, the commission shall cause a legal notice to be published in a newspaper of general circulation in the city setting forth the nature of the hearing, the property, area or district involved, and the date, time and place of the scheduled public hearing.

(B) Presentation Of Evidence; Designation Of Parties: 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. The hearing may be continued to a date certain, and a transcript and record shall be kept of all proceedings. A person, organization or other legal entity whose use or whose members' use or enjoyment of the area, district, place, building, structure, work of art or other object proposed for designation may be injured by the designation or the failure of the commission to recommend designation, may become a party to the proceeding. The foregoing shall include, without limitation, persons, organizations or other legal entities residing in, leasing or having an ownership interest in real property located within two hundred fifty feet (250') of the property line of the proposed or designated landmark or landmark district.

(C) Commission Recommendation Following Hearing; Objections, Vote of Commission: No later than its next regular meeting after the conclusion of the public hearing, the commission shall vote upon whether to recommend the proposed landmark designation to the city council. The affirmative vote of five (4) members of the commission shall be required to recommend a designation to the city council. If the commission recommends a designation, it shall set forth its recommendation in writing, including findings of fact relating to the criteria for designation in subsection 2-13-3(A) of this chapter that constitutes the basis for its decision. The commission shall include with its written report the official record of its proceedings. If the proposed designation is of an area, place, building, structure, work of art or other object, the commission shall transmit its report to the city council within (60) days from the conclusion of the public hearing. If the proposed designation is of a district, the commission shall transmit its report to the city council within ninety (90) days from the conclusion of the public hearing. Copies of the commission report shall be sent to the owner of the property and placed on file with the city clerk.

#### **2-13-7: CONSIDERATION OF RECOMMENDED DESIGNATION BY CITY COUNCIL:**

Within forty five (45) days of receipt of the commission recommendation, the city council shall review and give due consideration to the findings, recommendations and record of the commission in making its determination with respect to the proposed designation of any area, district, place, building, structure, work or art of other object having a special historical, community, architectural or aesthetic interest or value and shall vote upon such recommendation. The city council may, by passage of an ordinance within forty five (45) days of the commission recommendation, designate an area, district, place, building, structure, work of art or other object meeting one or more of the criteria stated in subsection 2-13-3(A) of this chapter as an "Oregon Landmark.

#### **2-13-8: LANDMARKS; NOTICE OF OFFICIAL DESIGNATION:**

The commission shall, within ten (10) days of official landmark designation, send a certified copy of the ordinance designating the property and a summary of the effects of designation to the owner(s) of the property by certified mail, return receipt requested. The commission shall also file with the recorder of deeds of Ogle County, the assessor of Ogle county, the city clerk, the department of public works of the city, and all other relevant city departments, a certified copy of the designating ordinance.

#### **2-13-9: AMENDMENT, RESCISSION AND RECONSIDERATION OF DESIGNATION:**

Any designation of an area, district, place, building, structure, work or art or other similar object as an "Oregon Landmark" shall only be amended or rescinded in the same manner and procedure as the original designation was made. If the commission votes not to recommend a proposed designation to the city council, or if the commission has failed to issue its recommendations on a proposed designation within the time provided, or if the city council has refused to designate a proposed "Oregon Landmark", then the commission may not reconsider the proposed designation for a period of one year from the date of the negative commission vote, or from the date of expiration of the time limitation for commission action, or from the date of the city

council's refusal to designate, whichever is applicable.

**2-13-10: ALTERATION, RELOCATION OR DEMOLITION OF LANDMARKS:**

(A) Application For Permit, Review Requirements: No permit for alteration, construction, reconstruction, erection, demolition, relocation or other work, shall be issued to any applicant by any department of the city without the written approval of the commission for any area, district, place, building, structure, work of art or other object for which the commission has made a preliminary determination of landmark status or which has been designated as a "Oregon Landmark": 1) where such permit would allow the alteration or reconstruction of or addition to any improvement which constitutes all or a part of a landmark or proposed landmark; or 2) where such permit would allow the demolition of any improvement which constitutes all or a part of a landmark or proposed landmark; or 3) where a permit would allow the construction or erection of any addition to any improvement or the erection of any new structure or improvement on any land within a landmark district; or 4) where a permit would allow the construction or erection of any sign or billboard within the public view which may be placed on, in or immediately adjacent to any improvement which constitutes all or part of any landmark or proposed landmark. Where the permit application involves a proposed landmark and the owner has submitted written consent to designation, the commission may initiate the review process provided hereunder or it may impose a moratorium on the issuance of any permits until the designation process is completed. Where the proposed or officially designated landmark is a residence, the commission shall concern itself solely with applications pertaining to alteration or reconstruction of the exterior, to the exterior of any proposed additions; and to the effect such addition will have on the character and appearance of the exterior in its entirety. Any city department which receives an application for a permit as defined in this section shall forward the application, including copies of all detailed plans, designs, elevations, specifications and documents relating thereto, to the commission within seven (7) days of receipt thereof. It shall be a violation of this chapter for an owner to perform, authorize or allow work or other acts requiring review without a permit.

(B) Exception For Preexisting Work, Ordinary Maintenance And Hazardous Conditions:

1. Erection, construction, reconstruction, alteration or demolition work begun pursuant to a properly issued permit prior to a preliminary determination of landmark status shall not be subject to review by the commission unless such permit has expired, been canceled or revoked, or the work is not diligently proceeding to completion in accordance with the Oregon building code.
2. Nothing in this chapter shall be construed to prevent the ordinary repair and maintenance of any exterior elements of a property or structure designated or proposed as a landmark or located within a designated or proposed landmark district.
3. Where property conditions pose an immediate threat to safety the commission shall approve necessary work as provided in subsection (C) 2 of this section.

(C) Application For Permit; Preliminary Decision By Commission: Within fifteen (15) days of its receipt of a permit application from the relevant city department, the commission shall, by motion taken at a regular or special meeting, decide whether to preliminarily approve or disapprove the application and shall send written notice to the applicant and the appropriate city department(s) of its preliminary decision.

1. Preliminary Approval By Commission: If the commission finds that the proposed work will not adversely affect any significant historical or architectural feature of the improvement or of the district, and is in accord with the Standards for Rehabilitation set forth by the United States Secretary of the Interior at 36 CFR 67, as amended, as well as the commission's published procedures and regulations, the commission shall issue a preliminary approval of the application and shall notify the appropriate city department(s) which shall proceed in its usual manner to review the application. If the city department approves the building, demolition or other

requested permit, it shall be issued in accordance with and governed by applicable city codes and regulations, including the eighteen (18) month limitation for commencement of authorized construction.

2. Preliminary Disapproval By Commission: If the commission finds that the proposed work will adversely affect or destroy any significant historical or architectural feature of the improvement or the district, or is inappropriate or inconsistent with the designation or design of the structure, area or district, or is not in accordance with the spirit and purposes of this chapter, or does not comply with the Standards for Rehabilitation established by the Secretary of the Interior, the commission shall issue a preliminary decision disapproving the application for permit; provided, however, that if the construction, reconstruction, alteration, repair or demolition of any improvement would remedy conditions imminently dangerous to life, health or property, as determined in writing by the planning and development department, the commission shall approve the work, notwithstanding other considerations relating to its designation as a "Oregon Landmark" or to the fact that the commission has made a preliminary determination of landmark status. Notice of preliminary disapproval shall be sent to the applicant by certified mail, return receipt requested.

3. Informal Conference Following Preliminary Disapproval: Within ten (10) days after receiving the commission's notice of preliminary disapproval, the applicant for permit may request in writing an informal conference before the commission for the purpose of securing compromise regarding the proposed work so that the work will not, in the opinion of the commission, adversely affect any significant historical or architectural feature of the improvement or district and will be appropriate and consistent with the spirit and purposes of this chapter. The commission shall hold such conference within fifteen (15) days after receipt of the request. The commission shall consider with the applicant every reasonable means for substantially preserving, protecting, enhancing and perpetuating the special historical or architectural feature of the improvement or district, including investigating the possibility of modifying the proposed work, the possibility of any alternative private use of the structure or structures that would substantially preserve its special features, and the possibility of public incentives for enhancing the use of the structure or structures or district involved. If the commission and the applicant for permit reach accord through the informal conference, as evidenced by a written agreement, the commission shall issue its approval of the application for permit as modified and so notify the applicant and the appropriate city departments which shall proceed with their own review.

(D) Public Hearing, Consideration Of Economic Hardship Exception:

1. If the commission and applicant for permit have failed to reach accord by means of the informal conference, or if the applicant fails to request an informal conference, the commission shall hold a public hearing on the permit application in accordance with procedures set forth in section 2-13-6 of this chapter.

2. Said hearing shall be held within forty five (45) days following the conclusion of the conference or the owner's failure to request a conference. Any person, organization or other legal entity whose use or enjoyment of the area, district, place, building, structure, work of art or other object designated as a landmark may be injured by the approval or disapproval of a proposed alteration, construction, reconstruction, erection, demolition or relocation of a proposed or designated landmark, may become a party to a permit application proceeding.

3. In conjunction with such hearing, the applicant may file a request for an economic hardship exception on the basis that a denial of the permit applied for will result in the loss of reasonable and beneficial use of or return from the property. Failure of the applicant to request this exception and present pertinent evidence at the hearing shall be deemed a voluntary waiver of this right and preclude the applicant from raising the issue at any subsequent hearings before the commission or the city council. Evidence to be submitted prior to and presented at the hearing and considered by the commission in the event the commission recommends disapproval of the permit shall include, but not be limited to, the following:

- a. The amount paid for the property and the date of purchase.
- b. The assessed value of the land and improvements thereon according to the two (2) most recent assessments.
- c. Real estate taxes for the previous two (2) years.
- d. Annual debt service, if any, for the previous two (2) years.
- e. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with his purchase, financing or ownership of the property.
- f. Any listing of the property for sale or rent, price asked and offers received, if any.
- g. Any consideration by the owner as to profitable adaptive uses for the property.
- h. 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 annual cash flow, if any, during the same period.

(E) Commission Decision Approving Or Disapproving Permit Application And Economic Hardship Exception: Within thirty (30) days after the conclusion of the hearing, the commission shall issue a written report approving or disapproving the permit application and, where applicable, granting or denying the request for an economic hardship exception. The report shall contain the findings of fact that constitute the basis for the decisions consistent with the criteria in subsection (C) 1 of this section. The commission shall send written notice of its report to the applicant by certified mail, return receipt requested, to the appropriate city departments and to the city council.

- 1. Approval: If the commission approves the permit, it shall recommend issuance of the permit; provided, the appropriate city departments have authorized its issuance. Said decision shall be deemed a final decision of the commission.
- 2. Disapproval; Commission Recommendation; Plan To Relieve Hardship: If the commission recommends permit disapproval, it shall then determine whether denial of the permit would deprive the applicant of reasonable and beneficial use of or return from the property and shall issue and forward to the city council a written recommendation and report pertaining to its disapproval of the permit and approving or denying the requested exception. In the case of a finding of economic hardship, the report shall be accompanied by a recommended plan to relieve any economic hardship. This plan may include, but is not limited to, property tax relief, loans or grants from the city or other public or private sources, acquisition by purchase or eminent domain, building code modifications, changes in applicable zoning regulations including a transfer of development rights, or relaxation of the provisions of this chapter sufficient to allow reasonable beneficial use of or return from the property.

(F) City Council Decision: Within thirty (30) days following the commission's recommendation, the city council shall affirm, reverse or modify the recommendation of the commission regarding permit disapproval and the economic hardship exception. If the city council affirms the commission recommendation to disapprove the permit and deny an economic hardship exception, no permit shall issue. If the city council approves a plan to relieve economic hardship, it shall be by ordinance, and if the plan requires that any action be taken by city departments or agencies, the action shall be initiated within thirty (30) days following passage of the ordinance. If the city council does not approve a plan to relieve economic hardship within the time specified, the plan to relieve economic hardship shall be deemed to be denied and the permit shall issue.

(G) Failure Of The Commission To Act: The commission's failure to act upon an application for permit within the applicable time periods shall constitute approval by the commission and no other evidence shall be needed.

**2-13-11: PENALTIES AND REMEDIES FOR VIOLATIONS:**

The following penalties and remedies shall be applicable to violations of this chapter:

(A) Penalties: Failure to perform any act required by the ordinance codified in this chapter or performance of any action which is prohibited by said sections shall constitute a violation thereof. Every day on which a violation exists shall constitute a separate violation and a separate offense. Any person violating any of the provisions of this chapter shall be subject to a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for each offense. In addition, if the owner of property designated a "Oregon Landmark: willfully or through gross negligence causes all or any part of the property to be demolished or substantially destroyed or altered without the approval of the city council or the commission, as the case may be, then no permit to construct or improve said structure shall be issued for said property or for the land upon which the landmark stood within five (5) years of the date of the demolition or alteration. Thereafter for a period of twenty (20) years, commencing at the end of the five (5) year period hereinbefore stated, any application for a building permit on the subject premises shall follow the procedure heretofore set out in section 2-13-10 of this chapter.

(B) Remedies; Notwithstanding the provisions of subsection (A) of this section, in the event any building or structure is erected, constructed, reconstructed, altered, added to or demolished in violation of this chapter, the city may substitute appropriate proceedings to prevent or remedy such unlawful erection, construction, reconstruction, alteration, addition or demolition.

**2-13-12: SEVERABILITY:** If any provision of this chapter or application thereof to any person or circumstance is invalid, such invalidation shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.