

PROPOSED AMENDMENTS
TO THE
KANE COUNTY HISTORIC PRESERVATION
ORDINANCE

Ordinance No. 88-99



June 29, 2000

Proposed Amendments to the Kane County Historic Preservation Ordinance

Ordinance No. 88-99

June 29, 2000

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

DIVISION 1 PURPOSES, DEFINITIONS AND GENERAL PROVISIONS

Sec. 16-58. Purpose and Intent.

The purposes and intent of this Ordinance are as follows:

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

Sec. 16-59. Definitions.

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

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

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

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

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

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

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

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

Commissioners. Members of the Preservation Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 16-60. General Provisions.

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

- 1) No provision herein shall supersede the powers of other local legislative or regulatory bodies or relieve any property owner from complying with the requirements of any other State statutes or code or ordinance of the County or individual municipal ordinance or regulations, and any permit or license required thereunder shall be required in addition to any certificate of appropriateness or economic hardship which may be required hereunder; provided however, that where a certificate of appropriateness or economic hardship is required, no such other permit or license shall be issued by any other agency under the jurisdiction of the County Board before a certificate has been issued by the Commission as herein provided.

- 2) The use of property and improvements which have been designated under this Article shall be governed by the County Zoning Ordinance¹, as amended.
- 3) If any particular section of this Article is declared to be unconstitutional or void, only the particular section is affected, and all other sections of this Article shall remain in full force and effect.
- 4) For purposes of remedying emergency conditions determined to be dangerous to life, health or property, the Commission may waive the procedures set forth herein and grant immediate approval for a certificate of appropriateness. The Commission shall state its reasons in writing for such approval.
- 5) No member of the Preservation Commission shall vote on any matter that may materially or apparently affect the property, income or business interest of that member. (Ord. No. 88-99, 6-14-88)
- 6) No provision herein shall be contrary to “the purpose of promoting the public health, safety, morals, comfort and general welfare; conserving the values of property throughout the county; and reducing or avoiding congestion in the public streets and highways.

Sec. 16-61-16-65. Reserved.

DIVISION 2 THE HISTORIC PRESERVATION COMMISSION

Sec. 16-66. Organization.

- a) *Appointment.* The County Board shall by ordinance appoint members to the County Historic Preservation Commission from names submitted by the presiding officer of the County Board.
- b) *Composition.* The Preservation Commission shall consist of nine (9) members. All members shall be residents of Kane County. The Chairman of the County Board shall make every reasonable effort to nominate to the Preservation Commission at least one attorney, one historian or architectural historian, one architect/engineer and one real estate professional knowledgeable in preservation; the other members shall be persons with a demonstrated interest in pre-history, history or architecture.

In addition to the nine (9) voting members, the Director of the County Development Department or his designee shall serve as an ex-officio, nonvoting member of the Commission and shall be responsible for providing staff support, upon approval of, and as deemed appropriate by the County Board Development Committee. Also in addition, the Director of the County Division of

¹ See also Zoning, App. B.

Transportation or his designee shall serve as an ex-officio, nonvoting member of the Commission and shall be responsible for providing staff support, upon approval of, and as deemed appropriate by the County Board Transportation Committee. The president, Kane County Forest Preserve or his designee shall also serve as an ex-officio, nonvoting member of the Commission.

- c) *Terms.* Terms of the initial members shall be staggered so that at least five (5) serve respectively for the following terms: one for one year, one for two (2) years; one for three (3) years; one for four (4) years; one for five (5) years. Any additional initial members shall also serve terms staggered in the same sequence. Successors to initial members shall serve for five (5) year terms. All ex-officio members shall serve the term of their elected or appointed office. All members shall serve until their successors are appointed.

- d) *Officers.* One of the appointed members shall be named chairman at the time of appointment and vice chairman and secretary shall be elected by the Preservation Commission. The chairman shall preside over meetings. In the absence of the chairman, the vice chairman shall perform the duties of the chairman. If both the chairman and the vice chairman are absent, a temporary chairman shall be elected by those present. The secretary shall ensure that the following duties are performed:
 - 1) That minutes are taken of each Preservation Commission meeting;
 - 2) That copies of the minutes, reports and decisions of the Preservation Commission be published and distributed to the members of the Preservation Commission;
 - 3) That the County Board Chairman is advised of vacancies on the Preservation Commission and expiring terms of members; and
 - 4) That there be prepared and submitted to the County Board a complete record of the proceedings before the Preservation Commission on any matters requiring County Board consideration.

Vacancies shall be filled by the County Board from names submitted by the Chairman of the County Board. Any Commission member may be removed by the County Board for cause after a public hearing.

- e) *Rules and procedures.* The Historic Preservation Commission shall have the authority to develop and adopt new rules and procedures necessary to carry out its functions under the provisions of this Article.

- f) *Meetings.*
 - 1) Meetings of the Commission shall be held no less than monthly, except in those months when no business is pending, and shall be held at such times and places within the County as the Commission shall decide. All meetings of the Commission shall keep minutes of its proceedings, showing a vote of each member upon every question, or if absent or failing to vote, and shall also keep records of its official actions. Such minutes and records shall be

open to the public for inspection and maintained at offices of the County Development Department.

- 2) A quorum shall consist of five (5) members. The transaction of business shall be made by a majority vote of those members in attendance while a quorum is present, except that the adoption, modification or rescission of any rule or part thereof shall require the affirmative vote of five (5) members.
- g) *Compensation.* The members shall serve without compensation, but they shall be reimbursed for their expenses necessarily incurred in the performance of their duties as such.
- h) *Annual report.* The Commission shall submit an annual report of its activities to the County Board Chairman. (Ord. No. 88-99, 6-14-88)

Sec. 16-67. Powers and authorities.

- 1) To conduct an on-going survey of the County to identify buildings, structures, areas, roads, sites and landscapes that are of historic, archaeological, architectural or scenic significance, and therefore potential landmarks, ~~or~~ preservation districts or road corridors;
- 2) To hold public hearings and recommend to the County Board the designation of landmarks, ~~or~~ preservation districts or road corridors;
- 3) To compile information concerning and prepare descriptions of the landmarks, ~~or~~ preservation districts or road corridors identified and recommended for designation and the characteristics that meet the standards for designation;
- 4) To prepare, keep current and publish a map or maps showing the locations and exact boundaries of ~~proposed~~ nominated and designated landmarks, ~~and~~ preservation districts and road corridors, and, if the Commission so chooses, the locations and boundaries of designated State or Federal landmarks or districts;
- 5) To keep a register of all designated landmarks, ~~and~~ preservation districts, and road corridors;
- 6) To establish an appropriate system of markers or plaques for all designated landmarks, ~~and~~ preservation districts and road corridors, and for streets, roads, trails and highways leading from one landmark, ~~or~~ preservation district or road corridor to another and to confer recognition upon the owners of landmarks or property within preservation districts or road corridors by means of certificates, plaques or markers;
- 7) To nominate landmarks and preservation districts to any State or Federal registers of historic places;

- 8) To advise and assist owners of landmarks and property within preservation districts on physical and financial aspects of preservation, renovation, rehabilitation and reuse, and on procedures for inclusion on any State or Federal register of historic places;
- 9) To inform and educate the citizens of the County concerning the historic, archaeological, architectural or scenic heritage of the County by publishing appropriate maps, newsletters, brochures and pamphlets, and by holding programs and seminars;
- 10) To hold public hearings and to review applications for construction, alteration, removal or demolition affecting landmarks or property within preservation districts or road corridors and issue certificates of appropriateness for such actions;
- 11) To consider applications for certificates of economic hardship that would allow the performance of work for which a certificate of appropriateness may be, or has been denied;
- 12) To develop specific criteria and guidelines for the proper alteration, construction, demolition or removal of landmarks, or of property within preservation districts or road corridors;
- 13) To review proposed amendments to zoning regulations, applications for special uses or applications for zoning variations that affect any landmark, ~~or~~ preservation district or road corridor. Proposed zoning amendments, applications for special use or zoning variations that affect any "landmark", ~~or~~ "preservation district" or "road corridor" as defined in this Article shall be transmitted to the Preservation Commission for review and comment prior to the date of the hearing by the County Zoning Board of Appeals;
- 14) To administer on behalf of the County Board any property, or full or partial interest in real property, including a conservation right, upon designation by the County Board;
- 15) To accept and administer on behalf of the County Board gifts, grants, money or other personal property as may be appropriate for the purposes of this Article. Such money may be expended for publishing maps and brochures, for hiring staff or consultants or performing otherwise appropriate functions for the purpose of carrying out the duties and powers of the Preservation Commission and the purposes of this Article.
- 16) To administer any system established by the County Board for the transfer of development rights;
- 17) To call upon available County agencies and staff as well as other experts for technical advice;
- 18) To retain specialists or consultants, or to appoint citizen, neighborhood or area advisory committees, as well as other experts for technical advise;
- 19) To testify before all boards and commissions including the County Regional Planning Commission and the Zoning Board of Appeals, on any matter affecting potential or designated landmarks, ~~or~~ preservation districts or road corridors;

- 20) To periodically review any County comprehensive plan and to develop a preservation component in any comprehensive plan of the County and to recommend it to the County Regional Plan Commission and the County Board;
- 21) To periodically consult with the Zoning Administrator, review any zoning ordinance and building code and to recommend to the County Board any amendments appropriate for the protection and continued use of landmarks or property within preservation districts or road corridors;
- 22) To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties, or the implementation of the purposes of this Article. (Ord. No. 88-99, 6-14-88)
- 23) To recommend to the County Board the adoption of intergovernmental agreements between the County Board and Kane County municipalities to allow for the nomination and designation by the County Board of individual landmarks, preservation districts, and road corridors within incorporated areas and afford the protection of historic landmarks, preservation districts or road corridors through the provisions of this Ordinance.

Sec. 16-68-16-72. Reserved.

DIVISION 3
DESIGNATION OF LANDMARKS, ~~AND HISTORIC PRESERVATION DISTRICTS~~
AND ROAD CORRIDORS

Sec. 16-73. Surveys and research.

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

Before the Preservation Commission shall on its own initiative nominate any landmark or district for designation, it shall first develop a plan and schedule for competition of a survey of the County to identify potential landmarks and districts and adopt procedures to nominate them in groups based upon the following criteria:

- 1) The potential landmarks or districts in one township or distinct geographical area of the County;
- 2) The potential landmarks associated with a particular person, event or historical period;

- 3) The potential landmarks of a particular architectural style or school, or of a particular architect, engineer, builder, designer or craftsman;
- 4) Such other criteria as may be adopted by the Preservation Commission to assure systematic survey and nomination of all potential landmarks within the County. (Ord. No. 88-99, 6-14-88, eff. 12-1-88)

Sec. 16-74. Preservation plan.

- a) The Historic Preservation Commission shall, through the aforesaid surveys and research, so to become thoroughly familiarized with buildings, structures, objects, sites, districts, areas and lands within the County which may be eligible for designation as historic landmarks or districts, prepare an "Historic Landmark and District Preservation Plan".
- b) The Preservation Plan shall be presented to the County Board Development ~~Commission~~ Committee for consideration and recommendation to the County Board for inclusion in the ~~County Comprehensive Land Use Plan~~ 2020 Land Resource Management Plan, as amended. At least annually, the Commission shall review the Plan and insert in the Historic Preservation Commission minutes a report of such review and take appropriate action on any amendments to the Plan deemed necessary. (Ord. No. 88-99, 6-14-88, eff. 12-1-88)

Sec. 16-75. Nomination of landmarks, ~~and historic preservation districts and road corridors~~.

The Preservation Commission or any person may ~~propose~~ nominate landmarks, ~~or~~ preservation districts ~~or road corridors~~ for designation by the County Board by filing a nomination for any property, ~~or~~ properties and structures, ~~or area~~ located in an unincorporated area ~~or in an incorporated area by intergovernmental agreement with the applicable municipality~~ within the geographical boundaries of Kane County.

Nomination forms shall be filed with the County Development Department. Such forms shall be provided by the Commission and, when submitted for landmarks or preservation districts, shall include or be accompanied by the following:

- 1) The name and address, as shown on the Tax Assessor's rolls of the owner of the nominated property.
- 2) The legal description and common street address of the nominated property ~~proposed for designation~~.
- 3) A map delineating the boundaries and location of the nominated property ~~proposed for designation~~.

- 4) A written statement describing the nominated property and setting forth reasons in support of the ~~proposed designation~~ nomination.
- 5) In nominating an area for designation as ~~an historic~~ a preservation district, a list enumerating all properties and improvements previously designated, or currently pending designation, as a landmark by this Commission or listed ~~on~~ in any State or Federal registers of historic places.

Nominations for road corridors shall include or be accompanied by the following:

- 1) The name, distance and location of the road corridor nominated.
- 2) A written description of the character of the road corridor and those factors which make it suitable for preservation and eligible for designation.
- 3) A written description of the vision for the road corridor in the future.
- 4) A written statement of what will be achieved by the designation.
- 5) Maps showing:
 - a. the location of the road corridor in Kane County; and
 - b. the boundaries of the road corridor and adjacent properties.
- 6) Color prints (8" x 10") showing the significant features of the road corridor.

In the case of a nominated road corridor, the nomination will be placed on the agendas of the Development and Transportation Committees of the County Board for initial review and discussion of any issues and questions related to the nomination. Comments from the Committees will be forwarded with the nomination to the Commission. Proceeding with the development of a Corridor Management Plan shall require the approval of the Committees.

~~(6)~~ There shall be no fee for submitting a nomination form to the Commission for designation of an historic landmark, ~~or~~ preservation district, or road corridor.

Sec. 16-76. Criteria for ~~consideration of nomination~~ designation.

The Commission may recommend to the County Board the designation of landmarks, upon written proof of owner consent, and preservation districts and road corridors, where a showing of consent by no fewer than ~~twenty-five~~ fifty-one percent (~~25%~~) (51%) of the property owners whose property is located within the boundaries of the ~~proposed~~ nominated district or corridor, when after a thorough investigation results in a determination that a nomination ~~property structure or improvement, or area so recommended~~ meets one or more of the following criteria:

- 1) It has character, interest, or value which is part of the development, heritage or cultural characteristics of the area, ~~a local~~ community, ~~the~~ County, State or ~~the~~ Nation;
- 2) Its location is a site of a significant local, County, State or national event;
- 3) It is identified with a person or persons who significantly contributed to the development of the ~~local~~ community, County, State or ~~the~~ Nation;
- 4) It embodies distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction or use of indigenous materials;
- 5) It is identified with the work of a master builder, designer, architect or landscape architect whose individual work has influenced the development of the ~~local~~ area, County, State or ~~the~~ Nation;
- 6) It embodies elements of design, detailing, materials or craftsmanship that render it architecturally significant;
- 7) It embodies design elements that make it structurally or architecturally innovative;
- 8) It has a unique location, natural features, or physical characteristics that make it an established or familiar visual ~~feature~~ resource with a high level of integrity or scenic significance;
- 9) It ~~has character which~~ is a particularly fine or unique example of a utilitarian structure, including, but not limited to farmhouses, gas stations or other commercial structures, with a high level of integrity or architectural significance;
- 10) It is suitable for preservation or restoration;
- 11) It is included in the National Register of Historic Places and/or the Illinois Register of Historic Places;
- 12) It has yielded, or may be likely to yield information important to pre-history, history or other areas of archaeological significance.

In the event a property, structure or an area is found to be of such significant character and quality where it is determined that its designation as a landmark, ~~or~~ preservation district or road corridor is in the overall best interest of the general welfare, the Commission may nominate and recommend to the County Board such appropriate designation without proof of owner consent or the minimal percentage of owner approval. (Ord. No. 88-99, 6-14-88, eff. 12-1-88)

Sec. 16-77. ~~Initial report~~ Reports and ~~recommendation~~ recommendations of the Preservation Commission.

The Preservation Commission shall within ~~seven (7)~~ thirty (30) days from ~~receipt~~ its review of a completed application for designation of a landmark or preservation district cause to be written an initial recommendation and report stating whether the nominated landmark or preservation district does or does not meet the criteria for designation as provided ~~for~~ in Section 16-76 herein. The report shall contain the following information:

- 1) An explanation of the significant or lack of significance of the nominated landmark or historic preservation district as it relates to the criteria for designation;
- 2) A description of the integrity or lack of integrity of the nominated landmark or historic preservation district;
- 3) In the case of a nominated landmark found to meet the criteria for designation:
 - a) A description of the significant exterior architectural features of the nominated landmark that should be protected;
 - b) A description of the types of construction, alteration, demolition and removal, other than those requiring a building or demolition permit, that should be reviewed for appropriateness pursuant to the provisions of subsections 16-94(c) and (d) of this Article;
- 4) In the case of a nominated historic preservation district found to meet the criteria for designation:
 - a) A description of the types of significant exterior architectural features of the structures within the nominated historic preservation district that should be protected;
 - b) A description of the types of alterations and demolitions that should be reviewed for appropriateness pursuant to the provisions of subsections 16-94(c) and (d) of this Article.
- 5) The relationship of the nominated landmark or historic preservation district to the on-going effort of the Preservation Commission to identify and nominate all potential areas and structures that meet the criteria for designation;
- 6) A map showing the location of the nominated landmark and the boundaries of the nominated historic preservation district.

In the case of a nominated road corridor, if the Commission deems the road corridor eligible for designation, a Corridor Management Plan shall be prepared in accordance with Section 16-88 herein, following the approval of the Development and Transportation Committees of the County Board. The Corridor Management Plan shall be completed and presented to the Commission within 90 days. Within thirty (30) days following close of the public hearing as prescribed in Section 16-79, a report and recommendation shall be prepared by staff and the highway authority and presented to the Preservation

Commission. The report shall state the findings of the Preservation Commission and the comments received during the public hearing and shall include the following:

- 1) A description of features and characteristics within the road corridor that should be protected; and
- 2) A description of the types of alterations, both included and not included in the Corridor Management Plan, that should be reviewed for appropriateness.

In the case of a nominated landmark or preservation district, The the recommendation and report shall be available to the public in the office of the County Development Department. (Ord. No. 88-99, 6-14-88, eff. 12-1-88)

In the case of a nominated road corridor, the recommendation and report shall be available to the public in the offices of the County Development Department and Division of Transportation and the office of the highway authority.

Sec. 16-78. Notification of nomination.

In the case of a nominated historic landmark or preservation district, the The Preservation Commission shall in thirty (30) days from completion of the initial report and recommendation as described above in Section 16-77, cause to be scheduled a public hearing on the nomination. In the case of a nominated road corridor, the Preservation Commission shall in thirty (30) days from the date of the completion of the Corridor Management Plan, cause to be scheduled a public hearing on the nomination and Corridor Management Plan. Notice of the date, time, place and purpose of the public hearing and a copy of the completed nomination form shall be sent by certified mail to the owner(s) of record and to the nominators, as well as by regular mail to property owners adjoining the nominated landmark, or historic preservation district or road corridor at least fifteen (15) days prior to the date of the hearing. Such notice shall also be published in a newspaper having general circulation in the area surrounding the nominated property, or district or road corridor at least fifteen (15) days prior to the date of the hearing. All notices shall state the street address and permanent index number or legal description of a nominated landmark and the boundaries of a nominated historic preservation district or road corridor.

Sec. 16-79. Hearing.

A public hearing shall be scheduled, and notification made thereof, pursuant to Section 16-78 above. Oral or written testimony shall be taken at the public hearing from any person or organization concerning the nomination. The Preservation Commission may solicit expert testimony or present its own evidence recording the historic, archaeological or scenic significance of a ~~proposed~~ nominated landmark or of any property within a ~~proposed~~ nominated preservation district or road corridor relative to compliance with criteria for ~~consideration~~ designation set forth above in Section 16-76 of this Article. The owner of any nominated landmark or of any property within a nominated preservation district or road corridor shall be allowed reasonable opportunity to present evidence regarding historic, archaeological, architectural or scenic significance and shall be afforded the right of representation by counsel and reasonable opportunity to cross-examine expert witnesses. The owner(s) of property within a nominated road corridor may submit a written statement at or prior to the public hearing to have their property outside of the right-of-

way, in whole or part, excluded from the nominated road corridor. Such a written statement shall result in the exclusion of that portion of the owner's property from the nominated road corridor. The Preservation Commission shall not include any properties, or portions thereof, that have been so excluded in the Corridor Management Plan, and shall determine whether or not the nominated road corridor remains eligible for designation with such exclusions. The hearing shall be closed upon completion of testimony.

Sec. 16-80. Recommendation of Preservation Commission.

Within ~~fifteen (15)~~ thirty (30) days following close of the public hearing, the Commission shall make its determination upon the evidence whether the ~~proposed nominated landmark, or preservation district or road corridor~~ does or does not meet the criteria for designation as provided in Section 16-76 herein. A recommendation to the ~~County Board Development Committee~~ that the ~~proposed nominated landmark, or preservation district or road corridor~~ does or does not meet the criteria for designation and should or should not be designated shall be passed by resolution of the Preservation Commission. In the case of a nominated road corridor, the Commission's recommendation shall also be made to the Transportation Committee. This recommendation shall be accompanied by a report stating the findings of the Preservation Commission concerning the historic, archaeological, architectural or scenic significance of the ~~proposed nominated landmark, or preservation district or road corridor~~. The Preservation Commission shall forward copies of the resolution and report to the applicant, ~~and the owner of the subject property or representative for petitioners of the subject area, and the highway authority.~~ (Ord. No. 88-99, 6-14-88, eff. 12-1-88)

Sec. 16-81. Designation.

The County Board, upon a recommendation from the Preservation Commission that the ~~proposed nominated landmark, or preservation district or road corridor~~ should be designated, shall review the report and recommendations of the Preservation Commission. The County Board may schedule a public hearing concerning the ~~proposed designation nomination~~ and shall provide notice of any public hearing in the same manner as provided in Section 16-78 of this Article and conduct the public hearing in the same manner as provided in Section 16-79 of this Article. The County Board after reviewing the report and recommendation shall within sixty (60) days from receipt of the recommendation of the Preservation Commission take one of the following steps: 1) designate the landmark, ~~or preservation district or road corridor~~ by ordinance; or 2) refer the report and recommendation back to the Preservation Commission with suggestions for revisions stating its reason for such action. (Ord. No. 88-99, 6-14-88, eff. 12-1-88)

Sec. 16-82. Notice of Designation.

Notice of the action of the County Board including a copy of the ordinance designating the landmark, ~~or preservation district or road corridor~~, shall be sent by regular mail to all persons of record, including but not limited to each owner of record of a landmark or property within a preservation district ~~or road corridor~~, the highway authority, and to owners of adjacent and immediately surrounding properties affected by a certificate of appropriateness. Further, as soon as is reasonably possible, the Chairman of the County Board shall cause to be notified the County Development Department, the Recorder of Deeds, the County Clerk, the highway authority and the County Collector by forwarding to each a copy

of the designation ordinance. The Recorder of Deeds shall ensure that the designation be recorded on all directly affected parcels. (Ord. No. 88-99, 6-14-88, eff. 12-1-88)

Sec. 16-83. Publication of map.

A map showing the location of all designated landmarks, ~~and~~ preservation districts and road corridors shall be published and amended upon each designation. Copies of the map shall be available to the public at the office of the County Development Department ~~at the same location and~~ in the same manner as any County zoning map and at the office of the County Division of Transportation. (Ord. No. 88-99, 6-14-88, eff. 12-1-88)

Sec. 16-84. Appeals.

Adoption of an ordinance designating a landmark, ~~or historic~~ preservation district or road corridor by the County Board shall be a final action reviewable under 735 Illinois Compiled Statutes 5/3-101 of the Illinois Administrative Review Law. (Ord. No. 88-99, 6-14-88, eff. 12-1-88)

Sec. 16-85. Interim code.

No building, site development, access, utility or other permit shall be issued by the Building Officer, the County Engineer or other County Department without a Certificate of Appropriateness in accordance with Division 4 herein for alteration, construction, demolition, or removal of a nominated landmark or the alteration of any physical feature of a property or structure within a nominated ~~historic~~ preservation district or road corridor from the date of the meeting of the Preservation Commission, Development Committee or Transportation Committee at which a nomination form is first presented until the final disposition of the nomination by the County Board unless such alteration, removal, or demolition is necessary for public health, welfare, or safety. In no event shall the delay be for more than one hundred ~~twenty five~~ (120) (150) days. The Building Officer, Zoning Officer and the County Engineer shall notify other permitting jurisdictions and utilities of the nomination and encourage the coordination of permit and development review activities that effect the nomination.

Sec. 16-86. Marking by attachment of a plaque.

Each ~~designation~~ designated landmark, landmark site, ~~and historic~~ preservation district and road corridor may be marked by an appropriate plaque carrying a brief description and account of ~~the~~ its historical significance ~~of the property.~~ (Ord. No. 88-99, 6-14-88, eff. 12-1-88)

Sec. 16-87. Amendment and rescission of designation.

The County Board, upon recommendation of the Preservation Commission, may amend or rescind designation by the same procedure and according to the same standards and considerations set forth for designation. No amendment or rescission shall be made to a designation of a landmark, ~~or~~ preservation

district or road corridor based solely on a change in owner's consent or a showing of less than ~~twenty five~~ fifty-one percent (25%) (51%) minimal interest, respectively. (Ord. No. 88-99, 6-14-88, eff. 12-1-88)

Sec. 16-88. Corridor Management Plan.

A Corridor Management Plan (design criteria for road corridors) shall be prepared by cooperative effort and may include the nominator(s) of a road corridor, owners of properties within the nominated road corridor, local government jurisdictions and County staff to provide a comprehensive understanding and vision for the road corridor and a plan to preserve and enhance it.

The Corridor Management Plan shall be used by the Commission in conjunction with the nomination and report in its determination whether the nominated road corridor does or does not meet the criteria for designation as provided in Section 16-76 herein, and, if designated, as the criteria for evaluating Certificates of Appropriateness.

The Corridor Management Plan shall be used by the property owners and local government jurisdictions when making applications for Certificates of Appropriateness, for guiding proposed changes in the road corridor not requiring Certificates of Appropriateness and for responding to future transportation and community needs.

The Corridor Management Plan shall include the following:

- 1) An inventory in the form of maps, photographs, graphics, or written documents of the following:
 - a. Physical features;
 - b. Property ownership, parcel boundaries, zoning boundaries and local government jurisdictional boundaries;
 - b. Existing road classification, conditions and any budgeted and planned improvements; and
 - d. Adopted land use plans, transportation plans, and other related documents.
- 2) A statement of purpose to reflect the inspiration and aspiration of the nomination, articulating why the road corridor should be designated and what designation may accomplish in the long term.
- 3) Enhancement strategies for the following:
 - a. The preservation, maintenance, and alteration of the road, right-of-way, properties, structures and features in the nominated road corridor;

- b. Adjacent properties and features that contribute to the road corridor but are not included in the nomination; and
 - c. Enhancing the long term preservation of the road corridor through partnerships and public policy actions.
- 4) Signature lines on the final Corridor Management Plan document for all owners of property (or their authorized agents) within the nominated road corridor and outside the right-of-way as well as a signature line for the highway authority, or the County Engineer in the case of County Highways. Signatures of all property owners (or their authorized agents) included within a nominated road corridor shall be affixed on the final Corridor Management Plan before consideration of the nomination by the County Board.

Sec. 16-89-16-92. Reserved.

DIVISION 4 ALTERATION, CONSTRUCTION, DEMOLITION AND MAINTENANCE

Sec. 16-93. Scope.

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

- 1) *Landmarks.* No significant alterations, exterior construction or exterior demolition may be performed on property ~~and~~ or structures which have been designated under this Article as landmarks, except as shall be approved by a certificate of appropriateness.
- 2) *Historical Preservation districts.* No significant alterations, exterior construction or exterior demolition may be performed on property ~~and~~ or structures located within an area designated under this Article as ~~an historical~~ a preservation district, except as shall be approved by a certificate of appropriateness. (Ord. No. 88-99, 6-14-88, eff. 12-1-88)
- 3) *Road corridors.* No significant alterations of visible features or structures, exterior construction, construction of new access drives, exterior demolition, or removal of trees, vegetation, structures, or other visible features may be performed in the right of way or on property or structures located within an area designated under this Article as a road corridor, except as shall be approved by a certificate of appropriateness or expressly defined by the corridor management plan for the road corridor as not requiring a certificate of appropriateness.

Sec. 16-94. Certificate of appropriateness.

- a) *Certificate required.* A certificate of appropriateness from the Preservation Commission established pursuant to this Article shall be required before any significant alteration, construction,

demolition or removal that affects pending or designated landmarks, ~~and~~ preservation districts and road corridors is undertaken. Such a certificate is required for all such actions from the date a nomination in proper form for designation is submitted to the Preservation Commission.

b) *Applications for certificate of appropriateness.*

- 1) Every application submitted to the County Development Department, Division of Building and Zoning for a permit wherein the applicant represents and/or delineates plans to commence any action as immediately described above in subsection (a) affecting any such property, improvements or areas therein described shall be forwarded by the Director of Building and Zoning to a representative or representatives of the Preservation Commission, within three (3) days following the receipt of said application by the Building and Zoning Division. The Building and Zoning Division shall not issue the building or demolition permit until a certificate of appropriateness has been issued by the Preservation Commission. Any applicant may request a meeting with the Preservation Commission before the application is sent by the Director of Building and Zoning to the Preservation Commission or during the review of the application.
- 2) Application for review of construction, alteration, demolition or removal not requiring a building permit for which a certificate of appropriateness is required shall be made on a form prepared by the Preservation Commission and available at the office of the County Development Department. The Preservation Commission may schedule, provide notice and conduct a public hearing concerning the application in the manner previously described in Sections 16-78 and 16-79.
- 3) If a public hearing is not scheduled the Commission may consider the completed application at its next regular meeting and may grant a certificate of appropriateness at that time. The Commission may further designate staff support responsible for reviewing routing applications for certificates of appropriateness when the proposed work is clearly appropriate and in accordance with the criteria set forth in subsections (c) and (d) below, and the purposes of this Article.
- 4) The Commission may seek technical advice from outside its members on any application for a certificate of appropriateness. The applicant and each Commissioner shall receive a copy of the consultant's written opinion at least seven (7) days before a determination is made on the application.
- 5) The Commission shall act promptly and in a reasonable manner in its judgement of plans for new construction or for alteration, removal or demolition of structures in preservation districts or road corridors that have little historic value and that are not shown on priority lists, except where such construction, alteration, removal or demolition would seriously impair the historic, ~~or~~ architectural or scenic value of surrounding structures or the surrounding area.

c) *Design guidelines criteria.* The Commission shall consider the following factors in reviewing applications for certificates of appropriateness.

- 1) *Height.* The height of any proposed alteration or construction should be compatible or construction should be compatible with the style and character of the landmark and with surrounding structures in a preservation district or road corridor.
 - 2) *Proportions of windows and doors.* The proportions and relationships between doors and windows should be compatible with the architectural style and character of the landmark and with surrounding structures within a preservation district or road corridor.
 - 3) *Relationship of building masses and spaces.* The relationship of a structure within a preservation district or road corridor to open space between it and adjoining structures should be compatible.
 - 4) *Roof Shape.* The design of the roof should be compatible with the architectural style and character of the landmark and surrounding structures in ~~an historic~~ a preservation district or road corridor.
 - 5) *Landscaping.* Landscaping should be compatible with the architectural character and appearance of the landmark and of surrounding structures and landscapes in ~~historic~~ preservation districts or road corridors.
 - 6) *Scale.* The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures in a preservation district or road corridor.
 - 7) *Directional expression.* Facades in ~~historic~~ preservation districts or road corridors should blend with other structures with regard to directional expression. Structures in ~~an historic~~ a preservation district or road corridor should be compatible with the dominant horizontal or vertical expression of surrounding structures. The directional expression of a landmark after alteration, construction or partial demolition should be compatible with its original architectural style and character.
 - 8) *Architectural details.* Architectural details including materials, and textures should be treated so as to make a landmark compatible with its original architectural style or character.
- d) *Standards for review.* The Commission, in considering the appropriateness of any alteration to, demolition of, new construction on, or removal ~~to~~ of any property or structures designated, or pending designation as a landmark or any area designated, or pending designation as ~~an historic~~ a preservation district or road corridor, shall be guided by the following general standards in addition to the corridor management plan or any design guidelines criteria in the ordinance designating the landmark, ~~or historic~~ preservation district or road corridor, as well as conformance to applicable zoning classification, height and area limitation:
- 1) Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure or site and its environment, or to use a property for its originally intended purpose.

- 2) The distinguished original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural or natural feature should be avoided when possible.
- 3) All buildings, structures and sites shall be recognized as products of their time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged.
- 4) Changes that may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- 5) Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure or site shall be treated with sensitivity.
- 6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- 7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- 8) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
- 9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, ~~or~~ cultural or natural material and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- 10) In the case of a road corridor, every reasonable effort shall be made to protect and preserve the visible features and structures identified in the corridor management plan for a designated road corridor or in the nomination and draft corridor management plan, it applicable, for a nominated road corridor.

e) *Determination by Preservation Commission.*

- 1) Within fifteen (15) days (Saturdays, Sundays, and legal holidays excluded) after support staff review, or from the date of the regular meeting, or from the close of a public hearing concerning an application for a certificate of appropriateness, or within such further time as the applicant for said certificate (and/or permit) approves in writing, the Commission shall

determine whether: a) the proposed construction, alteration, demolition, removal or other modification will be appropriate to the preservation of the particular landmark, ~~or~~ historic preservation district or road corridor and a certificate of appropriateness may be issued; or b) such proposed modification is inappropriate to the preservation of the particular landmark, ~~or~~ historic preservation district or road corridor and a certificate of appropriateness may be denied.

- 2) Written notice of the approval or denial of the application for a certificate of appropriateness shall be provided to the applicant, sent by certified mail with return receipt requested, and to the County Development Department within seven (7) days (Saturdays, Sundays, and legal holidays excluded) following the determination and shall be accompanied by a certificate of appropriateness in the case of an approval.
- f) *Denial of certificate of appropriateness.* A denial of a certificate of appropriateness shall be accompanied by a statement of the reasons for the denial. The Preservation Commission shall make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the Preservation Commission to reconsider its denial and shall confer with the applicant and attempt to resolve as quickly as possible the difference(s) between the applicant and the Commission. The applicant may resubmit an amended application or reapply for a building and zoning permit that takes into consideration the recommendations of the Preservation Commission.
 - g) *Decision binding on Director, ~~Building and Zoning~~ County Development Department, and County Engineer.* The Director of the County Development Department and the County Engineer, shall be bound by the determination of the Commission and approve, if in conformance with other provisions of the Building Code, or disapprove any permit application for the proposed construction, alteration, or removal of an exterior architectural or visual feature, or demolition of any building or structure, in a preservation district or road corridor or any landmark in accordance with said determination.
 - h) *Failure of Commission to review application in a timely manner.* Failure of the commission to act upon an application for a certificate of appropriateness within ninety (90) days shall constitute approval and no other evidence shall be needed. This time limit may be waived only by mutual consent of the applicant and the Commission.
 - i) *Demolitions.*
 - 1) Pursuant to subsections (c) and (d) above, the Preservation Commission may deny any application for a certificate of appropriateness where demolition is proposed upon finding that such proposed action will adversely affect the historic, archaeological or scenic significance of a landmark, ~~or~~ preservation district or road corridor. Upon receipt of an application for a certificate of appropriateness for demolition, the Preservation Commission shall as soon as possible make a determination, supported by written findings, whether one or more of the following criteria are met:

- a) The structure or visual resource is of such interest or quality that it would reasonably meet national, State or local criteria for designation as an historic or architectural landmark.
- b) The structure or visual resource is of such unusual or uncommon design, texture or materials that it could not be reproduced, or be reproduced only with great difficulty and expense.
- c) Retention of the structure or visual resource would aid substantially in preserving and protecting another structure or visual resource which meets the criteria of subsection (i)(1)a, or b herein above.

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

- 2) Additionally, the Preservation Commission shall require the applicant to submit for review, and consideration post-demolition plans, to include ~~drawing~~ drawings or sketches with sufficient detail to show, as far as they relate to exterior appearance, the architectural design of any and all improvements incorporated in such plans.

j) *Compliance with certificate.* A certificate of appropriateness will become void:

- 1) If there is any change in the scope of work pursuant to the approved application subsequent to the issuance of the certificate; or
- 2) If twenty four (24) months have elapsed after issuance of the certificate and no ~~building~~ permit has been issued or if twenty four (24) months have lapsed after issuance of the last ~~building~~ permit and the project has not been completed.

k) *Appeals.* A denial of a certificate of appropriateness is an “administrative decision” as defined in 735 Illinois Compiled Statutes 5/3-101 of the Administrative Review Law, and it shall be subject to judicial review pursuant to provisions of said Administrative Review Law and all amendments and modifications thereof, and the rules adopted thereto. (Ord. No. 88-99, 6-14-88, eff. 12-1-88)

Sec. 16-95. Economic hardship.

- a) *Issuance.* The Preservation Commission shall issue a certificate of economic hardship upon determination that the failure to issue a certificate of appropriateness has denied, or will deny, the owner of a landmark or of a property within a preservation district or road corridor all reasonable use of, or return on, the property. Application for a certificate of economic hardship shall be made on a form and in the manner as prescribed by the Preservation Commission. The Preservation Commission may schedule a public hearing concerning the application and provide notice in the same manner as prescribed in Section 16-79 of this Article.

- b) *Expert testimony.* The Preservation Commission may solicit expert testimony and the applicant for a certificate of economic hardship may submit any or all of the following information in order to assist the Preservation Commission in its determination on the application, including but not limited to:
- 1) An estimate of the cost of the proposed construction, alteration, demolition or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Preservation Commission for changes necessary for the issuance of a certificate of appropriateness;
 - 2) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
 - 3) Estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition or removal; after any changes recommended by the Preservation Commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use;
 - 4) In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;
 - 5) Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer;
 - 6) If the property is income-producing, the annual gross income from the property for the previous two (2) years; itemized operating and maintenance expenses for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt services, if any, during the same period;
 - 7) Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two (2) years;
 - 8) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years;
 - 9) Assessed value of the property according to the two (2) most recent assessments;
 - 10) Real estate taxes for the previous two (2) years;
 - 11) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture or other;

- 12) Any other information, including the income tax bracket of the owner, applicant, or principal investors in the property, considered necessary by the Preservation Commission to make a determination as to whether the property does yield or may yield a reasonable return to the owners.
- c) *Determination of economic hardship.* Within one hundred twenty (120) days from receiving a request for a certificate of economic hardship, the Commission, upon a determination that the denial of a certificate of appropriateness has denied, or will deny the owner of a landmark or of a property within a preservation district or road corridor of all reasonable use of, or return on, the property, shall undertake one or the other of the following:
- 1) Offer the owner of the property reasonable financing, tax or other incentives sufficient to allow a reasonable use of, or return on, the property; or
 - 2) Offer to purchase the property at a reasonable price or institute eminent domain proceedings pursuant to article VII of the Illinois Code of Civil Procedure; or
 - 3) Issue a certificate of appropriateness for the proposed construction, alteration, demolition or removal. Written notice of the determination shall be provided in the same manner as required by subsection 16-94 (e) of this Article.
- d) *Appeals.* A denial of a certificate of economic hardship is an “administrative decision” as defined in 735 Illinois Compiled Statutes 5/3-101 of the Administrative Review Law, and it shall be subject to judicial review pursuant to provisions of said law and all amendments and modifications thereof, and the rules adopted thereto. (Ord. No. 88-99, 6-14-88, eff. 12-1-88)

Sec. 16-96. Maintenance of historic properties.

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

Sec. 16-97. Public safety exclusion.

None of the provisions of this Division shall be construed to prevent any measures of construction, alteration or demolition necessary to correct or abate the unsafe or dangerous condition of any structure, other feature or part thereof, where such condition has been declared unsafe or dangerous by the Director, County Building and Zoning Division, the County Health Department or any fire protection district and where the proposed measures have been declared necessary, by such Department or departments to correct the said condition; provided, however, that only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed pursuant to this Section. In the event any structure or other feature resource shall be damaged by fire or other calamity, or by act of God or by the public enemy, to such an extent that, in the opinion of the aforesaid Department or departments, it cannot reasonably be repaired or restored, it may be removed in conformity with normal permit procedures and applicable laws. (Ord. No. 88-99, 6-14-88, eff. 12-1-88)

Sec. 16-98-16-102. Reserved.

**DIVISION 5
ENFORCEMENT, PENALTIES AND EQUITABLE RELIEF**

Sec. 16-103. Enforcement.

- a) The County Development Department, Division of Building and Zoning, shall give written notification, sent by certified mail, return receipt requested, of any violation of this Article to the owner of record, lessor, the trustee or other legally responsible party for such property, stating in such notification that they have inspected the property and have found it in violation of this Article. They shall state in the notification in clear, precise terms a description or explanation of the violation. ~~The property description or explanation of the violation.~~ The property owner of record, trustee, lessor or legally responsible party shall have thirty (30) days from the date he receives the notice in which to correct such violation or to give satisfactory evidence that he has taken steps that will lead to correcting such violation within a stated period of time, which ~~time~~ must be agreeable to the Division of Building and Zoning as being fair and reasonable.
- b) Upon petition of the Preservation Commission, the Circuit Court for Kane County may restrain and/or enjoin any construction, removal, alteration or demolition in violation of this Article and may order the removal in whole or part of any exterior architectural feature existing in violation of this Article and may further order such reconstruction as may be necessary or desirable to redress any alteration or demolition in said violation. (Ord. No. 88-99, 6-14-88, eff. 12-1-88)

Sec. 16-104. Penalties.

Any person found to be in violation of any provision of this Article shall be guilty of a separate offense for each day or portion thereof during which any such violation is committed, continued or permitted, and each offense may be punishable by a fine of not more than two hundred dollars (\$200.00), or to imprisonment in the County jail for a period or not more than six (6) months, or both, at the discretion of the Court. (Ord. No. 88-99, 6-14-88, eff. 12-1-88)

Sec. 16-105. Equitable relief.

In addition to other remedies provided by law, the County may institute any appropriate action or proceedings to prevent, restrain, abate or correct a violation of this Article, including, but not limited to, requiring the restoration of property and improvements to its appearance prior to the violation. (Ord. No. 88-99, 6-14-88, eff. 12-1-88)