HISTORIC PRESERVATION ORDINANCE
OF
MACOMB, ILLINOIS

WHEREAS, movements and shifts of population and the changes in residential, commercial and industrial uses and customs threaten the destruction of areas, places, structures, works of art, and other objects having special historic, community, architectural or aesthetic importance, interest, or value and whose preservation and continued utilization are necessary and desirable for the enjoyment and beauty of the City of Macomb and for the welfare of the citizens of Macomb; and

WHEREAS, the authority for these purposes is found in the Illinois Historic Areas Preservation Act, Chapter 65, Section 5/11-13.1 and 5/11-48.2 et. seq. of the Illinois Compiled Statutes\(^1\) that have granted powers to the Mayor and Council of the City of Macomb to provide for official landmark designation by ordinance of areas, places, buildings, structures, and other objects having a special, historical, community or aesthetic interest or value, and in connection with such areas so designated by ordinance to impose reasonable regulations governing the construction, alteration, and demolition and to adopt other additional measures appropriate for their preservation, protection, enhancement, rehabilitation, reconstruction, perpetuation or use; and

WHEREAS, the City of Macomb contains structures and areas that embody a sense of time and place unique to the City or which exemplify or reflect the cultural, social, economic, political or architectural history of the nation, the State of Illinois, or the City; and

WHEREAS, the protection of the historic and architectural character and resources of the City of Macomb is considered necessary for the promotion of its economic development;

NOW, THEREFORE, be it ordained by the City Council of the City of Macomb, McDonough County, Illinois:

HISTORIC PRESERVATION
The purpose of this ordinance is to promote the protection, enhancement, perpetuation, and use

\(^1\)
of improvements of special character or historical interest or value in the interest of the health, prosperity, safety, and welfare of the people of the City of Macomb by:

1. Providing a mechanism to identify and preserve the historic and architectural characteristics of Macomb which represents elements of the City’s cultural, social, economic, political and architectural history;
2. To promote civic pride in the beauty and noble accomplishments of the past as represented in Macomb’s landmarks and historic districts;
3. Stabilizing and improving the economic vitality and value of Macomb’s landmarks and historic areas;
4. Protecting and enhancing the attractiveness of the City to buyers, visitors and shoppers and thereby supporting business, commerce, industry, and providing economic benefit to the City;
5. Fostering and encouraging preservation, restoration of structures, areas, and neighborhoods and thereby preventing future urban blight.

DEFINITIONS
Unless specifically defined below, words or phrases in this ordinance shall be interpreted giving them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application.

1. Alteration - Any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to the erection, construction, remodeling, reconstruction, or removal of any structure.
2. Area - A specifically defined geographic division of the City of Macomb.
3. Addition - 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.
4. Building - Any structure created for the support, shelter or enclosure of persons, animals or property of any kind and which is permanently affixed to the ground.
5. Certificate of Appropriateness - A certificate from the Macomb Historic Preservation Commission authorizing plans for alterations, construction, remodeling, removal or demolition of a landmark or site within a designated historic district.
6. Commission - Macomb Historic Preservation Commission
7. Commissioners - Voting members of the Macomb Historic Preservation Commission
8. **Construction** - The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

9. **Council** - The City Council of the City of Macomb.

10. **Demolition** - Any act or process that destroys in part or in whole a landmark or site within a historic district.

11. **Design Guideline** - A standard of appropriated activity that will preserve the historic and architectural character of a structure or area.

12. **Exterior Architectural Appearance** - The architectural and general composition of the exterior of a structure, including, but not limited to the kind, general color scheme, and the texture of the building material and the type, design and character of all windows, doors, light fixtures, signs, and appurtenant elements.

13. **Historic District** - An area designated as a "historic district" by ordinance of the City Council and which may contain within definable geographic boundaries one or more landmarks and which may have within its boundaries other properties or structures that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district.

14. **Landmark** - Any building, structure or site which has been designated as a “landmark” by ordinance of the City Council, pursuant to procedures prescribed herein, that is worthy of rehabilitation, restoration, and preservation because it its historic and/or architectural significance to the City of Macomb.

15. **Owner of Record** - The person, corporation, or other legal entity listed as owner on the records of the County Recorder of Deeds.

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

17. **Removal** - Any relocation of a structure on its site or to another site.

18. **Repair** - Any change that does not require a building permit or that is not construction, relocation or alteration.

19. **Structure** - Anything constructed or erected, the use of which requires permanent location on or in the ground, including, but not limited to, decks, fences, gazebos, advertising signs, bill boards, and any commercial or residential accessory buildings.

20. **Structural Change** - 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.
COMPOSITION OF HISTORIC PRESERVATION COMMISSION
The Macomb Historic Preservation Commission shall consist of seven (7) voting members, residents of the City of Macomb, appointed by the Mayor and approved by the City Council.

QUALIFICATIONS
The members shall be appointed on the basis of expertise, experience or interest in the area of local heritage and history, building construction, finance, rehabilitation and reuse of historical and architectural structures, small business or real estate.

TERMS
Members of the Commission shall be appointed for terms of three (3) years. Of those members first taking office, two (2) shall be appointed for one (1) year, three (3) for two (2) years, and two (2) for three (3) years. Alternate members shall be appointed to serve in the absence of or disqualification of the regular members. Vacancies shall be filled for the unexpired term only. Members shall serve without compensation.

OFFICERS
Officers shall consist of a chairman, vice-chairman, and a secretary elected by the Preservation Commission who shall be serve a term of one (1) year and shall be eligible for re-election. The chairman shall preside over meetings. In the absence of the chairman, the vice-chairman shall perform the duties of the chairman. If both are absent, a temporary chairman shall be elected by those present. The secretary to the Preservation Commission shall have the following duties:

1. Take minutes of each Preservation Commission meeting;
2. Be responsible for publication and distribution of copies of the minutes, reports, and decisions of the Preservation commission to the members of the Preservation Commission;
3. Give notice as provided herein or by law for all public hearings conducted by the Preservation Commission;
4. Advise the Mayor of vacancies on the Preservation Commission and expiring terms of members; and
5. Prepare and submit to the City Council a complete record of the proceedings before the Preservation Commission on any matter requiring Council consideration.
MEETINGS
A quorum shall consist of a simple majority of the members. All decisions or actions of the Historic Preservation Commission shall be made by a majority vote of those members present and voting at any meeting where a quorum exists. Meetings shall be held at regularly scheduled times to be established by resolution of the Commission at the beginning of each calendar year or at any time upon the call of the Chairman. There shall be a minimum of four (4) meetings per year.

No member of the Historic Preservation commission shall vote on any matter that may materially or apparently affect the property, income or business interest of that member. No action shall be taken by the Commission that could in any manner deprive or restrict the owner of property in its use, modification, maintenance, disposition, or demolition until such owner shall first have had the opportunity to be heard at public meeting of the Preservation Commission, as provided herein. The Chairman, and in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Preservation Commission shall be open to the public. The Preservation Commission keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records if its examinations and other official actions, all of which shall be immediately filed in the office of Building & Zoning and shall be a public record.

POWERS AND DUTIES
1. To conduct an ongoing survey to identify historically and architecturally significant properties, structures and areas;
2. To investigate and recommend to the City Council the adoption of ordinances designating properties or structures having special historic, community, or architectural value as “landmarks”;
3. To investigate and recommend to the City Council the adoption of ordinances designating geographic areas having special historic, community or architectural value as “historic districts”;
4. To keep a register of all properties and structures that have been designated as landmarks or historic districts, including all information required for each designation;
5. To determine an appropriate system of markers and make recommendations for the design and implementation of specific markings of landmarks or historic districts;
6. To advise owners of landmarks and property or structures within historic districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the State or National Register of Historic Places;
7. To inform and educate the citizens of Macomb concerning the historic and architectural heritage of the City by publishing appropriate maps, articles, and/or pamphlets, and by holding programs and seminars;

8. To hold public hearings and to review applications for construction, alteration, removal, or demolition affecting proposed or designated landmarks or structures or historic districts and issue or deny Certificates of Appropriateness for such actions. Applicants shall be required to submit plans, drawings, elevations, specifications, and other information as may be necessary to make decisions;

9. To develop specific guidelines for the alteration, rehabilitation, construction, or remodeling of landmarks or property and structures within historic districts;

10. To call upon available City staff members as well as other experts for technical advise;

11. To testify before all boards and commissions, including the City Planning Commission and the Zoning Board of Appeals, on any matter affecting historically and architecturally significant property and landmarks;

SURVEYS AND RESEARCH
The Historic Preservation Commission shall undertake an ongoing survey and research effort in the City of Macomb to identify neighborhoods, areas, sites, structures, and objects that have historic, community, architectural, or aesthetic importance, interest, or value. As part of the survey, the Historic Preservation Commission shall review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts, and photographs. The Historic Preservation Commission shall identify potential landmarks and adopt procedures to nominate them in groups based upon the following criteria:

1. The potential landmarks in one identifiable neighborhood or district geographical area of the City of Macomb;

2. The potential landmarks associated with a particular person, event, or historical period;

3. The potential landmarks of a particular architectural style or school, or of a particular architect, engineer, builder, designer or craftsman;

4. Such other criteria as may be adopted by the Preservation Commission to assure systematic survey and nomination of all potential landmarks within the City of Macomb.

CRITERIA FOR THE SUBMISSION OF APPLICATION FOR LANDMARK DESIGNATION ¹
Any person, group of persons or association, may apply to the Macomb Historic Preservation Commission for the designation of a Landmark or a Historic District. Nominations may be submitted to the Historic Preservation Commission on a form provided by the City of Macomb Office of Building & Zoning. A filing fee may be required.

The Commission shall, upon investigation as it deems necessary, make a preliminary determination as to whether a property, structure, or area possesses the local integrity of design, workmanship, materials, location, setting and feeling and meets one or more of the following criteria:

1. Significant value as part of the historic, heritage or cultural characteristics of the community, county, state or nation;
2. Its identification with a person or persons who significantly contributed to the development of the community, county, state or county;
3. Representative of the distinguishing characteristics of architecture inherently valuable for the study of a specific time period, type, method of construction or use of indigenous materials;
4. Notable work of a master builder, designer, architect or artist whose individual work has influenced the development of the community, county, state or country;
5. Its unique location or singular physical characteristics that make it an established or familiar visual feature;
6. Its character as a particularly fine or unique example of a utilitarian structure, including but not limited to farmhouses, gas stations, or other commercial structures, with a high level of integrity or architectural significance;
7. Area that has yielded or may be likely to yield, information important in history or prehistory.

Applications for a nomination shall be filed at the Office of Building & Zoning. Persons wishing guidance or advice prior to completing an application may contact the Community Development Coordinator. At a minimum; the application shall include the following:

For a Landmark:

1. The name and address of the property owner.
2. The legal description and common street address of the property.
3. A written statement describing the property and setting forth reasons in support of the proposed designation.
4. Documentation that the property owner has been notified or consents to the application for designation if the applicant is someone other than the owner.

5. A list of significant exterior architectural features of the property.

6. An overall site plan and photographs of the landmark demonstrating front, side and rear elevation views.

For a Historic District:

1. The names and addresses of all the persons owning property in the proposed district.

2. A map delineating the boundaries of the area to be designated.

3. A written statement describing the area and properties within the historic district and setting forth reasons in support of the proposed designation.

4. A list and photographs of significant exterior architectural features indicating how they are contributing to the district.

LANDMARK DESIGNATION PROCEDURES

The Commission shall schedule a public hearing within thirty (30) days after the filing of an application to the Office of Building & Zoning.

1. Notice of date, time, place and purpose of a public hearing on a landmark or district application shall be sent by mail to owner(s) of record and to the nominator(s) as well as to the adjoining property owners, not less than ten (10) nor more than twenty (20) days prior to the date of the hearing. A public hearing notice also shall be published in a newspaper having general circulation in the City of Macomb. The notice shall state the location of the property and a statement summarizing how the proposed landmark meets the criteria set forth in Subsection B under Criteria for Landmark Designation.

2. During the public hearing, the Commission shall review and evaluate the application according to the criteria established by ordinance.

3. If the Historic Preservation Commission finds that the application merits consideration, then the Commission may act on the request at its next scheduled meeting but, in any case, in no later than thirty (30) days following the hearing. The meeting at which action is taken may be held immediately following the public hearing.

4. Following the public hearing, the Secretary of the Commission shall prepare the Commission’s evaluation, recommendation and all available information for submission to the City Council within ten (10) days.

5. If the Commission decides that the landmark should be designated, it shall do so by a resolution passed by a majority of the Commission.
6. The owner(s) of record shall be notified promptly by a letter containing information of the Commission’s decision.

7. A simple majority vote by the City Council is necessary for approval of a landmark designation. If the City Council approves the application for a designation, a notice will be sent to the property owner, the Office of Building & Zoning, the City Clerk’s office, and recorded with the County Recorder of Deeds. If the City Council denies the petition, no petitioner or applicant can file another petition for a period of one year following denial.

8. Buildings designated as Historic Landmarks shall be subject to issuance of Certificates of Appropriateness.

CRITERIA FOR HISTORIC DISTRICT DESIGNATION

Nominations shall be made to the Historic Preservation Commission on a form provided by the Commission. A filing fee may be required. The following criteria shall be utilized by the Macomb Historic Commission in determining the designation of Historic Districts:

1. The Historic District contains one or more landmarks along with such other buildings, places or areas within its definable geographic boundaries which, while not of such historic significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located in such District;

2. A significant number of structures meeting any of the standards of Subsection B under Landmark Designation Criteria;

3. Establishing a sense of time and place unique to the City of Macomb, and/or;

4. Exemplifying or reflecting the cultural, social, economic, political or architectural history of the nation, the state, or the community.

HISTORIC DISTRICT DESIGNATION PROCEDURES

The following procedure shall be used for the preliminary determination regarding the designation of historic districts:

1. Any person, group of persons, or association, including but not limited to the Macomb Historic Commission, may present to the commission a petition requesting that a defined geographic area be designated as an Historic District. The Office of Building & Zoning shall supply, upon request, the application forms. Completed forms shall be submitted to the Office of Building & Zoning which shall forward them to the Commission for their consideration;

2. The petition shall contain the names of no less than 51% of the property owners. Or, if lease holders, with a five (5) year or longer leasehold interest, are signatories to the
petition then the petition shall contain no less than 51% of the property owners and/or leaseholders;

3. Notice of date, time, place and purpose of the public hearing shall be sent by mail to owner(s) of record and to the nominator(s) as well as to the adjoining property owners, not less than ten (10) nor more than twenty (20) days prior to the date of the hearing.

4. A public notice also shall be published in a newspaper having general circulation in the City of Macomb. The notice shall state the location of the properties and a statement summarizing how the proposed area meets the criteria set forth in Subsection B under Criteria for Historic Designation;

5. Upon receipt of the application, the Secretary of the Commission shall schedule a public hearing to be held within thirty (30) days from receipt.

6. During the public hearing the Commission shall review and evaluate the application according to the criteria established by ordinance;

7. Within not more than thirty (30) days following the public hearing, the Commission shall at a regularly scheduled or special meeting, make a final decision on designation and prepare the Commission’s evaluation, recommendation, and all available information for submission to the City Council. This meeting may occur immediately following the public hearing.

a. If the Commission decides that the proposed historic district should be designated, it shall do so by a resolution passed by a majority of the Commission.

b. The owners of record shall be notified promptly by a letter containing information of the Commission’s decision.

c. A simple majority vote by the City Council is necessary for approval of a historic preservation designation. If the City Council approves, the application for a designation, a notice will be sent to the property owners, the Office of Building & Zoning, the Building Inspector, the City Clerk’s office and recorded with the County Recorder of Deeds that the area has been designated as such and that buildings located within the boundaries of the historic district shall be subject to issuance of Certificate of Appropriateness. If the City Council denies the petition, no petitioner can re-file another petition for a minimum of one year.

CERTIFICATE OF APPROPRIATENESS
A Certificate of Appropriateness (COA) issued by the Commission shall be required before a building permit, moving permit, or demolition permit is issued for any designated historic landmark
or any building, structure, or site or part thereof in the historic district. A COA is required if the building, structure or site will be altered, extended, or repaired in such a manner as to produce a major change in the exterior appearance of such building or structure. Such major changes include, but are not limited to:

1. Major changes by addition, alteration, maintenance, reconstruction, rehabilitation, renovation or repair;
2. Most new construction and demolition in whole or in part requiring a permit from the City of Macomb;
3. Moving a building;
4. Any construction, alteration, demolition, or removal affecting a significant exterior architectural feature as specified in the ordinance designating the landmark or historic district.

An exception to the COA shall be made if the applicant shows to the Commission that a failure to grant the permit will cause an imminent threat to life, health, or property.

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

Every application for a demolition permit or applicable building permit, including plans and specifications, shall be forwarded by the Office of Building & Zoning to the Historic Preservation Commission within fifteen (15) days following receipt of the application by the Office of Building & Zoning. The application for issuance of a COA must include:¹

1. Street address of the property involved.
2. Legal description of the property involved.
3. Brief description of the present improvements situated on the property.
4. A detailed description of the construction, alteration, demolition, or use proposed together with any architectural drawings 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 final appearance and use of the real estate will be.
5. Owner’s name.
6. Developer’s name, if different than owner.
7. Architect’s name, (if any).
8. Payment of the filing fee.

₁
STANDARDS FOR CERTIFICATES OF APPROPRIATENESS

In making a determination whether to approve or deny an application for a COA, the Macomb Historic Preservation Commission shall be guided by the Secretary of the Interior’s “Standards for Rehabilitation”, as follows:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site environment;
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided or at least minimized;
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 stylistic 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 rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall, as closely as possible, match the old in design, color, texture, materials and other visual qualities. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence whenever it is available;
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of the structures, if appropriate, shall be undertaken using the gentlest means possible;
8. Significant archaeological 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.

DESIGN GUIDELINES
Design guidelines for applying the criteria for review of Certificates of Appropriateness shall at a minimum, consider the following architectural criteria:

1. Height - the height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures in a historic district;

2. Proportions of windows and doors - The proportions and relationships between doors and windows should be compatible with the architectural style and character of the landmark;

3. Relationship of Building Masses and Spaces - The relationship of a structure within a historic district to the open space between it and adjoining structures should be compatible;

4. Roof Shape - The design of the roof, fascia, and cornice should be compatible with the architectural style and character of the landmark;

5. Landscaping - Landscaping should be compatible with the architectural character and appearance of the landmark;

6. Scale - The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures in a historic district;

7. Directional Expression - Facades in historic districts should blend with other structures with regard to directional expression. Structures in a historic district should be compatible with the dominant horizontal or vertical expression of surrounding structures;

8. The direction expression of a landmark after alteration, construction, or partial demolition should be compatible with its original architectural style and character;

9. Architectural Details - Architectural details including types of materials, colors, and textures should be treated so as to make landmark compatible with its original architectural style and character of a landmark or historic district;

10. New structures in a Historic District shall be compatible with the architectural styles and design in said districts.

11. Any new or replacement canopies or awnings shall be of an all-weather cloth or canvas material and shall be of a subtle, pastel or earth-tone color.

HEARING ON COA APPLICATIONS

Applications for a Certificate of Appropriateness are available from the Office of Building & Zoning. Such applications shall be completed and submitted to the Office of Building & Zoning which shall be forwarded to the Macomb Historic Preservation Commission. The Commission shall schedule a public meeting for consideration of the application within fifteen (15) days of
receipt of application and hold such hearing within thirty (30) days of such receipt. A public notice for consideration of the application shall be made not less than ten (10) days nor more than twenty (20) days before hearing, in a newspaper of general circulation published in the City of Macomb.

**ISSUANCE OF A CERTIFICATE OF APPROPRIATENESS**

The Macomb Historic Preservation Commission shall notify the applicants of their decision within five (5) days after the public meeting. Upon approval of the application, the Commission shall direct the Office of Building & Zoning to issue signed COA to the applicant with copies forwarded to the Building Inspector.

A COA shall be invalid if substantial changes in the plans reviewed by the Commission are necessary in obtaining a building permit or if the building permit issued for the same work becomes invalid. The Certificate of Appropriateness remains valid for the same period of validity as the building permit (six months).

**DENIAL OF A CERTIFICATE OF APPROPRIATENESS**

In the event of denial of an application for a COA, the Commission shall notify the applicant in writing of the disapproval and the reasons therefore and shall recommend changes, if any, in the proposed action that would cause the Commission to reconsider its denial.

Within fifteen (15) days of receipt of the notification of disapproval, the applicant may resubmit an amended application for a COA that takes into consideration the recommendations of the Historic Preservation Commission.

The application shall be considered to be withdrawn if no written modification within the fifteen (15) day period as noted above is received. Within thirty (30) days of receipt of a written modified COA, the Commission must either issue the COA or reaffirm the denial.

The process for the resubmission of a modified COA is as follows:

1. The Macomb Historic Preservation Commission shall select a reasonable time and place for consideration of the appeal and give due notice thereof to the applicant by mailing notice of the hearing. Said mailing is to be made at least ten (10) days prior to the date of the hearing.

2. The Chairperson shall conduct the meeting and the Macomb Historic Preservation Commission and the applicant shall have the right to introduce evidence and cross
examine witnesses. A recorded or written transcript of the hearing shall be made and kept.

3. The Commission shall vote, announce its decision, make its recommendation, and notify the Office of Building & Zoning and the applicant either at or within five (5) days after the conclusion of the meeting, unless the time is extended by mutual agreement between the Commission and the applicant.

4. In the event of a denial of appeal by the Macomb Preservation Commission, the applicant may appeal the decision of the City Council, whose decision in this matter shall be final subject only to judicial review as provided by law.

CERTIFICATE OF ECONOMIC HARDSHIP
Notwithstanding any of the provisions of the ordinance to the contrary, the Commission may issue a Certificate of Economic Hardship to allow the performance of work for which a Certificate of Appropriateness has been denied.

Applicants claiming economic hardship shall be required to determine eligibility for rehabilitation assistance. The eligibility for and availability of financial aid shall be considered by the Commission in making its decision.

An applicant for a Certificate of Economic Hardship may submit any or all of the following information in order to assist the Commission in making its determination on the application:

1. The amount paid for the property, the date of purchase and the party from whom purchased;
2. The total estimated amount of investment in the subject project;
3. The estimated amount of increased cost attributable to the owner/developer to be in compliance with the standards as established by the Commission;
4. The assessed value of the land and improvements thereon according to the two most recent assessments;
5. Real estate taxes for the previous two years;
6. Remaining balance on mortgage, if any, and annual debt service, if any, for the previous two years;
7. Any listing of the property for sale or rent, price asked and offers received, if any;
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. Any other information reasonably necessary for a determination as to whether the property can be reasonably used or yield a reasonable return to present or future owners;

10. If the Commission shall make a decision within twenty (20) days of submittal of the request. If the Commission finds that without approval of the proposed work, the property owner cannot obtain a reasonable economic return therefrom, the Commission shall make recommendations to the City Council to allow for a reasonably beneficial use or a reasonable economic return of the subject property through a relaxation of the provisions of the ordinance.

If the City Council finds that without approval of the proposed work, the property cannot be put to a reasonable beneficial use or the owner cannot obtain a reasonable economic return therefrom, then the Council shall issue a Certificate of Economic Hardship approving the proposed work with reduced or waived regulations. If the Council finds otherwise, it shall deny the application for a Certificate of Economic Hardship. A Council decision shall be rendered within twenty (20) days of receipt of a recommendation from the Historic Preservation Commission.

**APPEALS**

When a Certificate of Appropriateness or Economic Hardship is denied for either a landmark or a structure within a historic district, the applicant or any interested party may, within thirty (30) days, appeal the Commission’s decision to the City Council. The Council may receive comments on the contents of the record but no new matter may be considered by the Council. The City Council may affirm or reverse the decision or recommend changes by a majority vote of the Council after due consideration of the facts contained in the record submitted to the Council by the Commission. The Council may overturn the Commission’s decision by a majority vote of a quorum of the Council. Council action shall be taken within twenty (20) days of receipt of the appeal.

**NATURAL DESTRUCTION OR DEMOLITION**

In the case of partial or complete natural destruction or demolition of a site within a Historic Preservation District or of a landmark, the owner will be required to obtain a Certificate of Appropriateness from the Commission prior to reconstruction. Although exact duplication of the previous structure may not be required, the exterior design of the property shall be in harmony with:

1. The exterior design of the structure prior to damage, and
2. The character of the Historic Preservation District.
FEES AND PENALTIES

The Preservation Commission may establish an appropriate system of processing fees for the review of nominations and COAs. Any person who undertakes or causes an alteration, construction, demolition, or removal of any nominated or designated landmark or property within a nominated or designated landmark or designated historic district without a COA shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500). Every day such violation shall continue to exist shall constitute a separate violation.