

VILLAGE OF RINGWOOD
ORDINANCE NO. 00-5-01

AN ORDINANCE ADOPTING THE McHENRY COUNTY
HISTORIC PRESERVATION ORDINANCE AND COMMISSION

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF RINGWOOD THIS 15TH DAY OF MAY, 2000

Published in pamphlet form by
authority of the President and
Board of Trustees of the Village
of Ringwood, McHenry County, Illinois
this 15th day of May, 2000.

ORDINANCE NO. 00-5-01
AN ORDINANCE ADOPTING THE McHENRY COUNTY
HISTORIC PRESERVATION ORDINANCE AND COMMISSION

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE
VILLAGE OF RINGWOOD, ILLINOIS, as follows:

SECTION 1. The McHenry County Historic Preservation Ordinance is hereby adopted in order to preserve the historic, architectural, scenic and aesthetic character of a landmark or preservation district or structure in the Village of Ringwood, Illinois and the McHenry County Historic Preservation Commission is hereby authorized to exercise the powers and authority as granted by State statute and further identified in the McHenry County Historic Preservation Ordinance to designate landmarks or preservation districts and to serve as the Historic Preservation Commission within the corporate limits of the Village of Ringwood.

SECTION 2. Any person, firm or corporation violating any provision of this ordinance shall be fined not less than Twenty Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for each offense committed on each day during, or on which, a violation occurs or continues.

SECTION 3. All ordinances, or parts thereof, in conflict with the terms and provisions hereof, be and the same are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall be published in pamphlet form by and under the authority of the Corporate Authorities of the Village.

SECTION 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form, as provided by law.

PASSED THIS 15TH DAY OF MAY, 2000.

AYES: BAUER, KEPES, PRESTON, ROSEMAN

NAYS: NONE

ABSTAIN: NONE

ABSENT: BRUCE, EVERETT

NOT VOTING: NONE

APPROVED THIS 15TH DAY OF MAY, 2000.

Richard E. Mack
VILLAGE PRESIDENT

ATTEST:

Susan Kannebeck
VILLAGE CLERK

ARTICLE I

PURPOSES, INTENT, DEFINITIONS AND GENERAL PROVISIONS

1. PURPOSES AND INTENT

The purposes and intent of this Ordinance are as follows:

- A. to identify, designate, protect, preserve and encourage the restoration, rehabilitation, and adaptation for continued use of those properties and structures which represent or reflect the prehistoric, historic, cultural, artistic, social, economic, ethnic, or political heritage of the Nation, State of Illinois, or County of McHenry, or which may be representative of an architectural or engineering type inherently valuable for the study of style, period, craftsmanship, method of construction or use of indigenous materials;
- B. to safeguard the county's historic, aesthetic and cultural heritage, as embodied and reflected in such structures, landscape features, and areas as seen in such examples as houses, factories, mills, creameries, barns, silos, total farm sites, bridges and iron fences;
- C. to stabilize and improve the economic vitality and value of designated landmarks and preservation districts in particular and of the County of McHenry in general;
- D. to educate the general public, government officials, and commercial and industrial interests of historic preservation which need to be fostered continually through the preservation ordinance;
- E. to work with county and municipal zoning, Department of Planning and Development in the development and application of a historic preservation program;
- F. to encourage municipalities to adopt the county ordinance or to write and pass an ordinance of their own;
- G. to foster civic pride in the technological accomplishments, beauty and nobility of the past;
- H. to protect and enhance the county's attraction to tourists and visitors, and to support and provide stimulus to business and industry;
- I. to strengthen the economy of the County of McHenry; and,
- J. to promote the use of historic districts, landmarks, and landscapes for the education, pleasure and welfare of the citizens of McHenry County.

2. DEFINITIONS

For the purposes of this ordinance, certain words, phrases and terms shall be defined by the following meanings:

- A. Alteration: Any act or process that changes one or more historic, architectural or physical features of an area, site, landscape, place or structure, including, but not

extent that it creates a hazardous or unsafe condition as determined by the McHenry County Department of Planning and Development or the McHenry County Department of Health.

- N. Design Criteria: Standards of appropriate activity that will preserve the historic, architectural, scenic or aesthetic character of a landmark or preservation district.
- O. Development Rights: The development rights of a landmark or of a property within a preservation district as defined in Section 11-48-2-1A of the Illinois Municipal Code. Ill. Rev. Stat. 1989, Ch. 24, Par 11-48.2-1A as amended from time to time.
- P. Development Rights Bank: A reserve for the deposit of development rights as defined in Section 11-48-2-1A of the Illinois Municipal Code. Ill. Rev. Stat. 1989, Ch. 24, Par. 11-48.2-1A as amended from time to time.
- Q. Economic Incentives: Any form of Federal, State of Illinois or local assistance (whether in the form of financing property, tax relief, income tax advantages, grants or other forms of assistance) available to owners of designated landmarks or property within a designated preservation district.
- R. 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.
- S. Historic District: Preservation district.
- T. Historic Significance: Character, interest, or value as part of the development, heritage, or culture of the community, McHenry County, Illinois State, or the Nation; as the location of an important local, county, state or national event; or through identification with a person or persons who made important contributions to the development of the community, McHenry County, Illinois State, or the Nation.
- U. Landmark: A property or structure designated as a "landmark" by ordinance of the McHenry County Board, pursuant to procedures prescribed herein, which is worthy of rehabilitation, restoration, or preservation because of its historic, scenic or architectural significance.
- V. Landscape: A natural feature or group of natural features such as, but not limited to, valleys, rivers, lakes, swamps, marshes, forests, woods, hills, combination of natural features and buildings, structures, object, cultivated fields, or orchards in a predominantly rural setting.

estates, garden, groves, river crossings, routes, trails, caves, quarries, mines, or significant trees or other plant life.

- HH. Specific Standards for Review of Exterior Alteration: A set of guidelines and regulations interpreting and applying the standards in this ordinance to the exterior architectural appearance and significant historical or architectural features or designated landmark or preservation district.
- II. 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) houses, 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.
- JJ. Substantial Alteration: Any act or process which removes, obscures or irrevocably changes a significant historical or architectural feature and/or structure.
- KK. Survey: The systematic gathering of information on the architectural, historic, scenic, and archaeological significance of buildings, sites, structures, areas, or landscapes through visual assessment in the field and historical research, for the purpose of identifying landmarks or districts worthy of preservation.

3. GENERAL PROVISIONS

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

- A. No provision herein shall supersede the powers of other local legislative or regulatory bodies or relieve any property owner from complying with the requirements of any other state statute, code or ordinance of the McHenry County, 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 McHenry County Board before a certificate has been issued by the Commission as herein provided.
- B. The use of property and improvements which have been designated under this ordinance shall be governed by the McHenry County Zoning Ordinance, as amended.
- C. If any particular section of this ordinance is declared to be unconstitutional or void, only the particular section is affected, and all other sections of this ordinance shall remain in full force and effect. If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional or invalid as applied to a particular property, building or other

ARTICLE II

THE HISTORIC PRESERVATION COMMISSION

1. ORGANIZATION

- A. Appointment: The McHenry County Board shall by, ordinance, appoint members to the McHenry County Historic Preservation Commission from recommendations submitted by the presiding officer of the McHenry County Board as per Ill. Rev. Stat. 1989, Ch. 34, Par. 5-30012.
- B. Composition: The Commission shall consist of nine (9) members. All members shall be residents of McHenry County. The presiding officer of the McHenry County Board shall make every reasonable effort to nominate to the Commission at least one attorney, one historian or architectural historian, one architect and/or engineer and one real estate professional knowledgeable in preservation; the other members shall be persons with a demonstrated interest in pre-history, or architecture.

In addition to the nine voting members, the Director of the McHenry County Department of Planning and Development or a designee shall serve as an ex-officio, non-voting member of the Commission and shall be responsible for providing staff support, upon approval of, and as deemed appropriate by the Planning and Development Committee of the McHenry County Board. The Executive Director of the McHenry County Conservation District or a designee shall also serve as an ex-officio, non-voting member of the Commission.

- C. Terms: Terms of the initial members shall be staggered so that at least five serve respectively for the following terms:
- i. one for one year;
 - ii. one for two years;
 - iii. one for three years;
 - iv. one for four years; and
 - v. one for five years.

Any additional initial members shall also serve terms staggered in the same sequence. Successors to initial members shall serve for five year terms. All ex-officio members shall serve term of their elected or appointed office. All members shall serve until their successors are appointed.

to the public for inspection maintained at offices of the McHenry County Department of Planning and Development. Notification of meeting dates and times will be in accordance with the Illinois Open Meetings Act.

- H. Compensation: The members shall serve without compensation, but they shall be reimbursed for their expenses necessarily incurred in the performance of their duties as such.
- I. Annual Report: The Commission shall submit an annual report of its activities to the McHenry County Board.

2. POWERS AND AUTHORITIES

The Commission shall have the following powers and authorities:

- A. To conduct an ongoing survey of McHenry County, the identify buildings, structures, areas, sites, and landscapes that are of historic, archeological, architectural, or scenic significance, and therefore potential landmarks or preservation districts;
- B. to hold public hearings and recommend to the McHenry County Board the designation of landmarks or preservation districts identified in the survey;
- C. to compile information concerning and prepare descriptions of the landmarks or preservation districts identified and recommend for designation and the characteristics that meet the standards for designation;
- D. to prepare, keep current and publish a map or maps showing the locations and exact boundaries of proposed and designated landmarks and preservation districts, and, if the Commission so chooses, the locations and boundaries of designated Illinois State or Federal landmarks or districts;
- E. to keep a register of all designated landmarks and preservation districts;
- F. to establish an appropriate system of markers or plaques for all designated landmarks and preservation districts, and, for streets, roads, trails, and highways leading from one landmark or preservation district to another and to confer recognition upon the owners of landmarks or property within preservation districts by means of certificates, plaques or markers;
- G. to nominate landmarks and preservation districts to any Illinois State or Federal registers of historic places;
- H. to advise and assist owners of landmarks and property within preservation districts on physical and financial aspects of preservation renovation, rehabilitation and reuse, and on procedures for inclusion on any state or federal register of historic places;

- T. to periodically review any county comprehensive plan and to develop a preservation component in any comprehensive plan of the McHenry County Regional Planning Commission and to recommend to the McHenry County Board;
- U. to periodically consult the McHenry County Code Enforcement Officer, review the McHenry County Zoning Ordinance and building codes and to recommend to the McHenry County Regional Planning Commission and the McHenry County Board any amendments appropriate for the protection and continued use of landmarks or property within preservation districts;
- V. to advise and/or testify on county behalf for Federal and Illinois State projects requiring cultural impact surveys;
- W. to periodically monitor designated landmarks and preservation districts for demolition by neglect; and,
- X. to undertake any other action or activity necessary or appropriate to the implementation of the purposes of this ordinance.

3. **NOMINATION OF LANDMARKS AND PRESERVATION DISTRICTS**

The Commission or any person(s) may propose landmarks or preservation districts for designation by the McHenry County Board by filing a nomination for any properties and structures located in an incorporated area within the geographical boundaries of McHenry County.

Nomination forms shall be filed with the McHenry County Department of Planning and Development. Such forms shall be provided by the Commission and, when submitted, shall include or be accompanied by the following:

- A. The name and address, as shown on the tax assessor's rolls of the owner of the nominated party;
- B. the legal description and common street address of the
- C. a map delineating the boundaries and location of the property proposed for designation;
- D. a written statement describing the property and setting forth reasons in support of the proposed designation;
- E. in nominating an area for designation as an historic district, a list enumerating all properties and improvements previously designated, or currently pending designation, as a landmark by this Commission or listed on any Illinois State or Federal registers of historic places; and,
- F. pay application fee, if any, to cover the cost of the review process, for submitting a nomination form to the Commission for designation of a landmark or preservation district.

4. **CRITERIA FOR CONSIDERATION OF NOMINATION**

The Commission may recommend to the McHenry County Board the designation of and marks, upon written proof of owner notification and preservation districts, upon written proof of notification of all property owners whose property is located within the boundaries of the proposed district, after a thorough investigation results in a determination that a property, structure or alteration, or area so recommended meets one (1) or more of the following criteria:

- A. It has character, interest, or value which is part of the development, heritage, or cultural characteristic(s) of a local community, the County of McHenry, State of Illinois, or the Nation;
- B. its location is a site of a significant local, county, state, or national event;
- C. it is identified with a person or persons who significantly contributed to the development of the local community, County of McHenry, State of Illinois, or the Nation;

- B. a description of the integrity or lack of integrity of the nominated landmark or preservation district;
- C. in the case of a nominated landmark found to meet the criteria for designation:
 - i. A description of the significant exterior architectural features of the nominated landmark that should be protected.
 - ii. A description of the types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit, that should be reviewed for appropriateness pursuant to the provisions of Article IV, Sections 2(C) through 2(D) of this ordinance.
- D. In the case of a nominated preservation district found to meet the criteria for designation;
 - i. A description of the types of significant exterior architectural features of the structure within the nominated preservation district that should be protected.
 - ii. A description of the types of alterations and demolitions that should be reviewed for appropriateness pursuant to the provisions of Article IV, Sections 2(C) through 2(D) of this ordinance.
- E. The relationship of the nominated landmark or preservation district to the ongoing effort of the Commission to identify and nominate all potential areas and structures that meet the criteria for designation;

The recommendation report shall be available to the public in the office of the McHenry County Department of Planning and Development.

6. **NOTIFICATION OF NOMINATION**

The Commission shall, within thirty (30) days from completion of the initial report and recommendation as described above in Article III, Section 5, cause to be scheduled a public hearing on the nomination. Notice of the date, time, place and purpose of the public hearing and a copy of the completed nomination form shall be sent by certified mail to the owner(s) of record and to the nominators, as well as by regular mail to property owners adjoining the nominated landmark or preservation district at least fifteen (15) days, but not more than thirty (30) days, prior to the date of the hearing. Such notice shall also be published in a newspaper having general circulation in the area surrounding the nominated property or district at least (15) days, but not more than thirty (30) 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 nominated district.

7. **HEARING**

Department of Planning and Development, the McHenry County Building, the McHenry County Recorder of Deeds, the McHenry County Clerk, and the McHenry 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.

11. **PUBLICATION OF MAP**

A map showing the location of all designated landmarks and preservation districts shall be published and amended upon each designation. Copies of the map shall be available to the public at the office of the McHenry County Department of Planning and Development and at the same location as any county zoning map.

12. **APPEALS**

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

13. **INTERIM CODE**

No building permit shall be issued by the McHenry County Department of Planning and Development for alteration, construction, demolition, or removal of a nominated landmark or for any property or structures(s) within a nominated preservation district from the date of the meeting of the Commission at which a nomination form is first presented until the final disposition of the nomination by the McHenry County Board unless such alteration, removal, or demolition is necessary for public health, safety, or welfare. In no event shall the delay be more than one hundred fifty (150) days.

14. **MARKING BY ATTACHMENT OF A PLAQUE**

Each designated landmark, landmark site and preservation district may be marked by an appropriate plaque carrying a brief description and account of the historical significance of the property.

15. **AMENDMENT AND RESCISSION OF DESIGNATION**

The McHenry County Board, upon recommendation of the Commission, may amend or rescind designation by the same procedure and according to the same standards and considerations set forth for designation.

notice and conduct a public hearing concerning the application in the manner previously described in Article III Section 6 and 7.

If a public hearing is not scheduled, the Commission may consider the completed application at its next regular meeting and may grant a "certificate of appropriateness" at that time. The Commission may further request staff support in reviewing and approving routine applications for "certificates of appropriateness" when the proposed work is clearly appropriate and in accordance with the criteria set forth in Article IV, Section 2(C) and (D) below and the purposes of this ordinance.

The Commission shall act promptly and in a reasonable manner in its judgment of plans for new construction for alteration, removal, or demolition of structures in preservation districts that have little historic value and that are not shown on a priority list, except where such construction, alteration, or demolition would seriously impair the historic or architectural value of surrounding structures or the surrounding area.

- C. Design Guidelines: The Commission shall consider the following factors in reviewing application for "certificates of appropriateness".
- i. Height: compatible with the style and character of the landmark and with surrounding structures within a preservation district.
 - ii. Proportions of windows and doors: compatible with the architectural style and character of the landmark and with the surrounding structures within a preservation district.
 - iii. Relationship of building masses and spaces: compatible within a preservation district to open space between it and adjoining structures.
 - iv. Roof shape: compatible with the architectural style and character of the landmark and surrounding structures in a preservation district.
 - v. Landscaping: compatible with the architectural style and character of the landmark and surrounding structures in a preservation district.
 - vi. Scale: compatible with the architectural style and character of the landmark and surrounding structures in a preservation district.
 - vii. Directional expression: compatible with the dominant horizontal or vertical expression of surrounding structures and facades.
 - viii. Architectural Details: treated to make a landmark compatible with its original architectural style or character.

- ix. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alteration and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
- x. Wherever possible new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

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

- i. The proposed construction, removal or other modification will be appropriate to the preservation of the particular landmark or preservation district and a "certificate of appropriateness" may be issued; or
- ii. such proposed modification is inappropriate to the preservation of the particular landmark or preservation district a "certificate of appropriateness" may be denied.

Written notice of the approval or denial of the application for a "certificate of appropriateness" shall be provided the applicant, sent by certified mail with return receipt requested, and to the McHenry County Department of Planning and Development 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 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 Commission shall make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the Commission to reconsider its denial and shall confer with the applicant and attempt to resolve as quickly as possible the difference(s) between the applicant and the Commission. The applicant may resubmit an amended application or reapply for a building or demolition permit that takes into consideration the recommendations of the Commission.

G. Decision Binding on Code Enforcement Officer: The McHenry County Code Enforcement Officer, shall be bound by the determination of the Commission and approve, if in conformance with other provisions of the building code, or disapprove any application for the proposed construction, alteration, removal of an exterior architectural

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

Economic Hardship

- A. The 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 landmark or of a property within a preservation district all reasonable use of, or return on, the property. Application for a "certificate of economic hardship" shall be made on a form and in the manner as prescribed by the Commission. The Commission may schedule a public hearing concerning the application and provide notice in the same manner as prescribed in Article III, Section 6, of this ordinance and conduct the hearing in the same manner as prescribed in Article III, Section 7, of this ordinance.
- B. The Commission may adopt procedural rules concerning the types of information, evidence or expert testimony that it considers necessary to make a determination on an application for a "certificate of economic hardship". The following may be included:
- i. An estimate of the cost of the proposed construction, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Commission for changes necessary for the issuance of a "certificate of appropriateness";
 - ii. a report from a licensed engineer or architect, licensed in the State of Illinois, with experience in rehabilitation as to the structural soundness of any structures on the property for rehabilitation;
 - iii. estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal, after any changes recommended by the Commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use;
 - iv. any substantial decrease in the fair market value of the property as a result of denial of the "certificate of appropriateness" and any substantial decrease in the pre-tax owners of record or other investors in the property as a result of the denial of the "certificate of appropriateness";
 - v. in the case of a proposed demolition, an estimate from a licensed 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;

iii. issue a "certificate of appropriateness" for the proposed construction, alteration, demolition or removal. Written notice of the determination shall be provided in the same manner as required by Article IV, Section 2(E) of this ordinance.

D. Appeals: A denial of a "certificate of economic hardship" is an administrative decision as defined in Section 3-101 of the Administrative Review Law, and it shall be subject to judicial review pursuant to provisions of said law and amendments and modifications thereof, and the rules thereto. The McHenry County Board may receive comments on the contents of the record. Such appeal must be made within fifteen (15) days of final denial of "certificate of economic hardship".

4. **Maintenance of Historic Properties**

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

5. **Public Safety Exclusion**

None of the provisions of this ordinance shall be construed to prevent any measures of construction, alteration, or demolition necessary to correct or abate the unsafe or dangerous condition of any structure, other feature or part thereof, where such condition has been declared unsafe or dangerous by the McHenry County Code Enforcement Officer and/or the McHenry County Health Department or fire protection district and where the proposed measures have been declared necessary, by such department(s) or agency to correct the said condition; provided, however, that only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed pursuant to this section. In the event any structure or other feature shall be damaged by fire or other calamity, or by public enemy, to such an extent that, in the opinion of the aforesaid department(s) or agency, it cannot reasonably be repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws.

EQUITABLE RELIEF

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

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VILLAGE OF RINGWOOD

ORDINANCE NO. 00-5-21

AN ORDINANCE TO PRESERVE THE HISTORIC,
ARCHITECTURAL, SCENIC OR AESTHETIC CHARACTER OF
A LANDMARK OR PRESERVATION DISTRICT OR STRUCTURE IN
THAT PORTION OF THE VILLAGE OF RINGWOOD LYING WITHIN THE
COUNTY OF MCHENRY

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF RINGWOOD
THIS 15th DAY OF MAY, 2000

Published in pamphlet form by authority
of the President and Board of Trustees
of the Village of Ringwood, McHenry County,
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- C. to stabilize and improve the economic vitality and value of designated landmarks and preservation districts in particular and of the County of McHenry in general;
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estates, garden, groves, river crossings, routes, trails, caves, quarries, mines, or significant trees or other plant life.

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3. GENERAL PROVISIONS

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

- A. No provision herein shall supersede the powers of other local legislative or regulatory bodies or relieve any property owner from complying with the requirements of any other state statute, code or ordinance of the McHenry County, 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 McHenry County Board before a certificate has been issued by the Commission as herein provided.
- B. The use of property and improvements which have been designated under this ordinance shall be governed by the McHenry County Zoning Ordinance, as amended.
- C. If any particular section of this ordinance is declared to be unconstitutional or void, only the particular section is affected, and all other sections of this ordinance shall remain in full force and effect. If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional or invalid as applied to a particular property, building or other

ARTICLE II

THE HISTORIC PRESERVATION COMMISSION

1. ORGANIZATION

- A. Appointment: The McHenry County Board shall by, ordinance, appoint members to the McHenry County Historic Preservation Commission from recommendations submitted by the presiding officer of the McHenry County Board as per Ill. Rev. Stat. 1989, Ch. 34, Par. 5-30012.
- B. Composition: The Commission shall consist of nine (9) members. All members shall be residents of McHenry County. The presiding officer of the McHenry County Board shall make every reasonable effort to nominate to the Commission at least one attorney, one historian or architectural historian, one architect and/or engineer and one real estate professional knowledgeable in preservation; the other members shall be persons with a demonstrated interest in pre-history, or architecture.

In addition to the nine voting members, the Director of the McHenry County Department of Planning and Development or a designee shall serve as an ex-officio, non-voting member of the Commission and shall be responsible for providing staff support, upon approval of, and as deemed appropriate by the Planning and Development Committee of the McHenry County Board. The Executive Director of the McHenry County Conservation District or a designee shall also serve as an ex-officio, non-voting member of the Commission.

- C. Terms: Terms of the initial members shall be staggered so that at least five serve respectively for the following terms:
- i. one for one year;
 - ii. one for two years;
 - iii. one for three years;
 - iv. one for four years; and
 - v. one for five years.

Any additional initial members shall also serve terms staggered in the same sequence. Successors to initial members shall serve for five year terms. All ex-officio members shall serve term of their elected or appointed office. All members shall serve until their successors are appointed.

to the public for inspection maintained at offices of the McHenry County Department of Planning and Development. Notification of meeting dates and times will be in accordance with the Illinois Open Meetings Act.

- H. Compensation: The members shall serve without compensation, but they shall be reimbursed for their expenses necessarily incurred in the performance of their duties as such.
- I. Annual Report: The Commission shall submit an annual report of its activities to the McHenry County Board.

2. POWERS AND AUTHORITIES

The Commission shall have the following powers and authorities:

- A. To conduct an ongoing survey of McHenry County, the identify buildings, structures, areas, sites, and landscapes that are of historic, archeological, architectural, or scenic significance, and therefore potential landmarks or preservation districts;
- B. to hold public hearings and recommend to the McHenry County Board the designation of landmarks or preservation districts identified in the survey;
- C. to compile information concerning and prepare descriptions of the landmarks or preservation districts identified and recommend for designation and the characteristics that meet the standards for designation;
- D. to prepare, keep current and publish a map or maps showing the locations and exact boundaries of proposed and designated landmarks and preservation districts, and, if the Commission so chooses, the locations and boundaries of designated Illinois State or Federal landmarks or districts;
- E. to keep a register of all designated landmarks and preservation districts;
- F. to establish an appropriate system of markers or plaques for all designated landmarks and preservation districts, and, for streets, roads, trails, and highways leading from one landmark or preservation district to another and to confer recognition upon the owners of landmarks or property within preservation districts by means of certificates, plaques or markers;
- G. to nominate landmarks and preservation districts to any Illinois State or Federal registers of historic places;
- H. to advise and assist owners of landmarks and property within preservation districts on physical and financial aspects of preservation renovation, rehabilitation and reuse, and on procedures for inclusion on any state or federal register of historic places;

- T. to periodically review any county comprehensive plan and to develop a preservation component in any comprehensive plan of the McHenry County Regional Planning Commission and to recommend to the McHenry County Board;
- U. to periodically consult the McHenry County Code Enforcement Officer, review the McHenry County Zoning Ordinance and building codes and to recommend to the McHenry County Regional Planning Commission and the McHenry County Board any amendments appropriate for the protection and continued use of landmarks or property within preservation districts;
- V. to advise and/or testify on county behalf for Federal and Illinois State projects requiring cultural impact surveys;
- W. to periodically monitor designated landmarks and preservation districts for demolition by neglect; and,
- X. to undertake any other action or activity necessary or appropriate to the implementation of the purposes of this ordinance.

3. **NOMINATION OF LANDMARKS AND PRESERVATION DISTRICTS**

The Commission or any person(s) may propose landmarks or preservation districts for designation by the McHenry County Board by filing a nomination for any properties and structures located in an incorporated area within the geographical boundaries of McHenry County.

Nomination forms shall be filed with the McHenry County Department of Planning and Development. Such forms shall be provided by the Commission and, when submitted, shall include or be accompanied by the following:

- A. The name and address, as shown on the tax assessor's rolls of the owner of the nominated party;
- B. the legal description and common street address of the
- C. a map delineating the boundaries and location of the property proposed for designation;
- D. a written statement describing the property and setting forth reasons in support of the proposed designation;
- E. in nominating an area for designation as an historic district, a list enumerating all properties and improvements previously designated, or currently pending designation, as a landmark by this Commission or listed on any Illinois State or Federal registers of historic places; and,
- F. pay application fee, if any, to cover the cost of the review process, for submitting a nomination form to the Commission for designation of a landmark or preservation district.

4. **CRITERIA FOR CONSIDERATION OF NOMINATION**

The Commission may recommend to the McHenry County Board the designation of and marks, upon written proof of owner notification and preservation districts, upon written proof of notification of all property owners whose property is located within the boundaries of the proposed district, after a thorough investigation results in a determination that a property, structure or alteration, or area so recommended meets one (1) or more of the following criteria:

- A. It has character, interest, or value which is part of the development, heritage, or cultural characteristic(s) of a local community, the County of McHenry, State of Illinois, or the Nation;
- B. its location is a site of a significant local, county, state, or national event;
- C. it is identified with a person or persons who significantly contributed to the development of the local community, County of McHenry, State of Illinois, or the Nation;

- B. a description of the integrity or lack of integrity of the nominated landmark or preservation district;
- C. in the case of a nominated landmark found to meet the criteria for designation:
 - i. A description of the significant exterior architectural features of the nominated landmark that should be protected.
 - ii. A description of the types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit, that should be reviewed for appropriateness pursuant to the provisions of Article IV, Sections 2(C) throughout 2(D) of this ordinance.
- D. In the case of a nominated preservation district found to meet the criteria for designation;
 - i. A description of the types of significant exterior architectural features of the structure within the nominated preservation district that should be protected.
 - ii. A description of the types of alterations and demolitions that should be reviewed for appropriateness pursuant to the provisions of Article IV, Sections 2(C) through 2(D) of this ordinance.
- E. The relationship of the nominated landmark or preservation district to the ongoing effort of the Commission to identify and nominate all potential areas and structures that meet the criteria for designation;

The recommendation report shall be available to the public in the office of the McHenry County Department of Planning and Development.

6. NOTIFICATION OF NOMINATION

The Commission shall, within thirty (30) days from completion of the initial report and recommendation as described above in Article III, Section 5, cause to be scheduled a public hearing on the nomination. Notice of the date, time, place and purpose of the public hearing and a copy of the completed nomination form shall be sent by certified mail to the owner(s) of record and to the nominators, as well as by regular mail to property owners adjoining the nominated landmark or preservation district at least fifteen (15) days, but not more than thirty (30) days, prior to the date of the hearing. Such notice shall also be published in a newspaper having general circulation in the area surrounding the nominated property or district at least (15) days, but not more than thirty (30) 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 nominated district.

7. HEARING

Department of Planning and Development, the McHenry County Building, the McHenry County Recorder of Deeds, the McHenry County Clerk, and the McHenry 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.

11. PUBLICATION OF MAP

A map showing the location of all designated landmarks and preservation districts shall be published and amended upon each designation. Copies of the map shall be available to the public at the office of the McHenry County Department of Planning and Development and at the same location as any county zoning map.

12. APPEALS

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

13. INTERIM CODE

No building permit shall be issued by the McHenry County Department of Planning and Development for alteration, construction, demolition, or removal of a nominated landmark or for any property or structures(s) within a nominated preservation district from the date of the meeting of the Commission at which a nomination form is first presented until the final disposition of the nomination by the McHenry County Board unless such alteration, removal, or demolition is necessary for public health, safety, or welfare. In no event shall the delay be more than one hundred fifty (150) days.

MARKING BY ATTACHMENT OF A PLAQUE

Each designated landmark, landmark site and preservation district may be marked by an appropriate plaque carrying a brief description and account of the historical significance of the property.

15. AMENDMENT AND RESCISSION OF DESIGNATION

The McHenry County Board, upon recommendation of the Commission, may amend or rescind designation by the same procedure and according to the same standards and considerations set forth for designation.

notice and conduct a public hearing concerning the application in the manner previously described in Article III Section 6 and 7.

If a public hearing is not scheduled, the Commission may consider the completed application at its next regular meeting and may grant a "certificate of appropriateness" at that time. The Commission may further request staff support in reviewing and approving routine applications for "certificates of appropriateness" when the proposed work is clearly appropriate and in accordance with the criteria set forth in Article IV, Section 2(C) and (D) below and the purposes of this ordinance.

The Commission shall act promptly and in a reasonable manner in its judgment of plans for new construction for alteration, removal, or demolition of structures in preservation districts that have little historic value and that are not shown on a priority list, except where such construction, alteration, or demolition would seriously impair the historic or architectural value of surrounding structures or the surrounding area.

- C. Design Guidelines: The Commission shall consider the following factors in reviewing application for "certificates of appropriateness".
- i. Height: compatible with the style and character of the landmark and with surrounding structures within a preservation district.
 - ii. Proportions of windows and doors: compatible with the architectural style and character of the landmark and with the surrounding structures within a preservation district.
 - iii. Relationship of building masses and spaces: compatible within a preservation district to open space between it and adjoining structures.
 - iv. Roof shape: compatible with the architectural style and character of the landmark and surrounding structures in a preservation district.
 - v. Landscaping: compatible with the architectural style and character of the landmark and surrounding structures in a preservation district.
 - vi. Scale: compatible with the architectural style and character of the landmark and surrounding structures in a preservation district.
 - vii. Directional expression: compatible with the dominant horizontal or vertical expression of surrounding structures and facades.
 - viii. Architectural Details: treated to make a landmark compatible with its original architectural style or character.

- ix. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alteration and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
 - x. Wherever possible new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
- E. Determination by Commission: Within fifteen (15) days (Saturdays, Sundays, and legal holidays excluded) after support staff review, or from the date of the regular meeting, or from the close of a public hearing concerning an application for a "certificate of appropriateness", or within such further time as the applicant for said certificate (and/or permit) approves in writing, the Commission shall determine whether:
- i. The proposed construction, removal or other modification will be appropriate to the preservation of the particular landmark or preservation district and a "certificate of appropriateness" may be issued; or
 - ii. such proposed modification is inappropriate to the preservation of the particular landmark or preservation district a "certificate of appropriateness" may be denied.

Written notice of the approval or denial of the application for a "certificate of appropriateness" shall be provided the applicant, sent by certified mail with return receipt requested, and to the McHenry County Department of Planning and Development 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 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 Commission shall make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the Commission to reconsider its denial and shall confer with the applicant and attempt to resolve as quickly as possible the difference(s) between the applicant and the Commission. The applicant may resubmit an amended application or reapply for a building or demolition permit that takes into consideration the recommendations of the Commission.
- G. Decision Binding on Code Enforcement Officer: The McHenry County Code Enforcement Officer, shall be bound by the determination of the Commission and approve, if in conformance with other provisions of the building code, or disapprove any application for the proposed construction, alteration, removal of an exterior architectural

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

Economic Hardship

- A. The 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 landmark or of a property within a preservation district all reasonable use of, or return on, the property. Application for a "certificate of economic hardship" shall be made on a form and in the manner as prescribed by the Commission. The Commission may schedule a public hearing concerning the application and provide notice in the same manner as prescribed in Article III, Section 6, of this ordinance and conduct the hearing in the same manner as prescribed in Article III, Section 7, of this ordinance.
- B. The Commission may adopt procedural rules concerning the types of information, evidence or expert testimony that it considers necessary to make a determination on an application for a "certificate of economic hardship". The following may be included:
- i. An estimate of the cost of the proposed construction, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Commission for changes necessary for the issuance of a "certificate of appropriateness";
 - ii. a report from a licensed engineer or architect, licensed in the State of Illinois, with experience in rehabilitation as to the structural soundness of any structures on the property for rehabilitation;
 - iii. estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal, after any changes recommended by the Commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use;
 - iv. any substantial decrease in the fair market value of the property as a result of denial of the "certificate of appropriateness" and any substantial decrease in the pre-tax owners of record or other investors in the property as a result of the denial of the "certificate of appropriateness";
 - v. in the case of a proposed demolition, an estimate from a licensed 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;

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iii. issue a "certificate of appropriateness" for the proposed construction, alteration, demolition or removal. Written notice of the determination shall be provided in the same manner as required by Article IV, Section 2(E) of this ordinance.

D. Appeals: A denial of a "certificate of economic hardship" is an administrative decision as defined in Section 3-101 of the Administrative Review Law, and it shall be subject to judicial review pursuant to provisions of said law and amendments and modifications thereof, and the rules thereto. The McHenry County Board may receive comments on the contents of the record. Such appeal must be made within fifteen (15) days of final denial of "certificate of economic hardship".

4. Maintenance of Historic Properties

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

5. Public Safety Exclusion

None of the provisions of this ordinance shall be construed to prevent any measures of construction, alteration, or demolition necessary to correct or abate the unsafe or dangerous condition of any structure, other feature or part thereof, where such condition has been declared unsafe or dangerous by the McHenry County Code Enforcement Officer and/or the McHenry County Health Department or fire protection district and where the proposed measures have been declared necessary, by such department(s) or agency to correct the said condition; provided, however, that only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed pursuant to this section. In the event any structure or other feature shall be damaged by fire or other calamity, or by public enemy, to such an extent that, in the opinion of the aforesaid department(s) or agency, it cannot reasonably be repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws.

EQUITABLE RELIEF

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

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PASSED THIS 15th DAY OF MAY, 2000.

AYES: BAUER, KEPES, PRESTON, ROSEMAN

NAYS: NONE

ABSTAIN: NONE

ABSENT: BRUCE, EVERETT

NOT VOTING: NONE

APPROVED THIS 15th DAY OF MAY, 2000.

Richard E. Mack
VILLAGE PRESIDENT

ATTEST:

Susan Kennebeck
VILLAGE CLERK