

CHAPTER 44
“LANDMARK COMMISSION”

CREATED: September 11, 1978 (Ordinance 1978-090)

LATEST REVISION: June 13, 2022 (Ordinance 2022-024)

SECTIONS:

44.01 DEFINITIONS.

44.02 COMMISSION CREATED.

44.03 MEMBERSHIP.

44.04 OFFICERS.

44.05 QUORUM.

44.06 DUTIES AND POWERS.

44.07 LANDMARK DESIGNATION.

44.08 LANDMARK REGISTER DESIGNATION PROCEDURES.

44.09 HISTORIC DISTRICT DESIGNATION PROCEDURE.

TABLE OF AMENDMENTS

44.01 DEFINITIONS.

For the purposes of this Chapter 44, the following words shall have the meanings hereinafter assigned to them.

- a) Commission: Landmark Commission.
- b) Landmark: Any improvement which has special character or special historical interest or value as a part of the development, heritage, or cultural characteristics of the City of DeKalb, the State of Illinois, or the Nation which has been designated as a "landmark" by the provisions of this Chapter 44 or by placement on the National Register of Historic Places.
- c) Landmark Site: A parcel or part thereof on which is situated a "landmark" and any abutting parcel or part thereof used and constituting part of the premises which has been designated as a "landmark site" according to the provisions of this Chapter 44 or by nomination to the National Register.
- d) Historic District: An area designated by ordinance of the City Council, pursuant to procedures prescribed herein, which may contain within definable geographical boundaries properties or structures, which may or may not be landmarks, which contribute to the overall historic characteristics of the designated area.
- e) Exterior Architectural Appearance: Includes the architectural character, general composition and general arrangement of the exterior of a structure, including the kinds and texture of the building materials and the type and character of all windows, doors, light fixtures, signs and elements visible from public streets and thoroughfares.
- f) Improvement: Any building, structure, place, parking facility, fence, gate, wall, work of art, or other object constituting a physical betterment of real property, or any part of such betterment.
- g) Alteration: Any act or process which changes one or more of the exterior architectural features of a structure designated for preservation.
- h) Demolition: Any act or process which destroys in part or in whole a structure.

CHAPTER 44
“LANDMARK COMMISSION”

- i) Owner(s) of Record: The person(s) or corporation or other legal entity in whose name(s) the property appears on the records of the DeKalb County Recorder of Deeds.
- j) Property: A distinct parcel of real property which is assigned a separate tax parcel number by the DeKalb County Supervisor of Assessments.

44.02 COMMISSION CREATED.

There is hereby created a Commission which shall consist of seven (7) members. Seven members shall be appointed by the Mayor with the advice and consent of the City Council. Of the membership appointed by the Mayor, Commission members shall be from among professionals in the disciplines of history, architectural history, architecture, historic architecture, planning, archaeology, real estate, historic preservation or related field to the extent that such professionals are available in the community, and may include other persons who have demonstrated special interest, knowledge or experience, in architecture, history, neighborhood preservation or related disciplines. The members shall be from the City of DeKalb or DeKalb Township.

44.03 MEMBERSHIP.

The Landmark Commission shall be comprised of seven (7) members, with each member appointed by the Mayor generally serving for a three (3) year term. Any appointment to the Commission by the Mayor, whether as an initial appointment or a reappointment, may be for a period of 1-3 years as determined by the Mayor, with the term of appointment being established in order to facilitate even turnover of membership in following years. Any member may be reappointed for such number of terms as determined to be appropriate by the Mayor; there shall be no limit on reappointment. All terms shall end on December 31.

Training. Each member shall be required to complete the Open Meetings Act (OMA) electronic training no later than the 90th day after their appointment (including any reappointment).

Compensation. Each member shall serve without compensation.

Removal. The Mayor, with a three-fourths (3/4) majority vote of the City Council then holding office, may remove a member at any Regular City Council meeting.

Meetings. The Commission shall meet as needed. Persons wishing to make public comment during a meeting shall be limited to three (3) minutes.

44.04 OFFICERS.

The chair shall be appointed by the Mayor with the advice and consent of the City Council for a term of two (2) years. The Commission shall elect from its membership a vice-chair. The chair shall preside over meetings. In the absence of the chair, the vice-chair shall perform the duties of the chair. The Commission shall adopt its own bylaws and rules of order not inconsistent with this Chapter 44.

44.05 QUORUM.

A quorum shall consist of a majority of the members holding office. All recommendations to the City Council shall be made by a majority vote of the voting members present where a quorum exists.

CHAPTER 44
“LANDMARK COMMISSION”

44.06 DUTIES AND POWERS.

The Commission shall have three categories of duties and powers; the first, dealing with general activities related to identification and objectives of historic preservation, the second, dealing with designation of specific landmarks and the third, being an educational and resource function.

- a) The Commission shall conduct a continuing survey of all historic districts, areas, places, buildings, structures, works of art or similar objects in the City of DeKalb which the Commission, on the basis of information available or presented to it, has reason to believe are eligible for designation as landmarks or historic districts. The Commission shall keep records of these surveys, in map and narrative form, for use by the public.
- b) In addition, the Commission shall have the power to retain consultants to advise the Commission. Any contract retaining such consultant which involves an expenditure of City funds shall be subject to approval of the City Council.
- c) The Commission shall work for the continuing education of the citizens of DeKalb with respect to the historic and architectural heritage of the City.
- d) The Commission shall act as resource consultant for owners of designated landmark sites or historic districts. The Commission will keep a current file on architects, historians, preservationists and restorationists concerned with historic preservation.
- e) The Commission shall work cooperatively with the City Planning and Zoning Commission to insure the integrity of landmark or landmark site and historic district designation.
- f) The Commission shall hold public hearings and make recommendations to the City Council on applications for sites within the City of DeKalb to be designated as historic landmarks or districts. Designation is subject to the criteria and procedures in this Chapter 44.
- g) The Commission shall keep and make available to the public a register of all sites within the corporate limits of DeKalb which have been classified as landmarks.

The Register shall be maintained as a list recording basic information regarding the historic landmark or district. Narrative and descriptive materials such as maps and photos pertaining to the history of the site or artifact shall be filed in a supplementary file designated as the DeKalb Landmark Register Supplementary File. A copy of a site's Architectural Survey form shall be filed in the Register Supplementary File if the site is designated as a local historic landmark. The forms of the Local Architectural Survey shall be kept as a separate file from the DeKalb Landmark Register. All records of the Commission shall be open to the public.

The Commission shall automatically recommend to the City Council "Historic Landmark Status" on the DeKalb Landmark Register for a local DeKalb site accepted to the Illinois or National Register of Historic Places.

- h) To inform the City Council, the Planning and Zoning Commission; any interested groups and the State of Illinois about the identification and maintenance of sites of historical and architectural importance in the City of DeKalb.
- i) To develop and recommend improved regulations for the maintenance of the area surrounding historical monuments and land-mark sites for the convenience of the visiting public.

CHAPTER 44
“LANDMARK COMMISSION”

- j) To make suggestions and recommendations to the appropriate agency of the State of Illinois with respect to historic sites under State jurisdiction and to act as a resource to groups seeking to nominate sites for the State and National registers.
- k) To actively seek out those private and governmental sources of financial aid for the preservation and historical restoration of sites designated Landmarks.
- l) To review new residential dwellings located in a designated historic district or landmark site per the provisions of Article 7.14 “Design Requirements for New Residential Construction” of Chapter 23 “Unified Development Ordinance” of the Municipal Code.
- m) To perform such other and further functions as may be from time to time provided by the City Council.

44.07 LANDMARK DESIGNATION.

The DeKalb Landmark Register shall be a record of local sites approved as Historic Landmarks by the City Council upon the recommendation of the DeKalb Landmark Commission. In making its recommendations to the City Council for Landmarks designation, the Commission shall consider the following criteria concerning such area, place, building, structure, work of art or other similar object:

- a) Its character, interest or value as part of the development, heritage or cultural characteristics of the City of DeKalb, State of Illinois or the United States.
- b) Its location as a site of significant historic event.
- c) Its identification with a person or persons who significantly contributed to the culture and development of the City of DeKalb.
- d) Its exemplification of the cultural, economic, social or historic heritage of the City of DeKalb.
- e) Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style.
- f) Its embodiment of distinguishing characteristics of a recognized architectural style.
- g) Its identification as the work of an architect or master builder whose individual work has been influential.
- h) Its embodiment of elements of architectural design, details, materials or craftsmanship which represent a significant architectural innovation.
- i) Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood, community or the City of DeKalb.
- j) The environmental relationships of the structures or sites are to be considered.
- k) In utilizing these criteria, the Commission procedures need not be elaborate. Structures and areas should be evaluated in terms of their peers. Broad considerations of style, date and historic periods and associations should be utilized to reveal the total quality of the historic environment.

CHAPTER 44
“LANDMARK COMMISSION”

44.08 LANDMARK REGISTER DESIGNATION PROCEDURES.

Procedure for designation to the Landmark Register shall be as follows:

- a) The application for a site within the City of DeKalb to be designated as a Historic Landmark and to be placed on the DeKalb Landmark Register may be requested by a site owner (or owners) or may be a decision of the DeKalb Landmark Commission or any organization or resident of the City of DeKalb. The property owner(s) shall be notified by certified mail of the Commission's intent.
- b) The Commission shall only consider the requests for designation as a Historic Landmark whose owner or owners of record have responded to the request for designation of the place as a Historic Landmark, by submitting a letter of written consent approving the designation of the place as an Historic Landmark. If such owner or owners do not consent to the designation of the place as a Historic Landmark, the Commission shall take no further action with respect to such place.
- c) If the Commission receives the written consent of the owner or owners as required under subsection (b), the Commission shall evaluate the application on the basis of criteria set forth in Section 44.07 hereof and may then proceed to hold a public hearing as set forth in subsection (a).
- d) The Commission shall hold public hearings on applications for site recommendations as stipulated by Section 44.06(f) hereof, and shall inform the City Council, City Staff, and the City Planning and Zoning Commission of the intent for a public hearing, requesting the opinion and input of these groups.
 1. A formal public hearing will be held at a separate meeting from the Commission's meeting, and minutes shall be taken.
 2. Written notice of the public hearing will be given to property owner(s) and notice shall be given to the general public through available news media.
 3. Order of Business at the public hearing shall be as follows:
 - Convene Public Hearing
 - Read Agenda Item
 - Receive Public Input
 - Receive City and City Staff Input
 - Close Public Hearing
- e) At its next meeting the Commission shall discuss the application in order to make a decision on a recommendation to the City Council. The public hearing meeting may be held on the same day as a regular Commission meeting. It is the intent of the Commission to expedite a decision and to hold the public hearing and the Commission meeting on the same day, if possible.
- f) A formal recommendation will be forwarded to the City Council.
- g) Acceptance of the Commission's Recommendation by the City Council as a Resolution shall constitute designation of the site as a Historic Landmark. The site shall then be included on the DeKalb Landmark Register.

CHAPTER 44
“LANDMARK COMMISSION”

- h) A decision by the Commission denying landmark designation shall be the final administrative decision. No application relating to the same site may be filed during the twelve (12) months following such a denial by the Commission.
- i) Designation may be amended or rescinded by the same procedure and according to the same criteria set forth herein for designation.

44.09 HISTORIC DISTRICT DESIGNATION PROCEDURE.

The procedure for designating an historic district shall be as follows:

- a) The application for designation of a district within the City of DeKalb as a Historic District may be requested by site owners, the DeKalb Landmark Commission, or any organization or resident of the City of DeKalb. Nominations shall be made to the Commission on a form provided by the Commission. Nominations must be accompanied by a petition signed by twenty-five percent (25%) of the owners of record within a proposed district.
- b) The Commission shall, upon investigation as it deems necessary, make a preliminary determination as to whether an area meets these guidelines or one or more of the following criteria:
 - 1. A significant number of structures meeting any of the standards in Section 44.07.
 - 2. A traditional neighborhood, commercial area, or public activity center.
 - 3. An area of sufficient integrity to convey a sense of time and place.

The preliminary determination as to whether an area meets these guidelines or criteria shall be made within sixty (60) days of the filing of the nomination of such area to the Commission.

- c) Within ten (10) days following a preliminary determination that a proposed historic district meets one or more of the criteria in Subsection 44.07 herein, the Commission shall so notify by mail the owner(s) of record. The notice shall be accompanied by an owner consent form requesting the property owner(s) to provide written approval or disapproval of the proposed designation. In the case of a historic district, the owner(s) of record of any property in the proposed district shall have one vote on the approval or disapproval of the designation for each property owned in the proposed district. For purposes of this paragraph, "property" shall be defined as a distinct parcel of real property which is assigned a separate tax parcel number by the DeKalb County Supervisor of Assessments. Joint or multiple owners of property shall not be entitled to separate votes but shall jointly receive one vote for each property owned in the proposed district. Failure of an owner of record to return the form with his or her approval or disapproval by the date of the public hearing provided for herein shall be noted as such. Approval of at least fifty-one percent (51%) of those owners of record who have returned the form by the date of the public hearing shall be required for the historic district to be considered for designation by the Commission.
- d) The Commission shall schedule a public hearing within forty-five (45) days following a preliminary determination that a proposed historic district meets one or more of the criteria in Subsections herein.

CHAPTER 44
“LANDMARK COMMISSION”

1. Notice of the date, time, place and purpose of the public hearing shall be sent by mail to the owner(s) of record and to the nominator(s), as well as to the owners of property adjoining the proposed district, not less than fifteen (15) nor more than thirty-five days prior to the date of the hearing. A like notice shall also be published in a newspaper having general circulation in the City of DeKalb. The notice shall state the location of a proposed district and a brief statement summarizing how the proposed historic district meets the criteria set forth in Subsection (b) above.
 2. At the public hearing, the Commission shall take testimony presented by the nominator(s), the owner(s), and any other interested parties who wish to be heard on the application of the criteria for designation enumerated in Subsection (b) above to the proposed historic district. In addition, the Commission shall consider all written comments received by the Commission prior to the hearing. It shall be the responsibility of the nominator(s) to provide evidence of suitability for historic district status as well as documentation of the evidence.
 3. The Commission shall review and evaluate available information according to the applicable criteria set forth in Subsection (b) above.
- e) A decision shall be made within thirty-five (35) days following the date of the closing of the public hearing.
1. If the Commission decides after the hearing that the proposed historic district should be designated, it shall do so by a resolution passed at a regular meeting or special meeting of the Commission.
 2. Said Commission resolution shall be forwarded to the DeKalb City Council, shall be accompanied by a report summarizing the evidence presented at the hearing and explaining the decision, and shall recommend to the DeKalb City Council that such designation take place.
 3. The owner(s) of record shall be notified promptly by a letter containing a copy of the decision and announcing the date of the City Council meeting at which the recommendation will be discussed.
 4. Following approval by the DeKalb City Council, copies of appropriate documentation shall be sent to applicable parties.
 5. A decision by the Commission denying historic district designation shall be the final administrative decision. No application relating to the same specific district may be filed during the twelve (12) months following such a denial by the Commission.

CHAPTER 44
“LANDMARK COMMISSION”

APPENDIX A
THE DEKALB LANDMARK REGISTER

HISTORIC DISTRICTS

- North Fifth Ward Historic District. The greater portion of the residential neighborhood north of Lincoln Highway (Route 38) and west of First Street, to almost the Kishwaukee River. Developed primarily after 1900 with the advent of Northern Illinois State Normal School, now Northern Illinois University.
- Huntley Park Historic District. South Second & South Third Streets from Franklin Street to the end of the brick pavement. Early residential neighborhood with Huntley Park as is focal point.

LOCAL LANDMARK BUILDINGS

- Patten/Eckhardt/Petros House – 339 W. Roosevelt Street
Two-story frame house with elegant interior and unusual exterior bargeboard trim.
- Jacob Haish Historic Site – 227 Pine Street
Site of the Haish Mansion.
- The Haish Carriage House – 421-423 N. Third Street
- Hiram Ellwood/Hovis House – 329 N. Third Street
Transitional Eastlake style house restored 1990-1993.
- Former St. Mary's Hospital Building – 145 Fisk Avenue
Catholic hospital from 1922-1966. School District Administration Center from 1974-1992.
- Fowler/Keefer House – 604 Grove Street
Built in 1853 when DeKalb was platted as a village.
- Original Isaac Ellwood/Faust-Thrun House – 315 N. Third Street
Early Greek Revival house with later additions.
- Rufas Hopkins/Clark House – 860 N. Seventh Street
1856 Brick Italianate house of a local banker.
- Henry B. Gurler/Baker House – 304 S. Fourth Street
Mid 1880's frame house with restored exterior paint scheme & vintage interior with restoration on-going.
- Drs. Smith Building – 263 E. Lincoln Highway
1948 Art Modern commercial building built by Dr. Clifford Smith, the first Chief of Staff for the DeKalb Hospital, and later occupied by his son Dr. Robb Smith, an ophthalmologist. The site was originally occupied by the DeKalb Opera House, constructed in 1876 and reconstructed in 1908.
- Nehring Building/City Hall – 164 E. Lincoln Highway
1892 Two-story building with limestone façade built in the Queen Anne and Classical Revival style. The site was originally occupied by the DeKalb National Bank. In 2019, the City of DeKalb acquired the property to use as its City Hall.

CHAPTER 44
“LANDMARK COMMISSION”

OTHER LANDMARKS

Also listed on the DeKalb Landmark Register are the following National Register buildings:

Joseph F. Glidden House
Ellwood House Museum
Egyptian Theatre
George Gurler House
DeKalb Public (Haish Memorial) Library Building

CHAPTER 44
“LANDMARK COMMISSION”

TABLE OF AMENDMENTS

The following table provides for the amendments made to this Municipal Code Chapter since its original effective date of September 11, 1978 (Ordinance 1978-090).

Effective Date	Ordinance No.	Description of Amendment
9/11/1978	1978-090	Adding a New Chapter 44 “Landmark Commission”.
Failed 4/23/1979	1979-041	Adding a New Chapter 44 “Commission on DeKalb Historical and Architectural Landmarks.
7/14/1980	1980-057	Amending Chapter 44 “Landmark Commission”, Section 44.02 “Commission Created”.
2/27/1984	1984-017	Amending Chapter 44 “Landmark Commission”, Section 44.03 “Mayoral Appointments”.
6/13/1988	1988-049	Amending Chapter 44 “Landmark Commission” by Deleting the Former Chapter and Creating a New Chapter.
5/29/1990	1990-060	Amending Chapter 44 “Landmark Commission”, Section 44.03 “Membership”.
7/25/1994	1994-101	Amending Chapter 44 “Landmark Commission”, Section 44.08 “Landmark Register Designation Procedures”.
5/26/1998	1998-071	Amending Chapter 44 “Landmark Commission”, Section 44.03 “Membership”, by Changing the Members Term to Start July 1 and End June 30.
6/28/1999	1999-068	Amending Chapter 44 “Landmark Commission”, Section 44.03 “Membership”, to Remove the Term Limit Placed on Commission Membership.
6/27/2005	2005-038	Amending Chapter 44 “Landmark Commission”, Section 44.04 “Officers”, as it Pertains to the Mayoral Appointment of the Chair.
8/22/2016	2016-027	Amending Chapter 44 “Landmark Commission”, Section 44.02 “Commission Created”, Section 44.03 “Membership”, and Section 44.05 “Quorum”.
2/13/2017	2017-004	Amending Chapter 44 “Landmark Commission”, Section 44.08 “Landmark Register Designation Procedures”.
7/9/2018	2018-037	Amending Chapter 44 “Landmark Commission”, Section 44.03 “Membership”.
6/13/2022	2022-024	Amending the Municipal Code of the City of DeKalb, Illinois, by Repealing Chapter 47 “Cultural Affairs Commission”, and <u>Amending Chapter 44 “Landmark Commission”</u> , and Chapter 59 “Economic Development Commission”.

**CHAPTER 44
“LANDMARK COMMISSION”**

Effective Date	Ordinance No.	Description of Amendment
1/9/2023	2023-005	Amending Various Chapters of the Municipal Code as it Pertains to Boards, Commissions, and Committees, Open Meetings Act Training, Public Participation, Removal of a Member, and Term Limits. (Amendments made to Chapter 2 “City Council” , Chapter 3 “City Administration” , Chapter 21 Combined Planning and Zoning Commission , Chapter 22 “Building Code Review Board” , Chapter 44 “Landmark Commission” , Chapter 45 “Airport Advisory Board” , Chapter 46 “Citizens’ Environmental Commission” , Chapter 54 “Financial Administration” , Chapter 59 “Economic Development Commission” , and Chapter 65 “Citizens’ Community Enhancement Commission”)