

KENDALL COUNTY
HISTORIC PRESERVATION COMMISSION
111 West Fox Street • Room 209 and 210 • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

AGENDA

May 21, 2018 – 6:30 p.m.

CALL TO ORDER

ROLL CALL: Elizabeth Flowers, Kristine Heiman (Chairman), Melissa Maye, Jeff Wehrli (Vice-Chairman), and One Vacancy

APPROVAL OF AGENDA:

APPROVAL OF MINUTES: Approval of Minutes of the April 16, 2018 Meeting (Pages 2-3)

CHAIRMAN’S REPORT:

PUBLIC COMMENT:

NEW BUSINESS:

OLD BUSINESS:

1. Discussion of PrairieFest-June 16, 2018 (Pages 4-5)
2. Discussion of Participation in Community Events
3. Review and Recommendation of Historic Preservation Ordinance (Pages 6-153)
4. Millbrook Bridge Update-Commission Could Vote to Submit Comments Regarding the Project (Pages 154-255)

CORRESPONDENCE:

PUBLIC COMMENT:

ADJOURNMENT: Next Meeting-June 18, 2018

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630-553-4171, a minimum of 24-hours prior to the meeting time.

KENDALL COUNTY
Historic Preservation Commission
Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois
6:30 p.m.

Meeting Minutes of April 16, 2018-Unofficial Until Approved

CALL TO ORDER

Chairwoman Heiman called the meeting to order at 6:36 p.m.

ROLL CALL

Present: Kristine Heiman, Melissa Maye, and Jeff Wehrli

Absent: Elizabeth Flowers

Also present: Matt Asselmeier, Senior Planner

In the audience: None

APPROVAL OF AGENDA

Mr. Wehrli made a motion, seconded by Ms. Maye, to approve the agenda as presented. With a voice vote of three ayes, the motion carried.

APPROVAL OF MINUTES

Mr. Wehrli made a motion, seconded by Ms. Maye, to approve the minutes from the March 19, 2018, meeting. With a voice vote of three ayes, the motion carried.

CHAIRMAN'S REPORT

None

PUBLIC COMMENT

Mr. Asselmeier reported that the proclamation of Historic Preservation Month will be presented at the May 1st County Board meeting. Several Commissioners will attend this meeting at 6:00 p.m.

NEW BUSINESS

Comments Under Section 106 of the National Historic Preservation Act on Proposed Antennas at 610 Tower Lane, Yorkville, IL

Mr. Asselmeier reported that the proposed antennas would be located on the water tower at the subject property. The subject property is inside the United City of Yorkville.

Commissioners had no comments on the proposal. Mr. Asselmeier will inform the requestor that the Commission had no comments at this time.

OLD BUSINESS

Discussion of Participation in Community Events

Discussion occurred regarding having a booth at the Kendall County Fair. Chairwoman Heiman reported that Ms. Flowers spoke with the Fair and said that the Commission could get an indoor booth, but that traffic counts could vary due to weather. Staffing the booth the entire time is an issue.

Approval of Booth and Fee for Prairie Expo Village June 14-17, 2018

Mr. Asselmeier reported that he had not heard from any group willing to partner with the Commission. Chapel on the Green did not want to partner this year. Ms. Maye will see if she can get another picture to raffle at the

event. Mr. Asselmeier will try to get updated aerials. The 1939 aerials will also be displayed. Mr. Wehrli was in favor of assisting with setup and takedown.

Mr. Wehrli made a motion, seconded by Mr. Maye, to have booth space and pay the rental fee in the amount of Two Hundred Fifty Dollars (\$250) at Prairie Fest on June 16th only and to request a better booth location.

Ayes (3): Heiman, Maye, and Wehrli
Nays (0): None
Absent (1): Flowers

The motion carried.

The Commission will work on the logistics at next month's meeting.

Mr. Wehrli suggested getting a picture of the only landmark designated house with their plaque.

Approval of a Letter to the Editor RE: Historic Preservation

Ms. Maye made a motion, seconded by Mr. Wehrli, to approve the letter with the date changed to April 17th, remove the reference to other groups participating with the Commission, and correct the date and time of Commission meetings. With a voice vote of three ayes, the motion carried.

Review and Recommendation on Historic Preservation Ordinance

Ms. Maye reported that she contacted Leslie Johnson in the State's Attorney's Office and they will meet to discuss the Historic Preservation Ordinance. Ms. Maye will report back to the Commission.

Millbrook Bridge Update

Mr. Asselmeier reported that no update existed at this time; the Forest Preserve is still waiting on the Corps of Engineers. Discussion occurred about the Forest Preserve considering changing their scope of proposal regarding the piers in the river. The Commission will continue to track this project.

CORRESPONDENCE

None

PUBLIC COMMENT

Mr. Asselmeier reported that County is reviewing its solar panel regulations.

Chairwoman Heiman will send a letter to the new Executive Director of the Farnsworth House.

ADJOURNMENT

Mr. Wehrli made a motion, seconded by Ms. Maye, to adjourn. With a voice vote of three ayes, the motion carried. The Historic Preservation Commission adjourned at 7:01 p.m.

Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner

Expo Village - Confirmation of Saturday Booth

June 16, 2018

PrairieFest Expo Village 2018 Receipt

Vendor Name _____

Booth Address _____

_____ Booth x \$ _____ = \$ _____

TOTAL PAID \$ _____



This letter confirms your participation in this year's PrairieFest Expo Village on **Saturday, June 16!** To make this year's Expo enjoyable for all participants and visitors, we want to provide you with the following information and reminders.

Check-In

PrairieFest is held at Oswegoland Park District's PrairieFest Park, located at 91 Plank Drive, Oswego, IL. Saturday Only Vendors need to check-in at the Expo tent on Saturday, June 16 between 7:30–9:30am. Expo Vendors will receive their booth number and parking pass when they check-in, prior to setting up.

Set-Up for Saturday Only Vendors

Set-up on Saturday, June 16 between 7:30–9:30am. Weather permitting, vendors will be able to bring their vehicles onto the grounds during this time to set up their booth. All vehicles must be off the grounds by 9:30am and vendors must be ready to open by 10:00am. Because the Expo is located on soccer fields, wet conditions may prohibit vendors from pulling directly next to their booth space during set-up and/or take down. Vendors should come prepared to cart or dolly booth displays and products up to 500 feet. Park District staff will not be available to assist vendors with transporting items. No vehicles will be allowed on the grounds during Expo Village weekend, so vendors will need to make necessary arrangements.

Take Down for Saturday Only Vendors

Take down Saturday, June 16 from 8:00–9:00pm. Vendors may not close down their booth prior to 8:00pm. Vehicles will not be allowed on the grounds. *This is a very busy time at the festival.* We ask that you are especially cognizant of distracted and excited foot traffic as you carefully make your way off the grounds.

Expo Hours

Your booth must be manned from 10:00am–8:00pm on Saturday, June 16.

Booth Space

Each booth space is a 12'x12' and will be assigned by the Expo Village Team. Vendors must provide their own covered tables, chairs, and weather protection. Since this a rain or shine event, we recommend a tightly secured canopy. Roving solicitation is only allowed by special application. Selling products and passing out literature can only be done from the confines of each vendor's booth space.

Pets

No pets are allowed on the festival grounds.

Generators

Electricity is not available on the festival grounds. Booths are available to accommodate your generator. Only those exhibitors at those booths may bring their own power. Generators must be quiet and not exceed 3000 watts.

ATM Machines

ATM machines are located on the festival grounds by the Information Booth. The Oswegoland Park District may not make change. All vendors are responsible for having necessary change.

Emergency Alerts

Subscribe to our text alert system for the weekend. Text @18PFest to the number 81010. This will give your booth real-time information involving any emergencies on the grounds. In the event of a weather-related emergency, PrairieFest's Emergency Shelter is at the Oswego High School on Rt. 71. Follow the blue signs to this location.

Lost & Found

Turn any lost items in to the Information Booth.

Parking

Each vendor will receive one (1) complimentary permit parking pass, allowing them to park in the designated "Permit Parking" area. Free parking is available at the Oswego High School, in the north and south lots; the grass area off Plank Drive; East View Elementary; and Oswego 308 Center. Anyone needing an overnight parking must contact the Expo Team prior to June 8. Overnight parking is available at Prairie Point Center, 313 E. Washington Street, Oswego.

Expo Village Information

If you have any questions or need assistance during the Expo, visit the Expo Tent that will be staffed during all Expo hours. Prior to the festival, you may contact the Expo Village Team at expovillage@oswegolandpd.org.



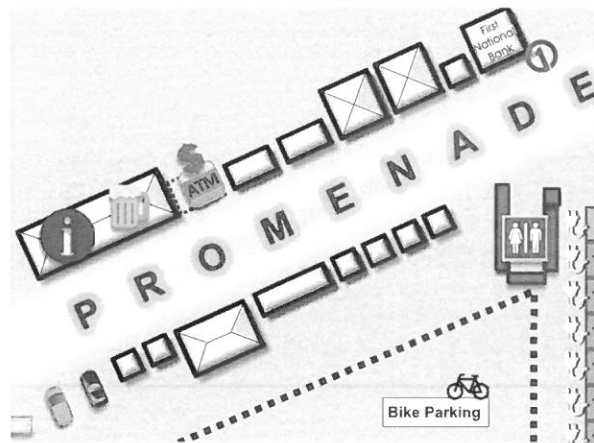
PrairieFest Expo Village

June 14-17, 2018
Oswego, IL



Be the Best of the Fest!

WIN A FREE BOOTH FOR 2019! Vendors with exceptional booth presentation & customer service are eligible to win.



Expo Village Hours

Thursday, June 14	4:00 - 9:00pm
Friday, June 15	10:00am - 8:00pm
Saturday, June 16	10:00am - 8:00pm
Sunday, June 17	11:00am - 6:00pm

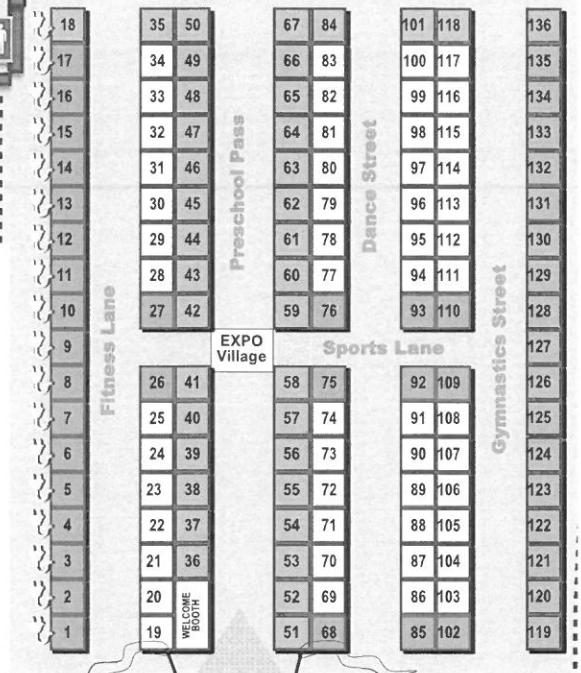
Showcase your business, craft, or organization to the thousands in attendance during PrairieFest, Oswego's annual hometown celebration! Held Thursday through Sunday each Father's Day weekend, PrairieFest offers petting zoos, pony rides, live music, carnival, children's stage with entertainers and activities, food and drink vendors, and more. Take advantage of this unique opportunity to meet your public or advertise your services to the estimated 75,000+ in attendance at Prairiefest Park.

About The Booth

- Each space is a 12' x 12' grassy area. Vendors provide their tables and chairs.
- This is a rain-or-shine event. We recommend a tightly secured canopy.
- With prior approval, quiet running generators are allowed in specified areas
- We only allow one vendor of each trademarked product line (Pampered Chef, Tupperware, Lularoe, etc.) to participate. Priority is given to local vendors whose registration forms are received on a first come, first served basis.
- Set up Thu, June 14 from 10:00am-3:30pm and take down Sun, June 17 from 6:00pm-8:00pm

All registrations due June 1, 2018. There will be a \$100 increase to the May fee for anyone able to be accommodated after June 1. For more information, contact the Expo Village Team at 630.554.1010 x 4216 or expovillage@oswegolandpd.org

**Prime and corner booths are available first come, first served. Submit your first three booth preferences on your application. Expo Village staff will contact you with your booth address.*



Expo Village Fees - Apply Early to Save!

Regular Booth

<input type="checkbox"/>	\$225	January & February
<input type="checkbox"/>	\$300	March & April
<input type="checkbox"/>	\$375	May

Corner/Generator Booth*

<input type="checkbox"/>	\$275	January & February
<input type="checkbox"/>	\$350	March & April
<input type="checkbox"/>	\$425	May

Prime Booth*

<input type="checkbox"/>	\$350	January & February
<input type="checkbox"/>	\$425	March & April
<input type="checkbox"/>	\$500	May

Saturday Only

<input type="checkbox"/>	\$175	January & February
<input type="checkbox"/>	\$225	March & April
<input type="checkbox"/>	\$250	May

ARTICLE I

PURPOSES, DEFINITIONS AND GENERAL PROVISIONS

1. PURPOSES & INTENT

The purposes and intent of this Ordinance are as follows:

- A) To identify, designate, protect, preserve, and encourage the restoration, rehabilitation, and adaptation for continued use of those properties and structures which represent or reflect the historic, cultural, artistic, social, economic, ethnic or political heritage of the United States of America, State of Illinois, or Kendall County or which may be representative of an architectural or engineering type inherently valuable for the study of style, period, craftsmanship, method of construction or use of indigenous materials;
- B) To safeguard the County's historic, aesthetic and cultural heritage as embodied and reflected in such structures and landscape features;
- C) To stabilize and improve the economic vitality and value of designated landmarks and historic districts in particular and of the County in general;
- D) To foster civic pride in the beauty and noble accomplishments of the past in order that both the pride and the accomplishments themselves may be passed on to future generations;
- E) To protect and enhance the County's attractions for tourists and visitors as well as to support and provide stimulus to business and industry;
- F) To strengthen the economy of the County;
- G) To promote the use of historic districts and landmarks for the education, pleasure, and welfare of the citizens of Kendall County and;
- H) To educate the general public, government officials and real estate interests about the value of historic preservation to the economy, and long-term quality of life for those who live and work in the County.

2. DEFINITIONS

For the purposes of this Ordinance, certain words, phrases, and terms shall have the following meanings:

- A) *Alteration*: Any act or process that changes one or more historic, architectural, or physical features of an area, site, landscape, place, and/or structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure; the expansion or significant modification of agricultural activities;

surface mining; and clearing, grading or other modification of an area, site or landscape that changes its current or natural condition.

B) *Architectural Significance*: Embodying the distinctive characteristics of a type, period, style or method of construction or use of indigenous materials, or representing the work of an important builder, designer, architect, engineer, or craftsman who has contributed to the development of the community, County, State or Nation.

C) *Archaeological Significance*: Importance as an area, site, place or landscape that has yielded or is likely to yield information concerning past patterns of human settlement, or artifacts or information concerning previous cultures in Illinois or previous periods of the present culture. Areas, sites or landscapes of archaeological significance may include, but are not limited to, aboriginal mounds, forts, earthworks, burial grounds, historic or prehistoric ruins, locations of villages, mine excavations or tailing.

D) *Building*: Any structure designed or constructed for residential, commercial, industrial, agricultural or other use.

E) *Certificate of Appropriateness*: A certificate issued by a Preservation Commission indicating its approval of plans for alteration, construction, demolition, or removal affecting a nominated or designated landmark or property within a nominated or designated historic district.

F) *Certificate of Economic Hardship*: A certificate issued by the Preservation Commission authorizing an alteration, construction, removal or demolition even though a Certificate of Appropriateness has previously been denied or may be denied.

G) *Commissioners*: Members of the Preservation Commission.

H) *Conservation Right*: A term that includes easements, covenants, deed restrictions or any other type of less than full fee simple interest as that term is defined in Illinois Revised Statutes, Section 1 of "An Act relating to conservation rights in real property," approved September 12, 1977, as amended.

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

J) *Demolition*: Any act or process which destroys in part or in whole a landmark or a building or structure within a historic district.

K) *Demolition by Neglect*: Neglect in the maintenance of any landmark and/or building or structure within a preservation district resulting in the deterioration of that building to the extent that it creates a hazardous or unsafe condition as determined by the Kendall County Building and Zoning Department or the

Kendall County Department of Health.

L) *Design Criteria*: Standards of appropriate activity that will preserve the historic, architectural, scenic or aesthetic character of a landmark or historic district.

M) *Development Rights*: The development rights of a landmark or of a property within a historic district as defined in Section 11-48.2-1A of the Illinois Municipal Code.

N) *Development Rights Bank*: A reserve for the deposit of development rights as defined in Section 11-48.2-1A of the Illinois Municipal Code.

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

P) *Historic Significance*: Character, interest or value as part of the development, heritage, or culture of the community, County, State or Nation; or as the location of an important local, County, State or national event; or through identification with a person or persons who made important contributions to the development of the community, County, State or Nation.

Q) *Landmark*: A property or structure designated as a "Landmark" by ordinance of the County Board, pursuant to procedures prescribed herein, which is worthy of rehabilitation, restoration, or preservation because of its historic, scenic, or architectural significance.

R) *Landscape*: A natural feature or group of natural features such as, but not limited to: valleys, rivers, lakes, marshes, swamps, forests, woods, or hills; or a combination of natural features and buildings, structures, objects, cultivated, fields, or orchards in a predominantly rural setting.

S) *Object*: Any tangible items, including any items of personal property, including, but not limited to: wagons, boats, and farm machinery that may be easily moved or removed from real estate property.

T) *Owner*: The person or corporation or other legal entity in whose name or names the property appears on the records of the County Recorder of Deeds.

U) *Historic district*: An area designated as a "historic district" by ordinance of the County Board and which may contain within definable geographic boundaries one or more landmarks and which may have within its boundaries other properties, areas, sites, landscapes or structures, while not of such historic, architectural or scenic significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the district.

V) *Removal*: Any relocation of a structure, object or artifact on its site or to another site.

W) *Repair*: Any change that is not construction, alteration, demolition, or removal and is necessary or useful for continuing normal maintenance.

X) *Scenic Significance*: Importance as a result of appearance or character that remains relatively unchanged from and embodies the essential appearance related to a culture from an earlier historic or prehistoric period; or as a result of a unique location, appearance, or physical character that creates an established or familiar vista or visual feature; or as a geologic or natural feature associated with the development, heritage, or culture of the community, County, State, or Nation.

Y) *Site*: The traditional, documented or legendary location of an event, occurrence, action, or structure significant in the life or lives of a person, persons, group, or tribe, including but not limited to cemeteries, burial grounds, campsites, battlefields, settlements, estates, gardens, groves, river crossings, routes, trails, caves, quarries, mines, or significant trees or other plant life.

Z) *Structure*: Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground including (but without limiting the generality of the foregoing) barns, smokehouses, advertising signs, billboards, backstops for tennis courts, bridges, fences, pergolas, gazebos, radio and television antennae, solar collectors, microwave antennae including supporting towers, roads, ruins or remnants (including foundations), swimming pools or walkways.

AA) *Survey*: The systematic gathering of information on the architectural, historic, scenic, and archaeological significance of buildings, sites, structures, areas, or landscapes through visual assessment in the field and historical research, for the purpose of identifying landmarks or districts worthy of preservation.

3. GENERAL PROVISIONS

The following are general provisions propounded to make more clear matters relative to scope and jurisdiction of this Ordinance.

A) No provision herein shall supersede the powers of other local legislative or regulatory bodies or relieve any property owner from complying with the requirements of any other state statute or code or ordinance of Kendall County or individual municipal ordinances or regulations, and any permit or license required there under shall be required in addition to any Certificate of Appropriateness or Economic Hardship which may be required hereunder; provided, however, that where a Certificate of Appropriateness or Economic Hardship is required, no such other permit or license shall be issued by any other agency under the jurisdiction of the Kendall County Board before a certificate has been issued by the

Commission as herein provided.

B) The use of property and improvements which have been designated under this Ordinance shall be governed by the Kendall County Zoning Ordinance, as amended.

C) If any particular section of this Ordinance is declared to be unconstitutional or void, only the particular section is affected, and all other sections of this Ordinance shall remain in full force and effect.

D) For purposes of remedying emergency conditions determined to be dangerous to life, health or property, the Commission may waive the procedures set forth herein and grant immediate approval for a Certificate of Appropriateness. The Commission shall state its reasons in writing for such approval.

E) No member of the Preservation Commission shall vote on any matter that may materially or apparently affect the property, income, or business interest of that member.

ARTICLE II

THE HISTORIC PRESERVATION COMMISSION

1. ORGANIZATION

A) *Appointment.* The Kendall County Board shall by ordinance appoint members to the Kendall County Preservation Commission from names submitted by the County Board Chair.

B) *Composition.* The Preservation Commission shall consist of five (5) members. All members shall be residents of Kendall County. The County Board Chair shall make a reasonable effort to nominate to the Preservation Commission at least one (1) attorney, one (1) historian or architectural historian, one (1) architect/engineer, and one (1) real estate professional knowledgeable in historic preservation; the other members shall be persons with a demonstrated interest in pre-history, history, or architecture. Commission vacancies shall be posted in a newspaper of general circulation within the county and on the county internet website. Included in the five (5) voting members, the County Board may appoint one of their members or staff to serve as a voting member of the Commission and liaison to the County Board (Amended 2.21.17).

C) *Terms.* Members shall serve for three year terms. All ex officio members shall serve the term of their elected or appointed office. All members shall serve until their successors are appointed. Vacancies shall be filled by the Kendall County Board from names submitted by the County Board Chair (Amended 2.21.17).

D) *Officers.* Officers shall consist of a Chair, Vice-Chair and a Secretary elected by the Preservation Commission. The Chair shall preside over meetings. In the absence of the Chair, the Vice Chair shall perform the duties of the Chair. If both the Chair and the Vice-Chair are absent, a temporary Chair shall be elected by those present. The Chair, Vice-Chair and secretary shall serve a term of one (1) year and shall be eligible for re-election. No member shall serve as an officer in the same capacity for more than three (3) consecutive years. Once the member has served in the same capacity for three (3) years a one (1) year hiatus from that office must be followed. The Chair shall ensure that the following duties are performed:

- i) That minutes are taken of each Preservation Commission meeting;
- ii) That copies of the minutes, reports, and decisions of the Preservation Commission be published and distributed to the members of the Preservation Commission.
- iii) The Kendall County Board Chair is advised of vacancies on the Preservation Commission and expiring terms of members; and
- iv) That there be prepared and submitted to the Kendall County Board a complete record of the proceedings before the Preservation Commission on any matters requiring County Board consideration. The Kendall County Planning, Building & Zoning Department shall be the official keeper of the records.

E) *Rules and Procedures.* The Historic Preservation Commission shall have the authority to develop and adopt rules and procedures necessary to carry out its functions under the provisions of this Ordinance.

F) *Meetings.* Meetings of the Preservation Commission shall be held no less than monthly, except in those months when no business is pending, and shall be held at such times and places within the County as the Commission shall decide. Special meetings may be called by the Chair or by the consent of two (2) members. All meetings of the Commission shall be open to the public, shall follow all provisions of the Open Meetings Act and shall adhere to Robert's Rules of Order. The Commission shall keep minutes of its proceedings, showing a vote of each member upon every question, or if absent or failing to vote, and shall also keep records of its official actions. Such minutes and records shall be open to the public for inspection at offices of the Kendall County Planning, Building & Zoning Department (Amended 2.21.17).

G) *Quorum.* A quorum shall consist of three (3) members. The transaction of business shall be made by a majority vote of those members in attendance while a quorum is present, except that the adoption, modification or rescission of any rule or part thereof shall require the affirmative vote of four (4) members (Amended

2.21.17).

H) *Compensation.* The members shall serve without compensation, but they shall be reimbursed for their expenses necessarily incurred in the performance of their duties as such and approved by the Director of the Planning, Building & Zoning Department, and if funds are available in the Historic Preservation Commission's reserves.

I) *Annual Report.* The Commission shall submit an annual report of its activities to the Kendall County Board.

2. POWERS & AUTHORITIES

The Preservation Commission shall have the following powers and authority.

A) To conduct an ongoing survey of the County to identify buildings, structures, areas, sites and landscapes that are of historic, archaeological, architectural, or scenic significance, and, therefore, potential landmarks or historic districts;

B) To hold public hearings and recommend to the County Board the designation of landmarks or historic districts;

C) To compile information concerning and prepare descriptions of the landmarks and historic districts identified and recommended for designation and the characteristics that meet the standards for designation;

D) To prepare, keep current, and publish a map or maps showing the locations and exact boundaries of proposed and designated landmarks and historic districts and, if the Commission so chooses, the locations and boundaries of designated state or federal landmarks or districts;

E) To keep a register of all designated landmarks and historic districts;

F) To establish an appropriate system of markers or plaques for all designated landmarks, historic districts, and for streets, roads, trails, and highways leading from one landmark or historic district to another and to confer recognition upon the owners of landmarks or property within historic districts by means of certificates, plaques, or markers;

G) To nominate, landmarks and historic districts to any state or federal registers of historic places;

H) To advise and assist owners of landmarks and property within historic districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on any state or federal register of historic places;

- I) To inform and educate the citizens of the County concerning the historic, archaeological, architectural, or scenic heritage of the County by publishing appropriate maps, newsletters, brochures, and pamphlets, and by holding programs and seminars;
- J) To hold public hearings and to review applications for construction, alteration, removal, or demolition affecting landmarks or property within historic districts and issue or deny Certificates of Appropriateness for such actions;
- K) To consider applications for Certificates of Economic Hardship that would allow the performance of work for which a Certificate of Appropriateness has previously been denied;
- L) To develop specific criteria and guidelines for the proper alteration, construction, demolition, or removal of landmarks, or of property within historic districts;
- M) To review proposed amendments to zoning regulations and map amendments, applications for special uses or applications for zoning variations that affect any and all landmarks or historic districts. Proposed zoning amendments, applications for special use, or zoning variations that affect any landmark or historic district as defined in this ordinance or any application for demolition of any structure which is more than 50 years old shall be reviewed by support staff and forwarded to the Preservation Commission for review within seven (7) working days. **The Preservation Commission shall review and issue a ruling on an application for demolition within thirty (30) calendar days of the receipt of the application for demolition by the Planning, Building and Zoning Department. If the Preservation Commission fails to issue a ruling within the allotted time, the application for demolition shall be deemed approved.**
- N) To administer on behalf of the County Board any **County owned** property, or full or partial interest in real property, including a conservation right, by approval of the County Board;
- O) To accept and administer on behalf of the County Board gifts, grants, money or other personal property as may be appropriate for the purpose of this Ordinance. Such money may be expended for publishing maps and brochures, for hiring staff or consultants or performing otherwise appropriate functions for the purpose of carrying out the duties and powers of the Preservation Commission and the purposes of this Ordinance.
- P) To administer any system established by the County Board for the transfer of development rights;
- Q) To call upon available County agencies and staff as well as other experts for technical advice; costs to be determined prior to activities and paid by petitioner

except where included in the existing approved budget;

R) To retain specialists or consultants, or to appoint citizen, neighborhood or area advisory committees, as may be required, costs to be determined prior to activities and paid by petitioner except where included in the existing approved budget;

S) To testify before all boards, commissions, committees and municipalities on any matter affecting potential or designated landmarks or historic districts;

T) To periodically review any County Land resource management plan and to develop a preservation component in any comprehensive plan of the County and to recommend it to the Regional Plan Commission, the Planning, Building & Zoning Committee and the County Board;

U) To periodically consult the County zoning administrator, review any County zoning ordinance and building code, and to recommend to the County Board any amendments appropriate for the protection and continued use of landmarks or property within historic districts;

V) To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or the implementation of the purposes of this Ordinance.

W) To recommend to the County Board the adoption of intergovernmental agreements between the County Board and Kendall County municipalities that allow for the nomination and designation by the County Board of individual landmarks and historic districts within incorporated areas and that afford the protection of landmarks and historic districts through the provisions of this Article, and

X) To periodically monitor designated landmarks and preservation districts for demolition by neglect and to refer negligent cases to the appropriate county agency for enforcement.

ARTICLE III

DESIGNATION OF LANDMARKS AND HISTORIC DISTRICTS

1. INVESTIGATION & RESEARCH

The Preservation Commission shall undertake an ongoing investigation and research effort in the County to identify areas, sites, structures, and objects that have historic, cultural, community, architectural or aesthetic importance, interest, or value. As part of the investigation, the Commission shall review and evaluate any prior surveys and studies by any unit of government, private organization or individual and compile appropriate descriptions, facts, and photographs.

The Commission shall make an effort to systematically identify potential landmarks and districts and adopt procedures to nominate them individually or in groups based upon the following criteria:

- a) The potential landmarks or districts in one township or distinct geographical area of the County;
- b) The potential landmarks associated with a particular person, event, or historical period;
- c) The potential landmarks of a particular architectural style or school, or of a particular architect, engineer, builder, designer, or craftsman; or of a particular building material.
- d) Such other criteria as may be adopted by the Preservation Commission to assure systematic survey and nomination of all potential landmarks within the County;

2. PRESERVATION PLAN

A) The Historic Preservation Commission shall, through the aforesaid surveys and research, so as to become thoroughly familiarized with buildings, structures, objects, sites, districts, areas and lands within the County which may be eligible for designation as historic landmarks or districts, prepare a "Historic Landmark and District Preservation Plan."

B) The Preservation Plan shall be presented to the Kendall County Planning, Building & Zoning Department for consideration and recommendation to the County Board for possible inclusion in the Kendall County Land Resource Management Plan as amended. From time to time, the Commission shall review the Plan and insert in the Historic Preservation Commission minutes a report of such review and take appropriate action on any amendments to the Plan deemed necessary.

3. NOMINATION OF LANDMARKS AND HISTORIC DISTRICTS

A.) Landmarks

The Preservation Commission or any person may propose landmarks for designation by the County Board by filing a nomination for any property or properties and structures located in an unincorporated area or in an incorporated area by intergovernmental agreement with the appropriate municipality within the geographical boundaries of Kendall County. Nomination forms shall be filed with the Kendall County Planning, Building & Zoning Department.

Such forms shall be provided by the Commission. Nomination forms submitted for landmarks or historic districts shall include or be accompanied by the following information:

- a) The name and address of the applicant and owner of record.
- b) The legal description and Common Street address of the property.
- c) A written statement describing the structure, building, or site and setting forth reasons in support of the proposed designation, including a list of significant exterior architectural features that should be protected.
- d) **If the applicant is not the current owner of record, w**~~W~~**ritten** documentation and evidence establishing that the applicant **notified is** the current owner of record of the nominated property and whether the owner of record consents or objects to the proposed landmark designation. Such documentation or evidence of record ownership shall include a recent title policy in the name of the applicant or other evidence of record ownership acceptable to the Historic Preservation Commission.
- e) An overall site plan and photographs of the landmark. The plan shall also include a front, side, and rear elevation drawing.
- f) Such other relevant information as requested by the Historic Preservation Commission.
- g) The County Board reserves the right to set appropriate fees for administering this ordinance.

B.) Historic Districts

The Preservation Commission or any person may propose historic districts for designation by the County Board by filing a nomination for any property or properties and structures located in an unincorporated area or in an incorporated area by intergovernmental agreement with the appropriate municipality within the geographical boundaries of Kendall County. Nomination forms shall be filed with the Kendall County Planning, Building & Zoning Department.

Such forms shall be provided by the Commission. Nomination forms submitted for historic districts shall include or be accompanied by the following information:

- a) The names and addresses of applicants.
- b) The names and addresses of all of the owners of record of buildings, structures, or sites in the area nominated for designation.

- c) A vicinity map delineating the boundaries of the area nominated for designation.
- d) A written statement describing the area and structures, buildings, or sites located in the area nominated for designation as an historic district and setting forth the reasons in support of the proposed designation, including a list and photographs of significant exterior architectural features of all structures, buildings, or sites in the district that should be protected.
- e) **If the applicant is not the current owner of record, w**Written documentation and evidence establishing that applicants **notified are** the current owners of record of property in the area nominated for designation and that such owner comprise the owners of record of at least fifty-one percent (51%) of all sites contained in the nominated area. Such documentation or evidence of record ownership shall include recent title policies in the names of the applicants or other evidence of record ownership acceptable to the Historic Preservation Commission.
- f) The name, address, and telephone number of one of the applicants who shall be the designated contact person and liaison for the purposes of the application. The name, address, and telephone number of an additional applicant to serve as an alternative contact person shall also be provided.
- g) Such other relevant information as requested by the Historic Preservation Commission.
- h) The County Board reserves the right to set appropriate fees for administering this ordinance.

4. CRITERIA FOR DESIGNATION

A.) Landmarks

The Commission may recommend to the County Board the designation of landmarks when a thorough investigation results in a determination that the property, structure, improvement or area so recommended meets one (1) or more of the following criteria:

- A) It has character, interest, or value which is part of the development, heritage, or cultural characteristics of a local community, the County, the State of Illinois or the Nation;
- B) Its location is a site of a significant local, County, State, or National event;
- C) It is identified with a person or persons who significantly contributed to the development of the local community, the County, the State of Illinois, or the Nation;
- D) It embodies distinguishing characteristics of an architectural style valuable for

the study of a period, type, method of construction, or use of indigenous materials;

E) It is identified with the work of a master builder, designer, architect, engineer, or landscape architect whose individual work has influenced the development of the local area, Kendall County, the State of Illinois, or the Nation;

F) It embodies elements of design, detailing, materials, or craftsmanship that render it architecturally significant;

G) It embodies design elements that make it structurally or architecturally innovative;

H) It has a unique location or singular physical characteristics that make it an established or familiar visual feature;

I) It is a particularly fine or unique example of a utilitarian structure with a high level of integrity or architectural significance;

J) It is suitable for preservation or restoration;

K) It is included in the National Register of Historic Places and/or the Illinois Register of Historic Places.

L) It has yielded, or may be likely to yield, information important to pre-history, history or other areas of archaeological significance.

M) It is an exceptional example of an historic or vernacular style or type or one of few remaining in the County.

B.) Historic Districts

The Commission may recommend to the County Board the designation of Historic Districts. Historic Districts shall only be recommended for designation when a thorough investigation results in a determination that the properties, structure, improvement or area so recommended meets one (1) or more of the following criteria:

A) It has character, interest, or value which is part of the development, heritage, or cultural characteristics of a local community, the County, the State of Illinois or the Nation;

B) Its location is a site of a significant local, County, State, or National event;

C) It is identified with a person or persons who significantly contributed to the development of the local community, the County, the State of Illinois, or the Nation;

- D) It embodies distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;
- E) It is identified with the work of a master builder, designer, architect, engineer, or landscape architect whose individual work has influenced the development of the local area, Kendall County, the State of Illinois, or the Nation;
- F) It embodies elements of design, detailing, materials, or craftsmanship that render it architecturally significant;
- G) It embodies design elements that make it structurally or architecturally innovative;
- H) It has a unique location or singular physical characteristics that make it an established or familiar visual feature;
- I) It is a particularly fine or unique example of a utilitarian structure with a high level of integrity or architectural significance;
- J) It is suitable for preservation or restoration;
- K) It is included in the National Register of Historic Places and/or the Illinois Register of Historic Places.
- L) It has yielded, or may be likely to yield, information important to pre-history, history or other areas of archaeological significance.
- M) It is an exceptional example of an historic or vernacular style or type or one of few remaining in the County.

5. INITIAL REPORT & RECOMMENDATION OF PRESERVATION COMMISSION

The Preservation Commission shall, within thirty (30) calendar days from receipt of a completed application for designation, cause to be written an initial recommendation and report stating whether the nominated landmark, historic district does or does not meet the criteria for designation as provided for in Article III, Section 4 herein. The report shall contain the following information:

- A) An explanation of the significance or lack of significance of the nominated landmark or historic district as it relates to the criteria for designation;
- B) A description of the integrity or lack of integrity of the nominated landmark or historic district;
- C) A map showing the location of the nominated landmark or the boundaries of

the nominated historic district.

In addition, in the case of a nominated landmark found to meet the criteria for designation, the report shall include:

A) A description of the significant exterior architectural features of the nominated landmark that should be protected;

In the case of a nominated historic district found to meet the criteria for designation the report shall include:

A) A list of addresses and Permanent Index Numbers showing which properties are contributing and which are non-contributing;

B) A description of the types of significant exterior architectural features of the structures within the nominated district that should be protected;

In the case of a nominated landmark or historic district the recommendation and report shall be available to the public in the office of the County Planning, Building & Zoning Department.

6. NOTIFICATION OF NOMINATION

The Preservation Commission shall, within thirty (30) days from completion of the initial report and recommendation as described above in Article III, Section 5, cause to be scheduled a public hearing on the nomination. Notice of the date, time, place and purpose of the public hearing shall be sent by certified mail to the owner(s) of record and to the nominators at least fifteen (15) days prior to the date of the hearing. Such notice shall also be published in a newspaper having general circulation in the area surrounding the nominated property or district at least fifteen (15) days prior to the date of the hearing. All notices shall state the street, address and Permanent Index Number or legal description of a nominated landmark or the boundaries of a nominated historic district.

7. HEARING

A public hearing shall be scheduled, and notification made thereof, pursuant to Article III, Section 6, above. Oral or written testimony shall be taken at the public hearing concerning the nomination. The Preservation Commission may solicit expert testimony or present its own evidence regarding the historic, archaeological, or scenic significance of a proposed landmark or of any property within a proposed historic district relative to compliance with criteria for consideration set forth above in Section 4 of this Article. The hearing shall be closed upon completion of testimony.

8. RECOMMENDATION OF PRESERVATION COMMISSION

Within thirty (30) days following the close of the public hearing, the Commission shall make its determination upon the evidence whether the proposed landmark or historic district does or does not meet the criteria for designation. A recommendation to the County Board regarding the proposed landmark or historic district shall be passed by

resolution of the Preservation Commission. This recommendation shall be accompanied by a report stating the findings of the Preservation Commission concerning the historic, archaeological, architectural or scenic significance of the proposed landmark or historic district and also include if the property owner(s) objects to the designation. The Preservation Commission shall forward copies of the resolution and report to the applicant and the owner of the subject property or representative for petitioners of the subject area.

In the case of the property owner's (owners') objection to a landmark designation or historic district, the nomination would require the affirmative vote of a super majority of the full County Board.

9. DESIGNATION

The County Board, upon a recommendation from the Preservation Commission that the proposed landmark or historic district should be designated, shall review the report and recommendations of the Preservation Commission.

For individual landmarks or historic district applications, the County Board, after reviewing the report and recommendation, shall, within sixty (60) days from receipt of the recommendation of the Preservation Commission, take one of the following steps:

- A) Designate the landmark or historic district by ordinance; or
(In the case of the property owner(s) objection to a landmark designation or historic district, the nomination would require the affirmative vote of a super majority of the full County Board.)
- B) Refer the report and recommendation back to the Preservation Commission with suggestions for revisions, stating its reason for such action.
- C) Reject the nomination application.

Upon return of the report and recommendation to the Commission, the Commission shall review and prepare new findings within forty-five (45) days of the County Board's original decision. The County Board shall designate or not designate the landmark at the next regularly scheduled County Board meeting.

10. RESUBMISSION OF APPLICATION

Resubmission of any application for landmark or historic district designation may be made no sooner than ninety (90) days after County Board action on the nomination. Not more than one re-submission may be made within a twelve (12) month period.

11. NOTICE OF DESIGNATION

Notice of the action of the County Board, including a copy of the ordinance designating the landmark, historic district shall be sent by regular mail to all owners of record, including but not limited to each owner of record of a landmark or property within a historic district. Further, as soon as is reasonably possible, the County Board Chair shall

cause to be notified the Kendall County Planning, Building & Zoning Department, the Recorder of Deeds, the County Clerk, and the Kendall County Collector by forwarding to each a copy of the designation ordinance. The Recorder of Deeds shall ensure that the designation be recorded on all directly affected parcels.

12. PUBLICATION OF MAP

A map showing the location of all designated landmarks and historic districts shall be published and amended upon each designation. Copies of the map shall be available to the public at the Kendall County Planning, Building & Zoning office, the same location and in the same manner as any County zoning map.

13. APPEALS

Adoption of an ordinance designating a landmark or historic district by the Kendall County Board shall be a final action reviewable under Section 3-101 of the Illinois Administrative Review Law.

14. INTERIM CODE

No building, zoning, site development, access, utility or other permit shall be issued by the Planning, Building & Zoning Department, the Highway Department or other County department without a Certificate of Appropriateness being issued in accordance with Article IV Section 2 for alteration, construction, demolition, or removal of a nominated landmark or the alteration of any physical feature of a property or structure within a nominated historic district from the date the nomination form is received by the County office until the final disposition of the nomination by the County Board unless such alteration, removal, or demolition is necessary for public health, welfare, or safety.

15. MARKING BY ATTACHMENT OF A PLAQUE

Each designated landmark or historic district may be marked by an appropriate plaque carrying a brief description and account of the historic significance of the property. The plaque shall be provided by the County at the expense of the property owner.

16. AMENDMENT & RESCISSION OF DESIGNATION

The County Board, upon recommendation of the Preservation Commission, may amend or rescind designation by the same procedure and according to the same standards and considerations set forth for designation. No amendment or rescission shall be made to a designation of a landmark or historic district based solely on a change in owner's consent.

17. TRANSFER OF JURISDICTIONAL CONTROL

Should a designated landmark or historic district be incorporated into a municipality with a preservation ordinance, that municipality's preservation ordinance shall govern. If a municipality annexes a designated landmark or historic district and does not have a preservation ordinance, the County's preservation ordinance will continue to govern.

ARTICLE IV

ALTERATION, CONSTRUCTION, DEMOLITION, AND MAINTENANCE

1. SCOPE

Work on property and improvements so designated pursuant to this ordinance shall be regulated as follows:

A) *Landmarks*: No significant alterations, exterior construction or exterior demolition or interior alteration which may affect the exterior appearance may be performed on property and structures which have been designated under this ordinance as landmarks, except as shall be approved by a Certificate of Appropriateness.

B) *Historic districts*: No significant alterations, exterior construction or exterior demolition or interior alteration which may affect the exterior appearance may be performed on property and structures located within an area which is designated under this ordinance as a historic district, except as shall be approved by a Certificate of Appropriateness.

2. CERTIFICATE OF APPROPRIATENESS

A) A Certificate of Appropriateness from the Preservation Commission established pursuant to this Ordinance shall be required before any significant alteration, construction, demolition or removal that affects pending or designated landmarks or historic districts is undertaken. Such a certificate is required for all such actions from the date a nomination form is submitted to the Preservation Commission.

B) Applications for Certificates of Appropriateness.

i) Every application submitted to the Kendall County Planning, Building & Zoning Department for a permit wherein the applicant represents and/or delineates plans to commence any action as immediately described above in subsection (A) affecting any such property, improvements or areas therein described, shall be forwarded by the Director of Planning, Building and Zoning to a representative or representatives of the Preservation Commission, within five (5) business days following the receipt of said application by the Planning, Building & Zoning Department.

The Planning, Building & Zoning Department shall not issue the building or demolition permit until a Certificate of Appropriateness has been issued by the Preservation Commission. Any applicant may request a meeting with the Preservation Commission before the application is sent by the Director of Planning, Building and Zoning to the Preservation Commission or during the review of the application.

ii) Application for review of construction, alteration, demolition, or

removal not requiring a building permit for which a Certificate of Appropriateness is required shall be made on a form prepared by the Preservation Commission and available at the office of Kendall County Planning, Building & Zoning Department. The Preservation Commission may schedule, provide notice and conduct a public hearing concerning the application in the manner previously described in Article III, Section 6 and 7.

iii) If a public hearing is not scheduled, the Commission may consider the completed application at its next regular meeting and may grant a Certificate of Appropriateness at that time. The Commission may further designate support staff to be responsible for reviewing routine applications for Certificates of Appropriateness when the proposed work is clearly appropriate and in accordance with the criteria set forth in Article IV, Sections 2(c) and (d) below, and the purposes of this Ordinance.

iv) The Commission may seek technical advice from outside its members on any application for a Certificate of Appropriateness. The applicant and each commissioner shall receive a copy of the consultant's written opinion at least seven (7) days before a determination is to be made on the application. The costs for this technical advice will be paid by petitioner unless included as part of the annual approved budget for the Commission.

v) The Commission shall act promptly and in a reasonable manner in its judgment of plans for new construction or for alteration, removal, or demolition of structures in historic districts that have little historic value, except where such construction, alteration, removal, or demolition would seriously impair the historic or architectural value of surrounding structures or the surrounding area.

C) Design Guidelines. The Commission shall consider the following factors in reviewing applications for Certificates of Appropriateness:

i) *Height*: The height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures in a historic district.

ii) *Proportions of Windows and Doors*: The proportions and relationships between doors and windows should be compatible with the architectural style and character of the landmark and with surrounding structures within a historic district.

iii) *Relationship of Building Masses and Spaces*: The relationship of a structure within a historic district to open space between it and adjoining structures should be compatible or similar to relationships commonly found between similar structures in the district.

iv) *Roof Shape*: The design of the roof should be compatible with the architectural style and character of the landmark and surrounding structures which are similar in design in a historic district.

v) *Landscaping*: Landscaping should be compatible with the architectural character and appearance of the landmark and of surrounding structures and landscapes in historic districts.

vi) *Scale*: The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures in a historic district.

vii) *Directional Expression*: Facades in historic districts should blend with other structures with regard to directional expression. Structures in a historic district should be compatible with the dominant horizontal or vertical expression of surrounding structures or of its stylistic design. The directional expression of a landmark after any alteration, construction, or partial demolition should be compatible with its original architectural style and character.

viii) *Architectural Details*: Architectural details, including materials and textures, should be treated so as to make a landmark compatible with its original architectural style or character.

D) Standards for Review. The Commission, in considering the appropriateness of any alteration, demolition, new construction, or removal to any property or structures designated or pending designation as a landmark, or any area designated or pending designation as a historic district, shall be guided by the following general standards and any design guidelines in the ordinance designating the landmark or historic district as well as conformance to applicable zoning classification, height, and area limitation:

i) Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

ii) The distinguishing original qualities or character of a building, structure, site, and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided whenever possible.

iii) All buildings, structures, and sites shall be recognized as products of their time. Alterations that have no historical basis or that seek to create an earlier/later appearance shall be discouraged.

iv) Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

v) Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site shall be treated with sensitivity.

vi) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

vii) The surface cleaning of structures shall be undertaken with the utmost care and consideration. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

viii) Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.

ix) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

x) Wherever possible, new additions or alterations to structures should be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would not be impaired.

E) Determination by Preservation Commission. Within fifteen (15) business days after support staff review, or from the date of the regular meeting, or from the close of a public hearing concerning an application for a Certificate of Appropriateness, or within such further time as the applicant for said certificate (and/or permit) approves in writing, the Commission shall determine whether:

i) The proposed construction, alteration, demolition, removal or other modification will be appropriate to the preservation of the particular landmark or historic district and a Certificate of Appropriateness may be issued; or

- ii) Such proposed modification is inappropriate to the preservation of the particular landmark or historic district and a Certificate of Appropriateness may be denied.

Written notice of the approval or denial of the application for a Certificate of Appropriateness shall be provided the applicant, sent by certified mail with return receipt requested, and to the Kendall County Planning, Building & Zoning Department within seven (7) days (Saturdays, Sundays, and legal holidays excluded) following the determination and shall be accompanied by a Certificate of Appropriateness in the case of an approval.

F) Denial of Certificate of Appropriateness. A denial of a Certificate of Appropriateness shall be accompanied by a statement of the reasons for the denial. The Preservation Commission shall make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the Preservation Commission to reconsider its denial and shall confer with the applicant and attempt to resolve as quickly as possible the difference(s) between the applicant and the Commission. The applicant may resubmit an amended application or reapply for a building or demolition permit that takes into consideration the recommendations of the Preservation Commission.

G) Decision Binding on Planning, Building & Zoning Department. The Director of the Kendall County Planning, Building & Zoning Department shall be bound by the determination of the Commission and approve, if in conformance with other provisions of the Building Code, or disapprove any application for the proposed construction, alteration, removal of an exterior architectural feature, or demolition of any building or structure in a historic district or any landmark in accordance with said determination.

H) Failure of Commission to Review Application in a Timely Manner. Failure of the Commission to act upon an application for Certificate of Appropriateness within ninety (90) days shall constitute approval and no other evidence shall be needed. This time limit may be waived only by mutual consent of the applicant and the Commission.

D) Demolitions. Pursuant to Article IV, Sections 2(c) and (d) above, the Preservation Commission may deny any application for a Certificate of Appropriateness where demolition is proposed upon a finding that such proposed action will adversely affect the historic, archeological, architectural, or scenic significance of a landmark or historic district. Upon receipt of an application for a Certificate of Appropriateness for demolition, the Preservation Commission shall as soon as possible make a determination, supported by written findings, whether one or more of the following criteria are met:

- i) The structure or visual resource is of such interest or quality that it

would reasonably meet national, state or local criteria for designation as an historic or architectural landmark.

ii) The structure or visual resource is of such unusual or uncommon design, texture or materials that it could not be reproduced, or could be reproduced only with great difficulty and expense.

iii) Retention of the structure or visual resource would aid substantially in preserving and protecting another structure or visual resource which meets criteria (i) or (ii) hereinabove.

Where the Preservation Commission determines that one or more of these criteria are met, no Certificate of Appropriateness shall be issued and the application shall be denied.

In cases of historic districts or if structures remain at a landmark, if a demolition permit is issued, the Preservation Commission shall require the applicant to submit for review and consideration post-demolition plans which shall include drawings and sketches with sufficient detail to show, as far as they relate to exterior appearance, the architectural design of any and all improvements incorporated in such plans.

J) Compliance with Certificate. A Certificate of Appropriateness will become void if:

i) If there is any change in the scope of work pursuant to the approved application subsequent to the issuance of the Certificate; or

ii) If twelve (12) months have elapsed after issuance of the Certificate and no building permit has been issued.

K) Appeals. A denial of a Certificate of Appropriateness is an administrative decision as defined in Section 3-101 of the Illinois Administrative Review Law, and it shall be subject to judicial review pursuant to provisions of said Administrative Review Law and all amendments and modifications thereof, and the rules adopted thereto.

3. ECONOMIC HARDSHIP

A) The Preservation Commission may issue a Certificate of Economic Hardship upon determination that the failure to issue a Certificate of Appropriateness has denied, or will deny the owner of a landmark or of a property within a historic district all reasonable use of, or return on, the property. Application for a Certificate of Economic Hardship shall be made on a form and in the manner as prescribed by the Preservation Commission. The Preservation Commission may schedule a public hearing concerning the application and provide notice in the same manner as prescribed in Article III, Section 6, of this Ordinance and conduct

the hearing in the same manner as prescribed in Article III, Section 7, of this Ordinance.

B) The Preservation Commission may solicit expert testimony and the applicant for a Certificate of Economic Hardship shall submit ~~all~~**of** the following information **if requested by the Planning, Building and Zoning Department or the Preservation Commission** in order to assist the Preservation Commission in its determination on the application:

- i) An estimate of the cost of the proposed construction, alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the recommendations of the Preservation Commission for changes necessary for the issuance of a Certificate of Appropriateness;
- ii) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
- iii) Estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal; after any changes recommended by the Preservation Commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use;
- iv) In the case of a proposed demolition, an estimate from a person or entity experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;
- v) Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, of any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer;
- vi) If the property is income-producing, the annual gross income from the property for the previous two (2) years; itemized operating and maintenance expenses for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
- vii) Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two (2) years;
- viii) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years;

- ix) Assessed value of the property according to the two (2) most recent assessments;
- x) Real estate taxes for the previous two (2) years;
- xi) Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or other.
- xii) Any other information, including the income tax bracket of the owner, applicant, or principal investors in the property considered necessary by the Preservation Commission to make a determination as to whether the property does yield or may yield a reasonable return to the owners.

C) Determination of Economic Hardship. Within sixty (60) days from receiving a request for a Certificate of Economic Hardship, the Commission, upon a determination that the denial of a Certificate of Appropriateness has denied, or will deny the owner of a landmark or of a property within a historic district all reasonable use of or return on the property, may undertake one of the following actions:

- i) Offer the owner of the property reasonable financing, tax or other incentives sufficient to allow a reasonable use of, or return on, the property; or
- ~~ii) Offer to purchase the property at a reasonable price or institute eminent domain proceedings pursuant to Article VII of the Illinois Code of Civil Procedure; or~~
- iii) Issue a Certificate of Appropriateness for the proposed construction, alteration, demolition or removal.

Written notice of the determination shall be provided in the same manner as required by Article IV, Section 2(e) of this Ordinance. This time limit may be waived only by mutual consent of the applicant and the Commission.

D) Appeals. A denial of a Certificate of Economic Hardship is an administrative decision as defined in Section 3-101 of the Illinois Administrative Review Law, and it shall be subject to judicial review pursuant to provisions of said law and all amendments and modifications thereof, and the rules adopted thereto.

4. MAINTENANCE OF HISTORIC PROPERTIES

Nothing in this Article shall be construed to prevent the ordinary maintenance of any exterior elements of a property or structures designated or nominated as a landmark or located within a designated or nominated historic district.

5. PUBLIC SAFETY EXCLUSION

None of the provisions of this ordinance shall be construed to prevent any measures of construction, alteration, or demolition necessary to correct or abate the unsafe or dangerous condition of any structure, other feature or part thereof, where such condition has been declared unsafe or dangerous by the Director, Kendall County Planning, Building & Zoning Department, the Kendall County Health Department or any Fire Protection District and where the proposed measures have been declared necessary, by such department or departments to correct the said condition; provided, however, that only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed pursuant to this Section.

In the event any structure or other feature shall be damaged by fire or other calamity, or by Act of Nature or by the public enemy, to such an extent that, in the opinion of the aforesaid department or departments, it cannot reasonably be repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws.

6. DEMOLITION BY NEGLIGENCE

It is the intent of this section to preserve from deliberate or inadvertent neglect the features of landmarks and contributing buildings and structures within designated historic districts.

Periodically, the Commission shall, in conjunction with its ongoing survey operations, survey the exterior of each designated landmark and each property within a historic district to ensure that the property is not suffering from demolition by neglect, as defined in the ordinance. The Commission's Secretary shall document the performance of each annual neglect survey.

Any owner who fails to maintain their building or structure in compliance with this section shall be subject to remedial procedures. Upon a finding by the Commission that a historic landmark or a contributing building or structure within a historic district is threatened by demolition by neglect, the Commission shall:

- (a) Notify the County Board so that they or the appropriate county agency will require the owner to repair all conditions contributing to demolition by neglect.
- (b) If the owner does not make repairs within a reasonable period of time the County Board or their agents may make such repairs as are necessary to prevent demolition by neglect. The costs of such work shall be charged to the owner, and may be levied as a special assessment or lien against the property.

ARTICLE V

ENFORCEMENT, PENALTIES AND EQUITABLE RELIEF

1. ENFORCEMENT

The Kendall County Planning, Building & Zoning Department shall give written notification, sent by certified mail, return receipt, postage prepaid requested, of any violation of this Ordinance to the owner of record, lessor, the trustee, or other legally

responsible party for such property, stating in such notification that they have inspected the property and have found it in violation of this Ordinance. They shall state in the notification, in clear precise terms, a description or explanation of the violation. The property owner of record, trustee, lessor, or legally responsible party shall have thirty (30) days from the date he receives the notice in which to correct such violation or to give satisfactory evidence that he has taken steps that will lead to correcting such violation within a stated period of time, which time must be agreeable to the Planning, Building & Zoning Department as being fair and reasonable.

Upon petition of the Preservation Commission, the Circuit Court for Kendall County may restrain and/or enjoin any construction, removal, alteration, or demolition in violation of this Act and may order the removal in whole or part of any exterior architectural feature existing in violation of this Ordinance and may further order such reconstruction as may be necessary or desirable to redress any alteration or demolition in said violation.

2. PENALTIES

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provisions of this Ordinance, shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense. Each day a violation is permitted to exist after notification thereof shall constitute a separate offense.

In addition to the fine listed in the previous paragraph, a court of competent jurisdiction or a hearing officer in cases of administrative adjudication may direct the Kendall County Planning, Building and Zoning Department to withhold the issuance of a building property for period not to exceed five (5) years after the date of demolition in cases of unauthorized demolition of a landmark or any property within a designated preservation district at the property where the unauthorized demolition occurred.

~~In the case of an unauthorized demolition of a landmark or any property within a designated preservation district, the Kendall County Building and Zoning Department will refuse to issue a building permit for the subject property for a period of five (5) years after the date of demolition.~~

The owner or tenant of any building, structure, or land, and any architect, planner, surveyor, engineer, realtor, attorney, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation.

3. EQUITABLE RELIEF

In addition to other remedies provided by law, Kendall County may institute any

appropriate action or proceeding to prevent, restrain, abate or correct a violation of this Ordinance, including, but not limited to, requiring the restoration of property and improvements to its appearance prior to the violation.



Memorandum

To: Kendall County Historic Preservation Commission

From: Alex Finke (Government Affairs Director)

Subject: Historic Preservation Ordinance

Date: 1/22/18

This is a follow up to my September 18th memo to this commission. The REALTOR® Association of the Fox Valley (RAFV) is still a willing partner to aid the historic preservation commission of Kendall County in their efforts to improve their historic preservation ordinance (HPO).

Our four issues are as follows:

- 1) The third party landmarking nomination of properties by individuals or groups should be removed due to the potential violation of the takings clause found in the U.S. Constitution
- 2) The criteria used to evaluate properties for Landmark or Historic District designation are vulnerable to challenge under the "void of vagueness" doctrine.
- 3) The HPO grants the commission authority to make several important determinations under the HPO without providing standards for doing so.
- 4) The HPO contains ambiguous language, making it difficult to interpret and apply

Please do not hesitate to reach out to Alex Finke, if you believe RAFV can continue to be a resource. afinke@illinoisrealtors.org 708.567.3452



Memorandum

To: Kendall County Historic Preservation Commission
From: Alex Finke (Government Affairs Director)
Subject: Historic Preservation Ordinance
Date: 9/18/2017

Issue: The third party landmarking nomination of properties by individuals or groups should be removed.

The potential for involuntary Landmark or Historic District nomination and designation may, in some circumstances, result in a taking of private property without just compensation.

Property ownership in the United States is often expressed metaphorically as consisting of a “bundle of rights” or a “bundle of sticks.”¹ Each stick in the metaphorical bundle consists of a subsidiary right of ownership, such as the right to possess and use the property, the right to exclude others from the property, and the right to gain income from the property.² In some respects, historic notions of property rights have been scaled back by modern experience. Zoning and environmental regulations, for example, represent commonly imposed limitations on the “absolute” nature of property ownership. Few property owners would understand or expect the ownership of a property to encompass the absolute right to use it or develop it in whatever fashion they choose. Today, it is commonly understood and generally accepted that some degree of such regulation is a condition of owning property under our American system. Historic preservation ordinances are, in general, an accepted form of regulation, when tempered within constitutional limits.³

The United States Constitution guarantees that no “private property be taken for public use without just compensation.”⁴ The Illinois Constitution states: “Private property shall not be taken or damaged for public use without just compensation as provided by law. Such compensation shall be determined by a jury as provided by law.”⁵ The Illinois Supreme Court has interpreted the Illinois provision as synonymous with the federal constitution.⁶ Therefore, this analysis is based on federal law. Where there has been no physical taking and the regulation in question does not deprive the property of all of its economic value, a court will apply a balancing test to determine whether application of the regulation to an individual’s land constitutes a regulatory

¹ See Denise R. Johnson, Reflections on the Bundle of Rights, 32 VERMONT L. REV. 247 (2007) (hereinafter “Bundle of Rights”)

² Bundle of Rights at 253.

³ See e.g. Penn Central Transportation Co. v. City of New York, 438 U.S. 104 (1978).

⁴ U.S. Const., amend. V.

⁵ Ill. Const. 1970, art. I, § 15.

⁶ Hampton v. Metropolitan Water Reclamation District of Greater Chicago, 57 N.E. 3d 1229 (Ill. 2016).



taking.⁷ Courts will make an ad hoc inquiry into (1) the economic impact of the regulation on the claimant; (2) the extent to which the regulation has interfered with the distinct investment-backed expectations of the claimant; and (3) the character of the governmental action, i.e. whether it is similar to a physical invasion or affects property interests through a program altering benefits and burdens for the promotion of the common good.⁸ This inquiry is applied to the specific facts and circumstances of the claimant to determine if the regulation results in a taking.

According to HPO, Article III (3), “any person” may propose that a property be designated as a Landmark or that a group of properties be designated a Historic District. Designation may be made over an owner’s objections.⁹ Such designation can significantly impact an owner’s ability to alter, modify, or even demolish her own property. An owner who has a designation thrust upon them in this way may find that it precludes her from improving her property, or imposes such costly requirements on improvements that, after weighing the factors of a takings analysis described above, a court could find a regulatory taking.

The HPO provisions allowing an owner to apply for a Certificate of Economic Hardship are intended to avoid potential takings claims in such cases by allowing the owner to seek relief from the Certificate of Appropriateness requirement. Under the doctrine requiring litigants to exhaust administrative remedies, any property owner claiming a taking of private property without just compensation will have to first seek a Certificate of Economic Hardship under the provisions of HPO, Article V (3), before resorting to litigation. A Certificate of Economic Hardship appears to only provide the minimum amount of relief necessary for a property owner to put the property to reasonable beneficial use or obtain a reasonable economic return from the property. It is not fair, or good public policy for the County to place all the burdens of preserving a historic property on an unwilling owner.

Involuntary Landmarking or Historic District nomination and designation impose an unfair burden on owners, which may negatively impact the real estate market.

Generally, voluntary landmark designation processes permit property owners to accept limitations on what they can do with their property in order to obtain tax advantages and the prestige associated with historic properties. In exchange, the Landmark status permits local governments to exercise control over the demolition and alteration of properties considered to be historic resources. When this is a truly voluntary process, it allows the property owner to evaluate whether the benefits associated with the designation outweigh the burdens and costs resulting from the restrictions, and decide whether to seek landmark status accordingly. In contrast, where a jurisdiction designates a property as a landmark over the owner’s objection, and the burdens of that status outweigh the benefits perceived by the property owner, the

⁷ See Brian W. Blaesser and Alan C. Weinstein, FEDERAL LAND USE LAW & LITIGATION, § 3.8 (2017 ed.).

⁸ Id.

⁹ HPO, Article III (8).



owner has no say in the matter. This is unfair. As one court has said:

It is laudable to attempt to preserve a landmark; however, it becomes unconscionable when an unwilling private party is required to bear the expense. Requiring private parties to spend substantial sums of money to preserve landmark structures with little or no public assistance could rise to the level of an unconstitutional taking. Moreover, development so vital to a city's growth could be stymied irreparably. By placing the costs of architectural preservation squarely on the landmark owner, design and demolition controls may actually discourage private citizens from purchasing and maintaining landmark property. Failure to offset the economic burdens of landmark designation will create a class of buildings which will be shunned like lepers.¹⁰

Another reason it is unfair to allow landmark status or historic district designation and resulting restrictions to be imposed on property owners involuntarily is because owners and prospective purchasers cannot determine in advance whether a property will be subject to regulation, and make purchase and other decisions about the property accordingly. This is unlike zoning regulations and building code requirements, which any prospective purchaser will be aware of, and which typically contain grandfathering provisions protecting existing properties from changes in the regulations. Landmark designation ordinances can impose new and burdensome requirements on individual properties that are not imposed on the community as a whole.

To the extent that the Proposed Revisions are viewed within the County as a signal that the County is looking to increase the number of Landmark properties or Historic Districts, future purchasers of older buildings that might not have been concerned with the HPO and potential designation before, may now be aware of the potential consequences of doing so. They may be reluctant to subject themselves to the possibility of having the property designated as a Landmark or even nominated for Landmark status—a Certificate of Appropriateness is “required before any significant alteration, construction, demolition or removal that affects pending or designated landmarks or historic districts is undertaken.”¹¹ The County may see a softening of the real estate market for older homes and for redevelopment of older properties due to this increased awareness.

Further, because the HPO permits any single individual to nominate a property for Landmark designation, there is a significant potential for the Landmark designation procedures to be used as a tactic for delay and harassment either when a property owner proposes redevelopment of a property or simply when neighbors have a personal dispute.

Issue: The criteria used to evaluate properties for Landmark or Historic District designation are vulnerable to challenge under the “void of vagueness” doctrine.

¹⁰ Citizens Comm. to Save Historic Rhodes Tavern v. D.C. Dep't of Hous. & Cmty. Dev., 432 A.2d 710, 718 (D.C. 1981)(internal quotations and citations omitted).

¹¹ HPO, Article IV (2)(A).



Under the “void for vagueness” doctrine, an ordinance can be held invalid if its language lacks sufficient clarity or certainty, making it subject to arbitrary interpretation, application, and enforcement. The “void for vagueness” doctrine is a constitutional doctrine rooted in the procedural due process clause of the Fourteenth Amendment to the U.S. Constitution.¹² The U.S. Supreme Court has stated that “[a]n ordinance is unconstitutionally vague when men of common intelligence must necessarily guess at its meaning.”¹³ A lack of precision and clarity in an ordinance can lead to uncertainty on the part of property owners as to what is required or desired and can make it difficult for local officials and boards to provide guidance and apply the provisions consistently.

The HPO criteria used to evaluate a property for Landmark or Historic District designation rely on numerous vague terms that are not defined or otherwise given clear meaning. For example, Criteria A: “It has character, interest, or value which is part of the development, heritage, or cultural characteristics” Criterion B: “Its location is a site of a significant local, County, State, or National event.” Criterion C: “It is identified with a person or persons who significantly contributed to the development of the local community, the County, the State of Illinois, or the Nation.” Criterion H: “It has a unique location or singular physical characteristics that make it an established or familiar visual feature.” Criterion J: “It is suitable for preservation or restoration.”

Additionally, some of the guidelines used by the Commission to evaluate an application for a Certificate of Appropriateness are vague or seemingly unrelated to the historical significance of properties. For example: Criterion (i): suggests that the use of a property should not change from “its originally intended purpose.” As long as the historic architectural elements of a regulated property are preserved, there is no justification for regulating the use of a property in this fashion. Criterion (iii) is also vague: Alterations with “no historical basis” should be discouraged. It is, likewise, unclear how the Commission would apply Criterion (viii): Efforts should be made to protect and preserve resources adjacent to any project.

Because the guidelines and landmarking criteria themselves can be interpreted so broadly, an overzealous Commission could determine properties to be worthy of Landmark or Historic District designation that, viewed more objectively, may have little real historic value. The County could provide clearer guidance for Property owners as well as Commission members if it defined or otherwise imparted more meaning to these terms, either through HPO revisions or the adoption of guidance documents.

A number of lawsuits have been brought challenging the constitutionality of ordinances protecting historical landmarks. Most of the challenged ordinances have ultimately been upheld over vagueness challenges.¹⁴ One Illinois Appellate Court, in an unpublished decision, upheld the City

¹² See BRIAN W. BLAESSER, DISCRETIONARY LAND USE CONTROLS: AVOIDING INVITATIONS TO ABUSE OF DISCRETION § 1:18 (THOMSON-REUTERS/WEST: 2017).

¹³ Id. (quoting *Broadrick v. Oklahoma*, 413 U.S. 601, 93 S. Ct. 868 (1973)).

¹⁴ See *Validity and Construction of Statute or Ordinance Protecting Historical Landmarks*, 18 A.L.R.4th 990; see also *Hanna v. City* 433 Williamsburg Avenue | Geneva, IL 60134 | 630.232.2360 | rafv.realtor



of Chicago’s landmark designation ordinance over a vagueness challenge by construing similar terms in the designation criteria as having their plain meaning and not required to have “mathematical” precision, particularly when understood in the context of the whole ordinance.¹⁵ However, it is noteworthy that the same court, in an earlier ruling in the same case, stated:

We believe that the terms “value,” “important,” “significant,” and “unique” are vague, ambiguous, and overly broad.... The City has offered no criteria by which a person of common intelligence may determine from the face of the Ordinance whether a building or district will be deemed to have value or importance...¹⁶

In the later decision, the court backpedaled from this statement, noting that this earlier decision did not enter any judgment with regard to the constitutionality of the ordinance as it only considered the issue on appeal from a motion to dismiss.¹⁷ It stated:

Admittedly, we did allude in our discussion that the portions of the Ordinance challenged by plaintiffs in counts I through III could be seen as vague or as an improper delegation of authority to the Commission ...Yet, we did so only in the ultimate context of an appeal from the grant of ... dismissal to show that plaintiffs had some sort of legal and factual basis for their claims that ... survived dismissal...¹⁸

Although neither decision would control any court’s determination regarding a vagueness challenge to the County’s HPO because each is based on the specific facts of the ordinance under consideration by the court,¹⁹ the earlier decision provides important language and reasoning, notwithstanding the later decision’s determination that the terms were given meaning by their context. Nonetheless, the court’s later decision indicates the difficulty of challenging vague language in the specialized context of a landmarking ordinance.

Issue: The HPO grants the Commission authority to make several important determinations under the HPO without providing standards for doing so.

The HPO raises issues under the nondelegation doctrine. Standardless grants of discretionary authority to an administrative official can potentially violate this constitutional principle, which prohibits a local legislative body from delegating its legislative or policy-making power to administrative boards or officials.²⁰ A local legislative body can, however, delegate to an

of Chicago, 2013 IL App (1st) 121701-U (Sept. 26, 2013) (hereinafter HANNA II) (citing to various cases where landmark designation criteria have been upheld over vagueness challenges).

¹⁵ HANNA II at ¶¶ 20-21.

¹⁶ O Hanna v. City of Chicago, 907 N.E.2d 390, 398 (Ill. App. 2009)(reversing the lower court’s grant of a motion to dismiss and remanding for further proceedings).

¹⁷ HANNA II at ¶¶ 20-21.

¹⁸ Id. at ¶ 20.

¹⁹ The Hanna II decision is also is an unreported case without weight as precedent in the Illinois courts. See Illinois Supreme Court Rule 23.

²⁰ BRIAN W. BLAESSER, DISCRETIONARY LAND USE CONTROLS: AVOIDING INVITATIONS TO ABUSE OF DISCRETION § 1:18
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administrative body the authority to exercise discretion in carrying out public policy, provided that the delegation is accompanied by standards and specific procedural guidelines.²¹ The delegation of standardless authority can also result in arbitrary decision-making, which is unfair to property owners, and may expose the County to claims based on the constitutional rights to due process and equal protection.²²

The provisions of Article IV(6), in particular, raise nondelegation concerns. This section requires the Commission to periodically

survey the exterior of each designated landmark and each property within a historic district to ensure that the property is not suffering from demolition by neglect.... Any owner who fails to maintain their building or structure in compliance with this section shall be subject to remedial procedures.

If the Commission makes a finding “that a historic landmark or a contributing building or structure within a historic district is threatened by demolition by neglect” it must notify “the County Board so that they or the appropriate county agency will require the owner to repair all conditions contributing to demolition by neglect.” (emphasis added) The HPO does not provide sufficient guidance to the Commission regarding how to conduct the annual “neglect” survey. The only guidance is the definition of “demolition by neglect,” which is:

neglect in the maintenance of any landmark and/or building or structure within a preservation district resulting in the deterioration of that building to the extent that it creates a hazardous or unsafe condition as determined by the Kendall County Building and Zoning Department or the Kendall County Department of Health.

Based on this definition, it appears that the Commission is required to make determinations that Building and Zoning Department or Health Department employees are better equipped and better trained to make. Additionally, it is unclear how Commission members could determine the existence of a hazardous or unsafe condition based solely on an exterior examination of the property.

There also are no standards in the HPO to guide the Commission in deciding whether to (1) conduct a public hearing on a Certificate of Appropriateness application; (2) consider the complete application at the next regularly scheduled meeting of the Commission;²³ or (3) “designate support staff to be responsible for reviewing routine applications for Certificates of Appropriateness when the proposed work is clearly appropriate.”²⁴ Regarding the last option, the HPO does not define a “routine” application. It also does not indicate when an application would

(THOMSON-REUTERS/WEST: 2017).

²¹ 5 See id.

²² See id. §§ 1:44, 1:54

²³ HPO, Article IV (2)(B)(ii) & (iii).

²⁴ HPO, Article IV (2)(B)(iii).



be considered “clearly appropriate.” Additionally, it is not clear whether there is a difference between the procedure or considerations applied to a noticed “public hearing” and the Commission’s regularly scheduled meeting.

Issue: The HPO contains ambiguous language, making it difficult to interpret and apply.

In addition to having vague standards and criteria the HPO also contains several instances of ambiguous language that makes it more difficult to interpret and apply the HPO to particular properties and situations. Some examples are:

50 years or older buildings: Article II (2)(M) states that “any application for demolition of any structure which is more than 50 years old shall be reviewed by support staff and forwarded to the Preservation Commission for review within seven (7) working days.” Article II (2)(M) is part of the HPO that provides the Commission’s “Powers & Authorities.” No provision in the HPO explains the purpose of this review or what the outcome may be. Does it imply that the Commission has authority to delay the demolition of buildings, merely because they are 50-years or older? What is the purpose of staff review?

Transfer of Development Rights: Article I (2)(M) defines a “Development Rights Bank” as “[a] reserve for the deposit of development rights as defined in Section 11-48.2-1A of the Illinois Municipal Code.” “Development Rights” are defined as “[t]he development rights of a landmark or of a property within a historic district as defined in Section 11-48.2-1A of the Illinois Municipal Code.” The HPO does not mention again the use or transfer of Development Rights, and it is not clear whether the HPO actually authorizes such programs. As discussed below, development rights transfer programs may be helpful in achieving the County’s goals.

Objections to designation: According to Article IV (8), if there is a property owner objection “to Landmark designation or [a] historic district, the nomination would require the affirmative vote of a super majority of the full County Board.” Is a super majority required if just one owner within a proposed district objects to designation? Compare this to Article II (3), which only requires that 51% of the owners impacted by district nomination receive notice of such nomination.

Constructive Approval: If the Commission fails to act on an application for a Certificate of Appropriateness within 90 days, the application is deemed approved.²⁵ The HPO does not specify when the 90-day period begins to run. Does it start when an application is filed with the Department, when the application is forwarded to the Commission for review, or on some other date? See Article IV (2)(B).

²⁵ HPO, Article IV(2)(H).

(55 ILCS 5/Div. 5-30 heading)
Division 5-30. County Historic Preservation

(55 ILCS 5/5-30001) (from Ch. 34, par. 5-30001)
Sec. 5-30001. Subtitle. This Division shall be subtitled the "Illinois County Historic Preservation Law".
(Source: P.A. 86-962.)

(55 ILCS 5/5-30002) (from Ch. 34, par. 5-30002)
Sec. 5-30002. Declaration of purpose. The purpose of this Division is to identify, protect, preserve, and provide for the restoration, rehabilitation and continued use of buildings, structures, objects, areas, sites, and landscapes that are of historic, archaeological, architectural or scenic significance; to foster education, interest and pride in the beauty and accomplishments of the past; to promote economic development through protection and enhancement of resources important to tourism and business; to conserve and improve the value of real property and the property tax base; to insure orderly, efficient and harmonious development; to encourage cooperation between municipalities and counties; and to promote the general welfare.
(Source: P.A. 86-962.)

(55 ILCS 5/5-30003) (from Ch. 34, par. 5-30003)
Sec. 5-30003. Definitions. As used in this Division, the following terms shall have the meanings ascribed to them as follows:

"Alteration". Any act or process that changes one or more historic, architectural or physical features of an area, site, landscape, place or structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure; the expansion or significant modification of agricultural activities; surface mining; and clearing, grading or other modification of an area, site or landscape that changes its current or natural condition.

"Architectural significance". Embodying the distinctive characteristics of a type, period, style or method of construction or use of indigenous construction, or representing the work of an important builder, designer, architect, or craftsman who has contributed to the development of the community, county, State or country.

"Archaeological significance". Importance as an area, site, place or landscape that has yielded or is likely to yield information concerning past patterns of human settlement, or artifacts or information concerning previous

cultures in Illinois or previous periods of the present culture. Areas, sites or landscapes of archaeological significance may include, but are not limited to, aboriginal mounds, forts, earthworks, burial grounds, historic or prehistoric ruins, locations of villages, mine excavations or tailings, or other locations.

"Building". Any structure designed or constructed for residential, commercial, industrial, agricultural or other use.

"Certificate of Appropriateness". A certificate issued by a preservation commission indicating its approval of plans for alteration, construction, demolition, or removal affecting a nominated or designated landmark or property within a nominated or designated preservation district.

"Certificate of Economic Hardship". A certificate issued by a Preservation Commission authorizing an alteration, construction, removal or demolition even though a Certificate of Appropriateness has previously been denied or may be denied.

"Commissioners". Members of a Preservation Commission.

"Conservation Right". A term that includes easements, covenants, deed restrictions or any other type of less than full fee simple interest as that term is defined in Section 1 of "An Act relating to conservation rights in real property", approved September 12, 1977, as amended.

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

"Demolition". Any act or process which destroys in part or in whole a landmark or a building or structure within a preservation district.

"Design Criteria". A standard of appropriate activity that will preserve the historic, architectural, scenic or aesthetic character of a landmark or preservation district.

"Development Rights". The development rights of a landmark or of a property within a preservation district as defined in Section 11-48.2-1A of the Illinois Municipal Code.

"Development Rights Bank". A reserve for the deposit of development rights as defined in Section 11-48.2-1A of the Illinois Municipal Code.

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

"Historic Significance". Character, interest or value as part of the development, heritage, or culture of the community, county, State or country; as the location of an important local, county, State or national event; or through identification with a person or persons who made important contributions to the development of the community, county, State or country.

"Landmark". A property or structure designated as a "Landmark" by ordinance of a county board, pursuant to procedures prescribed herein, which is worthy of rehabilitation, restoration, or preservation because of its

historic or scenic or architectural significance.

"Landscape". A natural feature or group of natural features such as, but not limited to, valleys, rivers, lakes, marshes, swamps, forests, woods, or hills; or a combination of natural features and buildings, structures, objects, cultivated fields, or orchards in a predominantly rural setting.

"Object". Any tangible thing, including any items of personal property, including, but not limited to, wagons, boats, and farm machinery, that may be easily moved or removed from real property.

"Owner of Record". The person or corporation or other legal entity in whose name the property appears on the records of the County Recorder.

"Preservation District". An area designated as a "preservation district" by ordinance of a county board and which may contain within definable geographic boundaries one or more landmarks and which may have within its boundaries other properties, areas, sites, landscapes or structures which, while not of such historic or architectural or scenic significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the district.

"Preservation Ordinance". An ordinance enacted by a county board pursuant to this Division that provides for the nomination, designation, and protection of landmarks or preservation districts, and that contains, at a minimum, the elements required by Section 5-30009.

"Removal". Any relocation of a structure, object or artifact on its site or to another site.

"Repair". Any change that is not construction, alteration, demolition, or removal and is necessary or useful for continuing normal maintenance and upkeep.

"Scenic Significance". Importance as a result of appearance or character that remains relatively unchanged from and embodies the essential appearance related to a culture from an earlier historic or prehistoric period; as a result of a unique location, appearance, or physical character that creates an established or familiar vista or visual feature; or as a geologic or natural feature associated with the development, heritage or culture of the community, county, State or nation.

"Site". The traditional, documented or legendary location of an event, occurrence, action or structure significant in the life or lives of a person, persons, group, or tribe, including but not limited to, cemeteries, burial grounds, campsites, battlefields, settlements, estates, gardens, groves, river crossings, routes, trails, caves, quarries, mines or significant trees or other plant life.

"Structure". Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including (but without limiting the generality of the foregoing) barns, smokehouses, advertising signs, billboards, backstops for tennis courts, bridges, fences, pergolas, gazebos, radio and television antennae, solar collectors, microwave antennae, including supporting towers, roads, ruins or remnants (including foundations), swimming pools or

walkways.

"Survey". The systematic gathering of information on the architectural, historical, scenic, and archaeological significance of buildings, sites, structures, areas, or landscapes through visual assessment in the field and historical research, for the purpose of identifying landmarks or districts worthy of preservation.

(Source: P.A. 86-962.)

(55 ILCS 5/5-30004) (from Ch. 34, par. 5-30004)

Sec. 5-30004. Authority to protect and preserve landmarks and preservation districts. The county board of each county shall have the following authority:

(1) to establish and appoint by ordinance a preservation study committee and to take any reasonable temporary actions to protect potential landmarks and preservation districts during the term of an appointed preservation study committee;

(2) to establish and appoint by ordinance a preservation commission upon recommendation of a preservation study committee;

(3) to conduct an ongoing survey of the county to identify buildings, structures, areas, sites and landscapes that are of historic, archaeological, architectural, or scenic significance, and therefore potential landmarks or preservation districts;

(4) to designate by ordinance landmarks and preservation districts upon the recommendation of a preservation commission and to establish a system of markers, plaques or certificates for designated landmarks and preservation districts;

(5) to prepare maps showing the location of landmarks and preservation districts, publish educational information, and prepare educational programs concerning landmarks and preservation districts and their designation and protection;

(6) to exercise any of the powers and authority in relation to regional planning and zoning granted counties by Divisions 5-12 and 5-14, for the purpose of protecting, preserving and continuing the use of landmarks and preservation districts;

(7) to nominate landmarks and historic districts to any state or federal registers of historic places;

(8) to appropriate and expend funds to carry out the purposes of this Division;

(9) to review applications for construction, alteration, removal or demolition affecting landmarks or property within preservation districts;

(10) to acquire by negotiated purchase any interest including conservation rights in landmarks or in property within preservation districts, or property immediately adjacent to or surrounding landmarks or preservation districts;

(11) to apply for and accept any gift, grant or bequest from any private or public source, including agencies of the federal or State government, for any purpose authorized by this Division;

(12) to establish a system for the transfer of development rights including, as appropriate, a mechanism for the deposit of development rights in a development rights bank, and for the transfer of development rights from that development rights bank in the same manner as authorized for municipalities by Section 11-48.2-2 of the Illinois Municipal Code. All receipts arising from the transfer shall be deposited in a special county account to be applied against expenditures necessitated by the county program for the designation and protection of landmarks and preservation districts. Any development rights acquired, sold or transferred from a development rights bank, shall not be a "security" as that term is defined in Section 2.1 of the Illinois Securities Law of 1953, and shall be exempt from all requirements for the registration of securities.

(13) to establish a loan or grant program from any source of funds for designated landmarks and preservation districts and to issue interest bearing revenue bonds or general obligation bonds pursuant to ordinance enacted by the county board, after compliance with requirements for referendum, payable from the revenues to be derived from the operation of any landmark or of any property within a preservation district;

(14) to abate real property taxes on any landmark or property within a preservation district to encourage its preservation and continued use or to provide relief for owners unduly burdened by designation;

(15) to advise and assist owners of landmarks and property within preservation districts on physical and financial aspects of preservation, renovation, rehabilitation and reuse;

(16) to advise cities, villages or incorporated towns, upon request of the appropriate official of the municipality, concerning enactment of ordinances to protect landmarks or preservation districts;

(17) to exercise within the boundaries of any city, village, or incorporated town any of the powers and authority granted counties by this Division so long as the corporate authorities by ordinance or by intergovernmental agreement pursuant to the Intergovernmental Cooperation Act, or pursuant to Article 7, Section 10 of the Constitution of the State of Illinois have authorized the county preservation commission established by authority of this Division to designate landmarks or preservation districts within its corporate boundaries, and such county preservation commission shall have only those powers, duties and legal authority provided in this Division;

(18) to exercise any of the above powers to preserve and protect property owned by any unit of local government including counties, or to review alteration, construction, demolition or removal undertaken by any unit of local government including counties that affect landmarks and

preservation districts.

(19) to exercise any other power or authority necessary or appropriate to carrying out the purposes of this Division, including those powers and authorities listed in Sections 5-30010 and 5-30011.

(Source: P.A. 90-655, eff. 7-30-98.)

(55 ILCS 5/5-30005) (from Ch. 34, par. 5-30005)

Sec. 5-30005. Appointment of preservation study committee. Prior to the establishment of a preservation commission the county board shall by ordinance or resolution appoint from nominations submitted by the chief executive officer of the county board a preservation study committee to investigate the power and authority that can be given to a preservation commission, and to prepare a report to the county board including a recommendation concerning the need for a preservation ordinance.

(Source: P.A. 86-962.)

(55 ILCS 5/5-30006) (from Ch. 34, par. 5-30006)

Sec. 5-30006. Composition and term of preservation study committee. The preservation study committee shall consist of from 5 to 9 members who shall be residents of the county or of any incorporated municipality within it. Among the members of the study committee shall be at least one representative of the county historical museum, if any; one representative of a volunteer historical society or organization concerned with preservation in unincorporated areas in the county; one member from an existing municipal landmark or historic preservation commission, if any, in the county; and a representative of the county regional planning commission, if any. The chief executive officer of the county board shall appoint a chairman from among the members of the study committee, and shall make every reasonable effort to nominate persons with a demonstrated interest in prehistory, history, or architecture as the remaining members of the study committee. The preservation study committee shall be appointed for a reasonable period of time not to exceed one year.

(Source: P.A. 86-962.)

(55 ILCS 5/5-30007) (from Ch. 34, par. 5-30007)

Sec. 5-30007. Compensation, expenses and funds. The county board may compensate the study committee on a per diem or per meeting basis with a mileage allowance for travel, and may appropriate to the study committee from any funds under its control and not otherwise appropriated, such sum as the county

board may deem proper to fulfill the work of the study committee.

The study committee shall have the authority:

(1) to employ such planning, legal or other assistance as it may deem necessary;

(2) with the concurrence of the county board to accept, receive and expend funds, grants and services from the federal government, or its agencies; from departments, agencies and instrumentalities of the State and local governments; from private or public foundations; or from other sources;

(3) to contract with respect to any funds, grants or services from whatever sources derived;

(4) to provide such information and reports as may be necessary to secure financial aid.

(Source: P.A. 86-962.)

(55 ILCS 5/5-30008) (from Ch. 34, par. 5-30008)

Sec. 5-30008. Authority of preservation study committee.

The study committee shall have the following authority:

(1) to review and evaluate any existing State, county or local surveys and to undertake a preliminary survey of incorporated and unincorporated portions of the county in order to determine generally the number, type and location of potential landmarks and historic districts;

(2) on the basis of the survey, to determine the need for establishment of a preservation commission to recommend the designation of landmarks or preservation districts, and to review construction, alteration, demolition and removal affecting designated landmarks and preservation districts;

(3) upon a determination and recommendation that a preservation commission should be established, to either recommend specific landmarks and preservation districts that should be designated by an ordinance establishing a preservation commission, or recommend a process for continuous and systematic survey of the county to identify and designate landmarks and preservation districts as part of an ordinance to establish a preservation commission;

(4) to prepare or cause to be prepared, an ordinance for the establishment of a preservation commission and for the designation and protection of landmarks and preservation districts;

(5) to recommend incentives to encourage the preservation, rehabilitation, restoration, and continued use of landmarks or property within preservation districts;

(6) to report to the county board within a reasonable period of time concerning these and any other matters affecting the preservation of buildings, structures, areas, sites and landscapes that are of historic, archaeological, architectural, or scenic significance.

(Source: P.A. 86-962.)

(55 ILCS 5/5-30009) (from Ch. 34, par. 5-30009)

Sec. 5-30009. Presentation of preservation study committee report; termination of committee. The report and recommendations of the study committee, including the proposed preservation ordinance upon a recommendation that a preservation commission should be established, shall be submitted for review and comment to the county board; the county regional planning commission, if any; the county historical museum, if any; each existing municipal landmark or historic preservation commission in the county; and the Department of Natural Resources. Copies of the report shall be available at the county courthouse and offices of the county board and county regional planning commission. The county board, or the study committee or the county regional planning commission upon authorization of the county board, shall, within 60 days after submission, hold public hearings in at least 2 locations within the county and shall afford all persons interested an opportunity to be heard. Notice of each hearing shall be published at least 15 days in advance thereof in a newspaper of general circulation in the county. Such notice shall state the time and place of the hearing and the place where copies of the report and recommendations will be available for examination. Within 45 days after the final adjournment of such hearings the study committee shall make a final report and recommendations and submit the final proposed preservation ordinance to the county board. The county board after reviewing the report, recommendations and proposed preservation ordinance shall within 60 days take one of the following steps: (1) accept the report and enact the ordinance without major substantive changes; (2) refer the report and proposed ordinance back to the study committee with suggestions for further amendments and revisions for consideration by the preservation study committee and a further report and recommended ordinance within 60 days; or (3) reject the report, recommendations and proposed ordinance by resolution stating its reasons for such action.

The preservation study committee shall cease to exist following the completion, presentation or filing of its final report and recommendations with the county board and final action by the board upon the report and recommendations. (Source: P.A. 89-445, eff. 2-7-96.)

(55 ILCS 5/5-30010) (from Ch. 34, par. 5-30010)

Sec. 5-30010. Minimum content of preservation ordinance. Every preservation ordinance proposed by a preservation study committee and enacted by a county board pursuant to this Division is required, at a minimum, to contain the following elements:

- (1) Establishment of a preservation commission;
- (2) Standards or criteria for determining the historic archaeological, architectural, or scenic significance of buildings, structures, objects, areas, sites or landscapes; and procedures for recommending designation by ordinance of

landmarks or preservation districts;

(3) Definitions of important words and phrases used in the ordinance;

(4) Procedures for the appointment of officers and the succession of preservation commission members;

(5) Procedures for review by the preservation commission of proposed zoning amendments, variations and special use applications submitted to a county regional planning commission or board of appeals;

(6) Procedures and general criteria for review by the preservation commission of significant alteration, construction, demolition and removal that affects pending and designated landmarks and preservation districts and for the issuance of certificates of appropriateness;

(7) Procedures for establishing guidelines interpreting the general criteria for review of actions required by paragraph (6) above as those criteria relate to specific designated landmarks or categories of designated landmarks, and to designated preservation districts;

(8) Procedures and standards for a property owner to demonstrate the economic hardship from the denial of an application for an alteration, construction, demolition or removal, and for lessening the effect of any denial determined by a preservation commission or a county board to deny a property owner all reasonable use of, or a return on, a landmark or property within a preservation district;

(9) Fees for the filing of any nomination or application and penalties for the violation of any provisions of the preservation ordinance.

(Source: P.A. 86-962.)

(55 ILCS 5/5-30011) (from Ch. 34, par. 5-30011)

Sec. 5-30011. Authority of preservation commission. Every preservation commission established by ordinance of the county board pursuant to the report and recommendations of the preservation study committee shall have the following powers and authority:

(1) To conduct an ongoing survey of the county to identify buildings, structures, areas, sites and landscapes that are of historic, archaeological, architectural, or scenic significance, and therefore potential landmarks or preservation districts;

(2) To hold public hearings and recommend to the county board the designation of landmarks or preservation districts identified in the survey;

(3) To compile information concerning and prepare descriptions of, the landmarks or preservation districts identified and recommended for designation, and the characteristics that meet the standards for designation;

(4) To prepare, keep current, and publish a map or maps showing the locations and exact boundaries of both proposed and designated landmarks and preservation districts, and, if the preservation commission so chooses, the locations and

boundaries of designated State or federal landmarks or districts;

(5) To keep a register of all designated landmarks and preservation districts;

(6) To establish an appropriate system of markers or plaques for all designated landmarks and preservation districts, and for streets, roads and highways leading from one landmark or preservation district to another and to confer recognition upon the owners of landmarks or property within preservation districts by means of certificates, plaques or markers;

(7) To nominate landmarks and historic districts to any state or federal registers of historic places;

(8) To advise and assist owners of landmarks and property within preservation districts on physical and financial aspects of preservation, renovation, rehabilitation and reuse, and on procedures for inclusion on any state or federal register of historic places;

(9) To inform and educate the citizens of the county concerning the historic, archaeological, architectural, or scenic heritage of the county by publishing appropriate maps, newsletters, brochures and pamphlets, and by holding programs and seminars;

(10) To hold public hearings and to review applications for construction, alteration, removal or demolition affecting landmarks or property within preservation districts and issue or deny certificates of appropriateness for such actions;

(11) To consider applications for certificates of economic hardship that would allow the performance of work for which a certificate of appropriateness may be, or has been denied;

(12) To develop specific criteria and guidelines for the proper alteration, construction, demolition or removal of landmarks, or of property within preservation districts;

(13) To review proposed amendments to zoning regulations, applications for special uses or applications for zoning variations that affect any landmark or preservation district. Proposed zoning amendments, applications for special use or zoning variations that affect any landmark or preservation district as defined in the ordinance establishing the preservation commission shall be transmitted to the preservation commission for review and comment prior to the date of the hearing by the county regional plan commission or zoning board of appeals;

(14) To administer on behalf of the county board any property, or full or partial interest in real property, including a conservation right, which the county may have or accept as a gift or otherwise, upon designation by the county board;

(15) To accept and administer on behalf of the county board such gifts, grants and money or other personal property as may be appropriate for the purposes of this Division. Such money may be expended for publishing maps and brochures, or for hiring staff persons or consultants or performing otherwise appropriate functions for the purpose of carrying out the duties and powers of the preservation commission and the purposes of this Division;

(16) To administer any system established by the county

board for the transfer of development rights;

(17) To call upon available county agencies and staff members as well as other experts for technical advice;

(18) To retain such specialists or consultants, or to appoint such citizen, neighborhood or area advisory committees, as may be required from time to time;

(19) To testify before all boards and commissions including any county regional plan commission, and the zoning board of appeal on any matter affecting potential or designated landmarks or preservation districts;

(20) To periodically review any county comprehensive plan and to develop a preservation component in any comprehensive plan of the county and to recommend it to the county regional plan commission and the county board;

(21) To periodically consult with the county zoning administrator and review any county zoning ordinance and building code and to recommend to the county regional plan commission and the county board any amendments appropriate for the protection and continued use of landmarks or property within preservation districts;

(22) To adopt rules and procedures for operation of the preservation commission and the conduct of hearings and meetings;

(23) To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties, or to implementation of the purposes of this Division.

(Source: P.A. 90-655, eff. 7-30-98.)

(55 ILCS 5/5-30012) (from Ch. 34, par. 5-30012)

Sec. 5-30012. Appointment of preservation commission. The county board may by ordinance appoint a preservation commission from names submitted by the presiding officers of the county board. The preservation commission shall consist of at least five members. All members shall be residents of the county and may be residents of incorporated cities, villages and towns within the county. The chief executive officer of the county board shall make every reasonable effort to nominate to the preservation commission at least one attorney, one historian or architectural historian, one architect/engineer and one real estate professional knowledgeable in preservation, and the other members shall be persons with a demonstrated interest in pre-history, history, or architecture. Terms of the initial members shall be staggered so that at least five serve respectively for the following terms: one for one year; one for two years; one for three years; one for four years; and one for five years. Any additional initial members shall also serve terms staggered in the same sequence. Successors to initial members so appointed shall serve for five year terms. One of the members so appointed shall be named as chairman at the time of appointment and other officers may be elected by the preservation commission. Vacancies shall be filled by the county board from names submitted by the presiding officer of

the county board. Any preservation commission member may be removed by the county board for cause, after public hearing. (Source: P.A. 86-962.)

(55 ILCS 5/5-30013) (from Ch. 34, par. 5-30013)

Sec. 5-30013. Meetings of preservation commission. Meetings of a preservation commission shall be held monthly, except in those months when no business is pending, and shall be held at such times and places within the county as the preservation commission shall decide. All meetings shall be open to the public. The preservation commission shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, and shall also keep records of its official actions. (Source: P.A. 86-962.)

(55 ILCS 5/5-30014) (from Ch. 34, par. 5-30014)

Sec. 5-30014. Nomination of landmarks and preservation districts. The preservation commission or any person may propose landmarks of preservation districts for designation by the county board by filing a nomination with the preservation commission and it shall contain all information required by the ordinance establishing a county preservation commission. The preservation commission shall schedule a hearing on the nomination within 60 days of its receipt. Notice of the public hearing shall be published at least 15 days in advance thereof in a newspaper of general circulation in the county. Individual notice including a copy of the nomination form shall be given by mail to all owners of record of property nominated as a landmark. Every effort shall be made to give notice to owners of record of property within a preservation district and to owners of property adjacent and immediately surrounding a landmark or preservation district affected by the process for the application for, and review of, a certificate of appropriateness. The newspaper and any individual or general notice shall state the date, time, place, and purpose of the public hearing. (Source: P.A. 86-962.)

(55 ILCS 5/5-30015) (from Ch. 34, par. 5-30015)

Sec. 5-30015. Conduct of public hearing. Oral or written testimony shall be taken at the public hearing from any person concerning the nomination. The preservation commission may solicit expert testimony or present its own evidence regarding the historic, archaeological, architectural, or scenic significance of a proposed landmark or of any property within

a proposed preservation district. The owner of any proposed landmark or of any property within a proposed preservation district shall be allowed reasonable opportunity to present evidence regarding historic, archaeological, architectural or scenic significance and shall be afforded the right of representation by counsel and reasonable opportunity to cross examine expert witnesses. The hearing shall be closed upon completion of testimony.
(Source: P.A. 86-962.)

(55 ILCS 5/5-30016) (from Ch. 34, par. 5-30016)

Sec. 5-30016. Recommendation of preservation commission. Within 60 days following close of the public hearing, the preservation commission shall make its determination upon the evidence whether the proposed landmark or preservation district does or does not meet the criteria for designation. A recommendation to the county board that the proposed landmark or preservation district does or does not meet the criteria for designation and should or should not be designated shall be passed by resolution of the preservation commission, and such a recommendation shall be accompanied by a report stating the findings of the preservation commission concerning the historic, archaeological, architectural or scenic significance of the proposed landmark or preservation district.
(Source: P.A. 86-962.)

(55 ILCS 5/5-30017) (from Ch. 34, par. 5-30017)

Sec. 5-30017. Designation by ordinance; publication of map. The county board, upon a recommendation from the preservation commission that the proposed landmark or preservation district should be designated, shall review the report and recommendations of the preservation commission. The county board may schedule a public hearing concerning the proposed designation and shall provide notice of any public hearing in the same manner as provided in Section 5-30014 and conduct the public hearing in the same manner as provided in Section 5-30015. The county board after reviewing the report and recommendation shall within 90 days from receipt of the recommendation of the preservation commission take one of the following steps: (1) designate the landmark or preservation district by ordinance; (2) refer the report and recommendation back to the preservation commission with suggestions for revisions and a further report and recommendation stating its reason for such action. Notice of the action of the county board including a copy of the ordinance designating the landmark or preservation district shall be sent by regular mail to each owner of record of a landmark or property within a preservation district and to owners of adjacent and immediately surrounding property affected by the process for the application for, and review of, a certificate of

appropriateness. A map showing the location of all designated landmarks and preservation districts shall be published and amended upon each designation. Copies of the map shall be available to the public at the office of the preservation commission and at the same location and in the same manner as any county zoning map.

(Source: P.A. 86-962.)

(55 ILCS 5/5-30018) (from Ch. 34, par. 5-30018)

Sec. 5-30018. Certificate of appropriateness. A certificate of appropriateness from a preservation commission established pursuant to this Division shall be required before any significant alteration, construction, demolition or removal that affects pending or designated landmarks and preservation districts is undertaken. Such a certificate is required for all such actions from the date a nomination in proper form for designation is submitted to the preservation commission. The preservation ordinance enacted by the county board shall give the preservation commission one or the other of the following powers:

(1) final authority to deny a certificate of appropriateness upon a finding that the proposed action will adversely affect the historic, archaeological, architectural, or scenic significance of a landmark or preservation district; or (2) authority to delay the issuance of a certificate of appropriateness for a reasonable period of time while negotiations between the property owner and the preservation commission are undertaken to lessen the effect of the proposed action on the historic, archaeological, architectural, or scenic significance of the landmark or preservation district. The preservation commission may hold a public hearing on an application for a certificate of appropriateness in the same manner as provided in Section 5-30014, and conduct the hearing on appropriateness in the same manner as provided in Section 5-30015.

(Source: P.A. 86-962.)

(55 ILCS 5/5-30019) (from Ch. 34, par. 5-30019)

Sec. 5-30019. Certificate of economic hardship. A certificate of economic hardship shall be issued by a preservation commission established pursuant to this Division upon a determination by it that the failure to issue a certificate of appropriateness has denied, or will deny, the owner of a landmark or of a property within a preservation district all reasonable use of, or return on, the property. Application for a certificate of economic hardship shall be made on a form and in a manner as prescribed by the preservation commission. The preservation commission may schedule a public hearing concerning the application and provide notice in the same manner as in Section 5-30014 and

conduct the hearing concerning economic hardship in the same manner as provided in Section 5-30015.
(Source: P.A. 86-962.)

(55 ILCS 5/5-30020) (from Ch. 34, par. 5-30020)

Sec. 5-30020. Evidence of economic hardship. An applicant for a certificate of economic hardship may submit any or all of the following information in order to assist a preservation commission in its determination on the application:

(1) Amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between seller and buyer;

(2) Assessed value of the property according to the two most recent assessments;

(3) Real estate taxes for the previous two years;

(4) Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years;

(5) All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing or ownership of the property;

(6) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two years;

(7) Any consideration by the owner as to profitable adaptive uses for the property;

(8) If the property is income-producing, the annual gross income from the property for the previous two years, itemized operating and maintenance expenses for the previous two years, depreciation deductions and annual cash flow before and after debt service, if any, during the same period;

(9) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other;

(10) Any other information, including the income tax bracket of the owner, applicant, or principal investors in the property, necessary to a determination as to whether the property can be reasonably used or yield a reasonable return to present or future owners.

(Source: P.A. 86-962.)

(55 ILCS 5/5-30021) (from Ch. 34, par. 5-30021)

Sec. 5-30021. Determination of economic hardship. The preservation commission, upon a determination after review of all evidence and information that the denial of a certificate of appropriateness has denied, or will deny the owner of a landmark or of a property within a preservation district of all reasonable use of, or return on, the property, shall

undertake one or the other of the following actions:

(1) offer the owner of the property reasonable financing, tax or other incentives sufficient to allow a reasonable use of, or return on, the property:

(2) offer to purchase the property at a reasonable price or institute eminent domain proceedings pursuant to the Eminent Domain Act; or

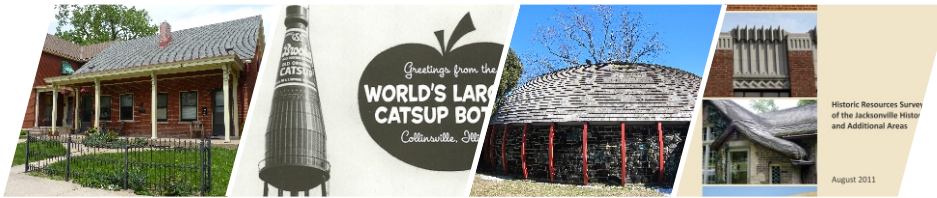
(3) issue a certificate of appropriateness for the proposed construction, alteration, demolition or removal.

(Source: P.A. 94-1055, eff. 1-1-07.)

(55 ILCS 5/5-30022) (from Ch. 34, par. 5-30022)

Sec. 5-30022. Appeals. The final denial of a certificate of appropriateness or a certificate of economic hardship by a preservation commission is an administrative decision as defined in Section 3-101 of the Administrative Review Law, and it shall be subject to judicial review pursuant to provisions of said Administrative Review Law and all amendments and modifications thereof, and the rules adopted thereto.

(Source: P.A. 86-962.)



Certified Local Government Program

What is it?

The Certified Local Government (CLG) Program recognizes local governments that have established effective historic preservation programs that meet criteria established by the U.S. Secretary of the Interior and the State of Illinois. In 1980, Congress expanded the National Historic Preservation Act of 1966 so that local governments could participate in national preservation activities through the CLG program.

Benefits

Municipal and county governments benefit from CLG by: ► becoming eligible to receive matching grant funds set aside specifically for preservation-related projects; ► participating in state and federal historic preservation protection and incentive programs; ► receiving direct technical assistance from the Illinois State Historic Preservation Office (IL SHPO); ► joining a national network of communities and experts that provide valuable perspectives on local and statewide plans and programs; and ► playing an advisory role in the nomination process for the National Register of Historic Places.

Requirements

To qualify as a CLG, a local government must: ► enact a historic preservation ordinance and enforce state and local preservation laws; ► maintain an adequate and qualified historic preservation review commission; ► maintain a system for the survey and inventory of historic properties; and ► provide for public participation in the local historic preservation program.

Process

The chief elected official of the local government can, at any time, request certification from the IL SHPO by submitting: ► written assurance that the local government intends to fulfill the CLG requirements; ► a copy of the local historic preservation ordinance to be reviewed and approved by the IL SHPO; ► a list of locally designated landmarks and historic districts; ► résumés for all historic preservation commissioners, showing their demonstrated interest, knowledge, or expertise in historic preservation; and ► a copy of the community's historic preservation plan, if available, or a statement describing the local preservation program, including survey, designation, and protection activities. ► If the IL SHPO determines that the local government meets these requirements, the IL SHPO prepares an agreement listing the CLG's responsibilities. This agreement, signed by the chief elected official and the IL SHPO, is forwarded to the U.S. Secretary of the Interior. If the Secretary does not take exception within 15 working days of receipt, the local government is certified as a CLG. A CLG must submit an annual report to the IL SHPO detailing its historic preservation activities. The IL SHPO periodically monitors the CLG to ensure that it is fulfilling the responsibilities outlined in the agreement.

Grants

Each year the IL SHPO receives an appropriation from the Federal Historic Preservation Fund to assist in administering federal preservation programs. The IL SHPO must pass at least 10% of that funding to CLGs for use in a variety of preservation-related projects, including surveys, National Register nominations, preservation education, and preservation plans. CLG grantees must match 30% of the cost of the grant-funded project with cash or in-kind contributions and are encouraged to discuss their proposal with the IL SHPO prior to applying.

National Register

When a property within a CLG is proposed for listing on the National Register, the IL SHPO forwards the nomination to the chief elected official and the preservation commission. The CLG has 60 days to review the nomination, solicit public comment, and provide any comments to the IL SHPO, or it can waive its comment period.

Questions?

IL SHPO—Local Government Services Coordinator
 Illinois Department of Natural Resources
 1 Natural Resources Way
 Springfield, Illinois 62702
 (217) 785-5031
<http://www2.illinois.gov/ihpa/Preserve/Pages/community.aspx>

**Illinois State Historic Preservation Office
Certified Local Governments – 80**

H.P.C. = Historic Preservation Commission

Updated August 2017

Alton P.C.	6/04	Belleville H.P.C.	10/92	Bloomington H.P.C.	10/85
Greg Caffey 101 E. 3rd St. Alton, IL 62002 618-463-3801 gcaffey@alton-il.com		Annissa McCaskill City of Belleville 101 S. Illinois St. Belleville, IL 62220 618-233-6810, Ext. 1251 edpz@belleville.net		Katie Simpson 115 E. Washington, Ste. 201 Bloomington, IL 61701 309-434-2341 ksimpson@cityblm.org	
Atlanta P.C.	10/07	Belvidere H.P.C.	10/89	Blue Island H.P.C.	8/90
Rachel Neisler Box 166 Atlanta, IL 61723 217-979-3171 rthomas8706@gmail.com		Gina DelRose 401 Whitney Blvd., Ste. 300 Belvidere, IL 61008 815-547-7177 GDelRose@ci.belvidere.il.us		Jason Berry 13051 Greenwood Blue Island, IL 60406 708-396-7146 jberry@cityofblueisland.org	
Aurora P.C.	1/85	Benton H.P.C.	8/93	Carbondale P.C.	9/90
Jill Morgan, AICP, Planner 1 S. Broadway, 2 nd Floor Aurora, IL 60507 630-256-3080 JMorgan@aurora-il.org		Robert Rea 423 N. Main St. Benton, IL 62812 618-439-7557 robertrea@scdreaandsons.com		Sarah Lawrence 200 S. Illinois Ave. Carbondale, IL 62902 618-457-3257 slawrence@ci.carbondale.il.us	
Barrington Architectural Review Commission	3/14	Berwyn H.P.C.	5/09	Centralia P.C.	5/09
Jennifer Tennant 200 S. Hough St. Barrington, IL 60010 847-304-3462 jtennant@barrington-il.gov		Emilio Padilla 6700 W. 26 th St. Berwyn, IL 60402 708-788-2660 emiliopadilla@gmail.com		Gayla Harting 222 S. Poplar St. Centralia, IL 62801 618-533-7622 gharting@cityofcentralia.org	
		Bishop Hill H.R.B.	7/95	Champaign H.P.C.	10/99
		Jim Nolan P.O. Box 44 Bishop Hill, IL 61419 309-927-3000 smithandnolan@mymctc.net		Eric Van Buskirk 102 N. Neil Street Champaign, IL 61820 217-403-8800 eric.vanbuskirk@champaignil.gov	

Charleston H.P.C. 1/07 Deborah Muller 520 Jackson Ave. Charleston, IL 61920 217-345-8426 cityclerk@co.coles.il.us	Danville H.P.C. 8/91 Tyson Terhune 17 W. Main St. Danville, IL 61832 217-431-3453 tterhune@cityofdanville.org	Elsah Zoning Board 10/90 Patrick McGarry P.O. Box 32 Elsah, IL 62028 618-374-1568 pmcgarry13@gmail.com
Commission on Chicago Landmarks 9/85 Eleanor Gorski 121 N. LaSalle, Room 1101 Chicago, IL 60602 312-744-3201 egorski@cityofchicago.org	Decatur Historical & Arch. Sites Commission 10/92 Richelle Irons 1 Gary K. Anderson Plaza Decatur, IL 62523-1196 217-424-2864 riron@decaturil.gov	Evanston P.C. 10/85 Carlos Ruiz 2100 Ridge Ave., #3201 Evanston, IL 60201 847-448-8687 cruiz@cityofevanston.org
Chicago Heights H.P.A.C. 1/97 Jennifer Fisher 25 W. 15th Street Chicago Heights, IL 60411 708-997-4864 chhpac@yahoo.com	DeKalb Landmark Commission 9/93 Jo Ellen Charlton 223 S. 4th, Ste. A DeKalb, IL 60115 815-748-2371 joellen.charlton@cityofdekalb.com	Frankfort H.P.C. 8/94 Mary Canino 432 W. Nebraska St. Frankfort, IL 60423 815-469-2177 mcanino@vofil.com
Collinsville H.P.C. 9/01 Leah Joyce 125 S. Center St. Collinsville, IL 62234 618-346-5200 ext. 1140 ljoyce@collinsvilleil.org	Downers Grove Architectural Design Review Board 9/09 Stan Popovich 801 Burlington Ave. Downers Grove, IL 60515 630-434-6893 spopovich@downers.us	Galena H.P.C. 6/05 Matt Oldenburg 312 ½ N. Main Galena, IL 61036 815-777-1050 mjoldenburg@cityofgalena.org
Columbia H.P.C. 7/12 Emily Fultz 208 S. Rapp Ave. Columbia, IL 62236 618-281-7144, ext. 118 efultz@columbiaillinois.com	Edwardsville H.P.C. 11/93 Walter Williams 200 E. Park Edwardsville, IL 62025 618-692-7533 wwilliams@cityofedwardsville.com	Galesburg Landmark Commission 1/87 Julie Main 55 W. Tompkins Galesburg, IL 61402-1387 309-345-3614 juliem@ci.galesburg.il.us
Crystal Lake H.P.C. 11/97 Elizabeth Maxwell 100 W. Woodstock St. Crystal Lake, IL 60014 815-356-3738 emaxwell@crystallake.org	Elgin Heritage Commission 2/95 Christen Sundquist 150 Dexter Ct. Elgin, IL 60120-5555 847-931-6004 Sundquist_C@cityofelgin.org	Geneva H.P.C. 5/97 Michael Lambert 22 S. 1 st St. Geneva, IL 60134 630-938-4541 mlambert@geneva.il.us

Glen Ellyn H.P.C. Kelly Purvis 535 Duane St. Glen Ellyn, IL 60137 630-547-5246 kpurvis@glenellyn.org	10/04	Kane County H.P.C. Mark Armstrong 719 Batavia Ave, Bldg. A Geneva, IL 60134 630-208-5347 armstrongmark@co.kane.il.us	8/89	Macomb H.P.C. Ray Heitner 232 E. Jackson St. Macomb, IL 61455 309-833-4944 cdc@cityofmacomb.com	9/09
Glenview H.P.C. Michelle House 1225 Waukegan Rd. Glenview, IL 60025 847-904-4308 mhouse@glenview.il.us	3/03	Kankakee County H.P.C. Michelle Sadler 189 E. Court St., Room 201 Kankakee, IL 60901 815-937-2940 msadler@k3county.net	5/09	Marengo H.P.C. Gary Boden 132 E. Prairie St. Marengo, IL 60152 815-568-7112 gboden@cityofmarengo.com	7/06
Highland Park H.P.C. Andy Cross 1150 Half Day Rd. Highland Park, IL 60035 847-926-1856 njahan@cityhpil.com	10/85	Lake Forest H.P.C. Cathy Czerniak 800 N. Field Dr. Lake Forest, IL 60045 847-810-3504 czerniac@cityoflakeforest.com	3/02	Marion H.P.C. Gale West 1102 Tower Square Marion, IL 62959 618-997-2612 cityadmin@cityofmarionil.gov	6/06
Hinsdale H.P.C. Chan Yu 19 E. Chicago Ave. Hinsdale, IL 60521 630-789-7035 cyu@villageofhinsdale.org	4/02	Lemont H.P.C. Heather Valone 418 Main St. Lemont, IL 60439 630-257-1582 hvalone@lemont.il.us	12/02	Marshall H.P.C. Elizabeth Richey 201 S. Michigan Ave. P.O. Box 298 Marshall, IL 62441 217-826-8087 erichey@marshall-il.com	7/11
Jacksonville H.P.C. Karla Stice 200 W. Douglas Ave. Jacksonville, IL 62650 217.479.4600 kstice@jacksonvilleil.com	10/85	Lincoln H. P. C. Kay Dobson 700 Broadway St. Lincoln, IL 62656 217-735-2815 kdobson@frontier.com	9/14	Maywood H.P.C. David Myers 40 Madison St. Maywood, IL 60153 708-450-4429 dmyers@maywood-il.org	7/10
Joliet H.P.C. Michael Schwarz 150 W. Jefferson St. Joliet, IL 60432 815-724-4050 mschwarz@jolietcity.org	4/95	Lockport Heritage & Arch. Commission Pamela Hirth 921 S. State St. Lockport, IL 60441 815-838-0549 ext. 1137 phirth@lockport.org	4/95	McHenry County H.P.C. Sean Foley 2200 N. Seminary St. Woodstock, IL 60098 815-334-4215 smfoley@co.mchenry.il.us	12/93

Moline H.P.A.C.	8/94	Normal H.P.C.	9/92	Park Ridge H.P.C.	8/12
Jeffrey R. Anderson 619 16 th St. Moline, IL 61265 309-524-2038 janderson@moline.il.us		Taylor Long 11 Uptown Circle P.O. Box 589 Normal, IL 61761 309-454-9642 tlong@normal.org		Jon Branham, City Planner 505 Butler Place Park Ridge, IL 60068 847-318-5203 jbranham@parkridge.us	
Monticello H.P.C.	9/02	Oak Park H.P.C.	1/94	Peoria H.P.C.	12/91
Keddy Hutson 210 N. Hamilton St. Monticello, IL 61856 217-762-5108 kha@kennedyhutsonassociates.com		Doug Kaarre 123 Madison St. Oak Park, IL 60302 708-358-5417 dkaarre@oak-park.us		Shannon Techie 419 Fulton, Room 300 Peoria, IL 61602 309-494-8649 stechie@peoriagov.org	
Morrison H.P.C.	8/12	O'Fallon H.P.C.	1/05	Plainfield H.P.C.	5/09
Tim Slavin 200 W. Main St. Morrison, IL 61270-2400 815-772-7657 judgetimslavin@outlook.com		Ted Shekell 255 S. Lincoln Ave. O'Fallon, IL 62269 618-624-4500, ext. 4 tshekell@ofallon.org		Jonathan Proulx 24401 W. Lockport St. Plainfield, IL 60544 815-609-6139 jproulx@goplainfield.com	
Mt. Carroll H.P.A.C.	7/86	Orland Park Plan Commission	5/87	Quincy P.C.	10/85
Julie Cuckler 302 N. Main St. Mt. Carroll, IL 61053 815-244-4424 mtcarroll@jcwifi.com		Nectarios Pittos 14700 S. Ravinia Ave. Orland Park, IL 60462 708-403-6121 npittos@orland-park.il.us		Tom Fentem 706 Maine, 3rd Floor Quincy, IL 62301-4057 217-221-3663 tfentem@quincyl.gov	
Murphysboro H.P.C.	5/09	Oswego H.P.C.	12/12	Riverside P.C.	2/94
Leandra Bryant 316 N. 12 th St. Murphysboro, IL 62966 618-684-2961 lbryant@murphysboro.com		Rod Zenner 100 Parkers Mill Oswego, IL 60543 630-554-3622 rzenner@oswegoil.org		Sonya Abt 27 Riverside Riverside, IL 60546 708-447-1241 sabt@riverside.il.us	
Naperville H.P.C.	6/97	Ottawa H.P.C.	10/05	Rock Island P.C.	9/85
Gabrielle Mattingly 400 S. Eagle St. Naperville, IL 60540 630-305-5316 mattinglyg@naperville.il.us		Tami Huftel 301 W. Madison St. Ottawa, IL 61350 815-433-0161, ext. 40 thuftel@cityofottawa.org		Ryan Berger 1528 Third Ave. Rock Island, IL 61201 309-732-2900 berger.ryan@rigov.org	

Rockford H.P.C.	10/85	Urbana H.P.C.	12/00	West Chicago H.P.C.	4/93
Rudy Moreno		Kevin Garcia		Jeff Harris	
425 East State		400 S. Vine St.		475 Main St.	
Rockford, IL 61104		Urbana, IL 61801		West Chicago, IL 60185	
779-348-7445		217-328-8269		630-293-2200	
Rudy.Moreno@rockfordil.gov		kjgarcia@urbanaininois.us		jharris@westchicago.org	
St. Charles H.P.C.	11/97	Washington H.P.C.	6/16	Will County H.P.C.	2/95
Russell Colby		Jon Oliphant		Janine Wilkosz	
2 E. Main St.		301 Walnut St.		58 E. Clinton, Suite 500	
St. Charles, IL 60174		Washington, IL 61571		Joliet, IL 60432	
630-377-4443		309-444-1135		815-774-7896	
rcolby@stcharlesil.gov		joliphant@ci.washington.il.us		jwilkosz@willcountylanduse.com	
Sangamon County H.P.C.	3/11	Waukegan H.P.C.	1/07	Wilmette H.P.C.	9/90
Emily Prather		Steve Sabourin		Lisa Roberts	
200 S. 9 th St., Room 212		100 N. MLK, Jr. Ave.		1200 Wilmette Ave.	
Springfield, IL 62701		Waukegan, IL 60085		Wilmette, IL 60091	
217-535-3110		847-782-2357		847-853-7522	
emilyp@co.sangamon.il.us		steve.sabourin@waukeganil.gov		robertsl@wilmette.com	
Springfield H.S.C.	7/95	Wayne H.S.C.	10/95	Woodstock H.P.C.	3/98
Lauren Gibson		Kathie Connolly		Nancy Baker	
800 E. Monroe, Room 107		5N430 Railroad St.		121 W. Calhoun	
Springfield, IL 62701		P.O. Box 532		Woodstock, IL 60098	
217-789-2377		Wayne, IL 60184		815-338-4305	
Lauren.Gibson@springfield.il.us		630-584-3090		nbaker@woodstockil.gov	
		bldg.zoning@villageofwayne.org			

Illinois CLG Grant History

2005 Certified Local Government Grants

(\$54,921 Educational Programs)

(\$20,162 Survey)

ALTON: \$1,980: A **website** will be created for the Alton Historical Commission. Residents will be able to access information about properties within the three Alton National Register districts, and historic preservation programs will be included.

CARBONDALE: \$1,572: The grant will fund **two workshops**, one to promote oral history programs, the second to encourage National Register and local landmark designations.

CHICAGO: \$6,000: The grant will be used to update and print **30,000 copies** of Chicago Landmarks Map and brochure, and to create **new web pages** for each landmark designated 2004.

CHICAGO HEIGHTS: \$13,000: Grant funds will be used in the **restoration** of the Flat Iron Building, which is listed on the National Register and is a local landmark.

JACKSONVILLE: \$847.45: The grant will provide support for the Historic Preservation Commission **newsletter and website**.

MT.CARROLL: \$6,600: Grant funds will help pay for a **walking tour brochure** and a **companion CD** that will highlight the city's National Register Historic District.

ROCK ISLAND: \$11,076: The grant will be used to help celebrate the 150th anniversary of Chippianock Cemetery, listed on the National Register. Commemorative products will include **promotional materials and a booklet** describing the cemetery's importance to the region.

SPRINGFIELD: \$3,375: Funding will support the development and expansion of the Historic Sites Commission **Website**.

URBANA: \$1,470: The grant will be used to fund a **workshop** on historic stucco houses, using the locally landmarked Buena Vista Court Historic District as a model. A workshop on stucco repair techniques will also be included.

GLENVIEW: \$9,649.80: The grant will fund an architectural **survey** of the residential area adjacent to and west of the downtown area. A total of 365 structures will be inventoried, leading to potential for National Register and local landmark designations.

HINSDALE: \$8,532: The grant will pay for the architectural **survey** of the North Hinsdale East area, a potential National Register and local landmark district.

LEMONT: \$7,260: The grant will be used to conduct an intensive architectural **survey** of the Lemont Historic District. This locally designated district includes 236 buildings. It contains the traditional central business district, and structures dating from the Illi & Michigan Canal era.

OAK PARK: \$2,400: An architectural **survey** of the Frank Lloyd Wright-Prairie School of Architecture Historic District will be funded by the grant. The District is listed on the National Register, and is also a locally designated historic area.

2006 Certified Local Government Grants

CHICAGO: \$7,000.00 will be used for development and 30,000 reprints of the 2006 Chicago Landmarks Map **Brochure**, one of the City's most widely available public information resources, which will be updated to include 20 new local historic landmarks, which were designated in 2005. CONTACT: Brian Goeken – 312 744-3201

DECATUR: \$12,635.00 has been awarded for the development of a West End Tour **Brochure**, that will highlight research and data collected about 85 – 100 historic properties within the district that have recently been designated by Decatur's Historical and Architectural Sites Commission. More than 2,500 brochures will be made available through the convention and visitors bureau, and other public venues. CONTACT: Kathy J. Miller – 217 424-2786

ELGIN: \$10,920.00 will be directed to an intensive downtown **survey** inventory of historic resources dating to early community settlement in the era from 1840-1880. A new surge of

downtown redevelopment has raised concerns for these remaining historic resources, since a large portion of Elgin was demolished between 1950-1960 to make way for urban renewal and civic center parking. CONTACT: Sarosh Saher – 847 931-5943

GLEN ELLYN: \$13,860.00 will be spent to perform an architectural resource **survey**, detailing building by building features of more than 300 properties. With the threat of teardowns at a rate in excess of 60 homes per year, this information is vital to preservation of the broad diversity of architectural styles and neighborhood character that have defined this early residential railroad suburb. CONTACT: Curt Barrett – 630 469-5000

HINSDALE: \$11,172.00 will be used to perform an architectural resource **survey** of the historic Robbins II neighborhood, portions of which include 1870's designs by Horace W.C. Cleveland, with curving roads and park-like irregularly shaped residential lots. Of the 266 subject structures in the 23 block survey area, more than 200 are pre-1950 vintage, and form the core of a potential local landmark historic district. CONTACT: Kristin Gunderson – 630 789-7035

KANE COUNTY: \$3,360.00 has been awarded to develop and publish **design guidelines** that will assist owners of landmark properties and the Historic Preservation Commission in determining appropriate and effective methods for preserving and maintaining the architectural character of historic structures in the county. The design guidelines will offer descriptive options for alterations and additions as solutions to facilitate the interaction between property owners and local government. CONTACT: Julia Thavong – 630 208-5347

ROCK ISLAND: \$15,050.00 will be directed to the development and creation of an architectural and historical walking tour **brochure**, along with the creation of a CD companion portion focusing on the grand Victorian era Broadway National Register Historic District. Nearly 50 of the 550 turn-of-the-century structures that make up the district will be highlighted with narratives and photos to illustrate the social, historical and architectural significance of these character-defining local historic resources. CONTACT: Jill Doak – 309 732-2900

O'FALLON: \$2,065.00 will be used to produce a Historic Preservation Commission educational **brochure** describing the role of the commission, the process for historic landmark designation, highlighting the location and significance of present local historic landmarks. CONTACT: Ted Shekell – 618 624-4500

OAK PARK: \$1,050.00 has been awarded to produce educational **brochures** to assist the Historic Preservation Commission with its efforts to provide residents instruction on window repair and replacement policies and to provide maps and information about the local Ridgeland Oak Park Historic District. The completion of these brochures will compliment a set of brochures focusing on public education issues in Oak Park. CONTACT: Doug Kaare, 708 358-5417

ORLAND PARK: \$6,634.68 will be used to perform a comprehensive historic building **survey** of property in the Old Orland Historic District. The survey will lay the foundation for targeted preservation policies and financial programs (i.e. façade improvement program) and will be incorporated into neighborhood plans and design review guidelines. CONTACT: Bob Sullivan, 708 403-6115

2007 Certified Local Government Grants

ROCK ISLAND will receive \$11,666 to reprint popular and extensive architectural and historical walking tour **brochures** that highlight the city's recent "Preserve America" project. These brochures emphasize the Centennial Bridge, Mississippi River heritage attractions, and other heritage tourism sites.

CARBONDALE was awarded \$2,975 for a historic preservation awards program, as well as a tram **tour** of historic neighborhoods with an accompanying brochure highlighting the city's most significant cultural resources.

EDWARDSVILLE will receive \$7,028 to design and produce a guide featuring the city-owned Colonel Benjamin Stephenson House. The **brochure** will be used to train educators to interpret the house for elementary students.

URBANA was awarded \$3,150 for a day-long **workshop** with a lecture and demonstration by Bob Yapp, a nationally-recognized preservation expert. His hands-on, multi-media presentation will address the proper care and repair of windows in historic structures, as well as working with lead paint in historic properties.

MARENGO will receive \$2,216 to produce a guide that highlights locally designated landmarks with descriptions and photos. They will also produce a **brochure** that helps residents better understand the landmark and historic district program and procedures.

WILL COUNTY was awarded \$7,000 to develop **brochures** that provide a general overview of the function and role of the Historic Preservation Commission in Will County, as well as landmark designation information with a list of the County's significant historic resources.

CHICAGO will receive \$7,000 to develop and make 30,000 copies of the 2007 Chicago Landmarks Map **Brochure**, one of the City's most widely available public information resources, which will be updated to include new local historic landmarks designated in 2006.

MARION was awarded \$4,900 for a public education campaign involving the development and creation of a local landmarks **brochure**, publication of articles, public service announcements, property owner education, and cooperative interaction with the Williamson County Tourism Board.

FY 2008 CERTIFIED LOCAL GOVERNMENT GRANTS

Total CLG grants: \$92,263 Total Local Share: \$39,661

AURORA: \$7,000

Research, design and publish a brochure of Civil War era architecture in Aurora. The **brochure** will detail architectural styles of the period and give a brief history and photos of various Civil War era buildings.

BELLEVILLE: \$15,000

Initiate an historic structures **survey** of the neighborhood adjacent to downtown Belleville and compile information needed to nominate it to the National Register of Historic Places as an historic district.

CARBONDALE: \$4,480

Research the Buckminster Fuller Geodesic Dome House and prepare a **National Register** Historic Landmark nomination form.

CHICAGO: \$7,000

Update and print 30,000 copies of the "Chicago Landmarks Map" **brochure**. The map works in tandem with the city's website in educating the public about the important history and significant architecture of Chicago.

GLEN ELLYN: \$14,000

Conduct an historic structures **survey** of the north central portion of Glen Ellyn. The data collected will be incorporated into the village's planning process, and used for nominations as local landmarks and to the National Register of Historic Places.

GLENVIEW: \$5,424

Research 33 properties identified by previous historic surveys to prepare nominations for local landmark status and to the **National Register** of Historic Places.

OTTAWA: \$5,649

Research, design and print a **brochure** describing the local historic preservation program, including the local landmark process, design review, and preservation incentives.

QUINCY: \$2,095

Research, design and print a **brochure** describing a walking tour of the South Side German National Register Historic District.

ROCK ISLAND: \$5,810

Utilize components of past historic structures survey projects to update and upgrade to a **web-based presence** its list of Rock Island's 100 Most Significant Unprotected Structures. Building on a list first created in 1988, it will be used to guide landmark designations and historic protection strategies.

ROCKFORD: \$4,442

The Historic Preservation Commission and staff will perform **research and analysis** to document the economic benefits of owning a home in an historic district. The published results will be used in promoting landmark designation.

URBANA: \$1,362

Print 1,500 illustrated **brochures** describing the Joseph Royer Arts & Architecture District. Joseph Royer was a prominent Champaign County architect at the turn of the 20th Century who designed a significant collection of buildings in downtown Urbana.

WILL COUNTY: \$20,000 - Survey

FY 2009 CLG Grants

Aurora: \$2,000. To create and distribute a Historic District **education publication** that informs residents about the city's preservation guidelines and supporting programs.

Chicago: \$13,300. To update and distribute the "Chicago Landmarks Map," **brochure** which works in tandem with the city's website to educate the public about the significant historic architecture of Chicago.

Crystal Lake: \$1,318. To plan and develop the City's 15th Annual Heritage Trolley Tour.

Galena: \$11,200. To evaluate and revise the **National Register** Historic District boundary by accurately defining contributing and non-contributing historic resources for more effective protection and management in the future.

Glen Ellyn: \$5,950. To develop a **National Register** nomination document, establish a Downtown Historic District, which are both goals of the Village's strategic plan for promoting historic preservation.

Kankakee County: \$2,300. To create an **outreach** initiative that will raise awareness of the mission, purpose, evaluation process and benefits of the County's preservation program.

Macomb: \$11,600. To prepare a **National Register** of Historic Places nomination for the local downtown historic district, in response to recommended action in the City's Municipal Comprehensive Plan.

Marshall: \$5,950. To research and develop a **National Register** historic district that will enable building owners to participate in incentive programs and promote heritage tourism throughout the community.

Ottawa: \$6,300. To develop a **National Register** nomination application for the East Side neighborhood in response to an overwhelming majority of residents who have expressed interest in creating a designated historic district.

Plainfield: \$10,850. To organize and plan for the designation of a **National Register** District to be created in the Village's historic downtown.

Rock Island: \$4,760. To **survey**, identify and analyze the economic advantages of historic preservation of financially struggling property owners, reinforcing the notion that "Preservation Pays" and is linked to sustainability, job creation and quality of life.

Urbana: \$6,650. To create **podcasts** and tours which highlight the City's 100 most architecturally significant structures.

Will County: \$5,425. To redesign community outreach **brochures** and develop a workshop on preservation maintenance and energy efficiency retrofitting.

FY 2012 CERTIFIED LOCAL GOVERNMENT GRANTS

Total CLG grants: Federal Share \$87,603

Aurora: \$2,000. To create and distribute a Historic District **education publication** that informs residents about the city's preservation guidelines and supporting programs.

Chicago: \$13,300. To update and distribute the "**Chicago Landmarks Map**," which works in tandem with the city's website to educate the public about the significant historic architecture of Chicago.

Crystal Lake: \$1,318. To plan and develop the City's 15th Annual Heritage Trolley **Tour**.

Galena: \$11,200. To evaluate and revise the **National Register** Historic District boundary by accurately defining contributing and non-contributing historic resources for more effective protection and management in the future.

Glen Ellyn: \$5,950. To develop a **National Register** nomination document, establish a Downtown Historic District, which are both goals of the Village's strategic plan for promoting historic preservation.

Kankakee County: \$2,300. To create an **outreach** initiative that will raise awareness of the mission, purpose, evaluation process and benefits of the County's preservation program.

Macomb: \$11,600. To prepare a **National Register** of Historic Places nomination for the local downtown historic district, in response to recommended action in the City's Municipal Comprehensive Plan.

Marshall: \$5,950. To research and develop a **National Register** historic district that will enable building owners to participate in incentive programs and promote heritage tourism throughout the community.

Ottawa: \$6,300. To develop a **National Register** nomination application for the East Side neighborhood in response to an overwhelming majority of residents who have expressed interest in creating a designated historic district.

Plainfield: \$10,850. To organize and plan for the designation of a **National Register** District to be created in the Village's historic downtown.

Urbana: \$6,650. To create podcasts and tours which highlight the City's 100 most architecturally significant structures.

Will County: \$5,425. To redesign community outreach brochures and develop a workshop on preservation maintenance and energy efficiency retrofitting.

FY 2013 Certified Local Government Grants

Belvidere – **\$7,000** grant for an intensive cultural resources **survey** of the original town, as stipulated by the Boone County Comprehensive Plan to raise public and governmental awareness of significant places in the community. Project Total \$10,000.

Columbia -- **\$7,000** grant to develop the community's first Comprehensive **Plan**, by identifying, cataloging and evaluating cultural resource landmarks. Project Total \$10,000

Downers Grove -- **\$15,000** grant to conduct an intensive historic resources **survey** to identify and document structures within the 225 acre historic "E.H. Prince subdivision" area first platted in 1887. Project Total \$30,000

Edwardsville -- **\$14,164** grant to conduct **survey** and research activities leading to documentation for an updated and amended nomination of the LeClaire Historic District to the National Register of Historic Places. Project Total \$20,234

Glen Ellyn -- **\$14,000** grant to conduct an Architectural Resources **Survey** of 860 residences of various styles within the town's original boundaries. Project Total \$20,000

Glenview -- **\$3018** grant to conduct a **survey**, public information and outreach campaign focused on "catalogue house" structures throughout the community. Project Total \$4312

Jacksonville -- **\$11,550** grant to update the period of significance and incorporate additional structures into the existing **National Register** Historic District. Project Total \$16,500

Marshall -- **\$1820** grant to update and reprint a walking /driving **tour** booklet of historic resources in Marshall's original downtown. Project Total \$2,600

Maywood -- **\$5,000** grant to conduct architectural condition **feasibility study** to begin planning for restoration of the National Register listed Mason's Temple. Project Total \$7,200

Morrison -- **\$14,000** grant to prepare a **National Register** of Historic Places nomination to include 85 buildings within the central historic downtown. Project Total \$20,000

Ottawa -- **\$11,270** grant to conduct a historic resources **survey** for the west side of town, leading to public education and additional nomination for properties as local landmarks and to the National Register of Historic Places. Project Total \$16,100

Springfield -- **\$11,200** grant to evaluate and revise the boundaries and period of significance for the existing **National Register** of Historic Places document for the downtown Central Historic District. Project Total \$16,000 CANCELLED

Will County -- **\$19,250** grant to conduct a rural historic resources **survey** for a significant portion of Peotone Township in advance of a road building project that may potentially impact 65 identified historic sites. Project Total \$27,500

Woodstock -- **\$4,550** grant for the production of a **video** about architectural significance of the Historic McHenry Courthouse and Jail to raise awareness and support for preservation and restoration. Project Total \$6,500

Matt Asselmeier

From: Lambert, Michael [mlambert@geneva.il.us]
Sent: Thursday, September 21, 2017 3:29 PM
To: Matt Asselmeier
Subject: RE: Historic Preservation Ordinance Request

Hello, Matt.

Our entire Historic Preservation Ordinance can be found online at:
https://library.municode.com/il/geneva/codes/code_of_ordinances?nodeId=TIT10BURE_CH6HIPR

If you need the ordinance in another version (pdf, Word, etc.), let me know.

The Geneva HPO is not a perfect document, but it is much improved over the previous version written in 1996.

Am glad to answer any questions that you may have regarding the specifics of our ordinance. I will tell you that the initial notice provisions for Historic Landmarks and Historic Districts is excessively short from a staff perspective; however, it was a reactionary decision to appease objectors to the concept of historic preservation and landmark designation. Similarly, 15 days is a very short time to revise a nomination that may require additional research or documentation. Additionally, I disagree with the Historic Landmark application *deposit* (it is not a fee) and would have preferred to leave individual nominations free of charge and add a *nominal* permit review fee when actual work is proposed to be completed. I think that the application deposit *discourages the nomination of worthy properties* when the owners have no intention of performing any work but recognize the importance of their property... then, again, that was the intent of the proponents of that provision.

Michael A. Lambert

Preservation Planner
City of Geneva, Illinois
22 South First Street
Geneva, Illinois 60134
Phone: 630.938.4541
Fax: 630.232.1494
Email: mlambert@geneva.il.us

From: Matt Asselmeier [<mailto:masselmeier@co.kendall.il.us>]
Sent: Thursday, September 21, 2017 12:10 PM
To: Lambert, Michael <mlambert@geneva.il.us>
Subject: Historic Preservation Ordinance Request

Michael:

The Kendall County Historic Preservation Commission would like to request a copy of Geneva's Historic Preservation Ordinance. Could you send it to me?

Thanks,

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498

CHAPTER 6 - HISTORIC PRESERVATION^[6]

SECTION:

Footnotes:

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Editor's note— Ord. No. 2016-01, § 2(Exh. B), adopted Jan. 19, 2016, repealed the former ch. 6, §§ 10-6-1—10-6-10, and enacted a new ch. 6 as set out herein. The former ch. 6 pertained to similar subject matter and derived from 1975 Code, §§ 2-460, 2-461, 2-467—2-473, 2-475; and amended 2003 Code.

10-6-1: - PURPOSE:

The purpose of this chapter is to promote the educational, cultural, and economic welfare of the public of the city by ensuring the preservation of historic buildings, structures, objects, and sites that define the history and cultural heritage of the city. Furthermore, it is the purpose of this chapter to strengthen the economy of the city by protecting, defining, and enhancing sites, monuments, locations, structures, and neighborhoods that are significant in the history of the city by ensuring that new construction, redevelopment, and/or adaptive use are compatible in terms of scale, building materials, site design, and exterior features.

(Ord. No. 2016-01, § 2(Exh. B), 1-19-2016)

10-6-2: - DEFINITIONS:

ADAPTIVE USE:	Rehabilitation of a structure for a use other than its original or intended historic use.
ADDITION:	Any act or process that changes one (1) or more of the exterior architectural features of a building or structure by increasing the size or capacity of a structure through new construction or by joining one (1) or more existing structures.
ALTERATION:	Any act or process which changes one (1) or more of the exterior architectural features of a building, structure, or landscape feature.
APPLICANT:	The owner of record of a nominated property and/or its agent or representative; or a contract purchaser of a nominated property; or another interested party who is a resident of the City of Geneva; or a group of residents; or an association whose membership includes residents of the City of Geneva; or the Historic Preservation Commission seeking authority

	from the city to undertake a course of action related to a specific property or parcel.
ARCHAEOLOGICAL SIGNIFICANCE:	An assessment of the distinctive elements associated with a landscape feature, place, site, or area that has yielded or is likely to yield information and/or artifacts concerning past patterns of human settlement, previous cultures in Illinois, or previous periods of the present culture.
ARCHITECTURAL SIGNIFICANCE:	An assessment of the distinctive elements associated with a resource type, period style, method of construction, or use of indigenous construction and/or the evaluation of the essential characteristics associated with an important builder, designer, architect, or craftsman who has contributed to the development of the community, county, region, state, or nation.
BLOCK FACE:	One (1) side of a street located between the intersections of that street and two (2) consecutive features, which may be other streets or boundaries of identifiable geographic areas.
BUILDING:	Any structure, affixed to the ground, created for the support, shelter, or enclosure of some type of human activity.
BUILDING PERMIT:	A written record issued by the building official authorizing the construction of a proposed improvement or demolition-in whole or in part-of an existing improvement at a specific property or site.
CERTIFICATE OF APPROPRIATENESS:	A written record issued by the historic preservation commission (or staff on behalf of the commission), authorizing plans for alterations, construction, removal, or demolition of a building, structure, object or site, located within a historic district or identified as an individual landmark property.
CERTIFICATE OF ECONOMIC HARDSHIP:	A written record of relief issued by the historic preservation commission, following the denial of a certificate of appropriateness, that authorizes plans for additions, alterations, construction, removal, continuation of a non-compliant condition, or demolition of a building, structure, object or site that is located within a historic district or identified as an individual landmark property when the property owner is unable to either fund the required work; put the property to a reasonably beneficial use; and/or cannot obtain a reasonable economic return thereon without completion of the requested course of action.

<p>COLOR, REVIEW OF:</p>	<p>The review of any color for any installed architectural feature shall be considered only for those elements which are comprised of permanent or semi-permanent materials (i.e. masonry, pre-finished metal, terra cotta, etc.). The historic preservation commission shall not review color palettes for any material which is both reversible and temporary in nature (i.e. paint, stain, asphalt shingles, etc.). Review of color shall be limited to review for general compatibility with the architectural style and permanent, significant materials of the designated property as well as general compatibility with the surrounding neighborhood or environs. The historic preservation commission shall not dictate color selections based solely on aesthetic opinion and without historic basis or precedence.</p>
<p>COMMISSION:</p>	<p>Geneva Historic Preservation Commission.</p>
<p>COMMISSION LIAISON:</p>	<p>The preservation planner or, in his/her absence, the city's director of community development.</p>
<p>COMMISSIONERS:</p>	<p>Members of the Geneva Historic Preservation Commission appointed by the mayor, with the consent of city council, and entitled to vote on cases brought to the commission.</p>
<p>COMPATIBILITY:</p>	<p>The positive relationship of alterations to existing buildings and design for new construction to their environs; compatibility is measured by consistent application of accepted design guidelines and standards that define the individual visual character, function and use, and architectural features of a specific geographic area.</p>
<p>CONSTRUCTION:</p>	<p>Any act or process which requires a building permit.</p>
<p>CONTEXT:</p>	<p>Summary information about the period, local setting and/or surroundings, circumstances, associations, and events that created, influenced, or resulted in the development of a specific property or group of properties, collected to assist in the development of a full understanding and assessment of the property.</p>
<p>CONTRIBUTING PROPERTY:</p>	<p>A classification assigned, as a result of a comprehensive survey, to a site or another parcel of real estate and its associated buildings, structures, objects, and other improvements within a designated historic district. The classification signifies that a site or parcel and its associated improvements support the overall character, feeling, and significance of a district although the site or parcel and its associated improvements may not have individual</p>

	architectural or historical significance as a single property but, due to its location within or proximity to a streetscape or neighborhood, reflects the significance of the district on the whole.
CONTRIBUTING RESOURCE:	A classification assigned to one (1) or more individual buildings, structures, objects, or improvements on a parcel of real estate within a designated historic district or attached to a parcel of real estate designated as a historic landmark.
COUNCIL:	The city council of the City of Geneva, Illinois.
DEMOLITION:	Any act or process which requires a building permit for the purpose of removing or destroying, in whole or in part, any improvement or site.
DEMOLITION BY NEGLIGENCE:	Any voluntary or involuntary act or process which results in a failure to maintain a building, structure, object, improvement, or site in sound condition when such act or process, over a period of time, results in the visible deterioration or removal, in whole or in part, of any improvement or site.
DESIGN GUIDELINE:	A standardized principle that provides general instruction for the appropriate preservation and/or adaptation of the historic and/or architectural character of a structure, object, site, or area.
EXTERIOR FEATURES:	Architectural or structural elements that define the architectural style and general design patterns of the exterior of a building or other structures, including the type and texture of building materials and the type, style, and general arrangement of all windows, doors, ornamental features, light fixtures, signs, fences/walls, and other appurtenant elements as well as other natural features such as trees and shrubbery.
FINDING OF FACT:	The conclusions found to be true as determined by the commission from an examination of the underlying evidence and testimony of a case under consideration in accordance with established review criteria.
HISTORIC:	Related to the city's architectural, artistic, civic, cultural, economic, educational, ethnic, political, settlement, developmental, or social heritage at least thirty (30) years prior to the date of evaluation.
HISTORIC	Those architectural forms, materials, elements, features, methods of construction or craftsmanship, spatial arrangements and architectural style

CHARACTER:	that-when combined-result in a distinctive setting, building or area.
HISTORIC DISTRICT:	Any area established by city ordinance which includes or encompasses such historic sites, landmarks, buildings, signs, appurtenances, structures, or objects as may be determined as appropriate for historic preservation. Such designated district or districts need not be a single enclosed area, nor do the areas or sites have to be contiguous to constitute a district.
HISTORIC LANDMARK:	Any building, structure, object, improvement, or site of particular historic or aesthetic significance to the city, the state, or the nation. Landmarks include sites, buildings or structures where cultural, political, spiritual, economic, educational, social or artistic history of the community, state or nation is reflected or exemplified or which are identified with historic personages or with important events in local, state or national history, or which embody the distinguishing characteristics of an architectural specimen, inherently valuable for representation of a period, style or method of construction, or a notable work of construction, or a notable work of a master designer or architect whose individual genius influenced a particular period of time or aesthetic movement.
HISTORIC PRESERVATION COMMISSION:	A commission as established under title 3, chapter 3 of this code with the jurisdiction and authority granted in section 3-3-4 of this code.
HISTORIC SIGNIFICANCE:	The sum of the qualities of a property or resource that yield definable character, interest or value that is directly attributable to the developmental heritage or culture of the community, county, region, state or nation; to the location of an important local, county, region, state or national event; or to the identification with a person or persons who made important contributions to the development of the community, county, region, state or nation.
IMPROVEMENT:	Any building, structure, work of art, parking facility, fence, gate, wall or other object constituting a physical addition to real property, or any part of such addition.
INTEGRITY, ARCHITECTURAL:	A determination of the extent that a site, structure, object, building or area retains its historic design character that includes an evaluation of whether changes over time have resulted in undue, adverse impacts on historically significant features of the site, structure, object, building, or area.

<p>INTEGRITY, HISTORIC:</p>	<p>A determination of the extent that a site, structure, object, building, or area retains its defining archaeological and/or cultural attributes associated with a significant person or particular event of national, regional, or local significance.</p>
<p>INTEGRITY, STRUCTURAL:</p>	<p>An unimpaired condition relating to the functional stability of major building components in relationship to their original or altered function; a measure of the quality of construction and the ability of the structure to function as designed or required; and the quality or state of being complete or uncompromised.</p>
<p>LANDSCAPE FEATURE:</p>	<p>Character-defining elements which are associated with the architectural or cultural significance of a site or property, including, but not limited to, naturally-occurring topographical forms, intentionally-designed lawns, hedges, walkways, driveways, fences, walls, arbors, pergolas, trellises, terraces, water features, topography, lighting standards, and furnishings.</p>
<p>NATIONAL REGISTER OF HISTORIC PLACES:</p>	<p>The official list of places within the United States of America that are recognized for their historical, architectural, or archaeological significance and considered worthy of preservation.</p>
<p>NON-CONTRIBUTING PROPERTY:</p>	<p>A building, structure, object, improvement, or site within a Historic District that does not possess individual architectural, historic, or structural significance or integrity. Non-contributing properties may be further classified as non-contributing due to age (less than thirty [30] years old at the time of classification); non-contributing due to reversible conditions (which, if modified, may permit the reclassification of a property to contributing or significant); or non-contributing due to a lack of any significance or integrity as herein defined.</p>
<p>NON-CONTRIBUTING RESOURCE:</p>	<p>An individual building, structure, object, or improvement which is part of a parcel of real estate within a designated historic district or a historic landmark property that does not possess individual archaeological, architectural, historic, or structural significance or integrity. Non-contributing resources may be further classified as non-contributing due to age (less than thirty (30) years old at the time of classification); non-contributing due to reversible conditions (which, if modified, may permit the reclassification of a property to contributing or significant); or non-contributing due to a lack of any significance or integrity as herein defined.</p>

OBJECT:	Anything constructed, fabricated, or erected, including any interpreted relic or any artistic or commemorative monument, that requires permanent or temporary location on or in the ground.
ORDINARY REPAIRS AND MAINTENANCE:	Any work done on or replacement of any part of an improvement for which a permit issued by the building department is not required. The purpose and effect of such work or replacement is generally to correct any deterioration or decay of or damage to such improvement or any part thereof and to restore the same, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay or damage.
OWNER CONSENT:	The act or result of reaching consensus and agreement, through reason and deliberation, by the owner(s) of real estate when historic designation is proposed at the suggestion of another party.
OWNER OBJECTION, HISTORIC DISTRICT DESIGNATION	The right of an owner (or owners) of record to object to the inclusion of its real property within a proposed historic district, per the procedures outlined at section 10-6-7.10 of this ordinance.
OWNER OBJECTION, HISTORIC LANDMARK DESIGNATION	The right of all owners of record to object to a proposed Historic Landmark designation of its buildings, structures, objects, or other improvements and the parcel of land to which those improvements are firmly attached or affixed, per the procedures outlined at section 10-6-6.10 of this ordinance.
OWNER OF RECORD:	The person, corporation or other legal entity identified as the property owner in the official records of the Kane County (Illinois) Recorder.
PERIOD OF SIGNIFICANCE:	The finite span of time during which important events and activities associated with a specific property or group of properties occurred.
PERMIT REVIEW TABLE:	A chart, as revised from time-to-time by action of the historic preservation commission, that defines which building permit applications may be reviewed administratively and which shall be reviewed by the historic preservation commission.
POLICY:	A principle or course of action, adopted by the historic preservation commission that identifies the expectation for the preservation of specific and critical architectural features (e.g. windows, siding, etc.).
PRESERVATION	The community development department staff person for the City of Geneva who oversees and administers the permitting of proposed

PLANNER:	improvements to designated historic landmark and historic district properties and also serves as the administrator of and liaison to the historic preservation commission. In the absence of a designated preservation planner, the director of community development shall appoint a designee to serve in this capacity.
PROPERTY:	Any building, structure, object, or other improvement and the parcel of land, on record with the Kane County (Illinois) Recorder, to which those improvements are firmly attached or affixed.
PUBLIC VIEW:	The sight perspective of all portions of a property that may be readily viewed from a public right-of-way or public place, excluding views accessible only from an alleyway, public or private.
REHABILITATION:	The process of returning a property (site, structure, and/or building) to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.
REMODEL:	The process of altering the existing structural components or architectural features and/or finishes of a resource or property; to re-configure an existing resource or property in such a manner as to remove, cover, replace or rearrange elements of defining character.
RELOCATION:	Any repositioning of a building, structure, or object on its existing site or the act of moving a building, structure, or object to another site.
REMOVAL:	Any relocation or demolition of a structure or a part of a structure.
REPAIR:	Any minor construction undertaken to remedy an existing condition that has deteriorated but, otherwise, is not defined as construction, alteration, demolition, remodeling, removal, or relocation.
RESOURCE:	Any individual building, structure, object, or other improvement excluding the land to which those items are firmly attached or affixed.
RESTORATION:	The act or process of returning any building, structure, object, improvement, or site to its appearance at a specific period of time by removing later work and replacing missing features present during that specific period to accurately portray the original architectural character and

	setting of a building, structure, or object.
SIGNIFICANT PROPERTY:	A classification assigned, as a result of a comprehensive survey, to a site or another parcel of real estate and its associated buildings, structures, objects, and other improvements that are at least thirty (30) years old and are located within a designated historic district. The classification signifies that a site or parcel and its associated improvements possess individual architectural or historical importance based on an association with significant persons; events; patterns of community development; architectural style; craftsmanship; methods of construction; and/or use of indigenous materials.
SIGNIFICANT RESOURCE:	A classification assigned to one (1) or more individual buildings, structures, objects, or other improvements exclusive of any associated parcel of real estate that are at least thirty (30) years old. The classification signifies that the improvements possess individual architectural or historical importance based on an association with significant persons; events; patterns of community development; architectural style; craftsmanship; methods of construction; and/or use of indigenous materials.
SITE:	A discrete area of land, including designed landscapes and archaeological locations, significant solely for activities or persons associated with past events that are not related to a particular or extant building or structure.
STRUCTURE:	Anything constructed or erected that requires permanent or temporary location on or in the ground but not intended for the sheltering of human activity, including-but not limited to-fences, landscape features (gazebos, arbors, pergolas, etc.), advertising signs, billboards, antennae, satellite dishes, swimming pools, solar panels, and wind generating devices.
STRUCTURAL CHANGE:	Any change, alteration or repair of one (1) or more supporting members or elements of a building or structure, including foundations, load-bearing walls or roofs.
SURVEY:	A systematic gathering of information related to the architectural, historic, scenic, and archaeological significance of buildings, structures, objects and/or landscape features within a specified geographic area through an assessment of field and archival documentation for the purpose of identifying properties that may be designated as individual landmarks or as a historic district.

WORK, MAJOR:	Any exterior changes other than work identified in this chapter as Minor Work or as exempt work not requiring a building permit.
WORK, MINOR:	Changes affecting the exterior appearance of designated individual, historic landmarks or properties within a designated historic district but which do not appreciably affect the architectural, historic, or structural integrity of the landmark or district property.

(Ord. No. 2016-01, § 2(Exh. B), 1-19-2016)

10-6-3: - SURVEYS AND RESEARCH:

The historic preservation commission shall undertake an ongoing survey and research effort in the City of Geneva to identify neighborhoods, areas, sites, structures, and objects that have special historic, community, architectural, or aesthetic importance, interest, or value related to the development of the community. As part of the survey, the commission shall review and evaluate prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts, and photographs. The commission shall identify potential landmarks and apply procedures to nominate those potential landmarks that are at least thirty (30) years old in groups based on the following criteria:

1. The potential landmarks situated in a single, identifiable neighborhood or distinct geographical area of the community;
2. The potential landmarks associated with a particular person, event, or historical period;
3. The potential landmarks of a particular architectural style or school, or of a particular architect, engineer, builder, designer, or craftsman; and/or artisan.
4. Such other criteria as may be adopted by the commission to assure systematic survey and nomination of all potential landmarks within the City of Geneva.

(Ord. No. 2016-01, § 2(Exh. B), 1-19-2016)

10-6-4: - REVIEW STANDARDS FOR HISTORIC PROPERTIES:

In making recommendations to the director of community development, the zoning board of appeals, the plan commission, the city council, or the owner of record of the subject property, the historic preservation commission shall be governed by the following review standards and design principles.

A. Standards for Review for Historic Landmarks and Historic District Properties.

1. Every reasonable effort shall be made to provide a compatible use for a designated historic landmark or a property within a designated historic district in a manner that requires minimal

alteration of the building, structure, object, site, and/or its environment or to provide for the continued use of a property for its originally intended purpose.

2. The original distinguishing qualities or character of a building, structure, object, improvement, or site and its environment, including constructed landscape features such as fences, walls, arbors, and paving, shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features shall be avoided when possible.
 3. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
 4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, object, improvement, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
 5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.
 6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material shall match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features shall 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.
 7. The surface cleaning of character-defining elements, including building exteriors, shall be undertaken with the least destructive means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
 8. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.
 9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
 10. Wherever possible, new additions or alterations to structures shall be undertaken and completed in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the historic building, structure, object, or site would be unimpaired.
- B. Design Principles for Historic Landmarks and Historic District Properties: Any proposed work at a Historic Landmark or at a property within a designated historic district shall conform, subject to the restrictions of the City Zoning Ordinance, to the following general design principles:
1. Relationship of Building Mass and Space. The relationship between the open space between existing structures and adjoining structures shall be proportionate and compatible to the adjacent neighborhood;
 2. Scale of Structure. The scale of any alterations, modifications, or additions, or of any new construction shall be compatible with the existing, surrounding structures;
 3. Height. The height of any proposed alteration, addition, or new construction shall be compatible with the existing structure and with neighboring structures;
 4. Directional Expression of Principal Façade. Any proposed alteration or new construction shall be compatible with the predominant horizontal or vertical expression of the historic structure and, for wholly new construction, the predominant horizontal or vertical expression along the street block;

5. Proportions of Street-facing Façades. The relationship between the width and height of any historic structure and any proposed modification, alteration, or addition at a street-facing façade shall be compatible with one (1) another and the relationship between the width and height of any proposed new structure shall be compatible with nearby structures;
6. Relationship of Windows and Doors. The relationship between and among doors and windows shall be compatible with and in proportion to each other and be compatible with the historic character of such elements;
7. Architectural Details. Architectural details and materials shall be incorporated, as necessary, to relate new construction with historic construction to preserve and enhance the inherent characteristics of the historic property and/or neighboring properties; and
8. Roof Shape. The design of any roof shall be compatible with the roof forms and materials of the historic roof of any existing improvement, building, structure, or object.

In addition to the foregoing, the historic preservation commission may apply review standards as further set forth in any policy, preservation plan, or design guideline adopted by the commission; the U. S. Secretary of the Interior's Standards for Rehabilitation; and/or the National Park Service's Guidelines for Rehabilitating Historic Buildings, each as amended from time-to-time.

(Ord. No. 2016-01, § 2(Exh. B), 1-19-2016)

10-6-5: - HISTORIC LANDMARKS AND HISTORIC DISTRICTS:

Historic landmarks and historic districts shall be established by ordinance of the city council in accordance with the procedures of the zoning ordinance of the city. Historic landmarks and historic districts shall be shown on the zoning map of the city and included as a part of the zoning regulations.

Before the designation of a historic landmark or the establishment of a historic district, the historic preservation commission and/or the preservation planner shall undertake sufficient documentation to justify or invalidate the historic significance of one (1) or more nominated improvements, properties, and/or sites.

The preservation planner shall provide analysis of any nomination for a historic landmark or historic district for review, comment, and action by the historic preservation commission. The analysis shall include the establishment of a period of significance as well as an evaluation of the historic significance of the exteriors of any building, structure, feature, site, objects; and the historic significance of the local context associated with the property or properties.

(Ord. No. 2016-01, § 2(Exh. B), 1-19-2016)

10-6-6: - HISTORIC LANDMARK DESIGNATION:

- A. Procedure: Any nomination application for a proposed historic landmark shall be subject to the following review process.
 1. Pre-application Meeting. Prior to submitting a historic landmark nomination, an applicant shall meet with the preservation planner and/or the director of community development to review the nomination proposal. At that time, the preservation planner shall identify, to the applicant, the procedure, fees, and any known architectural or cultural significance associated with the property. Additionally, when the applicant is not the owner of record, the preservation planner shall encourage the applicant to contact the owner(s) of record prior to filing an application.

2. Application. Any property owner of record; a contract purchaser of a nominated property; individual or group of city residents; association with members who are city residents; or the historic preservation commission, on its own initiative and with prior consent of the city council, may request landmark designation for any building, structure, object, improvement, or site which is located within the corporate limits of the city and which may have historic significance as set forth in the criteria for evaluation.

No such person, group of persons or association, nor the commission ("applicant"), shall be required to obtain the consent of the owner of record of the building, structure, object, improvement, or site prior to filing the application for historic landmark designation. Owners of record have the right to file an objection to the proposed historic landmark designation of its property, as set forth in section 10-6-6A-10.

The application for historic landmark designation shall be submitted, in writing, and shall contain such information, including a legal description of the building, structure, object, improvement, or site, and be in such form as the commission shall, by rule, prescribe from time to time. Forms required for historic landmark designation shall be supplied by the preservation planner, upon request.

Any structure listed in the National Register of Historic Places may be designated as a historic landmark, subject to the procedures stipulated herein.

3. Fees. Excluding the commission when acting on its own initiative, the applicant for the proposed designation of any historic landmark shall be required to pay an application deposit at the time of filing and shall bear all costs associated with the application and designation process.

The application deposit shall be used to cover the costs of direct expenses including, but not limited to, public notice publication; mailings; and recordation and transcription of public meetings and/or hearings; attorneys' fees, and/or staff time.

A minimum application deposit requirement shall be established, from time to time, by the city council; said deposit requirement shall be enacted by ordinance. The minimum application deposit shall be clearly identified on the historic landmark application form provided by the city.

The application deposit fee for the nomination of a historic landmark shall be five hundred dollars (\$500.00).

4. Filing. The application for historic landmark designation shall be filed with the preservation planner. At the time of filing, the applicant shall provide to the preservation planner a list, along with addressed envelopes with appropriate postage and return receipts (certified mail) affixed, of the owner(s) of the subject property and the owners of record of all properties situated within five hundred feet (500') from the limits of the property that is the subject of the public hearing.

Within ten (10) working days of the filing of an application, the preservation planner shall review the submitted application for historic landmark designation and inform the applicant, in writing, of any deficiencies which must be corrected and/or clarified prior to the scheduling of a public hearing. Failure of the applicant to provide amended information within fifteen (15) working days of the notice of deficiencies will result in an automatic withdrawal of the application.

5. Notice. Within five (5) working days of the filing of an application (whether or not deemed complete), the preservation planner shall notify, in writing and delivered by certified mail with return receipt, the owner of record of the property considered for designation as a historic landmark, except when the applicant is the owner of record. The notice shall inform the owner of record of its right to file an objection to the proposed historic landmark designation of its property, as set forth in section 10-6-6A-10. Within five (5) working days of the filing of an application, the preservation planner shall notify, in writing by regular mail, the owners of record of all surrounding properties identified herein for notification.

Upon receipt of a complete historic landmark application, the preservation planner shall schedule a public hearing at the next, regularly-scheduled meeting of the commission that is possible in

accordance with the stipulated public notice procedure. Notice of the public hearing shall be published on the City of Geneva webpage and in a newspaper of general circulation within the city and posted on the City of Geneva website not less than fifteen (15) calendar days nor more than thirty (30) calendar days in advance of the date of the hearing. The notice shall identify the applicant, property owners of record, legal description of the property, common address of the property, and the criteria for which the property is nominated.

The preservation planner shall direct the erection of at least one (1) sign upon the public right-of-way adjacent to the property that is the subject of the public hearing at least ten (10) calendar days in advance of the date of the public hearing.

Not less than ten (10) calendar days prior to the public hearing, the preservation planner shall mail, using the envelopes provided by the applicant, a written notice to the owners of record of the subject property and the owners of record of all properties identified herein for notification. Written notice shall include the date, time, and location of the scheduled public hearing and information regarding access to a digital or written copy of the historic landmark application.

6. Commission Analysis. Prior to the public hearing on the application for historic landmark designation, the preservation planner, on behalf of the commission, shall conduct an analysis of the improvement or site proposed for designation and make a report containing preliminary findings on the historic, architectural, and aesthetic significance of the improvement. The analysis shall be provided to the commission, in writing, and made available to the public in advance of the public hearing.
7. Public Hearing. The public hearing shall be conducted by the historic preservation commission and a record of such proceedings shall be preserved in such manner as prescribed by the commission from time to time.
8. Withdrawal by Applicant. An applicant may withdraw, in writing, an application for historic landmark designation at any time. The applicant shall not be responsible for any fees incurred after the date of withdrawal.
9. Commission Action. At the public hearing, the commission shall take statements presented by the owners of record of the subject property as well as statements from any interested parties concerning the effect of the proposed undertaking on the proposed historic landmark.

The commission may solicit expert testimony to evaluate information provided either as part of a historic landmark application or at the public hearing.

A public hearing may be continued to a date certain in the event that the commission determines that additional information, unavailable at the public hearing, is warranted and necessary for the purpose of making a finding of fact or to provide time to fully evaluate new evidence presented at the public hearing.

In the case of an application for historic landmark designation for a property nominated, with or without owner objection, the commission, by a simple majority vote, may forward a recommendation to grant or deny the application for historic landmark designation.

The commission shall make written findings of fact and shall submit same, together with its recommendation, to the city council within forty-five (45) calendar days following the close of the public hearing.

If the commission fails to act within forty-five (45) calendar days of the final adjournment of a public hearing for the designation of a historic landmark, the commission shall be deemed to have recommended denial.

10. Owner Objection. Each owner of record, objecting to the proposed historic landmark designation of its property, shall make their written protest on forms provided by the community development department; completed forms shall be notarized and filed with the city clerk at any

time but not later than thirty (30) calendar days following the final adjournment of the public hearing. When fifty-one percent (51%) or more of the owners of record of the real estate tax parcel upon which the proposed historic landmark is located, as recorded with the Kane County (Illinois) Recorder, properly file an objection to designation, historic landmark designation for the nominated property may be granted by the city council but only upon an approval vote of not less than two-thirds (2/3) of the aldermen then holding office.

11. City Council Action. The city council, when no owner objection is filed in accordance with this ordinance, shall grant or deny the application for historic landmark designation with a simple majority or greater vote in favor of the designation.

When a majority of the owners of record of the real estate parcel upon which the proposed historic landmark is located, the city council may grant historic landmark designation to the nominated property only upon an approval vote of not less than two-thirds (2/3) of the aldermen then holding office. historic landmarks shall be designated by ordinance. Upon designation as a historic landmark by the city council, a notice of the designation will be sent by the city clerk to the applicant and the owner(s) of record of the building, structure, object, improvement, or site and a copy of the ordinance effectuating the designation shall be recorded with the Kane County Recorder of Deeds. A copy of the recorded ordinance shall be returned to the community development department within sixty (60) calendar days of city council approval of a historic landmark designation.

12. Suspension of Work. During the period beginning with the filing of an application for historic landmark designation and ending with the final action of the city council granting or denying said application, no exterior architectural feature of any building, structure, object, improvement, or site that is the subject of an application for landmark designation may undergo alteration, construction, demolition or removal if such alteration, construction, demolition or removal would be subject to a building permit issued after the filing of a historic landmark application. Nothing in this subsection shall operate to bar ordinary repair and maintenance or any work that is necessary to prevent or correct an imminently dangerous or hazardous condition.
13. Re-application Following Denial or Withdrawal of Application. In the event that an application for historic landmark designation is denied by the commission and/or city council or the application is withdrawn by the applicant, no application for historic landmark designation of the same building, structure, object, improvement, or site shall be made within twelve (12) months of the date of the denial.

If an application is withdrawn by an applicant prior to review by the commission or city council, a subsequent application may be submitted at any time.

14. Amendments. Any property owner of record; a contract purchaser of a nominated property; individual or group of city residents; association with members who are city residents; or the historic preservation commission, on its own initiative and with prior consent of the city council, may request that the designation of a historic landmark be amended by the same procedures and according to the same criteria set forth herein for designation. An amended application relating to the same property may be entertained by the historic preservation commission at any time following city council action designating any building, structure, object, improvement, or site as a historic landmark. Minor, material amendments, excluding boundary amendments, may be completed administratively without a public hearing or public meeting.
15. Rescinding of Designation. Any property owner of record; a contract purchaser of a nominated property; individual or group of city residents; association with members who are city residents; or the historic preservation commission, on its own initiative and with prior consent of the city council, may request that the designation of a historic landmark be rescinded by the same procedures and according to the same criteria set forth herein for designation. The city council may rescind historic landmark designation of any designated property provided that the vote to rescind the designation is not less than a two-thirds (2/3) vote of the aldermen then holding office.

No de-designation application relating to the same building, structure, object, improvement, or site may be entertained by the historic preservation commission for twelve (12) months following city council action regarding the designation of said building, structure, object, improvement, or site as a Historic Landmark.

- B. Standards for Designation of Historic Landmarks: The historic preservation commission shall not recommend nor the city council grant a designation of a historic landmark unless each body makes findings based upon the evidence presented to it in each specific case and that the proposed historic landmark meets all of the following five (5) requirements:
1. Located within the corporate boundaries of the city;
 2. At least thirty (30) years old, in whole or in part;
 3. Possesses integrity of design, materials, workmanship, setting, location, feeling and association;
 4. Embodies such other qualities and characteristics as in the judgment of the commission should be considered for the designation of a landmark; and
 5. Possesses one (1) or more of the following demonstrations of significance:
 - a. A broad cultural, political, economic or social association with the historic development of the nation, state, or community;
 - b. Identification with a historic person or with important events in national, state, or local history;
 - c. Distinguishing characteristics of an architectural type inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship;
 - d. The notable work of a master builder, designer, or architect whose work and/or activity has significantly influenced a period of Geneva's development;
 - e. An improvement embodying all or part of the above characteristics, which is subject to encroachment of detrimental influences;
 - f. An improvement of historic, architectural, or cultural significance which is threatened with demolition by public or private action; and/or
 - g. An improvement with other qualities and characteristics that, in the judgment of the commission, should be considered for the designation of a historic landmark.

(Ord. No. 2016-01, § 2(Exh. B), 1-19-2016; Ord. No. 2016-03A, § 1, 2-1-2016; Ord. No. 2016-04A, § 1, 2-1-2016; Ord. No. 2017-08, § 1, 4-17-2017)

10-6-7: - HISTORIC DISTRICT DESIGNATION:

- A. Procedure: Any nomination application for a proposed historic district shall be subject to the following review process.
1. Pre-application Meeting. Prior to submitting a historic district nomination, an applicant shall meet with the preservation planner and/or the director of community development to review the nomination proposal. At that time, the preservation planner shall identify, to the applicant, the procedure, fees, and any known architectural or cultural significance associated with the properties identified for nomination.
 2. Application. Any property owner of record; a contract purchaser of a nominated property; individual or group of city residents; association with members who are city residents; or the historic preservation commission, on its own initiative and with prior consent of the city council, may request historic district designation for any geographic area within the corporate limits of the city which may have historic significance as set forth in the criteria for evaluation. No such person, group of persons or association, nor the commission ("applicant"), shall be required to

obtain the consent of the owner(s) of record of the buildings, structures, objects, properties, or sites prior to filing the application for historic landmark designation. Owners of record have the right to file an objection to the proposed historic district designation of its property, as set forth in section 10-6-7A-10.

The application for historic district designation shall be submitted, in writing, and shall contain such information, including a legal description of the boundaries of the proposed historic district, and be in such form as prescribed by the commission from time to time. Forms required for historic district designation shall be supplied by the preservation planner, upon request.

Each application for designation of a historic district shall contain all of the following information:

- a. A map delineating the boundaries of the area proposed for designation;
- b. A written statement setting forth the character of the area and justification for designation of the proposed area;
- c. Drawings or pictures of significant structures, sites, or improvements within the designated area;
- d. Description of the historic condition and use, existing condition and use, and approximate or exact age of each property within the proposed district;
- e. Such other information as prescribed by the historic preservation commission from time to time.

Any geographic area comprised of two (2) or more properties and listed in the National Register of Historic Places may be designated as a local historic district, subject to a public hearing.

3. Fees. Excluding the commission when acting on its own initiative, the applicant for the proposed designation of any historic district shall be required to pay an application deposit at the time of filing and shall bear all costs associated with the application and designation process. The application deposit shall be used to cover the costs of direct expenses including, but not limited to, public notice publication; mailings; and recordation and transcription of public meetings and/or hearings; attorneys' fees, and/or staff time.

A minimum application deposit requirement shall be established, from time to time, by the city council, and said deposit requirement shall be enacted by ordinance. The minimum application deposit shall be clearly identified on the historic district application form provided by the city.

The application deposit fee for the nomination of a historic district shall be five hundred dollars (\$500.00).

4. Filing. The application for historic district designation shall be filed with the preservation planner. At the time of filing, the Applicant shall provide to the preservation planner a list, along with two (2) sets of addressed envelopes with appropriate postage and return receipts (certified mail) affixed, of the owners of record of the subject properties and the owners of record of all properties situated within five hundred feet (500') of the proposed district boundaries.

Within twenty (20) working days of the filing of an application, the preservation planner shall review the submitted application for historic district designation and inform the applicant, in writing, of any deficiencies which must be corrected and/or clarified prior to the scheduling of a public hearing. Failure of the applicant to provide amended information within thirty (30) working days of the notice of deficiencies will result in an automatic withdrawal of the application.

5. Notice. Within fifteen (15) working days of the filing of an application (whether or not deemed complete), the preservation planner shall deliver by certified mail with return receipts, using the envelopes provided by the applicant, a written notice to the owners of record of the subject properties and the owners of record of all properties identified herein for notification. Said notification shall identify the boundaries of the proposed district and provide a date, time, and

location for a public, informational meeting of to be convened by the preservation planner not more than thirty (30) working days from the date of the filing of an application (whether or not deemed complete).

Upon receipt of a complete historic district application, the preservation planner shall schedule a public hearing at the next, regularly-scheduled meeting of the commission that is possible, following the required public informational meeting and in accordance with the stipulated public notice procedure.

Notice of the public hearing shall be published on the City of Geneva webpage and in a newspaper of general circulation within the city and posted on the City of Geneva website not less than fifteen (15) calendar days nor more than thirty (30) calendar days in advance of the date of the hearing. The notice shall identify the applicant, property owners, legal description of the proposed district boundaries, common addresses of the properties within the proposed district, and the criteria for which the district is nominated.

The preservation planner shall direct the erection of at least four (4) signs upon the public right-of-way at prominent locations within the geographic area that is the subject of the public hearing at least ten (10) calendar days in advance of the date of the public hearing.

Not less than ten (10) calendar days prior to the public hearing, the preservation planner shall mail, using the envelopes provided by the applicant, a written notice to the owners of record of the subject properties and the owners of record of all properties identified herein for notification. Written notice shall include the date, time, and location of the scheduled public hearing and information regarding access to a digital or written copy of the historic district application.

6. **Public Informational Meeting.** The preservation planner shall conduct an informational meeting for all interested residents of the city as identified in the first, mailed notice required herein. The purpose of a public, informational meeting shall be to provide, to affected and interested residents, accurate and complete information regarding the details of the proposed historic district. Owners of record shall also be informed of the right to object to the proposed historic district, as set forth in section 10-6-7A-10. The public informational meeting shall not be a forum for the debate of or a solicitation of testimony regarding the merits of the proposed historic district. Opportunity for debate or testimony regarding the merits of the proposed historic district will be provided at the public hearing.
7. **Commission Analysis.** Prior to the public hearing on the application for historic district designation, the preservation planner, on behalf of the commission, shall conduct an analysis of the improvements, properties, or sites proposed for designation and make a report containing preliminary findings on the historic, architectural, and aesthetic significance of the improvements. The analysis shall be provided to the commission, in writing, and made available to the public in advance of the public hearing.
8. **Public Hearing.** The public hearing shall be conducted by the historic preservation commission and a record of such proceedings shall be preserved in such manner as prescribed by the commission from time to time. At the public hearing, all interested persons affected by the proposed designation of a historic district, including all persons owning taxable real estate therein, shall be given an opportunity to be heard.
9. **Withdrawal by Applicant.** An applicant may withdraw, in writing, an application for historic district designation at any time. The applicant shall not be responsible for any fees incurred after the date of withdrawal.
10. **Owner Objection.** In the event that the owners of record of twenty percent (20%) of the individual real properties within the proposed historic district object to the designation of the proposed historic district, the city council may designate the proposed historic district only by an approval vote of not less than two-thirds (2/3) vote of the aldermen then holding office.

At least fifty-one percent (51%) of the owners of record of each individual real property, as recorded with the Kane County (Illinois) Recorder, must properly file and sign an objection in order for an individual real property to count toward satisfying the twenty percent (20%) requirement.

An owner of record's objection shall be made on forms provided by the community development department; completed forms shall be notarized and filed with the city clerk at any time but not later than thirty (30) calendar days following the final adjournment of the public hearing.

11. Commission Action. At the public hearing, the commission shall take statements presented by any owners of record of the land included within the boundaries of the proposed historic district as well as statements from any interested parties concerning the effect of the proposed undertaking on any property within a proposed or designated historic district.

The commission may solicit expert testimony to evaluate information provided either as part of a historic district application or at the public hearing.

A public hearing may be continued to a date certain in the event that the commission determines that additional information, unavailable at the public hearing, is warranted and necessary for the purpose of making a finding of fact or to provide time to fully evaluate new evidence presented at the public hearing.

In the case of an application for historic district designation for properties within a specified geographic area, nominated with or without owner objection, the commission, by a simple majority vote, may forward a recommendation to grant or deny the application for historic district designation.

Within forty-five (45) calendar days following the final adjournment of the public hearing, the commission shall make written findings of fact and shall submit same, together with its recommendation, to the city council.

If the commission fails to make written findings of fact and a recommendation to the city council within forty-five (45) calendar days of the final adjournment of the public hearing, the commission shall be deemed to have recommended denial.

12. City Council Action. The city council shall consider the commission's recommendation for historic district designation not less than thirty (30) calendar days but no later than sixty (60) calendar days following the close of the public hearing.

The city council, when no owner objection is filed in accordance with this ordinance, shall grant or deny the application for historic district designation with not less than a majority of the aldermen then holding office.

When an objection is properly filed by owners of record of not less than twenty percent (20%) of the properties proposed to be designated as a historic district, the city council may grant a historic district designation but only upon an approval vote of not less than two-thirds ($\frac{2}{3}$) of the aldermen then holding office.

Upon designation as a historic district by the city council, a notice of the designation will be sent by the city clerk to the applicant and the owner(s) of record of any building, structure, object, improvement, or site within the designated historic district, and a copy of the ordinance effectuating the designation shall be recorded with the Kane County Recorder of Deeds. A copy of the recorded ordinance shall be returned to the community development department within sixty (60) calendar days of city council approval of a historic district designation.

13. Suspension of Work. During the period beginning with the filing of an application for historic district designation and ending with the final action of the city council granting or denying said application, no exterior architectural feature of any building, structure, object, improvement, or site that is the subject of an application for district designation may undergo alteration, construction, demolition or removal if such alteration, construction, demolition or removal would

be subject to a building permit issued after the filing of a historic district application. Nothing in this subsection shall operate to bar ordinary repair and maintenance or any work that is necessary to prevent or correct an imminently dangerous or hazardous condition.

14. Re-application Following Denial or Withdrawal of Application. In the event that an application for historic district designation is denied by the city council or the application is withdrawn by the applicant or withdrawn as a result of owner objection as herein prescribed, no application for historic district designation of the identical geographic area shall be made within twelve (12) months of the date of the denial or withdrawal.
15. Amendments. Any property owner of record; a contract purchaser of a nominated property; individual or group of city residents; association with members who are city residents; or the historic preservation commission, on its own initiative and with prior consent of the city council, may request that the designation of a historic district be amended by the same procedures and according to the same criteria set forth herein for designation. An amended application relating to the same geographic area may be entertained by the historic preservation commission at any time following city council action designating any group of improvements, properties, and/or sites as a historic district. Minor, material amendments, excluding boundary amendments, may be completed administratively without a public hearing or public meeting.
16. Rescinding of Designation. Any property owner of record; a contract purchaser of a nominated property; individual or group of city residents; association with members who are city residents; or the historic preservation commission, on its own initiative and with prior consent of the city council, may request that the designation of a historic district be rescinded, in whole or in part, by the same procedures and according to the same criteria set forth herein for designation. The city council may rescind historic district designation of any designated property or group of properties provided that the vote to rescind the designation is not less than a two-thirds (2/3) vote of the aldermen then holding office.

No de-designation application relating to the same group of improvements, buildings, structures, objects, and/or sites may be entertained by the historic preservation commission for twelve (12) months following city council action regarding the designation of said group of improvements, properties, and/or sites as a historic district.

- B. Standards for Designation of Historic Districts: The historic preservation commission shall not recommend nor the city council grant a designation of a historic district unless each body makes findings based upon the evidence presented to it in each specific case and that, collectively, the improvements, properties, and/or sites within the boundaries of the proposed historic district meet all of the following six (6) requirements:
1. Are located within the corporate boundaries of the city;
 2. Include one (1) or more historic landmarks along with such other buildings, structures, objects, or sites which, while not of such historic significance to be designated as individual historic landmarks, nevertheless contribute to the overall visual characteristics which have been identified as significant within the proposed historic district;
 3. Are at least thirty (30) years old, in whole or in part;
 4. Possess integrity of design, materials, workmanship, and context;
 5. Establish a sense of time and place;
 6. Include a significant number of buildings, structures, objects, or sites that possess one (1) or more of the following demonstrations of significance:
 - a. A broad cultural, architectural, political, economic, or social association with historic development of the nation, state, or community;
 - b. Identification with a historic person or with important events in national, state, or local history;

- c. Distinguishing characteristics of an architectural type inherently valuable for the study of a period, style, method of construction, or use of indigenous materials or craftsmanship;
- d. The notable work of a master builder, designer, or architect whose work and/or activity has significantly influenced a period of Geneva's development;
- e. Architectural or land use characteristics that are repeated throughout the area in a manner which distinguishes the proposed area from the rest of the city;
- f. An area embodying all or part of the above characteristics, which is subject to encroachment of detrimental influences;
- g. An area of historic, architectural, or cultural significance which is threatened with demolition by public or private action; and/or
- h. An area with other qualities and characteristics that, in the judgment of the commission, should be considered for the designation of a district.

(Ord. No. 2016-01, § 2(Exh. B), 1-19-2016; Ord. No. 2016-04A, § 1, 2-1-2016; Ord. No. 2017-08, § 2, 4-17-2017)

10-6-8: - CONSTRUCTION PLAN REVIEW:

Construction plan review shall be completed for any new construction, addition, remodeling, rehabilitation, renovation, or restoration work at the exterior of any building, structure, object, improvement, or site that:

- 1. Is visible from a public right-of-way, excluding public alleyways at the rear of a property;
- 2. Proposed for an individually-designated historic landmark; for any property within a designated historic district; and
- 3. Requires a building permit as defined by the City of Geneva Building Ordinance and/or building official.

Construction plan review submittal requirements and review standards are based on the property location within the city; the age of the structure, building, or object; and the significance rating of the property, structure, building, object, or site as assigned by survey, as amended from time-to-time.

Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of any designated historic landmark or property within a historic district. The destruction, alteration, or removal of original distinguishing qualities or architectural features of a building, structure, object, improvement, or site and its environment shall be avoided.

Construction plan review for compliance with historic preservation standards will be completed in conjunction with code compliance review by the City of Geneva Building Official, City of Geneva Fire Department, and the City of Geneva Public Works Department.

Each applicant may request one (1) or more pre-application/concept review meetings with city staff to review proposed work and compliance with historic preservation design standards, building codes, zoning requirements, and other applicable regulations.

Submittal requirements identified herein satisfy historic compliance review but shall not be construed to reflect the submittal requirements of other review authorities. Applicants should consult with appropriate city staff prior to submitting an application for building permit application review.

- A. Procedure: Any application for a building permit to undertake any work at a historic landmark or at any property within a historic district shall be subject to the following review process.

1. Application for Rehabilitation of Existing Construction. Each applicant shall provide the following information as part of a building permit application:
 - a. A legible plat of survey, prepared and sealed by an Illinois licensed surveyor within twelve (12) months of application, indicating location of proposed rehabilitation;
 - b. Photographs of all existing conditions (exterior and interior) affected by the proposed work;
 - c. Historic images of area of proposed work, if any available;
 - d. Material samples and/or product specification for any proposed new or repair materials including, but not limited to, siding materials and installation pattern; masonry color, texture, and bonding pattern; roof shingles; major architectural elements (e.g. doors, windows, columns, decorative architectural features, etc.);
 - e. Drawings and/or specifications detailing the proposed rehabilitation work including, but not limited to, building elevations; floor plans; and significant architectural details;
 - f. A completed building permit application and a completed historic preservation review form; and
 - g. Other reasonable information that may be requested by city staff.

Information submitted for review by the historic preservation commission must be provided in a format as required by the building division but not less than one (1) printed copy of all requested documentation; one (1) sample of proposed materials; and one (1) electronic or digital copy (only jpeg or gif format unless another format is approved prior to submittal; any electronic submittal must be clearly legible when printed at 11" x 17" format).

2. Fees. Fees shall be calculated and collected by the building division. All deposits and fees shall be set by ordinance enacted by the city council.
3. Filing. The application for review by the historic preservation commission shall be submitted to the building division. Upon receipt of all required information, the application will be determined to be complete and will be forwarded to the preservation planner for review.

All applications shall be made to the building division on forms provided by the building official; applications may be submitted, in person or electronically, in approved formats and via approved delivery portals.

4. Review of Work at a Historic Landmark or Property within a Historic District. Applications for construction work at an individually-designated historic landmark or at a property within a designated historic district may be reviewed either administratively or before the historic preservation commission based on the level of review identified in the Permit Review Table, prepared by the historic preservation commission in consultation with the preservation planner and building official and as may be revised from time-to-time.

Projects will be evaluated for compliance with the review standards for historic properties as stated herein (See: Section 10-6-4A).

Projects that may be reviewed administratively will be reviewed in the order that complete applications are received.

If, at any time, the preservation planner believes a project may warrant a higher level of review, the preservation planner may refer a project to the historic preservation commission for review.

Projects that are required to be reviewed by the historic preservation commission, or that have been referred to that body, shall be reviewed at the next regularly-scheduled meeting of the commission for which required public notice may be provided.

Upon the completion of a review for any construction work, either administratively or by the commission, a certificate of appropriateness shall be issued by the preservation planner for the approved construction work.

5. Commission Analysis. Prior to the public meeting related to the review of an application for construction work, the preservation planner, on behalf of the commission, shall conduct an analysis of the improvements, properties, or sites proposed for improvement and make a report containing preliminary findings on the historic, architectural, and aesthetic significance of the improvements. When proposed work is subject to commission review and approval, the analysis shall be provided to the commission, in writing, and made available to the public in advance of the public meeting.
6. Public Meeting. The public meeting, for any work required to be reviewed by the commission, shall be conducted by the Historic preservation commission and a record of such proceedings shall be preserved in such manner as prescribed by the commission from time to time.
7. Withdrawal by Applicant. An applicant may withdraw, in writing, an application for construction work at any time preceding the scheduled public meeting of the historic preservation commission. The applicant shall not be responsible for any fees incurred after the date of withdrawal.
8. Commission Action. The historic preservation commission shall act upon any request for construction work in a timely manner. The commission may request modifications of the proposed work as a condition of approval of any proposed construction work.

The commission may not make any determination which conflicts with the provisions the subdivision regulations or the city zoning ordinance.
9. City Council Action. If an application for any construction work is not approved by the historic preservation commission, the applicant may appeal the decision to the city council.

If the commission fails to grant approval of the applicant's request, or if the applicant objects to the commission's determination, then the applicant may request, in writing, to the director of community development that an appeal of the commission's decision be made to the city council.

Both the applicant and the commission have the right to be heard at the appeal proceedings. Upon consideration of the written record of the commission's decision and the applicant's appeal, the city council shall grant or deny the application for proposed construction work.

Within thirty (30) calendar days after such an appeal is made, the city council shall, by resolution, affirm or reverse the commission's determination according to the applicable standards set forth in this chapter. In accordance with said standards, the city council may also modify the commission's determination. A reversal or modification of the commission's determination shall be approved by a vote of not less than two-thirds (2/3) of the aldermen then holding office.

10. Final Inspection. The building official and/or building inspector(s), in consultation with the preservation planner, shall complete, prior to issuance of a final occupancy permit, an inspection of any work approved under a certificate of appropriateness to assure compliance with the approvals granted by the commission or on its behalf.
11. Suspension of Work. During the period beginning with the filing of an application for any construction work and ending with the final action of either the historic preservation commission or the city council, granting or denying said application, no exterior architectural feature of any building, structure, object, improvement, or site that is the subject of an application may undergo any alteration or construction, if such work would be subject to construction plan review and issuance of a building permit. Nothing in this

subsection shall operate to bar ordinary repair and maintenance or any work that is necessary to prevent or correct an imminently dangerous or hazardous condition.

12. Lapse of a Certificate of Appropriateness. Any approval granted by the commission or city council for new construction, alteration, rehabilitation, renovation, or remodeling of any building, structure, object, improvement, or site shall be valid for a period of twenty-four (24) months from the date of the issuance of a certificate of appropriateness. Extensions of an approval may be granted-when approved work has proceeded in good faith-by the building commissioner, in consultation with the preservation planner, for six-month periods of time; however, extensions shall not exceed forty-eight (48) months beyond the original issuance date of a certificate of appropriateness. Failure to complete the approved work in a timely fashion will require the re-application for approval of any outstanding or proposed additional new construction, alteration, rehabilitation, renovation, or remodeling work.

(Ord. No. 2016-01, § 2(Exh. B), 1-19-2016)

10-6-9: - ORDINARY MAINTENANCE AND REPAIR:

Nothing contained in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior feature of a historic landmark or a property within a historic district which does not involve change in the design, material, or other appearance thereof. Moreover, nothing contained in this chapter shall prevent the construction, reconstruction, alteration, restoration, or demolition of any such feature which the director of community development, in consultation with the building official, shall certify is required for the protection of the public safety because of an imminent unsafe or dangerous condition.

(Ord. No. 2016-01, § 2(Exh. B), 1-19-2016)

10-6-10: - DEMOLITION OF DESIGNATED PROPERTIES:

Requests for demolition of any portion of or the entirety of any building, structure, or object shall require review by the historic preservation commission when such demolition request affects:

1. More than twenty-five percent (25%) of any exterior street façade of a building, structure or object;
2. More than twenty-five percent (25%) of any combination of exterior foundations, walls, and/or roofs;
3. Any purposefully-designed landscape by a notable individual; or
4. A significant, naturally-occurring land or geological formation when such building, structure, object or site has been designated as a historic landmark or has been identified as a contributing or significant property within a designated historic district.

Demolition shall be considered only when all other redevelopment options for a building, structure, object, improvement, or site have been exhausted.

- A. Procedure for Historic Landmarks and Historic District Properties: Any application for a demolition permit for all or part of any historic landmark or at any property within a historic district shall be subject to the following review process.

1. Pre-application Meeting. Prior to submitting a demolition request, an applicant shall meet with the preservation planner, building official, city planner and/or director of community development to review the demolition proposal. At that time, the preservation planner shall

identify, to the applicant, any known historic significance classification or documentation pertaining to the property.

2. Application. All applications for a demolition permit shall be submitted on forms provided by the preservation planner. No demolition permit application shall be accepted for processing unless it is complete and is accompanied by all applicable fees, deposits, bonds, and all items required by city ordinance. A complete demolition permit application shall contain the following:
 - a. A legible, dimensioned, and accurate plat of survey, prepared and sealed by an Illinois licensed surveyor within twelve (12) months of application, indicating location of all improvements proposed for demolition;
 - b. written affidavit of the owner(s) of record of the property acknowledging the proposed demolition when the applicant is not the owner of record;
 - c. Sketch floor plans of all levels of the building or structure proposed to be demolished;
 - d. Photographs of all existing conditions including all exterior elevations, all significant architectural features (exterior and interior), and all rooms or spaces (exterior and interior) affected by the proposed demolition work;
 - e. Historic images of the property and general area of proposed work, if any available;
 - f. A written chain of title investigation that identifies previous owners of the property upon which demolition is proposed;
 - g. A detailed report of non-code-compliant elements and structural deficiencies, prepared by an Illinois-registered architect and/or structural engineer with expertise in the rehabilitation of existing and/or historic properties;
 - h. A detailed list of irreparable or deteriorated building features, components or elements;
 - i. A detailed cost estimate for the rehabilitation of the improvement, property, or site, prepared by a design professional or licensed contractor with expertise in the renovation of existing and/or historic properties;
 - j. A comparison of the estimated rehabilitation cost of the property proposed for demolition with market values for comparable improvements, properties, or sites within the municipal boundaries;
 - k. A detailed cost estimate for the restoration of the site per city code in the event that no new construction activity commences following demolition;
 - l. A summary of potential sites, if any, to which the resource could be relocated within the historic district with an estimate of the cost of the move to each proposed location, if any, by a qualified building mover;
 - m. A proposed schedule for demolition activities;
 - n. A completed building permit application and a completed historic preservation review form; and
 - o. Other reasonable information required by city ordinance or that may be requested by city staff.
3. Fees. Fees shall be calculated and collected by the building division. All deposits and fees shall be set by ordinance enacted by the city council.
4. Filing. An application for demolition shall be filed with the building official. Concurrent with the filing, the applicant shall provide to the preservation planner a list, along with one (1) set of addressed envelopes with appropriate postage and return receipts (certified mail) affixed, of the owners of the subject properties and the owners of record of all properties situated within five hundred feet (500') from each boundary of the property proposed for demolition. Within ten (10) working days of the filing of an application, the preservation planner shall review the submitted

application for demolition and inform the applicant, in writing, of any deficiencies which must be corrected and/or clarified prior to the scheduling of a public hearing. Failure of the applicant to provide amended information within thirty (30) working days of the notice of deficiencies will result in an automatic withdrawal of the application.

5. Notice. Upon receipt of a complete demolition application, the preservation planner shall schedule a public hearing for any historic landmark or property within a designated historic district, except for those properties designated as non-contributing due to a lack of architectural, historic, or structural significance or integrity, at the next, regularly-scheduled meeting of the commission that is possible in accordance with the stipulated public notice procedure.

Demolition permit applications for non-contributing buildings with no architectural, historical, or structural significance or integrity shall be reviewed at a regular public meeting and shall not be subject to a public hearing or any stipulation related to noticing of a public hearing.

Within five (5) working days of the filing of a demolition permit requiring a public hearing, the preservation planner shall notify, in writing by regular mail, the owners of record of all surrounding properties identified herein for notification. Notice of a public hearing shall be published on the City of Geneva webpage and in a newspaper of general circulation within the city not less than fifteen (15) calendar days nor more than thirty (30) calendar days in advance of the date of the hearing. The notice shall identify the applicant, property owners of record, legal description of the property where demolition work is proposed, and the common address of the property where demolition work is proposed.

The preservation planner shall direct the erection of at least one (1) sign at the public right-of-way adjacent to the property that is the subject of the public hearing at least ten (10) calendar days in advance of the date of the public hearing. Said sign shall include the words "Proposed for Demolition" in addition to the date, time and place of such public hearing.

Not less than ten (10) calendar days prior to the public hearing, the preservation planner shall mail, using the envelopes provided by the applicant, a written notice to the owners of record of the property proposed for demolition and to the owners of record of all properties identified herein for notification. Written notice shall include the date, time, and location of the scheduled public hearing and information regarding access to a digital or written copy of the demolition application.

The preservation planner shall make every reasonable effort to comply with the notice provisions set forth in this section. Failure to comply with any of the notice provisions, except for the publishing of the legal notice in the newspaper and the notice to the owners of the subject properties, shall not render any amendment invalid.

6. Commission Analysis. Prior to the public hearing, the preservation planner and the building official shall visit the site to familiarize themselves with the existing condition of the property proposed for demolition. The preservation planner and building official shall confer on their evaluation of the property.

Prior to the public meeting for the purpose of reviewing a demolition application, the preservation planner, on behalf of the commission, shall conduct an analysis of the submitted documents and a written summary of the site visit as part of a written report containing preliminary findings on the historic, architectural, and aesthetic significance of the improvements. The analysis shall be provided to the commission, in writing, and made available to the public in advance of the public hearing.

7. Public Hearing. The public hearing for the purpose of reviewing a demolition application shall be conducted by the historic preservation commission and a record of such proceedings shall be preserved in such manner as the commission shall, by rule, prescribe from time to time.

The applicant bears the burden of proof that the failure to approve the proposed work would leave the subject property without an economically viable use, and that the sale, rental, or rehabilitation of the property is not possible, resulting in the property being incapable of earning any reasonable economic return.

8. **Withdrawal by Applicant.** An applicant may withdraw, in writing, a demolition application at any time preceding the scheduled public hearing. The applicant shall not be responsible for any fees incurred after the date of withdrawal.
9. **Commission Action.** The commission shall consider only the property, building, structure, architectural feature, or object proposed for demolition; the merit of any proposed replacement construction or improvement shall not be a standard of review for a demolition request.

The commission may solicit expert testimony to evaluate information provided either as part of a demolition application or at the public hearing.

A public hearing may be continued to a date certain in the event that the commission determines that additional information, unavailable at the public hearing, is warranted and necessary for the purpose of making a finding of fact.

Additionally, the commission may continue a public hearing to the next regularly-scheduled meeting of the commission to provide time to fully evaluate new evidence presented at the public hearing.

Furthermore, the commission may continue a public hearing regarding a request for demolition for a specified period of time, not-to-exceed one hundred twenty (120) calendar days, for the sole purpose of allowing the applicant and the commission to seek alternatives to demolition when the commission determines that all of the following conditions exist:

- a. The property itself, or in relation to its environs, has significant historical, architectural, aesthetic or cultural value in its present condition;
- b. Realistic alternatives for preservation for the property-including adaptive uses-are believed to be neither cost prohibitive nor beyond the limits of local market value; and
- c. The property, in its existing condition, does not present a public health or safety hazard to individuals, neighboring properties or the greater community.

When the commission postpones a recommendation regarding a demolition request, the commission shall retract said postponement when the commission determines that an applicant has:

- a. Made a bona fide and reasonable, but unsuccessful, effort to locate a purchaser for the property who is willing to preserve, rehabilitate, or restore the improvement, property, or site;
- b. Made a bona fide and reasonable, but unsuccessful, effort to locate a purchaser for the improvement who is willing and able to relocate the improvement to another property or site;
- c. Made a bona fide and reasonable, but unsuccessful, effort to develop a cost effective program for the preservation of the improvement; and
- d. Agreed to accept a demolition permit on specified conditions of the commission.

When the commission considers a request for demolition, an applicant may be required, as a condition of demolition approval, to prepare and submit, prior to the commencement of demolition work, the following documentation of a building, structure, object, improvement, or site that is designated as a historic landmark or identified as a contributing or significant property within a designated historic district:

- a. Site plan (scale not less than one (1) inch equals 20'-0");
- b. Floor plans of each level (scale not less than 1/8 " equals 1'-0");
- c. Elevations of each side of the property improvement (scale not less than 1/8 " equals 1'-0"); and

- d. Photographs of each elevation and significant, interior or exterior architectural feature as determined by the commission (clear, black and white images).

The commission shall make written findings of fact within forty-five (45) calendar days following the close of the public hearing.

The commission may grant a demolition request for a historic landmark or a property within a historic district if, upon review of all testimony, the maintenance, use, and/or alteration of the property would cause immediate and substantial hardship for the owners of record because rehabilitation in a manner which preserves the architectural, historic, or structural integrity of the property either:

- a. Is infeasible from a technical, mechanical, or structural perspective; or
- b. Would leave the property with no reasonable economic value because it would require an unreasonable expenditure when accounting for such factors as current market value, permitted uses of the property, and/or the cost of compliance with local, state, and federal codes applicable to the property.

The commission, by a simple majority vote, shall grant or deny the application for demolition.

10. Appeal of a Demolition Denial to City Council. If an application for any demolition work is not approved by the historic preservation commission, then the applicant may request, in writing, to the director of community development that an appeal of the commission's decision be made to the city council.

Both the applicant and the commission have the right to be heard at the appeal proceedings.

Upon consideration of the written record of the commission's decision and the applicant's appeal, the city council shall grant or deny the application for proposed demolition work.

Within thirty (30) calendar days after such an appeal is made, the city council shall, by resolution, affirm, or reverse the commission's determination according to the applicable standards set forth in this chapter. In accordance with said standards, the city council may also modify the commission's determination. A reversal or modification of the commission's determination shall be approved by a vote of not less than two-thirds (2/3) of the aldermen then holding office.

11. Suspension of Work. During the period beginning with the filing of an application for demolition and ending with the final action of either the historic preservation commission or the city council, granting or denying said application, no exterior architectural feature of any building, structure, object, improvement, or site that is the subject of an application for demolition may undergo alteration, construction, demolition, or removal. Nothing in this subsection shall operate to bar ordinary repair and maintenance or any work that is necessary to prevent or correct an imminently dangerous or hazardous condition.
12. Site Restoration. Upon completion of any approved demolition, a site must be restored and maintained as required by City Code until such time that construction activity resumes at the property.
13. Lapse of Demolition Approval. Any approval granted by the commission or city council for the demolition, in whole or in part, of any building, structure, object, improvement, or site shall be valid for a period of twelve (12) months from the date of the issuance of a demolition approval. Failure to complete the approved work in a timely fashion will require the re-application for approval of any outstanding demolition work.

- B. Standards for Demolition Request Review: The historic preservation commission shall make findings related to a demolition request based upon the evidence presented to it in each specific case and shall not approve a proposed demolition unless demolition action improves or corrects one (1) or more of the following conditions:

1. A building, structure, object, improvement, or site that constitutes a hazard to the safety and welfare of the general public or occupants of the improvement, property, or site as determined, in consultation with the preservation planner, by the City of Geneva Building Official, Code Enforcement Officer, Chief of Police, and Fire Chief;
 2. A building, structure, object, improvement, or site that is a deterrent to a major improvement program that will be of substantial benefit to the community for which the applicant has secured all necessary and required planning and zoning approvals, environmental clearances, and project financing;
 3. The retention of a building, structure, object, improvement, or site that will cause undue economic hardship to the owner of record when a governmental action, an act of God, or other events beyond the control of the applicant created the hardship and all feasible alternatives to eliminate the financial hardship (which may include sale of the property at fair market value or relocation of the improvement to another site) have been attempted and exhausted by the applicant; or
 4. The retention of a building, structure, object, improvement, or site is not in the best interest of the majority of the community.
- C. Demolition by Neglect and Deferred Maintenance: Buildings, structures, and objects designated as a historic landmark or lying within the boundaries of a historic district shall be maintained and protected from demolition that results from neglect or undeterred deterioration of the exterior features or structural elements.
1. Duty to Maintain. Any building, structure, or object designated as a historic landmark or lying within the boundaries of a historic district shall be preserved against material deterioration of exterior features and structural elements by its owner of record.
 2. Duty to Repair. The owner of record for any building, structure, or object designated as a historic landmark or lying within the boundaries of a historic district shall, upon written notice from the city code enforcement officer, or other representative on behalf of the city, repair any deficient element that is contributing to material deterioration, including, but not limited to, damage to or decay of:
 - a. Foundations, flooring, or floor supports that causes leaning, sagging, splitting, listing, or buckling of all or part of the building, structure, or object;
 - b. Walls or other vertical supports that causes leaning, sagging, splitting, listing, or buckling of all or part of the building, structure, or object;
 - c. Ceilings, roofs, and their support systems or other horizontal members, that causes leaning, sagging, splitting, listing, or buckling of all or part of the building, structure, or object;
 - d. Fireplaces or chimneys that causes leaning, sagging, splitting, listing, or buckling of all or part of the building, structure, or object;
 - e. Exterior finishes, including, but not limited to wood, brick, stone, stucco, mortar or other material;
 - f. Any design detail, significant feature, or structural element that results in any appreciable loss of architectural, historic, or structural integrity of the building, structure, or object;
 - g. Any window, window frame, door, or doorway that, individually or collectively, results in any appreciable loss of architectural, historic, or structural integrity of the building, structure, or object;
 - h. Any feature intended to provide a watertight condition that results in significant moisture infiltration into the building, structure, or object; or
 - i. Any feature or element that results in the creation of a fire hazard or other nuisance to the welfare of the general public.

- D. Natural Destruction or Demolition: In the case of partial or complete destruction or demolition of a historic landmark or a building, structure, object, improvement, or site within a historic district as a result of an act of God or other natural disaster, the improvement may be completely demolished without commission review provided that the building official, fire department chief, and chief of police, in consultation with the preservation planner, jointly determine the improvement is structurally unsound and poses an immediate or imminent nuisance and/or hazard to the general health, safety, and welfare of the public.

(Ord. No. 2016-01, § 2(Exh. B), 1-19-2016; Ord. No. 2017-08, §§ 3, 5, 4-17-2017)

10-6-11: - SUBDIVISION, PLANNING, AND ZONING REVIEW PROCESS:

On receipt of a petition for: 1) approval of a preliminary plat for a subdivision or planned unit development; 2) a zoning map amendment; or 3) a variation of the zoning ordinance or subdivision control ordinance for any individually-designated historic landmark property or any property or group of properties within a designated historic district, the director of community development shall notify the owner of record of said property that such petition will be reviewed by the historic preservation commission subject to the provisions of this chapter.

A. Procedure.

1. *Zoning Amendments and Variances.* Within sixty (60) calendar days of notice of a petition concerning zoning amendments or variances, the commission shall hold a public meeting and provide written comments to the plan commission or zoning board of appeals, as the case may be, describing recommendations to enhance the proposed project relative to character of the designated historic landmark or historic district, including yard setbacks, landscape features, and building scale.
2. *Subdivisions or Planned Unit Developments (PUD).* Within sixty (60) calendar days of notice of a petition concerning a subdivision or a planned unit development; or a request for comments regarding a revision of development policies within a designated historic district, the commission shall hold a public meeting and provide written comments to the city council or the plan commission, as the case may be, concerning historic features, structures, and sites that may be affected, and the commission's recommendations concerning the most effective means of achieving the city's development objectives within a designated historic district.

In the case of a subdivision or a planned unit development (PUD), the commission's recommendations relating to the character of the development, yard setbacks, landscape features, and building scale shall be made at the time of development review. No additional commission review shall be required at the time of building permit issuance for any improvement within said subdivision or planned unit development which, subsequent to the commission review and comment, shall be approved by the city council provided, however, that said improvement is consistent with the approved plans.

3. *Development Policy Matters.* In matters affecting development policy, the recommendations of the historic preservation commission must be made to the plan commission or the committee of the whole (COW).

(Ord. No. 2016-01, § 2(Exh. B), 1-19-2016)

10-6-12: - ECONOMIC HARDSHIP:

In any case in which the proposed work of an applicant is not approved following either administrative, historic preservation commission, or city council review and the submittal of a written findings of fact, an applicant may apply for a certificate of economic hardship.

A. Procedure:

1. Pre-application Meeting. Prior to submitting a certificate of economic hardship request, an applicant shall meet with the preservation planner and director of community development to review the basis for economic hardship relief.
2. Application. All applications for a certificate of economic hardship shall be submitted on forms provided by the preservation planner. No certificate of economic hardship application shall be accepted for processing unless it is complete and is accompanied by all applicable items required by city ordinance.
3. Fees. The applicant seeking a certificate of economic hardship shall not be required to pay an application fee but shall bear all costs and pay all costs and fees associated with the application and determination process.

All deposits and fees shall be set by ordinance enacted by the city council. Deposits and fees may include-but are not limited to-public notice publication; certified mail; recordation and transcription of public meetings and/or hearings; attorney's fees, and/or staff time.

4. Filing. The application for a certificate of economic hardship shall be filed with the preservation planner. Concurrent with the filing, the Applicant shall provide to the preservation planner a list, along with one (1) set of addressed envelopes with appropriate postage and return receipts (certified mail) affixed, of the owners of the subject properties and the owners of record of all properties situated within five hundred feet (500') from each boundary of the property or resource proposed for relief from applicable standards due to economic hardship. Within ten (10) working days of the filing of an application, the preservation planner shall review the submitted application for a certificate of economic hardship and inform the applicant, in writing, of any deficiencies which must be corrected and/or clarified prior to the scheduling of a public hearing. Failure of the applicant to provide amended information within thirty (30) working days of the notice of deficiencies will result in an automatic withdrawal of the application.
5. Notice. Upon receipt of a complete certificate of economic hardship application, the preservation planner shall schedule a public hearing at the next, regularly-scheduled meeting of the commission that is possible in accordance with the stipulated public notice procedure. Within five (5) working days of the filing of an application, the preservation planner shall notify, in writing by regular mail, the owners of record of all surrounding properties identified herein for notification.

Notice of the public hearing shall be published on the City of Geneva webpage and in a newspaper of general circulation within the city not less than fifteen (15) calendar days nor more than thirty (30) calendar days in advance of the date of the hearing. The notice shall identify the applicant, property owners of record, legal description of the proposed district boundaries, common addresses of the properties within the proposed district, and the criteria for which the district is nominated.

The preservation planner shall direct the erection of at least one (1) sign at the public right-of-way adjacent to the property that is the subject of the public hearing at least ten (10) calendar days in advance of the date of the public hearing.

Not less than ten (10) calendar days prior to the public hearing, the preservation planner shall mail, using the envelopes provided by the applicant, a written notice to the owners of record of the subject properties and the owners of record of all properties identified herein for notification. Written notice shall include the date, time, and location of the scheduled public hearing and information regarding access to a digital or written copy of the certificate of economic hardship application.

The preservation planner shall make every reasonable effort to comply with the notice provisions set forth in this section. Failure to comply with any of the notice provisions, except for the publishing of the legal notice in the newspaper and the notice to the owners of the subject properties, shall not render any amendment invalid.

6. Public Hearing. The public hearing for the purpose of reviewing a certificate of economic hardship application shall be conducted by the historic preservation commission and a record of such proceedings shall be preserved in such manner as the commission shall, by rule, prescribe from time to time.

The applicant bears the burden of proof that the failure of the commission to approve the proposed work would leave the subject property without an economically viable use, and that the sale, rental, or rehabilitation of the property is not possible, resulting in the property being incapable of earning any reasonable economic return.

7. Withdrawal by Applicant. An applicant may withdraw, in writing, an application for a certificate of economic hardship at any time preceding the scheduled public hearing. The applicant shall not be responsible for any fees incurred after the date of withdrawal.
8. Commission Action. At the public hearing, the commission shall take statements presented by the owners of record of the subject property as well as statements from any interested parties concerning the effect of the proposed undertaking on any designated historic landmark or property within a designated historic district.

At a minimum, the applicant shall be required to submit evidence at the public hearing to support any of the standards for a certificate of economic hardship review as identified herein. Evidence presented by the applicant, shall in the applicant's opinion, contribute to the economic hardship alleged to be incurred if the applicant is not granted a certificate of appropriateness. Specific information and documentation which may be presented by the applicant and/or requested by the commission may include:

- a. The amount paid for the property, the date of the purchase, and the party from whom the property was purchased (including a description of the relationship, if any, between the owner and the entity from whom the property was purchased.);
- b. The assessed value of the land and improvements thereon according to the most recent assessments;
- c. Real estate taxes for two (2) years previous to the application for an economic hardship request;
- d. Remaining balance on any mortgage, if any, and annual debt service, if any, for the two (2) years previous to the application for an economic hardship request;
- e. All appraisals obtained within the two (2) years previous to the application for an economic hardship request by the owner of record or the applicant in connection with the purchase, financing, or ownership of the property;
- f. Any listing of the property for sale or rent, price asked and offers received, if any;
- g. Any consideration by the owner of record or the applicant regarding profitable adaptive uses for the property;
- h. If the property is income-producing, the annual gross income from the property for the two (2) years previous to the application for an economic hardship request; itemized operating and maintenance expenses for the previous two (2) years; and annual cash flow before and after debt service, if any, during the same period;
- i. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture or other;

- j. Any information including the income tax bracket of the owner of record or the applicant or any other principal investors in the property that is reasonably necessary for a determination as to whether or not the property can be reasonably used or yield a reasonable return on an investment to present or future owners of the property.

The commission may solicit expert testimony to evaluate information provided either as part of a certificate of economic hardship application or at the public hearing.

A public hearing may be continued to a date certain in the event that the commission determines that additional information, unavailable at the public hearing, is warranted and necessary for the purpose of making a finding of fact. Furthermore, the commission may continue a public hearing to the next regularly-scheduled meeting of the commission to provide time to fully evaluate new evidence presented at the public hearing.

Provided that the commission finds that the hardship was not created with the intent of circumventing this article, the commission, by a simple majority vote, shall grant relief from the rehabilitation standards due to economic hardship only if the commission finds that:

1. The subject property cannot be put to any reasonably beneficial use;
2. The owner of record or the applicant will suffer substantial economic loss if the application for proposed work that will yield a certificate of appropriateness is not approved; or
3. The retention of the resource will cause undue financial hardship to the owner of record or the applicant when a governmental action, an act of God, or other event beyond the owner's control created the hardship, and all feasible alternatives to eliminate the economic hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district, have been attempted and exhausted by the owner of record and/or the applicant.

The commission shall make written findings of fact within forty-five (45) calendar days following the close of the public hearing.

Upon the commission's granting of relief due to economic hardship, the preservation planner shall provide to the applicant, a written certificate of economic hardship that describes the rehabilitation relief granted and the basis of the economic relief.

9. **Suspension of Work.** During the period beginning with the filing of an application for a certificate of economic hardship and ending with the final action of either the historic preservation commission or the city council, granting or denying said application, no exterior architectural feature of any improvement, property, or site that is the subject of an application may undergo any alteration or construction, if such work would be subject to a building permit and/or is subject to the issuance of a certificate of appropriateness. Nothing in this subsection shall operate to bar ordinary repair and maintenance or any work that is necessary to prevent or correct an imminently dangerous or hazardous condition.
10. **City Council Action.** If an application for a certificate of economic hardship is not approved by the historic preservation commission, the applicant may appeal the decision to the city council.

If the commission fails to grant approval of the applicant's request, or if the applicant objects to the commission's determination, then the applicant may request, in writing, to the director of community development that an appeal of the commission's decision be made to the city council.

Both the applicant and the commission have the right to be heard at the appeal proceedings. Upon consideration of the written record of the commission's decision and the applicant's appeal, the city council shall grant or deny the application for a certificate of economic hardship.

Within thirty (30) calendar days after such an appeal is made, the city council shall, by resolution, affirm or reverse the commission's determination according to the applicable standards set forth in this chapter. In accordance with said standards, the city council may also modify the commission's

determination. A reversal or modification of the commission's determination shall be approved by a vote of not less than two-thirds (2/3) of the aldermen then holding office.

Within seven (7) calendar days of action by the city council, the secretary shall notify, in writing, the applicant and the building official of the council's determination.

11. Revocation of Certificate of Economic Hardship. If an applicant seeks a building permit for additional work on the same property for which a certificate of economic hardship had been granted at an earlier date, the previously-granted rehabilitation relief may be revoked and approvals for any additional work may include the requirement for completion of rehabilitation work previously deferred due to economic hardship.
- B. Standards for a Certificate of Economic Hardship Review: The historic preservation commission shall make findings related to a certificate of economic hardship request based upon the evidence presented to it in each specific case and shall not approve a certificate of economic hardship unless an applicant can prove one (1) or more of the following conditions:
1. A substantial decrease in the fair market value of the property as a result of the denial of the proposed work;
 2. A substantial decrease in financial return to the owners of record or other investors in the property as a result of the denial of the proposed work;
 3. A substantial and significant additional cost to complete the proposed construction, alteration, relocation and/or demolition would be incurred to comply with the recommendations of the commission for changes necessary for the issuance of a certificate of appropriateness;
 4. The structural instability and a lack of sustainability for rehabilitation of any structure, object, or other improvement on the property; and/or
 5. A lack of economically-feasible rehabilitation or adaptive use of the existing improvement, building, structure, or object.

(Ord. No. 2016-01, § 2(Exh. B), 1-19-2016; Ord. No. 2017-08, § 4, 4-17-2017)

10-6-13: - VIOLATIONS AND PENALTY:

Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine as provided in the general penalty in section 1-3-1 of this Code. Each day that a violation exists shall be deemed a separate offense.

(Ord. No. 2016-01, § 2(Exh. B), 1-19-2016)

PROPOSED AMENDMENTS
TO THE
KANE COUNTY HISTORIC PRESERVATION
ORDINANCE

Ordinance No. 88-99



June 29, 2000

Proposed Amendments to the Kane County Historic Preservation Ordinance

Ordinance No. 88-99

June 29, 2000

Words and/or phrases printed with a ~~strikeout~~ line through them shall be deleted and words and/or phrases which are underlined will be added to Ordinance No. 88-99 as a result of the adoption of the following proposed amendments.

DIVISION 1 PURPOSES, DEFINITIONS AND GENERAL PROVISIONS

Sec. 16-58. Purpose and Intent.

The purposes and intent of this Ordinance are as follows:

- 1) To identify, designate, protect, preserve and encourage the restoration, rehabilitation and adaptation for continued use of those properties, ~~and~~ structures and road corridors which represent or reflect the historical, cultural, artistic, social, economic, ethnic or political heritage of the Nation, State or County, or which may be representative of an architectural or engineering type inherently valuable for the study of style, period, craftsmanship, method of construction or use of indigenous materials;
- 2) To safeguard the County's historic, aesthetic and cultural heritage, as embodied and reflected in such structures, landscape features and areas;
- 3) To stabilize and improve the economic vitality and value of designated landmarks, ~~and~~ preservation districts and road corridors in particular and of the County of Kane in general;
- 4) To foster civic pride in the beauty and noble accomplishments of the past;
- 5) To protect and enhance the County's attractions to tourists and visitors and to support and provide stimulus to business and industry;
- 6) To strengthen the economy of the County of Kane; and
- 7) To promote the use of ~~historic~~ preservation districts, ~~and~~ landmarks and road corridors for the education, pleasure and welfare of the citizens of Kane County.

Sec. 16-59. Definitions.

For the purpose of this ordinance, certain words, phrases and terms shall have the following meanings:

Alteration. Any act or process that challenges one or more historic, architectural or physical features of an area, site, landscape, place and/or structure, including, but not limited to, the

erection, construction, reconstruction, or removal of any structure; the expansion or significant modification of agricultural activities; surface mining; and clearing, grading or other modification of an area, site or landscape that changes its current or natural condition.

Architectural Significance. Embodying the distinctive characteristics of a type, period, style or method of construction or use of indigenous construction, or representing the work of an important builder, designer, architect, or craftsman who has contributed to the development of the community, County, State or Nation.

Archaeological Significance. Importance as an area, site, place or landscape that has yielded or is likely to yield information concerning previous cultures in Illinois or previous periods of the present culture. Areas, sites or landscapes of archaeological significance may include, but are not limited to, aboriginal mounds, forts, earthworks, burial grounds, historic or prehistoric ruins, locations of villages, mine excavations or tailings.

Building. Any structure designed or constructed for residential, commercial, industrial, agricultural or other use.

Certificate of Appropriateness. A certificate issued by a Preservation Commission indicating its approval of plans for alteration, construction, demolition, or removal affecting a nominated or designated landmark or property within a nominated or designated preservation district or road corridor.

Certificate of Economic Hardship. A certificate issued by the Preservation Commission authorizing an alteration, construction, removal or demolition even though a Certificate of Appropriateness has previously been denied or may be denied.

Commissioners. Members of the Preservation Commission.

Conservation Right. A term that includes easements, covenants, deed restrictions or any other type of less than full fee simple interest as that term is defined in Illinois Revised Statutes, Section 1 of "An act relating to conservation rights in real property," approved September 12, 1977, as amended.

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

Demolition. Any act or process which destroys in part or in whole a landmark or ~~a building or structure~~ property within a preservation district or road corridor.

Design Criteria. Standards of appropriate activity that will preserve the historic, architectural, scenic or aesthetic character of a landmark, ~~or~~ preservation district or road corridor.

Development Rights. The development rights of a landmark or of a property within a preservation district or road corridor as defined in Section 11-48.2-1A of the Illinois Municipal Code.

Development Rights Bank. A reserve for the deposit of development rights as defined in Section 11-48-2-1A of the Illinois Municipal Code.

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

Historic Significance. Character, interest or value as part of the development, heritage, or culture of the community, County, State or country; as the location of an important local, County, State or national event; or through identification with a person or persons who made important contributions to the development of the community, County, State or country.

Highway Authority. The Illinois Department of Transportation with respect to a U.S. or State highway; the County Board with respect to a County highway; the County Engineer if a ministerial function is involved; the highway commissioner with respect to a township road; or the corporate authorities of a municipality with respect to a municipal street.

Landmark. A property or structure designated as a “Landmark” by ordinance of the County Board, pursuant to procedures prescribed herein, which is worthy of rehabilitation, restoration, or preservation because of its historic or scenic or architectural significance.

Landscape. A natural feature or group of natural features such as, but not limited to, valleys, rivers, lakes, marshes, swamps, forests, woods, or hills; or a combination of natural features and buildings, structures, objects, cultivated fields, or orchards in a predominantly rural setting.

Object. Any tangible thing, including any items of personal property, including, but not limited to wagons, boats, and farm machinery, that may be easily moved or removed from real property.

Owner of Record. The person or corporation or other legal entity in whose name the property appears on the records of the County Recorder of Deeds.

Preservation District. An area designated as a “preservation district” by ordinance of the County Board and which may contain within definable geographic boundaries one or more landmarks and which may have within its boundaries other properties, areas, sites, landscapes, or structures which, while not of such historic or architectural or scenic significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the district.

Removal. Any relocation of a structure, object or artifact on its site or to another site.

Repair. Any change that is not construction, alteration, demolition, or removal and is necessary or useful for continuing normal maintenance and upkeep.

Road Corridor. A type of preservation district in which the geographic area is identified with a nominated or designated road. The road corridor minimally includes the area within the right-of-way including the road pavement, any structures such as bridges and signs, shoulders and vegetation, and may also include; a) all or portions of adjacent properties, b) features located on adjacent property such as buildings, structures, or vegetation, c) potential conservation easements or other easements that would protect scenic vistas and viewsheds, and/or d) existing easements protecting privately owned drives or lanes.

Scenic Significance. Importance as a result of appearance or character that remains relatively unchanged from and embodies the essential appearance related to a culture from an earlier historic or prehistoric period; as a result of a unique location, appearance, or physical character that creates an established or familiar vista or visual feature; or as a geologic or natural feature associated with the development, heritage or culture of the community, County, State or Nation.

Site. The traditional, documented or legendary location of an event, occurrence, action or structure significant in the life or lives of a person, persons, group or tribe, including but not limited to, cemeteries, burial grounds, campsites, battlefields, settlements, estates, gardens, groves, river crossings, routes, trails, caves, quarries, mines, or significant trees or other plant life.

Structure. Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including (but without limiting the generality of the foregoing) barns, smokehouses, advertising signs, billboards, backstops for tennis courts, bridges, fences, pergolas, gazebos, radio and television antennae, solar collectors, microwave antennae, including supporting towers, roads, ruins or remnants (including foundations), swimming pools or walkways.

Survey. The systematic gathering of information on the architectural, historic, scenic and archaeological significance of buildings, sites, structures, areas, or landscapes through visual assessment in the field and historical research, for the purpose of identifying landmarks, ~~or~~ districts or road corridors worthy of preservation.

Sec. 16-60. General Provisions.

The following are general provisions propounded to make more clear matters relative to scope and jurisdiction of this Article:

- 1) No provision herein shall supersede the powers of other local legislative or regulatory bodies or relieve any property owner from complying with the requirements of any other State statutes or code or ordinance of the County or individual municipal ordinance or regulations, and any permit or license required thereunder shall be required in addition to any certificate of appropriateness or economic hardship which may be required hereunder; provided however, that where a certificate of appropriateness or economic hardship is required, no such other permit or license shall be issued by any other agency under the jurisdiction of the County Board before a certificate has been issued by the Commission as herein provided.

- 2) The use of property and improvements which have been designated under this Article shall be governed by the County Zoning Ordinance¹, as amended.
- 3) If any particular section of this Article is declared to be unconstitutional or void, only the particular section is affected, and all other sections of this Article shall remain in full force and effect.
- 4) For purposes of remedying emergency conditions determined to be dangerous to life, health or property, the Commission may waive the procedures set forth herein and grant immediate approval for a certificate of appropriateness. The Commission shall state its reasons in writing for such approval.
- 5) No member of the Preservation Commission shall vote on any matter that may materially or apparently affect the property, income or business interest of that member. (Ord. No. 88-99, 6-14-88)
- 6) No provision herein shall be contrary to “the purpose of promoting the public health, safety, morals, comfort and general welfare; conserving the values of property throughout the county; and reducing or avoiding congestion in the public streets and highways.

Sec. 16-61-16-65. Reserved.

DIVISION 2 THE HISTORIC PRESERVATION COMMISSION

Sec. 16-66. Organization.

- a) *Appointment.* The County Board shall by ordinance appoint members to the County Historic Preservation Commission from names submitted by the presiding officer of the County Board.
- b) *Composition.* The Preservation Commission shall consist of nine (9) members. All members shall be residents of Kane County. The Chairman of the County Board shall make every reasonable effort to nominate to the Preservation Commission at least one attorney, one historian or architectural historian, one architect/engineer and one real estate professional knowledgeable in preservation; the other members shall be persons with a demonstrated interest in pre-history, history or architecture.

In addition to the nine (9) voting members, the Director of the County Development Department or his designee shall serve as an ex-officio, nonvoting member of the Commission and shall be responsible for providing staff support, upon approval of, and as deemed appropriate by the County Board Development Committee. Also in addition, the Director of the County Division of

¹ See also Zoning, App. B.

Transportation or his designee shall serve as an ex-officio, nonvoting member of the Commission and shall be responsible for providing staff support, upon approval of, and as deemed appropriate by the County Board Transportation Committee. The president, Kane County Forest Preserve or his designee shall also serve as an ex-officio, nonvoting member of the Commission.

- c) *Terms.* Terms of the initial members shall be staggered so that at least five (5) serve respectively for the following terms: one for one year, one for two (2) years; one for three (3) years; one for four (4) years; one for five (5) years. Any additional initial members shall also serve terms staggered in the same sequence. Successors to initial members shall serve for five (5) year terms. All ex-officio members shall serve the term of their elected or appointed office. All members shall serve until their successors are appointed.

- d) *Officers.* One of the appointed members shall be named chairman at the time of appointment and vice chairman and secretary shall be elected by the Preservation Commission. The chairman shall preside over meetings. In the absence of the chairman, the vice chairman shall perform the duties of the chairman. If both the chairman and the vice chairman are absent, a temporary chairman shall be elected by those present. The secretary shall ensure that the following duties are performed:
 - 1) That minutes are taken of each Preservation Commission meeting;
 - 2) That copies of the minutes, reports and decisions of the Preservation Commission be published and distributed to the members of the Preservation Commission;
 - 3) That the County Board Chairman is advised of vacancies on the Preservation Commission and expiring terms of members; and
 - 4) That there be prepared and submitted to the County Board a complete record of the proceedings before the Preservation Commission on any matters requiring County Board consideration.

Vacancies shall be filled by the County Board from names submitted by the Chairman of the County Board. Any Commission member may be removed by the County Board for cause after a public hearing.

- e) *Rules and procedures.* The Historic Preservation Commission shall have the authority to develop and adopt new rules and procedures necessary to carry out its functions under the provisions of this Article.

- f) *Meetings.*
 - 1) Meetings of the Commission shall be held no less than monthly, except in those months when no business is pending, and shall be held at such times and places within the County as the Commission shall decide. All meetings of the Commission shall keep minutes of its proceedings, showing a vote of each member upon every question, or if absent or failing to vote, and shall also keep records of its official actions. Such minutes and records shall be

open to the public for inspection and maintained at offices of the County Development Department.

- 2) A quorum shall consist of five (5) members. The transaction of business shall be made by a majority vote of those members in attendance while a quorum is present, except that the adoption, modification or rescission of any rule or part thereof shall require the affirmative vote of five (5) members.
- g) *Compensation.* The members shall serve without compensation, but they shall be reimbursed for their expenses necessarily incurred in the performance of their duties as such.
- h) *Annual report.* The Commission shall submit an annual report of its activities to the County Board Chairman. (Ord. No. 88-99, 6-14-88)

Sec. 16-67. Powers and authorities.

- 1) To conduct an on-going survey of the County to identify buildings, structures, areas, roads, sites and landscapes that are of historic, archaeological, architectural or scenic significance, and therefore potential landmarks, ~~or~~ preservation districts or road corridors;
- 2) To hold public hearings and recommend to the County Board the designation of landmarks, ~~or~~ preservation districts or road corridors;
- 3) To compile information concerning and prepare descriptions of the landmarks, ~~or~~ preservation districts or road corridors identified and recommended for designation and the characteristics that meet the standards for designation;
- 4) To prepare, keep current and publish a map or maps showing the locations and exact boundaries of ~~proposed~~ nominated and designated landmarks, ~~and~~ preservation districts and road corridors, and, if the Commission so chooses, the locations and boundaries of designated State or Federal landmarks or districts;
- 5) To keep a register of all designated landmarks, ~~and~~ preservation districts, and road corridors;
- 6) To establish an appropriate system of markers or plaques for all designated landmarks, ~~and~~ preservation districts and road corridors, and for streets, roads, trails and highways leading from one landmark, ~~or~~ preservation district or road corridor to another and to confer recognition upon the owners of landmarks or property within preservation districts or road corridors by means of certificates, plaques or markers;
- 7) To nominate landmarks and preservation districts to any State or Federal registers of historic places;

- 8) To advise and assist owners of landmarks and property within preservation districts on physical and financial aspects of preservation, renovation, rehabilitation and reuse, and on procedures for inclusion on any State or Federal register of historic places;
- 9) To inform and educate the citizens of the County concerning the historic, archaeological, architectural or scenic heritage of the County by publishing appropriate maps, newsletters, brochures and pamphlets, and by holding programs and seminars;
- 10) To hold public hearings and to review applications for construction, alteration, removal or demolition affecting landmarks or property within preservation districts or road corridors and issue certificates of appropriateness for such actions;
- 11) To consider applications for certificates of economic hardship that would allow the performance of work for which a certificate of appropriateness may be, or has been denied;
- 12) To develop specific criteria and guidelines for the proper alteration, construction, demolition or removal of landmarks, or of property within preservation districts or road corridors;
- 13) To review proposed amendments to zoning regulations, applications for special uses or applications for zoning variations that affect any landmark, ~~or~~ preservation district or road corridor. Proposed zoning amendments, applications for special use or zoning variations that affect any "landmark", ~~or~~ "preservation district" or "road corridor" as defined in this Article shall be transmitted to the Preservation Commission for review and comment prior to the date of the hearing by the County Zoning Board of Appeals;
- 14) To administer on behalf of the County Board any property, or full or partial interest in real property, including a conservation right, upon designation by the County Board;
- 15) To accept and administer on behalf of the County Board gifts, grants, money or other personal property as may be appropriate for the purposes of this Article. Such money may be expended for publishing maps and brochures, for hiring staff or consultants or performing otherwise appropriate functions for the purpose of carrying out the duties and powers of the Preservation Commission and the purposes of this Article.
- 16) To administer any system established by the County Board for the transfer of development rights;
- 17) To call upon available County agencies and staff as well as other experts for technical advice;
- 18) To retain specialists or consultants, or to appoint citizen, neighborhood or area advisory committees, as well as other experts for technical advise;
- 19) To testify before all boards and commissions including the County Regional Planning Commission and the Zoning Board of Appeals, on any matter affecting potential or designated landmarks, ~~or~~ preservation districts or road corridors;

- 20) To periodically review any County comprehensive plan and to develop a preservation component in any comprehensive plan of the County and to recommend it to the County Regional Plan Commission and the County Board;
- 21) To periodically consult with the Zoning Administrator, review any zoning ordinance and building code and to recommend to the County Board any amendments appropriate for the protection and continued use of landmarks or property within preservation districts or road corridors;
- 22) To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties, or the implementation of the purposes of this Article. (Ord. No. 88-99, 6-14-88)
- 23) To recommend to the County Board the adoption of intergovernmental agreements between the County Board and Kane County municipalities to allow for the nomination and designation by the County Board of individual landmarks, preservation districts, and road corridors within incorporated areas and afford the protection of historic landmarks, preservation districts or road corridors through the provisions of this Ordinance.

Sec. 16-68-16-72. Reserved.

DIVISION 3
DESIGNATION OF LANDMARKS, ~~AND HISTORIC~~ PRESERVATION DISTRICTS
AND ROAD CORRIDORS

Sec. 16-73. Surveys and research.

The Preservation Commission shall undertake an ongoing survey and research effort in the County to identify sites, structures, and objects that have historic, cultural, community, scenic significance, architectural or aesthetic importance, interest or value. As part of the survey, the Commission shall review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts and photographs.

Before the Preservation Commission shall on its own initiative nominate any landmark or district for designation, it shall first develop a plan and schedule for competition of a survey of the County to identify potential landmarks and districts and adopt procedures to nominate them in groups based upon the following criteria:

- 1) The potential landmarks or districts in one township or distinct geographical area of the County;
- 2) The potential landmarks associated with a particular person, event or historical period;

- 3) The potential landmarks of a particular architectural style or school, or of a particular architect, engineer, builder, designer or craftsman;
- 4) Such other criteria as may be adopted by the Preservation Commission to assure systematic survey and nomination of all potential landmarks within the County. (Ord. No. 88-99, 6-14-88, eff. 12-1-88)

Sec. 16-74. Preservation plan.

- a) The Historic Preservation Commission shall, through the aforesaid surveys and research, so to become thoroughly familiarized with buildings, structures, objects, sites, districts, areas and lands within the County which may be eligible for designation as historic landmarks or districts, prepare an "Historic Landmark and District Preservation Plan".
- b) The Preservation Plan shall be presented to the County Board Development ~~Commission~~ Committee for consideration and recommendation to the County Board for inclusion in the ~~County Comprehensive Land Use Plan~~ 2020 Land Resource Management Plan, as amended. At least annually, the Commission shall review the Plan and insert in the Historic Preservation Commission minutes a report of such review and take appropriate action on any amendments to the Plan deemed necessary. (Ord. No. 88-99, 6-14-88, eff. 12-1-88)

Sec. 16-75. Nomination of landmarks, ~~and historic preservation districts and road corridors~~.

The Preservation Commission or any person may ~~propose~~ nominate landmarks, ~~or~~ preservation districts ~~or road corridors~~ for designation by the County Board by filing a nomination for any property, ~~or~~ properties and structures, ~~or area~~ located in an unincorporated area ~~or in an incorporated area by intergovernmental agreement with the applicable municipality~~ within the geographical boundaries of Kane County.

Nomination forms shall be filed with the County Development Department. Such forms shall be provided by the Commission and, when submitted for landmarks or preservation districts, shall include or be accompanied by the following:

- 1) The name and address, as shown on the Tax Assessor's rolls of the owner of the nominated property.
- 2) The legal description and common street address of the nominated property ~~proposed for designation~~.
- 3) A map delineating the boundaries and location of the nominated property ~~proposed for designation~~.

- 4) A written statement describing the nominated property and setting forth reasons in support of the ~~proposed designation~~ nomination.
- 5) In nominating an area for designation as ~~an historic~~ a preservation district, a list enumerating all properties and improvements previously designated, or currently pending designation, as a landmark by this Commission or listed ~~on~~ in any State or Federal registers of historic places.

Nominations for road corridors shall include or be accompanied by the following:

- 1) The name, distance and location of the road corridor nominated.
- 2) A written description of the character of the road corridor and those factors which make it suitable for preservation and eligible for designation.
- 3) A written description of the vision for the road corridor in the future.
- 4) A written statement of what will be achieved by the designation.
- 5) Maps showing:
 - a. the location of the road corridor in Kane County; and
 - b. the boundaries of the road corridor and adjacent properties.
- 6) Color prints (8" x 10") showing the significant features of the road corridor.

In the case of a nominated road corridor, the nomination will be placed on the agendas of the Development and Transportation Committees of the County Board for initial review and discussion of any issues and questions related to the nomination. Comments from the Committees will be forwarded with the nomination to the Commission. Proceeding with the development of a Corridor Management Plan shall require the approval of the Committees.

~~(6)~~ There shall be no fee for submitting a nomination form to the Commission for designation of an historic landmark, ~~or~~ preservation district, or road corridor.

Sec. 16-76. Criteria for ~~consideration of nomination~~ designation.

The Commission may recommend to the County Board the designation of landmarks, upon written proof of owner consent, and preservation districts and road corridors, where a showing of consent by no fewer than ~~twenty-five~~ fifty-one percent (~~25%~~) (51%) of the property owners whose property is located within the boundaries of the ~~proposed~~ nominated district ~~or~~ corridor, when after a thorough investigation results in a determination that a nomination ~~property structure or improvement, or area so recommended~~ meets one or more of the following criteria:

- 1) It has character, interest, or value which is part of the development, heritage or cultural characteristics of the area, ~~a local~~ community, ~~the~~ County, State or ~~the~~ Nation;
- 2) Its location is a site of a significant local, County, State or national event;
- 3) It is identified with a person or persons who significantly contributed to the development of the ~~local~~ community, County, State or ~~the~~ Nation;
- 4) It embodies distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction or use of indigenous materials;
- 5) It is identified with the work of a master builder, designer, architect or landscape architect whose individual work has influenced the development of the ~~local~~ area, County, State or ~~the~~ Nation;
- 6) It embodies elements of design, detailing, materials or craftsmanship that render it architecturally significant;
- 7) It embodies design elements that make it structurally or architecturally innovative;
- 8) It has a unique location, natural features, or physical characteristics that make it an established or familiar visual ~~feature~~ resource with a high level of integrity or scenic significance;
- 9) It ~~has character which~~ is a particularly fine or unique example of a utilitarian structure, including, but not limited to farmhouses, gas stations or other commercial structures, with a high level of integrity or architectural significance;
- 10) It is suitable for preservation or restoration;
- 11) It is included in the National Register of Historic Places and/or the Illinois Register of Historic Places;
- 12) It has yielded, or may be likely to yield information important to pre-history, history or other areas of archaeological significance.

In the event a property, structure or an area is found to be of such significant character and quality where it is determined that its designation as a landmark, ~~or~~ preservation district or road corridor is in the overall best interest of the general welfare, the Commission may nominate and recommend to the County Board such appropriate designation without proof of owner consent or the minimal percentage of owner approval. (Ord. No. 88-99, 6-14-88, eff. 12-1-88)

Sec. 16-77. ~~Initial report~~ Reports and ~~recommendation~~ recommendations of the Preservation Commission.

The Preservation Commission shall within ~~seven (7)~~ thirty (30) days from ~~receipt~~ its review of a completed application for designation of a landmark or preservation district cause to be written an initial recommendation and report stating whether the nominated landmark or preservation district does or does not meet the criteria for designation as provided ~~for~~ in Section 16-76 herein. The report shall contain the following information:

- 1) An explanation of the significant or lack of significance of the nominated landmark or historic preservation district as it relates to the criteria for designation;
- 2) A description of the integrity or lack of integrity of the nominated landmark or historic preservation district;
- 3) In the case of a nominated landmark found to meet the criteria for designation:
 - a) A description of the significant exterior architectural features of the nominated landmark that should be protected;
 - b) A description of the types of construction, alteration, demolition and removal, other than those requiring a building or demolition permit, that should be reviewed for appropriateness pursuant to the provisions of subsections 16-94(c) and (d) of this Article;
- 4) In the case of a nominated historic preservation district found to meet the criteria for designation:
 - a) A description of the types of significant exterior architectural features of the structures within the nominated historic preservation district that should be protected;
 - b) A description of the types of alterations and demolitions that should be reviewed for appropriateness pursuant to the provisions of subsections 16-94(c) and (d) of this Article.
- 5) The relationship of the nominated landmark or historic preservation district to the on-going effort of the Preservation Commission to identify and nominate all potential areas and structures that meet the criteria for designation;
- 6) A map showing the location of the nominated landmark and the boundaries of the nominated historic preservation district.

In the case of a nominated road corridor, if the Commission deems the road corridor eligible for designation, a Corridor Management Plan shall be prepared in accordance with Section 16-88 herein, following the approval of the Development and Transportation Committees of the County Board. The Corridor Management Plan shall be completed and presented to the Commission within 90 days. Within thirty (30) days following close of the public hearing as prescribed in Section 16-79, a report and recommendation shall be prepared by staff and the highway authority and presented to the Preservation

Commission. The report shall state the findings of the Preservation Commission and the comments received during the public hearing and shall include the following:

- 1) A description of features and characteristics within the road corridor that should be protected; and
- 2) A description of the types of alterations, both included and not included in the Corridor Management Plan, that should be reviewed for appropriateness.

In the case of a nominated landmark or preservation district, The the recommendation and report shall be available to the public in the office of the County Development Department. (Ord. No. 88-99, 6-14-88, eff. 12-1-88)

In the case of a nominated road corridor, the recommendation and report shall be available to the public in the offices of the County Development Department and Division of Transportation and the office of the highway authority.

Sec. 16-78. Notification of nomination.

In the case of a nominated historic landmark or preservation district, the The Preservation Commission shall in thirty (30) days from completion of the initial report and recommendation as described above in Section 16-77, cause to be scheduled a public hearing on the nomination. In the case of a nominated road corridor, the Preservation Commission shall in thirty (30) days from the date of the completion of the Corridor Management Plan, cause to be scheduled a public hearing on the nomination and Corridor Management Plan. Notice of the date, time, place and purpose of the public hearing and a copy of the completed nomination form shall be sent by certified mail to the owner(s) of record and to the nominators, as well as by regular mail to property owners adjoining the nominated landmark, or historic preservation district or road corridor at least fifteen (15) days prior to the date of the hearing. Such notice shall also be published in a newspaper having general circulation in the area surrounding the nominated property, or district or road corridor at least fifteen (15) days prior to the date of the hearing. All notices shall state the street address and permanent index number or legal description of a nominated landmark and the boundaries of a nominated historic preservation district or road corridor.

Sec. 16-79. Hearing.

A public hearing shall be scheduled, and notification made thereof, pursuant to Section 16-78 above. Oral or written testimony shall be taken at the public hearing from any person or organization concerning the nomination. The Preservation Commission may solicit expert testimony or present its own evidence recording the historic, archaeological or scenic significance of a ~~proposed~~ nominated landmark or of any property within a ~~proposed~~ nominated preservation district or road corridor relative to compliance with criteria for ~~consideration~~ designation set forth above in Section 16-76 of this Article. The owner of any nominated landmark or of any property within a nominated preservation district or road corridor shall be allowed reasonable opportunity to present evidence regarding historic, archaeological, architectural or scenic significance and shall be afforded the right of representation by counsel and reasonable opportunity to cross-examine expert witnesses. The owner(s) of property within a nominated road corridor may submit a written statement at or prior to the public hearing to have their property outside of the right-of-

way, in whole or part, excluded from the nominated road corridor. Such a written statement shall result in the exclusion of that portion of the owner's property from the nominated road corridor. The Preservation Commission shall not include any properties, or portions thereof, that have been so excluded in the Corridor Management Plan, and shall determine whether or not the nominated road corridor remains eligible for designation with such exclusions. The hearing shall be closed upon completion of testimony.

Sec. 16-80. Recommendation of Preservation Commission.

Within ~~fifteen (15)~~ thirty (30) days following close of the public hearing, the Commission shall make its determination upon the evidence whether the proposed nominated landmark, or preservation district or road corridor does or does not meet the criteria for designation as provided in Section 16-76 herein. A recommendation to the ~~County Board~~ Development Committee that the proposed nominated landmark, or preservation district or road corridor does or does not meet the criteria for designation and should or should not be designated shall be passed by resolution of the Preservation Commission. In the case of a nominated road corridor, the Commission's recommendation shall also be made to the Transportation Committee. This recommendation shall be accompanied by a report stating the findings of the Preservation Commission concerning the historic, archaeological, architectural or scenic significance of the proposed nominated landmark, or preservation district or road corridor. The Preservation Commission shall forward copies of the resolution and report to the applicant, and the owner of the subject property or representative for petitioners of the subject area, and the highway authority. (Ord. No. 88-99, 6-14-88, eff. 12-1-88)

Sec. 16-81. Designation.

The County Board, upon a recommendation from the Preservation Commission that the proposed nominated landmark, or preservation district or road corridor should be designated, shall review the report and recommendations of the Preservation Commission. The County Board may schedule a public hearing concerning the ~~proposed designation nomination~~ and shall provide notice of any public hearing in the same manner as provided in Section 16-78 of this Article and conduct the public hearing in the same manner as provided in Section 16-79 of this Article. The County Board after reviewing the report and recommendation shall within sixty (60) days from receipt of the recommendation of the Preservation Commission take one of the following steps: 1) designate the landmark, or preservation district or road corridor by ordinance; or 2) refer the report and recommendation back to the Preservation Commission with suggestions for revisions stating its reason for such action. (Ord. No. 88-99, 6-14-88, eff. 12-1-88)

Sec. 16-82. Notice of Designation.

Notice of the action of the County Board including a copy of the ordinance designating the landmark, or preservation district or road corridor, shall be sent by regular mail to all persons of record, including but not limited to each owner of record of a landmark or property within a preservation district or road corridor, the highway authority, and to owners of adjacent and immediately surrounding properties affected by a certificate of appropriateness. Further, as soon as is reasonably possible, the Chairman of the County Board shall cause to be notified the County Development Department, the Recorder of Deeds, the County Clerk, the highway authority and the County Collector by forwarding to each a copy

of the designation ordinance. The Recorder of Deeds shall ensure that the designation be recorded on all directly affected parcels. (Ord. No. 88-99, 6-14-88, eff. 12-1-88)

Sec. 16-83. Publication of map.

A map showing the location of all designated landmarks, ~~and~~ preservation districts and road corridors shall be published and amended upon each designation. Copies of the map shall be available to the public at the office of the County Development Department ~~at the same location and~~ in the same manner as any County zoning map and at the office of the County Division of Transportation. (Ord. No. 88-99, 6-14-88, eff. 12-1-88)

Sec. 16-84. Appeals.

Adoption of an ordinance designating a landmark, ~~or historic~~ preservation district or road corridor by the County Board shall be a final action reviewable under 735 Illinois Compiled Statutes 5/3-101 of the Illinois Administrative Review Law. (Ord. No. 88-99, 6-14-88, eff. 12-1-88)

Sec. 16-85. Interim code.

No building, site development, access, utility or other permit shall be issued by the Building Officer, ~~the County Engineer or other County Department~~ without a Certificate of Appropriateness in accordance with Division 4 herein for alteration, construction, demolition, or removal of a nominated landmark or the alteration of any physical feature of a property or structure within a nominated ~~historic~~ preservation district or road corridor from the date of the meeting of the Preservation Commission, Development Committee or Transportation Committee at which a nomination form is first presented until the final disposition of the nomination by the County Board unless such alteration, removal, or demolition is necessary for public health, welfare, or safety. In no event shall the delay be for more than one hundred ~~twenty five (25)~~ (150) days. The Building Officer, Zoning Officer and the County Engineer shall notify other permitting jurisdictions and utilities of the nomination and encourage the coordination of permit and development review activities that effect the nomination.

Sec. 16-86. Marking by attachment of a plaque.

Each ~~designation~~ designated landmark, landmark site, ~~and historic~~ preservation district and road corridor may be marked by an appropriate plaque carrying a brief description and account of ~~the~~ its historical significance ~~of the property.~~ (Ord. No. 88-99, 6-14-88, eff. 12-1-88)

Sec. 16-87. Amendment and rescission of designation.

The County Board, upon recommendation of the Preservation Commission, may amend or rescind designation by the same procedure and according to the same standards and considerations set forth for designation. No amendment or rescission shall be made to a designation of a landmark, ~~or~~ preservation

district or road corridor based solely on a change in owner's consent or a showing of less than ~~twenty five~~ fifty-one percent (25%) (51%) minimal interest, respectively. (Ord. No. 88-99, 6-14-88, eff. 12-1-88)

Sec. 16-88. Corridor Management Plan.

A Corridor Management Plan (design criteria for road corridors) shall be prepared by cooperative effort and may include the nominator(s) of a road corridor, owners of properties within the nominated road corridor, local government jurisdictions and County staff to provide a comprehensive understanding and vision for the road corridor and a plan to preserve and enhance it.

The Corridor Management Plan shall be used by the Commission in conjunction with the nomination and report in its determination whether the nominated road corridor does or does not meet the criteria for designation as provided in Section 16-76 herein, and, if designated, as the criteria for evaluating Certificates of Appropriateness.

The Corridor Management Plan shall be used by the property owners and local government jurisdictions when making applications for Certificates of Appropriateness, for guiding proposed changes in the road corridor not requiring Certificates of Appropriateness and for responding to future transportation and community needs.

The Corridor Management Plan shall include the following:

- 1) An inventory in the form of maps, photographs, graphics, or written documents of the following:
 - a. Physical features;
 - b. Property ownership, parcel boundaries, zoning boundaries and local government jurisdictional boundaries;
 - b. Existing road classification, conditions and any budgeted and planned improvements; and
 - d. Adopted land use plans, transportation plans, and other related documents.
- 2) A statement of purpose to reflect the inspiration and aspiration of the nomination, articulating why the road corridor should be designated and what designation may accomplish in the long term.
- 3) Enhancement strategies for the following:
 - a. The preservation, maintenance, and alteration of the road, right-of-way, properties, structures and features in the nominated road corridor;

- b. Adjacent properties and features that contribute to the road corridor but are not included in the nomination; and
 - c. Enhancing the long term preservation of the road corridor through partnerships and public policy actions.
- 4) Signature lines on the final Corridor Management Plan document for all owners of property (or their authorized agents) within the nominated road corridor and outside the right-of-way as well as a signature line for the highway authority, or the County Engineer in the case of County Highways. Signatures of all property owners (or their authorized agents) included within a nominated road corridor shall be affixed on the final Corridor Management Plan before consideration of the nomination by the County Board.

Sec. 16-89-16-92. Reserved.

DIVISION 4 ALTERATION, CONSTRUCTION, DEMOLITION AND MAINTENANCE

Sec. 16-93. Scope.

Work on property and improvements so designated pursuant to this Article shall be regulated as follows:

- 1) *Landmarks.* No significant alterations, exterior construction or exterior demolition may be performed on property ~~and~~ or structures which have been designated under this Article as landmarks, except as shall be approved by a certificate of appropriateness.
- 2) *Historical Preservation districts.* No significant alterations, exterior construction or exterior demolition may be performed on property ~~and~~ or structures located within an area designated under this Article as ~~an historical~~ a preservation district, except as shall be approved by a certificate of appropriateness. (Ord. No. 88-99, 6-14-88, eff. 12-1-88)
- 3) *Road corridors.* No significant alterations of visible features or structures, exterior construction, construction of new access drives, exterior demolition, or removal of trees, vegetation, structures, or other visible features may be performed in the right of way or on property or structures located within an area designated under this Article as a road corridor, except as shall be approved by a certificate of appropriateness or expressly defined by the corridor management plan for the road corridor as not requiring a certificate of appropriateness.

Sec. 16-94. Certificate of appropriateness.

- a) *Certificate required.* A certificate of appropriateness from the Preservation Commission established pursuant to this Article shall be required before any significant alteration, construction,

demolition or removal that affects pending or designated landmarks, ~~and~~ preservation districts and road corridors is undertaken. Such a certificate is required for all such actions from the date a nomination in proper form for designation is submitted to the Preservation Commission.

b) *Applications for certificate of appropriateness.*

- 1) Every application submitted to the County Development Department, Division of Building and Zoning for a permit wherein the applicant represents and/or delineates plans to commence any action as immediately described above in subsection (a) affecting any such property, improvements or areas therein described shall be forwarded by the Director of Building and Zoning to a representative or representatives of the Preservation Commission, within three (3) days following the receipt of said application by the Building and Zoning Division. The Building and Zoning Division shall not issue the building or demolition permit until a certificate of appropriateness has been issued by the Preservation Commission. Any applicant may request a meeting with the Preservation Commission before the application is sent by the Director of Building and Zoning to the Preservation Commission or during the review of the application.
- 2) Application for review of construction, alteration, demolition or removal not requiring a building permit for which a certificate of appropriateness is required shall be made on a form prepared by the Preservation Commission and available at the office of the County Development Department. The Preservation Commission may schedule, provide notice and conduct a public hearing concerning the application in the manner previously described in Sections 16-78 and 16-79.
- 3) If a public hearing is not scheduled the Commission may consider the completed application at its next regular meeting and may grant a certificate of appropriateness at that time. The Commission may further designate staff support responsible for reviewing routing applications for certificates of appropriateness when the proposed work is clearly appropriate and in accordance with the criteria set forth in subsections (c) and (d) below, and the purposes of this Article.
- 4) The Commission may seek technical advice from outside its members on any application for a certificate of appropriateness. The applicant and each Commissioner shall receive a copy of the consultant's written opinion at least seven (7) days before a determination is made on the application.
- 5) The Commission shall act promptly and in a reasonable manner in its judgement of plans for new construction or for alteration, removal or demolition of structures in preservation districts or road corridors that have little historic value and that are not shown on priority lists, except where such construction, alteration, removal or demolition would seriously impair the historic, ~~or~~ architectural or scenic value of surrounding structures or the surrounding area.

c) *Design guidelines criteria.* The Commission shall consider the following factors in reviewing applications for certificates of appropriateness.

- 1) *Height.* The height of any proposed alteration or construction should be compatible or construction should be compatible with the style and character of the landmark and with surrounding structures in a preservation district or road corridor.
 - 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 landmark and with surrounding structures within a preservation district or road corridor.
 - 3) *Relationship of building masses and spaces.* The relationship of a structure within a preservation district or road corridor to open space between it and adjoining structures should be compatible.
 - 4) *Roof Shape.* The design of the roof should be compatible with the architectural style and character of the landmark and surrounding structures in ~~an historic~~ a preservation district or road corridor.
 - 5) *Landscaping.* Landscaping should be compatible with the architectural character and appearance of the landmark and of surrounding structures and landscapes in ~~historic~~ preservation districts or road corridors.
 - 6) *Scale.* The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures in a preservation district or road corridor.
 - 7) *Directional expression.* Facades in ~~historic~~ preservation districts or road corridors should blend with other structures with regard to directional expression. Structures in ~~an historic~~ a preservation district or road corridor should be compatible with the dominant horizontal or vertical expression of surrounding structures. The directional expression of a landmark after alteration, construction or partial demolition should be compatible with its original architectural style and character.
 - 8) *Architectural details.* Architectural details including materials, and textures should be treated so as to make a landmark compatible with its original architectural style or character.
- d) *Standards for review.* The Commission, in considering the appropriateness of any alteration to, demolition of, new construction on, or removal ~~to~~ of any property or structures designated, or pending designation as a landmark or any area designated, or pending designation as ~~an historic~~ a preservation district or road corridor, shall be guided by the following general standards in addition to the corridor management plan or any design guidelines criteria in the ordinance designating the landmark, ~~or historic~~ preservation district or road corridor, as well as conformance to applicable zoning classification, height and area limitation:
- 1) Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure or site and its environment, or to use a property for its originally intended purpose.

- 2) The distinguished original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural or natural feature should be avoided when possible.
- 3) All buildings, structures and sites shall be recognized as products of their time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged.
- 4) Changes that may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- 5) Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure or site shall be treated with sensitivity.
- 6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- 7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- 8) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
- 9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, ~~or~~ cultural or natural material and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- 10) In the case of a road corridor, every reasonable effort shall be made to protect and preserve the visible features and structures identified in the corridor management plan for a designated road corridor or in the nomination and draft corridor management plan, it applicable, for a nominated road corridor.

e) *Determination by Preservation Commission.*

- 1) Within fifteen (15) days (Saturdays, Sundays, and legal holidays excluded) after support staff review, or from the date of the regular meeting, or from the close of a public hearing concerning an application for a certificate of appropriateness, or within such further time as the applicant for said certificate (and/or permit) approves in writing, the Commission shall

determine whether: a) the proposed construction, alteration, demolition, removal or other modification will be appropriate to the preservation of the particular landmark, ~~or~~ historic preservation district or road corridor and a certificate of appropriateness may be issued; or b) such proposed modification is inappropriate to the preservation of the particular landmark, ~~or~~ historic preservation district or road corridor and a certificate of appropriateness may be denied.

- 2) Written notice of the approval or denial of the application for a certificate of appropriateness shall be provided to the applicant, sent by certified mail with return receipt requested, and to the County Development Department within seven (7) days (Saturdays, Sundays, and legal holidays excluded) following the determination and shall be accompanied by a certificate of appropriateness in the case of an approval.
- f) *Denial of certificate of appropriateness.* A denial of a certificate of appropriateness shall be accompanied by a statement of the reasons for the denial. The Preservation Commission shall make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the Preservation Commission to reconsider its denial and shall confer with the applicant and attempt to resolve as quickly as possible the difference(s) between the applicant and the Commission. The applicant may resubmit an amended application or reapply for a building and zoning permit that takes into consideration the recommendations of the Preservation Commission.
- g) *Decision binding on Director, ~~Building and Zoning~~ County Development Department, and County Engineer.* The Director of the County Development Department and the County Engineer, shall be bound by the determination of the Commission and approve, if in conformance with other provisions of the Building Code, or disapprove any permit application for the proposed construction, alteration, or removal of an exterior architectural or visual feature, or demolition of any building or structure, in a preservation district or road corridor or any landmark in accordance with said determination.
- h) *Failure of Commission to review application in a timely manner.* Failure of the commission to act upon an application for a certificate of appropriateness within ninety (90) days shall constitute approval and no other evidence shall be needed. This time limit may be waived only by mutual consent of the applicant and the Commission.
- i) *Demolitions.*
 - 1) Pursuant to subsections (c) and (d) above, the Preservation Commission may deny any application for a certificate of appropriateness where demolition is proposed upon finding that such proposed action will adversely affect the historic, archaeological or scenic significance of a landmark, ~~or~~ preservation district or road corridor. Upon receipt of an application for a certificate of appropriateness for demolition, the Preservation Commission shall as soon as possible make a determination, supported by written findings, whether one or more of the following criteria are met:

- a) The structure or visual resource is of such interest or quality that it would reasonably meet national, State or local criteria for designation as an historic or architectural landmark.
- b) The structure or visual resource is of such unusual or uncommon design, texture or materials that it could not be reproduced, or be reproduced only with great difficulty and expense.
- c) Retention of the structure or visual resource would aid substantially in preserving and protecting another structure or visual resource which meets the criteria of subsection (i)(1)a, or b herein above.

Where the Preservation Commission determines that one or more of these criteria are met, no certificate of appropriateness shall be issued and the application shall be denied.

- 2) Additionally, the Preservation Commission shall require the applicant to submit for review, and consideration post-demolition plans, to include ~~drawing~~ drawings or sketches with sufficient detail to show, as far as they relate to exterior appearance, the architectural design of any and all improvements incorporated in such plans.

j) *Compliance with certificate.* A certificate of appropriateness will become void:

- 1) If there is any change in the scope of work pursuant to the approved application subsequent to the issuance of the certificate; or
- 2) If twenty four (24) months have elapsed after issuance of the certificate and no ~~building~~ permit has been issued or if twenty four (24) months have lapsed after issuance of the last ~~building~~ permit and the project has not been completed.

k) *Appeals.* A denial of a certificate of appropriateness is an “administrative decision” as defined in 735 Illinois Compiled Statutes 5/3-101 of the Administrative Review Law, and it shall be subject to judicial review pursuant to provisions of said Administrative Review Law and all amendments and modifications thereof, and the rules adopted thereto. (Ord. No. 88-99, 6-14-88, eff. 12-1-88)

Sec. 16-95. Economic hardship.

- a) *Issuance.* The Preservation Commission shall issue a certificate of economic hardship upon determination that the failure to issue a certificate of appropriateness has denied, or will deny, the owner of a landmark or of a property within a preservation district or road corridor all reasonable use of, or return on, the property. Application for a certificate of economic hardship shall be made on a form and in the manner as prescribed by the Preservation Commission. The Preservation Commission may schedule a public hearing concerning the application and provide notice in the same manner as prescribed in Section 16-79 of this Article.

- b) *Expert testimony.* The Preservation Commission may solicit expert testimony and the applicant for a certificate of economic hardship may submit any or all of the following information in order to assist the Preservation Commission in its determination on the application, including but not limited to:
- 1) An estimate of the cost of the proposed construction, alteration, demolition or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Preservation Commission for changes necessary for the issuance of a certificate of appropriateness;
 - 2) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
 - 3) Estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition or removal; after any changes recommended by the Preservation Commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use;
 - 4) In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;
 - 5) Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer;
 - 6) If the property is income-producing, the annual gross income from the property for the previous two (2) years; itemized operating and maintenance expenses for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt services, if any, during the same period;
 - 7) Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two (2) years;
 - 8) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years;
 - 9) Assessed value of the property according to the two (2) most recent assessments;
 - 10) Real estate taxes for the previous two (2) years;
 - 11) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture or other;

- 12) Any other information, including the income tax bracket of the owner, applicant, or principal investors in the property, considered necessary by the Preservation Commission to make a determination as to whether the property does yield or may yield a reasonable return to the owners.
- c) *Determination of economic hardship.* Within one hundred twenty (120) days from receiving a request for a certificate of economic hardship, the Commission, upon a determination that the denial of a certificate of appropriateness has denied, or will deny the owner of a landmark or of a property within a preservation district or road corridor of all reasonable use of, or return on, the property, shall undertake one or the other of the following:
- 1) Offer the owner of the property reasonable financing, tax or other incentives sufficient to allow a reasonable use of, or return on, the property; or
 - 2) Offer to purchase the property at a reasonable price or institute eminent domain proceedings pursuant to article VII of the Illinois Code of Civil Procedure; or
 - 3) Issue a certificate of appropriateness for the proposed construction, alteration, demolition or removal. Written notice of the determination shall be provided in the same manner as required by subsection 16-94 (e) of this Article.
- d) *Appeals.* A denial of a certificate of economic hardship is an “administrative decision” as defined in 735 Illinois Compiled Statutes 5/3-101 of the Administrative Review Law, and it shall be subject to judicial review pursuant to provisions of said law and all amendments and modifications thereof, and the rules adopted thereto. (Ord. No. 88-99, 6-14-88, eff. 12-1-88)

Sec. 16-96. Maintenance of historic properties.

Nothing in this Article shall be construed to prevent the ordinary maintenance of any exterior elements of a property or structures designated or nominated as a landmark or located within a designated or nominated preservation district or road corridor.

Sec. 16-97. Public safety exclusion.

None of the provisions of this Division shall be construed to prevent any measures of construction, alteration or demolition necessary to correct or abate the unsafe or dangerous condition of any structure, other feature or part thereof, where such condition has been declared unsafe or dangerous by the Director, County Building and Zoning Division, the County Health Department or any fire protection district and where the proposed measures have been declared necessary, by such Department or departments to correct the said condition; provided, however, that only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed pursuant to this Section. In the event any structure or other feature resource shall be damaged by fire or other calamity, or by act of God or by the public enemy, to such an extent that, in the opinion of the aforesaid Department or departments, it cannot reasonably be repaired or restored, it may be removed in conformity with normal permit procedures and applicable laws. (Ord. No. 88-99, 6-14-88, eff. 12-1-88)

Sec. 16-98-16-102. Reserved.

**DIVISION 5
ENFORCEMENT, PENALTIES AND EQUITABLE RELIEF**

Sec. 16-103. Enforcement.

- a) The County Development Department, Division of Building and Zoning, shall give written notification, sent by certified mail, return receipt requested, of any violation of this Article to the owner of record, lessor, the trustee or other legally responsible party for such property, stating in such notification that they have inspected the property and have found it in violation of this Article. They shall state in the notification in clear, precise terms a description or explanation of the violation. ~~The property description or explanation of the violation.~~ The property owner of record, trustee, lessor or legally responsible party shall have thirty (30) days from the date he receives the notice in which to correct such violation or to give satisfactory evidence that he has taken steps that will lead to correcting such violation within a stated period of time, which ~~time~~ must be agreeable to the Division of Building and Zoning as being fair and reasonable.
- b) Upon petition of the Preservation Commission, the Circuit Court for Kane County may restrain and/or enjoin any construction, removal, alteration or demolition in violation of this Article and may order the removal in whole or part of any exterior architectural feature existing in violation of this Article and may further order such reconstruction as may be necessary or desirable to redress any alteration or demolition in said violation. (Ord. No. 88-99, 6-14-88, eff. 12-1-88)

Sec. 16-104. Penalties.

Any person found to be in violation of any provision of this Article shall be guilty of a separate offense for each day or portion thereof during which any such violation is committed, continued or permitted, and each offense may be punishable by a fine of not more than two hundred dollars (\$200.00), or to imprisonment in the County jail for a period or not more than six (6) months, or both, at the discretion of the Court. (Ord. No. 88-99, 6-14-88, eff. 12-1-88)

Sec. 16-105. Equitable relief.

In addition to other remedies provided by law, the County may institute any appropriate action or proceedings to prevent, restrain, abate or correct a violation of this Article, including, but not limited to, requiring the restoration of property and improvements to its appearance prior to the violation. (Ord. No. 88-99, 6-14-88, eff. 12-1-88)

ARTICLE I - PURPOSES, DEFINITIONS AND GENERAL PROVISIONS

1. Purposes and Intent. The purposes and intent of this Ordinance are as follows:
 - a) To identify, designate, protect, preserve, and encourage the restoration, rehabilitation, and adaptation for continued use of those properties and structures which represent or reflect the historical, cultural, artistic, social, economic, ethnic or political heritage of the United States of America, State of Illinois, or County of Will or which may be representative of an architectural or engineering type inherently valuable for the study of style, period, craftsmanship, method of construction or use of indigenous materials;
 - b) To strengthen the economy of the County of Will;
 - c) To stabilize and improve the economic vitality and value of designated landmarks and preservation districts, in particular, and of the County of Will, in general;
 - d) To protect, enhance, and interpret the County's resources for tourists and visitors as well as to support and provide stimulus to business and industry;
 - e) To foster civic pride in the beauty and noble accomplishments of the past;
 - f) To safeguard the County's historic, aesthetic and cultural heritage and as embodied and reflected in structures, landscape features, and scenic areas; and
 - g) To promote the use of historic districts and landmarks for the education, pleasure, and welfare of the citizens of Will County.

2. Definitions. For the purposes of this Ordinance, certain words, phrases, and terms shall have the following meanings:
 - a) Alteration: Any act or process that changes one or more historic, architectural, or physical features of an area, site, landscape, place, and/or structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure; the expansion or significant modification of agricultural activities; surface mining; and clearing, grading or other modification of an area, site or landscape that changes its current or natural condition.
 - b) Architectural Significance: Embodying the distinctive characteristics of a type, period, style or method of construction or use of indigenous materials, or representing the work of an important builder, designer, architect, engineer, or craftsman who has contributed to the development of the community, County, State or Nation.
 - c) Archaeological Significance: Importance as an area, site, place or landscape that has yielded or is likely to yield information concerning past patterns of human settlement, or artifacts or information concerning previous cultures in Illinois or previous periods of the present culture. Areas, sites or landscapes of archaeological significance may include, but are not limited to, aboriginal mounds, forts, earthworks, burial grounds, historic or prehistoric ruins, locations of villages, mine excavations or tailing.
 - d) Building: Any structure designed or constructed for residential, commercial, industrial, agricultural or other use.
 - e) Certificate of Appropriateness: A certificate issued by a Preservation Commission indicating its approval of plans for alteration, construction, demolition, or removal affecting a nominated or designated landmark or property within a nominated or designated preservation district.
 - f) Certificate of Economic Hardship: A certificate issued by the Preservation Commission authorizing an alteration, construction, removal or demolition even though a Certificate of Appropriateness has previously been denied or may be denied.
 - g) Commissioners: Members of the Preservation Commission.
 - h) Conservation Right: A term that includes easements, covenants, deed restrictions or any other type of less than full fee simple interest as that term is defined in Illinois Revised Statutes, Section 1 of "An Act relating to conservation rights in real property," approved September 12, 1977, as amended.
 - i) Construction: The act of adding an addition to a structure or the erection of a new principal or accessory structure on a lot or property.
 - j) Demolition: Any act or process which destroys in part or in whole a landmark or a building or structure within a preservation district.

- k) Design Criteria: Standards of appropriate activity that will preserve the historic, architectural, scenic or aesthetic character of a landmark or preservation district.
 - l) Development Rights: The development rights of a landmark or of a property within a preservation district as defined in Section 11-48.2-1A of the Illinois Municipal Code.
 - m) Development Rights Bank: A reserve for the deposit of development rights as defined in Section 11-48.2-1A of the Illinois Municipal Code.
 - n) Exterior Architectural Appearance: The architectural character and general composition of the exterior of a building or structure, including but not limited to the kind, color and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs and appurtenant elements.
 - o) Historic Significance: Character, interest or value as part of the development, heritage, or culture of the community, County, State or Nation; as the location of an important local, County, State or national event; or through identification with a person or persons who made important contributions to the development of the community, County, State or Nation.
 - p) Landmark: A property or structure designated as a "Landmark" by ordinance of the County Board, pursuant to procedures prescribed herein, which is worthy of rehabilitation, restoration, or preservation because of its historic, or scenic, or architectural significance.
 - q) Landscape: A natural feature or group of natural features such as, but not limited to: valleys, rivers, lakes, marshes, swamps, forests, woods, or hills; or a combination of natural features and buildings, structures, objects cultivated, fields, or orchards in a predominantly rural setting.
 - r) Object: Any tangible items, including any items of personal property, including, but not limited to: wagons, boats, and farm machinery that may be easily moved or removed from real estate property.
 - s) Owner of Record: The person or corporation or other legal entity in whose name the property appears on the records of the County Recorder of Deeds.
 - t) Preservation District: An area designated as a "preservation district" by ordinance of the County Board and which may contain within definable geographic boundaries one or more landmarks and which may have within its boundaries other properties, areas, sites, landscapes or structures, while not of such historic, architectural or scenic significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the district.
 - u) Removal: Any relocation of a structure, object or artifact on its site or to another site.
 - v) Repair: Any change that is not construction, alteration, demolition, or removal and is necessary or useful for continuing normal maintenance.
 - w) Scenic Significance: Importance as a result of appearance or character that remains relatively unchanged from and embodies the essential appearance related to a culture from an earlier historic or prehistoric period; as a result of a unique location, appearance, or physical character that creates an established or familiar vista or visual feature; or as a geologic or natural feature associated with the development, heritage, or culture of the community, County, State, or Nation.
 - x) Site: The traditional, documented or legendary location of an event, occurrence, action, or structure significant in the life or lives of a person, persons, group, or tribe, including but not limited to, cemeteries, burial grounds, campsites, battlefields, settlements, estates, gardens, groves, river crossings, routes, trails, caves, quarries, mines, or significant trees or other plant life.
 - y) Structure: Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including (but without limiting the generality of the foregoing), barns; smokehouses; advertising signs; billboards; backstops for tennis courts; bridges; fences; pergolas; gazebos; radio and television antennae, solar collectors, and microwave antennae, including supporting towers; roads; ruins or remnants (including foundations); swimming pools; or walkways.
 - z) Survey: The systematic gathering of information on the architectural, historic, scenic, and archaeological significance of buildings, sites, structures, areas, or landscapes through visual assessment in the field and historical research, for the purpose of identifying landmarks or districts worthy of preservation.
3. General Provisions. The following are general provisions propounded to make more clear matters relative to scope and jurisdiction of this Ordinance.

- e) No provision herein shall supersede the powers of other local legislative or regulatory bodies or relieve any property owner from complying with the requirements of any other state statute or code or ordinance of the County of Will or individual municipal ordinances or regulations, and any permit or license required thereunder shall be required in addition to any Certificate of Appropriateness or Economic Hardship which may be required hereunder; provided, however, that where a Certificate of Appropriateness or Economic Hardship is required, no such other permit or license shall be issued by any other agency under the jurisdiction of the Will County Board before a certificate has been issued by the Commission as herein provided.
- f) The use of property and improvements which have been designated under this Ordinance shall be governed by the Will County Zoning Ordinance, as amended.
- g) If any particular section of this Ordinance is declared to be unconstitutional or void, only the particular section is affected, and all other sections of this Ordinance shall remain in full force and effect.
- h) For purposes of remedying emergency conditions determined to be dangerous to life, health or property, the Commission may waive the procedures set forth herein and grant immediate approval for a Certificate of Appropriateness. The Commission shall state its reasons in writing for such approval.
- i) No member of the Preservation Commission shall vote on any matter that may materially or apparently affect the property, income, or business interest of that member.

ARTICLE II - THE HISTORIC PRESERVATION COMMISSION

1. Organization

- a) Appointment: The Will County Board shall by ordinance appoint members to the Will County Preservation Commission from names submitted by the County Executive.
- b) Composition: The Preservation Commission shall consist of nine (9) members. All members shall be residents of Will County. The County Executive shall nominate to the Preservation Commission at least one (1) attorney, one (1) historian or architectural historian, one (1) architect/engineer, and one (1) real estate professional knowledgeable in preservation; the other members shall be persons with a demonstrated interest in pre-history, history, architecture, engineering, or preservation. In addition to the nine (9) voting members, the Planning Director of the Will County Land Use Department or the Director's designee shall serve as an ex-officio, non-voting member of the Commission and shall be responsible for providing staff support. The President of the Forest Preserve District of Will County or the President's designee shall also serve as an ex-officio, non-voting member of the Commission.
- c) Terms: Terms of the initial members shall be staggered so that at least five serve respectively for the following terms: one for one year; one for two years; one for three years; one for four years; one for five (5) years. Any additional initial members shall also serve terms staggered in the same sequence. Successors to initial members shall serve for five year terms. All ex officio members shall serve the term of their elected or appointed office. All members shall serve until their successors are appointed. Vacancies shall be filled by the Will County Board from names submitted by the County Executive. Any Commission member may be removed by the County Board for cause after a public hearing.
- d) Officers: One of the appointed members shall be named Chairman at the time of appointment and Vice-Chairman and Secretary shall be elected by the Preservation Commission. The chairman shall preside over meetings. In the absence of the Chairman, the Vice-Chairman shall perform the duties of the Chairman. If both the Chairman and the Vice-Chairman are absent, a temporary chairman shall be elected by those present. The Planning Director and his staff shall ensure that the following duties are performed.
 - i) That minutes are taken of each Preservation Commission meeting;
 - ii) That copies of the minutes, reports, and decisions of the Preservation Commission be published and distributed to the members of the Preservation Commission.
 - iii) The Will County Executive is advised of vacancies on the Preservation Commission and expiring terms of members; and
 - iv) That there be prepared and submitted to the Will County Board a complete record of the proceedings before the Preservation Commission on any matters requiring County Board consideration. The Will County Land Use Department shall be the official keeper of the records.
- e) Rules and Procedures. The Historic Preservation Commission shall have the authority to develop and adopt rules and procedures necessary to carry out its functions under the provisions of this Ordinance.
- f) Meetings. Meetings of the Preservation Commission shall be held no less than monthly, except in those months when no business is pending, and shall be held at such times and places within the County as the Commission shall decide. All meetings of the Commission shall be open to the public. The Commission shall keep minutes of its proceedings, showing a vote of each member upon every question, or if absent or failing to vote, and shall also keep records of its official actions. Such minutes and records shall be open to the public for inspection and maintained at offices of the Will County Land Use Department.
- g) Quorum. A quorum shall consist of five (5) members. The transaction of business shall be made by a majority vote of those members in attendance while a quorum is present, except that the adoption, modification or rescission of any rule or part thereof shall require the affirmative vote of five (5) members.

- h) Compensation. The members shall serve without compensation, but they shall be reimbursed for their expenses necessarily incurred in the performance of their duties as such and approved by the Director of the Land Use Department.
- i) Annual Report. The Commission shall submit an annual report of its activities to the Will County Board.

2. Powers and Authorities. The Preservation Commission shall have the following powers and authority.

- a) To conduct an ongoing survey of the County to identify buildings, structures, areas, sites and landscapes that are of historic, archaeological, architectural, or scenic significance, and, therefore, potential landmarks or preservation districts;
- b) To hold public hearings and recommend to the County Board the designation of landmarks or preservation districts;
- c) To compile information concerning and prepare descriptions of the landmarks or preservation districts identified and recommended for designation and the characteristics that meet the standards for designation;
- d) To prepare, keep current, and publish a map or maps showing the locations and exact boundaries of proposed and designated landmarks and preservation districts, and, if the Commission so chooses, the locations and boundaries of designated state or federal landmarks or districts;
- e) To keep a register of all designated landmarks and preservation districts;
- f) To establish an appropriate system of markers or plaques for all designated landmarks and preservation districts, and for streets, roads, trails, and highways leading from one landmark or preservation district to another and to confer recognition upon the owners of landmarks or property within preservation districts by means of certificates, plaques, or markers;
- g) To nominate landmarks and preservation districts to any state or federal registers of historic places;
- h) To advise and assist owners of landmarks and property within preservation districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on any state or federal register of historic places;
- i) To inform and educate the citizens of the County concerning the historic, archaeological, architectural, or scenic heritage of the County by publishing appropriate maps, newsletters, brochures, and pamphlets, and by holding programs and seminars;
- j) To hold public hearings and to review applications for construction, alteration, removal, or demolition affecting landmarks or property within preservation districts and issue or deny Certificates of Appropriateness for such actions;
- k) To consider applications for Certificates of Economic Hardship that would allow the performance of work for which a Certificate of Appropriateness has previously been denied;
- l) To develop specific criteria and guidelines for the proper alteration, construction, demolition, or removal of landmarks, or of property within preservation districts;
- m) To review proposed amendments to zoning regulations, applications for special uses or applications for zoning variations that affect any and all landmark or preservation district. Proposed zoning amendments, applications for special use, or zoning variations that affect any landmark or preservation district as defined in this ordinance or any application for demolition of any structure which is more than 30 years old shall be reviewed by support staff and/or at the discretion of the staff shall be forwarded to the Preservation Commission for review within seven (7) working days.
- n) To administer on behalf of the County Board any property, or full or partial interest in real property, including a conservation right, upon designation by the County Board;
- o) To accept and administer on behalf of the County Board gifts, grants, money or other personal property as may be appropriate for the purpose of this Ordinance. Such money may be expended for publishing maps and brochures, for hiring staff or consultants or performing otherwise appropriate functions for the purpose of carrying out the duties and powers of the Preservation Commission and the purposes of this Ordinance.
- p) To administer any system established by the County Board for the transfer of development rights;
- q) To call upon available County agencies and staff as well as other experts for technical advice;

- r) To retain specialists or consultants, or to appoint citizen, neighborhood or area advisory committees, as may be required;
- s) To testify before all boards and commissions including the Will County Planning and Zoning Commission, also known as the Will County Regional Planning Commission, on any matter affecting potential or designated landmarks or preservation districts;
- t) To periodically review any County comprehensive plan and to develop a preservation component in any comprehensive plan of the County and to recommend it to the Planning and Zoning Commission and the County Board;
- u) To periodically consult the County zoning administrator, review any County zoning ordinance and building code, and to recommend to the County Board any amendments appropriate for the protection and continued use of landmarks or property within preservation districts;
- v) To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or the implementation of the purposes of this Ordinance.

ARTICLE III - DESIGNATION OF LANDMARKS AND HISTORIC DISTRICTS

1. Surveys and Research. The Preservation Commission shall undertake an ongoing survey and research effort in the County to identify areas, sites, structures, and objects that have historic, cultural, community, architectural or aesthetic importance, interest, or value. As part of the survey, the Commission shall review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts, and photographs.

The Commission shall make an effort to systematically identify potential landmarks and districts and adopt procedures to nominate them in groups based upon the following criteria:

- a) The potential landmarks or districts in one township or distinct geographical area of the County;
 - b) The potential landmarks associated with a particular person, event, or historical period;
 - c) The potential landmarks of a particular architectural style or school, or of a particular architect, engineer, builder, designer, or craftsman; or of a particular building material.
 - d) Such other criteria as may be adopted by the Preservation Commission to assure systematic survey and nomination of all potential landmarks within the County;
2. Preservation Plan
 - a) The Historic Preservation Commission may prepare a "Historic Landmark and District Preservation Plan."
 - b) Any such Preservation Plan shall be presented to the Will County Land Use Department for consideration and recommendation to the County Board for inclusion in the Will County Land Resource Management Plan as amended. From time to time, the Commission shall review the Plan and insert in the Historic Preservation Commission minutes a report of such review and take appropriate action on any amendments to the Plan deemed necessary.
 3. Nomination of Landmarks and Historic Districts. The Preservation Commission or any person may propose landmarks or preservation districts for designation by the County Board by filing a nomination for any property or properties and structures located in an unincorporated area within the geographical boundaries of Will County and those municipalities as provided for by statute. Nomination forms shall be filed with the Will County Land Use Department.

Such forms shall be provided by the Commission and, when submitted, shall include or be accompanied by all of the following information:

- a) The name and address, as shown on the tax assessor's rolls of the owner of record of the nominated property.
 - b) The Permanent Index Number (PIN), legal description, and common street address of the property proposed for designation.
 - c) A map delineating the boundaries and location of the property proposed for designation.
 - d) A written statement describing the property and setting forth reasons in support of the proposed designation.
 - e) In nominating an area for designation as an preservation district, a list enumerating all properties and improvements previously designated, or currently pending designation, as a landmark by this Commission or listed on any state or federal registers of historic places.
 - f) There shall be no fee for submitting a nomination form to the Commission for designation of a historic landmark or preservation district.
4. Criteria for Consideration of Nomination. The Commission may recommend to the County Board the designation of landmarks and preservation districts, where not more than fifty percent (50%) of the property owners whose property is located within the boundaries of the proposed district object to designation, when after a thorough investigation results in a determination that a property, structure or improvement, or area so recommended meets one (1) or more of the following criteria:

- a) It has character, interest, or value which is part of the development, heritage, or cultural characteristics of a local community, the County of Will, State of Illinois or the Nation;
 - c) Its location is a site of a significant local, County, State, or National event;
 - d) It is identified with a person or persons who significantly contributed to the development of the local community, County of Will, State of Illinois, or the Nation;
 - e) It embodies distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;
 - f) It is identified with the work of a master builder, designer, architect, engineer, or landscape architect whose individual work has influenced the development of the local area, County of Will, State of Illinois, or the Nation;
 - g) It embodies elements of design, detailing, materials, or craftsmanship that render it architecturally significant;
 - h) It embodies design elements that make it structurally or architecturally innovative;
 - i) It has a unique location or singular physical characteristics that make it an established or familiar visual feature;
 - j) It has character which is a particularly fine or unique example of a utilitarian structure with a high level of integrity or architectural significance;
 - k) It is suitable for preservation or restoration;
 - l) It is included in the National Register of Historic Places and/or the Illinois Register of Historic Places.
 - m) It has yielded, or may be likely to yield, information important to pre-history, history or other areas of archaeological significance. In the event a property, structure, or an area is found to be of such significant character and quality where it is determined that its designation as a landmark or preservation district is in the overall best interest of the general welfare, any person may nominate and the Commission may recommend to the County Board such appropriate designation.
5. Initial Report and Recommendation of Preservation Commission. The Preservation Commission shall within fourteen (14) calendar days from receipt of a completed application for designation cause to be written an initial recommendation and report stating whether the nominated landmark or preservation district does or does not meet the criteria for designation as provided for in Article III, Section 4 herein. The report shall contain the following information:
- a) An explanation of the significance or lack of significance of the nominated landmark or preservation district as it relates to the criteria for designation;
 - b) A description of the integrity or lack of integrity of the nominated landmark or preservation district;
 - c) In the case of a nominated landmark found to meet the criteria for designation:
 - i) A description of the significant exterior architectural features of the nominated landmark that should be protected;
 - ii) A description of the types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit, that should be reviewed for appropriateness pursuant to the provisions of Article IV, Sections 2(c) through 2(d) of this Ordinance;
 - d) In the case of a nominated preservation district found to meet the criteria for designation:
 - i) A description of the types of significant exterior architectural features of the structures within the nominated preservation district that should be protected;
 - ii) A description of the types of alterations and demolitions that should be reviewed for appropriateness pursuant to the provisions of Article IV, Sections 2(c) through 2(d) of this Ordinance;
 - e) The relationship of the nominated landmark or preservation district to the ongoing effort of the Preservation Commission to identify and nominate all potential areas and structures that meet the criteria for designation;

- f) A map showing the location of the nominated landmark and the boundaries of the nominated preservation district. The recommendation and report shall be available to the public in the office of the Will County Land Use Department.
6. Notification of Nomination. The Preservation Commission shall within thirty (30) days from completion of the initial report and recommendation as described above in Article III, Section 5, cause to be scheduled a public hearing on the nomination. Notice of the date, time, place and purpose of the public hearing and a copy of the completed nomination form shall be sent by certified mail to the owner(s) of record and to the nominators, as well as by regular mail to property owners adjoining the nominated landmark or preservation district as least fifteen (15) days prior to the date of the hearing. Such notice shall also be published in a newspaper having general circulation in the area surrounding the nominated property or district at least fifteen (15) days prior to the date of the hearing. All notices shall state the street, address and Permanent Index Number or legal description of a nominated landmark and the boundaries of a nominated preservation district.
7. Hearing. A public hearing shall be scheduled, and notification made thereof, pursuant to Article III, Section 6, above. Oral or written testimony shall be taken at the public hearing from any person or organization concerning the nomination. The Preservation Commission may solicit expert testimony or present its own evidence regarding the historic, archaeological, or scenic significance of a proposed landmark or of any property within a proposed preservation district relative to compliance with criteria for consideration set forth above in Section 4 of this Article. The owner of any nominated landmark or of any property within a nominated preservation district shall be allowed reasonable opportunity to present evidence regarding historic, archaeological, architectural or scenic significance and shall be afforded the right of representation by counsel and reasonable opportunity to cross-examine expert witnesses. The hearing shall be closed upon completion of testimony.
8. Recommendation of Preservation Commission. Within 60 days following close of the public hearing, the Commission shall make its determination upon the evidence whether the proposed landmark or preservation district does or does not meet the criteria for designation. A recommendation to the County Board regarding the proposed landmark or preservation district shall be passed by resolution of the Preservation Commission. This recommendation shall be accompanied by a report stating the findings of the Preservation Commission concerning the historic, archaeological, architectural or scenic significance of the proposed landmark or preservation district. The Preservation Commission shall forward copies of the resolution and report to the applicant and the owner of the subject property or representative for petitioners of the subject area.
9. Designation. The County board, upon a recommendation from the Preservation Commission that the proposed landmark or preservation district should be designated, shall review the report and recommendations of the Preservation Commission. The County Board after reviewing the report and recommendation shall within sixty (60) days from receipt of the recommendation of the Preservation Commission take one of the following steps: (a) designate the landmark or preservation district by ordinance; or (b) refer the report and recommendation back to the Preservation Commission with suggestions for revisions stating its reason for such action.

Upon return of the report and recommendation to the Commission, the Committee shall review the County Board action resubmission therein finding within forty-five (45) days of the County Board meeting. The County Board shall designate or not designate the landmark or preservation district at the next regularly scheduled County Board meeting. If the County Board fails to act on the Preservation Commission recommendation within sixty (60) days the recommendation of the Preservation Commission shall be deemed approved.
10. Resubmission of Application. Resubmission of any application for landmark or preservation district designation may be made not sooner than ninety (90) days of County Board action. Not more than one re-submission may be made within a twelve (12) month period.

11. Notice of Designation. Notice of the action of the County Board including a copy of the ordinance designating the landmark or preservation district, shall be sent by regular mail to all persons of record, including but not limited to each owner of record of a landmark or property within a preservation district and to owners of adjacent and immediately surrounding properties affected by a Certificate of Appropriateness. Further, as soon as is reasonably possible, the County Executive shall cause to be notified the Will County Land Use Department, the Recorder of Deeds, the County Clerk, and the Will County Collector by forwarding to each a copy of the designation ordinance. The Recorder of Deeds shall ensure that the designation be recorded on all directly affected parcels.
12. Publication of Map. A map showing the location of all designated landmarks and preservation districts shall be published and amended upon each designation. Copies of the map shall be available to the public at the office of the Will County Land Use Department and at the same location and in the same manner as any County zoning map.
13. Appeals. Adoption of an ordinance designating a landmark or preservation district by the Will County Board shall be a final action reviewable under Section 3-101 of the Illinois Administrative Review Law.
14. Interim Code. No building permit shall be issued by the Building Officer for alteration, construction, demolition, or removal of a nominated landmark or of any property or structure within a nominated preservation district from the date of the meeting of the Preservation Commission at which a completed nomination form is first presented until the final disposition of the nomination by the County Board unless such alteration, removal, or demolition is necessary for public health, welfare, or safety. In no event shall the delay be for more than one hundred twenty (120) days.
15. Marking by Attachment of a Plaque. Each designated landmark, landmark site and preservation district may be marked by an appropriate plaque carrying a brief description and account of the historical significance of the property.
16. Amendment and Rescission of Designation. The County Board, upon recommendation of the Preservation Commission, may amend or rescind designation by the same procedure and according to the same standards and considerations set forth for designation.
17. Transfer of Jurisdictional Control. Should a designated landmark, landmark site or preservation district be incorporated into a municipality with a preservation ordinance, that municipality's preservation ordinance shall govern. If a municipality annexes a designated landmark, landmark site or preservation district and does not have a preservation ordinance, the County's preservation ordinance will continue to govern.

ARTICLE IV - ALTERATION, CONSTRUCTION, DEMOLITION, AND MAINTENANCE

1. Scope. Work on property and improvements so designated pursuant to this ordinance shall be regulated as follows:
 - a) Landmarks: No significant alterations, exterior construction, exterior or interior alteration which may affect the exterior appearance demolition may be performed on property and structures which have been designated under this ordinance as landmarks, except as shall be approved by a Certificate of Appropriateness.
 - b) Preservation Districts: No significant alterations, exterior construction or exterior demolition or interior alteration which may affect the exterior appearance may be performed on property and structures located within an area which is designated under this ordinance as a preservation district, except as shall be approved by a Certificate of Appropriateness.
2. Certificate of Appropriateness
 - a) A Certificate of Appropriateness from the Preservation Commission established pursuant to this Ordinance shall be required before any significant alteration, construction, demolition or removal that affects pending or designated landmarks and preservation districts is undertaken. Such a certificate is required for all such actions from the date a completed nomination form is submitted to the Preservation Commission.
 - b) Applications for Certificates of Appropriateness. Every application submitted to the Will County Land Use Department, Division of Building and Zoning for a permit wherein the applicant represents and/or delineates plans to commence any action as immediately described above in subsection (a) affecting any such property, improvements or areas therein described, shall be forwarded by the Director of Building and Zoning to a representative or representatives of the Preservation Commission, within three (3) days following the receipt of said application by the Building and Zoning Division. The Building and Zoning Division shall not issue the building or demolition permit until a Certificate of Appropriateness has been issued by the Preservation Commission. Any applicant may request a meeting with the Preservation Commission before the application is sent by the Director of Building and Zoning to the Preservation Commission or during the review of the application. Application for review of construction, alteration, demolition, or removal not requiring a building permit for which a Certificate of Appropriateness is required shall be made on a form prepared by the Preservation Commission and available at the office of Will County Land Use Department. The Preservation Commission may schedule, provide notice and conduct a public hearing concerning the application in the manner previously described in Article III, Section 6 and 7. If a public hearing is not scheduled, the Commission may consider the completed application at its next regular meeting and may grant a Certificate of Appropriateness at that time. The Commission may further designate support staff be responsible for reviewing routine applications for Certificates of Appropriateness when the proposed work is clearly appropriate and in accordance with the criteria set forth in Article IV, Sections 2(c) and (d) below, and the purposes of this Ordinance. The Commission may seek technical advice from outside its members on any application for a Certificate of Appropriateness. The applicant and each commissioner shall receive a copy of the consultant's written opinion at least seven (7) days before a determination is to be made on the application. The Commission shall act promptly and in a reasonable manner in its judgment of plans for new construction or for alteration, removal, or demolition of structures in preservation districts that have little historic value and that are not shown on priority lists, except where such construction, alteration, removal, or demolition would seriously impair the historic or architectural value of surrounding structures or the surrounding area.
 - c) Design Guidelines. The Commission shall consider the following factors in reviewing applications for Certificates of Appropriateness:
 - i) Height - The height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures in a preservation district.

- ii) Proportions of Windows and Doors - The proportions and relationships between doors and windows should be compatible with the architectural style and character of the landmark and with surrounding structures within a preservation district.
 - iii) Relationship of Building Masses and Spaces - The relationship of a structure within a preservation district to open space between it and adjoining structures should be compatible or similar to relationships commonly found between similar structures in the district.
 - iv) Roof Shape - The design of the roof should be compatible with the architectural style and character of the landmark and surrounding structures which are similar in design in a preservation district.
 - v) Landscaping - Landscaping should be compatible with the architectural character and appearance of the landmark and of surrounding structures and landscapes in preservation districts.
 - vi) Scale - The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures in a preservation district.
 - vii) Directional Expression - Facades in historic districts should blend with other structures with regard to directional expression. Structures in a historic district should be compatible with the dominant horizontal or vertical expression of surrounding structures or of its stylistic design. The directional expression of a landmark after any alteration, construction, or partial demolition should be compatible with its original architectural style and character.
 - viii) Architectural Details - Architectural details including materials and textures should be treated so as to make a landmark compatible with its original architectural style or character.
- d) Standards for Review. The Commission, in considering the appropriateness of any alteration, demolition, new construction, or removal to any property or structures designated, or pending designation, as a landmark, or any area designated, or pending designation as a preservation district shall be guided by the following general standards in addition to any design guidelines in the ordinance designating the landmark or preservation district, as well as conformance to applicable zoning classification, height, and area limitation:
- i) Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
 - ii) The distinguishing original qualities or character of a building, structure, site, and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided whenever possible.
 - iii) All buildings, structures, and sites shall be recognized as products of their time. Alterations that have no historical basis or that seek to create an earlier/later appearance shall be discouraged.
 - iv) Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
 - v) Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site shall be treated with sensitivity.
 - vi) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
 - vii) The surface cleaning of structures shall be undertaken with the utmost care and consideration. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

- viii) Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.
 - ix) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
 - x) Wherever possible, new additions or alterations to structures should be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be impaired.
- e) Determination by Preservation Commission. Within fifteen (15) days (Saturdays, Sundays and legal holidays excluded) after support staff review, or from the date of the regular meeting, or from the close of a public hearing concerning an application for a Certificate of Appropriateness, or within such further time as the applicant for said certificate (and/or permit) approves in writing, the Commission shall determine whether:
- i) the proposed construction, alteration, demolition, removal or other modification will be appropriate to the preservation of the particular landmark or preservation district and a Certificate of Appropriateness may be issued; or
 - ii) such proposed modification is inappropriate to the preservation of the particular landmark or preservation district and a Certificate of Appropriateness may be denied. Written notice of the approval or denial of the application for a Certificate of Appropriateness shall be provided the applicant, sent by certified mail with return receipt requested, and to the Will County Land Use Department within seven (7) days (Saturdays, Sundays, and legal holidays excluded) following the determination and shall be accompanied by a Certificate of Appropriateness in the case of an approval.
- f) Denial of Certificate of Appropriateness. A denial of a Certificate of Appropriateness shall be accompanied by a statement of the reasons for the denial. The Preservation Commission shall make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the Preservation Commission to reconsider its denial and shall confer with the applicant and attempt to resolve as quickly as possible the difference(s) between the applicant and the Commission. The applicant may resubmit an amended application or reapply for a building or demolition permit that takes into consideration the recommendations of the Preservation Commission.
- g) Decision Binding on Director, Building and Zoning. The Director of the Will County Land Use Department, shall be bound by the determination of the Commission and approve, if in conformance with other provisions of the Building Code, or disapprove any application for the proposed construction, alteration, removal of an exterior architectural feature, or demolition of any building or structure in a preservation district or any landmark in accordance with said determination.
- h) Failure of Commission to Review Application in a Timely Manner. Failure of the Commission to act upon an application for Certificate of Appropriateness within ninety (90) days shall constitute approval and no other evidence shall be needed. This time limit may be waived only by mutual consent of the applicant and the Commission.
- i) Demolitions.
- i) Pursuant to Article IV, Sections 2(c) and (d) above, the Preservation Commission may deny any application for a Certificate of Appropriateness where demolition is proposed upon a finding that such proposed action will adversely affect the historic, archeological, architectural, or scenic significance of a landmark or preservation district. Upon receipt of an application for a Certificate of Appropriateness for demolition, the Preservation Commission

shall as soon as possible make a determination, supported by written findings, whether one or more of the following criteria are met:

- 1) The structure is of such interest or quality that it would reasonably meet national, state or local criteria for designation as an historic or architectural landmark.
 - 2) The structure is of such unusual or uncommon design, texture or materials that it could not be reproduced, or be reproduced only with great difficulty and expense.
 - 3) Retention of the structure would aid substantially in preserving and protecting another structure which meets criteria (i) or (ii) hereinabove. Where the Preservation Commission determines that one or more of these criteria are met, no Certificate of Appropriateness shall be issued and the application shall be denied.
- ii) The Preservation Commission shall also require the applicant to submit for review and consideration post-demolition plans which shall include drawings or sketches with sufficient detail to show, as far as they relate to exterior appearance, the architectural design of any and all improvements incorporated in such plans.
- j) Compliance with Certificate. A Certificate of Appropriateness will become void if:
- i) If there is any change in the scope of work pursuant to the approved application subsequent to the issuance of the Certificate; or
 - ii) If twenty-four (24) months have elapsed after issuance of the Certificate and no building permit has been issued or if twenty-four (24) months have lapsed after issuance of the last building permit and the project has not been completed.
- k) Appeals. A denial of a Certificate of Appropriateness is an administrative decision as defined in Section 3-101 of the Illinois Administrative Review Law, and it shall be subject to judicial review pursuant to provisions of said Administrative Review Law and all amendments and modifications thereof, and the rules adopted thereto.

3. Economic Hardship.

- a) The Preservation Commission may issue a Certificate of Economic Hardship upon determination that the failure to issue a Certificate of Appropriateness has denied, or will deny, the owner of a landmark or of a property within a preservation district all reasonable use of, or return on, the property. Application for a Certificate of Economic Hardship shall be made on a form and in the manner as prescribed by the Preservation Commission. The Preservation Commission may schedule a public hearing concerning the application and provide notice in the same manner as prescribed in Article III, Section 6, of this Ordinance and conduct the hearing in the same manner as prescribed in Article III, Section 7, of this Ordinance.
- b) The Preservation Commission may solicit expert testimony and the applicant for a Certificate of Economic Hardship shall submit all of the following information in order to assist the Preservation Commission in its determination on the application:
 - i) An estimate of the cost of the proposed construction, alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the recommendations of the Preservation Commission for changes necessary for the issuance of a Certificate of Appropriateness;
 - ii) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
 - iii) Estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal; after any changes recommended by the Preservation Commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use;

- iv) In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;
 - v) Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, of any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer;
 - vi) If the property is income-producing, the annual gross income from the property for the previous two (2) years; itemized operating and maintenance expenses for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
 - vii) Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two (2) years;
 - viii) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years;
 - ix) Assessed value of the property according to the two (2) most recent assessments;
 - x) Real estate taxes for the previous two (2) years;
 - xi) Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or other.
 - xii) Any other information, including the income tax bracket of the owner, applicant, or principal investors in the property considered necessary by the Preservation Commission to make a determination as to whether the property does yield or may yield a reasonable return to the owners.
- c) Determination of Economic Hardship. Within sixty (60) days from receiving a request for a Certificate of Economic Hardship, the Commission, upon a determination that the denial of a Certificate of Appropriateness has denied, or will deny the owner of a landmark or of a property within a preservation district of all reasonable use of or return on the property, may undertake one of the following actions:
- i) offer the owner of the property reasonable financing, tax or other incentives sufficient to allow a reasonable use of, or return on, the property; or
 - ii) offer to purchase the property at a reasonable price or institute eminent domain proceedings pursuant to Article VII of the Illinois Code of Civil Procedure; or
 - iii) issue a Certificate of Appropriateness for the proposed construction, alteration, demolition or removal. Written notice of the determination shall be provided in the same manner as required by Article IV, Section 2(e) of this Ordinance. This time limit may be waived only by mutual consent of the applicant and the Commission.
- d) Appeals. A denial of a Certificate of Economic Hardship is an administrative decision as defined in Section 3-101 of the Illinois Administrative Review Law, and it shall be subject to judicial review pursuant to provisions of said law and all amendments and modifications thereof, and the rules adopted thereto.
4. Maintenance of Historic Properties. Nothing in this Article shall be construed to prevent the ordinary maintenance of any exterior elements of a property or structures designated or nominated as a landmark or located within a designated or nominated preservation district.
5. Public Safety Exclusion. None of the provisions of this ordinance shall be construed to prevent any measures of construction, alteration, or demolition necessary to correct or abate the unsafe or dangerous condition of any structure, other feature or part thereof, where such condition has been declared unsafe or dangerous by the Director, Will County Building and Zoning Division, the Will County Health Department or any Fire Protection District and where the proposed measures have been declared necessary, by such department or departments to correct the said condition; provided, however, that only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed pursuant to this Section. In the event any structure or other feature shall

be damaged by fire or other calamity, or by Act of Nature or by the public enemy, to such an extent that, in the opinion of the aforesaid department or departments, it cannot reasonably be repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws.

ARTICLE V - ENFORCEMENT, PENALTIES AND EQUITABLE RELIEF

1. Enforcement. The Will County Land Use Department, Division of Building and Zoning, shall give written notification, sent by certified mail, return receipt, postage prepaid requested, of any violation of this Ordinance to the owner of record, lessor, the trustee, or other legally responsible party for such property, stating in such notification that they have inspected the property and have found it in violation of this Ordinance. They shall state in the notification in clear precise terms a description or explanation of the violation. The property owner of record, trustee, lessor, or legally responsible party shall have thirty (30) days from the date he receives the notice in which to correct such violation or to give satisfactory evidence that he has taken steps that will lead to correcting such violation within a stated period of time, which time must be agreeable to the Division of Building and Zoning as being fair and reasonable. Upon petition of the Preservation Commission, the Circuit Court for Will County may restrain and/or enjoin any construction, removal, alteration, or demolition in violation of this Act and may order the removal in whole or part of any exterior architectural feature existing in violation of this Ordinance and may further order such reconstruction as may be necessary or desirable to redress any alteration or demolition in said violation.

2. Penalties. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provisions of this Ordinance, shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense. Each day a violation is permitted to exist after notification thereof shall constitute a separate offense.

The owner or tenant of any building, structure, or land, and any architect, planner, surveyor, engineer, realtor, attorney, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation.

3. Equitable Relief. In addition to other remedies provided by law, the County of Will may institute any appropriate action or proceeding to prevent, restrain, abate or correct a violation of this Ordinance, including, but not limited to, requiring the restoration of property and improvements to its appearance prior to the violation.

RESOLUTION #99-219 RE: AMENDING HISTORIC PRESERVATION ORDINANCE

WHEREAS, the County of Will has enacted the Will County Historic Preservation Ordinance, adopted September 17, 1992, and providing for the establishment of the Will County Historic Preservation Commission, and

WHEREAS, Article II, Section 1, Letter B of the Will County Historic Preservation Ordinance states that the *"Preservation Commission shall consist of nine (9) members. All members shall be residents of Will County. The County Executive shall nominate to the Preservation Commission at least one (1) attorney, one (1) historian or architectural historian, one (1) architect/engineer, one (1) landscape architect, and one (1) real estate professional knowledgeable in preservation; the other members shall be persons with a demonstrated interest in pre-history, history architecture, engineering or preservation,"* and

WHEREAS, the Historic Preservation Commission voted unanimously to amend the successor member term limits to replace the five year term with a three year term, and

WHEREAS, the Land Use & Zoning Committee concurs with this request.

NOW, THEREFORE, BE IT RESOLVED, that the Will County Board hereby amends the Will County Historic Preservation Ordinance, Article II, Section 1, Letter C, as follows, effective immediately:
"Preservation Commission shall consist of nine (9) members. All members shall be residents of Will County. The County Executive shall nominate to the Preservation Commission at least one (1) attorney, one (1) historian or architectural historian, one (1) architect/engineer, and one (1) real estate professional knowledgeable in preservation; the other members shall be persons with a demonstrated interest in pre-history, history architecture, engineering or preservation,"

DATED THIS 17TH DAY OF JUNE, 1999.

RESOLUTION #99-454 RE: AMENDING HISTORIC PRESERVATION ORDINANCE

WHEREAS, the County of Will has enacted the Will County Historic Preservation Ordinance, adopted September 17, 1992, and providing for the establishment of the Will County Historic Preservation Commission, and

WHEREAS, Article II, Section 1, Letter C of the Will County Historic Preservation Ordinance states that the *“Terms of the initial members shall be staggered so that at least five serve respectively for the following terms: one for one year; one for two years; one for three years; one for four years; one for five (5) years. Any additional initial members shall also serve terms staggered in the same sequence. Successors to initial members shall serve for five year terms.*

All ex-officio members shall serve until their successors are appointed,” and

WHEREAS, the Historic Preservation Commission voted unanimously to amend the successor member term limits to replace the five year term with a three year term, and

WHEREAS, the Land Use & Zoning Committee concurs with this request.

NOW, THEREFORE, BE IT RESOLVED, that the Will County Board hereby amends the Will County Historic Preservation Ordinance, Article II, Section 1, Letter C, as follows, effective immediately:

“Terms of the initial members shall be staggered so that at least five serve respectively for the following terms: one for one year; one for two years; one for three years; one for four years; one for five (5) years. Any additional initial members shall also serve terms staggered in the same sequence. Successors to initial members shall serve for three year terms. All ex-officio members shall serve until their successors are appointed,”

DATED THIS 16TH DAY OF DECEMBER, 1999.

2-6-5: HISTORICAL DESIGNATION:

A. Application: Any member of the commission, any member of the city council, or any other person, organization, or association may request landmark or historic district designation of structures or improvements located in the city. The application may be either by letter to the commission or on a form provided by the commission, and should include or be accompanied by the following:

1. The name and address of the property owner(s), as shown on the tax assessor's rolls;
2. The legal description and street address of the property proposed for designation;
3. A map delineating the boundaries and location of the property proposed for designation;
4. A written statement describing the property and setting forth reasons in support of the proposed designation;
5. An indication of whether the property owner consents to the proposed designation. (Ord. 6215, 11-25-1997)
6. A nonrefundable application fee of one hundred dollars (\$100.00) plus two dollars (\$2.00) per property shall be charged.

B. Preliminary Review: Upon receipt of an application for designation, the commission shall schedule a preliminary review to be held no later than twenty (20) calendar days after the receipt of a completed application. The commission shall notify the applicant and the property owner as to the date, time and place of the meeting. At the meeting, the commission shall consider the application and determine whether it merits a public hearing. In making the determination, the commission shall consider the following criteria: (Ord. 7532, 8-24-2016)

1. Landmarks:
 - a. Whether the property embodies distinguishing architectural characteristics of a style valuable for the study of a period, type, method of construction or use of indigenous materials;

- b. Whether the property was a site of a significant local, county, state or national event;
- c. Whether the property is identified with a person who significantly contributed to the development of the community, county, state or nation;
- d. Whether the property is identified as the work of a master builder, designer, or architect whose individual work has influenced the development of the community;
- e. Whether the property has archaeological significance to the community, county or state;
- f. Whether the property is a particularly fine or unique example of a utilitarian structure with a high level of integrity or architectural significance.

2. Historic Districts:

- a. Any criterion for landmarks listed in subsections B1a through B1f of this section;
- b. Whether there is a repetition of distinguishing architectural or land use characteristics through the area; or
- c. Whether there is identifiable by clear and distinctive boundaries including any necessary buffer zone, an area containing one or more buildings which merit designation as landmarks and which may also contain within its boundaries such other buildings or structures which, while not of such historic or architectural significance to be designated a landmark, nevertheless contribute to the overall visual characteristics of the landmark or landmarks.

C. Formal Denial: If the commission finds that the application does not merit a public hearing, it shall enter a formal denial of the application. An application which has been formally denied may not be reconsidered for a period of one year. (Ord. 6215, 11-25-1997)

D. Public Hearing Notice: If the commission finds at the time of the preliminary review that an application merits further consideration, then a public hearing shall be held within forty five (45) days for review of the application. The commission shall notify the applicant and property owner as to the date, time, place and purpose of the public hearing. Such notice shall be in writing and shall be sent not less than fifteen (15) days prior to the date of the hearing by first class mail, properly addressed as shown on the tax assessor's rolls and with sufficient postage affixed thereto. Failure to send such notice where no

address appears on the tax assessor's roll shall not invalidate the proceedings of the commission. The commission shall also publish a notice in a newspaper of general circulation in the city, not less than fifteen (15) days and not more than thirty (30) days prior to the hearing, describing the property proposed for designation, and setting forth the date, time, place and purpose of the hearing. (Ord. 7532, 8-24-2016)

- E. Public Hearing Procedure And Appeal: The applicant and the property owner(s) shall be entitled to speak at the public hearing and the commission may accept comments from any other interested person. The commission shall review and evaluate all available information. A record of the proceedings shall be made and retained as a public record. The commission shall approve or deny the requested designation within thirty (30) days after the public hearing. The commission shall notify the applicant and property owner(s) of its decision and such decision shall be in writing. A property owner(s) or the applicant may appeal the commission's decision to the city council. A written notice of such appeal must be filed with the city clerk within fifteen (15) days after the decision of the commission. The city council, sitting in a quasi-judicial capacity, shall review the record and may, in its sole discretion, allow new or further evidence to be presented, and shall thereafter decide upon such appeal within two (2) regular meetings after the filing of the appeal. The city council may affirm or deny the commission's decision. The city clerk shall notify the applicant and property owner(s) of the city council's decision. Failure of the city council to timely conduct such an appeals hearing or render a decision not later than the conclusion of the next regularly scheduled city council meeting following such a hearing, shall be deemed to be for all intents and purposes a final and appealable order of affirmation of the decision of the commission. The city council's decision shall be deemed a final order subject to judicial review pursuant to the administrative review act of Illinois.
- F. Interim Control: From the date of the filing of an application until the date of either a final decision by the commission under subsection C of this section or a final decision by the city council under subsection E of this section, the provisions of subsection E of this section shall apply as if the property were designated as requested, provided, however, that this interim control shall in no case apply for more than one hundred twenty (120) days after the application is filed. (Ord. 6215, 11-25-1997)



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, ROCK ISLAND DISTRICT
PO BOX 2004 CLOCK TOWER BUILDING
ROCK ISLAND, ILLINOIS 61204-2004

May 8, 2018

SEE DISTRIBUTION LIST

The U.S. Army Corps of Engineers, Rock Island District (District) is considering issuance of a Department of the Army permit to the Kendall County Forest Preserve District to remove the Millbrook Bridge over the Fox River in Millbrook, Illinois. The Fox River has been identified as a "Section 10" traditionally navigable water. This is Rock Island District Permit Application No. CEMVR-OD-P-2018-0277 (Enclosure 1 - all enclosures on CD accompanying this letter).

Federal Undertaking

The District has determined that, for purposes of Section 106 of the National Historic Preservation Act [see 36 CFR 800.3(a) and 800.15(y)], the Federal "undertaking" which has the potential to cause effects on historic properties is limited to the issuance of Department of the Army permits for project construction within the permit area as defined below under the Area of Potential Effect (APE). The permit area is the same as the APE defined below.

Consulting Parties

The District finds the organizations included on are entitled to be consulting parties as set out in 36 CFR 800.2 and invites them by copy of this letter to participate in the Section 106 process. In addition, if other entities come forward they will be given the same consideration for being included as a consulting party.

Area of Potential Effects

The "area of potential effects" (APE) is the same as the Permit Area as shown on Enclosure 2.

State Historic Preservation Office/Tribal Historic Preservation Office (SHPO/THPO) Invitation

The District invites the SHPO/THPO to:

- Identify any other consulting parties as per 36 CFR 800.3(f);
- Comment as per 36 CFR 800.2(d)(3) on the District' plan to involve the public by utilizing the District' normal procedures for public involvement under the National Environmental Policy Act and the Department of the Army permitting process;
- Agree in the District' decision that it is appropriate to address multiple steps in 36 CFR 800.3-800.6 as provided at 36 CFR 800.3(g)

Identification of Historic Properties

Review of Existing Information:

The District consulted with its Illinois Inventory of Archaeological Sites on line archaeological site and survey databases and determined that the permit area has been surveyed for archaeological historic properties (Survey #99,999). No archaeological sites were identified in the permit area.

As a portion of the permit application the District received and reviewed a copy of the *Section 10-6 Documentation of Adverse Effect Report, Millbrook Bridge over the Fox River, Kendal County Forest Preserve District, Kendall County, Illinois* dated April 2018 (Enclosure 3). The report was prepared by Hampton, Lenzini and Renwick, Inc. Based on the report, the Millbrook Bridge is a three span Pratt through truss with a timber deck originally constructed in 1897. Of the three spans the two eastern spans are original, the western most truss and abutment were replaced in approximately 1957 after being damaged in a flood.

The bridge was originally slated for demolition in 1982 when it ceased to carry traffic after a new Whitfield Road bridge was constructed. Instead, the bridge was transferred to private ownership. No conservation agreement / maintenance plan has been located in relation to this transfer. Ultimately the bridge was transferred to Fox Township and finally to the Forest Preserve District in 2002. The Forest Preserve District has investigated alternative funding sources for the rehabilitation and continued maintenance for the bridge but have been unsuccessful in securing the funding necessary.

Therefore, in the application to the District for a permit the Kendal County Forest Preserve District proposed three alternative action plans for the bridge:

- No Action Alternative – this alternative was rejected due the risk of the bridge collapsing.
- Rehabilitation Alternative - this alternative would require replacement of a significant portion of the superstructure and substructure of the bridge and may affect historic integrity. In addition, the cost associated with the rehabilitation is prohibitive.
- Bridge Removal Alternative – The existing safety hazard is addressed. In addition, this alternative is the most cost effective for the Forest Preserve District.

Request for Information from Consulting Parties: The District is seeking information from all consulting parties regarding their concerns with issues relating to this undertaking's potential effects on historic properties and, particularly, the tribes' concerns with identifying properties which may be of religious and cultural significance to them and may be eligible for the National Register of Historic Places (NRPHP) [36 CFR 800.4(a)(3-4)].

Concerns about confidentiality [36 CFR 800.11(c)] regarding locations of properties can be addressed under Section 304 of the NHPA which provides withholding from public disclosure the location of properties under several circumstances including in cases where it would cause a significant invasion of privacy, impede the use of a traditional religious site by practitioners, endanger the site, etc.

Agency Evaluation of Historic Significance, Determination of National Register Eligibility, Historic Properties Affected and Invitation to the SHPO and Consulting Parties to Comment: The District acknowledges that the Millbrook Bridge is eligible for listing on the NRHP as determined by the Illinois SHPO by letter dated June 7, 2017. Prior to issuance of this permit, the District will require an MOA be executed that sets out the measures necessary to address the effects to these properties of the applicant's proposed work.

Notification of the Advisory Council on Historic Preservation (ACHP): This letter is notification to the ACHP under 36 CFR 800.6(a)(1). ACHP participation is not requested. However, any consulting party may request ACHP to participate by contacting them directly (36 CFR 800.6 (a)(1)(ii)).

Assessment of Effects to Historic Properties

Agency Finding of Adverse Effect and Invitation to All Consulting Parties to Review the Finding and the Proposed Resolution of the Adverse Effect: It is the opinion of the District that the undertaking will adversely affect the Millbrook Bridge. Mitigation of the adverse effect is set out in the draft MOA found at Enclosure 4.

The District hereby notifies all consulting parties of this Finding of Adverse Effect; provides them with the documentation (Enclosures 1-4) as specified at 36 CFR 800.11(f); and invites them to review the finding as per 36 CFR 800.6(b).

We request your comments within 30 calendar days from the receipt of this letter or as otherwise provided [e.g., 36 CFR 800.6(a)(1)(iii)]. If we do not hear from you within this time, we shall proceed to route the MOA for signature and, upon its execution and filing, condition the Department of the Army permits accordingly. For purposes of scheduling, receipt through the US Postal Service is determined to be 5 calendar days following the date of this letter.

Should you have any questions, please contact me by letter, telephone or email at 309/794-5380 or brant.j.vollman@usace.army.mil.

Sincerely,



Brant Vollman
Project Manager
Regulatory Branch

Enclosures

LIST OF ENCLOSURES

(All enclosures on CD accompanying this letter)

Enclosure 1. US Army Corps of Engineers, Rock Island District, Permit Application No. CEMVR-OD-P-2018-0277. Applicant: Kendall County Forest Preserve District

Enclosure 2. Section 10-6 Documentation of Adverse Effect Report, Millbrook Bridge over the Fox River, Kendal County Forest Preserve District, Kendall County, Illinois dated April 2018

Enclosure 3. Permit Area / Area of Potential Effects

Enclosure 4. Draft Memorandum of Agreement

Distribution list:

Mr. Reid Nelson, Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation
Pension Building
401 F Street NW, Suite 308
Washington DC 20001-2637

Rachel Leibowitz, Ph.D.
Illinois Department of Natural Resources
Illinois State Historic Preservation Office
Attn: Review & Compliance
1 Natural Resources Way
Springfield, Illinois 62702-1271

Cultural Preservation Officer
Winnebago Tribe of Nebraska Tribal Council
P.O. Box 687
Winnebago, Nebraska 68071

Forest County Potawatomi Cultural Center
P.O. Box 340
Crandon, Wisconsin 54520

Chairperson
Pokagon Band of Potawatomi Indians
53237 Town Hall Road
Dowagiac, Michigan 49047

Chief, Miami Tribe of Oklahoma
P.O. Box 1326
Miami, Oklahoma 74355

Chairperson
Hannahville Indian Community Council
N14911 Hannahville B1 Road
Wilson, Michigan 49896-9728

Chairperson
Prairie Band Potawatomi Tribal Council
16281 Q Road
Mayetta, Kansas 66509

Kendall Cty Historic Preservation Committee
111 West Fox Street
Yorkville, Illinois 60560

The Village of Millbrook
P.O. Box 51
Millbrook, Illinois 60536

Chairperson
Kickapoo of Oklahoma Business Council
P.O. Box 70
McCloud, Oklahoma 74851

Chairperson
Kickapoo of Kansas Tribal Council
1107 Goldfinch Road
Horton, Kansas 66349

Chairperson
Citizen Band Potawatomi Indian Tribe of
Oklahoma Business Committee
1601 South Gordon Cooper Drive
Shawnee, Oklahoma 74801

Chairperson
Winnebago Tribal Council
P.O. Box 687
Winnebago, Nebraska 68071

Historic Preservation Coordinator
Sac & Fox Tribe of the Mississippi in Iowa
349 Meskwaki Road
Tama, Iowa 52339-9629

Chairperson
Huron Potawatomi Nation
2221 1½ Mile Road
Fulton, Michigan 49052

Chief, The Peoria Tribe of Oklahoma
P.O. Box 1527
Miami, Oklahoma 74355

Tribal Historic Preservation Office
The Ho-Chunk Nation
P.O. Box 667
Black River Falls, Wisconsin 54615-0667

JOINT APPLICATION FORM FOR ILLINOIS

ITEMS 1 AND 2 FOR AGENCY USE

FEB 23 2018

1. Application Number

2018-277

2. Date Received

3. and 4. (SEE SPECIAL INSTRUCTIONS) NAME, MAILING ADDRESS AND TELEPHONE NUMBERS

3a. Applicant's Name:

David Guritz

Company Name (if any):
Kendall County Forest Preserve District
Address:
**110 West Madison Street
Yorkville, IL 60560**

Email Address:
dguritz@co.kendall.il.us

3b. Co-Applicant/Property Owner Name
(if needed or if different from applicant):

Company Name (if any):
Address:

Email Address:

4. Authorized Agent (an agent is not required):

Joseph W. Frazee, P.E.

Company Name (if any):
Hampton, Lenzini and Renwick, Inc.
Address:

**3085 Stevenson Drive
Suite 201
Springfield, IL 62703**

Email Address:
jwfrazee@hlreng.com

Applicant's Phone Nos. w/area code

Business: 630-553-4025

Residence:

Cell: 630-553-4131 (office)

Fax: 630-553-4025

Applicant's Phone Nos. w/area code

Business:

Residence:

Cell:

Fax:

Agent's Phone Nos. w/area code

Business: 217-546-3400

Residence:

Cell:

Fax: 217-546-8116

STATEMENT OF AUTHORIZATION

I hereby authorize, Hampton, Lenzini & Renwick to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

David Guritz *Kendall County Director*
Applicant's Signature

February 21, 2018

Date

5. ADJOINING PROPERTY OWNERS (Upstream and Downstream of the water body and within Visual Reach of Project)

Name

Mailing Address

Phone No. w/area code

a. Randy and Gayle Roberts

7738 Dobson Lane, Millbrook, IL 60536

b. Judith Heim

7725 Dobson Lane, Millbrook, IL 60536

c.

d.

6. PROJECT TITLE:

Millbrook Bridge over the Fox River

7. PROJECT LOCATION:

LATITUDE: 41.60675 °N

LONGITUDE: 88.56198 °W

UTMs

Northing:

Easting:

STREET, ROAD, OR OTHER DESCRIPTIVE LOCATION

250' upstream of Whitfield Road

LEGAL DESCRIPT

QUARTER

SECTION

TOWNSHIP NO.

RANGE

SW

9

36N

6E

IN OR NEAR CITY OF TOWN (check appropriate box)

Municipality Name

Millbrook

WATERWAY

Fox River

RIVER MILE
(if applicable)

28.6

COUNTY

Kendall

STATE

IL

ZIP CODE

60536

Revised 2010

Corps of Engineers

IL Dep't of Natural Resources

IL Environmental Protection Agency

Applicant's Copy

8. PROJECT DESCRIPTION (Include all features):

The existing steel truss bridge over the Fox River will be demolished and removed from the site. The concrete and stone abutments will remain. Stone riprap will also be placed on the west shoreline for erosion control. Work below the ordinary high water mark of the river includes construction of temporary cofferdams and a stone causeway, dewatering, and the permanent placement of stone riprap for erosion control. This project is locally funded. No federal funds are anticipated to be used for construction. See the preconstruction notification for a detailed description of the proposed work.

9. PURPOSE AND NEED OF PROJECT:

The existing bridge is being removed to address the safety and maintenance concerns of the structurally deficient bridge.

COMPLETE THE FOLLOWING FOUR BLOCKS IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

10. REASON(S) FOR DISCHARGE:

A temporary stone causeway and cofferdams will be constructed in the channel to access the bridge piers and beams. Stone riprap will be permanently placed along the west shoreline for erosion control.

11. TYPE(S) OF MATERIAL BEING DISCHARGED AND THE AMOUNT OF EACH TYPE IN CUBIC YARDS FOR WATERWAYS:

TYPE: Stone riprap
 AMOUNT IN CUBIC YARDS:
 560 cubic yards

12. SURFACE AREA IN ACRES OF WETLANDS OR OTHER WATERS FILLED (See Instructions)

0.08 acres permanent impact and an additional 0.62 acres temporary impact to non-wetland Waters of the U.S.

13. DESCRIPTION OF AVOIDANCE, MINIMIZATION AND COMPENSATION (See instructions)

1. The area of temporary impact proposed is the minimum needed to remove the structure.
 2. The amount of riprap to be placed on the bank is the minimum needed to provide erosion control.
 3. Work will be completed during the low-flow period of August through October.
- See preconstruction notification for a detailed description.

14. Date activity is proposed to commence
 August 2019

Date activity is expected to be completed
 October 2019

15. Is any portion of the activity for which authorization is sought now complete? Yes No
 Month and Year the activity was completed

NOTE: If answer is "YES" give reasons in the Project Description and Remarks section. Indicate the existing work on drawings.

16. List all approvals or certification and denials received from other Federal, interstate, state, or local agencies for structures, construction, discharges or other activities described in this application.

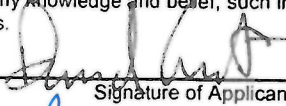
Issuing Agency	Type of Approval	Identification No.	Date of Application	Date of Approval	Date of Denial
----------------	------------------	--------------------	---------------------	------------------	----------------

17. CONSENT TO ENTER PROPERTY LISTED IN PART 7 ABOVE IS HEREBY GRANTED.

Yes No


18. APPLICATION VERIFICATION (SEE SPECIAL INSTRUCTIONS)

Application is hereby made for the activities described herein. I certify that I am familiar with the information contained in the application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities.

 - KLEDD ELLER D.C.
 Signature of Applicant or Authorized Agent

February 21, 2018

Date


 Signature of Applicant or Authorized Agent

2/21/2018

Date

Signature of Applicant or Authorized Agent

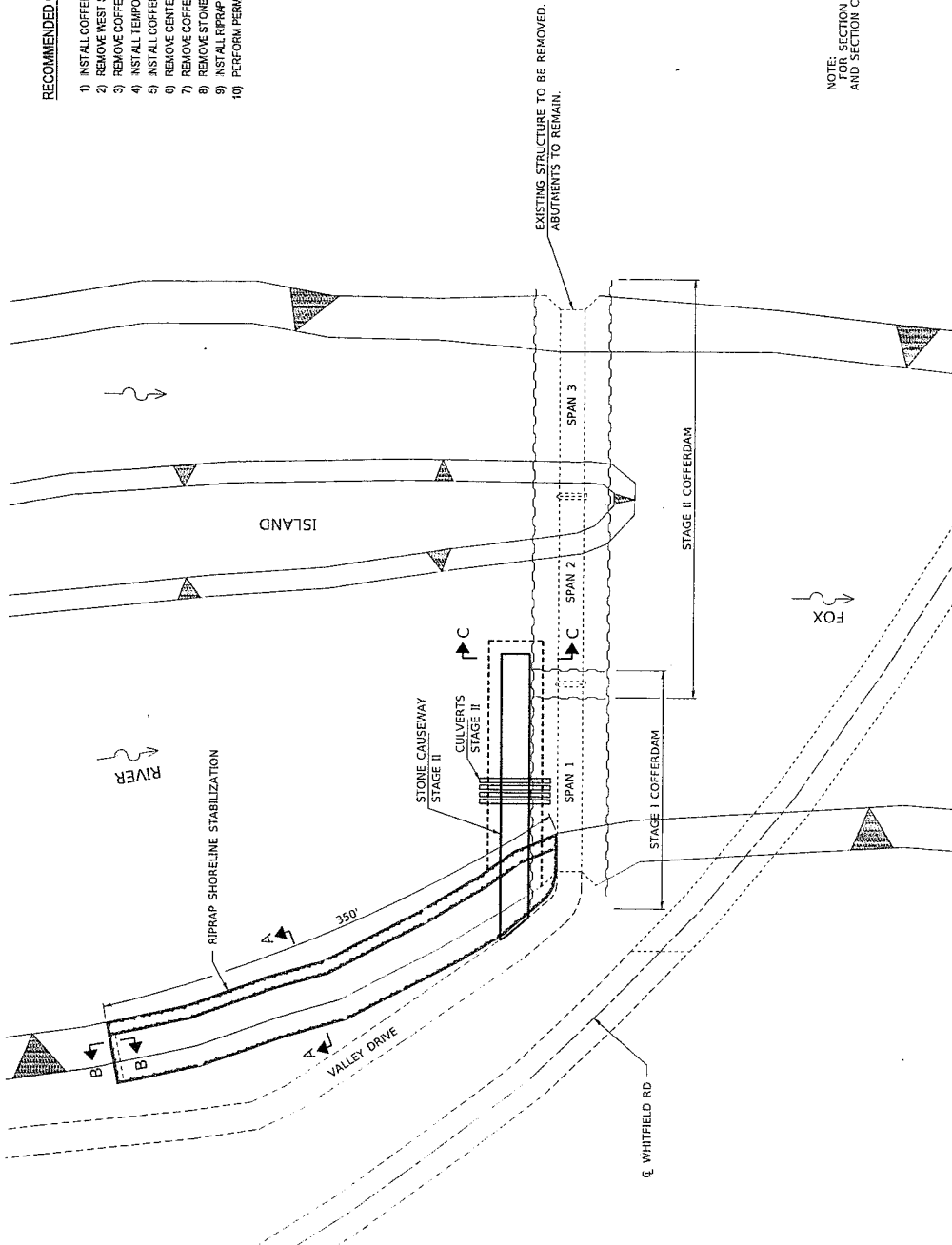
Date

- Corps of Engineers Revised 2010 IL Dep't of Natural Resources IL Environmental Protection Agency Applicant's Copy Agency

SEE INSTRUCTIONS FOR ADDRESS

RECOMMENDED CONSTRUCTION SEQUENCE

- 1) INSTALL COFFERDAMS AND DEWATER SPAN 1.
- 2) REMOVE WEST STEEL TRUSS.
- 3) REMOVE COFFERDAM AT SPAN 1.
- 4) INSTALL TEMPORARY STONE CAUSEWAY.
- 5) INSTALL COFFERDAM AND DEWATER SPANS 2 AND 3.
- 6) REMOVE CENTER AND EAST STEEL TRUSSES.
- 7) REMOVE COFFERDAM AT SPANS 2 AND 3.
- 8) REMOVE STONE CAUSEWAY.
- 9) INSTALL RIPRAP FOR SHORELINE STABILIZATION.
- 10) PERFORM PERMANENT SEEDING.



NOTE:
FOR SECTION A-A, SECTION B-B
AND SECTION C-C, SEE SHEET 3 OF 3.

EXISTING STRUCTURE

THREE SPAN STEEL BRATT THROUGH TRUSS BRIDGE WITH
TIMBER DECK ON CONCRETE AND STONE ABUTMENTS AND
STONE PIERS. 401'-4" LONG. 17'-6" O.C. DECK;
SPAN LENGTHS 133'-9", 133'-10", 133'-9"

PLAN

DESIGNED - J.W.F.	REVISED	LOCAL SHEET NO.	1
DRAWN - D.A.B.	REVISED	COUNTY	KENDALL
CHECKED -	REVISED	SECTION	VALLEY DRIVE
DATE - 02/22/18	REVISED	SCALE:	1" = 10' STA.
FILE NAME: 18049-01-18-02-22-18 HAMPTON, LENOIR AND BERNICKE, INC. ENGINEERS AND ARCHITECTS 1100 W. HARRIS STREET WASHINGTON, NC 27583		PLAN MILLBROOK BRIDGE SHEET NO. 1 OF 3 SHEETS STA.	

LEGEND
 COFFERDAM
 STONE RIPRAP

Photo Log - May 11, 2017



Photo 1 - Looking East across South Bridge Fascia

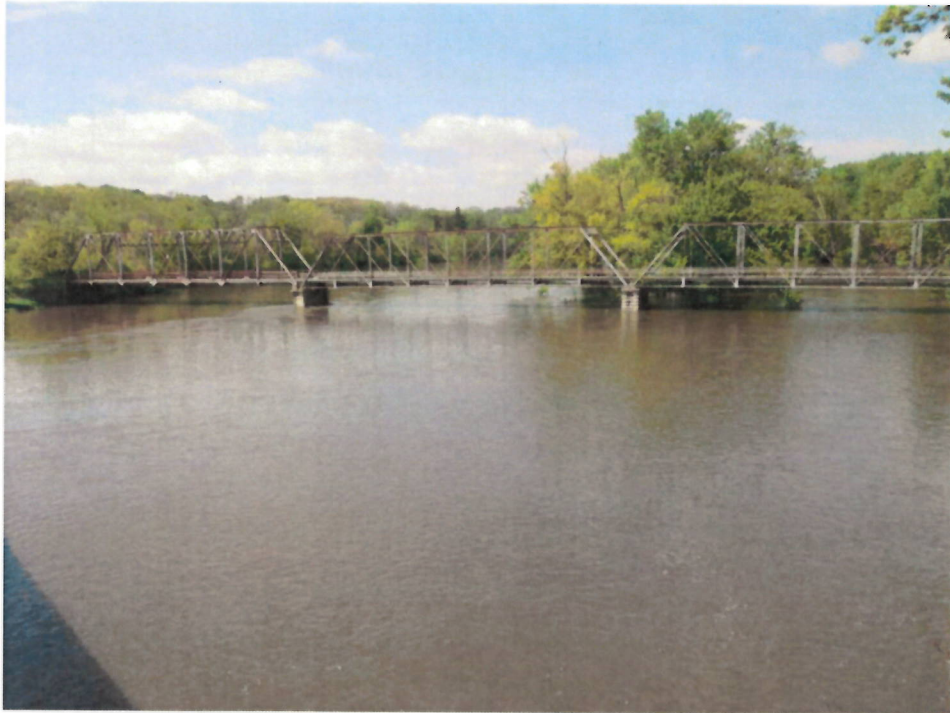


Photo 2 - Looking West across South Bridge Fascia

Preconstruction Notification

Millbrook Bridge over the Fox River Kendall County Forest Preserve District Kendall County, Illinois

Project Summary

The existing steel truss bridge will be demolished and removed from the site. The concrete and stone abutments will remain. Stone riprap will also be placed on the west shoreline for erosion control. Construction is planned during Fall 2019 and the duration of work is estimated to be four weeks.

This bridge is owned by the Forest Preserve District of Kendall County. This is a pedestrian only bridge that is not on the state highway system. The project is locally funded and no federal funds are anticipated to be used for construction.

Authorization for this activity is requested under Nationwide Permits 13 and 33.

Location of the proposed project

All work will be completed at the steel truss bridge over the Fox River, approximately 0.75 miles northwest of the Village of Millbrook in Kendall County. The bridge is located 250' upstream of Whitfield Road in the SW ¼, Sec 9, Twp 36N, Rng 6E, 3rd PM. (41.60675° N, 88.56198° W)

Purpose and Need

This project will address safety and maintenance concerns resulting from the structurally deficient bridge. The existing deteriorated bridge is closed and poses a safety hazard to people using the bridge and the river below. The Forest Preserve District has recognized that removal of the existing bridge is needed for safety of the public. Stone riprap is proposed along the west bank to control erosion of the shoreline.

Detailed Scope of Work

Access to the channel below the bridge will be required for workers and equipment to complete the bridge removal. All access will be from the west bank because the Forest Preserve has no access to the bridge from the east bank. The existing bridge has been closed to all uses and cannot safely support the weight of the required construction equipment.

Temporary cofferdams will be constructed to allow dewatering and control sediment during the in-stream work. Work will be completed during the low flow period of August through October. The cofferdams will be constructed of non-erodible material (i.e. sand bags, prefabricated rigid barriers, or sheet piling) and shall be constructed to withstand expected high flows. The cofferdams will be constructed in two phases to ensure that stream flow will be maintained at all times. Phase 1 will consist of a cofferdam extending from the west bank around the west span (span 1). Phase 2 will consist of a cofferdam extending from the east bank around the east two spans (spans 2 and 3). At no time will the cofferdam extend across the entire channel. The normal water depth across the channel averages 2-3 feet with scour holes up to 2 feet deeper adjacent to the piers. The total coffered area will be 50 feet wide and extend the length of the bridge, which is 400 feet long between the abutments (0.46 acre).

During coffering of the east spans, a temporary stone causeway will be constructed from the west bank to the coffered area to allow access. The temporary causeway will be created by placing stone riprap fill (minimum RR4, 9" median size) with a coarse aggregate surface. Culverts will be provided through the

causeway to maintain stream flow. The impact area of the causeway will be a maximum of 40' wide at the base and approximately 170' long (0.16 acre).

After placement of each cofferdam, the work area will be dewatered by pumping out the water behind the cofferdam. During pumping, the intake hose will be placed in a stabilized sump pit and the outlet discharged above the water line on a non-erodible, energy dissipating surface.

Once dewatering has been completed, the steel trusses will be demolished. It is expected that the contractor will split the steel trusses into pieces by cutting or explosive charges. The debris will be dropped into the coffered area, cut into smaller pieces and then removed from the coffered area. Construction equipment will use timber mats or low ground pressure tires to access the dewatered areas in the channel during the removal.

All temporary materials used for the cofferdams will be removed to upland areas at the completion of construction. The stone riprap from for the causeway will be removed from the channel and permanently placed along the west bank to stabilize an eroded area. The riprap will be deposited along the bank extending approximately 350 feet upstream of the existing bridge abutment, which will remain. Prior to placement of the riprap, the top of the bank will be excavated to create a stable 1V:2H slope, if necessary. Excavated material will be removed to an upland area.

Construction is planned during Fall 2019. The duration of work is estimated to be four weeks.

Wetlands and Waters of the U.S. Impacts

A total 0.08 acre of permanent impact to non-wetland Waters of the U.S. will occur in the area of riprap placement on the west bank. No permanent wetland impacts are proposed.

The area of temporary impact during construction is approximately 0.62 acre. This is the minimum area needed to construct cofferdams, construct the temporary causeway, and remove each span of the bridge. This area includes of 0.46 acre within the cofferdams and 0.16 acre for the temporary causeway.

The total length of impact, permanent and temporary, is 400 feet measured along the channel centerline.

Avoidance, Minimization and Mitigation

Use of the channel during demolition cannot be completely avoided. The existing structure is closed to all use and cannot safely support the weight of construction equipment. The Forest Preserve has no access to the bridge from the east bank. The area of temporary impact proposed for the cofferdams and causeway are the minimum needed to remove the structure. Work will be completed during the low flow period of August through October.

The amount of riprap placed along the west bank in the minimum needed to stabilize the shoreline and reduce erosion. The existing bridge abutments will remain in place, which will reduce the impact area along the shorelines.

No permanent wetland impacts will occur. Therefore, no wetland mitigation is proposed.

Threatened and Endangered Species

According to the U.S. Fish and Wildlife technical assistance website, three federally-listed species may be present in Kendall County: the Indiana bat, Northern long-eared bat and Eastern prairie fringed orchid. Suitable habitat for the Eastern prairie fringed orchid is mesic to wet prairies, which are not present at this site. The bridge was inspected for bat usage in May 2017 and no evidence of bats roosting on the bridge was observed. Approximately 20 trees will be removed along the west bank to allow for the riprap installation. The work will be completed after July 31st to minimize impact to bat maternity. The proposed tree removal will have little effect on the remainder of the well-developed forested riparian habitat located

along both sides of the river. No permanent impact to federally-listed threatened or endangered species is expected.

Two Illinois-listed threatened species, the River Redhorse and Greater Redhorse, are assumed to be present at the bridge. An Incidental Take Authorization for these two species has been requested from the Illinois Department of Natural Resources. Approval of the Incidental Take Authorization will be obtained prior to the start of construction.

Historic Properties

The existing bridge consists of a three-span steel Pratt truss superstructure with a timber deck constructed in approximately 1897. The two east truss spans remain from the original construction. The west truss and abutment were replaced around 1957 due to a flood event that damaged the original span. The Illinois State Historic Preservation Officer (SHPO), has determined that the Millbrook Bridge meets the criteria for listing on the National Register of Historic Places (NRHP). If required by the Army Corps, further consultation with the SHPO will be completed prior to the start of construction.

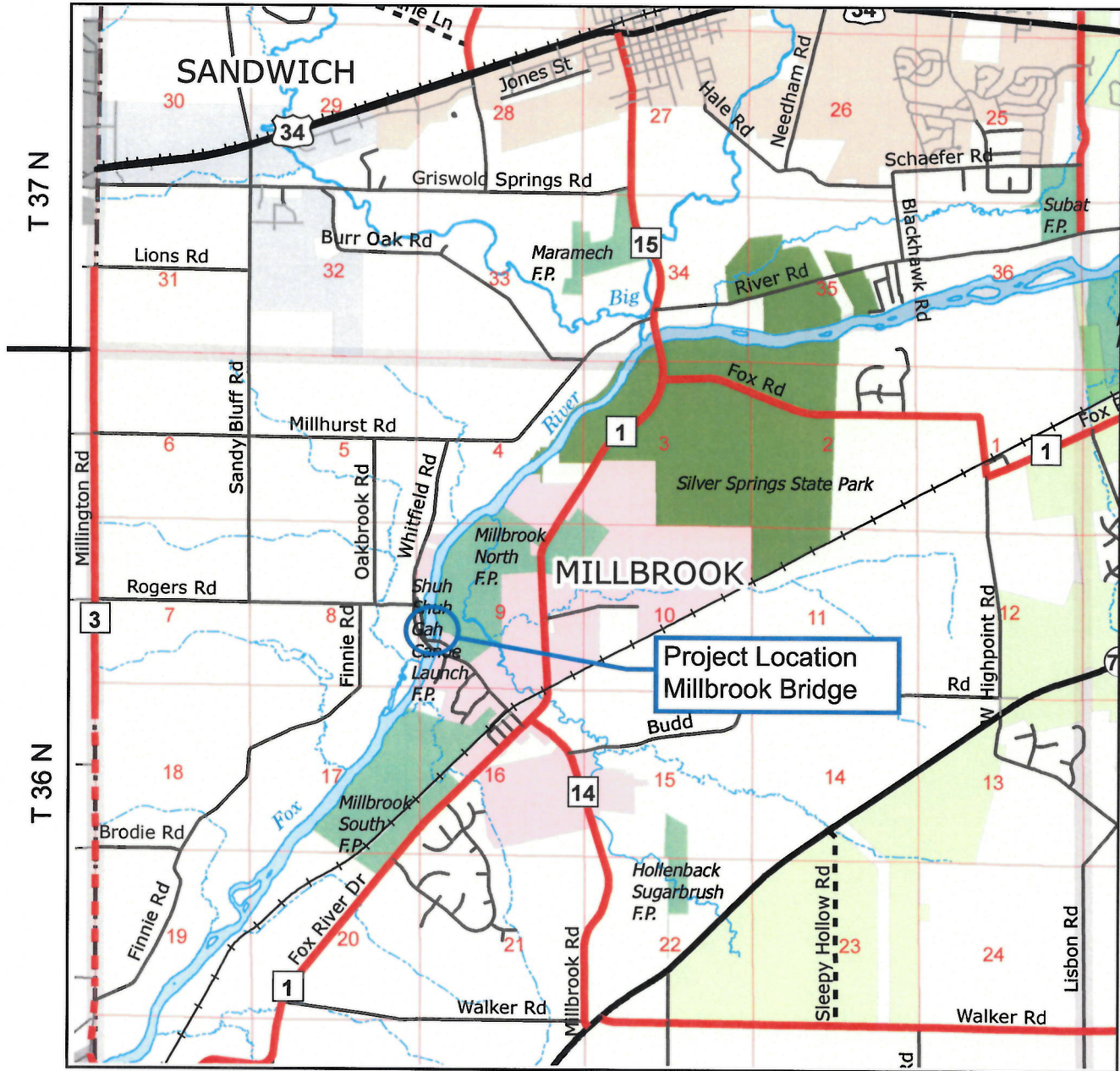
Attachments

- 1) Location map
- 2) Photo log
- 3) Project plans (3 sheets)

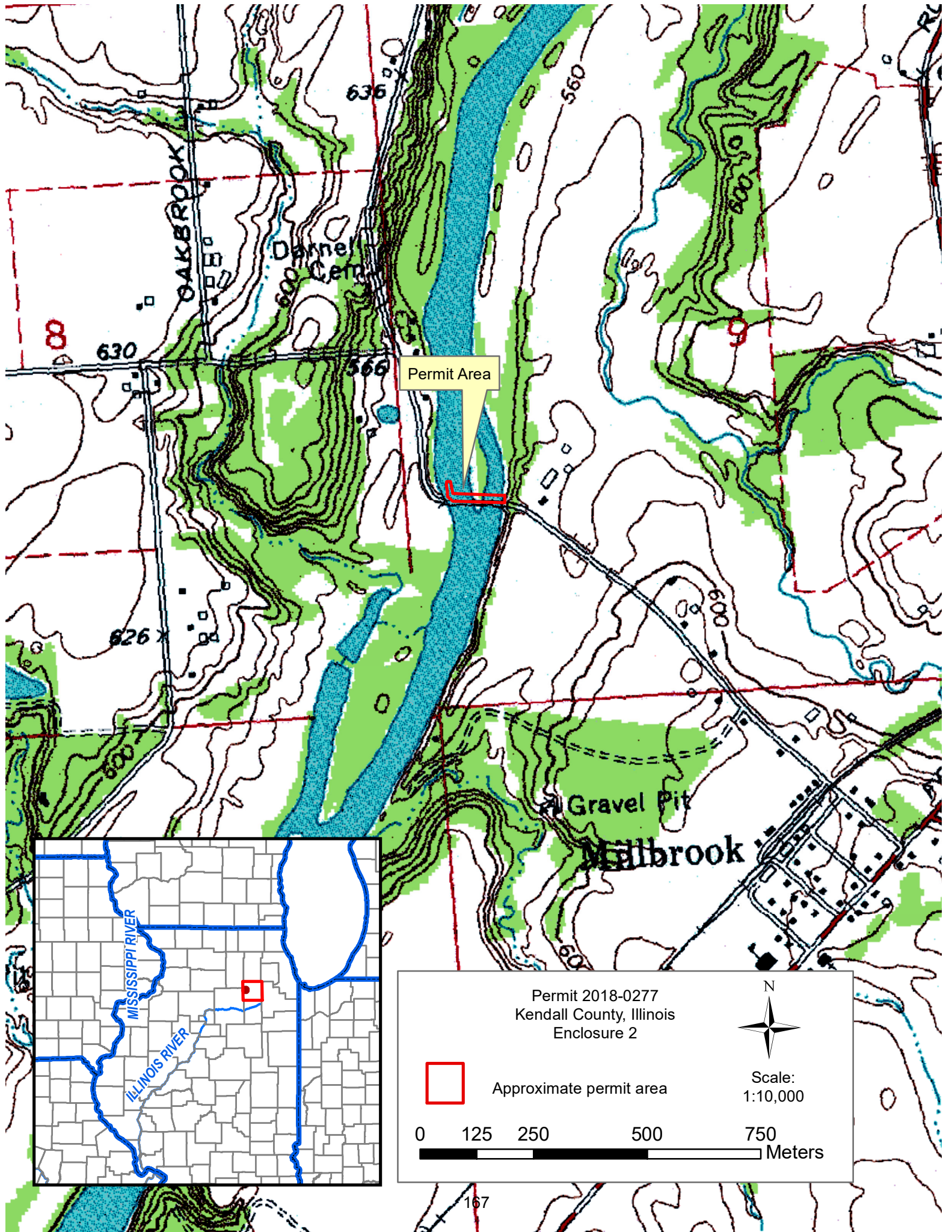
LOCATION MAP

Kendall County, IL

Scale 1 inch = 1 mile



R 6 E, 3RD PM



Permit Area

Gravel Pit

Malbrook



MISSISSIPPI RIVER

ILLINOIS RIVER

Permit 2018-0277
Kendall County, Illinois
Enclosure 2

Approximate permit area

Scale:
1:10,000

0 125 250 500 750 Meters

N



Hampton, Lenzini and Renwick, Inc.

Civil Engineers • Structural Engineers • Land Surveyors • Environmental Specialists
www.hlrengineering.com

Section 106 Documentation of Adverse Effect Report



Millbrook Bridge over the Fox River
Kendall County Forest Preserve District
Kendall County, Illinois

April 2018

380 Shepard Drive
Elgin, Illinois 60123-7010
Tel. 847.697.6700
Fax 847.697.6753

6825 Hobson Valley Drive, Suite 302
Woodridge, Illinois 60517
Tel. 847.697.6700
Fax 847.697.6753

3085 Stevenson Drive, Suite 201
Springfield, Illinois 62703
Tel. 217.546.3400
Fax 217.546.8116

323 W. Third Street, P.O. Box 160
Mt. Carmel, Illinois 62863
Tel. 618.262.8651
Fax 618.263.3327

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Alternate two – Bridge replacement	3
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Attachments

1. Location Map
2. Bridge Photographs
3. SHPO review of National Register eligibility letter - 2017
4. Abbreviated Inspection Reports - HR Green and Collins Engineers - 2015
5. Forest Preserve District Commission meeting minutes
 - A. May 5, 2015
 - B. May 19, 2015
 - C. June 14, 2017
6. IL Department of Conservation and FHWA historic structure review - 1981
7. Intergovernmental Agreement transferring bridge ownership - 2004

Introduction

The Kendall County Forest Preserve District is attempting to address public safety concerns and maintenance issues with the existing Millbrook Bridge over the Fox River. The substandard conditions of the bridge are a liability to public and to the Kendall County Forest Preserve District.

The Illinois State Historic Preservation Officer (SHPO), has determined that the Millbrook Bridge meets the criteria for listing on the National Register of Historic Places (NRHP) and is protected under Section 106 of the National Historic Preservation Act of 1966. Coordination and consultation with the SHPO and the Advisory Council on Historic Preservation (ACHP) will develop measures to mitigate the project's adverse effects on the historic property. The mitigation measures will be incorporated into a Memorandum of Agreement (MOA) for this undertaking.

This report contains information describing the existing bridge features and condition, the project's purpose and need, alternatives considered to avoid adverse effects on the existing bridge and measures to minimize harm to the structure.

Purpose and Need

The purpose of the project is to address existing safety and maintenance concerns resulting from the structurally deficient bridge. The existing bridge has deteriorated piers, inadequate safety railing, and a weathered steel superstructure that poses a safety hazard to people using the bridge and the river below. The cost of the maintenance and rehabilitation of the structure poses a financial hardship to the Kendall County Forest Preserve District. The District has recognized that removal or rehabilitation of the existing bridge is needed for safety of the public.

Description of Historic Property

The existing Millbrook bridge is located approximately 250 feet north of the Whitfield Road bridge at the original location of the Valley Road / Dobson Lane crossing of the Fox River (Attachment 1). This site is in the SW ¼ of Section 9, Township 36N, Range 6E, 3rd P.M. in Kendall County, Illinois. The structure is under the ownership and maintenance of the Kendall County Forest Preserve (Attachment 7). The site is located between a low density residential area on the east and a parcel owned by the Kendall County Forest Preserve District on the west. The bridge is accessed from the Forest Preserve property on the western bank. There is no access to or from the bridge on the

eastern bank. No jurisdictional agreement exists to allow the Kendall County Forest Preserve District to access the Dobson Lane right-of-way on the eastern side of the Fox River.

The existing bridge consists of a three-span steel Pratt truss superstructure with a timber deck. The substructure consists of limestone block piers, a limestone block abutment with concrete encasement on the east end, and a concrete abutment on the west. Each of the three-spans are approximately 133'-9" long and 17'-6" wide out-out of the timber deck. The structure was constructed in 1897 according to the plaque located on the west end of the bridge. The two east truss spans remain from the original construction. The west truss and abutment were replaced around 1957 due to a flood event that damaged the original span. See Attachment 6.

The bridge carried vehicular traffic until 1982 when the newer Whitfield Road bridge was constructed. Demolition of the subject bridge was part of the scope of work approved at that time. Instead of demolition, the bridge was transferred into private ownership. No record of any maintenance or conservation agreement with this individual was located. Ownership of the bridge was later transferred to Fox Township and then to the Forest Preserve in 2002. The bridge was closed to all traffic by the Forest Preserve District Commission in May 2015 due to concerns about the deteriorated structural condition. See Attachments 5, 6 and 7.

Structural Deficiencies

A bridge inspection was conducted by HR Green and Collins Engineers in 2015 to evaluate the condition of the structure (Attachment 4). It was determined that the west pier is in a potentially unstable condition with deterioration that includes crumbling stone, missing blocks, and large areas of mortar loss that extends nearly to the bearings on the upstream end. It was estimated that the pier had less than 5 years of service life remaining. Due to the fracture critical nature of the structure, failure of the pier could result in collapse of the western two spans. The east pier and the abutments have minor deterioration of the stone, cracked mortar and cracking in the concrete.

The steel trusses on the east two spans are in poor condition with significant deterioration of the steel members and eye-bars. Several bottom chord members at the upstream side of the east spans were bent, and one flood beam in the center span is displaced, likely due to impact by floating debris. The existing railings are loose in several locations and do not meet current AASHTO safety standards.

The west span, which is newer than the eastern spans, is in good condition with only minor surface corrosion. This span was not part of the original construction and was replaced due to a flood in 1957. The paint system on this truss is beginning to fail but there is no measureable loss of steel section due to deterioration.

The remaining load capacity of the bridge was estimated to be less than the safe recommended loading for a pedestrian bridge. The Forest Preserve District Commission voted to close the bridge in May 2015 to all traffic based on the results of this inspection, which revealed the structural deficiencies compromising the load capacity of the bridge. See Attachment 5.

Alternative Scopes of Work

Alternate one – No Action

In this alternative, the bridge remains in its present condition with no improvements and closed to all use. The structure continues in its deteriorated, substandard condition. Normal maintenance will not correct the structural deficiencies of the bridge. These deficiencies pose a risk of collapse of the bridge, endangering river users from the nearby canoe launch and fishing area.

Alternate two – Bridge rehabilitation

Rehabilitation of the existing trusses would consist of replacement of corroded steel members, replacement of the bridge bearings, upgrade of the safety railing, and painting the steel trusses. The existing stone piers and abutments would need to be rebuilt or encased in concrete. Rehabilitation of the existing structure may affect its historic integrity due to the significant replacement of superstructure and substructure elements required. The estimated cost for the bridge rehabilitation option is \$1,000,000.

Alternate three – Bridge removal

In the alternative, the existing bridge is removed. The existing safety hazard of the deteriorated structure is addressed by this alternative. In addition, the Kendall County Forest Preserve will not have the responsibility for future maintenance costs of the bridge. Estimated cost is \$300,000. This alternative provides the safest and most cost-effective alternative, but results in removal of the historic structure.

Findings

Alternative One was eliminated from consideration because it does not mitigate the safety hazard of the existing bridge, and therefore does not meet the project purpose.

Rehabilitation of the existing bridge (Alternative Two) will provide a structure meeting current loading and safety design requirements. However, the scope of required work may negatively impact the historic integrity of the structure. Funding options for rehabilitation of this bridge are limited by the lack of continuity with other Forest Preserve properties. In May 2015, the Village of Millbrook voted to deny access to the Dobson Lane right-of-way that would have connected the bridge to another Forest Preserve to the east. The potential grant programs identified for this project require that the bridge be part of a continuous trail system or regional transportation plan. The Forest Preserve has been unable to identify other sources of funding without this connectivity. Alternative Two is not feasible due to the high cost of the rehabilitation and lack of available funding sources.

Alternative Three that removes the existing structure is the lowest cost alternative that addresses the safety concerns of the existing structure. However, this will result in complete removal of the historic structure from the site. Consideration of the proposed alternatives suggests that the demolition and removal of the structure is the most cost effective, feasible and prudent alternative.

Public Involvement Plan

The following organizations were identified as potential consulting parties to the Section 106 process:

- Kendall County Historic Preservation Committee
- Village of Millbrook
- Friends of the Millbrook Bridge Facebook group

A public hearing meeting will be scheduled to provide information to interested parties and solicit comments on the proposed alternatives. A transcript of the meeting, comments received, and responses will be included in the Section 106 report.

Mitigation

The Kendall County Forest Preserve will market the existing historic bridge in an attempt to identify a suitable entity to accept the bridge for donation. If a suitable agreement can be reached with a potential owner to preserve the existing structure, the bridge superstructure would be relocated onto private property and protected with a covenant to ensure continued maintenance.

Should the SHPO so require, the historic bridge will be archivally documented prior to removal to the standards of the Illinois Historic American Engineering Record, as specified by the SHPO, or to the standards of the Historic American Engineering Record, as specified by the National Park Service.

Millbrook Bridge Photo Log
5/11/2017



Photo 1 - Looking East at downstream face of bridge



Photo 2 - Looking west at downstream face of bridge

Millbrook Bridge Photo Log
5/11/2017



Photo 3 - Looking east thru truss from west end of bridge



Photo 4 - West Abutment

Millbrook Bridge Photo Log
5/11/2017



Photo 5 - Railing on North Side of West Truss



Photo 6 - Looking East at Beams under West Truss

Millbrook Bridge Photo Log
5/11/2017



Photo 7 - Northwest Bearing at Abutment



Photo 8 - Looking East thru Center Truss

Millbrook Bridge Photo Log
5/11/2017



Photo 9 - West Pier



Photo 10 - Northwest Side of West Pier

Millbrook Bridge Photo Log
5/11/2017



Photo 11 - Looking East thru Center Truss at Railing and Timber Deck



Photo 12 - Top of Center Truss - South

Millbrook Bridge Photo Log
5/11/2017



Photo 13 - Looking East thru East Truss



Photo 14 - East Pier

Millbrook Bridge Photo Log
5/11/2017



Photo 15 - East face of East pier and underside of deck



Photo 16 - Looking at East End of Bridge

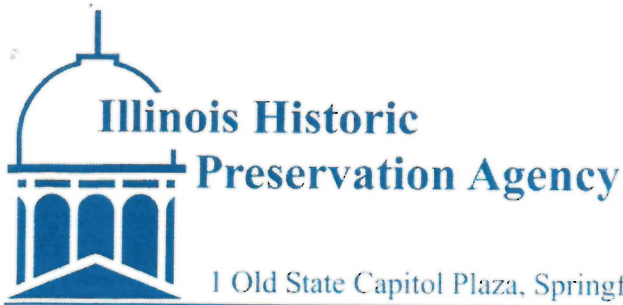
Millbrook Bridge Photo Log
5/11/2017



Photo 17 - East Abutment



Photo 18 - Looking West from East end of bridge



FAX (217) 524-7525
www.illinoishistory.gov

Kendall County
Millbrook

Bridge Rehabilitation
Across the Fox River, North of Whitfield Road
IHPA Log #007051717

June 7, 2017

Joseph Frazee
Hampton, Lenzini and Renwick, Inc.
3085 Stevenson Dr., Suite 201
Springfield, IL 62703

Dear Mr. Frazee:

We have reviewed the documentation provided for the referenced project. This property is considered eligible for listing on the National Register of Historic Places.

In our opinion the project meets the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" and we concur in a finding of no adverse effect pursuant to 36 CFR Part 800 provided that the following condition is met:

1. Our office is given an opportunity to review and approve plans and specifications as they are developed.

Notifying our office of agreement with these conditions and their subsequent implementation constitutes compliance with Section 106 of the National Historic Preservation Act of 1966, as amended.

If you have any questions, please contact David Halpin, Cultural Resources Manager, at 217/785-4998.

Sincerely,

Rachel Leibowitz, Ph.D.
Deputy State Historic
Preservation Officer



April 29, 2015

Mr. David Guritz, Director
Kendall County Forest Preserve District
110 West Madison Street
Yorkville, Illinois 60560

RE: Valley Drive Bridge Inspection
HR Green Job No. 86150043

Dear Mr. Guritz:

On April 1, 2015, HR Green, Inc. (HR Green) performed a visual inspection of the Valley Drive Bridge over the Fox River, which is immediately upstream from the Whitfield Road Bridge. The general condition of the structure was observed for the accessible elements. In addition, Collins Engineers, Inc. performed an underwater inspection of the substructure units (see attachment for the Collins Engineers, Inc. Underwater Bridge Inspection Report). HR Green understands the original design drawings and other construction documents are not available for this bridge.

DESCRIPTION

The bridge consists of three (3) approximately 133'-9" long through Pratt truss spans. The plaque at the west end of the bridge indicates it was originally constructed in 1897. The two (2) east spans are from the original construction with mill marks indicating the steel was supplied by Carnegie Steel. The west span is believed to have been constructed sometime in the 1930's by U.S. Steel. All spans use 3" x 12" creosote treated timber for deck planking. Each span has a pinned end bearing on one (1) end and roller bearings on the other.

The two (2) east spans are composed of steel eye-bar bottom chords and diagonal members, channel section laced columns, plated channel section end posts and laced channel section top chord members. Built up members are shop riveted together, but the eye-bars, diagonals, chords, and posts are connected with pins. The floor beams are I-beam sections. Counters and wind bracing consist of square and round rod stock. Railings consist of a riveted lattice of bar stock connected to L 2 x 2 s top and bottom.

The west span is composed of steel angle sections, channel section laced columns, and channel section end posts and top chord members all riveted to gusset plate type connections. The floor beams are I-beam sections. Railings consist of two (2) C5 channels on each side.

The two (2) piers and the east abutment are cut limestone blocks with a cut limestone water table. The west abutment may also be cut limestone encased in concrete, but only the concrete is visible.

HRGreen.com

Phone 815.385.1778 Fax 815.385.1781 Toll Free 800.728.7805
420 North Front Street, Suite 100, McHenry, Illinois 60050

OBSERVATIONS

The following summarizes the condition of the structure and includes photos taken by HR Green during the inspection.

Superstructure

- **East Spans:**
 - The bottom chord joints of the two (2) east spans exhibited significant pack rust and debris at the pins. The expansion forces caused by the pack rust have led to section loss, flange bending, and web buckling of the built-up vertical truss members at the bottom chord pin. Many of the vertical truss members had debris (leaves, can, etc.) in them at the base, trapping moisture against the steel, and advancing the deterioration.
 - The east spans have twenty (20) bottom chord pin connections where a pair of diagonal eye-bar members attaches as part of the truss. Seven (7) locations had measureable section loss (less than 25% total) of these diagonal pairs. Seven (7) more locations had significant section loss (25-50% total).
 - Several bottom chord members at the upstream side of the two (2) east spans were bent, presumably caused by river carried debris. In addition, the bottom chord horizontal eye-bar pairs had minor section loss (5-10%) at eight (8) of the thirty-two (32) locations, typically near the pack rust on the pin connection. One location on the north truss near the east abutment had 40% section loss on a single eye-bar.
 - The roller bearings on the two (2) east spans are full of pack rust and appear to be non-functional. Many of the rollers are crushed and the top plates of the bearings are out of alignment in most locations. All roller bearings were pushed out beyond the normal maximum expansion range. The center span bearings are pushed up against the east span bearings at both ends of the east pier.
 - A longitudinal floor stringer at the center span is bent and displaced.
- **West Span:**
 - The west span is in good condition with only minor surface corrosion. The paint system is becoming ineffective with numerous locations of exposed steel, but no measureable section loss.
 - The rocker bearings at the west abutment for the west span appear to be pushed to the west out of the bearing's normal range.
- The existing railings are loose and damaged at two (2) locations on the south side of the west span, two (2) locations on the south side of the east span and one (1) location on the north side of the east span near the east pier.

- Deck planking is in generally good condition. We marked one split and deteriorated plank to be repaired with a "X". Several dozen other loose planks were observed and marked with a dot.

Substructure

- West Pier (Pier #1): Significant loss of stone was observed at the upstream nose of the west pier. It has progressed more than a foot when compared to the July 2009 inspection. The loss of stone has almost reached directly underneath the truss bearings. The underwater inspection by Collins noted the upstream 5' of the pier nose is heavily deteriorated. This deterioration extends from channel bottom to pier cap and includes missing stones, displaced stones, voids, and complete loss of mortar.
- East Pier (Pier #2): An island is directly upstream which helps protect this pier from the flow of the main channel. Minor surface abrasion of the stone masonry was observed on the lower 4' to 5' of the pier wall. The pier appears plumb and level with no signs of settlement or scour. The upstream steel protection angle is intact and functional. Minor loss of mortar pointing is evident throughout the pier. The limestone is showing its age with areas of decomposition and cracking.
- Abutments: The joints in the stone masonry of the east abutment are beginning to deteriorate. Minor deterioration of the stone (areas less than 2 square feet in area) and cracking was observed at isolated locations on the east abutment. The west abutment wall exhibits some hairline to narrow vertical leaching cracks with minor rust stains. The south wing wall at the west abutment is in poor condition. The concrete exposed on the back face has completely spalled off and the rebar appears to be missing.
- The abutment and pier seats exhibit minor debris, pack rust from the bearings, and vegetation/brush. There are small trees growing out of the caps of each pier near the south side of the structure.

CONCLUSIONS

The west pier may be unstable based on the results of the underwater inspection. As the stone deterioration at the upstream nose continues to extend towards the bearings, the ability of the pier to adequately support the superstructure may become compromised. Repair options include partial or complete concrete encasement of the pier. Based on the accelerated rate of deterioration, the pier has less than 5 years of estimated service life remaining. The west pier deterioration needs to be addressed immediately if the bridge is to remain open.

In addition, the load carrying capacity of the bridge has been reduced because of section loss in the diagonal truss members of the eastern spans. The remaining capacity of the structure is just 37 pounds per square foot (psf) in the center and east spans. This is approximately half of the pedestrian bridge design load of 75 psf. For perspective, ground snow load is taken as 25 psf. It also must be pointed out that this truss type is fracture critical; meaning the failure of one member can lead to failure and possible collapse of the entire truss span. Steps may need to be taken to restrict access to the east span(s) so overloading will not occur until repairs can be made. However, the newer west span truss is in better condition and could remain in service for 20+ years.

All truss connections need to be cleaned of pack rust and painted. Since the paint system is failing in general, we recommend repainting the entire bridge. After all the connections have been thoroughly cleaned, an in-depth inspection should be scheduled to assess the section loss of the various truss members. Steel repairs should be made to critical truss members that have reduced the capacity of the structure.

The bearings for all three spans are in poor condition and should be replaced. The expansion bearings are pushed out of their normal range and appear to be frozen in place. Minor repairs to the east pier and east abutment limestone, such as applying new mortar to joints and cracks, can help slow down deterioration.

The existing railings are substandard. Current standards call for rails or pickets spaced such that a 4" diameter sphere cannot pass through the lower 34" of the rail assembly, 8" sphere cannot pass between 34" and 42". Timber railings may be used if it meets the above specifications, and could be constructed at a considerable cost savings compared to a steel fabricated rail.

RECOMMENDATIONS

The following are repair/replacement/removal alternatives with budgetary opinions of costs in 2015 dollars. Construction costs can be expected to increase 5% per year. For each of these alternatives, a temporary aggregate work pad and access ramp may need to be constructed near the west abutment to provide access for construction equipment.

Alternative #1: Complete Restoration and Repair

This alternative includes providing temporary support of the adjacent truss spans, removing deteriorated stone masonry at the upstream nose of the deteriorated west pier and encasing it with reinforced concrete. The trusses will be jacked up to replace all the bearings. All three trusses will be cleaned and painted with steel repairs to be made to corroded members. Also

included is re-pointing the masonry joints at the east pier and east abutment and railing upgrades. This alternative would provide a long term solution, short of complete replacement, and would greatly extend the life of the structure.

Opinion of Constructed Cost: \$900,000
Opinion of Cost for Design Engineering and Permitting: \$50,000
Opinion of Cost for Construction Engineering: \$50,000
Total: \$1,000,000

Alternative #2: Complete Replacement

This alternative includes complete removal and replacement of the structure. For budgetary purposes, it is assumed the proposed structure will be a three-span structure comprised of simply supported pre-fabricated pedestrian thru-truss superstructures on pile-supported solid concrete piers and abutments. The clear width of the superstructure would be 14'. Lifecycle costs for this replacement alternative should be less than the complete restoration and repair alternative.

Opinion of Constructed Cost: \$1,270,000
Opinion of Cost for Design Engineering and Permitting (5%): \$65,000
Opinion of Cost for Construction Engineering (5%): \$65,000
Total: \$1,400,000

Alternative #3: Partial Removal and Repair

This alternative includes encasing the west pier with reinforced concrete, the removal of the two east steel trusses, replacing the bearings, and painting of the remaining truss. This alternative would allow the west span to remain open as a fishing pier and river overlook.

Opinion of Constructed Cost: \$550,000
Opinion of Cost for Design Engineering and Permitting (12%): \$25,000
Opinion of Cost for Construction Engineering (12%): \$25,000
Total: \$600,000

Alternative #4: Complete Truss Superstructure Removal

This alternative includes complete removal of the steel trusses. The piers and abutment would be left in place.

Total: \$200,000

The above budgetary cost estimates are relatively conservative. The unique nature of this work makes it difficult to predict costs. In the event the Forest Preserve District elects to restore the existing trusses, we recommend consultation with an experienced contractor regarding construction techniques.

Regular Maintenance Recommendations

The following summarizes minor repairs/regular maintenance items that could potentially be completed with Forest Preserve District personnel. Opinions of cost are not included for most of these items.

- Overhanging trees from the island at the east pier could cause significant damage to the truss if not removed. Vegetation growth (trees and shrubs) adjacent to the structure at the center and east spans should be removed within 10' of the structure. The small trees growing from the pier caps should also be removed.
- Loose deck planks should be re-fastened. The deteriorated plank should be repaired/replaced.
- Remove debris trapped above bottom chord pin connections.

Inspection Recommendations

HR Green recommends a visual inspection of the bridge every two (2) years. In addition, the west pier should be observed every spring and frequently under high flow conditions until it is repaired or replaced. We recommend that the structure be closed during the winter months and not re-opened until after the results of the spring inspection of the west pier until repaired. Below is a list of items that should be monitored during future inspections.

- The observed condition of the joints in the limestone substructure units is typical for a structure of this age. This condition should be monitored in future inspections. The condition of the southwest wing wall should also be observed in future inspections due to deterioration and lost capacity. This is especially true if there are plans to perform earthwork for the path leading to the west end of the bridge.
- We understand that no motorized vehicles will be allowed to cross the structure. In order to extend the life of the structure, we would discourage the use of salt or other de-icing agents.

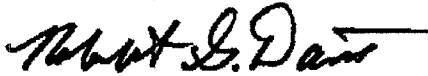
SUMMARY

The bridge is in poor condition. The west pier is becoming unstable and may be unable to support the structure in the future. The loss of capacity of critical truss members is reducing the structures ability to carry pedestrian and bike traffic. Access to the structure may need to be limited for public safety. Repairs should be made as soon as possible if the structure is to remain in use.

Please call with any questions.

Sincerely,

HR GREEN, INC.



Robert Davies, S.E., P.E.
Senior Professional



Steve Schwarz S.E., P.E.
Lead Structural Engineer

SEC/tcn

Attachments: Underwater Bridge Inspection Report by Collins Engineers, Inc.

\\hrgmhnas\data\86150043\Design\Deliverables\ltr-042915-KCFPD-ValleyDr.docx



Valley Drive Pedestrian Bridge Pier Inspection

April 1, 2015

Prepared for:
HR GREEN, INC.



Prepared by:

COLLINS
ENGINEERS INC.

123 North Wacker Drive, Suite 900
Chicago, Illinois 60606
312.704.9300 • www.collinsengr.com

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 1.3 Method of Investigation

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3.0 EVALUATION AND RECOMMENDATIONS4

Appendix A – Figures

Appendix B – Inspection Photos

UNDERWATER INSPECTION

Valley Drive Pedestrian Bridge over the Fox River
Kendall County, IL • April 2015



EXECUTIVE SUMMARY

- Project:** Underwater Inspection of Valley Drive Pedestrian Bridge over the Fox River
- Purpose of Project:** To perform a visual and tactile inspection of all above and below water surfaces on the substructure units of Valley Drive Pedestrian Bridge.
- Inspection Team:** Team Leader – Brian Dilworth, P.E., ADCI – Collins Engineers, Inc.
Team Member – Piotr Sawulski, P.E., ADCI – Collins Engineers, Inc.
Team Member – Jacob Green, ADCI – Collins Engineers, Inc.
- Inspection Date(s):** April 1, 2015

Summary of Findings:

- Heavy mortar loss, and deteriorated / displaced / missing stones at upstream end of Pier 1 from channel bottom to the pier cap.
- Minor section loss and delaminated stones at the East Abutment.
- Vertical hairline to 1/16 inch cracking at all piers and abutments.
- Minor mortar loss at Pier 2.

Summary of Recommendations:

- Pier 1 should be repaired if the bridge is to remain in service. Encase Pier 1 in concrete, partially (around the upstream nose / bearing area), if not wholly to restore deteriorated areas and add future protection.
- Monitor vertical cracking at all piers and abutments.
- Re-point mortar loss at Pier 2 and any portion of Pier 1 not encased by concrete.

1.0 INTRODUCTION

1.1 Purpose and Scope

This report consists of the results of an underwater inspection of Valley Drive Pedestrian Bridge over the Fox River in Kendall County, Illinois. Collins Engineers, Inc. (Collins) conducted the underwater inspection as a subconsultant to HR Green, Inc., on April 1, 2015. The primary purpose of the investigation was to determine the condition of the substructure units located in the water at the time of the inspection.

The following report includes a description of the structure, the method of investigation, a description of existing conditions, and an evaluation and recommendations based on the conditions.

1.2 General Description of the Structure

Valley Drive Pedestrian Bridge is a three span through truss bridge supported by two abutments and two intermediate piers. The two abutments are designated as East Abutment and West Abutment and the piers are designated as Piers 1 and 2 from west to east. The West Abutment is constructed of a concrete abutment wall with two adjacent wingwalls. Piers 1 and 2 and the East Abutment are constructed of stone masonry. The bridge serves as a pedestrian pathway and is maintained by the Kendall County Forest Preserve District. Refer to Photographs 1 through 4 in Appendix B for overall views of the bridge.

1.3 Method of Investigation

Prior to the inspection Collins notified HR Green, Inc., of the proposed date of the underwater inspection; no as-built bridge plans were available. A three-person team consisting of two professional engineer-divers and one technician-diver conducted the underwater inspection. The inspection was conducted using commercial SCUBA diving equipment (Pier 1) and wading equipment (West Abutment, East Abutment and Pier 2). During the inspection, the inspectors entered the water from a 14-foot boat while an engineer on the boat recorded the inspection notes.

The underwater inspection consisted of a visual and tactile examination of the accessible surfaces of the submerged substructure units with particular attention given to any areas of deterioration or apparent distress. The type of channel bottom material, presence and extent of scour, presence and extent of riprap,

UNDERWATER INSPECTION

Valley Drive Pedestrian Bridge over the Fox River
Kendall County, IL • April 2015



presence and extent of debris, and the location of any structural defects were noted. In addition, the conditions of the shorelines in the vicinity of the structure were noted. Photographs were taken to document general conditions and observed deficiencies.

The channel bottom depths were obtained using an incremental sounding pole and a digital fathometer. The channel bottom depths were recorded along the bridge fascias and approximately 100 feet upstream and downstream of the bridge. Channel depths were also taken around the submerged substructure units and the waterline was referenced to a known elevation on the structure.

2.0 EXISTING CONDITIONS

2.1 Waterway Conditions

At the time of inspection, the waterline of the Fox River was approximately 11.1 feet below the top of the pier cap on the east side of Pier 1. This corresponds to a waterline elevation of 88.9 feet based off an assumed reference elevation of 100.0 feet. At the time of inspection, the West Abutment and Piers 1 and 2 were located in the waterway and the Fox River was flowing north to south at approximately 1.0 foot per second. There were no indications of scour or overall channel degradation, and the channel contained minimal amounts of timber debris. The channel immediately upstream of the bridge contains a well-vegetated island which splits the waterway into two; for the purpose of this inspection, the channels were labeled as the West (Main) Channel and the East Channel. Refer to Figure 2 in Appendix A for the waterway configuration and sounding plan.

2.2 Shoreline Conditions

The east and west shorelines in the vicinity of the structure consisted of well vegetated natural embankments with no significant erosion noted. The island existing in the main channel at Pier 2, extended from approximately 30 feet downstream of Pier 2 to approximately 550 feet upstream of Pier 2. The island was also well vegetated with no significant erosion noted. Refer to Photographs 5 through 8 in Appendix B for views of the east and west shorelines, and the island located in the main channel.

2.3 Substructure Conditions

Piers 1 and 2 were constructed of a stone masonry pier cap and masonry shafts that extended down to the channel bottom. A portion of the cap at Pier 1 was previously repaired with concrete at the upstream nose of the pier. The West abutment was constructed of a concrete wall with two adjacent wingwalls. The East Abutment was constructed of a masonry wall with two adjacent wingwalls, and also had a portion of the cap previously repaired with concrete. The specific conditions for each of the submerged substructure units were as follows:

The West Abutment was generally in satisfactory condition above and below the waterline with no defects of structural significance observed. The only deficiency observed at the West Abutment was concrete cracking. Refer to Figure 3 in Appendix A for the detailed inspection notes for the West Abutment and Photographs 9 through 11 in Appendix B for typical views of the West Abutment.

Pier 1 was in poor condition above and below the waterline with structural-related deficiencies observed. Deficiencies observed at Pier 1 were voids due to deteriorated and displaced masonry stones, delaminated stones, cracking, section loss, and mortar loss. Refer to Figure 4 in Appendix A for the detailed inspection notes for Pier 1 and Photographs 12 through 25 in Appendix B for typical views of Pier 1.

Pier 2 was generally in satisfactory condition above and below the waterline with no defects of structural significance observed. The deficiencies observed at Pier 2 were cracking and mortar loss. Refer to Figure 3 in Appendix A for the detailed inspection notes for Pier 2 and Photographs 26 through 29 in Appendix B for typical views of Pier 2.

The East Abutment was generally in satisfactory condition above and below the waterline with no defects of structural significance observed. Deficiencies observed at the East Abutment were section loss, delaminated stones, and cracking. Refer to Figure 3 in Appendix A for the detailed inspection notes for the East Abutment and Photographs 30 through 35 in Appendix B for typical views of the East Abutment.

UNDERWATER INSPECTION

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3.0 EVALUATION AND RECOMMENDATIONS

Since this is the first underwater inspection on record, the soundings taken during this inspection can be a baseline to be compared with during future inspections. There were no indications of overall channel or localized scour, and the embankments were stable.

The area of heaviest deterioration at Pier 1 extends from the upstream nose to approximately 5 feet south of the upstream nose. This area of heaviest deterioration includes missing stones, displaced stones, and complete loss of mortar from the channel bottom to the bottom of the repaired cap. It is likely that the voids are a result of slow loss of mortar and years of impacts from ice and debris flows. Given the extent of deterioration, Pier 1 should be repaired if the bridge is to remain in service. The pier should be partially (around the upstream nose / bearing area), if not wholly encased in concrete to restore deteriorated areas and add future protection. The encasement should extend from the top of the pier cap to at least the channel bottom. While it is likely the pier is constructed of stacked masonry stones founded on bedrock, field testing or review of the sub-channel material or construction plans should be conducted to help determine the method of repair construction. This information would help in determining the means of construction for the appropriate repair (sheet pile cofferdam or a stone cofferdam). Information provided by HR Green relating to the sub-bottom information at nearby structures suggests that driving a steel sheet pile cofferdam is a possibility. The cost to fully encase a masonry pier of this size is approximately \$400,000, not including design costs or soil testing.

The vertical cracks in the concrete at the Abutments, and the stones at Piers 1 and 2 are not structural concerns at this time. However, the cracks do provide a means for water infiltration and freeze-thaw damage. It is therefore recommended that these cracks be monitored during future underwater inspections. If further crack propagation or increased crack widths are observed, it may be necessary to repair the cracks by injection or patching with a repair material suitable for underwater applications.

The mortar loss observed in the masonry joints at Piers 1 and 2 is not a serious structural concern at this time but should be re-pointed if the process to restore the pier does not take place. The mortar loss at Pier 1 was heavy from 2 courses above waterline to the channel bottom, while the mortar loss at Pier 2 was minor and spread out over the entire pier. Re-pointing the masonry joints will limit water infiltration and freeze-thaw damage. In addition, re-pointing the masonry joints will stabilize the individual masonry units and prevent stone displacement. The repairs should be carried out by a contractor with considerable

UNDERWATER INSPECTION

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experience in masonry construction and repairs, including underwater applications. The joints should be repaired by first removing all unsound mortar, vegetation, and debris. A repair mortar having the same properties as the original construction mortar should be used to carry out the repairs to ensure that no adverse effects related to dissimilar mortars occur and that an “in-kind” repair is performed.

Respectfully submitted,
COLLINS ENGINEERS, INC.

A handwritten signature in black ink, appearing to read 'B. Dilworth', with a horizontal line extending to the right.

Brian P. Dilworth, P.E., ADCI
Inspection Team Leader / Project Manager

Originated by:

Jacob P. Green, ADCI

**KENDALL COUNTY FOREST PRESERVE DISTRICT
COMMISSION MEETING MINUTES**

MAY 5, 2015

I. Call to Order

Vice-chair Cullick called the meeting to order at 6:00 p.m. in the Kendall County Board Room.

II. Pledge of Allegiance

All present recited the Pledge of Allegiance.

III. Invocation

Commissioner Prochaska offered an invocation for the meeting.

IV. Roll Call

Commissioners Gilmour, Gryder, Prochaska, Purcell, Shaw, Davidson and Cullick all were present.

V. Citizens to be Heard

No public comments were offered.

VI. Approval of Agenda

Commissioner Gilmour made a motion to approve the agenda as presented. Seconded by Commissioner Gryder. All, aye. Opposed, none. Motion passed unanimously.

VII. Approval of Minutes for the April 8, 2015 Commission Meeting; April 15, 2015 Committee of the Whole Meeting, and April 16, 2015 Finance Committee Meeting

Commissioner Gilmour made a motion to approve the meeting minutes for the Commission meeting minutes held on April 8, 2015; the Committee of the Whole meeting held on April 15, 2015, and the Finance Committee meeting held on April 16, 2015. Seconded by Commissioner Prochaska. All, aye. Opposed, none. Motion passed unanimously.

VIII. Approval of Claims in an amount not-to-exceed \$44,771.20

Commissioner Prochaska made a motion to approve the claims list in the amount of \$44,771.20. Seconded by Commissioner Davidson.

Director Guritz reported in follow-up to the Finance Committee meeting that the claim for ADS, Inc. was for quarterly alarm monitoring at Ellis House, and the Menards charges for Kubota repair was for purchase of diamond plated sheet metal for the Kubota's floor boards.

Roll call: Commissioners Gilmour, Gryder, Prochaska, Shaw, Davidson, and Cullick, aye. Opposed, none.

Commissioner Koukol joined the meeting at 6:03 pm.

IX. Millbrook Bridge Inspection Report – Robert Davies, SE PE – HR Green

Commissioner Purcell joined the meeting at 6:20 pm.

Robert Davies, SE PE with HR Green provided a PowerPoint slide overview of the Millbrook Bridge inspection completed on April 1, 2015. This included an underwater inspection performed by Collins Engineering.

Main points presented included the following:

1. The last inspection of the bridge was performed in 2009.
2. Since the last inspection, bridge decay has accelerated, particularly the west pier mortar, joints, and loss of limestone support blocks, with additional fracturing at the bridge abutments.
3. The bridge spans include two types of truss work. The western span is newer, reconstructed after this section failed in the past. The older I-bar spans show significant decay.
4. I-bar truss decay issues include increased formation of pack rust and resulting expansion at the joints causing deformation of support member plates. Robert Davies emphasized that design of the truss is such that all support arms are under tension, and when one I-bar support beam fails, all will fail.
5. The upper I-bar support beam spans are exhibiting significant corrosion of the steel plating.
6. The bearings have failed or are entirely absent. The bearings should allow movement of the support members.

7. Due to support member issues, the current load calculation for the bridge is 35 pounds per square foot, and should be 100 pounds per square foot for this type of structure.
8. Alternatives include restoration, replacement, removal of the older spans and restoration of a single span pier, and full removal of the structure. Costs are difficult to pin down.
9. It is no longer a question of if the bridge will fail, but when.

Commissioner Davidson suggested that the board take time to review the full inspection report, and refer the recommendations to the District's Finance Committee.

Robert Davies reported that there are four options to consider detailed in the inspection report:

1. Complete restoration, with an estimated cost of \$1 million dollars, including providing temporary support of the truss spans, removal of deteriorated stone masonry at the upstream nose of the west pier, and encasement within reinforced concrete, replacement of all bearings, and cleaning, painting and repairs made to corroded members.
2. Complete replacement, with an estimated cost of \$1.4 million dollars, including complete removal and replacement of the bridge with a three-span, pre-fabricated pedestrian thru-truss superstructure on pile-supported solid concrete piers and abutments.
3. Partial removal and repair, with an estimated cost of \$600,000, including encasement of the west pier with reinforced concrete, removal of the two east steel trusses, replacement of the bearings, and painting of the remaining truss.
4. Complete truss and superstructure removal, with an estimated cost of \$200,000, including removal of the steel trusses with piers and abutments remaining in place.

Robert Davies emphasized while restoration will be more cost effective initially, the bridge will require ongoing maintenance, which would make it less cost effective in the long run. The existing bridge does not currently meet ADA or public safety codes and standards.

Robert Davies suggested there may be IDOT funding, or other grant sources available to offset the capital costs.

Commissioner Gryder stated that based on the structural engineer's report, the bridge should be closed until repairs are completed.

Robert Davies added that HR Green specializes in bridge inspections, and this bridge will fail. It is only a matter of time, the end is in sight, and public safety a significant concern.

Commissioner Cullick questioned whether the bridge should be closed immediately due to public safety concerns.

Commissioner Davidson suggested that the decision be tabled pending review of the inspection information, and postpone the decision on whether to close the bridge to allow time for review.

Commissioner Gilmore stated that based on the engineer's report, the bridge should be closed to protect public safety.

Commissioner Cullick expressed concerns that the District cannot control the number of people that may be on the bridge at any one time.

Commissioner Gryder made a motion to forward the Millbrook Bridge inspection report to the Finance Committee along with the inspection report's option to the Finance Committee for further discussion. Seconded by Commissioner Davidson. Aye, all. Opposed, none.

X. Motion approving a contract with Pizzo & Associates, Ltd., for turf preparation, prairie seeding, and first-year herbicide control of approximately 0.6 acres at Baker Woods FP, Ellis House and Equestrian Center for an amount not-to-exceed \$2,800.00, with contract costs reimbursed by a grant from The Conservation Foundation

Commissioner Cullick made a motion to approve a contract with Pizzo & Associates, Ltd., for turf preparation, prairie seeding, and first-year herbicide control of approximately 0.6 acres at Baker Woods FP, Ellis House and Equestrian Center for an amount not-to-exceed \$2,800.00, with contract costs reimbursed by a grant from The Conservation Foundation. Seconded by Commissioner Gilmour.

Director Guritz reported that The Conservation Foundation had received a grant from LyondellBassell to support the installation of a new low-grow prairie seed mix demonstration planting area, and had selected Ellis House and Equestrian Center as the site for the planting. The District will be fully reimbursed by The Conservation Foundation for the initial planting and first-year herbicide control.

Roll call: Commissioners Gryder, Prochaska, Shaw, Cullick, Davidson, Gilmour, Koukol, and Purcell, aye. Opposed, none.

XI. Motion approving a 50% facility rental deposit refund in the amount of \$500.00 to Marie Kress for a cancelled Ellis House event and reception.

Commissioner Davidson made a motion to approve a facility rental deposit refund in the amount of \$500.00 to Marie Kress for a cancelled Ellis House event and reception.

Seconded by Commissioner Gryder.

Director Guritz provided an overview of the request received for reimbursement, and Finance Committee recommendation that a 50% deposit refund be considered by the full board. A copy of the Ellis House reservation was provided, which states that refunds may only be applied towards a rescheduled reservation. As the policy is clearly stated, this matter and request was presented to the board for consideration.

The reservation was made on February 15, 2015 for an event scheduled for May 15, 2015 following the Ellis Bridal Expo.

Roll call: Commissioners Cullick, Gilmour, Gryder, Koukol, Prochaska, Purcell, and Shaw, aye. Opposed, Commissioner Davidson.

XII. Motion approving a time extension for the Ellis House Boarding Agreement at an Additional Monthly Boarding Rate of \$300.00.

Commissioner Cullick made a motion to approve a time extension for the Ellis House Boarding Agreement at an additional monthly boarding rate of \$300.00. Seconded by Commissioner Gilmour.

Director Guritz stated that the first extension on the agreement had expired at the end of April, requesting a minimum extension of an additional two weeks to allow time for the boarder to make alternate arrangements.

Commission discussed the timeframe and need for the extension, and capacity of the facility to accommodate the horses present.

Commissioner Gryder made a motion amending the original motion on the table to allow for an extension of the agreement until the end of June. Seconded by Commissioner Cullick.

Roll call: Commissioners, Gilmour, Gryder, Prochaska, and Cullick, aye. Opposed, Commissioners Koukol and Purcell. Commissioner Shaw abstained. Motion carried by a vote of five to three to one.

Commissioner Cullick stated the approved motion on the table for consideration is to approve a time extension of the Ellis House Boarding Agreement at an additional monthly boarding rate of \$300.00 through the end of June, 2015.

Roll call: Commissioners Davidson, Gilmour, Gryder, Koukol, Prochaska, Shaw, and Cullick, aye. Opposed, Commissioner Purcell. Motion carried.

XIII. Motion approving the reassignment of President Wehrli from the District's Programming and Events Committee to the District's Finance Committee, with concurrent reassignment of Commissioner Prochaska from the District's Finance Committee to the District's Programming and Events Committee.

Commissioner Cullick made a motion approving the reassignment of President Wehrli from the District's Programming and Events Committee to the District's Finance Committee, with concurrent reassignment of Commissioner Prochaska from the District's Finance Committee to the District's Programming and Events Committee. Seconded by Commissioner Shaw.

Commissioner Cullick reported that President Wehrli has requested assignment to the District's Finance Committee. Commissioner Cullick asked for clarification from State's Attorney Weis regarding whether it would be a violation of the Open Meetings Act to allow President Wehrli to serve as an additional Committee member, which would increase committee participation to six members.

State's Attorney Weis stated that it would not necessarily be a violation of the Open Meetings Act per se, but the sixth member would constitute a majority of a quorum present, violating the provisions for working committees.

Commissioner Prochaska inquired whether a sixth member could be present as an ex-officio member, or whether five members presented constituted a majority of a quorum present.

State's Attorney Weis stated that six constitutes the majority of a quorum present per the rules as written, and a sixth commissioner present at a committee meeting would constitute a majority of a quorum present.

Commissioner Davidson stated he did not wish to see the Finance Committee lose Commissioner Prochaska from its membership, stating that President Wehrli made the appointments, and this decision should stand.

Commissioner Purcell expressed an interest in serving on the Finance Committee, suggesting that Finance Committee meetings be conducted as part of Committee of the Whole meetings.

Commissioner Cullick withdrew her motion, and Commissioner Shaw withdrew his second of the motion to allow for further discussion at an upcoming Committee of the Whole meeting.

XIV. Executive Session

Commissioner Shaw made a motion to enter into executive session under 2(c)5 of the Open Meetings Act to discuss the purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired. Seconded by Commissioner Davidson.

Roll call: Commissioners Cullick, Gilmour, Gryder, Koukol, Prochaska, Purcell, and Shaw, aye. Opposed, Commissioner Davidson. Executive session called to order at 6:58 pm.

Commissioner Davidson made a motion to reconvene the regular meeting. Seconded by Commissioner Prochaska. Regular meeting reconvened at 7:28 pm.

XV. Other Items of Business

None.

XVI. Adjournment

Commissioner Davidson made a motion to adjourn. Seconded by Commissioner Gilmour. All, aye. Meeting adjourned at 7:30 pm.

Respectfully submitted,

David Guritz
Director, Kendall County Forest Preserve District

**KENDALL COUNTY FOREST PRESERVE DISTRICT
COMMISSION MEETING MINUTES**

MAY 19, 2015

I. Call to Order

President Wehrli called the meeting to order at 9:00 a.m. in the Kendall County Board Room.

II. Pledge of Allegiance

All present recited the Pledge of Allegiance.

III. Invocation

Commissioner Prochaska offered an invocation for the meeting.

IV. Roll Call

Commissioners Cullick, Davidson, Gilmour, Gryder, Koukol, Prochaska, Shaw, and Wehrli all were present.

V. Approval of Agenda

Commissioner Gryder made a motion to approve the agenda as presented. Seconded by Commissioner Prochaska. All, aye. Opposed, none. Motion passed unanimously.

VI. Citizens to be Heard

No public comments were offered.

**VII. Approval of Minutes for the April 21, 2015 and May 5, 2015
Commission Meetings, and April 30, 2015 Finance Committee Meeting**

Commissioner Cullick made a motion to approve the meeting minutes for the Commission meetings minutes held on April 21, 2015 and May 5, 2015, and the Finance Committee meeting held on April 30, 2015. Seconded by Commissioner Gilmour. All, aye. Opposed, none. Motion passed unanimously.

VIII. Approval of Claims in an amount not-to-exceed \$15,852.97

Commissioner Cullick made a motion to approve the claims list in the amount of \$15,852.97. Seconded by Commissioner Gryder.

Roll call: Commissioners Davidson, Gilmour, Gryder, Koukol, Prochaska, Shaw, Cullick and Wehrli, aye. Opposed, none.

Commissioner Purcell and Commissioner Flowers arrived at 9:03 am.

IX. Motion approving the reassignment of President Wehrli from the District's Programming and Events Committee to the District's Finance Committee, with concurrent reassignment of Commissioner Prochaska from the District's Finance Committee to the District's Programming and Events Committee.

Commissioner Cullick made a motion to approve the reassignment of President Wehrli from the District's Programming and Events Committee to the District's Finance Committee, with concurrent reassignment of Commissioner Prochaska from the District's Finance Committee to the District's Programming and Events Committee. Seconded by Commissioner Gilmour.

Commissioner Purcell requested consideration that the Finance Committee be restructured to allow for full board participation.

President Wehrli stated he was open to discussing the matter further, but the question on the table is the question of committee reassignments.

Commissioner Purcell questioned whether Commissioner Prochaska was receptive to the reassignment. Commissioner Prochaska responded that while he would like to remain on the Finance Committee, the Open Meetings Act prohibits more than five Commissioners serving on the committee, and that he had made a commitment to President Wehrli to support the reassignment.

Commissioner Davidson stated that it is often a challenge securing three representatives to hold the committee meetings. Restructuring the committee for full board participation could lead to issues with establishing a quorum for meetings. Commissioner Davidson stated he would not support the change because of Commissioner Prochaska's contributions to the committee.

Commissioner Shaw concurred with Commissioner Davidson's observations on the difficulty of establishing a quorum for meetings requiring full board participation, and questioned Commissioner Purcell on his objections to the change.

Commissioner Purcell stated that he wanted to support Commissioner Prochaska's expressed interests in continuing to serve on the committee. Understanding that Commissioner Prochaska is committed to supporting the change, he has no problems with the reassignment.

Roll call: Commissioners Gryder, Koukol, Prochaska, Purcell, Shaw, Cullick, Flowers, Gilmour, and Wehrli, aye. Opposed, Commissioner Davidson.

X. Motion approving the temporary closing of public access to Millbrook Bridge for an indefinite period, pending completion of necessary repairs or improvements recommended by the structural engineer for public safety.

Commissioner Shaw made a motion to approve the temporary closing of public access to Millbrook Bridge for an indefinite period, pending completion of necessary repairs or improvements recommended by the structural engineer for public safety. Seconded by Commissioner Gryder.

Director Guritz stated that he had received correspondence from Millbrook's Village President Jackie Kowalski, and that the item is posted for discussion on their May 26 agenda, which he and President Wehrli plan to attend.

Director Guritz stated that if the bridge is closed, an access barrier and signage will need to be installed.

President Wehrli stated that the bridge is important to the Village of Millbrook and Kendall County history, and work is underway to explore options for securing funding to the needed restoration and improvements.

Commissioner Davidson requested clarification on the load limit of 35 pounds per square foot. President Wehrli stated that this was the figure presented in the engineer's inspection report.

Commissioner Gilmour stated she support the decision to close the bridge based on the report.

Commissioner Koukol concurred, adding that the District's grant consultant is researching potential funding sources, and that this issue needs to be placed on the front burner.

Commissioner Gryder agreed that closure of the bridge is prudent based on the report.

Commissioner Purcell inquired whether it has been confirmed that the District owns the bridge, and whether Millbrook would be interested in taking possession. Director Guritz stated that Millbrook owns the approach to the bridge, and that changes in corporate limits may impact which municipality has jurisdiction over the Dobson Road right-of-way, which will help determine whether there is an opportunity for connectivity to Millbrook North Forest Preserve.

President Wehrli confirmed that the District's first step is to establish connectivity as a prerequisite for submission of applications for grant support funding.

Roll call: Commissioners Davidson, Flowers, Gilmour, Gryder, Koukol, Prochaska, Purcell Shaw, Cullick, and Wehrli, aye. Opposed, none. Motion unanimously approved.

XI. Motion approving a policy and application for waiving facility rental and event permit fees.

Commissioner Cullick made a motion to approve a policy and application for waiving facility rental and event permit fees. Seconded by Commissioner Shaw.

Commissioner Purcell inquired into how this policy would impact any previous requests for refunds.

Director Guritz stated that this policy would not affect past requests, but would put in place requirements for submission of request in advance of the date of the event to provide enough lead time for consideration, and require applicants to consider a percentage of discount for their requests.

Commission discussed the procedures in place for considering these requests.

Roll call: Commissioners Davidson, Flowers, Gilmour, Gryder, Koukol, Prochaska, Purcell Shaw, Cullick, and Wehrli, aye. Opposed, none. Motion unanimously approved.

XII. Motion approving a tree removal proposal from Busted Knuckles Landscaping, LLC in the amount of \$1,900 for the removal of seven total trees from Subat Forest Preserve and Shuh Shuh Gah canoe launch area.

Commissioner Cullick made a motion to approve a tree removal proposal from Busted Knuckles Landscaping, LLC in the amount of \$1,900 for the removal of seven total trees from Subat Forest Preserve and Shuh Shuh Gah canoe launch area. Seconded by Commissioner Flowers.

Commissioner Davidson inquired into whether the appropriate insurance coverage would be requested. Director Guritz stated that a certificate of insurance would be received prior to commencement of work. Commissioner Koukol added that this company had bid the tree removal project earlier this year, and carried the required coverage.

Commissioner Purcell inquired into whether this would be coded to capital or operations. Director Guritz stated that this should be expended from the operating budget, from either preserve improvements, or transfer of contingency.

Roll call: Commissioners Davidson, Flowers, Gilmour, Gryder, Koukol, Prochaska, Purcell Shaw, Cullick, and Wehrli, aye. Opposed, none.

XIII. Motion approving a proposal from Upland Design, Inc., in the amount of \$3,880.00 for the development of an updated site concept plan and budget for Henneberry Forest Preserve improvements.

Commissioner Cullick made a motion to approve a proposal from Upland Design, Inc., in the amount of \$3,880.00 for the development of an updated site concept plan and budget for Henneberry Forest Preserve improvements. Seconded by Commissioner Flowers.

President Wehrli stated that this is the first step needed to pull together the application for the upcoming OSLAD grant cycle.

Director Guritz stated that he would be meeting with Michelle Kelly of Upland Design to review the initial site plan, and work to schedule the forums for receiving public input on the revised plan.

Commissioner Davidson stated that one of the challenges will be the cost for extending Cherry Road to forest preserve boundaries. President Wehrli stated that he would be speaking with the Nau-Au-Say Township Highway Commissioner to request support of the road extension.

Commissioner Purcell inquired into whether the contract would be paid from the capital project fund or from the operating fund. Director Guritz stated that the contract would be paid from the capital project fund.

Director Guritz stated that Upland Design will present the concept plan to Commission for input and consideration, and that upcoming Commission meetings can be included as part of the process and venue for receiving public input.

Roll call: Commissioners Davidson, Flowers, Gilmour, Gryder, Koukol, Prochaska, Purcell Shaw, Cullick, and Wehrli, aye. Opposed, none.

XIV. Motion to consider the cancellation of all 2015 Alliance Live Action Role Play-Chicago Chapter reservations at Hoover Forest Preserve for violations of the District's General Use Ordinance.

Commissioner Cullick made a motion to cancel all 2015 Alliance Live Action Role Play-Chicago Chapter reservations at Hoover Forest Preserve for violations of the District's General Use Ordinance. Seconded by Commissioner Purcell.

President Wehrli provided an overview of recent property damage and preserve use impacts associated with this group's past reservations.

Director Guritz provided an overview of the group's 2015 reservations, and alternatives for addressing pending and future reservations. Five reservations are scheduled for the remainder of the year.

Commissioner Davidson inquired into whether we had spoken with the group. Director Guritz stated that he had discussed this issue with the chapter's representative.

Commissioner Gryder inquired into whether the group had offered to pay for the damage. Director Guritz stated that the group did offer to pay for the new stove, and the District will be retaining the \$100 security deposit. If the group is allowed to return to the site, payment for the full cost for replacement prior to their next reservation will be required.

Commission discussed the options for the group's future reservations. Commissioner Gilmour stated the group had abused its privileges, and was in favor of cancelling the remaining reservations for the year.

Commissioner Purcell inquired into whether we had returned their deposit. Director Guritz stated that their deposit had not been returned at this point.

Roll Call: Commissioners Prochaska, Purcell, Shaw, Cullick, Davidson, Flowers, Gilmour, Gryder, Koukol, and Wehrli, aye. Opposed, none.

XV. Executive Session

None.

XVI. Other Items of Business

Director Guritz reported that the ACTHA trail horse challenge event had been cancelled due to weather and horse health considerations.

XVII. Adjournment

Commissioner Cullick made a motion to adjourn. Seconded by Commissioner Gryder. Aye, all. Opposed, none. Meeting adjourned at 9:43 am.

Respectfully submitted,

David Guritz
Director, Kendall County Forest Preserve District

**KENDALL COUNTY FOREST PRESERVE DISTRICT
FINANCE COMMITTEE MEETING MINUTES**

JUNE 14, 2017

I. Call to Order

Committee Chairman Cullick called the meeting to order at 4:45 pm in the Kendall County Board Room.

II. Roll Call

Commissioners Davidson, Gilmour, and Cullick all were present.

III. Approval of Agenda

Commissioner Gilmour made a motion to approve the agenda as presented. Seconded by Commissioner Davidson. All, aye. Opposed, none.

IV. Citizens to be Heard

No public comments were offered by those in attendance.

V. Approval to Forward Claims in an Amount Not-to-Exceed \$614,911.76.

Commissioner Gilmour made a motion to forward claims to Commission in an amount not-to-exceed \$614,991.76. Seconded by Commissioner Davidson.

The Finance Committee reviewed the claims list.

Commissioner Davidson inquired into claim #291 for Ed Bell, Bellfry Bees. Director Guritz stated that the claim is for presentations as part of the District's "Bug Fest" school field trip programming.

Commissioner Davidson inquired into claim #294 for the Forest Foundation. Director Guritz stated that the claim amount represents a pass through to the Forest Foundation for the Henry Weidman memorial fund to support environmental education programming.

The Finance Committee discussed the future possibility of the District to accept endowment fund contributions to support District projects. Director Guritz reported that there is no reason the District would not be able to accept restricted contributions in the future. Director Guritz reported that the transfer to the Forest Foundation will keep all memorial fund received in one restricted account.

Chairman Cullick called the question. All, aye. Opposed, none.

VI. Review of Financial and Income Statements through May 31, 2017

The Finance Committee reviewed the Financial and Income Statements through May 31, 2017.

Budget Coordinator Latreese Caldwell provided an overview of the District's budget performance for the current fiscal year.

Ms. Caldwell reported the following:

Current revenues are down by \$92K representing lower amounts received for farm license revenue, and lower year-to-date property tax collections.

Expenditures are higher in the current fiscal year by \$54K attributed to higher salary costs \$20K Ellis; \$18K Hoover; \$15K Environmental Education.

Overall, the District is down approximately \$55K over last year, primarily attributed to timing for receipt of tax and farm license revenues.

Commissioner Cullick thanked Latreese Caldwell for pulling these informational reports together.

Director Guritz reported that equestrian center revenues are down considerably, particularly with summer camp enrollments. This is concerning considering the expanded marketing efforts put in place for the current year. Director Guritz stated that more effort is needed in the area of target marketing for equestrian center programming. Director Guritz stated that overall, the District is down by a net of \$3,500 for the year.

Director Guritz stated that changing over to session-based scheduling should help with improving the organization of equestrian center programming.

Commissioner Cullick recommended focusing efforts to cross-promote District programs with other large community events.

The Finance Committee discussed the possibility of cancelling the second Finance Committee meeting in June.

Commissioner Davidson expressed concerns over the increase in personnel expenditures for Hoover Forest Preserve and Ellis House and Equestrian Center.

Director Guritz explained that for Hoover, one full-time staff member was on worker's compensation leave, which was paid off at the end of the last fiscal year.

Director Guritz explained that for Ellis, salaries are higher in part due to expenses for support of Sunrise Center North operations offset by the monthly lease payments.

The Finance Committee discussed facility rental performance for Ellis and Hoover for the year. Director Guritz reported that facility rentals are both up in the current fiscal year. The website marketing presences are beginning to generate leads and tours.

VII. GRAINCO, FS 2017-2018 Prepay Propane Supply Agreement and 2016-2017 Prepaid Contract Refund

The Finance Committee reviewed the proposed pre-pay propane contract for Ellis House and Harris Forest Preserve for 2017-2018.

Director Guritz stated that the District's propane use refund from the 16-17 contract is just over \$800.00.

The Finance Committee discussed the contract savings and usage, suggesting that the District retain the propane volume at the 16-17 cost for the upcoming year.

Commissioner Davidson offered to contact GRAINCO, FS to request that the unused gallons for 2016-2017 be applied towards the 2017-2018 total estimated usage rather than applying a refund to the 2017-2018 contract balance, and will report back to the Finance Committee at the second meeting in June.

VIII. Executive Session

None.

IX. Other Items of Business

Rich Ryan with Wine-Sergi Insurance, Inc. presented updated recommendations for the District's Preferred Catering Program. The revised recommendations are more in line with the State's Attorney's Office recommendations, which will be presented to the Board for approval at the upcoming Commission meeting.

Steve Megginson with HLR Engineering presented an overview of permitting progress for work to be performed on Millbrook Bridge. This included an overview and drawing showing a two-phase approach for dewatering sections of the Fox River for access using coffer dams.

The Finance Committee discussed the equipment access approach to the bridge infrastructure, and Illinois Historic Preservation Agency requirements. The IHPA public review process will require 6-9 months to complete and include a public hearing, and generation of options that could include selling the structure to an interested third party, or possibly deconstructing and reconstructing bridge spans at an alternate location.

Director Guritz asked whether the IHPA public review process is included within the approved HLR Engineering contract. Mr. Megginson stated that all costs are included within the current contract.

Director Guritz asked for clarification on the most cost effective approach for construction, or deconstruction activities. Mr. Megginson stated that the most cost effective approach is to access the bridge from both approaches. Approaching the bridge with equipment from the northwest approach only will increase costs for conducting in-stream coffer dam approaches into two phases.

The Finance Committee discussed options, providing direction to present an overview of permit approaches to the Committee of the Whole at the July meeting in order to provide direction to HLR Engineering.

Commissioner Davidson suggested that if the District demolishes the structure, the piers should be left standing to save costs and reduce environmental impact.

Mr. Megginson reported that the proposed acquisition of the Little Rock Creek Forest Preserve would serve as mitigation to possible impacts to State listed fish species known to occur in the project area.

The Finance Committee discussed the WIPFLI CPAs proposal for FY 16-17 auditing services. Director Guritz stated that the cost needs to include a single-audit for the current LWCF-OSLAD grant for the proposed Little Rock Creek acquisition project. Director Guritz stated that the District can follow suit with approval of the District's share of the audit costs following approval by the County Board.

The Finance Committee discussed other items of business, providing direction to post the following items to the upcoming Commission meeting agenda approval:

1. Preferred Caterers Program insurance coverage recommendations.
2. Endowment fund ordinance.
3. Rules of Order for the Kendall County Forest Preserve District
4. Ellis Equestrian Center lesson session schedule and prorated lesson package pricing.
5. Annual sponsorship program framework and policies.
6. Community Forestry grant project application.
7. Volunteer Stewardship Network – Illinois Nature Preserves Commission grant application.

The Finance Committee discussed the possibility of changing the regular meeting date for the first Finance Committee meeting and Committee of the Whole meeting to the second Tuesday of each month in order to better accommodate the schedules for Commissioners.

X. Citizens to be Heard

No public comments were offered by those in attendance.

XI. Adjournment

Commissioner Davidson made a motion to adjourn. Seconded by Commissioner Gilmour. All, aye. Opposed, none. Meeting adjourned at 6:48 pm.

Respectfully submitted,

David Guritz
Executive Director, Kendall County Forest Preserve District

1981

Plans are currently being made for the construction of a new bridge to be located approximately 0.7 miles northwest of Millbrook, Illinois. (See attached location map). The narrow roadway clearance, limited load rating and the hazardous approach curves of the existing bridge has prompted the need for a new facility.

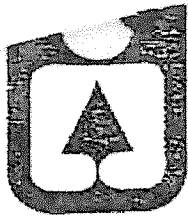
Locally known as the "Millbrook Bridge", the existing aged steel-trussed three span structure presently carries Whitfield Road (Township Road No. 24) over the Fox River. Due to the age and structural characteristics of the bridge, this report is being presented in accordance with the National Register Criteria guidelines (36 C.F.R. Part 800.10) to determine whether the subject structure is eligible for the National Register.

Constructed in 1897, the bridge is a product of the Bridge and Iron Company of Bellefontaine, Ohio. The structure is of the Pratt steel truss variety consisting of a wood plank deck with stone piers and abutments. The bridge is not entirely original in nature. A third span of a riveted truss construction and a concrete abutment was built in 1957 after the bridge was partially washed out by an unusual flood. A thin layer of bituminous paving also covers the wooden deck which is made up of 2 x 4 planks on edge. The present structure measures approximately 400 feet in total length and is 15'-8" wide, carrying a single lane roadway.

The technological design of the bridge, common at the turn of the century, is relatively unique, however, this type of structure is not the only one of its kind along the Fox River. Approximately 18 miles downstream from the Millbrook crossing a similar type of structure spans the Fox River at Wedron, Illinois, although it is no longer in use. The aesthetic value of the Millbrook structure with its surrounding rural setting will be adversely effected with the development of residential subdivisions which are either presently under construction or proposed along the east bank of the river. The subject bridge has no particular relevance to any specific historical person or event. With the structure's steel truss having been completely shop fabricated and erected by unskilled laborers, the bridge does not represent the work of an architectural or technological master. Although

canoeists utilize the area to the east of the existing bridge for launching, other sites along the river also serve the recreational needs of canoeists and fishermen as well. In addition, a 500 foot lot campground is proposed within 1 1/2 miles of the present bridge site.

Illinois



Department of Conservation

life and land together

608 WM. G. STRATTON BUILDING • 400 SOUTH SPRING STREET • SPRINGFIELD 62706
CHICAGO OFFICE - ROOM 100, 100 NO. LASALLE 60601
David Kenney, Director • James C. Helfrich, Assistant Director

January 16, 1981

Mr. M. J. Macchio
IL Department of Transportation
2300 South Dirksen Parkway
Springfield, IL 62764

RE: TR 24 over Fox River
Section 80-03112-00-BR
Randall County
SAI# 79120541

Dear Mr. Macchio:

The Department of Conservation staff archaeologist has reviewed the plans for the above proposed project.

It has been determined that the project will not affect any archaeological resources subject to protection under Section 106 of the Historic Preservation Act of 1966 or Section 4 (f) of the Department of Transportation Act of 1966.

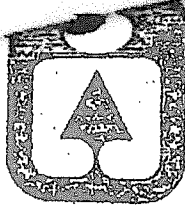
Sincerely,

David Kenney
State Historic Preservation
Officer

DK/LSA

cc: Earl Bowman
T. E. Hornbacker

Illinois



Department of Conservation

life and land together

605 WM. G. STRATTON BUILDING • 400 SOUTH SPRING STREET • SPRINGFIELD 62708
CHICAGO OFFICE - ROOM 100, 180 NO. LASALLE 60601
David Kenney, Director • James C. Helfrich, Assistant Director

May 18, 1981

DA	
ADA	
ADM	
P&R	
BR	
A	
B	
C	
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ROW	
AEC	
SFTY	
ENV	<i>[Signature]</i>
MCS	<i>[Signature]</i>

Mr. Jay W. Miller
Division Administrator
U. S. Department of Transportation
Federal Highway Administration
Region 5
320 W. Washington
Springfield, Illinois 62701

Attn: Lionel H. Wood

Dear Mr. Miller:

We have reviewed the documentation provided by your office concerning the Millbrook Bridge over the Fox River in Kendall County.

We concur with your determination that this structure lacks sufficient integrity for National Register eligibility.

Please retain this letter in your files as evidence of compliance with section 106 of the National Historic Preservation Act of 1966, as amended.

Sincerely,

David Kenney
State Historic
Preservation Officer

DK/AM/lw

RECEIVED
MAY 22 1981
Illinois Division
Springfield, Illinois

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
REGION 3
Illinois Division
320 West Washington Street
Springfield, Illinois 62701

756-2
Burr SE

IN REPLY REFER TO: HD-IL

June 2, 1981

DEPT. OF TRANSPORTATION
RECEIVED

JUN 2 1981

BUREAU OF LOCATION
AND ENVIRONMENT

Mr. H. W. Monroney, Director of Highways
Illinois Department of Transportation
2300 South Dirksen Parkway
Springfield, Illinois 62764

Attention: Mr. M. J. Macchio
Engineer of Location and Environment

Dear Mr. Monroney:

Subject: Millbrook Bridge over Fox River
Section 80-03112-00-BR
Kandall County

Reference is made to your April 7, 1981 letter regarding the report on the eligibility of the subject structure being included on the National Register of Historic Places.

The report has been reviewed by both our office and the State Historic Preservation Officer. As shown in the report, two of the three original spans are still present, but the third span was replaced in 1957 after the bridge had been damaged in a flood.

The structure might possibly be considered eligible for inclusion in the National Register of Historic Places if it were intact. However, the structure modification necessitated by the flood damage has diminished the integrity of the structure and the context required of a National Register property. Therefore, the determination has been made that this structure is ineligible to be included on the National Register of Historic Places.

Sincerely yours,

Donald P. Steinke

Donald P. Steinke
District Engineer

For: Jay W. Miller
Division Administrator

Encl.



Region 5
Illinois Division

320 West Washington Street, Room 700
Springfield, Illinois 62701

LET
GET

October 1, 1985

HC-IL

Mr. H. W. Monroney, Director of Highways
Illinois Department of Transportation
2300 South Dirksen Parkway
Springfield, Illinois 62764

Attention: Mr. Melvin W. Smith
Acting Engineer of Local Roads and Streets

Dear Mr. Monroney:

Subject: Illinois Project BR-DS-093(4)
Section 80-03112-00BR
Bridge No. 047-03121
Kendall County

During a bridge hydraulics review conducted by our Washington office on September 17, 1985, it was noted that the existing truss bridge that was to be removed per the project agreement for the above project had not been removed. In fact, it was observed during this inspection that this bridge was being cleaned and painted and were advised by District representatives that its removal had been deleted from the above project.

We are concerned that this deficient bridge has not been removed from both the standpoint of safety as well as hydraulic design. Use of Highway Bridge Replacement and Rehabilitation Program (HBRRP) funds requires the total replacement of the structurally deficient or functionally obsolete bridge per Section 605.405(b) (1) of 23 CFR. Failure to remove this structure violates the purpose of the HBRRP. In addition, the hydraulic design of the replacement structure was based on removal of the existing bridge. Leaving this structure in place changes the hydraulic characteristics at this location and overrides the hydraulic design of the new bridge.

The existing deficient structure should be removed. Because of the above reasons we do not see why it was not removed as part of the HBRR project. Therefore, we request information, including documentation, on the deletion of its removal from the contract and justification of why it was not removed. In addition, we request information on the disposition of this bridge. We request a response on this by October 15, 1985.

Sincerely yours,



Frank L. Grabski
Division Bridge Engineer

For: Jay W. Miller
Division Administrator

STATE OF ILLINOIS)
) SS.
COUNTY OF KENDALL)

200400011958
Filed for Record in
KENDALL COUNTY, ILLINOIS
PAUL ANDERSON
03-10-2004 At 01:09 PM.
AGREEMENT 22.00

**INTERGOVERNMENTAL AGREEMENT BETWEEN FOX TOWNSHIP, FOX
TOWNSHIP ROAD COMMISSIONER AND THE KENDALL COUNTY FOREST
PRESERVE DISTRICT TRANSFERRING OWNERSHIP OF
THE OLD WHITFIELD ROAD BRIDGE**

Prepared by & return to:
Law Offices of Daniel J. Kramer
1107A S. Bridge St.
Yorkville, IL 60560
630.553.9500

STATE OF ILLINOIS)
)ss
COUNTY OF KENDALL)

September 24, 2002

**INTERGOVERNMENTAL AGREEMENT BETWEEN FOX TOWNSHIP, FOX
TOWNSHIP ROAD COMMISSIONER AND THE KENDALL COUNTY FOREST
PRESERVE DISTRICT TRANSFERRING OWNERSHIP OF
THE OLD WHITFIELD ROAD BRIDGE**

THIS AGREEMENT is made this 14th day of October of 2002, between the FOX TOWNSHIP, hereinafter referred to as the "TOWNSHIP", FOX TOWNSHIP HIGHWAY COMMISSIONER, hereinafter referred to as "Commissioner" and KENDALL COUNTY FOREST PRESERVE DISTRICT, hereinafter referred to as the "COUNTY".

WHEREAS, the Illinois Constitution provides that units of local government may contract to share services and perform capital improvements through intergovernmental agreements, Ill. Const., Art. VII Sec. 10 (1970); and

WHEREAS, Illinois statutes provide that public agencies may share power through intergovernmental agreements, (5 ILCS 220/1 (20002) et. seq.); and

WHEREAS, the TOWNSHIP and the COMMISSIONER are units of Local Government, Ill. Const., Art. VII, Sec. 1, and a public agency, (5 ILCS 220/1)(2002) and the COUNTY is a unit of local government, Ill. Const. Art. VII, Sec. 1, and a public agency, (5 ILCS 220/1); and

WHEREAS, the TOWNSHIP and the COUNTY deem it in the best interests of the community to transfer ownership of the portion of Old Whitfield Road and the Historic Bridge over the Fox River described in the attached Exhibit "A" incorporated herein by reference to the COUNTY.

NOW THEREFORE, IN CONSIDERATION OF THE FOREGOING AND OTHER MUTUAL COVENANTS HEREINAFTER CONTAINED, THE PARTIES HERETO AGREE AS FOLLOWS:

1. The above stated recitals are incorporated herein as if set forth verbatim.
2. The COUNTY will be responsible for the maintenance, operation and all related duties in connection with the subject property right-of-way and maintenance of the Historic Bridge thereon.
3. The COUNTY will be permitted to use its independent judgment with regards to the maintenance, repair, or removal of the bridge upon its transfer to the DISTRICT.
4. This agreement shall be construed in accordance with the law and Constitution of the State of Illinois and if any provision is invalid for any reason such invalidation shall not render invalid other provisions which can be given effect without the invalid provision.

IN WITNESS WHEREOF, the undersigned duly authorized representatives of the TOWNSHIP and the COUNTY have caused this Agreement to be executed.

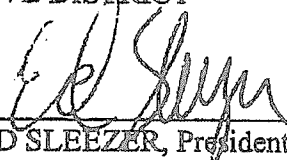
FOX TOWNSHIP

By: 
JIM FRIEDICH, Supervisor

Attest:

By: 
Fox Township Clerk

KENDALL COUNTY FOREST PRESERVE DISTRICT

By: 
ED SLEEZER, President

Attest:

By: 
County Clerk

Dated: 10-14-02

Dated: 10-16-02

FOX TOWNSHIP ROAD COMMISSIONER

By: Bradley H. Mathre
BRAD MATHRE

Dated: 10-14-02

Law Offices of Daniel J. Kramer
1107A South Bridge Street
Yorkville, Illinois 60560
630-553-9500

LEGAL DESCRIPTION

Tract One:

That part of the Southwest Quarter of Section 9, Township 36 North, Range 6 East of the Third Principal Meridian described as follows: Commencing at the Eastmost Corner of Lot 27 in "Foxhurst of Millbrook, Unit Five, Fox Township, Kendall County, Illinois"; thence North 50°31'35" West, along the South Line of Valley Lane (formerly Whitfield Road), 105.0 feet to an angle point in said South Line; thence North 33°57'45" East, 30.14 feet to an angle point in the centerline of said Valley Lane (formerly Whitfield Road) for a point of beginning; thence North 33°57'45" East, 30.14 feet to the North Line of said Valley Lane (formerly Whitfield Road); thence North 61°32'55" West, along said North Line, 212.49 feet to an angle point in said North Line; thence North 76°32'55" West, along said North Line, 35.59 feet to the East Bank of the Fox River; thence South 14°54'20" West, along said East Bank, 30.01 feet to said centerline of Valley Lane (formerly Whitfield Road); thence South 76°32'55" East, along said centerline, 32.40 feet to an angle point in said centerline; thence South 61°32'55" East, along said centerline, 205.64 feet to the point of beginning in Fox Township, Kendall County, Illinois and containing 0.1674 acre.

Tract Two:

That part of the Southwest Quarter of Section 9, Township 36 North, Range 6 East of the Third Principal Meridian described as follows: Commencing at the Eastmost Corner of Lot 27 in "Foxhurst of Millbrook, Unit Five, Fox Township, Kendall County, Illinois"; thence North 50°31'35" West, along the South Line of Valley Lane (formerly Whitfield Road), 105.0 feet to an angle point in said South Line for a point of beginning; thence North 61°32'55" West, along said South Line, 198.80 feet to an angle point in said South Line; thence North 76°32'55" West, along said South Line, 29.21 feet to the East Bank of the Fox River; thence North 14°54'20" East, along said East Bank, 30.01 feet to said centerline of Valley Lane (formerly Whitfield Road); thence South 76°32'55" East, along said centerline, 32.40 feet to an angle point in said centerline; thence South 61°32'55" East, along said centerline, 205.64 feet to a point on a line drawn North 33°57'45" East from the point of beginning; thence South 33°57'45" West, 30.14 feet to the point of beginning in Fox Township, Kendall County, Illinois and containing 0.1605 acre.

Tract Three:

That part of the Southwest Quarter of Section 9, Township 36 North, Range 6 East of the Third Principal Meridian described as follows: Commencing at the Northwest Corner of said Southwest Quarter; thence North 89°45'49" East, along the North Line of said Southwest Quarter, 57.62 feet to an iron stake in the centerline of Valley Road (formerly Whitfield Road); thence South 15°30'36" East, along said centerline, 30.0 feet for a point of beginning; thence South 74°29'24" West, 30.0 feet to the West Line of Valley Road (formerly Whitfield Road);

thence South 15°30'36" East, along said West Line, 318.81 feet; thence Southerly, along said West Line being a tangential curve to the right with a radius of 1023.0 feet, an arc distance of 293.12 feet; thence South 00°54'25" West, along said West Line being tangent to the last described course, 196.59 feet; thence Southerly, along said West Line being a curve to the left with a radius of 380.0 feet, an arc distance of 88.07 feet to the Northeasterly Line of Whitfield Road; thence North 58°47'31" East, 5.0 feet to a point on a line which is concentric with and 50.0 feet Northeasterly of the centerline of Whitfield Road; thence Southeasterly, along a curve to the left with a radius of 1382.40 feet and a chord bearing of South 37°47'53" East being concentric with and 50.0 feet Northeasterly of the centerline of Whitfield Road, an arc distance of 318.0 feet to the West Bank of the Fox River; thence Northerly, along said West Bank, 695.0 feet to the South Line of a Tract (as occupied and monumented) conveyed to Walter and Lilly Jonas by Warranty Deed recorded in Book 81 at Page 229 on June 14, 1928; thence South 83°55'20" West, 49.50 feet to an iron stake at the Southwest Corner of said Jonas Tract; thence North 16°04'40" West, 227.86 feet to an iron stake on the West Line of said Jonas Tract; thence North 18°09'08" West, 226.65 feet to an iron stake on the West Line of said Jonas Tract; thence North 15°54'42" West, along the West Line of said Jonas Tract, 44.46 feet to a line drawn North 74°29'24" East from the point of beginning; thence South 74°29'24" West, 0.21 feet to the point of beginning in Fox Township, Kendall County, Illinois and containing 1.6329 acres.

**MEMORANDUM OF AGREEMENT
BETWEEN
THE UNITED STATES ARMY CORPS OF ENGINEERS,
ROCK ISLAND DISTRICT
AND THE
ILLINOIS STATE HISTORIC PRESERVATION OFFICER
REGARDING THE
MILLBROOK BRIDGE REMOVAL PROJECT
LOCATED IN
KENDALL COUNTY, ILLINOIS**

WHEREAS, in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, the U.S. Army Corps of Engineers, Rock Island District (District) proposes to grant a permit (CEMVR-OD-2018-0277) in accordance with Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344) to the Kendall County Forest Preserve District to remove the Millbrook Bridge over the Fox River in Millbrook, Kendall County, Illinois; and,

WHEREAS, the Corps has consulted with the Illinois State Historic Preservation Office (SHPO) pursuant to 36 CFR 800.2(c)(1) and has come to an agreement on the project Area of Potential Effects (hereinafter, APE) pursuant to 36 CFR 800.4(a)(1), (Appendix A); and,

WHEREAS, the District has defined the undertaking's area of potential effect (hereafter, "APE") as the Permit Area (see Appendix A) in accordance with 33 CFR Part 325, Appendix C; and,

WHEREAS, the Millbrook Bridge was recommended as eligible for listing on the National Register of Historic Places by the IL SHPO June 17, 2017; and,

WHEREAS, the District has determined that the proposed demolition project on the Millbrook Bridge constitutes an adverse effect; and,

WHEREAS, the SHPO concurred with the District's recommendations regarding the adverse effects to the Millbrook Bridge by letter dated _____; and,

WHEREAS, the District has consulted with the Kendall County Forest Preserve District (Forest Preserve) regarding the effects of the Undertaking and has invited the Forest Preserve to sign this Memorandum of Agreement (MOA) as a Concurring party; and,

WHEREAS, the District has determined, and SHPO concurs that the proposed demolition of the Millbrook Bridge constitutes an Adverse Effect; and

WHEREAS, all parties mutually agree that there is no prudent or feasible alternative to the project as originally proposed, and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), the District has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation and the ACHP has chosen *to / not to* participate in the consultation pursuant to 36CFR§ 800.6(a)(1)(iii); and

NOW, THEREFORE, the District and the Illinois SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

I. TERMS

- A. The Corps shall ensure that issuance of Permit No. CEMVR-OD-P-2018-0277 to Kendall County Forest Preserve District is withheld until this Memorandum of Agreement (MOA) has been executed by all signatories.
- B. The Millbrook Bridge will be documented in accordance with Level III IL HABS/HAER Standards and Guidelines (Appendix B). IL HAER No. for this documentation project will be: XXXX-X. Specific Scope of Work for this project is as follows:
 - 1. Project area location map abstracted from appropriate 7.5 Minute USGS Quadrangle Map, submitted on 8.5 x 11” archival bond.
 - 2. Site Plan indicating footprint of the extant bridge, surrounding terrain features and other man-made features within a 200 yard radius of the bridge. Site plan presented on 8.5 x11” archival bond.
 - 3. Approximately ten (10) photographs of the subject bridge presenting approaches, elevations and superstructure / substructure elements.
 - 4. Written architectural /engineering description of the subject bridge.
 - 5. Narrative contextual histories.
 - a. Brief chronological context on the origins, development and functions of the Millbrook bridge;
 - b. ?????;
 - c. ?????

- C. Submittal of 95% non-archival IL HAER documentation for IHPA review and comment prior to the submittal of 100% IL HAER documentation.

II. DURATION

This MOA will be null and void if its terms are not carried out within two (2) years from the date of its execution. Prior to such time, the Corps may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation IV below.

III. DISPUTE RESOLUTION

Should any signatory or concurring party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the Corps shall consult with such party to resolve the objection. If the Corps determines that such objection cannot be resolved, the Corps will:

- A. Forward all documentation relevant to the dispute, including the Corps' proposed resolution, to the Advisory Council on Historic Preservation (ACHP). The ACHP shall provide the Corps with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the Corps shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. The Corps will then proceed according to its final decision.

- B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the Corps may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the Corps shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.

- C. The District's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

IV. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

V. **TERMINATION**

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation IV, above. If within thirty (30) days an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, the Corps must either (a) execute an MOA pursuant to 26 CFR § 800.6 or (b) request, take into account and respond to the comments of the ACHP under 36 CFR § 800.7. The Corps shall notify the signatories as to the course of action it will pursue.

Execution of this MOA by the Corps and SHPO and implementation of its terms evidence that SCWO has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

**MEMORANDUM OF AGREEMENT
BETWEEN
THE UNITED STATES ARMY CORPS OF ENGINEERS,
ROCK ISLAND DISTRICT
AND THE
ILLINOIS STATE HISTORIC PRESERVATION OFFICER
REGARDING THE
MILLBROOK BRIDGE REMOVAL PROJECT
LOCATED IN
KENDALL COUNTY, ILLINOIS**

SIGNATORY:

UNITED STATES ARMY CORPS OF ENGINEERS, ROCK ISLAND DISTRICT (DISTRICT)

_____ Date _____

Mr. Ward Lenz
Chief, Regulatory Branch
Operations Division

**MEMORANDUM OF AGREEMENT
BETWEEN
THE UNITED STATES ARMY CORPS OF ENGINEERS,
ROCK ISLAND DISTRICT
AND THE
ILLINOIS STATE HISTORIC PRESERVATION OFFICER
REGARDING THE
MILLBROOK BRIDGE REMOVAL PROJECT
LOCATED IN
KENDALL COUNTY, ILLINOIS**

SIGNATORY:

ILLINOIS STATE HISTORIC PRESERVATION OFFICE (SHPO)

_____ Date _____
Dr. Rachel Leibowitz
Deputy State Historic Preservation Officer
Illinois State Historic Preservation Office

**MEMORANDUM OF AGREEMENT
BETWEEN
THE UNITED STATES ARMY CORPS OF ENGINEERS,
ROCK ISLAND DISTRICT
AND THE
ILLINOIS STATE HISTORIC PRESERVATION OFFICER
REGARDING THE
MILLBROOK BRIDGE REMOVAL PROJECT
LOCATED IN
KENDALL COUNTY, ILLINOIS**

SIGNATORY:

ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP)

_____ Date _____
Mr. Reid Nelson, Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation

**MEMORANDUM OF AGREEMENT
BETWEEN
THE UNITED STATES ARMY CORPS OF ENGINEERS,
ROCK ISLAND DISTRICT
AND THE
ILLINOIS STATE HISTORIC PRESERVATION OFFICER
REGARDING THE
MILLBROOK BRIDGE REMOVAL PROJECT
LOCATED IN
KENDALL COUNTY, ILLINOIS**

CONCURRING PARTIES:

Kendall County Forest Preserve District

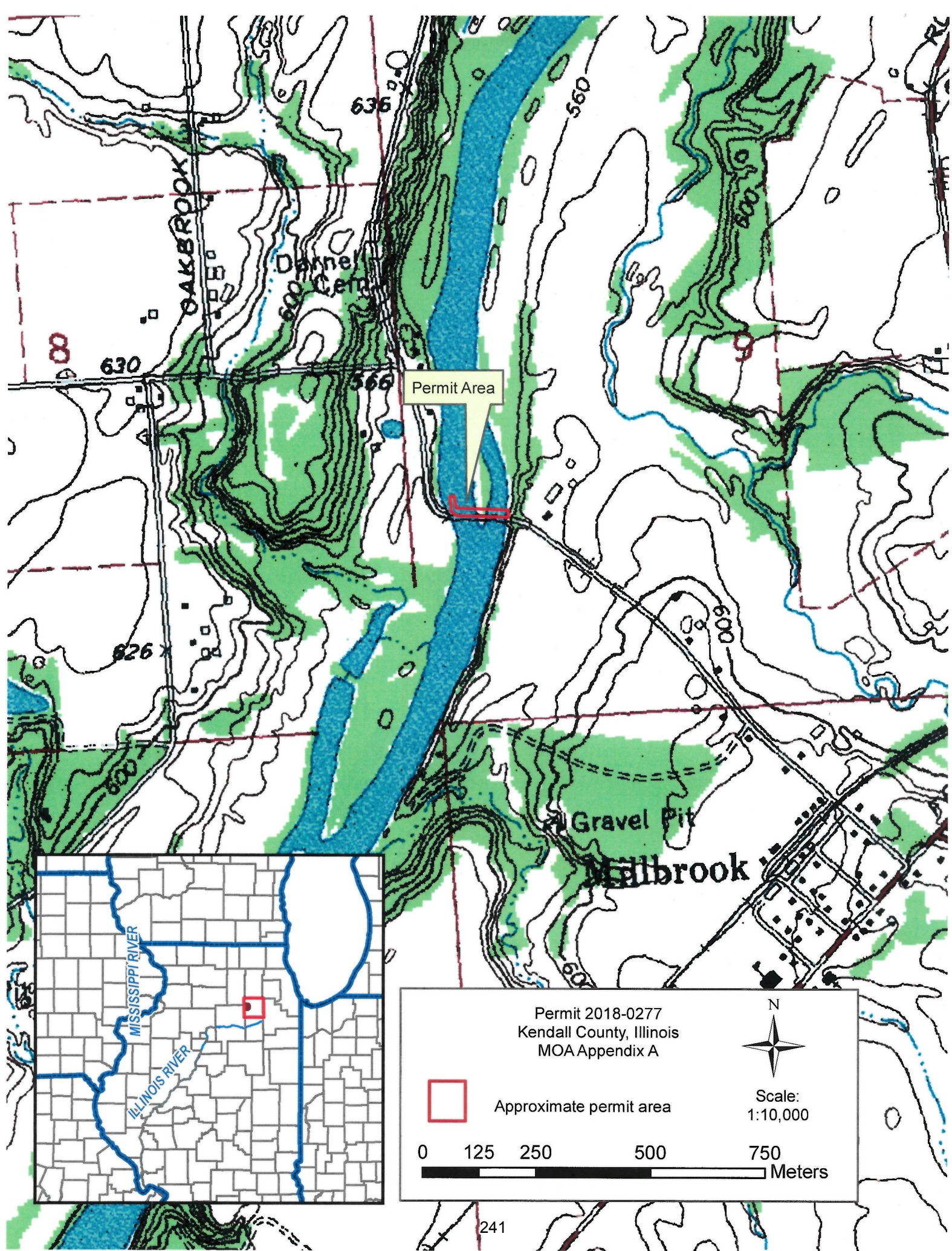
_____ Date _____

Mr. David Guritz

Director

Kendall County Forest Preserve District

Appendix A
Definition of the Project Area of Potential Effects



Permit Area

Gravel Pit
Millbrook





Permit 2018-0277
Kendall County, Illinois
MOA Appendix A

Approximate permit area

Scale:
1:10,000

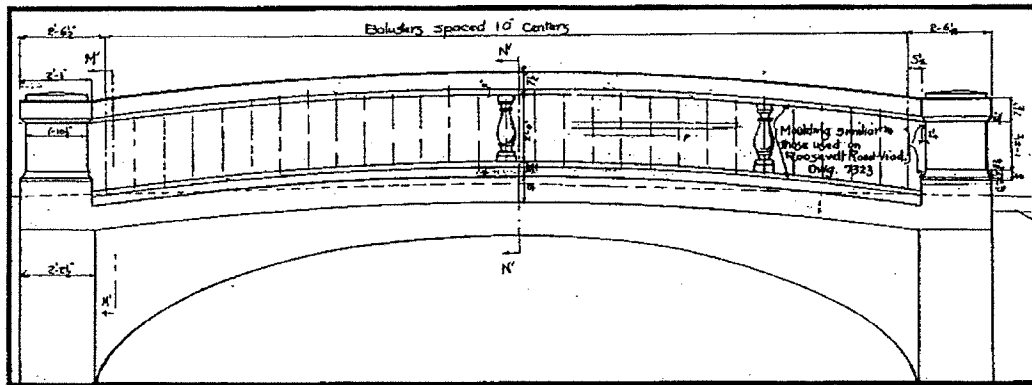
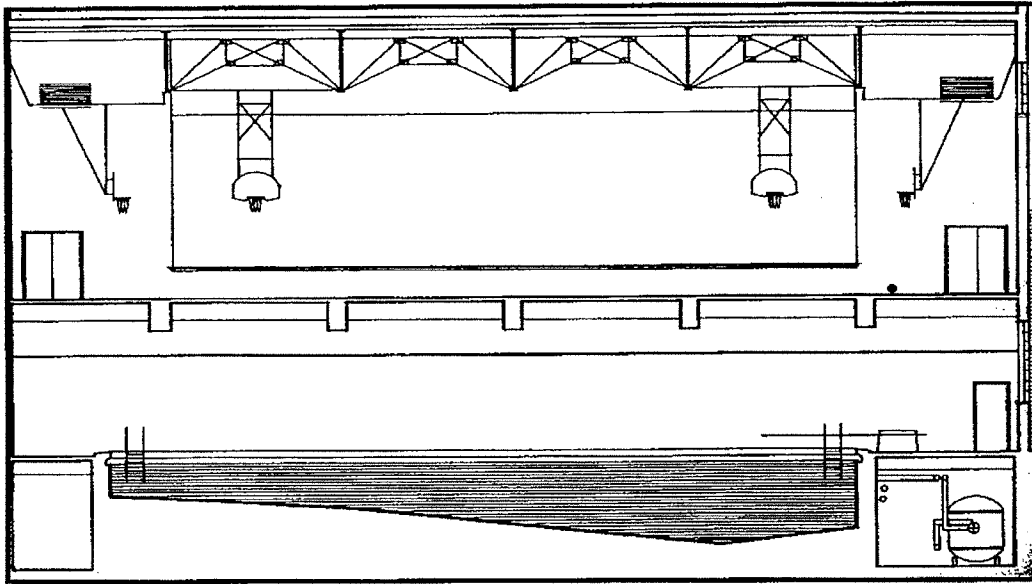
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Appendix B
The Illinois Historic Preservation Agency's Standards and Guidelines for Historical,
Architectural and Engineering Documentation: IL HABS/HAER Standards

THE ILLINOIS HISTORIC PRESERVATION AGENCY'S
STANDARDS AND GUIDELINES FOR
HISTORICAL, ARCHITECTURAL AND ENGINEERING DOCUMENTATION:
IL HABS/HAER STANDARDS



Illinois Historic American Buildings Survey/
Historic American Engineering Record
Preservation Services Division
Illinois Historic Preservation Agency
Springfield, Illinois 62701

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Illinois Historic Preservation Agency

Director

Susan Mogerman

Preservation Services Division

State Historic Preservation Officer
Deputy SHPO
IL HABS/HAER Program Coordinator

William L. Wheeler
Anne E. Haaker
Stephen A. Thompson

Illinois State Historical Library

Director
Chief of Acquisitions
Microfilm Librarian

Kathryn Harris
Gary Stockton
Cheryl Pence

Preservation Services, a division of the Illinois Historic Preservation Agency, administers the state cultural resources program and is responsible for the Illinois Historic American Buildings Survey/Historic American Engineering Record (IL HABS/HAER) Program of documentation of historic buildings, sites, structures, and objects located in the State of Illinois. IL HABS/HAER Documentation includes measured drawings, large-format photographs, and written contextual histories and descriptions. The Illinois State Historical Library Archives is the repository for these documents.

PREFACE

This document outlines the Illinois Historic Preservation Agency's Preservation Services Division's Standards for Historical, Architectural and Engineering Documentation -- commonly known as the IL HABS/HAER Standards.

These performance standards define the criteria for IL HABS/HAER projects acceptable for accession in the IL HABS/HAER Collection located at the Illinois State Historical Library Archives.

Acceptable IL HABS/HAER documentation often includes:

- * Measured Drawings
- * Large-Format Photographs
- * Detailed Historical Context Development and Physical Descriptions in a Prescribed Written Outline Format

These standards are intended to be used in conjunction with the accompanying guidelines for historical, architectural and engineering documentation. Other publications listed in the bibliography should be consulted.

These standards will be used:

- * In preparation of documentation to fulfill mitigative requirements in accordance with the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420/1 et seq] and Section 106 of the National Historic Preservation Act of 1966, as amended.
- * In preparation of voluntary documentation to be submitted for inclusion in IL HABS/HAER Collection.

William L. Wheeler
State Historic Preservation Officer
Illinois Historic Preservation Agency

ILLINOIS HISTORIC AMERICAN BUILDINGS SURVEY/HISTORIC AMERICAN
ENGINEERING RECORD (IL HABS/HAER) PROGRAM STANDARDS
for
HISTORICAL, ARCHITECTURAL AND ENGINEERING DOCUMENTATION

The IL HABS/HAER Standards address the development of documentation for historic buildings, sites, structures, and objects. IL HABS/HAER documentation provides relevant graphic and written information on a property's significance for use by scholars, researchers, preservationists, architects, engineers, and others interested in preserving and understanding historic properties. IL HABS/HAER documentation is important for several reasons. It provides for accurate repair or reconstruction of parts of a property, records existing conditions for easements and preserves information about a property that is to be demolished or altered.

The IL HABS/HAER Standards are intended for use in developing documentation to be included in the IL HABS/HAER Collection located at the Illinois State Historical Library Archives. The Illinois Historic Preservation Agency has defined specific requirements for meeting these standards.

STANDARD 1: Documentation Shall Adequately Explicate and Illustrate What is Significant or Valuable About the Historic Building, Site, Structure, or Object.

The historic significance of the building, site, structure, or object identified in the evaluation process should be conveyed by the drawings, photographs, and written materials that comprise the documentation. The historical, architectural, engineering, or cultural values of the subject property, in conjunction with the purpose of the documentation, will determine the level and methods of documentation.

STANDARD 2: Documentation Shall be Prepared Accurately from Reliable Sources with Limitations Clearly Stated to Permit Independent Verification of the Information.

The purpose of documentation is to preserve an accurate record of historic properties that can be used in research and other preservation activities. To serve these purposes, the documentation must include information that permits assessment of its reliability.

STANDARD 3: Documentation Shall be Prepared on and Submitted in Materials that are Readily Reproducible, Durable, and in Standard Sizes.

The size and quality of documentation materials are important factors in the preservation of information for future use. Selection of materials is based on the length of time expected for storage, the anticipated frequency of use, and a size convenient for storage and document management.

STANDARD 4: Documentation Will be Clearly and Concisely Produced.

In order for documentation to be useful for future research, written materials must be fully developed, legible and understandable. Graphic materials must contain scale information and location references.

ILLINOIS HISTORIC AMERICAN BUILDINGS SURVEY/HISTORIC AMERICAN
ENGINEERING RECORD (IL HABS/HAER) GUIDELINES

for

HISTORICAL, ARCHITECTURAL AND ENGINEERING DOCUMENTATION

Introduction

The IL HABS/HAER Guidelines link the IL HABS/HAER Standards for Historical, Architectural and Engineering Documentation with more specific guidance and technical information. They describe the general approach for meeting the Standards for Historical, Architectural and Engineering Documentation. Agencies, organizations, and individuals proposing to undertake the production of IL HABS/HAER Documentation in a different manner will need to review and gain approval of their strategy with the IHPA IL HABS/HAER Coordinator prior to the execution of a contract for or the initiation of production of IL HABS/HAER Documentation.

The Guidelines are organized as follows:

- * Definitions
- * Goal of Documentation
- * The IL HABS/HAER Collections
- * Standard 1: Content
- * Standard 2: Quality
- * Standard 3: Materials
- * Standard 4: Presentation

Definitions

The following definitions are used in conjunction with these guidelines:

Documentation -- Measured drawings, photographs, contextual histories, physical descriptions, inventory cards, or other media that provide graphic and written information on historic buildings, sites, structures, or objects.

Field Photography -- photography other than large-format negatives, intended for the purpose of producing documentation, usually 35mm.

Field Records -- notes of measurements taken, field photographs, and other recorded information intended for the purpose of producing documentation.

Large-Format Photographs -- photographs made from 4x5" negatives. Appropriate techniques are to be implemented to correct perspective distortion.

Measured Drawings -- drawings produced on IL HABS/HAER acceptable materials depicting historic or existing conditions and other relevant features of the subject. Measured drawings are produced in ink on archivally stable mylar.

Photocopy - a photograph, with large-format negative, of a photograph or drawing.

Select Existing Drawings - drawings of original construction or later alterations that portray or depict the subject's historic value or significance.

Sketch Plan - a floor plan, generally not to exact scale although often drawn from measurements, where the features are shown in proper relation and proportion to each other.

Goal of Documentation

The IL HABS/IL HAER Program is the historical, architectural and engineering documentation program of the Illinois Historic Preservation Agency that promotes the incorporation of accurate graphic and written documentation into the IL HABS/HAER Collection located in the Illinois State Historical Library Archives. The goal of the IL HABS/HAER Collection is to provide historians, architects, engineers, scholars, and interested members of the public with comprehensive documentation of buildings, sites, structures, and objects significant in Illinois' history.

IL HABS/HAER Documentation often consists of measured drawings, photographs, and written data that provide a detailed record of a property's significance. Measured drawings and properly executed photographs act as a form of insurance against fires and natural disasters by permitting the repair and, if necessary, reconstruction of historic structures damaged by such disasters. IL HABS/HAER Documentation is sometimes used to provide the basis for enforcing preservation easements. In addition, IL HABS/HAER Documentation is often the last means of preservation when a historic property is to be demolished or permanently altered. IL HABS/HAER Documentation provides future researchers access to valuable information that would otherwise be lost.

IL HABS/HAER Documentation is developed as a result of two separate catalysts. First, the Illinois Historic Preservation Agency, pursuant to the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420/1 et seq] and Section 106 of the

National Historic Preservation Act of 1966, as amended, requires recordation of historic properties to be demolished or substantially altered as a result of adverse undertakings conducted on those properties (referred to as mitigation projects). Secondly, individuals and organizations, on their own initiative, can prepare documentation according to IL HABS/HAER Standards and donate that documentation to the IL HABS/HAER Collection. Required Documentation Levels will vary.

IL HABS/HAER Standards describe the fundamental principles of the development of IL HABS/HAER Documentation. The IL HABS/HAER Guidelines listed under each of the following IL HABS/HAER Standards provides basic information about developing documentation for the IL HABS/HAER Collection. The IL HABS/HAER Guidelines are augmented by more specific graphic and written documentation requirements which are included here as supplemental information. Additional specific information concerning the production of IL HABS/HAER Documentation is included in a separate document entitled IL HABS/HAER Program/Technical Commentary.

Documentation prepared for the purpose of inclusion in the IL HABS/HAER Collection must meet the requirements listed below. The IHPA IL HABS/HAER Coordinator retains the right to refuse documentation for inclusion in the IL HABS/HAER Collection when that documentation does not meet IL HABS/HAER requirements specified in this document.

Standard 1: Content - IL HABS/HAER Documentation shall adequately explicate and illustrate what is significant or valuable about the historic building, site, structure, or object being documented.

Guidelines

Documentation shall meet one of the following documentation levels to be considered adequate for inclusion in the IL HABS/HAER collections.

1. Documentation Level I
 - a. Drawings: a full set of measured drawings depicting existing or historic conditions.
 - b. Photographs
 - (1) large-format (4x5") negatives and 5x7" prints of exterior and interior views
 - (2) photocopies with large format (4x5") negatives of select existing drawings, site plans or historic views
 - c. Written Data
 - (1) contextual history(ies)
 - (2) architectural/site description

2. Documentation Level II
 - a. Drawings: original drawings photographically reproduced on archivally stable IL HABS/HAER mylar.
 - b. Photographs
 - (1) large-format (4x5") negatives and 5x7" prints of exterior and interior views
 - (2) historic views
 - c. Written Data
 - (1) contextual history(ies)
 - (2) architectural/site description
3. Documentation Level III
 - a. Drawings: sketched floor plan
 - b. Photographs
 - (1) large-format (4x5") negatives and 5x7" prints of exterior and interior views
 - c. Written Data
 - (1) contextual history(ies)
 - (2) architectural/site description

The IL HABS/HAER Program retains the right to refuse any documentation of buildings, sites, structures or objects lacking historical significance. Buildings, site, structures, or objects must be listed on or eligible for listing on the National Register of Historic Places to be considered for inclusion in the IL HABS/HAER Collection.

The type and amount of documentation should be appropriate to the nature and significance of the properties being documented. Similarly, the aspect of the property that is being documented should reflect the nature and significance of the property.

Standard 2: Quality - IL HABS/HAER Documentation shall be prepared accurately from reliable sources with limitations clearly stated to permit independent verification of information.

Guidelines

For all levels of documentation, the following quality requirements shall be met:

1. Measured Drawings

Measured drawing shall be produced from recorded, accurate measurements. Portions of buildings or structures that are not accessible for measurement should not be drawn on the measured drawing but clearly labeled as not accessible or drawn from available construction drawings or other sources, and so identified. No part of the measured drawings shall be produced from hypothesis or non-measurement related activities. Documentation Level I

measured drawings shall be accompanied by a set of field notebooks in which measurements were first recorded. Other drawings prepared for Documentation Levels II and III, shall include a statement describing where the original drawings are located.

2. Large-Format Photographs

Large-format photographs shall clearly depict the appearance of the property and areas of significance of the recorded building, structure, site, or object. Each view shall be perspective-corrected and fully captioned.

3. Written Contextual History(ies) and Physical Descriptions

Written contextual history(ies) and physical descriptions for documentation Levels I and II shall be based on primary sources to the greatest extent possible. For Level III, secondary sources may provide adequate information; if not, primary research will be necessary. An assessment of the reliability and limitations of sources shall be included. Within the written contextual history(ies), statements shall be footnoted or endnoted as to their sources, where appropriate. The written data shall include a methodology section specifying research strategy, names of research staff, dates of research, sources searched, limitations of the project and a project information statement.

The reliability of the IL HABS/HAER Collection is dependent upon high quality documentation. Quality is not easily prescribed or quantified, but it derives from a process in which thoroughness and accuracy play a large part. The principle of independent verification of IL HABS/HAER documentation is critical to the IL HABS/HAER Collection.

Standard 3: Materials - IL HABS/HAER documentation shall be prepared on materials that are readily reproducible for ease of access, durable for long storage, and in standard sizes for ease of handling.

Guidelines

For all levels of documentation, the following material requirements shall be met.

1. Measured Drawings

Ink on translucent, archivally stable materials in standard size of 24x36".

2. Large-Format Photographs

Black and white film only, printed on archival paper, mounted on properly labeled archival board; 4x5" negatives will accompany prints; print size will be 5x7".

3. Written History(ies) and Physical Description

Text contained within the IL HABS/HAER Written Outline Format; submitted on 8.5x11" archival bond paper.

4. Field Records

Field notebooks and field photography; photo identification sheet will accompany 35mm negatives and contact sheet; no archival requirements; submitted field records must fit into 9.5x12" folding file.

5. 95% Submittals

95% review documentation can be submitted on non-archival materials.

6. 100% Submittals

All 100% IL HABS/HAER documentation accepted by the IL HABS/HAER Program Coordinator must be submitted in the standard, archival formats.

All IL HABS/HAER Documentation is intended for reproduction. Although field records are not intended for quality reproduction, it is specified that they be used to supplement the formal documentation. Field records are not required to meet the archival standard, but are maintained as a courtesy to the collection user. The basic durability standard for IL HABS/HAER Documentation is 500 years.

Standard 4: Presentation - IL HABS/HAER documentation shall be clearly and concisely produced.

Guidelines

For all levels of documentation, the following requirements for presentation will be met.

1. Measured Drawings

Level I measured drawings will be lettered mechanically (i.e. Leroy or similar) or in a hand-printed equivalent

style. Adequate dimensions shall be included on all sheets. Levels I and II title sheet(s) shall include state, local, and site maps; property significance statement; project information statement; and drawings index listing. Level III sketch plans shall be neat and orderly.

2. Large-Format Photographs

5x7", black and white, fiber paper prints will be mounted on archival card stock, and labeled in the appropriate manner.

3. Written History(ies) and Physical Description

Data shall be typewritten on 8.5x11" archival, bond paper using the required IL HABS/HAER outline format and follow accepted rules of grammar and notation.

Sources of Technical Information for IL HABS/HAER Documentation

Burns, John A. Recording Historic Structures. Washington, D.C.: The AIA Press, 1989.

Turabian, Kate L. A Manual for Writers of Term Papers, Theses, and Dissertations. Chicago: University of Chicago Press, 1987.

A Manual of Style. Chicago: University of Chicago Press, 1980.

HABS Field Instructions for Measured Drawings. Washington, D.C.: HABS/HAER, National Park Service, 1981.

HABS Historical Reports. Washington, D.C.: HABS/HAER, National Park Service, 1995. (Draft)

HABS Historian's Procedures Manual. Washington, D.C.: HABS/HAER, National Park Service, 1983.

HAER Field Instructions. Washington, D.C.: HABS/HAER, National Park Service, 1981.

IL HABS/HAER Program IHPA Program/Technical Commentary. Springfield, IL: IL HABS/HAER, Illinois Historic Preservation Agency, 1999.

Manual for Preparing Historic American Buildings Survey/Historic American Engineering Record Documents. Omaha, NE: Great Plains Systems Office, National Park Service, 1996. (Draft)

Photographic Specifications for the Historic American Buildings
Survey and the Historic American Engineering Record. Omaha,
NE: Great Plains Systems Office, National Park Service, 1996.

Transmitting Documentation to HABS/HAER WASO. Washington, D.C.:
HABS/HAER, National Park Service, 1995. (Draft)

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