

# **HISTORIC PRESERVATION**

## CHAPTER 159: HISTORIC PRESERVATION

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### STATEMENT OF PURPOSE AND GOALS

#### § 159.001 Purpose.

The purpose of this Chapter is to promote historic and architectural preservation in the Village. The Village seeks to protect, enhance, and perpetuate those historical structures, buildings, objects, and sites valued by the Village and its residents that are significant to the Village's archaeology, history, culture, and architecture.

#### § 159.002 Goals.

This Chapter is created in order to:

- (A) foster civic pride in the beauty and accomplishments of the past as represented in the Village's landmarks and historic districts;
- (B) preserve, promote, and maintain the Village's historic resources;
- (C) protect and enhance the Village's attractiveness to residents, visitors, and prospective homebuyers;
- (D) maintain and improve property values in the Village;
- (E) protect, preserve, and enhance the Village's aesthetic appearance and character;
- (F) encourage the designation of landmark and historic district status upon structures, buildings, objects, and sites on a local, state, and national level; and
- (G) educate the general public as to the significance of historic preservation.

### DEFINITIONS

#### § 159.003 Definitions.

For the purpose of this Chapter, certain words, phrases, and terms, shall be construed as set forth in this article.

**Addition.** Any act or process that changes the exterior architectural appearance of a structure by adding to, joining with, or increasing the size or capacity of the structure.

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**Advisory Review.** The procedure established in Article V of this Chapter to consider plans for the alteration or demolition of either a designated landmark or a structure, building, object, or site within a designated historic district.

**Alteration.** Any act or process other than demolition that changes the exterior architectural appearance of a landmark or any structure, building, object, or site in a designated historic district, including without limitation the erection, construction, reconstruction, addition, repair, rehabilitation, removal, restoration, or relocation of any structure.

**Area.** A specific geographic division of the Village.

**Board of Trustees.** The President and Board of Trustees of the Village of Huntley.

**Building.** A structure having a roof that is supported by columns or walls for the shelter, support, or enclosure of persons, animals, or chattels.

**Certificate of Appropriateness.** A certificate issued by the Commission and signed by the Chairperson or designee approving plans for the alteration or demolition of a certified landmark or a certified structure, building, object, or site within a designated historic district.

**Commission.** The Huntley Historic Preservation Commission.

**Commissioners.** The members of the Commission.

**Construction.** The act of adding an addition to, reconstructing, or otherwise altering an existing structure, or the act of erecting a new principal or accessory structure on a site.

**Declaration.** A notarized instrument executed by the legal and, if applicable, beneficial owner or owners of property, which instrument identifies the property and sets forth such owner's agreement to accept the certification of such property as a landmark or as a structure, building, object, or site within a designated historic district in accordance with Article VI of this Chapter.

**Demolition.** Any act or process that destroys a structure, building, or object in whole or in part to the extent of 50 percent of its volume.

**Design Guidelines.** Standards of appropriate activity that will preserve the historic and architectural appearance and character of a structure, building, object, site, or area.

**Exterior Architectural Appearance.** The architectural character, general composition, and general arrangement of the exterior of a structure, building, object, or site, including without limitation 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.

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**Historic District.** An area designated as an historic district by ordinance duly passed and published by the Board of Trustees and which may contain within definable geographic boundaries one or more landmarks and which may have within its boundaries other structures, buildings, objects, or sites that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within such historic district. Any area designated as a "Historic Preservation District" by the U.S. Secretary of the Interior in the National Register of Historic Sites and Places shall also be an historic district as defined herein.

**Landmark.** A structure, building, object, and/or site designated as a landmark by ordinance duly passed and published by the Board of Trustees which has a special character or historical and/or architectural interest or value as part of the development, heritage, or culture of the Village, the State of Illinois, or the United States, and as such is worthy of preservation, restoration, and/or rehabilitation. Any structure, building, object, or site designated as a "landmark" by the U.S. Secretary of the Interior in the National Register of Historic Places or by the Illinois Director of Conservation in the Illinois Register of Historic Places shall also be a landmark as defined herein.

**Object.** A material or natural thing of functional, architectural, cultural, historical, aesthetic, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

**Rehabilitation.** The process of returning a structure, building, object, or site to a state of utility, through repair, construction, or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

**Relocation.** The process of moving a structure, building, or object on its site or to another site.

**Restoration.** The process of restoring, repairing, or reconstructing a property, through repair, construction, or alteration, to a former or original condition that enhances those portions and features of the property that are significant to its historic, architectural, and cultural values.

**Site.** A single lot or parcel of property.

**Structure.** Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground or attached to something having a permanent location on or in the ground.

**Village.** The Village of Huntley.

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### **§ 159.004 Interpretation.**

Unless specifically defined herein, words or phrases in this Chapter shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Chapter its most reasonable application.

## **HISTORIC PRESERVATION COMMISSION**

### **§ 159.005 Commission Created.**

There is hereby created the Historic Preservation Commission of the Village of Huntley.

### **§ 159.006 Commission Members.**

The Commission shall consist of 7 members who shall be residents of the Village appointed by the Village President and approved by the Board of Trustees. The President shall designate one Commissioner as Chairperson and a second Commissioner as Vice-Chairperson.

### **§ 159.007 Qualifications.**

The Commissioners shall be appointed on the basis of expertise, experience, or interest in historic preservation or architectural history, building construction or engineering, architecture or landscaping, finance, neighborhood organization, or real estate.

### **§ 159.008 Terms of Office.**

The term of office for Commissioners shall be five years . Initially, the Chairperson shall be appointed for a term of five years, the Vice-Chairperson shall be appointed for a term of four years, and the remaining 3 Commissioners shall be appointed for initial terms of three, two, and one year, respectively; thereafter such Commissioners or their successors shall be appointed for a term of five years as herein provided for the appointment and approval of such Commissioners.

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### **§ 159.009 Removal and Vacancy.**

The Board of Trustees shall have the power to remove any Commissioner for cause after a public hearing. Vacancies in the Commission shall be filled for the remainder of the unexpired term in the manner herein provided for the appointment and approval of a Commissioner.

### **§ 159.010 Secretary.**

The Board of Trustees shall furnish a Secretary to the Commission. The Secretary shall have the following duties:

- (A) to record the minutes of each Commission meeting and public hearing,
- (B) to be responsible for the publication and distribution of copies of the minutes, reports, and decisions of the Commission to the Commissioners, the Board of Trustees, the Building Official, and the Village Clerk;
- (C) to cause notice to be sent or published for all public hearings conducted by the Commission;
- (D) to advise the Village President of vacancies on the Commission and the expiring terms of the Commissioners, and
- (E) to prepare and submit to the Board of Trustees a complete record of the proceedings before the Commission pertaining to any matter requiring consideration by the Board of Trustees.

### **§ 159.011 Meetings.**

- (A) Meetings shall be held at regularly scheduled times to be established by resolution of the Commission at the beginning of each calendar year or at any time upon the call of the Chairperson. There shall be a minimum of four meetings per year.
- (B) A quorum shall consist of four (4) Commissioners. A concurring vote of a majority of those members present and constituting a quorum is necessary to render a decision on any matter upon which the Commission is authorized to act; provided, however, that the affirmative vote of at least four Commissioners shall be required to recommend that a structure, building, object, site, or area be designated as a landmark or historic district. Notwithstanding the foregoing, any advisory review conference may be conducted by a designated subcommittee of the Commission consisting of no fewer than four Commissioners.



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- (C) The Chairperson shall preside over all meetings and hearings of the Commission. In the absence of the Chairperson, the Vice-Chairperson shall assume the duties and responsibilities of the chair.
- (D) All meetings shall be conducted in accordance with the Open Meetings Act of the State of Illinois.
- (E) No member of the Commission shall vote on any matter involving any property in which such Commissioner has a legal or beneficial ownership interest or any other matter where such Commissioner's interest would violate section 3-14-4 of the Illinois Municipal Code or any other law.
- (F) The Commission may adopt its own rules of procedures. In the absence of such rules, the Commission shall conduct its business, as nearly as practicable, in accordance with Robert's Rules of Order.
- (G) The Commissioners shall serve without compensation.

### **§ 159.012 Authority and Duties.**

Subject to the laws of the State of Illinois, the Huntley Village Code, and any other ordinances and resolutions of the Village, the Commission shall have and may exercise the authority and duties herein described:

- (A) to conduct a survey of structures, buildings, sites, objects, and areas in the Village in order to identify those with architectural, historical, archaeological, or cultural significance;
- (B) to provide information and assistance relevant to the designation of landmarks and historic districts;
- (C) to assist persons in the preparation of an application involving the designation or certification of landmarks and historic districts and the alteration or demolition of the same;
- (D) to hold public hearings, review applications, conduct advisory review conferences, and make recommendations or decisions regarding the designation of landmarks and historic districts, the alteration or demolition of the same, and the issuance of Certificates of Appropriateness for such actions;
- (E) to keep a register of all structures, buildings, objects, sites and areas that have been designated and/or certified as landmarks or historic districts, including all information required for each designation;

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- (F) to determine an appropriate design of markers for designated and/or certified landmarks and historic districts;
- (G) to develop and maintain technical information relating to preservation, rehabilitation, and restoration, and to provide assistance relating to such matters to architects, contractors, tradespersons, craftspersons, property owners, and others;
- (H) to inform and educate the Village residents concerning the historic and architectural heritage of the Village by publishing appropriate maps, newsletters, brochures, and pamphlets, and by holding programs and seminars;
- (I) to review, upon request of the Board of Trustees, the Zoning Board of Appeals, or the Plan Commission, proposed zoning amendments, applications for special use permits, applications for zoning variations, or applications for appearance review that affect proposed or designated landmarks and historic districts;
- (J) to request technical advice and assistance from Village staff members, and to retain specialists or consultants when expressly authorized by the Board of Trustees;
- (K) to seek "Certified Local Government" status for the Village pursuant to the United States Department of Interior's standards so as to take advantage of financial and other assistance which may become available through that Department and other sources;
- (L) to seek certification of the Village's Historic Preservation Ordinance with the Illinois Historic Preservation Agency and the United States Department of the Interior so as to qualify structures, buildings, objects, or sites certified as landmarks pursuant to this Chapter as, an "historic building" under the Revenue Act, Ill. Rev. Stat. ch. 120, ¶¶ 482 et seq., or as a "certified historic structure" under the Tax Reform Act of 1986, 26 U.S.C. §§ 1 et seq., or under other legislation subsequently passed into law by the State of Illinois or the United States;
- (M) to submit an annual written report to the Board of Trustees; and
- (N) to perform such other functions as directed by the Board of Trustees, including without limitation regulatory, acquisitive, informational, and incentive-oriented functions.

### § 159.013 Surveys and Research.

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

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### § 159.014 Depository.

The office of the Village Clerk shall be the depository for, all applications, maps, reports, records of proceedings, decisions, and other materials created by and in conjunction with the Commission. These historic preservation materials shall be made available to the public.

## LANDMARK AND HISTORIC DISTRICT DESIGNATION

### §159.020 Criteria.

The Commission shall consider the criteria provided herein in order to recommend a structure, building, object, or site for designation as a landmark, or an area for designation as an historic district.

#### (A) General considerations.

1. The structure, building, object, site, or area has significant character, interest, or value as part of the historic, cultural, aesthetic, or architectural characteristics of the Village, the State of Illinois, or the United States.
2. The structure, building, object, site, or area is closely identified with a person or persons who significantly contributed to the culture or development of the Village, the State of Illinois, or the United States.
3. The structure, building, object, site, or area involves the notable efforts of, or is the only known example of work by, a master builder, designer, architect, architectural firm, or artist whose individual accomplishment has influenced the development of the Village, State of Illinois, or the United States.
4. The unique location or singular physical characteristics of the structure, building, object, site, or area make it an established or familiar visual feature.
5. The activities associated with a structure, building, object, site, or area make it a current or former focal point of reference in the Village.
6. The structure, building, or object is of a type or is associated with a use once common but now rare, or is a particularly fine or unique example of a utilitarian structure and possesses a high level of integrity or architectural significance.

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7. The structure, building, object, or site is in an area that has yielded or is likely to yield historically significant information, or even prehistoric data.

### (B) Architectural Significance.

1. The structure, building, object, site, or area represents certain distinguishing characteristics of architecture inherently valuable for the study of a time period, type of property, method of construction, or use of indigenous materials.
2. The structure, building, object, site, or area embodies elements of design, detail, material, or craftsmanship of exceptional quality.
3. The structure, building, object, site, or area exemplifies a particular architectural style in terms of detail, material, and workmanship and has undergone little or no alteration since its original construction.
4. The structure, building, object, site, or area is one of the few remaining examples of a particular architectural style and has undergone little or no alteration since its original construction.
5. The structure, building, object, site, or area is, or is part of, a contiguous grouping that has a sense of cohesiveness expressed through a similarity of style characteristics, time period, type of property, method of construction, or use of indigenous materials and accents the architectural significance of an area.
6. The detail, material, and workmanship of the structure, building, object, or site can be valued in and of themselves as reflective of or similar to those of the majority of the older visual elements in the area.

### (C) Historic Significance.

1. The structure, building, object, site, or area is an exceptional example of an historic or vernacular style, or is one of the few such remaining properties of its kind in the Village.
2. The structure, building, object, site, or area has a strong association with the life or activities of a person or persons who have significantly contributed to or participated in the historic or cultural events of the Village, the State of Illinois, or the United States.
3. The structure, building, object, site, or area is associated with an organization or group, whether formal or informal, from which persons have significantly contributed to or participated in the historic or cultural events of the United States, the State of Illinois, or the Village.

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4. The structure, building, object, site, or area is associated with a notable historic event.
5. The structure, building, object, site, or area is associated with an antiquated use due to technological or social advances.
6. The structure, building, object, site, or area is a monument to or a cemetery of an historic person or persons.

### § 159.021 Designation Procedures.

(A) Nominations.

Nominations for designation of a landmark or historic district may be submitted by a Commissioner, the owner of the nominated site, or 50 percent or more of the owners of property within an area to be nominated. Provided however, where a nomination for designation of a landmark is submitted by a Commissioner, prior to sending notice and conducting the public hearing as contemplated hereunder, the Commission shall notify the record owner(s) of said nominated property, in writing, of said nomination. Said written notice shall provide the record owner(s) no less than seven (7) days to object to the nomination for designation of landmark status. If said record owner(s) submits a written objection within said seven day period, no further action shall be taken regarding the nomination. The seven day notice required for the record owner(s) shall be served by either certified mail/return receipt requested, or personal service. The seven day response period shall begin on the first day after service of the notice. Any objection by the record owner(s) must either be delivered by mail with a postmark of on or before the seventh day or delivered personally to one of the Commissioners on or before 5:00 pm on the seventh day. This section of the Ordinance shall be provided to the record owner(s) with the notice required in this section.

(B) Preliminary Review.

Prior to submitting a complete application for designation, an applicant may request the Commission to conduct a preliminary review of whether a structure, building, object, site, or area could qualify as a landmark or historic district. An applicant can seek preliminary review by submitting a request therefore to the Village Clerk that includes at least the information required in either section 159.21(c)(1)(i-iv) or section 159.21(c)(2)(i-iv), as applicable, and any other information that the applicant wishes to provide. The Commission may then review the information and advise the applicant of its preliminary recommendation on designation based on the information provided. These preliminary review procedures shall be informal and shall not bind either the applicant or the Commission in any way.

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(C) Application.

The application for nomination shall include as least the following information and specifications:

1. For a landmark:

- (i) Applicant's name and address;
- (ii) Owner's name and address;
- (iii) Street address, legal description, or real estate index number(s) of the site;
- (iv) A written statement describing the structure, building, object, or site and setting forth reasons in support of the proposed designation;
- (v) Written documentation that the owner or occupant has been notified of or consents to the proposed designation;
- (vi) Brief description of the structures, buildings, and objects on the nominated site and the structures, buildings, and objects on sites adjacent to and across from such site; and
- (vii) Whatever additional materials the Commission requests.

2. For a historic district:

- (i) Applicant's name and address;
- (ii) Owners' names and addresses;
- (iii) A vicinity map delineating the boundaries of the area to be designated;
- (iv) A written statement describing the area and the structures, buildings, objects, and sites located therein and setting forth reasons in support of the proposed designation;
- (v) Written documentation that the owners or occupants have been notified of or consent to the proposed designation;
- (vi) Brief description of the structures, buildings, objects, and sites in the nominated area and the structures, buildings, objects, and sites, adjacent to and across from such area; and
- (vii) Whatever additional materials the Commission requests.

Complete application forms shall be filed with the Village Clerk, who shall forward each application to the Commission and its Secretary for action.

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(D) Notice.

Within 15 days after the filing of a nomination on a completed application form, the Secretary of the Commission shall schedule a public hearing on the question of the proposed designation by setting forth a date, time, and place for such hearing. Such hearing shall be scheduled for the next available regular meeting of the Commission. The Secretary of the Commission shall cause written notice to be sent to the applicant, the owner or owners of record and, if known, to other persons having a legal or equitable interest in the site or sites nominated for designation and shall also cause notice to be published in a newspaper of general circulation in the Village. Such notice shall be given not less than 15 days prior to the scheduled hearing and shall set forth the nature of such hearing, the site or area involved, and the date, time, and place of such hearing. If, upon diligent search, the identity or whereabouts of the owner or owners of record or legal or equitable interest holders is not ascertainable, notice mailed to the person or persons in whose name such site was last assessed is sufficient notice under this Chapter.

(E) Public Hearing.

At the public hearing, the Commission shall afford all persons present an opportunity to be heard and to express their views pertaining to the proposed designation. The Secretary of the Commission shall record these proceedings. The Commission may adjourn or continue such public hearing without further public notice.

(F) Recommendations.

The Commission shall review all information presented to it at the public hearing and shall adopt a recommendation that the nominated landmark or district does or does not meet the criteria for designation as herein prescribed. The recommendation shall be accompanied by a report that shall contain the following information:

1. The Commission's rationale for recommending either approval or rejection of the nomination;
2. In the case of a landmark meeting the criteria for designation, the significant feature or features in the exterior architectural appearance of the landmark that should be protected and preserved;
3. In the case of a historic district meeting the criteria for designation, the significant features in the exterior architectural appearance of any structures, buildings, objects, or sites within the historic district that should be protected and preserved; and
4. Any other pertinent comments related to the nomination of the landmark or historic district.

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The Commission shall submit its recommendations on each nomination to the Board of Trustees, which shall promptly act upon such recommendation. All recommendations by the Commission shall be filed with the Village Clerk and made available to persons requesting the same in writing.

(G) Designation.

An ordinance passed by the affirmative vote of at least four members of the Board of Trustees shall be required to designate an official landmark or historic district. Upon passing an ordinance approving the nomination for a landmark or historic district designation, the Board of Trustees shall direct that notice be sent to the Building Official, the owners of record, and, if known, to other persons having a legal or equitable interest in the designated site or sites, advising them of such designation and informing them that any structure, building, object, site, or area designated as a landmark or located within the boundaries of a designated historic district shall thereafter be subject to the requirements of Article V hereof. The Board of Trustees shall also direct that the ordinance approving a landmark or historic district designation be recorded in either the office of the **Kane or McHenry** County Recorder of Deeds.

(H) Denial of Designation.

An applicant whose nomination for a landmark or historic district designation is denied by the Board of Trustees may request reconsideration by filing a written request within 10 days after a decision denying designation is rendered; provided, however, that the Board of Trustees shall reconsider a nomination only if substantial new evidence or information regarding the nominated landmark or historic district is provided. Once a nomination has been denied by the Board of Trustees, no further nominations involving any site whose designation was denied may be filed for 90 days.

(I) Stay of Proceedings.

No building, demolition, sign, or other permit shall be issued for a proposed landmark or a structure, building, object, site, or area in a proposed historic district from the date when the nomination form is filed with the Village Clerk until the final disposition of the nomination unless the advisory review is completed.

### **§159.022 Withdrawal of Landmark or Historic District Designation.**

(A) Conditions for Withdrawal.

The designation of a structure, building, object, site, or area as a landmark or historic district (or a part thereof) may be withdrawn under any of the following conditions:

1. The structure, building, object, site, or area has ceased to meet the criteria for designation because the qualities which caused it to be



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originally designated have been lost or destroyed, or such qualities were lost subsequent to nomination, but before designation;

2. Additional information shows conclusively that the structure, building, object, site, or area does not possess sufficient significance to meet the designation criteria;
3. The original designation was clearly in error; or
4. There was prejudicial procedural error in the designation process.

(B) Requests for Withdrawal.

Any Commissioner, the owner of any designated structure, building, object, or site, or 50 percent or more of the property owners in a designated area may initiate a procedure to withdraw the designation from such structure, building, object, site, or area.

(C) Application and Hearing.

A procedure to withdraw a landmark or historic district designation shall be initiated by filing an application in accordance with paragraph 159. 21(c) hereof. Upon the filing of a completed application, notice shall be given and a public hearing shall be held in accordance with paragraphs 159.21(d) and (e) hereof.

(D) Recommendation; Determination.

Promptly after the close of the public hearing, the Commission shall either:

1. determine that withdrawal of a designation is not warranted, which determination shall be final; or
2. recommend to the Board of Trustees that a designation should be withdrawn. Such determination or recommendation shall be in writing and shall set forth the reasons therefore. Any determination or recommendation shall be submitted to the Board of Trustees, sent to the applicant, and filed with the Village Clerk.

(E) Board Action.

The Board of Trustees shall promptly act upon a recommendation for withdrawal of a designation. An ordinance passed by the affirmative vote of at least four members of the Board of Trustees shall be required to withdraw an official landmark or historic district designation. Upon passing an ordinance approving the withdrawal of such a designation, the Board of Trustees shall direct that notice be sent to the Building Official, the owners of record, and, if known, to other persons having a legal or equitable interest in the site or sites, advising them that such designation has been withdrawn. The Board of Trustees shall also direct that the ordinance withdrawing a landmark or historic district designation be recorded in either the office of Kane or McHenry County Recorder of Deeds.

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### ADVISORY REVIEW

#### § 159.030 Advisory Review.

- (A) Unless expressly exempted herein, no permits for the alteration, demolition, signage, or any other physical modifications of a designated landmark or a structure, building, object, site, or area located within a designated historic district may be issued by the Village without the Commission conducting an advisory review in accordance with the procedures and criteria specified in this article.
- (B) An advisory review shall not be required in connection with:
  - 1. a certified landmark, structure, building, object, or site for which a Certificate of Appropriateness is required pursuant to Article VII;
  - 2. permit applications not involving any alteration to or demolition of the exterior architectural appearance of a structure, building, object, or site; or
  - 3. permits necessary for compliance with a lawful order of the Village, including without limitation, any permit necessary to correct what is determined by the issuing officer to be an immediate health or safety problem; provided such order expressly exempts the alteration or demolition from the advisory review procedure; and provided further that such order may be made subject to appropriate conditions to advance the purpose and goals of this Chapter.

#### § 159.031 Procedure.

- (A) Initiation.

Within five days after the filing of an application for a building, demolition, sign, or other permit, the Building Official shall advise the applicant of the advisory review and shall forward a copy of such application together with plans pertaining thereto to the Commission.
- (B) Advisory Review Conference.

Upon receipt of an application from the Building Official, the Commission shall consider the extent to which the proposed alteration or demolition may be consistent or inconsistent with the purpose and goals of this Chapter and the criteria described in section 159.32. If the Commission determines that the proposed alteration or demolition adversely affects the purpose and goals of this Chapter, the Commission shall request a conference with the permit applicant. The Commission shall transmit its concerns and recommendations to the permit applicant at the time such request is made, and the Commission and the permit applicant shall use such conference to reach a mutually satisfactory resolution of the Commission's

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concerns. If the Commission determines, either with or without a conference, that the proposed alteration or demolition will not adversely affect the purpose and goals of this Chapter, the Commission shall inform the Building Official of such a determination, and the application shall be evaluated strictly on its merits under Village building codes and regulations.

(C) Time for Review.

Except as provided in subsection (d) hereof, not sooner than 120 days after filing an application for a demolition permit, and not sooner than 35 days after filing an application for a building, sign or other permit, for a landmark or a building, structure, object, site, or area in a historic district, a permit applicant may notify the Commission and Building Official in writing that it no longer intends to participate in the advisory review process. Upon receipt of such notice, and notwithstanding any determination of the Commission, the Building Official shall evaluate the application strictly on its merits under Village building codes and regulations. (Ord. No. 94-10-1946)

(D) Extension of Time for Advisory Review.

1. Any delay in conducting an advisory review conference resulting from an applicant's inability or failure to attend any conference shall extend the time before which such applicant can conclude its participation in the advisory review process.
2. In addition to any other extension, upon request of the Commission and written notice to the permit applicant, the Board of Trustees may consider and grant an extension of the time for review of an application for a demolition permit not exceeding an additional 30 days if the Board determines that the Commission's efforts to preserve a landmark or a structure, building, object, site, or area located within an historic district will promote the public welfare without causing undue hardship on the permit applicant.

(E) Other Laws and Regulations.

The advisory review shall not negate, modify, or supersede other laws or regulations regarding structural and fire safety.

### § 159.032 Criteria.

In conducting an advisory review, the Commission shall consider the criteria described herein as applicable.

(A) General Standards.

1. Reasonable efforts should be made to use a property for its originally intended purpose or to provide a compatible use that requires minimal alteration of a structure, building, object, or site and its environment.

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2. The distinguishing original qualities or character of a structure, building, object, or site and its environment should not be destroyed. No alteration or demolition of any historic material or distinctive architectural feature should be permitted except when necessary to assure an economically viable use of a site.
3. All structures, buildings, objects, sites, and areas should be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance than the true age of the property are discouraged.
4. Changes that may have taken place in the course of time are evidence of the history and development of a structure, building, object, or site and its environment. These changes may have acquired significance in their own right, and this significance should be recognized and respected when dealing with a specific architectural period.
5. Distinctive stylistic features or examples of skilled craftsmanship that characterize a structure, building, object, site, or area should ordinarily be maintained and preserved.
6. Deteriorated architectural features should be repaired rather than replaced, whenever 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 duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
7. The surface cleaning of structures, buildings, and objects should be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the structures, buildings, or objects should be avoided.
8. New structures, buildings, or objects or alterations to sites should not be discouraged when such structures or alterations do not destroy significant historical, architectural, or cultural features and are compatible with the size, scale, color, material, and character of the site, neighborhood, or environment.
9. Wherever possible, new structures, buildings, or objects or alterations to the existing conditions of sites should be done in such a manner that, if such new structures or alterations were to be removed in the future, the essential form and integrity of the original structure, building, object, site, or area would be unimpaired.

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10. Alterations that do not affect any essential architectural or historic features of a structure, building, or object as viewed from the public way ordinarily should be permitted.
11. Any permitted alteration or demolition should promote the purposes of this Ordinance and general welfare of the Village and its residents.
12. Demolition should not be permitted if a structure, building, object, or site is economically viable in its present condition or could be economically viable after completion of appropriate alterations, even if demolition would permit a more profitable use of such site.
13. General Public Improvements Standards. The Commission shall determine the appropriate public improvements, landscaping and signage design guidelines for the district.

### (B) Design Guidelines.

1. Height. The height of a landmark after alteration should be compatible with the height of the original landmark. The height of a structure, building, or object after alteration within an historic district should be compatible with the height of surrounding structures, buildings, and objects within such historic district.
2. Relationship Between Mass and Open Space. The relationship between a landmark and adjacent open space after its alteration should be compatible with such relationship prior to such alteration. The relationship between a structure, building, or object and adjacent open spaces after alteration within an historic district should be compatible with the relationship between surrounding structures, buildings, and objects and adjacent open spaces within such historic district.
3. Relationship Among Height, Width and Scale. The relationship among the height, width, and scale of a landmark after alteration should be compatible with such relationship prior to such alteration. The relationship among height, width, and scale of a structure, building, or object after an alteration within a historic district should be compatible with the relationship among height, width, and scale of surrounding structures, buildings, and objects within such historic district.
4. Directional Expression. The directional expressions of a landmark after alteration, whether its vertical or horizontal positioning, should be compatible with the directional expression of the original landmark. The directional expression of a structure, building, or object after alteration within an historic district should be compatible with the directional expression of surrounding structures, buildings, and objects within such historic district.

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5. Roof Shape. The roof shape of a landmark after alteration should be compatible with the roof shape of the original landmark. The roof shape of a structure, building, or object after alteration within an historic district should be compatible with the roof shape of surrounding structures, buildings, and objects within such historic district.
  6. Architectural Details, General Designs, Materials, Textures, and Colors. The architectural details, general design, materials, textures, and colors of a landmark after alteration should be compatible with the architectural details, general design, materials, textures, and colors of the original landmark. The architectural details, general design, materials, textures, and colors of a structure, building, or object after alteration within a historic district should be compatible with the architectural details, general design, materials, textures, and colors of surrounding structures, buildings, and objects within such historic district.
  7. Landscape and Appurtenances. The landscape and appurtenances, including without limitation signs, fences, accessory structures, and pavings, of a landmark after alteration should be compatible with the landscape and appurtenances of the original landmark. The landscape and appurtenances of a structure, building, or object after alteration within an historic district should be compatible with the landscape and appurtenances of surrounding structures, buildings, and objects within such historic district.
  8. Construction. New construction in an historic district should be compatible with the architectural styles and designs within such historic districts.
- (C) Additional Guidelines. In addition to the foregoing guidelines, the Commission may consider the Secretary of the Interior's Standards for Rehabilitation Guidelines for Rehabilitating Historic Buildings (Revised 1983), and any amendments thereto, in conducting an advisory review.

## CERTIFICATION

### § 159.040 Eligibility.

Every designated landmark, and every structure, building, object, or site within a designated historic district, shall be eligible for certification.

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### § 159.041 Certification Procedures.

The legal and, if applicable, beneficial owner or owners of a designated landmark or a structure, building, object, or site within a designated historic district may submit to the Board of Trustees a Declaration setting forth, at a minimum, an intent to further promote and preserve the historic and architectural appearance and character of property affected by designation and an agreement to be subject to and bound by the provisions of Article VII hereof regarding Certificates of Appropriateness, including any amendments thereto. Any Declaration in a form and of substance acceptable to the Board of Trustees shall be recorded in either the office of the Kane or McHenry County Recorder of Deeds. Upon recordation of the Declaration and delivery of a copy of such recorded Declaration to the Commission, such landmark, structure, building, object, or site shall become certified.

### § 159.042 Withdrawal of Certification.

After a landmark or a building, structure, object, or site within a designated historic district has become certified, such certifications shall not be withdrawn except by an express determination set forth in an ordinance or resolution of the Board of Trustees. In addition, upon the withdrawal of landmark or historic district designation pursuant to section 159.022, certification of such landmark or of any structure, building, object, or site in such historic district shall also be withdrawn.

## CERTIFICATE OF APPROPRIATENESS

### § 159.050 Certificate of Appropriateness.

- (A) Unless expressly exempted herein, no alteration shall be allowed to, and no permits shall be issued for the alteration, demolition, signage, or any other physical modifications of, the exterior architectural appearance of a certified landmark or a certified structure, building, object, site, or area located within an historic district without the prior issuance of a Certificate of Appropriateness in accordance with the procedures and criteria specified in this article.
- (B) A Certificate of Appropriateness shall not be required in connection with permits necessary for compliance with a lawful order of a Village, including without limitation any permit necessary to correct what is determined by the issuing officer to be an immediate health or safety problem; provided such order expressly exempts the alteration, demolition, signage, or other physical modifications from Certificate of Appropriateness procedures; and provided further that such order may be subject to appropriate conditions to advance the purpose and goals of this Chapter.

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### § 159.051 Procedure.

(A) Application.

Any person proposing an alteration to, or seeking a building, demolition, sign, or other permit for, any certified landmark or any certified structure, building, object, or site shall submit an application for and obtain a Certificate of Appropriateness as a precondition to commencing such alteration or to obtaining such building, demolition, sign, or other permit. The application for the Certificate of Appropriateness shall include at least the following information and specifications:

1. Applicant's name;
2. Owner's name, if different from applicant;
3. Street address and legal description of the site;
4. An overall site plan of the site, including front, side, and rear elevation drawings in the case of alteration or partial demolition;
5. Brief description of the structures, buildings, and objects on the site and the structures, buildings, and objects on site adjacent to and across from such original site;
6. Detailed description of the proposed alteration or demolition, together with any architectural drawings, sketches, and photographs indicating how and to what extent such alteration or demolition shall affect a landmark or historic district;
7. Names and addresses of the owners of property adjacent to and across from the site;
8. A list and photographs of significant architectural features in relation to the structures, buildings, or objects on the site previously designated by the Commission as being worthy of protection and preservation;
9. Identification of any architect or developer involved in the alteration or demolition; and
10. Whatever additional materials the Commission requests. Complete application forms shall be filed with the Village Clerk, who shall forward such application to the Commission and its secretary for action.

(B) Notice.

Within 15 days after the filing of a complete application for a Certificate of Appropriateness, the Commission shall schedule a public hearing to consider the application. Such hearing shall be scheduled not sooner than 20 nor more than 45 days after the complete application is filed. The Secretary of the Commission shall



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cause written notice by certified or registered mail to be sent to the applicant, the legal and, if applicable, beneficial owner or owners of the site, and the owner or owners of property adjacent to or across from the site, and shall also cause notice to be published in a newspaper of general circulation in the Village of Huntley. Such notice shall be given not less than 15 days prior to the scheduled hearing and shall set forth the nature of such hearing, the site involved, and the date, time, and place of such hearing.

(C) Public Hearing.

At the public hearing, the Commission shall afford all persons present an opportunity to be heard, to express their views, and to present evidence pertaining to the proposed alteration or demolition. The Secretary of the Commission shall record these proceedings. The Commission may adjourn or continue such hearing without further public notice. Within 30 days after the close of such hearing, the Commission shall review all information presented to it and shall either approve the Certificate of Appropriateness, approve the Certificate of Appropriateness with conditions, deny the Certificate of Appropriateness, or, in cases involving demolition, postpone the decision to approve or deny the Certificate of Appropriateness.

(D) Approval.

If the application is approved without conditions, the Commission shall issue the Certificate of Appropriateness permitting the Building Official to proceed with other required reviews and approvals.

(E) Approval With Conditions.

If the application is approved with conditions, the Commission shall notify the applicant in writing and shall specify the conditions to be imposed and the reasons therefore in light of the criteria applicable to this article. If the applicant notifies the Commission in writing that the conditions are acceptable, or if the applicant does not appeal the approval with conditions within the prescribed period of time, the Commission shall issue the Certificate of Appropriateness, subject to the conditions.

(F) Denial.

If the application is denied, the Commission shall notify the applicant in writing and shall specify the particulars in which the application is inconsistent with the criteria applicable to this article.

(G) Postponement.

In cases involving demolition where the Commission decides to postpone action on an application for a Certificate of Appropriateness, the Commission shall notify the applicant in writing. The period for postponement set forth by the Commission shall not extend more than 12 months beyond the close of the public hearing. During the period set forth for postponement of the requested action, the Commission shall explore alternatives to demolition. Such alternatives may include consultation with private civic groups, interested private citizens, and other public boards or agencies in an effort to find a means of preserving the certified landmark

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or the certified structure, building, object, or site located within the designated historic district. If no alternative has been accepted by the applicant upon expiration of the period for postponement, the Commission shall, within 15 days after such expiration date, either approve, approve with conditions, or deny the Certificate of Appropriateness.

(H) Validity.

A Certificate of Appropriateness shall be invalid if the plans approved by the Commission are changed, if any conditions of the Certificate are not satisfied, or if any building permit issued for the approved work becomes invalid. A Certificate of Appropriateness shall remain valid for a period of one year.

### § 159.052 Appeal.

In the event the Commission denies the application, approves the application with conditions, or, in cases involving demolition, decides to postpone action on an application, the applicant shall have the right to appeal such decisions directly to the Board of Trustees.

(A) Time for Filing Appeal.

An applicant may appeal the Commission's decision by filing an appeal in writing with the Village Clerk within 15 days after the applicant is served with notice by certified or registered mail of the Commission's decision. For purposes of this section, the date of service shall be the date that notice by certified or registered mail is posted.

(B) Hearing Date.

Within fifteen (15) days after applicant files an appeal, the Village Clerk shall notify the Village President, who shall set a date for hearing the appeal. Such hearing date shall be scheduled no later than 45 days after the filing of the appeal. After a hearing date has been scheduled, the Village Clerk shall notify the applicant in writing, by certified or registered mail, at least seven days prior to the hearing. The notice shall state the date, time, and place of the hearing.

(C) Record on Appeal.

Upon the filing of an appeal, the Village Clerk shall obtain from the Secretary of the Commission, a written summary of the proceedings from the Commission's public hearing. The Village Clerk shall also notify the Building Official and Chairperson of the Commission of the appeal, who shall forward to the Village Clerk any other relevant records and materials regarding the application for a Certificate of Appropriateness. The foregoing shall constitute the record on appeal and shall be delivered to the Board of Trustees before the hearing date on the appeal.

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- (D) Hearing.  
At the hearing on appeal, the Board of Trustees shall permit the applicant to speak in support of the application and to present any additional evidence relating thereto. The Board of Trustees may also consider testimony from Village employees or officials, members of the Commission, or other interested persons. At the conclusion of the hearing, the Board of Trustees shall consider the record on appeal, the testimony presented on appeal, and any other evidence and shall determine whether the Commission's decision is consistent with the criteria applicable to this article. The Board of Trustees shall then vote whether to affirm or reverse the decision of the Commission in whole or in part, or to remand the application to the Commission for further review. The Village Clerk shall notify the applicant in writing of the decision of the Board of Trustees on appeal. Except for decisions to postpone in cases involving demolition, or to remand to the Commission for further consideration, such notice shall state that the decision of the Board of Trustees is final.
- (E) Approval.  
If the application is approved without conditions on appeal, the Board of Trustees shall instruct the Building Official to issue the Certificate of Appropriateness.
- (F) Approval With Conditions.  
If the application is approved with conditions on appeal, the Board of Trustees shall specify the conditions to be imposed and the reasons therefore in light of the criteria applicable to this article. If the applicant notifies the Board of Trustees in writing that the conditions are acceptable, or if the applicant does not further appeal the approval with conditions, the Board of Trustees shall instruct the Building Official to issue the Certificate of Appropriateness, subject to the conditions.
- (G) Denial.  
If the application is denied, the Board of Trustees shall notify the applicant in writing and shall specify the particulars in which the application is inconsistent with the criteria set forth in this article.
- (H) Postponement.  
In cases involving demolition where the Board of Trustees affirms the postponement of action on an application for a Certificate of Appropriateness, the Board of Trustees shall notify the applicant in writing. The period for postponement as affirmed or modified by the Board of Trustees shall not extend more than 12 months beyond the close of the Commission's public hearing.
- (I) Remand.  
If the Board of Trustees votes to remand an application to the Commission for further proceedings, the Chairperson of the Commission shall be notified and shall set a date for a new hearing. Such date shall be no later than 45 days after the Board's decision to remand, unless the applicant waives or extends the 45-day period in writing. If the hearing is not commenced within such period, the

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Commission shall instruct the Building Official to issue the Certificate of Appropriateness. In all other instances, the hearing on remand shall be conducted in the same manner as the original hearing before the Commission.

(J) Administrative Review.

Any final decision on a Certificate of Appropriateness by the Board of Trustees may be further appealed in accordance with the Administrative Review procedures of the Illinois Code of Civil Procedure, as may be amended from time to time.

(K) Validity.

A Certificate of Appropriateness shall be invalid if any plans approved by the Board of Trustees are changed, if any conditions of such Certificate are not satisfied, or if any building permit issued for the approved work becomes invalid. A Certificate of Appropriateness shall remain valid for a period of one year.

### § 159.053 Criteria.

In determining whether to issue a Certificate of Appropriateness, the Commission and, if applicable, the Board of Trustees shall consider the criteria described in section 159.032, as applicable. Notwithstanding such criteria, if an applicant seeks a Certificate of Appropriateness on the grounds of economic hardship, the applicant shall present sufficient evidence to the Commission and, if applicable, to the Board of Trustees to establish that no economically viable use of a site can be made unless the requested change is permitted. In order to evaluate fully a claim of economic hardship, the Commission and, if applicable, the Board of Trustees may require an applicant to provide any relevant data or studies or may itself undertake or cause to undertake studies relating to the economic viability of the site. Economic hardship shall be but one criterion to be considered by the Commission and, if applicable, by the Board of Trustees.

## GENERAL PROVISIONS

### § 159.060 Violations.

Any person who violates any provision of this Chapter shall be subject to the penalty provisions of § 156.999 PENALTY of the Huntley Village Code. In addition, the Village may seek to enforce the provisions of this Chapter by suit or action seeking injunctive or other judicial relief.

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### **§ 159.061 Interpretation.**

This Chapter is not intended to repeal, abrogate, annul, or in any way impair or interfere with any existing provision of law or ordinance or any rules, regulations, or permits; provided, however, that where there is a conflict between any provision of this Chapter and provisions of any other law or ordinance, the provision that imposes a greater restriction upon the use of buildings or premises shall control.

(Ord. (O)2004-07.51, passed 7-22-04; Am. Ord. (O)2004-12.79, passed 12-9-04)