

**Chapter 15.53 – MAXIMUM BUILDING SIZE BONUSES
(Created by Ordinance MC-02-2021 Amendments)**

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MAXIMUM BUILDING SIZE BONUSES

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Section 15.53.010 Maximum Building Size Bonus for a Historic or Architecturally Significant Building

A. A property with a building designated a landmark pursuant Section 15.64.040 of this Code prior to March 16, 2021 shall automatically qualify for a one-time, maximum building size bonus of 20 percent, as provided in Section 17.30.040.H of this Code, provided that the landmarked building has not been altered in a manner that the Landmark Preservation Commission determined was inappropriate in accordance with Section 15.64.060.D of this Code. Such maximum building size bonus shall be used in compliance with the terms of this Chapter.

B. If an owner desires to alter or seek an addition to a single-family residential building on its property, the owner may apply for designation of its property as historic or architecturally significant to qualify the property for a one-time, maximum building size bonus of 20 percent, as provided in Section 17.30.040.H of this Code, in accordance with the procedures in this Chapter. Such maximum building size bonus shall be used in compliance with the terms of this Chapter. This subsection shall not apply to: (i) any property that qualifies for a maximum building size bonus in accordance with Section 15.53.010.A; or (ii) any property that has been granted a maximum building size bonus pursuant to this Section or Section 15.52.060 of this Code.

Section 15.53.020 Bonus Application

A. All applications for a maximum building size bonus shall be submitted on forms provided by the Director. No application shall be accepted for processing unless it is complete and is accompanied by all applicable fees, deposits and all items required by Section 15.53.020.B.

B. Contents of application. The application shall be signed by the owner and shall include the following:

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1. A current legible property survey, prepared and sealed by a surveyor licensed by the State of Illinois. The survey shall include the legal description of the property and shall accurately depict lot boundaries, lot area and current improvements.

2. A list of the addresses of all properties located within 250 feet of the subject property.

3. A preliminary property history study prepared by the Director that complies with the requirements of Section 15.52.040.B of this Code and commented on by the Winnetka Historical Society. The preparation of the history study shall require its own application and fee set by resolution of the Village Council.

4. A Historic and Architectural Impact Study that complies with the requirements of Section 15.52.050 of this Code.

5. Disclosure and proof of ownership, consisting of one of the following, whichever is applicable:

a. If the property is owned by one or more individuals, the name and address of each such individual;

b. If the property is owned by a partnership, 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 proof that the partnership is registered in the assumed name registry for Cook County;

c. If the property is owned by a corporation, the names and addresses of the officers and directors of the corporation, the location of the principal office of the corporation, the name and address of the corporation's registered agent, and proof that the corporation is authorized to do business in the State of Illinois; and

d. If the property is owned by a trust, the name and address of the trustee, and the names and addresses of all beneficiaries of the trust.

5. Such other information and documentation as the Director may determine as reasonably necessary to process the application in accordance with the provisions of this Chapter.

C. Application Fees. The application fees for a maximum building size bonus shall be set by resolution of the Village Council, including fees for any appeals.

Section 15.53.030 Historic and architectural review.

A. Maximum Building Size Bonus. If the Landmark Preservation Commission or Village Council (pursuant to Section 15.53.030.D of this Code), as the case may be, determines that a building is of a historic or architecturally significant nature in accordance with the criteria set forth in Section 15.52.060 of this Code, the owner of the property shall be entitled to a one-time, maximum building size bonus of 20 percent, as provided in Section 17.30.040.H of this Code. As part of its determination, the Landmark Preservation Commission or Village Council (pursuant to Section 15.53.030.D of this Code), as the case may be, shall adopt findings specifically identifying any critical exterior historical or architectural features of the building

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visible from a public or private street or other significant historic or architecturally significant features that warrant preservation (for purposes of this Chapter, the “Critical Exterior Historical or Architectural Features”). The findings and notice of the applicability of the regulations contained of this Chapter shall be recorded against the property. Nothing in this subsection A shall be interpreted to exempt, vary or waive any other lot, space, bulk or yard regulations, or any requirement for any relief from any such regulations, that are otherwise applicable to the property and the use of the maximum building size bonus.

B. Time. Within 60 days after the filing of a complete application for a maximum building size bonus, the Landmark Preservation Commission shall meet to determine whether the building on the property is historic or architecturally significant thus entitling the property to a maximum building size bonus of 20 percent, as provided in Section 17.30.040.H of this Code.

C. Notice of Review. Not less than 10 or more than 30 days before the Landmark Preservation Commission meets to conduct a review of an application for a maximum building size bonus, the Director shall issue a notice to the owners of record of all properties located within 250 feet of the subject property, and to the Winnetka Historical Society. The notice shall state the address of the property, and the date, time and location for the Landmark Preservation Commission’s review meeting. The notice shall also state that the application materials shall be available for review and give the dates, times and location of their availability.

D. If the Landmark Preservation Commission determines that a residential building is not historic or architecturally significant, and therefore, the property does not qualify for a one-time, maximum building size bonus in accordance with Section 15.53.010.B, the owner may appeal the decision to the Village Council. The appeal, and the specific basis for the appeal, must be filed in writing with the Director within seven days after the determination by the Landmark Preservation Commission. The Village Council shall hear the appeal no more than 45 days after the appeal is filed with the Director. Not less than 10 or more than 30 days before the Village Council meets to consider the appeal, the Director shall issue notice to the same persons and entities to whom notice was issued pursuant to Section 15.53.030.C of this Code. In considering the appeal, the Village Council shall apply the standards set forth in Section 15.52.060.C of this Code, and at the conclusion of its consideration of the appeal, uphold or reverse the determination of the Landmark Preservation Commission by adoption of a resolution by an affirmative vote of at least four members of the Village Council.

Section 15.53.040 Use of Maximum Building Size Bonus.

An owner of a property shall be permitted to use a one-time, maximum building size bonus if a building is (i) landmarked and qualifies for a bonus pursuant to Section 15.53.010.A of this Chapter or (ii) if a bonus is granted in accordance with Section 15.53.030 of this Code, for exterior alterations and additions so long as the alterations and additions would not alter the nature of Critical Exterior Historical or

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Architectural Features. If a proposed exterior alteration or addition would alter a Critical Exterior Historical or Architectural Feature, the alterations and additions may be made only if the Director determines, in accordance with the criteria set forth in Section 15.53.050, that the exterior alterations and additions do not destroy the nature of the building's Critical Exterior Historical or Architectural Features. An application for such determination shall be submitted to the Director on forms provided by the Village. If the Director determines that a proposed alteration to the exterior of the building or additions to the building destroys the nature of a building's Critical Exterior Historical or Architectural Features, the owner may appeal the Director's determination to the Village Council, which appeal must be filed with the Director within 14 days of the Director's determination. Any procedural requirements in this Section that apply to landmarks shall be in addition to, and not supersede, any requirements in Chapter 15.64 of this Code.

Section 15.53.050 Criteria for Use of Maximum Building Size Bonus.

The Director and Village Council, when considering whether alterations to the exterior or additions to a building would destroy the nature of a building's Critical Exterior Historical or Architectural Features pursuant to Sections 15.53.040 or 15.53.060 of this Code, shall consider the following general standards and design guidelines set forth below. Depending upon the proposed alteration or additions, the Director or Village Council may require an applicant to post an escrow and fund an analysis prepared by an architectural historian, historic architect, or other similarly qualified professional to determine if the general standards and guidelines are met.

A. General Standards.

1. Conformance with the Village Zoning Ordinance.
2. Reasonable effort shall be made to use the building for its originally intended purpose or to provide a compatible use which requires minimal alteration, relocation or demolition.
3. The distinguishing original qualities or character of a building should not be destroyed. The alteration, relocation or demolition of any historic material or distinctive architectural feature should be avoided except when necessary to assure an economically viable use of the property.
4. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building should usually be maintained and preserved.
5. Deteriorated architectural features should whenever possible be repaired rather than replaced. If replacement is necessary, the new material should match as closely as practicable the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features, where possible, should be based on accurate duplications 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.

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6. The surface cleaning of buildings should be undertaken with the gentlest means possible. Sandblasting and other cleaning methods which will damage the architectural or historic features and building material shall be discouraged.

7. New buildings and the alterations and relocation of existing buildings shall not be discouraged when such work does not destroy significant historical or architectural features and is compatible with the size, scale, color, material and character of the property or neighborhood.

B. Design Guidelines.

1. Height. The height of any proposed alteration should be compatible with the architectural style and character of the building.

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 building.

3. Roof Shape. The design of the roof should be compatible with the architectural style and character of the building.

4. Scale. The scale of the structure should be compatible with the architectural style and character of the building.

5. Directional Expression. The dominant horizontal or vertical expression of the facades should be compatible with the original architectural style or character of the building.

6. Architectural Details. Materials, textures, colors and architectural details should be compatible with the original architectural style or character of the building.

7. Appurtenances. Appurtenances including, but not limited to, signs, fences, accessory buildings or structures, permeable and impermeable surfaces should be compatible with the original architectural style or character of the building.

8. Other. In addition to the foregoing, the Director or Council may consider the Secretary of the Interior's Standards for Rehabilitation Guidelines for Rehabilitating Historic Buildings (Revised 1983), and any amendments to such standards.

Section 15.53.060 Subsequent Work on Properties Granted a Maximum Building Size Bonus.

A. If an owner previously utilized the one-time, maximum building size bonus in accordance with Section 15.53.040 to alter and add on to a historic or architecturally significant building, and subsequently any owner of the property seeks to undertake exterior alterations or additions to the building that do not require a demolition permit, the owner will be allowed to proceed with the proposed alterations so long as the alterations or additions would not alter any Critical Exterior Historical or Architectural Features. If the proposed alteration or addition would alter a Critical Exterior Historical or Architectural Features, the alterations or additions may be made only if the Director determines, in accordance with the criteria set forth in

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Section 15.53.050, that the exterior alterations or additions do not destroy the nature of the building's Critical Exterior Historical or Architectural Features. An application for such determination shall be submitted to the Director on forms provided by the Village. If the Director determines that the proposed alterations to the exterior of the building or addition to the building would destroy the nature of the building's Critical Exterior Historical or Architectural Features, the Director will deny the permit and the owner may appeal the Director's determination to the Village Council, which appeal must be filed with the Director within 14 days of the Director's written determination. Any procedural requirements in this Section that apply to landmarks shall be in addition to, and not supersede, any requirements in Chapter 15.64 of this Code. Nothing in this Subsection 15.53.060.A shall prevent an owner who received a maximum building size bonus from making more than one addition onto their home provided that the owner complies with the requirements of this Subsection and the home, with all proposed additions, will not exceed the maximum building size permitted by Section 17.30.040.H of this Code.

B. If an owner utilizes the one-time, maximum building size bonus approved in accordance with Section 15.53.030 to alter and add on to a historic or architecturally significant building, and subsequently any owner of the property conducts work requiring a demolition permit pursuant to Section 15.52.010 of this Code, the building or any future building on the property shall no longer have the benefit of the maximum building size bonus provided by this Section and must utilize the property in conformance with all other applicable provisions of the Zoning Ordinance.