

**Chapter 15.52 - DEMOLITION PERMITS
(Including Ordinance MC-02-2021 Amendments)**

Chapter 15.52
DEMOLITION PERMITS

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Section 15.52.010 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 fifty (50) percent or more of the floor area of any single-family or two-family dwelling.
- B. The demolition or removal of any interior spaces or exterior walls of any commercial, institutional, multifamily or mixed use buildings.
- C. The demolition or removal of any accessory structure.

Section 15.52.020 Permit application.

A. All applications for a demolition permit shall be submitted on forms provided by the Director. 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 the following subsection B; however, the Director may waive or defer the submittal of items 3 and 7 of Subsection B until after the Landmark Preservation Commission has made its determination regarding the historic or architectural significance of the building proposed to be demolished.

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

- 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 proposed demolition schedule.
- 3. A waste reduction and recycling plan, as provided in Section 15.54.080 of this Code.
- 4. A list of the addresses of all properties located within 250 feet of the subject property.
- 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;

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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.

6. A signed property maintenance acknowledgement.

7. The name and address of the demolition contractor.

8. 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. Permit Fees. The fees and deposits for demolition permits shall be set by resolution of the Village Council.

Section 15.52.030 Permits from other authorities

Prior to the approval of any demolition permit, the owner shall provide the Director with proof that any permits required for the requested demolition by the county, state, or other regulating authorities have been approved.

Section 15.52.040 Preliminary historic and architectural review.

A. Time and Nature of Preliminary Review. The Landmark Preservation Commission shall meet and determine within 60 days after the filing of a complete demolition application whether the building and/or property that is the subject of the permit application is of sufficient historic or architectural merit to warrant conducting an historic and architectural impact study prior to the issuance of the demolition permit.

B. Preliminary Property History Study. Upon receiving a complete demolition application, the Director shall conduct a preliminary property history study, which shall include the following information:

1. information about the original building, including date of construction, name of property, architect and owner;

2. current photographs of the property, including photographs showing each side of the building the applicant seeks to demolish; and;

3. a chronological list of work on the property for which the Village issued a permit, beginning with the original construction.

C. Notice of Preliminary Review. No less than ten (10) nor more than thirty (30) days before the Landmark Preservation Commission meets to conduct a preliminary historic and architectural review, the Director shall issue a notice of preliminary review to the owners of record of all properties located within two hundred fifty (250) feet of the subject property, to the occupants of all such properties, and to the Winnetka Historical

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Society. The notice shall state the address of the property, the proposed demolition schedule and the date, time and location for the Landmark Preservation Commission's preliminary review meeting. The notice shall also state that the application materials and the preliminary property history study shall be available for review and give the dates, times and location of their availability.

D. Preliminary Landmark Preservation Commission Determination and Findings.

1. Upon completing the preliminary historic and architectural review, the Landmark Preservation Commission shall enter preliminary findings on the issue of whether the demolition permit application affects a building or property that has sufficient architectural or historic merit to warrant conducting a full historic and architectural impact study prior to the issuance of the demolition permits.

2. In making its determination, the Landmark Preservation Commission shall consider the following:

a. the preliminary property history study prepared pursuant to this Section 15.52.040;

b. comments of the Winnetka Historical Society on the application and preliminary study; and

c. any other information, comment or evidence received by the Commission at the preliminary review meeting.

3. If the Landmark Preservation Commission finds that the impact study is warranted, it shall so notify the Director and shall order the applicant to conduct such study.

4. If the Landmark Preservation Commission finds that an historic and architectural impact study is not warranted, it shall notify the Director that it finds no historic or architectural grounds for delaying the demolition.

5. The preliminary determination of the Landmark Preservation Commission shall be supported by findings of fact based on the record. The findings of fact shall include statements as to whether or not the building or property has architectural merit, historical significance, both, or neither.

6. The Landmark Preservation Commission shall require an historic and architectural impact study for any demolition permit application that meets any of the following criteria:

a. the property or structures have been designated a landmark pursuant to Chapter 15.64 of this Code;

b. the property or structures have been included in the most recent Illinois Historic Structure Survey conducted under the auspices of the Illinois Department of Conservation;

c. the property or structures have been listed on the National Register of Historic Places or the Illinois Register of Historic places; and

d. the property or structures have sufficient architectural or historic merit to warrant a full historic and architectural impact study prior to issuance of a demolition permit.

Section 15.52.050 Historic and architectural impact study.

A. Persons Responsible for Performing the Study. The historic and architectural impact study shall be submitted by the applicant and shall be prepared at the applicant's expense, by one or more persons who are qualified to render opinions on the architectural style and

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merit of buildings, the historical significance of buildings, or both. The study shall include the names, addresses, qualifications and experience of all persons who prepared any part of the study.

B. Ownership History of the Property. The historic and architectural impact study shall trace the ownership of the property since its construction and identify any owner who had or has a significant role in the history of the Village, State of Illinois or United States, or who is tied to a significant event in the history of the Village, State of Illinois or United States, shall be so identified.

C. Construction History of the Property. The historic and architectural impact study shall provide a narrative description of all alterations made to the exterior of any building and open space on the property since the date of original construction, including the addition or removal of accessory structures, including the dates of such work and the architect(s) involved.

D. Architectural Significance of the Property. The historic and architectural impact study shall identify the original and all subsequent architects, providing information on the importance and range of influence of each. The impact study shall also evaluate the architectural style, including detailing materials, craftsmanship, methods of construction and rarity, and shall include interior and exterior photographs to illustrate such characteristic.

E. Landmark Status of the Property. The historic and architectural impact study shall state whether the property or structures have been:

1. designated a landmark pursuant to Chapter 15.64 of this Code;
2. included in the most recent Illinois Historic Structures Survey conducted under the auspices of the Illinois Department of Conservation; or
3. listed on the National Register of Historic Places or the Illinois Register of Historic Places.

F. Impact on Immediate Neighborhood. The historic and architectural impact study shall also consider the contribution of the structure to the neighborhood, the existence of a particular grouping of similar styles, periods or types of property relating to the structure, and the resulting impact that the proposed demolition will have on the immediate neighborhood.

G. Historic or Architectural Features Warranting Preservation. The historic and architectural impact study shall specifically identify any critical exterior historical or architectural features of the building that warrant preservation.

H. Filing and Distribution of Study. The applicant shall file ten (10) copies of the completed historic and architectural impact study with the Director, who shall distribute a copy to each member of the Landmark Preservation Commission and to the Winnetka Historical Society. A copy of the completed study shall be made available for public review and inspection with the Community Development Department.

Section 15.52.060 Determination of historic and/or architectural impact.

A. Time and Nature of Determination. The Landmark Preservation Commission shall meet and determine whether the historic and architectural impact study is complete and, if

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so, whether the proposed demolition will result either in the loss of a building or structure that is of historic or architectural significance or in the significant alteration of the architectural character of the immediate neighborhood, within 60 days after a historic architectural impact study is filed with the Director.

B. Notice of Impact Determination Meeting. No less than ten (10) nor more than thirty (30) days before the Landmark Preservation Commission meets to conduct the historic and architectural impact review, the Director shall issue notice to the same persons and entities to whom notice was issued pursuant to Section 15.52.040(c). Notice of the historic and architectural impact determination meeting shall also be published in a newspaper in general circulation within the Village, no less than fourteen (14) nor more than thirty (30) days before the meeting.

C. Landmark Preservation Commission Determination and Findings.

1. Upon completing the impact determination meeting, the Landmark Preservation Commission shall enter findings on the following issues:

- a. whether the historic and architectural impact study is complete;
- b. whether the proposed demolition will have a significant negative architectural or historical impact on either the Village as a whole or on the immediate neighborhood; and
- c. whether demolition should be delayed in order to explore alternatives to total demolition.

2. In making its determination, the Landmark Preservation Commission shall consider the following:

- a. the historic and architectural impact study prepared pursuant to the foregoing Section 15.52.050;
- b. the preliminary property history study prepared pursuant to Section 15.52.040;
- c. comment of the Winnetka Historical Society on the application and study; and
- d. any other information, comment or evidence received by the Commission at the impact determination meeting or at the preliminary review meeting.

3. The determination of the Landmark Preservation Commission shall be supported by findings of fact based on the entire record.

4. If the Landmark Preservation Commission determines that the historic and architectural impact study filed by the applicant is incomplete or otherwise insufficient to enable the Commission to make a determination as to the impact of the proposed demolition, the Landmark Preservation Commission may direct the applicant to complete, amend or supplement the report and may continue the impact determination meeting pending the applicant's filing of a complete application.

5. If the applicant's resubmission of the study is still found to be incomplete or otherwise insufficient, the Landmark Preservation Commission shall so notify the Director, who shall retain a qualified person to complete the study, at the applicant's expense. The Landmark Preservation Commission shall order the owner to deposit funds with the Village in an amount sufficient to cover all costs of completing the study. The study shall be completed within 30 days after the applicant deposits the funds.

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6. A building or structure shall be considered to be historically or architecturally significant if the Landmark Preservation Commission determines that it meets one or more of the following standards:

- a. the structure exhibits a high quality of architectural design without regard to the time built or historic associations;
- b. the structure exhibits a high quality of architectural design that is not the result of a change or a series of changes in the original structure;
- c. the structure exemplifies an architectural style, construction technique or building type once common in the Village;
- d. the structure exhibits an unusual, distinctive or eccentric design or construction technique that contributes to the architectural interest of its environs as an accent or counterpart; or
- e. that the property has been designated a landmark pursuant to Chapter 15.64 of this Code, has been included in the most recent Illinois Historic Structures Survey conducted under the auspices of the Illinois Department of Conservation, or has been listed on the National Register of Historic Places or the Illinois Register of Historic Places.

D. The Landmark Preservation Commission's written determination, including its findings of fact, shall be forwarded to the Director.

E. If the Landmark Preservation Commission determines that the proposed demolition will not result in the loss of a building that is of historic or architectural significance pursuant to this Section and the owner desires to qualify for a maximum building size bonus pursuant to Section 15.52.090 of this Code, 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 15.52.040.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. If the Village Council reverses the Landmark Preservation Commission's decision and the owner decides not to preserve the house but to demolish it, the Village Council may impose a delay in the issuance of a demolition permit in the same manner and for the same duration as the Landmark Preservation Commission as provided in Section 15.52.070.A of this Code.

Section 15.52.070 Delay of Issuance of Permit.

A. Delay for Preservation of Significant Structure.

1, Upon finding that a building or structure proposed to be demolished meets the standards for significance set forth in Section 15.52.060.C(6), the Landmark Preservation Commission may order that the issuance of the permit be delayed for a period up to, but not to exceed, 270 days from the date that the Landmark Preservation Commission makes a

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preliminary determination pursuant to Section 15.52.040.A of this Code, to afford an opportunity to find alternatives to demolition. Notwithstanding anything to the contrary contained in this subsection, the maximum delay on the issuance of a permit that may be ordered by the Landmark Preservation Commission on any complete demolition permit application filed prior to March 16, 2021 shall be 270 days from the date the complete application was filed with the Director.

2. The delay order shall be issued to the owner, with a copy to the Director, and shall identify and evaluate the structure's historical or architectural significance, propose preservation alternatives and relevant planning considerations based on such evaluation, encourage interest in and understanding of preservation in the whole of the Village as it may be applicable to the demolition permit request under review, and encourage and provide means of communication and exchange of views between the applicants and the owners and occupants of properties within 250 feet of the subject property.

3. The delay order may include a request for a conference with the owner. Any delay by the applicant in complying with such request shall be added to the delay period allowed in this section.

4. The Commission shall determine its recommendations for saving the building and transmit them in writing to the applicant, and attempt to work out a mutually satisfactory solution. A copy of the Commission's recommendations shall be forwarded to the Director and to the Village Council.

5. If the Landmark Preservation Commission orders the delay of the issuance of a demolition permit pursuant to Section 15.52.070.A.1 of this Code, the owner may appeal the Landmark Preservation Commission's order 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 issuance of the Landmark Preservation Commission's order. 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 15.52.040.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, modify, or reverse the order of the Landmark Preservation Commission by adoption of a resolution by an affirmative vote of at least four members of the Village Council.

(Prior code § 23.35) (MC-6-2000, Amended, 10/03/2000)

B. Delay for Public Convenience and Safety. The Director of Public Works may order that the issuance of a demolition permit be delayed if the proposed schedule for the demolition will interfere with previously scheduled works in the public rights-of-way in the immediate vicinity of the subject property, or if the Director of Public Works determines that delay is necessary to prevent undue congestion and noise impacts in the neighborhoods when the traffic or noise from the proposed demolition combined with traffic or noise from previously scheduled public works projects in the immediate neighborhood.

C. Emergency Delay. The Village reserves the right to delay the issuance of a demolition permit in the event of an emergency if the Village Manager determines that the demolition work will delay or otherwise interfere with the Village's response to the emergency.

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D. Administrative Delay. The Director may delay the issuance of a demolition permit for up to 60 days if one or more building or demolition permits for primary structures have been approved for properties, for which work is continuing, on either side of the right-of-way block face and/or alley along which the property is located, or if the Director determines that a delay is necessary to prevent undue congestion and noise impacts in the neighborhood.

(Amended MC-10-2002, 11/19/02)

E. Duration of Delay. The delays authorized by subsections B and D of this Section shall begin no earlier than the end date of the delay period authorized by the Landmark Preservation Commission pursuant to Section 15.52.070.A of this Code. The delays authorized by this section shall be promptly terminated by the person imposing the delay when the conditions giving rise to the delay cease to exist, provided that, in no instance shall a delay authorized by subsection A or D of this section exceed 60 days.

Section 15.52.080 Issuance of demolition permit.

A. Except as provided in the following subsection (B), a demolition permit shall be approved and issued in the following circumstances:

1. If the Landmark Preservation Commission determines that an historic and architectural impact study is not warranted;
2. If the Landmark Preservation Commission determines, upon the completion of an historic and architectural impact study, that a delay to seek alternatives to demolition is not warranted; and
3. If any delay authorized by subsections (a) or (D) of Section 15.52.070 has expired.

B. No demolition permit shall be issued if any of the following circumstances exists:

1. If a delay imposed by the Director of Public Works pursuant to Section 15.52.070(B) is in effect;
2. If a delay imposed by the Village Manager pursuant to Section 15.52.070(C) is in effect;
3. If a delay authorized by subsection (A) or (D) remains in effect;
4. If a complete application for a building permit has not been submitted; and
5. If the applicant has failed to file a waste reduction and recycling plan as required by Section 15.54.080 of this Code, or, if a demolition and recycling plan filed by an applicant fails to meet the requirements for approval as provided in Chapter 15.54 of this Code.

“Section 15.52.090 Maximum Building Size Bonus for Saving a Historic or Architecturally Significant Building From Demolition

A. Maximum Building Size Bonus. If the Landmark Preservation Commission or Village Council (pursuant to Section 15.52.060.E of this Code), as the case may be, determines that a single-family residential building is of historic or architectural significance pursuant to the criteria in Section 15.52.060 of this Code, and the owner of the building withdraws its demolition permit application and agrees to preserve the building, the owner 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, to permit the owner to

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alter and add on to the historic or architecturally significant building. As part of its determination, the Landmark Preservation Commission or Village Council (pursuant to Section 15.52.060.E of this Code), as the case may be, shall adopt findings specifically identifying any critical exterior historical or architectural features of the building visible from a public or private street or other significant historic or architecturally significant features that warrant preservation (collectively, "Critical Exterior Historical or Architectural Features"). The findings and notice of the applicability of the regulations contained of this Section 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. Use of Maximum Building Size Bonus. An owner of a property shall be permitted to use the one-time, maximum building size bonus granted by Section 15.52.090.A for exterior alterations and additions so long as the alterations and additions would not alter Critical Exterior Historical or Architectural Features. If a proposed exterior alteration and addition would alter Critical Exterior Historical or Architectural Features, the alterations and additions may be made only if the Director determines, in accordance with the criteria set forth in Section 15.52.090.D, that the exterior alterations and additions do not destroy the nature of any 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 written determination.

C. Subsequent Demolition. If an owner utilizes the one-time, maximum building size bonus approved in accordance with Section 15.52.090.A of this Code 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 bring the property into conformance with any generally applicable maximum building size regulations for the applicable zoning district.

D. Criteria. 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 this Section, shall consider the 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 with the Village 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.

1. General Standards.

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- a. Conformance with the Village Zoning Ordinance.
- b. 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.
- c. 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.
- d. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building should usually be maintained and preserved.
- e. 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.
- f. 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.
- g. 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.

2. Design Guidelines.

- a. Height. The height of any proposed alteration should be compatible with the architectural style and character of the building.
- b. 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.
- c. Roof Shape. The design of the roof should be compatible with the architectural style and character of the building.
- d. Scale. The scale of additions should be compatible with the architectural style and character of the building.
- e. Directional Expression. The dominant horizontal or vertical expression of the facades should be compatible with the original architectural style or character of the building.
- f. Architectural Details. Materials, textures, colors and architectural details should be compatible with the original architectural style or character of the building.
- g. 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.

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h. 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.

E. Subsequent Work on Properties Granted a Maximum Building Size Bonus.

1. If an owner previously utilized the one-time, maximum building size bonus approved in accordance with Section 15.52.090.B 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 or additions so long as the alterations and 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 Feature, the alterations or additions may be made only if the Director determines, in accordance with the criteria set forth in Section 15.52.090.D, that the exterior alterations or additions do not destroy the nature of a building's Critical Exterior Historical or Architectural Features. 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. Nothing in this Subsection 15.52.090.E.1 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.

2. If an owner utilizes the one-time, maximum building size bonus approved in accordance with Section 15.52.090.B 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.

F. This Section 15.52.090 shall not apply to any property that has already been granted a maximum building size bonus pursuant to Section 15.52.090.A or Chapter 15.53 of this Code.