

Kenilworth, IL Code of Ordinances

DEMOLITIONS

§ 150.020 DEMOLITIONS GENERALLY.

No application for a building permit that contemplates demolition work for which a demolition permit is required pursuant to this chapter shall be accepted by the code official unless and until a demolition permit shall have been issued by the code official for the demolition work.

(Ord. 929, passed 12-14-2004; Ord. 1010, passed 4-13-2009)

§ 150.021 DEMOLITION PERMIT REQUIRED.

A demolition permit shall be required before any person proceeds with any of the following work:

(A) The demolition or removal of 50% or more of the floor area of any building (or buildings on the same lot) in any residential or business district in the village zoning regulations; or

(B) The demolition or removal of 50% or more of the structural elements of the walls or facade of a building (or buildings on the same lot) facing a street in any residential or business district in the village.

(Ord. 885, passed 11-13-2001; Ord. 1005, passed 9-8-2008; Ord. 1010, passed 4-13-2009)

§ 150.022 DEMOLITION WORK.

No part of any demolition work for which a permit is required under this chapter shall be commenced unless and until:

(A) A demolition permit is applied for and issued in the name of the owner and/or applicant in accordance with this chapter and has not expired; and

(B) Unless the code official shall issue a demolition permit pursuant to § 150.024, a building permit is issued by the code official for the proposed new structure or improvements to the existing structure.

(Ord. 885, passed 11-13-2001; Ord. 916, passed 4-9-2004; Ord. 1010, passed 4-13-2009)

§ 150.023 BUILDING PERMIT.

No building permit that contemplates demolition work for which a demolition permit is required pursuant to this chapter shall be applied for or accepted by the code official unless and until:

(A) A demolition permit shall be applied for, approved and issued in the name of the owner and/or applicant in accordance with this chapter;

(B) All required fees shall have been paid by the owner or applicant; and

(C) The owner or applicant shall have reimbursed the village, pursuant to the demolition escrow required by § 150.029, for all costs that the owner or applicant is required to reimburse under this chapter.

(Ord. 885, passed 11-13-2001; Ord. 916, passed 4-9-2004; Ord. 929, passed 12-14-2004; Ord. 1010, passed 4-13-2009)

§ 150.024 EMERGENCY PERMIT.

A demolition permit may be issued by the code official without compliance with §§ 150.025 through 150.029, 150.040 through 150.044, 150.055, 150.056, 150.070 through 150.076 upon a determination by the code official that the building or structure in question presents a threat to public safety.

(Ord. 885, passed 11-13-2001; Ord. 1010, passed 4-13-2009)

§ 150.025 PERMIT APPLICATION.

All applications for demolition permits shall be submitted in accordance with § 105.3 of the International Building Code on forms provided by the code official, in a number of copies as the code official shall require, and shall include an undertaking to establish a demolition escrow in accordance with § 150.029, to pay expenses of the village and the Building Review Commission in reviewing and acting on the application, subject to the limitation in § 150.056. No demolition permit application shall be accepted for processing unless it is complete and is accompanied by all applicable fees, deposits and all items required by § 150.026.

(Ord. 885, passed 11-13-2001; Ord. 916, passed 4-9-2004; Ord. 1010, passed 4-13-2009)

§ 150.026 CONTENT OF APPLICATION.

Except for a demolition permit to be issued pursuant to § 150.024, the application for demolition permit shall include the following:

(A) A legible property survey made within three years prior to the filing of the application, prepared and sealed by a surveyor licensed by the state. The survey shall include the legal description of the property and shall accurately depict lot boundaries, lot area and current improvements;

(B) A list of the addresses of all properties located in whole or in part within 500 feet of the perimeter of the subject property;

(C) (1) Disclosure and proof, through submission of documents evidencing title and ownership interests, of all persons holding ownership of fee simple title to, as well as any person who is a party to any contract, agreement, option, memorandum of understanding, letter of intent, lease or other document affecting the owner's interest or providing for transfer of a future interest in, the subject property consisting of one of the following, whichever is applicable:

(a) If one or more individuals, the name and address of each individual;

(b) If one or more partnerships, the names and addresses of all general partners, the date the partnership was formed, the name of the partnership, the location of the principal office of the partnership and evidence that the partnership is registered in the assumed name registry for the county for each partnership;

(c) If one or more corporations or limited liability companies or a partnership of which the general partner(s) is (are) a corporation or limited liability company, the names and addresses of the directors, officers and shareholders of the corporation or the managers, officers and members of the limited liability company, the location of the principal office of the corporation or limited liability company, the name and address of the corporation's or limited liability company's registered agent, and proof that the corporation or limited liability company is authorized to do business in the state for each entity; and

(d) If one or more trusts, the name and address of the trustees and the names and addresses of all beneficiaries of each trust.

(2) All persons disclosed shall execute the application and be considered co-applicants, and shall be bound by the terms of this code in the review of the application and the terms of the permit, if issued.

(D) (1) A summary of the architectural and historic character of the building to be demolished, including:

(a) Original date of construction, including date of issuance of initial building permit, if available;

(b) Name of architect, if known;

(c) List of previous owners and occupants;

(d) Description of architectural features and building materials;

(e) Scale drawing of the floor plan of the entire principal building and any accessory buildings on the property, including all dimensions;

(f) Summary of a review of previous permits granted for the property by the village;

(g) List of other available historical records regarding the property that are held by the Village Historical Society;

(h) Photographs of all exterior elevations;

(i) Photographs of all major interior features, including attic, basement and garage;

(j) Detailed close-up photographs of interior and exterior architectural features; and

(k) Photographs of the front elevation of the principal buildings and properties on the same block as the proposed demolition property, on the same side of the street as well as the block directly across the street.

(2) Each photograph shall be clearly labeled with a description of the contents and subject of the photograph, including the address of the property depicted, the direction from which the photograph was taken, the name and contact information of the photographer and the date on which the photograph was taken.

(E) Other information and documentation of the type described in this section as the code official or the Building Review Commission may determine to be reasonably necessary to process the application in accordance with the provisions of this chapter.

(Ord. 885, passed 11-13-2001; Ord. 916, passed 4-9-2004; Ord. 1005, passed 9-8-2008; Ord. 1010, passed 4-13-2009)

§ 150.027 CHANGES IN OWNERSHIP.

In the event of any change in or addition to the persons required to be disclosed under § 150.026, the persons filing the application shall file an amendment to the application not more than five days after the change containing all disclosures and proof required in § 150.026 about the additional persons, which shall be executed as provided in § 150.026. No filing under this provision shall be permitted during the period between:

- (A) The commencement of the stay period required by § 150.043; and
- (B) The issuance of a demolition permit.

(Ord. 885, passed 11-13-2001; Ord. 916, passed 4-9-2004; Ord. 929, passed 12-14-2004; Ord. 1005, passed 9-8-2008; Ord. 1010, passed 4-13-2009; Ord. 1099, passed 4-29-2013)

§ 150.028 PROCESSING OF APPLICATION.

Upon receipt of an application for a demolition permit, the code official, in consultation with a member of the Building Review Commission designated from time to time by the Chairperson of the Building Review Commission, shall make a final determination as to whether the application is complete within 30 days after the date of filing the application. The code official shall forward any application determined to be complete to the Building Review Commission unless the code official shall determine to issue a demolition permit pursuant to § 150.024. If the code official, in consultation with a member of the Building Review Commission designated from time to time by the Chairperson of the Building Review Commission, determines that an application is not complete or otherwise fails to comply with this chapter, the code official shall notify the applicant.

(Ord. 885, passed 11-13-2001; Ord. 916, passed 4-9-2004; Ord. 1005, passed 9-8-2008; Ord. 1010, passed 4-13-2009)

§ 150.029 DEMOLITION ESCROW REQUIREMENTS.

(A) *Establishment of demolition escrow.* In addition to payment of all fees required pursuant to § 150.005, every application filed for a demolition permit shall be subject to the demolition escrow provisions set forth in this section.

(B) *Responsibility for payment.* The owner of the property that is the subject of the application and, if different, the applicant, shall be jointly and severally liable for the establishment and payment of the demolition escrow amount of an amount as established in the annual fee ordinance at the time of filing the application. By signing the application, the owner and applicant shall be deemed to have agreed to pay, and to have consented to, the demolition escrow amount. The village shall have no obligation to process or act on any application where the demolition escrow amount has not been paid.

(C) *Demolition escrow amount.*

(1) The demolition escrow amount to be paid by the owner or applicant shall be to reimburse the village for its actual out-of-pocket expenses:

(a) In an amount not to exceed an amount as established in the annual fee ordinance for its review of a demolition application prior to a determination of special importance pursuant to § 150.056; and

(b) In an amount not to exceed an amount as established in the annual fee ordinance for the review of demolition alternatives by consultants hired by the village pursuant to § 150.056. These amounts may be amended from time to time by resolution of the Board of Trustees.

(D) *Demolition escrow fee payment and establishment of demolition escrow.*

(1) *Initial payment and demolition escrow.* Every application shall be accompanied by the required demolition escrow amount to be deposited in the demolition escrow account established by the village. No interest shall be payable on any funds retained in the demolition escrow account.

(2) *Charges against demolition escrow.* From the date of filing of any application, the village shall maintain an accurate record of the actual costs that may be reimbursed from the escrow amount in connection with processing the application. The Village Manager, or his or her designee, shall, from time to time, draw funds from the demolition escrow account established for the application to pay actual costs and shall transfer the funds to the appropriate village accounts. The Village Manager, or his or her designee, shall maintain an accurate record of all the drawings from the demolition escrow account.

(3) *Final settlement.* As soon as reasonably feasible following final action on an application, the Village Manager, or his or her designee, shall cause a final accounting to be made of the demolition escrow amounts deposited in connection with the application and of the actual costs incurred and reimbursable to the village in connection with the application. A copy of the accounting shall be provided to the owner and the applicant. Any remaining funds in the demolition escrow after payment of the total actual costs due pursuant to this section shall be returned to, or applied to the demolition permit fee due at permit issuance from, the owner or applicant, as applicable.

(E) *Condition of all applications, approvals and permits.* No application filed pursuant to § 150.028 of this code shall be considered complete unless and until all fees and deposits due pursuant to this section have been paid. Every approval granted and every permit issued for a

demolition shall, whether or not expressly so conditioned, be deemed to be conditioned upon payment of demolition escrow fees as required by this section.

(F) *Tolling of time periods.* Where the Building Code provides that the passage of time without decision or action shall be deemed an approval or a recommendation for approval, time periods shall be tolled during any period of nonpayment of the demolition escrow amounts due pursuant to this section, but shall otherwise continue to run.

(G) *Failure to pay demolition escrow fees.* The failure to pay in full when due any demolition escrow amount required under this section shall be grounds for refusing to process an application and for denying, stopping work under, or revoking any demolition permit.

(Ord. 885, passed 11-13-2001; Ord. 916, passed 4-9-2004; Ord. 1005, passed 9-8-2008; Ord. 1010, passed 4-13-2009)

§ 150.030 PRELIMINARY DETERMINATION OF SPECIAL IMPORTANCE.

(A) Prior to submission of an application for the full demolition permit process, the co-applicants for a particular building or property as described in § 150.026 may file an application for preliminary historic and architectural review and a determination of whether or not the building or property is of special importance pursuant to §§ 150.040 through 150.056. Any such application shall comply with the requirements of §§ 150.025 through 150.029 and shall be processed in accordance with §§ 150.028 and 150.040. The filing of such an application does not obligate the co-applicants to perform any demolition work.

(B) In the event that a building or property is determined not to be of special importance, the co-applicants for that building or property may complete the process of application for a demolition permit by filing an amended application within seven years after the date of such determination in the manner described in § 150.043. Any amended application shall include all ownership information required by § 150.026 and any change in ownership information required by § 150.027.

(C) In the event that a building or property is determined to be of special importance, the co-applicants for that building or property may complete the process of application for a demolition permit by filing an amended application in the manner described in § 150.043. Any amended application shall include all ownership information required by § 150.026 and any change in ownership information required by § 150.027. Upon determination that a complete amended application has been filed, the stay of issuance of the demolition permit shall commence pursuant to § 150.043.

(Ord. 1099, passed 4-29-2013)

§§ 150.031 THROUGH 150.039 RESERVED.

PRELIMINARY HISTORIC AND ARCHITECTURAL REVIEW

§ 150.040 TIME AND NATURE OF REVIEW.

(A) The Building Review Commission shall meet and determine whether the building and/or property that is the subject of the permit application is of special importance under the criteria set forth in § 150.055 within 90 days after the later of:

(1) The determination that a demolition application is complete; or

(2) Any filing of a change in or addition to the persons required to be disclosed under §§ 150.026 and 150.027 that is filed after the application is found complete and prior to a determination of special importance on the application.

(B) In connection with this review, the Building Review Commission may seek outside professional assistance in gathering factual information regarding the applicability of the criteria to the property. The cost of the assistance will be borne by the applicant and shall be paid out of the demolition escrow established pursuant to § 150.029, provided that the costs charged to the applicant shall not exceed the amount established pursuant to § 150.029(C).

(Ord. 885, passed 11-13-2001; Ord. 916, passed 4-9-2004; Ord. 929, passed 12-14-2004; Ord. 1005, passed 9-8-2008; Ord. 1010, passed 4-13-2009)

§ 150.041 NOTICE OF PRELIMINARY REVIEW TO APPLICANT.

No less than ten nor more than 30 days before the Building Review Commission meets to evaluate the application to determine if the building or the property is of special importance, the Building Review Commission shall issue a notice of preliminary review to the owner and the applicant.

(Ord. 885, passed 11-13-2001; Ord. 916, passed 4-9-2004; Ord. 1005, passed 9-8-2008; Ord. 1010, passed 4-13-2009)

§ 150.042 NOTICE OF PRELIMINARY REVIEW TO THE PUBLIC.

Notice of the public meeting at which any application for demolition permit is to be considered shall be provided by all methods described in this section.

(A) *Notice by mail.*

(1) The applicant shall notify, in writing, by first class mail or hand delivery, all property owners within 500 feet of the boundaries of the property that is the subject of the application not less than ten days or more than 30 days in advance of the scheduled public meeting date. The mailing of notice, addressed to the name and address on the most recent county real estate tax records shall be deemed a satisfaction of this notice requirement. The required mail notice for applications shall contain, at a minimum, the following information:

(a) The street address, legal description or detailed location description of the property, if any, that is the subject of the application;

(b) A statement describing the scope of the demolition permit requested;

(c) The name and address of the applicant;

(d) The name and address of the legal owner, and beneficial owner, if any, of the property;
and

(e) The meeting date, time and location.

(2) Not less than seven days prior to the public meeting, the applicant shall present to the Building Review Commission an affidavit, certification or other evidence satisfactory to the Building Review Commission, demonstrating to the satisfaction of the Building Review Commission that the notice requirement of this section has been satisfied.

(B) *Notice by sign.* The applicant shall provide and post a sign of not less than 48 inches by 48 inches in area on the property so as to be visible from the nearest public street, containing the words "Proposed Demolition" printed on the sign in letters at least four inches in height, and any other text as is specified by the village, including the date and time of the meeting of the Building Review Commission at which the preliminary review of the application will be considered; and the name(s) and address(es) of the owner(s) of the property. The sign must be posted not less than ten days or more than 30 days in advance of the scheduled meeting date and remain posted until three days after the Building Review Commission reaches a determination of the significance of the property, unless a shorter time is authorized by the Building Review Commission.

(Ord. 1005, passed 9-8-2008; Ord. 1010, passed 4-13-2009)

§ 150.043 BUILDING REVIEW COMMISSION DETERMINATION AND FINDINGS.

(A) If the Building Review Commission shall determine the demolition permit application does not affect a building or property of special importance, the Building Review Commission shall notify the code official that there are no architectural or historic reasons to delay the issuance of the demolition permit.

(B) If the Building Review Commission shall determine that the permit application affects a building or property of special importance, in order to permit adequate time for consideration of alternatives to demolition of the existing building or buildings, it shall order a stay of issuance of a demolition permit for a period ending not later than one year, or a lesser period as the Building Review Commission shall deem appropriate, after the later of:

(1) The meeting at which the Building Review Commission adopts the findings of fact pursuant to this section; or

(2) Any filing of a change in or addition to the persons required to be disclosed under § 150.026 and 150.027 that is filed prior to the end of the stay period. The stay order shall be issued to the applicant and the owner, with a copy to the code official.

(Ord. 885, passed 11-13-2001; Ord. 916, passed 4-9-2004; Ord. 929, passed 12-14-2004; Ord. 1005, passed 9-8-2008; Ord. 1010, passed 4-13-2009; Ord. 1099, passed 4-29-2013)

§ 150.044 RECORD OF FINDINGS.

The determination of the Building Review Commission under § 150.043 shall be supported by findings of fact based on the record. The findings of fact shall include statements and other evidence as to whether or not the building or property is of special importance.

(Ord. 885, passed 11-13-2001; Ord. 1005, passed 9-8-2008; Ord. 1010, passed 4-13-2009)

§§ 150.045 THROUGH 150.054 RESERVED.

PROPERTIES OF SPECIAL IMPORTANCE

§ 150.055 CRITERIA FOR PROPERTIES OF SPECIAL IMPORTANCE.

The Building Review Commission shall determine that the building or property is of special importance if it meets any one or more of the following criteria:

(A) The structure, building, object or site has significant character, interest or value as part of the historic, cultural or architectural characteristics of the village, the state or the United States;

(B) The structure, building, object or site is closely identified with a person or persons who significantly contributed to the culture or development of the village, the state or the United States;

(C) The structure, building, object or site is the result of the notable efforts of, or is a known example of work by, a master builder, designer, architect, architectural firm or artist whose individual accomplishment has influenced the development of the village, the state or the United States;

(D) The location and physical characteristics of the structure, building, object or site make it an established and important visual feature of the village;

(E) The activities associated with the structure, building, object or site makes it a current or former focal point of reference in the village;

(F) The structure, building or object is of a type or is associated with a use once common but now rare, or is a particularly fine or unique example of a utilitarian structure and possesses a high level of integrity or architectural significance;

(G) The structure, building, object or site represents distinguishing characteristics of architecture inherently valuable for the study of a time period, type of property, method of construction or use of indigenous materials;

(H) The structure, building, object or site embodies elements of design, detail, material or craftsmanship of exceptional quality;

(I) The structure, building, object or site exemplifies a particular architectural style in terms of detail, material and workmanship;

(J) The structure, building, object or site is one of the relatively limited remaining examples of a particular architectural style;

(K) The structure, building, object or site is, or is part of, a contiguous grouping that has a sense of cohesiveness expressed through a similarity of style characteristics, time period, type of property, method of construction, or use of indigenous materials and accents the architectural significance of an area;

(L) The structure, building, object or site is an exceptional example of an historic or vernacular style, or is one of the few remaining properties in the village;

(M) The structure, building, object or site has a strong association with the life or activities of a person, persons, organization or group who significantly contributed to or participated in historic or cultural events; or

(N) The structure, building, object or site is associated with a notable historic event.

(Ord. 885, passed 11-13-2001; Ord. 916, passed 4-9-2004; Ord. 1010, passed 4-13-2009)

§ 150.056 DETERMINATION OF SPECIAL IMPORTANCE.

If the Building Review Commission shall determine that the proposed demolition will affect a building or property of special importance and issues a stay order pursuant to § 150.043:

(A) The Building Review Commission may require the applicant or owner to prepare and submit one or more of the following:

(1) An engineer's structural analysis report;

(2) An adaptive reuse feasibility study; and/or

(3) A detailed analysis of the estimated cost to repair and rehabilitate the existing building to incorporate features similar to the proposed new construction.

(B) (1) The Building Review Commission may seek outside professional assistance, develop its own summary plan as to how to save the building or perform or procure a detailed analysis of rehabilitation versus new construction alternatives; and

(2) The cost of all reviews, consultations or plans will be borne by the applicant, and shall be paid out of the demolition escrow established pursuant to § 150.029, provided that the costs charged to the applicant shall not exceed the amount established pursuant to § 150.029(C).

(C) The Building Review Commission will call at least one meeting with the applicant or owner to discuss alternatives and offer suggestions and may request additional information from the applicant or owner as reasonably necessary to evaluate the historic and architectural significance of the property or evaluate alternatives to demolition;

(D) The Building Review Commission will seek (through public hearings or otherwise) the opinions of the residents and property owners within 500 feet of the perimeter of the subject property;

(E) The Building Review Commission may at any time request additional information or a conference with the applicant or owner as reasonably necessary to evaluate the historic and architectural significance of the property or evaluate alternatives to demolition; and

(F) In the event that the applicant or owner is unwilling or unable to meet on a timely basis as determined by the Building Review Commission or provide information requested by the Building Review Commission, the Building Review Commission may extend the stay period ordered pursuant to § 150.043 for the duration of the delay until the meeting occurs or information is provided or is determined to be unavailable. Any order for extension of the stay period shall be issued to the applicant and the owner, with a copy to the code official.

(Ord. 885, passed 11-13-2001; Ord. 916, passed 4-9-2004; Ord. 1005, passed 9-8-2008; Ord. 1010, passed 4-13-2009)

§§ 150.057 THROUGH 150.069 RESERVED.

PERMITS AND DELAY OF ISSUANCE

§ 150.070 DELAY FOR PUBLIC CONVENIENCE AND SAFETY.

The code official may order that the issuance of a demolition permit be delayed if the proposed schedule for the demolition will interfere with previously scheduled work in the public rights-of-way in the immediate vicinity of the subject property, or if the code official determines that delay is necessary to prevent undue congestion and noise in the neighborhoods when the traffic or noise from the proposed demolition combines with traffic or noise from previously scheduled public works projects in the immediate neighborhood.

(Ord. 885, passed 11-13-2001; Ord. 1005, passed 9-8-2008; Ord. 1010, passed 4-13-2009)

§ 150.071 EMERGENCY DELAY.

The code official may delay the issuance of a demolition permit in the event of an emergency if the code official determines that the demolition work will delay or otherwise interfere with response to the emergency.

(Ord. 885, passed 11-13-2001; Ord. 1010, passed 4-13-2009)

§ 150.072 ADMINISTRATIVE DELAY.

The code official may delay the issuance of a demolition permit for up to 60 days if two or more building permits for primary structures have been approved for properties, for which work is continuing, within 500 feet of the subject property on either side of the rights-of-way abutting the subject property, or if the code official determines that a delay is necessary to prevent undue congestion and noise in the neighborhood.

(Ord. 885, passed 11-13-2001; Ord. 1010, passed 4-13-2009)

§ 150.073 PERMITS FROM OTHER AUTHORITIES.

Prior to the issuance of any demolition permit, the owner or applicant shall provide the code official with proof that any permits required for the requested demolition from the county, state or other regulating authorities have been approved.

(Ord. 885, passed 11-13-2001; Ord. 916, passed 4-9-2004; Ord. 1010, passed 4-13-2009)

§ 150.074 DURATION OF DELAY.

The delays authorized by §§ 150.070 through 150.074 shall begin no earlier than the date of the Building Review Commission's final determination or expiration of the stays ordered by the Building Review Commission. The delays authorized by §§ 150.070 through 150.074 shall be promptly terminated by the person imposing the delay when the conditions giving rise to the delay cease to exist.

(Ord. 885, passed 11-13-2001; Ord. 1010, passed 4-13-2009)

§ 150.075 ISSUANCE OF DEMOLITION PERMIT.

Except as provided in §§ 150.070 through 150.074, a demolition permit shall be approved and issued in the following circumstances:

(A) If the Building Review Commission determines that the subject building or property is not of special importance;

(B) If the Building Review Commission determines that a delay to seek alternatives to demolition is not warranted; or

(C) Upon the expiration of the stay period and all extensions of the stay period, unless the applicant shall withdraw or amend the application for demolition permit.

(Ord. 885, passed 11-13-2001; Ord. 1010, passed 4-13-2009)

§ 150.076 EXPIRATION OF PERMIT.

Unless the demolition work authorized by a demolition permit shall have commenced in accordance with the permit and this chapter prior to the expiration of the permit, a demolition permit issued pursuant to this chapter shall expire six months after its issuance.

(Ord. 885, passed 11-13-2001; Ord. 916, passed 4-9-2004; Ord. 1010, passed 4-13-2009)

§§ 150.077 THROUGH 150.089 RESERVED.