

# ORDINANCE NO. 3261

## AN ORDINANCE REPEALING ORDINANCE NO. 1455 AND ADOPTING THE REVISED “VILLAGE OF FRANKFORT HISTORIC PRESERVATION ORDINANCE”

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**WHEREAS**, the Village of Frankfort has a long tradition of protecting and enhancing its historic district and historic buildings; and

**WHEREAS**, the pace of development threatens the destruction or harm to the special historic aspects of the Village; and

**WHEREAS**, the Village contains many structures and areas that embody a sense of time and place unique to the Village and which exemplify and reflect the cultural, social, and architectural history of the Village and the State of Illinois; and

**WHEREAS**, the Village is interested in preserving features and characteristics of the historic downtown, and adopted a plan for improving and enhancing the historic parts of the Village; and

**WHEREAS**, the Village developed and implemented the H-1 Historic District zoning classification to protect and enhance the historical core of the Village; and

**WHEREAS**, the State of Illinois passed the Illinois Historic Areas Preservation Act providing for municipalities to preserve and enhance their historical areas; and

**WHEREAS**, at its July 8, 2020 meeting, the Historic Preservation Commission reviewed an amendment to the Village of Frankfort Historic Preservation Ordinance No. 1455, and forwarded a recommendation to move forward with the amended version of Ordinance No. 1455 with minor changes suggested by the Commission; and

**WHEREAS**, at its August 12 and September 9, 2020 meetings, the Land Use and Policy Committee reviewed Ordinance No. 1455 and forwarded a recommendation to the Village Board to amend certain sections of the Code of the Village of Frankfort pertaining to the Village of Frankfort Historic Preservation Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF FRANKFORT, WILL AND COOK COUNTIES, ILLINOIS, THAT ORDINANCE NO. 1455 IS HEREBY REPEALED AND A REVISED HISTORIC PRESERVATION ORDINANCE IS ADOPTED TO REAFFIRM THE ESTABLISHMENT OF THE HISTORIC DISTRICT (H-1) AS DEPICTED IN THE VILLAGE OF FRANKFORT OFFICIAL ZONING MAP, AS AMENDED FROM TIME TO TIME.**

## **HISTORIC PRESERVATION**

The purpose of this ordinance is to promote the protection, enhancement, perpetuation, and use of improvements of special character or historical interest or value in the interest of health, prosperity, safety, and welfare of the people of the Village of Frankfort by:

1. Providing a mechanism to identify and preserve the historic and architectural characteristics of Frankfort that represents elements of the Village's cultural, social, economic, political, and architectural history;
2. Promoting civic pride in the beauty and noble accomplishments of the past as represented in the charm of the historic Village;
3. Stabilizing and improving the economic vitality and value of Frankfort's landmarks and historic areas;
4. Protecting and enhancing the attractiveness of the Village to buyers, visitors, and shoppers, thereby supporting commerce and providing economic benefit to the Village;
5. Fostering and encouraging preservation, restoration of structures, areas, and neighborhoods and thereby preventing future urban blight.
6. Promoting reinvestment and adaptive reuse of structures, areas, and neighborhoods to foster continued economic, aesthetic, architectural, and cultural success.

## **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 to give this ordinance its most reasonable application.

*Alteration* - Any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to the erection, construction, reconstruction, demolition or relocation of any structure.

*Area* - A specific geographic division of the Village of Frankfort.

*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.

*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 land.

*Certificate of Appropriateness* - A certificate from the Historic Preservation Commission authorizing plans for alternations, construction, removal, or demolition of a landmark or site within a designated historic district.

*Commission* - Village of Frankfort Historic Preservation Commission.

*Commissioners* - Voting members of the Frankfort Historic Preservation Commission.

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

*Demolition* - Any intentional act or process that destroys in part or in whole a landmark or structure within the historic district.

*Design Guidelines* - A standard description or illustration of acceptable construction intended to preserve the historic and architectural character of a structure or area.

*Development Service Department* – A department at the Village of Frankfort that consists of planning, zoning, economic development, code compliance, permitting, inspections, and engineering.

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

*Exterior Architectural Features* – Major features that make a building notable or historically identifiable and contribute to the overall visual characteristic of the structure.

*Historic District* - An area designated as a "historic district" by ordinance of the Village Board which contains properties or structures of historic and/or architectural significance that contribute to the overall visual characteristics of the historic district and Village of Frankfort.

*Landmark* - Any building, structure or site that has been designated as a "landmark" by ordinance of the Village Board, due to its historic and/or architectural significance to the Village of Frankfort.

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

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

*Relocation* - The process of moving a structure on its existing site or to another site.

*Repair* - Mending of an existing improvement which is not new construction, relocation or alternation.

*Structure* - Anything constructed or erected, the use of which requires permanent location on or in the ground or attached to something having a permanent location on or in the ground.

*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 of the building.

## **COMPOSITION OF HISTORIC PRESERVATION COMMISSION**

The Village of Frankfort Historic Preservation Commission shall consist of five (5) voting members, who are residents of the Village, appointed by the Mayor, and approved by the Village Board.

## **QUALIFICATIONS**

The members must have a demonstrated interest, knowledge and/or expertise in historic preservation. Members may be selected from professions such as architectural history, building

construction, or engineering, finance, historical and architectural preservation, neighborhood organizing or real estate.

### **TERMS**

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

### **OFFICERS**

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

1. Take minutes of each 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 Historic Preservation Commission;
4. Advise the Mayor of vacancies on the Commission and expiring terms of members; and;
5. Prepare and submit to the Village Board a complete record of the proceedings before the Commission on any matter requiring Village Board consideration or action.

### **MEETINGS**

A quorum shall consist of a 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 regular scheduled times to be established by the Commission at the beginning of each calendar year or at any time upon the call of the Chairman provided proper public notice is given per the Open Meetings Act (5 ILCS 120/). 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 a property in its use, modification, maintenance, disposition, or demolition until such owner shall first have had the opportunity to be heard at public meetings of the Historic Preservation Commission, as provided herein. The Chair, and in their absence the acting Chair, may administer oaths of witnesses in attendance. All meetings of the Historic Preservation Commission shall be open to the public and in accordance with the Open Meetings Act (5 ILCS 120/). The Historic Preservation Commission shall keep minutes of its proceedings, showing the vote, indicating such fact, and

shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Village Clerk and shall be a public record.

### **POWERS AND DUTIES**

The Village of Frankfort Historic Preservation Commission shall have the following powers and duties:

1. To adopt its own procedural regulations.
2. To periodically conduct a survey to identify historically and architecturally significant properties, structures, and areas.
3. To investigate and recommend to the Village Board the adoption of ordinances designating properties or structures having special historic, community, or architectural value as "landmarks".
4. To investigate and recommend to the Village Board the adoption of ordinances designating areas as having special historic, community, or architectural value as "historic districts".
5. 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.
6. To determine an appropriate system of markers and make recommendations for the design and implementation of specific markings of the streets and routes leading from one landmark or historic district to another.
7. 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.
8. To inform and educate the citizens of Frankfort concerning the historic and architectural heritage of the Village by publishing and holding programs and seminars.
9. To hold public meetings and public hearings, as the case may be, to review applications for construction, alteration, relocation, or demolition effecting proposed or designated landmarks or structures or historic districts and issue or deny Certificates of Appropriateness for such actions.
10. To develop specific guidelines for the alteration, demolition, construction, or removal of landmarks or property and structures within historic districts.
11. To review proposed zoning amendments, applications for special use permits or variances that affect proposed or designated landmarks and historic districts. Such review shall be made prior to the date of the hearing by the Village Planning Commission or the Zoning Board of Appeals to the extent reasonably practical.
12. To administer on behalf of the Village of Frankfort any property of full or partial interest in real property, including a conservation right as that term is used in the Illinois Revised Statutes, which the Village may have or accept as a gift or otherwise, upon designation and acceptance by the Village Board.
13. To accept and administer on behalf of the Village of Frankfort, upon designation and acceptance by the Village Board, such gifts, grants and money as may be appropriate for the purpose of this ordinance.

14. To call upon available Village staff members, as well as other experts, for technical advice provided no unbudgeted expenses are incurred.
15. To testify before all boards and commissions, including the Village Planning Commission and the Zoning Board of Appeals, on any matter affecting historically and architecturally significant property or landmarks.
16. To periodically review the Frankfort Zoning Ordinance and to recommend to the Village Planning Commission and the Village Board any amendments appropriate for the protection and continued use of landmarks or property and structures within historic districts.

### **SURVEYS AND RESEARCH**

The Historic Preservation Commission shall undertake an ongoing survey and research effort in the Village of Frankfort 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. Potential landmarks in one identifiable neighborhood, district, or geographical area of the Village of Frankfort.
2. Potential landmarks associated with a particular person, event, or historical period;
3. Potential landmarks of a particular architectural style or school, or of a particular architect, engineer, builder, designer, or craftsman.
4. Potential landmarks adhering to such other criteria as may reasonably be adopted by the Historic Preservation Commission to assure systematic survey and nomination of all potential landmarks within the Village of Frankfort.

### **CRITERIA FOR LANDMARK DESIGNATION**

The Commission shall, upon investigation as is deems necessary, make a determination as to whether a property, structure, or area possesses the 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 country.
3. Representative of the distinguishing characteristics of architecture inherently valuable for the study of a 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, historic commercial buildings, 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.

## **LANDMARK DESIGNATION PROCEDURES**

### A. Applications for Landmark Designation

The application shall be submitted to the Development Services Department, and shall at the minimum include the following:

1. The name and address of the property owner and documentation establishing proof of ownership. Documentation of ownership shall include a copy of the recorded deed, commitment for title insurance, or other evidence of ownership deemed acceptable by the Village attorney.
2. The legal description and common street address of the property.
3. A written statement describing the property and setting forth the basis of the proposed designation.
4. Documentation that the property owner(s) were notified of the requested landmark designation via certified mail.
5. Written consent of the owner(s) of record of the nominated structure, building, or object. In the event legal and equitable title is held by separate parties, written consent of each shall be required. In the event owner(s) consent is not provided a supermajority vote (75%) shall be required for approval in accordance with Section C, Part 4 below.
6. A list of significant exterior architectural features that should be protected.
7. An overall site plan or aerial photograph of the property.
8. Photographs of the proposed landmark and exterior features intended for preservation. Front, side, and rear elevation drawings shall be provided if available, or deemed necessary.
9. A declaration signed by the owner(s) of record of the nominated structure, building, or object setting forth, at a minimum, an intent to further promote and preserve the historic appearance and character of property affected by such designation and an agreement to be subject to and bound by the provisions of the "Certificate of Appropriateness" section of this ordinance, including any amendments thereto.

### B. Landmark Designation Procedures

1. Any person, group of persons or association, including, but not limited to the Frankfort Historic Preservation Commission, may nominate a Historic Landmark designation for any structure, building or site within the boundaries of the Village of Frankfort which may have historic or architectural significance as defined by the Ordinance. The Development Services Department shall supply, upon request, the application forms. Completed forms



shall be submitted to the Development Services Department which shall be forwarded to the Commission for their consideration.

2. The Development Services Department shall notify the secretary of the Historic Preservation Commission of complete applications within fifteen (15) days of their filing. After such notice the secretary of the Historic Preservation Commission shall schedule a public hearing, to be held within sixty (60) days.
3. Notice of the 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 within 250' of the subject property, not less than fifteen (15) nor more than thirty(30) days prior to the date of the hearing. Public notice shall be published in a newspaper having general circulation in the Village of Frankfort. The notice shall state the location of the property and a statement identifying the criteria upon which the nomination is based as set forth in this ordinance.
4. During the public hearing, the Commission shall review and evaluate the application according to the criteria established by ordinance.
5. A Certificate of Appropriateness shall be required for alteration, construction, relocation or demolition of a proposed landmark from the date when the nomination form is presented to the Commission until the final disposition of the request.

#### C. Deliberations and Decisions

1. Following the close of the public hearing, the Secretary of the Historic Preservation Commission shall prepare the Commission's evaluation, recommendation and all available information for submission to the Village Board within thirty (30) days.
2. If the Commission decides that the landmark should be designated, it shall do so by forwarding a recommendation for approval, passed by a majority of the Commission, to the Village Board for consideration.
3. The nomination process shall end if: (A) The Historic Preservation Commission fails to make a recommendation at or within fifteen (15) days of the close of the public hearing; or (B) the Historic Preservation Commission finds that the nominated landmark does not meet the criteria for designation.
4. A simple majority vote by the Village Board is necessary for approval of a landmark designation, however, in the event that owner(s) consent is not provided a supermajority vote (75%) shall be required. If the Village Board approves the application for a designation, a notice will be sent to the property owner, the Development Services Department, the Building Inspector, the Village Clerk's office and recorded with the

County Recorder of Deeds. If the Village Board denies the petition, the Historic Preservation Commission may not reconsider a proposed landmark designation for a period of one (1) year from the close of the public hearing. Reconsideration shall be permitted within the one (1) year period if significant new information concerning the previously nominated landmark relating to the criteria for designation is provided.

5. The Development Services Department shall notify the owner(s) of record by a certified letter containing information of the Village Board's decision.
6. Buildings designated as Historic Landmarks shall be subject to issuance of Certificates of Appropriateness.

### **CRITERIA FOR HISTORIC DISTRICT DESIGNATION**

- A. The following criteria shall be used by the Frankfort Historic Preservation Commission in determining the designation of Historic Districts:
  1. The Historic District contains one or more landmarks along with other such 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 Village of Frankfort, and/or
  4. Exemplifying or reflecting the cultural, social, economic, political or architectural history of the nation, the state or the Village.

### **HISTORIC DISTRICT DESIGNATION PROCEDURE**

- A. Applications for Historic District Designation

Applications shall be filed at the Development Services Department on a form provided by the Development Services Department. Persons wishing guidance or advice prior to completing an application may contact Development Services Department staff or members of the Historic Preservation Commission. Applications shall include the following:

1. The name(s) and address(es) of the property owner(s).
2. A map delineating the boundaries of the area to be designated.

3. A written statement describing the area and properties within the proposed Historic District and setting forth the basis of the proposed designation.
4. A list and photographs of significant exterior architectural features of all properties in the district that should be protected.
5. Documentation that all property owner(s) were notified of the proposed historic district designation via certified mail.
6. Written consent of at least 51% of the owner(s) of record of within the proposed historic district. In the event legal and equitable title is held by separate parties, written consent of each shall be required. In the event the consent of at least 51% of the owner(s) owner(s) is not provided a supermajority vote (75%) shall be required for approval in accordance with Section C, Part 4 below.
7. A declaration signed by at least 51% of the owner(s) of record of within the proposed historic district setting forth, at a minimum, an intent to further promote and preserve the historic appearance and character of property affected by such designation and an agreement to be subject to and bound by the provisions of the "Certificate of Appropriateness" section of this ordinance, including any amendments thereto.

#### B. Historic District Designation Procedures

1. Any persons, group of persons, or association, including, but not limited to, the Frankfort Historic Preservation Commission, may present to the Historic Preservation Commission an application requesting that a defined geographic area be designated as an Historic District. The Village Development Services Department shall supply, upon request, the application forms. Completed forms shall be submitted to the Development Services Department which shall forward them to the Historic Preservation Commission for their consideration.
2. The Development Services Department shall notify the secretary of the Historic Preservation Commission of complete applications within fifteen (15) days of their filing. After such notice the secretary of the Historic Preservation Commission shall schedule a public hearing, to be held within sixty (60) days.
3. Notice of the 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 within 250' of the subject property, not less than fifteen (15) nor more than thirty(30) days prior to the date of the hearing. Public notice shall be published in a newspaper having general circulation in the Village of Frankfort. The notice shall state the location of the property and a statement identifying the criteria upon which the nomination is based as set forth in this ordinance.

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

C. Deliberations and Decisions.

1. Following the close of the public hearing, the Secretary of the Historic Preservation Commission shall prepare the Commission's evaluation, recommendation and all available information for submission to the Village Board within thirty (30) days.
2. If the Commission decides that the proposed historic district should be designated, it shall do so by forwarding a recommendation for approval, passed by a majority of the Commission, to the Village Board for Consideration.
3. The nomination process shall end if: (A) The Historic Preservation Commission fails to make a recommendation at or within fifteen (15) days of the close of the public hearing; or (B) the Historic Preservation Commission finds that the nominated area does not meet the criteria for designation.
4. A simple majority vote by the Village Board is necessary for approval of a historic preservation designation. If the Village Board approves the application for a designation, a notice will be sent to the property owner, the Development Services Department, the Building Inspector, the Village Clerk's office and recorded with the County Recorder of Deeds that the area has been designated as such and that building located within the boundaries of the Historic District shall be subject to issuance of certificates of Appropriateness. If the Village Board denies the petition, the Historic Preservation Commission may not reconsider a proposed historic district designation for a period of one (1) year from the close of the public hearing. Reconsideration shall be permitted within the one (1) year period if significant new information concerning the previously nominated historic district relating to the criteria for designation is provided.
5. The Development Services Department shall notify the owner(s) of record by a certified letter containing information of the Village Board's decision.

**CERTIFICATE OF APPROPRIATENESS**

**A. CERTIFICATE OF APPROPRIATENESS – ISSUANCE**

Certificate of Appropriateness issued by the Commission shall be required before a building permit, relocation or demolition permit is issued for any designated Historic Landmark or any building, structure or a site or part thereof in the 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 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. Any new construction and demolition in whole or in part requiring a permit from the Village of Frankfort.
3. Relocation of a building.

## **B. EXCEPTIONS**

An exception to the Certificate of Appropriateness shall be made if the applicant shows to the Commission that a failure to grant the permit creates an imminent threat to life, health, or property.

Any projects deemed a minor project, or as minor changes to a structure as determined by staff, are not required to obtain Certificate of Appropriateness, but will require approval by the Director of the Development Services Department.

## **C. APPLICATION REQUIREMENTS**

Every application for a demolition permit or building permit, including plans and specifications shall be forwarded by the Development Services Department to the Historic Preservation Commission within fifteen (15) days following receipt of the complete application. The application for issuance of a Certificate of Appropriateness must include:

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 architect 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 the 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.

## **D. STANDARDS FOR DETERMINATION**

The standards in making a determination whether to approve or deny an application for a Certificate of Appropriateness shall include, but not be limited to:

1. A reasonable effort should be made to provide a compatible use for buildings which will require minimum alteration to the building, structure or site and its environment or to use a property for its originally intended purpose.
2. The compatibility of proposed new additions or new construction to the original architecture of the landmark or styles within the historic district shall be evaluated against the following guidelines:
  - a) The height of the proposed structure or additions or alterations should be compatible with surrounding structures.
  - b) The proportion of the front facade, that is, the relationship between the width of the building to the height of the front elevation.
  - c) The relationship of building mass to the open space between it and adjoining buildings or structures.
  - d) The directional expression of a building or structure, that is, the vertical or horizontal positioning.
  - e) The roof shape.
  - f) Architectural details, general design, materials, textures and colors.
  - g) Landscape and appurtenances including signs, fences, accessory structures and pavings.
3. Deteriorated architectural features should be repaired rather than replaced, wherever possible. In the event that replacement is necessary, the new material should closely match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
4. All buildings should be recognized as products of their own time. Alterations to create an appearance inconsistent with the actual character of the building should be discouraged.
5. Many changes to building and environments which have taken place in the course of time may distinguish the history of the building and the neighborhood. Such changes should be recognized and respected.
6. Wherever possible, new additions or alterations to buildings should be done in such a manner that if they were to be removed in the future, the essential form and integrity of the original building would be unimpaired.
7. Contemporary design for new buildings in a historic district and additions to existing buildings or landscaping should not be discouraged if such design is compatible with the size, scale, color, material, and character of the district, building, or its environment.

8. The distinguishing original qualities or character of a building, structure, or site and its environment, shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided when possible.
9. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site shall be treated with sensitivity.
10. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage or deface the historic building materials shall not be undertaken.
11. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.

#### **E. REVIEW OF APPLICATION**

1. Applications for a Certificate of Appropriateness are available from the Development Services Department. Such applications shall be completed and submitted to the Development Services Department, which shall be forwarded to the Frankfort Historic Preservation Commission. The Commission shall schedule a public meeting for consideration of the application within fifteen (15) days of its receipt

#### **F. ISSUANCE OF A CERTIFICATE OF APPROPRIATENESS**

Upon approval of the application, the Commission shall direct the Development Services Department to issue signed Certificates of Appropriateness to the applicant with copies forwarded to the Building Inspector.

A Certificate of Appropriateness shall be invalid if 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.

If the Commission's decision is to postpone the issuance of Certificate of Appropriateness for demolition or removal, the Commission shall notify the owner in writing. During the period set forth for postponement of the requested action, the Commission shall explore alternatives to demolition or removal. Such alternatives may include consultation with private civic groups, interested private citizens and other public boards or agencies in an effort to find a persuasive means of preserving the structure. If sale of property is considered a feasible alternative to the owner, the building must remain on the open market, dependent on its classification, for the following lengths of time:

1. Designated Landmarks - six (6) months
2. Historic and architecturally significant building in historic district - six (6) months
3. Non-significant buildings located within historic district - three (3) months

#### **G. APPEALS FOR DENIAL OF A CERTIFICATE OF APPROPRIATENESS**

In the event of denial of an application for a Certificate of Appropriateness, 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 that takes into consideration the recommendations of the Historic Preservation Commission. The application shall be considered to be withdrawn if no written modification is received. Within fifteen (15) days of receipt of a written modification, the Commission must hold a public meeting to review the merit of the appeal.

#### **H. FINDINGS ON APPEAL**

In the event of a denial of an application for a Certificate of Appropriateness, the applicant may appeal the decision to the Village Board, whose decision in this matter shall be final, subject only to judicial review as provided by law.

#### **I. 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.
2. The character of the Historic Preservation District.

#### **J. FEES AND PENALTIES**

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 Certificate of Appropriateness shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). Every day such violation shall continue to exist shall constitute a separate violation. The Village of Frankfort may institute any appropriate action or proceeding to enjoin, correct or abate any violation of this Ordinance.



**K. EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

**L. SEVERABILITY**

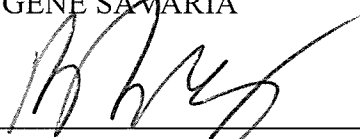
If any section, paragraph, clause or provision of this ordinance is held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this ordinance.

**M. REPEAL OF CONFLICTING PROVISIONS**

All ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

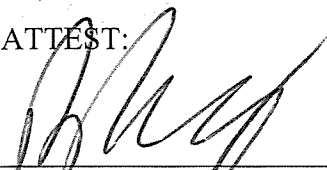
PASSED this 21<sup>st</sup> day of September, 2020; with six members voting AYE; no members voting NAY; and no members absent; the Village President not voting; with no members abstaining and said vote being:

|                    |            |                |            |
|--------------------|------------|----------------|------------|
| ADAM BORRELLI      | <u>AYE</u> | JOHN C. CLAVIO | <u>AYE</u> |
| MARGARET M. FARINA | <u>AYE</u> | KEITH OGLE     | <u>AYE</u> |
| JESSICA PETROW     | <u>AYE</u> | EUGENE SAMARIA | <u>AYE</u> |

  
 \_\_\_\_\_  
 BRIAN FEEHERY  
 VILLAGE CLERK

APPROVED this 21<sup>st</sup> day of September, 2020.

  
 \_\_\_\_\_  
 JIM HOLLAND  
 VILLAGE PRESIDENT

ATTEST:  
  
 \_\_\_\_\_  
 BRIAN FEEHERY  
 VILLAGE CLERK