

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

AGENDA

June 15, 2020 – 6:30 p.m.

CALL TO ORDER

ROLL CALL: Eric Bernacki, Elizabeth Flowers (Secretary), Kristine Heiman, Jeff Wehrli (Chair), and One Vacancy

APPROVAL OF AGENDA:

APPROVAL OF MINUTES: Approval of Minutes of January 21, 2020 Meeting (Pages 3-4)
Approval of Minutes of February 19, 2020 Meeting (Pages 5-15)

CHAIRMAN’S REPORT:

PUBLIC COMMENT:

NEW BUSINESS:

1. Approval of Proclamation Declaring Historic Preservation Month in Kendall County (Page 16)

OLD BUSINESS:

1. Discussion of February 19, 2020, Meeting with Other Historic Preservation Organizations
 - a. Approval of Invoices in the Amount of \$50.99 for Food and Beverages at Event; Related Invoices Paid from Historic Preservation Commission Line Item (11001902-63800) (Page 17)
2. Review of Historic Preservation Award Applicants (Pages 18-24)
3. Update on Kendall County Historic Preservation Ordinance (Pages 25-55)
4. Discussion of Officers for 2020-2021

CORRESPONDENCE:

PUBLIC COMMENT:

ADJOURNMENT:

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

6-15-2020 Remote Meeting Attendance



In accordance with the Governor's Executive Order 2020-07, Kendall County Board Chairman Scott Gryder is encouraging social distancing by allowing remote attendance to the Kendall County Historic Preservation Commission Meeting scheduled for Monday, June 15th, 2020, at 6:30 p.m. Instructions for joining the meeting are listed below.

For your safety and others, please attend the meeting by phone or computer, if possible. The County Board Room located on the 2nd floor of the County Office Building, 111 W. Fox St, in Yorkville, will have limited seating available. Masks are required when social distancing is not possible. If you plan to attend in person, please follow all social distancing requirements.

If anyone from the public would like to make a comment during the meeting, there will be an allotted time on the agenda for public comment, and all of the county board rules of order still apply. We will also accept public comment by emailing: masselmeier@co.kendall.il.us. Members of the public may contact Kendall County PBZ Department prior to the meeting for assistance making public comment at 630-553-4139; email correspondence is preferred.

[Join Microsoft Teams Meeting](#)

[+1 309-248-0701](tel:+13092480701) United States, Rock Island (Toll)

Conference ID: 201 126 930#

[Local numbers](#) | [Reset PIN](#) | [Learn more about Teams](#) | [Meeting options](#)

Kendall County

[Legal](#)

Kendall County Historic Preservation Commission Meeting Information:

<https://www.co.kendall.il.us/transparency/agendas-packets-and-meetings-schedules/planning-building-and-zoning/historic-preservation-commission>

For information about how to join a Microsoft Teams meeting, please see the following link.

<https://support.office.com/en-us/article/join-a-meeting-in-teams-1613bb53-f3fa-431e-85a9-d6a91e3468c9>

KENDALL COUNTY
Historic Preservation Commission
Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois
6:30 p.m.
January 21, 2020-Unofficial Until Approved

CALL TO ORDER

Chairman Jeff Wehrli called the meeting to order at 6:32 p.m.

ROLL CALL

Present: Eric Bernacki, Elizabeth Flowers (Secretary), Kristine Heiman, and Jeff Wehrli (Chairman)

Absent: Melissa Maye (Vice-Chairman)

Also present: Matt Asselmeier, Senior Planner

APPROVAL OF AGENDA

Member Flowers made a motion, seconded by Member Heiman, to approve the agenda as presented. With a voice vote of four (4) ayes, the motion carried.

APPROVAL OF MINUTES

Member Flowers made a motion, seconded by Member Heiman, to approve the minutes from the November 18, 2019, meeting and December 17, 2019, gathering. With a voice vote of four (4) ayes, the motion carried.

CHAIRMAN'S REPORT

Chairman Wehrli emphasized the importance of Certified Local Government status.

PUBLIC COMMENT

None

NEW BUSINESS

None

OLD BUSINESS

Review of Comments from Illinois Historic Preservation Agency on Proposed Amendments to the Kendall County Historic Preservation Ordinance; Commission Could Amend the Proposal

The Commission reviewed the proposed amendments and focused on whether or not to have an application fee for non-property owners.

It was noted that other Certified Local Governments have application fees, particularly Geneva.

The consensus of the Commission was to remove the application fee with the intention that a fee could be added at a later date if the application process becomes abused.

Chairman Wehrli made a motion, seconded by Member Bernacki, to forward the proposal to the Planning, Building and Zoning Committee with the fee language removed. With a voice vote of four (4) ayes, the motion carried.

Discussion of Historic Preservation Awards

Mr. Asselmeier stated the press release has been sent to the media. Another press release will be sent in February and announcement of the award application will be made at the February 19th meeting. LaSalle Manor was asked to apply for an award.

The application deadline is February 28, 2020, by 4:00 p.m.

Discussion of 2020 Meeting with Historic Preservation Organizations

Mr. Asselmeier presented the list of prospective attendees and invitation letter. Commissioners reviewed the agenda. All speakers were confirmed. The consensus of the Commission was to have Mr. Asselmeier purchase coffee and cookies for the event.

Commissioners will arrive at 6:15 p.m. for setup.

The event will be announced at the February 1st Kendall County Regional Planning Commission Annual Meeting.

Mr. Asselmeier will check with Chapel on the Green regarding a projector screen.

CORRESPONDENCE

December 2019 Edition of the Bell Tower

Commissioners reviewed the newsletter.

December 4, 2019 Email Regarding Building Code and Historic Preservation Workshop in Plainfield on February 19, 2020

Commissioners reviewed the correspondence.

PUBLIC COMMENT

Mr. Asselmeier noted that the 1830s BLM Survey Map, 1871 Plat Map, 1875 Plat Map, 1908 Plat Map, 1922 Plat Map, 1941 Plat Map, and 1967 Aerials have been added to the GIS maps on the County website.

There were no additional public comments.

ADJOURNMENT

Member Flowers made a motion, seconded by Member Heiman, to adjourn. With a voice vote of four (4) ayes, the motion carried. The Historic Preservation Commission adjourned at 7:01 p.m.

Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner

KENDALL COUNTY
Historic Preservation Commission
HISTORIC PRESERVATION ORGANIZATION MEETING
105 W. Church Street – Chapel on the Green
Yorkville, IL 60560
February 19, 2020

CALL TO ORDER

Chairman Jeff Wehrli called the meeting to order at 7:03 p.m.

ROLL CALL

Present: Eric Bernacki, Elizabeth Flowers (Secretary) Kristine Heiman, and Jeff Wehrli (Chairman)

Absent: Melissa Maye (Vice-Chairman)

Also present: Matt Asselmeier, Senior Planner

In the Audience: Cliff Fox, Lisa Wolancevich, Kelly Schomer, Victoria Wax, Gary Fruland, Sarah Skilton, Howard Manthei, Ken Donart, Lisa DiChiera, Jessica Gal, Joan Hardekopf, Mike Bortel, Tina Beard, Anne Sears, Jeanne Valentine, Valerie Burd, Ken Wolf, and Johanne Byram

WELCOMING REMARKS

Chairman Wehrli thanked everybody for attending.

PRESENTATION BY CHAPEL ON THE GREEN

Howard Manthei gave the history of Chapel on the Green and their future plans. They have the original 1899 pipe organ. He offered to give the group a tour of the Chapel and the wedding dress museum.

PRESENTATION BY LANDMARKS ILLINOIS

Lisa DiChiera, Landmarks Illinois, provided a history of Landmarks Illinois and incentives available for historic preservation. She discussed the property tax assessment freeze for residential properties, the federal historic tax credit for income producing properties, the Illinois River's Edge Historic Tax Credit, and the Illinois Historic Tax Credit Program. She also discussed the Certified Local Government Program. She recognized the work by people in Yorkville to preserve the Old Jail in Yorkville. She discussed the Most Endangered Places List.

PRESENTATION BY THE KENDALL-GRUNDY FARM BUREAU ON THE CENTENNIAL FARM PROGRAM

Victoria Wax, Kendall-Grundy Farm Bureau, explained the Centennial Farm Program. She provided a history of the program. She provided a list of centennial and sesquicentennial farms in Kendall County. She also provided an application for the program and the qualifications for applying. There is no minimum acreage requirement to qualify for the program. Discussion occurred regarding the right-to-farm clause.

ROUND TABLE DISCUSSION

Discussion occurred regarding the efforts to save the historic jail in Yorkville. They are also working on façade program in Yorkville.

Discussion occurred regarding preserving newspapers and potential copyright issues. Many newspapers are stored at the Chapel on the Green.

Mike Bortel discussed the building code event in Plainfield. He also discussed additional preservation efforts in Plainfield. He discussed the Plainfield historic building surveys. He suggested doing tours of Plainfield's historic area to educate elected and appointed officials regarding the importance of preservation.

The Plano Historical Society is looking for a building.

Discussion occurred regarding saving a stone house in Sandwich.

Discussion occurred about the schools teaching local history in their curriculum.

Discussion occurred regarding the Conservation Foundation's preservation efforts.

Mr. Asselmeier reported that several new Plat Maps and aerials have been added to the County's website and the Kendall County Historic Preservation Commission awards.

Kendall County is working on obtaining Certified Local Government status.

Discussion occurred regarding older structures in Newark.

Discussion occurred about documenting events in the community and at the organizations represented at the meeting like changing a window at the Farnsworth House.

Furniture from Edith Farnsworth's time will be temporarily displayed at the Farnsworth House.

DISCUSSION OF FUTURE MEETINGS

None

OTHER BUSINESS

None

PUBLIC COMMENT

None

ADJOURNMENT


Chairman Wehrli adjourned the meeting at 9:05 p.m.

Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner

Encs.

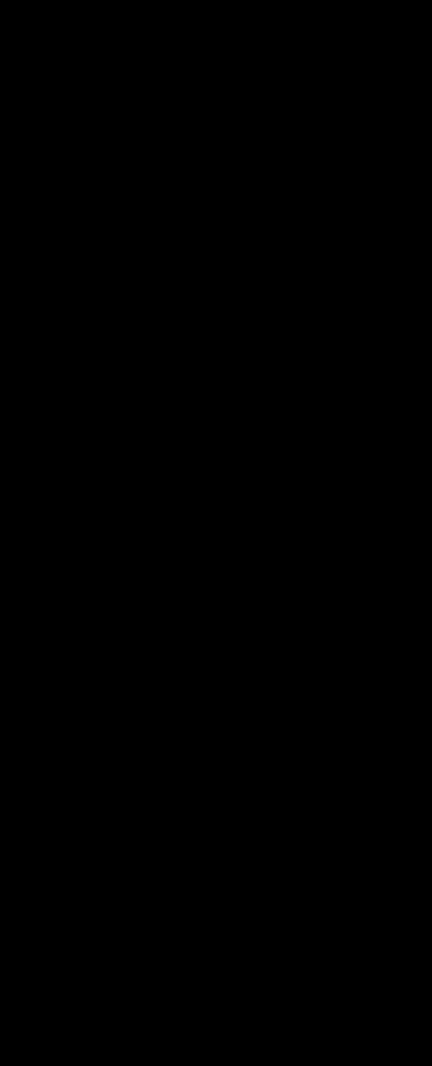
**KENDALL COUNTY
HISTORIC PRESERVATION COMMISSION
FEBRUARY 19, 2020**

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR ADDRESS OR EMAIL ADDRESS

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Joan Hardeboff		
Mike Bortel		
Tina Beavil		
Anne Sears		
Jeanne Valentine		
Valerie Burd		
Ken Wolf		
Johanne Byrom		

**KENDALL COUNTY
HISTORIC PRESERVATION COMMISSION
FEBRUARY 19, 2020**

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR ADDRESS OR EMAIL ADDRESS

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
CLIFF FOX		
LISA WOLACZEVICH		
Kelly Schomer		
Victoria Wax		
GARY FRULANO		
SARAH SKILTON		
HOWARD MANTHEI		
Ken Donart		

Lisa Di'Chiesa Landmarks ILLINOIS
 Jessica Gal 



30 N. Michigan Ave.,
Suite 2020
Chicago, Illinois 60602

ILLINOIS HISTORIC PRESERVATION COMMISSION MEMBERSHIP REPLY FORM

STAFF CONTACT:

Name _____

Address _____

City/Zip _____

Phone _____

Email _____

\$50 ENCLOSED

ANNUAL LANDMARKS ILLINOIS MEMBERSHIP *includes an individual membership for ONE Commission member as well as Commission staff person.*

COMMISSION MEMBER:

Name _____

Address _____

City/Zip _____

Phone _____

Email _____

Tel (312) 922-1742
Email: mrich@landmarks.org
www.Landmarks.org



Illinois Centennial Farms Program

The Centennial Farm Program was established to honor the generations of farmers who have worked to maintain family farms in Illinois. Each Centennial Farm designee is a link to America's heritage and a reminder that the family farm remains a viable entity in today's agriculture.

The Illinois Department of Agriculture administers the Centennial Farms Program. Since the program's inception in 1972, the department has certified more than 9,800 farms.

To qualify as a Centennial Farm, an agricultural property must have been owned by a straight or collateral line of descendants of the original owner for at least 100 years. Applicants must complete the application and verification forms found on the following pages. These forms request information regarding the present owner and location of the farm, a listing of ancestral owners and third-party verification of records proving lineal or collateral descent. A recognized title searcher, such as an abstractor, an attorney or a recorder of deeds, can verify lineal descent.

While completion of the application and verification forms is mandatory, completion of the original owner information sheet found on the last page is optional.

Applicants meeting all requirements of the program are notified by mail. The owner receives an official Centennial Farm sign suitable for outdoor display and a certificate bearing signatures of the Governor of Illinois and the Director of the Illinois Department of Agriculture. All application materials and other papers of historical significance are placed on file at the Illinois Department of Agriculture.

Completed application and verification forms, along with an **\$50** processing fee, should be sent to:

Illinois Centennial Farms Program
Illinois Department of Agriculture
State Fairgrounds
P. O. Box 19281
Springfield, Illinois 62794-9281

Please make checks payable to the
Centennial Farm Signs Fund

For more information:

Phone - 217/557-5897 or FAX - 217/524-5960

Email: erin.cleary@illinois.gov

Website - www2.illinois.gov/sites/agr/Assistance/IllinoisFarmPrograms/CentennialSesquicentennial



CENTENNIAL FARM VERIFICATION



_____, am:
(print name)

- the County Recorder of _____ County.
- a licensed attorney, or
- an employee/agent of the following title insurance company as defined in 215 ILCS 155/3(2): _____

I hereby certify that I have reviewed the relevant real estate records and determined that the farm legally described as _____ has been owned for 100 years or more by lineal or collateral descendants of the same family. The farm was originally owned by _____ (name) in _____ (year) and the farm is currently owned by _____ (name), a lineal or collateral descendant.

Signature

Address, City, State, Zip

Phone Number

Seal

ORIGINAL OWNER INFORMATION

The information requested on this page concerns the original owner within your family and is not required to receive the Centennial Farm marker, however, it is to be completed to give valuable information to the Department of Agriculture and future historians. The questions below are offered only as a guide, so please feel free to add any other data, especially family or pioneer stories concerning the farm and the area around it. Also, copies of any old farm accounts, records or diaries you may have can be included.

1. From whom was the farm purchased? _____
2. How many acres were in the original parcel? _____
3. What was the cost of the land per acre? _____
4. Where was the first owner born? _____
5. Where did he live prior to moving onto the farm? _____
6. Was this a homestead? _____
7. Did the first owner farm the land? _____
8. What improvements did he make? _____
9. Did he engage in any trades or occupations other than farming? _____

10. Is the original home, or any portion of it or other original building still standing or in use? _____

11. When was the present home built? _____
12. What are the farm's major crops or products? _____

13. Do any barns that are 50 years or older exist on the property? If so, please describe _____

Please send to: Centennial Farms Program
Illinois Department of Agriculture
Bureau of Marketing, Promotion & Grants
State Fairgrounds, P. O. Box 19281
Springfield, Illinois 62794-9281



FOR OFFICE USE ONLY		
Date Certified:	Certified by:	Check Number:

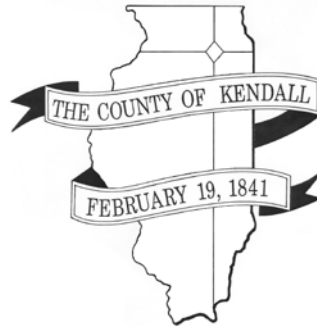
Centennial Farms

<u>Family Name</u>	<u>County</u>	<u>City</u>	<u>Township</u>	<u>Org. Date of Purchase</u>
AMENT	KENDALL	YORKVILLE	KENDALL	1857
AUG	KENDALL	OSWEGO	OSEWEGO	1853
AUSTIN	KENDALL	YORKVILLE	KENDALL	1867
BECK	KENDALL	PLANO	BRISTOL	1904
BENNETT	KENDALL	PLAINFIELD	NA-AU-SAY	1848
BRETTHAUER	KENDALL	YORKVILLE	KENDALL	1865
CHERRY	KENDALL	OSWEGO	NA-AU-SAY	1854
CHRISTIAN	KENDALL	NEWARK	FOX	1849
CHRISTIAN	KENDALL	NEWARK	KENDALL/LISBON	1861
CONSTANTINE	KENDALL	OSWEGO	OSWEGO	1874
DHUSE	KENDALL	YORKSVILLE	KENDALL	1863
DHUSE	KENDALL	YORKSVILLE	KENDALL	1887
DICKSON	KENDALL	BRISTOL	BRISTOL	1840
DICKSON TRUST	KENDALL	YORKVILLE	BRISTOL	1844
EDGERTON	KENDALL	BIG GROVE	BIG GROVE	1849
GABEL	KENDALL	YORKVILLE	KENDALL	1855
GATES	KENDALL	YORKVILLE	KENDALL	
GERRY	KENDALL	OSWEGO	OSWEGO	1881
GOUDIE	KENDALL	OSWEGO	NAAUSAY	1853
HAGE	KENDALL	YORKVILLE	KENDALL	1895
HARDECOPF	KENDALL	YORKVILLE	KENDALL	1869
HARDECOPF	KENDALL	YORKVILLE	KENDALL	1869
HEAP	KENDALL	SEWARD	SEWARD	1898
HEM	KENDALL	AURORA	OSWEGO	1843
HENNE	KENDALL	YORKVILLE	KENDALL	1895
HIRSCH	KENDALL	YORKVILLE	KENDALL	1881
HIRSCH	KENDALL	YORKVILLE	KENDALL	1881
HOLBROOK	KENDALL	MINOOKA	SEWARD	1866
HOPKINS	KENDALL	YORKVILLE	KENDALL	1857
KELLOGG	KENDALL	YORKVILLE	NA-AU-SAY	1846
KNUDSON	KENDALL	NEWARK	LISBON	1851
MANN	KENDALL	MINOOKA	SEWARD	1848
MATLOCK	KENDALL	YORKVILLE	KENDALL	1840
MCCAULEY	KENDALL	YORKVILLE	NA-AU-SAY	1868
MOE	KENDALL	NEWARK	YORKVILLE	5/24/1909
MOSS	KENDALL	MINOOKA	LISBON	1841
PETERSON	KENDALL	MINOOKA	LISBON	1883
PLATT	KENDALL	MINOOKA	SEWARD	1860
RIDER	KENDALL	BRISTOL	BRISTOL	1869
ROBB	KENDALL	LITTLE ROCK	LITTLE ROCK	1857
RUSHTON	KENDALL	MINOOKA	LISBON	1866
RUSSELL	KENDALL	OSWEGO	OSWEGO	1849
SEVERSON	KENDALL	MINOOKA	SEWARD	1882
SMITH	KENDALL	PLAINFIELD	NAAUSAY	1850
VOGEN	KENDALL	NEWARK	LISBON	1850
WAYNE	KENDALL	YORKVILLE	OSWEGO	1881
WORMLEY	KENDALL	OSWEGO	OSWEGO	1851
WYKES	KENDALL	PLANO	LITTLE ROCK	1896

Sesquicentennial Farms

<u>Family Name</u>	<u>County</u>	<u>City</u>	<u>Township</u>	<u>Org. Date of Purchase</u>
AUSTIN	KENDALL	KENDALL	KENDALL	3/5/1867
BRETTHAUER	KENDALL	YORKVILLE	KENDALL	1865
CHRISTIAN	KENDALL	NEWARK	FOX	1849
DICKSON	KENDALL	BRISTOL	BRISTOL	1845
FLETCHER	KENDALL	NEWARK	LISBON	1843
HOWELL	KENDALL	YORKVILLE	KENDALL	1853
KELLOGG	KENDALL	YORKVILLE	NA AU SAY	1846
MORIN	KENDALL	BRISTOL	BRISTOL	1840
MOSS	KENDALL	MINOOKA	LISBON	1841
MURST	KENDALL	BRISTOL	BRISTOL	1840
OSBORN	KENDALL	OSWEGO	NA-AU-SAY	1854
VOGEN	KENDALL	NEWARK	LISBON	1859

A PROCLAMATION
Declaring Historic Preservation Month in Kendall County, Illinois



WHEREAS, historic preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, “*This Place Matters*” is the theme for National Preservation Month 2020, cosponsored by Kendall County and the National Trust for Historic Preservation.

THEREFORE, the Board of Kendall County do proclaim May as National Preservation Month, and call upon the people of Kendall County to join their fellow citizens across the United States in recognizing and participating in this special observance.

ADOPTED BY THE COUNTY BOARD THIS 5TH DAY OF May, 2020.

Attest:

Scott R. Gryder
County Board Chairman

Debbie Gillette
County Clerk



Store 2702 Dir Wendy Demaris
 Main: (630) 553-1617 Rx: (630) 553-8615
 234 E. Veterans Parkway
 Yorkville IL 60560

GROCERY

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 Regular Price 3.49
 Sale Savings 0.49-

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BS CKIE TRAY 30Z 9.99 B

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 **** BALANCE 13.12
 Cash 20.00

CHANGE 6.88
 TOTAL NUMBER OF ITEMS SOLD = 2
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 Customer Blue Tickets

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 www.paranarabread.com

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2/19/2020 6:00:26 PM

Check Number: 603935 Cashier: Ferdinand
 1 Decaf Coffee Tea 17.49
 1 Lt Rst Coffee Tea 17.49
 Subtotal 34.98
 Tax 2.89
 Total 37.87
 Cash 33.00
 Charge 0.13

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 MyParanara Card, use the code below at
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 or ask an associate and join today.

5374-6948-5150-5655-1843-51

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 Your Order Number is: 685
 Customer: MATT
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 Pickup Time: 5:50:00 PM

Annual Kendall County Historic Preservation Awards

A recognition of properties that have undergone recent exterior and/or interior preservation, restoration, rehabilitation, adaptive use, or sympathetic additions as well as for people or groups that exhibit dedication to the field of historic preservation or for sites that possess importance to the history of Kendall County, State of Illinois, or the United States.

MAIL NOMINATION FORM TO:
Kendall County Historic Preservation Commission
111 W. Fox Street
Yorkville, IL 60560
EMAIL NOMINATION FORM TO:
Matt Asselmeier, masselmeier@co.kendall.il.us

DEADLINE: February 28, 2020-4:00 pm
Street address:

12480 GALENA ROAD, PLANO IL 60545

Current property owner:

CHRISTIAN BROTHERS OF ILLINOIS

Historic name and/or original owner (if known):

PLEASANT VALLEY FARMS / LA SALLE MANOR RETREAT CENTER

Current use:

RETREAT CENTER FOR STUDENT AND ADULT GROUPS

Historic use:

FARM 1944-1957 RETREAT CTR 1957 - CURRENT

Year built (if known):

1944

Year rehabilitated, renovated, restored (if known):

1957 - CHAPEL, BREEZEWAY, DORM ADDED
GARAGE REPLACED 2019
STAFF HOMES BUILT 1999 + 2003

Architectural style / form (if known):

LOG CABIN LODGE - MAINLY PINE

Reason for nomination: Please provide a short description, between 50 and 500 words, explaining the project or person being nominated. The statement should clearly identify the purpose and scope of work, unusual challenges or innovative approaches, sensitive treatment of historic fabric, long-term impact and any other information that supports the nomination as being exceptional.

The Lasallian community living AT LA SALLE MANOR HAS MAINTAINED THIS UNIQUE LOG CABIN LODGE AND THE 47 ACRES FOR THE PURPOSE OF CONDUCTING STUDENT RETREATS AND HOSTING ADULT RETREATS AND MEETINGS. APPROXIMATELY 5000 STUDENTS AND 1500 ADULTS UTILIZE OUR FACILITY ANNUALLY, AND MANY OF THE PROGRAMS ARE RUN BY OUR STAFF WHO RESIDE ON THE GROUNDS.

Images: Please provide a minimum of five photographs or quality digital photographs in .jpg format on a CD ROM, flash drive, or by email highlighting the project. Before and after pictures are encouraged.

Submitted by:

BOB DRESSEL

Phone:

Email:

Address: 12480 GALENA RD

OUR
50TH
YEAR

CHRISTIAN  BROTHERS

La Salle
Manor

RETREAT CENTER

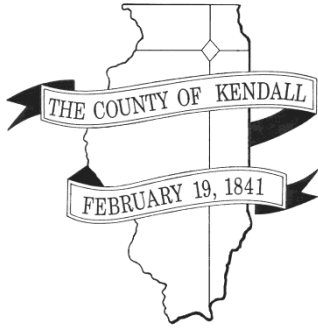












DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Committee of the Whole
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: June 5, 2020
Re: Petition 19-43 Historic Preservation Ordinance Update

Following the February 2020 Committee of the Whole meeting, Staff sent the proposed amendments to the Kendall County Historic Preservation Ordinance to the Illinois Historic Preservation Agency for comment. While not enthusiastic about the proposed application fee, the Illinois Historic Preservation Agency agreed that the fee as proposed could be included in the Ordinance. The State also requested that the terms for Historic Preservation Commissioners be staggered. State law requires that the terms be five years and that the Chairman of the Commission be selected at the time of appointment by the County Board.

In summary the proposed changes to the Historic Preservation Ordinance are as follows:

1. Article I.2.U amends the definition of “historic district” to be the same as “preservation district” as defined by State law.
2. Article I.2 adds a definition of “Super Majority Vote” as at least three-fourths approval vote of the entire Kendall County Board.
3. Article II.1.C clarifies the terms of Commissioners, changes the term from three years to five years, and provides a method for removing Commissioners.
4. Article II.1.D specifies the appointment of the Chairman of the Commission and provides a procedure for selecting a Commission Vice-Chair and Secretary.
5. Article II.2.M removes the requirement that the Commission review any application for demolition of structures older than fifty (50) years of age.
6. Article II.2.N changes the administration authority to County-owned property only.
7. Article III.3.A.d and Article III.3.B.e defines the procedure for contacting property owners of record if the applicant is not the current owner of record of a nominated landmark (3.A.d) or owner of record of a property in a nominated Historic District (3.B.e). In both cases, the applicant must provide evidence that the owner of record has been notified.
8. Article III.5, in the first paragraph, a typographical error is corrected.
9. Article III.12 adds the Kendall County website as a location for publishing the map of all landmarks and districts.
10. Article III.18 sets an application fee of Five Hundred Dollars (\$500) for applications for landmark and historic districts. The fee may be waived by the Commission if requested by the property owner or owners.
11. The final paragraph of Article IV.2.I defines post-demolition plans are required for properties in historic districts or for properties designated as landmarks.

12. Article IV.3.B is divided into two (2) subsections. The remainder of Article IV.3 is re-lettered to reflect this division.
13. Article IV.3.C (new) states that certain documents shall be submitted in cases of economic hardship only if requested by the Planning, Building and Zoning Department or the Preservation Commission.
14. Article IV.3.D (new) deletes the requirement to offer to purchase properties in cases of economic hardship and re-letters the sub-section to reflect this deletion.
15. Article IV.3.D (old) is re-lettered as Article IV.3.E.
16. Article V.2 transfers the power to refuse to issue building permits as a penalty from the Planning, Building and Zoning Department to the court system or hearing officer.

A redlined copy of the proposal is attached.

A sheet explaining the benefits of becoming a Certified Local Government is attached.

If you have any questions, please let me know.

Thanks,

MHA

ENC: Certified Local Government Information
Redlined Proposal

CERTIFIED LOCAL GOVERNMENT PROGRAM

The Certified Local Government Program is a preservation partnership between local, state and national governments focused on promoting historic preservation at the grass roots level. The program is jointly administered by the National Park Service (NPS) and the [State Historic Preservation Offices](#) (SHPOs) in each state, with each local community working through a certification process to become recognized as a Certified Local Government (CLG). CLGs then become an active partner in the Federal Historic Preservation Program and the opportunities it provides.

Why become a CLG? There are many reasons but the key reason is the access certification provides to the expert technical advice of the State Offices as well as the NPS. Partnerships with the [National Alliance of Preservation Commissions](#), [Preserve America](#), the [National Trust for Historic Preservation](#), and the [National Main Street Center](#) are also networks that CLGs have an opportunity to tap into. Of course, access to Federal funding is another benefit, making certified communities able to access the portion of Federal funds set aside by each SHPO for just CLGs annually. Being a CLG also shows your community's commitment to keeping what is significant from the past for future generations. As a certified town, city, or county seeking other opportunities, it becomes easy to demonstrate a readiness to take on a preservation project and be successful.

BENEFITS OF BECOMING A CERTIFIED LOCAL GOVERNMENT

- Special grants from the State Historic Preservation Officer
- Local historic preservation expertise recognized by state and Federal agencies
- Technical assistance and training from the State Historic Preservation Office
- Participation in nominations to the National Register of Historic Places
- National historic preservation assistance network: publications, professional assistance
- Information exchange with the State Historic Preservation Office
- Participation in statewide preservation programs and planning

RESPONSIBILITIES OF A CERTIFIED LOCAL GOVERNMENT

- Maintain a historic preservation commission
- Survey local historic properties
- Enforce state or local preservation laws
- Provide for public participation
- Other functions delegated or required by the state

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. **For the purposes of this definition,**

“historic district” shall be the same as “preservation district” as defined by State law.

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.

BB) *Super Majority Vote*: At least three-fourths approval of the vote of the entire Kendall County Board.

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.* **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. ~~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. **Any preservation commission member may be removed by the County Board for cause, after public hearing** (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. **One (1) of the members so appointed by the County Board shall be named as chairman at the time of appointment and the other officers may be elected by the Preservation Commission.** 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 a Vice-Chair or Secretary** 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 **County owned** property, or full or partial interest in real property, including a conservation right, by approval of the County Board.
- O) To accept and administer on behalf of the County Board gifts, grants, money or other personal property as may be appropriate for the purpose of this

Ordinance. Such money may be expended for publishing maps and brochures, for hiring staff or consultants or performing otherwise appropriate functions for the purpose of carrying out the duties and powers of the Preservation Commission and the purposes of this Ordinance.

P) To administer any system established by the County Board for the transfer of development rights;

Q) To call upon available County agencies and staff as well as other experts for technical advice; costs to be determined prior to activities and paid by petitioner except where included in the existing approved budget;

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

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

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

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

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

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

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

ARTICLE III

DESIGNATION OF LANDMARKS AND HISTORIC DISTRICTS

1. INVESTIGATION & RESEARCH

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

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

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

2. PRESERVATION PLAN

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

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

3. NOMINATION OF LANDMARKS AND HISTORIC DISTRICTS

A.) Landmarks

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

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

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

B.) Historic Districts

The Preservation Commission or any person may propose historic districts for designation by the County Board by filing a nomination for any property or properties and structures located in an unincorporated area or in an incorporated area by intergovernmental agreement with the appropriate municipality within the geographical boundaries of Kendall County.

Nomination forms shall be filed with the Kendall County Planning, Building & Zoning Department.

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

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

4. CRITERIA FOR DESIGNATION

A.) Landmarks

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

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

B.) Historic Districts

The Commission may recommend to the County Board the designation of Historic Districts. Historic Districts shall only be recommended for designation when a thorough investigation results in a determination that the properties, structure, improvement or area

so recommended meets one (1) or more of the following criteria:

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

5. INITIAL REPORT & RECOMMENDATION OF PRESERVATION COMMISSION

The Preservation Commission shall, within thirty (30) calendar days from receipt of a

completed application for designation, cause to be written an initial recommendation and report stating whether the nominated landmark, ~~or~~ or 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 Kendall County website, and** 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.

18. APPLICATION FEE

All applicants for landmark or historic district designation shall pay a fee of Five Hundred Dollars (\$500) at the time of application submittal. Said fee shall be waived upon approval by a majority vote of the Kendall County Historic Preservation Commission, if requested by the property owner or property owners.

ARTICLE IV

ALTERATION, CONSTRUCTION, DEMOLITION, AND MAINTENANCE

1. SCOPE

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

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

2. CERTIFICATE OF APPROPRIATENESS

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

B) Applications for Certificates of Appropriateness.

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

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

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

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

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

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

seriously impair the historic or architectural value of surrounding structures or the surrounding area.

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

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

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

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

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

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

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

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

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

D) Standards for Review. The Commission, in considering the appropriateness of any alteration, demolition, new construction, or removal to any property or

structures designated or pending designation as a landmark, or any area designated or pending designation as a historic district, shall be guided by the following general standards and any design guidelines in the ordinance designating the landmark or historic district as well as conformance to applicable zoning classification, height, and area limitation:

- i) Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
- ii) The distinguishing original qualities or character of a building, structure, site, and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided whenever possible.
- iii) All buildings, structures, and sites shall be recognized as products of their time. Alterations that have no historical basis or that seek to create an earlier/later appearance shall be discouraged.
- iv) Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- v) Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site shall be treated with sensitivity.
- vi) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- vii) The surface cleaning of structures shall be undertaken with the utmost care and consideration. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- viii) Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.
- ix) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do

not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

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

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

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

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

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

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

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

demolition of any building or structure in a historic district or any landmark in accordance with said determination.

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

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

- i) The structure or visual resource is of such interest or quality that it would reasonably meet national, state or local criteria for designation as an historic or architectural landmark.
- ii) The structure or visual resource is of such unusual or uncommon design, texture or materials that it could not be reproduced, or could be reproduced only with great difficulty and expense.
- iii) Retention of the structure or visual resource would aid substantially in preserving and protecting another structure or visual resource which meets criteria (i) or (ii) hereinabove.

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

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

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

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

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

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

3. ECONOMIC HARDSHIP

A) The Preservation Commission may issue a Certificate of Economic Hardship upon determination that the failure to issue a Certificate of Appropriateness has denied, or will deny the owner of a landmark or of a property within a historic district all reasonable use of, or return on, the property. Application for a Certificate of Economic Hardship shall be made on a form and in the manner as prescribed by the Preservation Commission. The Preservation Commission may schedule a public hearing concerning the application and provide notice in the same manner as prescribed in Article III, Section 6, of this Ordinance and conduct the hearing in the same manner as prescribed in Article III, Section 7, of this Ordinance.

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

- i) An estimate of the cost of the proposed construction, alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the recommendations of the Preservation Commission for changes necessary for the issuance of a Certificate of Appropriateness;
- ii) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
- iii) Estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal; after any changes recommended by the Preservation Commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use;
- iv) In the case of a proposed demolition, an estimate from a person or entity experienced in rehabilitation as to the economic feasibility of

rehabilitation or reuse of the existing structure on the property;

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

vi) If the property is income-producing, the annual gross income from the property for the previous two (2) years; itemized operating and maintenance expenses for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;

vii) Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two (2) years;

viii) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years;

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

x) Real estate taxes for the previous two (2) years;

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

xii) Any other information, including the income tax bracket of the owner, applicant, or principal investors in the property considered necessary by the Preservation Commission to make a determination as to whether the property does yield or may yield a reasonable return to the owners.

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

4. MAINTENANCE OF HISTORIC PROPERTIES

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

5. PUBLIC SAFETY EXCLUSION

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

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

6. DEMOLITION BY NEGLIGENCE

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

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

annual neglect survey.

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

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

ARTICLE V

ENFORCEMENT, PENALTIES AND EQUITABLE RELIEF

1. ENFORCEMENT

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

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

2. PENALTIES

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

In addition to the fine listed in the previous paragraph, a court of competent jurisdiction or a hearing officer in cases of administrative adjudication may direct the Kendall County Planning, Building and Zoning Department to withhold the

issuance of a building property for period not to exceed five (5) years after the date of demolition in cases of unauthorized demolition of a landmark or any property within a designated preservation district at the property where the unauthorized demolition occurred.

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

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

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

3. EQUITABLE RELIEF

In addition to other remedies provided by law, Kendall County may institute any appropriate action or proceeding to prevent, restrain, abate or correct a violation of this Ordinance, including, but not limited to, requiring the restoration of property and improvements to its appearance prior to the violation.