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

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**AGENDA**

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October 16, 2017 – 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 September 18, 2017 Meeting (Pages 2-11)

CHAIRMAN’S REPORT: (Oswego Email - Page 163)

PUBLIC COMMENT:

NEW BUSINESS:

1. Approval of Fiscal Year 2017-2018 Meeting Calendar (Page 12)

OLD BUSINESS:

1. Review and Recommendation of Historic Preservation Ordinance (Pages 5-11 and 13-151)
2. Centennial Farm Mapping Project
3. Meeting with other Historic Preservation Organizations
  - a. Determining the Agenda for the Meeting
  - b. Other Logistical Business Related to this Meeting
4. Selecting Houses for Plaques (Pages 152-162)
5. Millbrook Bridge Update

PUBLIC COMMENT:

ADJOURNMENT: Next Meeting-November 20, 2017

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 September 18, 2017-Unofficial Until Approved**

**CALL TO ORDER**

The meeting was called to order at 6:40 p.m.

**ROLL CALL**

Present: Elizabeth Flowers, Kristine Heiman, Melissa Maye and Jeff Wehrli

Absent: None

Also present: Matt Asselmeier, Senior Planner

In the audience: Alex Finke, Government Affair Director at Realtor Association of the Fox Valley, Inc.

**APPROVAL OF AGENDA**

Ms. Flowers made a motion, seconded by Mr. Wehrli, to approve the agenda. With a voice vote of four ayes, the motion carried.

**APPROVAL OF MINUTES**

Mr. Wehrli made a motion, seconded by Ms. Maye, to approve the minutes from the August 21, 2017 meeting. With a voice vote of four ayes, the motion carried.

**CHAIRMAN'S REPORT**

Chairman Heiman reported that the Oswego Historic Preservation Commission does not have enough members for a quorum. They are looking for individuals to serve on their Historic Preservation Commission. Interested parties must be residents of Oswego or living within 1.5 miles of the Village limits. The Commission requested a roster of members of the Oswego Historic Preservation Commission.

**PUBLIC COMMENT**

Alex Finke, Realtor Association of Fox Valley, Inc., expressed his opinion of the Historic Preservation Ordinance. Mr. Finke distributed a memorandum on the subject. He would like the third party nomination of properties and districts to be removed; he would like owner consent only for nominations because of the Fifth Amendment's Takings Clause. He would like the criteria for evaluation of properties for designation to be more specific to avoid the Void of Vagueness Doctrine as it relates to property designation. He also requested standards for determinations made by the Historic Preservation Commission. Lastly, he wanted ambiguous language related to the age of structures, transfer of development rights, objections to designation and construction approval. Discussion occurred regarding the definition of supermajority. Mr. Finke would like to work with the Commission on proposed changes to the Ordinance. He liked Geneva's Historic Preservation Ordinance. The Commission will forward proposed changes to Mr. Finke.

**NEW BUSINESS**

None

## **OLD BUSINESS**

### **Review and Recommendation on Historic Preservation Ordinance**

Based on Mr. Finke's suggestion, Ms. Maye requested additional time to review the Historic Preservation Ordinance in relation to Geneva's Ordinance, Mr. Finke's memo and State law. The Commission would like to get certified in order to receive grant funding. Discussion occurred about setting a fee; the fee would apply to third party nominations.

### **Centennial Farm Mapping Project**

Mr. Asselmeier reported no update exists at this time. We are waiting for the leaves to fall from the trees.

### **Potential Meeting with other Historic Preservation Organizations**

The save-the-date cards have been mailed. To date, we have received three (3) responses and all three (3) will be attending. The RSVPs were from Oswego, Joliet and the Plano Library. At the October meeting, Commissioners will discuss the agenda for the meeting.

### **Selecting Homes for Plaques**

Commissioners will wait until next month for more discussion on plaques. Mr. Asselmeier will draft a letter for Chairwoman Heiman to sign for the Dickson-Murst Farm.

### **Millbrook Bridge Update**

No update on the Millbrook Bridge, waiting on word from the Corps of Engineers.

## **PUBLIC COMMENT**

None

## **ADJOURNMENT**

Ms. Flowers made a motion, seconded by Mr. Wehrli, to adjourn. With a voice vote of four ayes, the motion carried. The Historic Preservation Commission adjourned at 7:18 p.m.

Respectfully Submitted,  
Matthew H. Asselmeier, AICP  
Senior Planner

Enc.

**KENDALL COUNTY  
HISTORIC PRESERVATION COMMISSION  
SEPTEMBER 18, 2017**

NAME	ADDRESS	EMAIL ADDRESS
Alex Finke	433 Williamsburg Geneva, IL 60134	





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## Memorandum

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

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**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.”<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup>

The United States Constitution guarantees that no “private property be taken for public use without just compensation.”<sup>4</sup> 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.”<sup>5</sup> The Illinois Supreme Court has interpreted the Illinois provision as synonymous with the federal constitution.<sup>6</sup> 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

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

<sup>2</sup> Bundle of Rights at 253.

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

<sup>4</sup> U.S. Const., amend. V.

<sup>5</sup> Ill. Const. 1970, art. I, § 15.

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



taking.<sup>7</sup> 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.<sup>8</sup> 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.<sup>9</sup> 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

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

<sup>8</sup> Id.

<sup>9</sup> 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.<sup>10</sup>

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.”<sup>11</sup> 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.**

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<sup>10</sup> 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).

<sup>11</sup> 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.<sup>12</sup> 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.”<sup>13</sup> 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.<sup>14</sup> One Illinois Appellate Court, in an unpublished decision, upheld the City

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

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

<sup>14</sup> 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.<sup>15</sup> 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...<sup>16</sup>

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.<sup>17</sup> 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...<sup>18</sup>

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,<sup>19</sup> 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.<sup>20</sup> A local legislative body can, however, delegate to an

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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).

<sup>15</sup> HANNA II at ¶¶ 20-21.

<sup>16</sup> 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).

<sup>17</sup> HANNA II at ¶¶ 20-21.

<sup>18</sup> Id. at ¶ 20.

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

<sup>20</sup> BRIAN W. BLAESSER, DISCRETIONARY LAND USE CONTROLS: AVOIDING INVITATIONS TO ABUSE OF DISCRETION § 1:18



administrative body the authority to exercise discretion in carrying out public policy, provided that the delegation is accompanied by standards and specific procedural guidelines.<sup>21</sup> 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.<sup>22</sup>

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;<sup>23</sup> or (3) “designate support staff to be responsible for reviewing routine applications for Certificates of Appropriateness when the proposed work is clearly appropriate.”<sup>24</sup> Regarding the last option, the HPO does not define a “routine” application. It also does not indicate when an application would

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(THOMSON-REUTERS/WEST: 2017).

<sup>21</sup> 5 See id.

<sup>22</sup> See id. §§ 1:44, 1:54

<sup>23</sup> HPO, Article IV (2)(B)(ii) & (iii).

<sup>24</sup> 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.<sup>25</sup> 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).

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<sup>25</sup> HPO, Article IV(2)(H).

**PUBLIC NOTICE  
KENDALL COUNTY  
\*\*KENDALL COUNTY HISTORIC PRESERVATION COMMISSION\*\***

Notice is hereby given that the Kendall County Historic Preservation Commission shall hold their regularly scheduled meetings for Fiscal Year 2017-2018 on the third Monday of each month at 6:30 p.m. at the Kendall County Office Building, Room 209 & 210 at 111 West Fox Street, Yorkville, IL with the exception of the February 2018 meeting which shall be held on the third Wednesday of the month at 7:00 p.m. at the Historic Courthouse located at 110 West Madison Street, Yorkville, IL.

The specific dates of these meetings are as follows:

December 18, 2017	<b>January 15, 2018 (MLK Day)</b>	February 21, 2018
March 19, 2018	April 16, 2018	May 21, 2018
June 18, 2018	July 16, 2018	August 20, 2018
September 17, 2018	October 15, 2018	November 19, 2018

Questions can be directed to the same department, telephone (630) 553-4139. Fax (630) 553-4179. All interested persons may attend and be heard.

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

**KRISTINE HEIMAN, CHAIRWOMAN  
KENDALL COUNTY HISTORIC PRESERVATION COMMISSION**



## 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.
- N) To administer on behalf of the County Board any 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**Written 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.

I) 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.

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 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 NEGLECT**

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 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.

(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.)

## 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.

**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.

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## 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 Ordinance<sup>1</sup>, 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

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<sup>1</sup> 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)

## Matt Asselmeier

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**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](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](mailto:mlambert@geneva.il.us)

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**From:** Matt Asselmeier [mailto:[masselmeier@co.kendall.il.us](mailto:masselmeier@co.kendall.il.us)]  
**Sent:** Thursday, September 21, 2017 12:10 PM  
**To:** Lambert, Michael <[mlambert@geneva.il.us](mailto: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<sup>[6]</sup>

### 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.
<b>CONTRIBUTING RESOURCE:</b>	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.
<b>COUNCIL:</b>	The city council of the City of Geneva, Illinois.
<b>DEMOLITION:</b>	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.
<b>DEMOLITION BY NEGLIGENCE:</b>	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.
<b>DESIGN GUIDELINE:</b>	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.
<b>EXTERIORFEATURES:</b>	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.
<b>FINDING OF FACT:</b>	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.
<b>HISTORIC:</b>	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.
<b>HISTORIC</b>	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>



<b>OBJECT:</b>	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.
<b>ORDINARY REPAIRS AND MAINTENANCE:</b>	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.
<b>OWNER CONSENT:</b>	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.
<b>OWNER OBJECTION, HISTORIC DISTRICT DESIGNATION</b>	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.
<b>OWNER OBJECTION, HISTORIC LANDMARK DESIGNATION</b>	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.
<b>OWNER OF RECORD:</b>	The person, corporation or other legal entity identified as the property owner in the official records of the Kane County (Illinois) Recorder.
<b>PERIOD OF SIGNIFICANCE:</b>	The finite span of time during which important events and activities associated with a specific property or group of properties occurred.
<b>PERMIT REVIEW TABLE:</b>	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.
<b>POLICY:</b>	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.).
<b>PRESERVATION</b>	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.
<b>SIGNIFICANT PROPERTY:</b>	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.
<b>SIGNIFICANT RESOURCE:</b>	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.
<b>SITE:</b>	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.
<b>STRUCTURE:</b>	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.
<b>STRUCTURAL CHANGE:</b>	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.
<b>SURVEY:</b>	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 (  $2/3$  ) 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)

## **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:

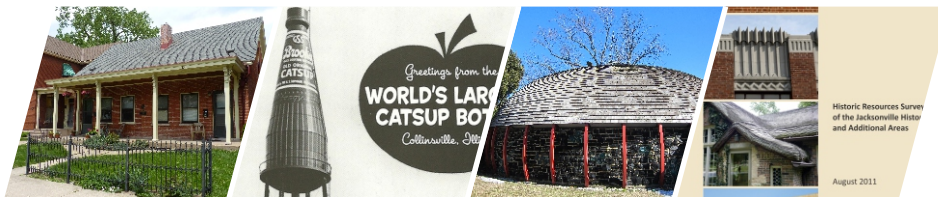
- a. Any criterion for landmarks listed in subsections B1a through B1f of this section;
- b. Whether there is a repetition of distinguishing architectural or land use characteristics through the area; or
- c. Whether there is identifiable by clear and distinctive boundaries including any necessary buffer 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)



## Certified Local Government Program

<b>What is it?</b>	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 <u>National Historic Preservation Act of 1966</u> so that local governments could participate in national preservation activities through the CLG program.
<b>Benefits</b>	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.
<b>Requirements</b>	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.
<b>Process</b>	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.
<b>Grants</b>	Each year the IL SHPO receives an appropriation from the <u>Federal Historic Preservation Fund</u> 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.
<b>National Register</b>	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.
<b>Questions?</b>	IL SHPO—Local Government Services Coordinator Illinois Department of Natural Resources 1 Natural Resources Way Springfield, Illinois 62702 (217) 785-5031 <a href="http://www2.illinois.gov/ihpa/Preserve/Pages/community.aspx">http://www2.illinois.gov/ihpa/Preserve/Pages/community.aspx</a>



## 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 150<sup>th</sup> 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 20<sup>th</sup> 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 15<sup>th</sup> 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



# Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271  
www.dnr.illinois.gov

Bruce Rauner, Governor  
Wayne A. Rosenthal, Director

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

H.P.C. = Historic Preservation Commission

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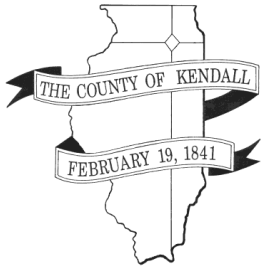
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<b>Jacksonville H.P.C.</b> Karla Stice 200 W. Douglas Ave. Jacksonville, IL 62650 217.479.4600 <a href="mailto:kstice@jacksonvilleil.com">kstice@jacksonvilleil.com</a>	10/85	<b>Lincoln H. P. C.</b> Kay Dobson 700 Broadway St. Lincoln, IL 62656 217-735-2815 <a href="mailto:kdobson@frontier.com">kdobson@frontier.com</a>	9/14	<b>Maywood H.P.C.</b> David Myers 40 Madison St. Maywood, IL 60153 708-450-4429 <a href="mailto:dmyers@maywood-il.org">dmyers@maywood-il.org</a>	7/10
<b>Joliet H.P.C.</b> Michael Schwarz 150 W. Jefferson St. Joliet, IL 60432 815-724-4050 <a href="mailto:mschwarz@jolietcity.org">mschwarz@jolietcity.org</a>	4/95	<b>Lockport Heritage &amp; Arch. Commission</b> Pamela Hirth 921 S. State St. Lockport, IL 60441 815-838-0549 ext. 1137 <a href="mailto:phirth@lockport.org">phirth@lockport.org</a>	4/95	<b>McHenry County H.P.C.</b> Sean Foley 2200 N. Seminary St. Woodstock, IL 60098 815-334-4215 <a href="mailto:smfoley@co.mchenry.il.us">smfoley@co.mchenry.il.us</a>	12/93

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

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



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

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September 27, 2017

Brook McDonald  
Dickson-Murst Farm Office  
2550 Dickson Rd.  
Montgomery, IL 60538

Dear Brook McDonald:

The Kendall County Historic Preservation Commission is committed to identify, designate, protect, preserve and encourage restoration, rehabilitation and adaptation of properties and structures which reflect the historic, cultural artistic, social, economic, ethnic or political heritage of Kendall County.

As a Centennial Farm, we believe the Dickson-Murst Farm is important to the history of Kendall County. It is one of the unique features of our County and we thank you for your efforts to preserve this property.

The Kendall County Historic Preservation Commission invites you to designate your property as a local landmark. A local landmark is recognized as an important structure in Kendall County and is eligible for several tax incentives if you choose to make improvements in the property. An application for local landmark status is enclosed.

If you have any questions or would like additional information, please contact Matt Asselmeier at 630-553-4139 or [masselmeier@co.kendall.il.us](mailto:masselmeier@co.kendall.il.us).

Sincerely,

Kristine Heiman, Chairwoman  
Kendall County Historic Preservation Commission

Enc: Local Landmark Application

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# Landmark Nomination Application

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Kendall County  
Historic Preservation  
Commission

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Planning, Building and Zoning  
111 W. Fox Street  
Yorkville, Illinois 60560

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**LANDMARK NOMINATION APPLICATION**

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.

**APPLICATION REQUIREMENTS**

The Kendall County Historic Preservation Commission (Preservation Commission) or any person may propose landmarks for designation by the County Board by filing a nomination (*Landmark Nomination Application*) 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. Completed nomination forms shall be filed with the Kendall County Planning, Building & Zoning Department at 111 W. Fox Street, Yorkville. Such forms are included in this document. Nomination forms submitted for landmarks shall include or be accompanied by the following information:

1. The name and address of the applicant and owner of record.
2. The legal description and Common Street address of the property.
3. 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.
4. Written documentation and evidence establishing that the applicant 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.
5. An overall site plan and photographs of the landmark. The plan shall also include a front, side, and rear elevation drawing.
6. Such other relevant information as requested by the Historic Preservation Commission.
7. The County Board reserves the right to set appropriate fees for administering this ordinance.

**CRITERIA FOR DESIGNATION**

Nominations will be judged on whether or not the property 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 a local community, the County, the State of Illinois 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, the County, the State of Illinois, 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, engineer, or landscape architect whose individual work has influenced the development of the local area, Kendall County, the State of Illinois, 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 or singular physical characteristics that make it an established or familiar visual feature;
9. It is a particularly fine or unique example of a utilitarian structure 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.
13. It is an exceptional example of an historic or vernacular style or type or one of few remaining in the County.

### **THE PROCESS**

#### *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 does or does not meet the criteria for designation as provided for in Article III, Section 4 of the Kendall County Historic Preservation Ordinance. The report shall contain the following information:

1. An explanation of the significance or lack of significance of the nominated landmark as it relates to the criteria for designation;
2. A description of the integrity or lack of integrity of the nominated landmark;
3. A map showing the location of the nominated landmark.
4. In the case of a nominated landmark found to meet the criteria for designation, the report shall include a

## KENDALL COUNTY HISTORIC PRESERVATION COMMISSION

### LANDMARK APPLICATION

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description of the significant exterior architectural features of the nominated landmark that should be protected.

The recommendation and report shall be available to the public in the office of the Kendall County Planning, Building & Zoning Department (KCPBZ) and on the KCPBZ website.

#### *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.

#### *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 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.

#### *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 does or does not meet the criteria for designation. A recommendation to the County Board regarding the proposed landmark 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 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.

#### ***DECISION OF THE COUNTY BOARD***

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

For individual landmarks 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:

1. Designate the landmark 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 full County Board.)



# KENDALL COUNTY HISTORIC PRESERVATION COMMISSION

## LANDMARK APPLICATION

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2. Refer the report and recommendation back to the Preservation Commission with suggestions for revisions, stating its reason for such action.
3. 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.

### **RESUBMISSION OF APPLICATION**

Resubmission of any application for a landmark 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.

### **NOTICE OF DESIGNATION**

Notice of the action of the County Board, including a copy of the ordinance designating the landmark shall be sent by regular mail to all owners of record, including but not limited to each owner of record of a landmark. 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.

### **APPEALS**

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

### **PUBLICATION OF MAP**

A map showing the location of all designated landmarks 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.

### **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 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.

### **MARKING BY ATTACHMENT OF A PLAQUE**

Each designated landmark 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. The owner of the site or structure is responsible for installing the plaque in a location as approved by the Historic Preservation Commission.

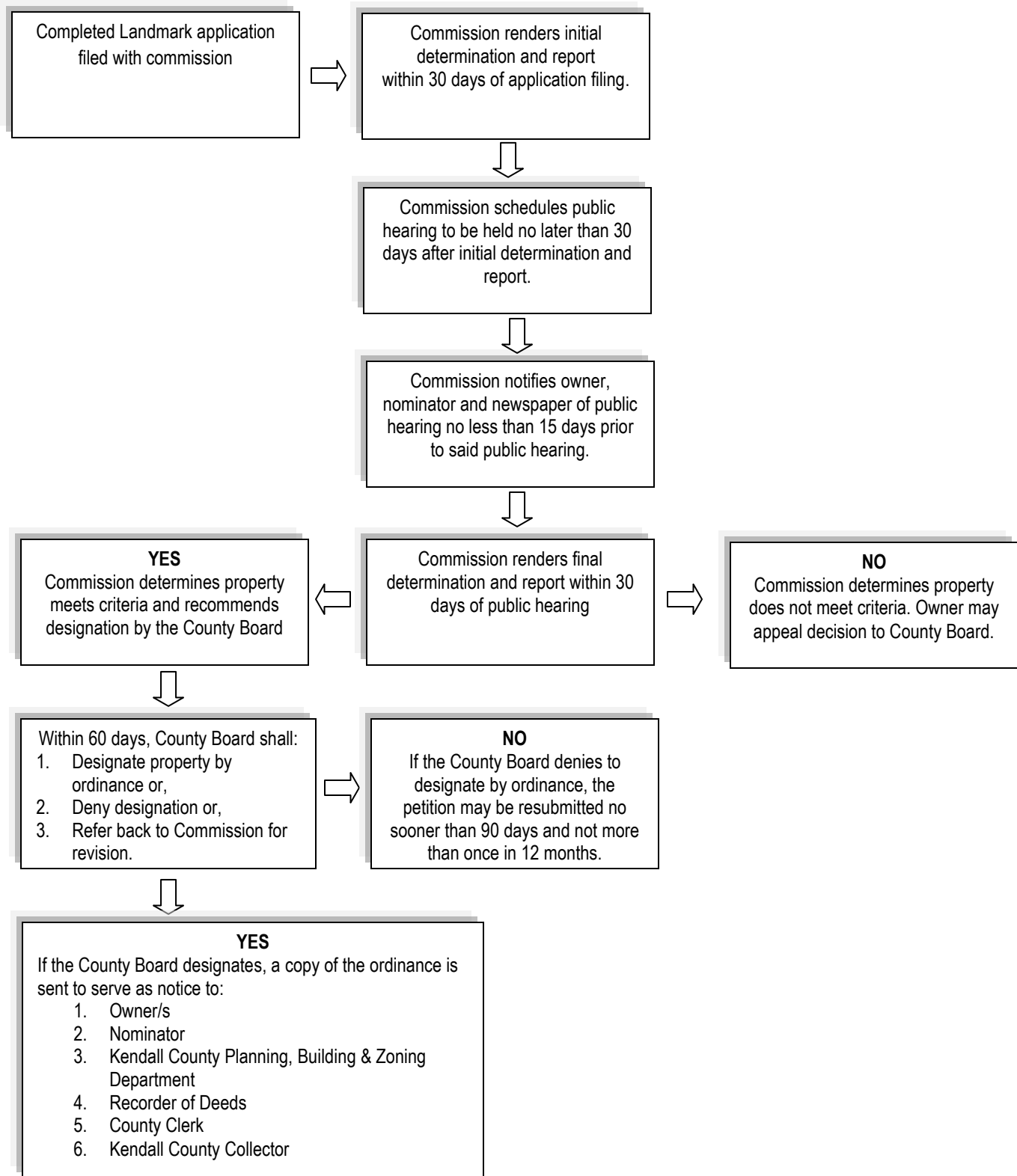
***AMENDMENT & RESCISSION OF DESIGNATION***

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 based solely on a change in owner's consent.

***TRANSFER OF JURISDICTIONAL CONTROL***

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

# Flow Chart-Timeline for Landmark Application Process





# Landmark Nomination Application

**KENDALL COUNTY HISTORIC PRESERVATION COMMISSION**

Application Date: \_\_\_\_\_

111 W. Fox Street  
Yorkville IL 60560

**Application must be accompanied by 3 to 5 color photographs – front, rear, sides and overall views that include the building setting (high quality print or unaltered digital; no color photocopies).**

(PLEASE PRINT)

## PART I: APPLICANT

Name \_\_\_\_\_

Address \_\_\_\_\_

*(House number, street, city and zip code)*

Daytime phone \_\_\_\_\_ Evening phone \_\_\_\_\_ Fax \_\_\_\_\_

Email address \_\_\_\_\_ Organization: \_\_\_\_\_

## PART II: PROPOSED LANDMARK – ATTACH ADDITIONAL PAGES IF NECESSARY

Address \_\_\_\_\_

*House number, street, city and zip code*

Significant element (house, barn, etc.) \_\_\_\_\_

PIN (Permanent Index Number) \_\_\_\_\_ Is it within city limits? \_\_\_\_\_

Has it ever been moved from its original site? \_\_\_\_\_ If so, when and from where? \_\_\_\_\_

Year built if known \_\_\_\_\_ Architect or builder: \_\_\_\_\_

Historic Owner \_\_\_\_\_

Original Use: \_\_\_\_\_ Present Use: \_\_\_\_\_

Legal Description \_\_\_\_\_

## PART III: OWNER CONSENT/NON-CONSENT

Submit *Owner Consent/Non-Consent* form with this application.

## PART IV: DESCRIPTIVE NARRATIVE

Attach a separate page or pages describing why you feel this property is a Kendall County Landmark. Include copies of any historic photographs or materials and describe any known alterations of the exterior of the property such as an addition, change in windows, siding, etc.

**Note: The commission will not be responsible for returning original material.**

## PART V: MAP

Provide a map or plat of survey delineating the boundaries and location of the property proposed for designation.

**Part VI SIGNIFICANCE**

*Please check all that apply and describe in further detail in the narrative*

\_\_\_ 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;

\_\_\_ Its location is a site of a significant local, County, State, or National event;

\_\_\_ 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;

\_\_\_ It embodies distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;

\_\_\_ 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;

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

\_\_\_ It embodies design elements that make it structurally or architecturally innovative;

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

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

\_\_\_ It is suitable for preservation or restoration;

\_\_\_ It is included in the National Register of Historic Places and/or the Illinois Register of Historic Places.

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

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

Submitted by: \_\_\_\_\_

Date \_\_\_\_\_

For additional information or assistance, contact Planner Matt Asselmeier at 630 553-4139.

KENDALL COUNTY HISTORIC PRESERVATION COMMISSION  
OWNER CONSENT/ NON-CONSENT

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**COUNTY OF KENDALL  
STATE OF ILLINOIS**

I/We attest that I am/we are the owner(s) of the property described as:

Address: \_\_\_\_\_ PIN: \_\_\_\_\_  
(City, state, zip)

Please initial below the appropriate statement:

\_\_\_\_\_ We give our full consent to the Kendall County Board to designate said property as a Kendall County Landmark. We further attest that there are no other owners. We will perform no alterations, exterior construction, exterior demolition or interior alteration which may affect the exterior appearance of this property except as shall be approved by a Certificate of appropriateness unless the Kendall County Board shall deny the nomination for Landmark designation.

\_\_\_\_\_ We DO NOT give our consent to the Kendall County Board to designate said property as a Kendall County Landmark. We further attest that there are no other owners.

<i>Print Name:</i>
<i>Signature of Property Owner</i>
<i>Mailing Address</i>
<i>Telephone</i>

<i>Print Name:</i>
<i>Signature of Property Owner</i>
<i>Mailing Address</i>
<i>Telephone</i>

<i>Print Name:</i>
<i>Signature of Property Owner</i>
<i>Mailing Address</i>
<i>Telephone</i>

<i>Print Name:</i>
<i>Signature of Property Owner</i>
<i>Mailing Address</i>
<i>Telephone</i>

<i>Print Name:</i>
<i>Signature of Property Owner</i>
<i>Mailing Address</i>
<i>Telephone</i>

## Matt Asselmeier

---

**From:** Bethany Salmon [BSalmon@oswegoil.org]  
**Sent:** Friday, September 22, 2017 10:12 AM  
**To:** Matt Asselmeier  
**Subject:** RE: Oswego Historic Preservation Commission

Hi Matt,

There are currently two members on the HPC: Kelly Schomer (Chairperson) and Doug Pfeiffer. We also have an ex-officio member, Sarah Kimes, from the Park District / Little White School Museum. Thanks again for speaking with the Kendall County HPC – Please let me know if you need anything else from me.

**Bethany Salmon**  
Planner



Community Development Department  
100 Parkers Mill, Oswego, IL 60543  
630.551.2332  
[bsalmon@oswegoil.org](mailto:bsalmon@oswegoil.org)

---

**From:** Matt Asselmeier [<mailto:masselmeier@co.kendall.il.us>]  
**Sent:** Thursday, September 21, 2017 12:08 PM  
**To:** Bethany Salmon  
**Subject:** RE: Oswego Historic Preservation Commission

Bethany:

Who are the members of the Oswego HPC? The Kendall County HPC would like to know.

Thanks,

Matthew H. Asselmeier, AICP  
Senior Planner  
Kendall County Planning, Building & Zoning  
111 West Fox Street  
Yorkville, IL 60560-1498  
PH: 630-553-4139  
Fax: 630-553-4179

---

**From:** Bethany Salmon [<mailto:BSalmon@oswegoil.org>]  
**Sent:** Friday, September 08, 2017 12:42 PM  
**To:** Matt Asselmeier  
**Subject:** Oswego Historic Preservation Commission

Hi Matt,

Thank you for the invitation to the Kendall County HPC meeting in February. I will attend and send the invitation on to others in the Village.