

McHENRY COUNTY HISTORIC PRESERVATION COMMISSION

RULES AND PROCEDURES

ARTICLE I.

MEETINGS

Section 1. The McHenry County Historic Preservation Commission (the "Commission") shall meet a minimum of once per month, except in those months when no business is pending.

Section 2. Special meetings of the Commission may be called by the Chairman or a majority of the Commissioners. Notice of the meeting shall be given to each Commissioner at least forty-eight (48) hours in advance of any special meeting and shall specify the object, time and place of the meeting.

Section 3. All meetings shall comply with the Illinois Open Meetings Act (Ill.Rev.Stat. ch. 102, §41, et seq.) and shall be held within the County.

Section 4. The Chair shall prescribe the order of business for all meetings of the Commission. Each meeting shall include at least the following: attendance, minutes of previous meeting(s), old business, new business and reports of committees or sub-committees.

Section 5. A quorum shall consist of five (5) members. The transaction of business shall be made by a majority vote of those members in attendance while a quorum is present, except that the adoption, modification or decision of any rule or part thereof shall require the affirmative vote of five (5) members. Notice of any proposed amendments to the Commission's Rules and Procedures must be provided in writing to all Commissioners at least ten (10) days prior to the vote on, or effective date of, said amendment(s).

Section 6. No member shall vote on any matter that may materially or apparently affect the property, income, or business interest of that member.

Section 7. Unless inconsistent herewith, Robert's Rules of Order shall govern the operation of the Commission.

Section 8. A written record of the attendance and all votes taken or other business transacted at all regular and special meetings of the Commission shall be maintained by the Secretary at the offices of the McHenry County Department of Planning. All reports of officers, experts or professionals, committees and subcommittees shall be filed with the Secretary and become part of the minutes.

Section 9. Three unexcused, consecutive absences from Commission or committee meetings by any member will automatically

mandate a discussion of the matter by the Commission and, if necessary, a subsequent report and recommendation to the Planning & Zoning Committee for action.

ARTICLE II.
OFFICERS AND COMMISSIONERS

Section 1. The officers of the Commission shall be the Chairman, Vice-Chairman and Secretary. The term of office for each officer shall be one (1) year, and no one shall serve more than two consecutive full terms in the same office.

Section 2. The Chairman shall preside at all meetings of the Commission, shall prepare the Agenda for meetings of the Commission with the assistance of the staff and/or the Secretary, shall, with the approval of the Commission, appoint committees and their chairpersons, shall be an ex-officio member of all committees, and shall assume all other usual responsibilities.

Section 3. The Vice-Chairman shall assume the duties of the Chairman in the absence of the Chairman. If both the Chairman and the Vice-Chairman are absent, those present shall elect a Temporary Chairman.

Section 4. The Secretary shall ensure that: (1) minutes are taken of each Commission, committee and subcommittee meeting; (2) copies of the minutes, record, reports and decisions of the Commission are distributed to the members of the Commission and the County Board; (3) the Chairman of the County Board is informed of all vacancies and expiring terms of members, and the Commission's recommendations regarding same, if any; (4) the entire record of the proceedings of the Commission is submitted to the County Board prior to its consideration of any matters regarding the Commission; (5) all meetings comply with the Illinois Open Meetings Act; and (6) Commission finances are properly accounted for.

Section 5. No member of the Commission shall have the power to bind the Commission, nor act on its behalf, nor use its name, unless official sanction is granted by the Commission at a duly called regular or special meeting.

ARTICLE III.
ELECTIONS

Section 1. The McHenry County Board shall fill all unexpired terms or vacancies. The Commission shall submit recommendations to fill said vacancies as provided for herein.

Section 2. The Commission shall present to the presiding officer of the McHenry County Board a slate of candidates at least

equal to the number of vacancies on the Commission. In making said recommendations, the Commission shall make every reasonable effort to nominate at least one attorney, one historian or architectural historian, one architect or engineer and one real estate professional knowledgeable in historic preservation. All members shall be persons with a demonstrated interest in pre-history, history or architecture. The names of those nominated shall be forwarded to the presiding officer of the McHenry County Board for consideration for recommendation to the McHenry County Board.

Section 3. The Commission shall retain copies of resumes for Commission members showing a demonstrated interest, knowledge or expertise in historic preservation.

Section 4. The Commission shall retain written evidence (letter, memo, telephone report, etc.) showing efforts to seek professional representation.

Section 5. The McHenry County Board shall appoint the Chairman. The Commission shall elect its Vice Chairman and Secretary at its January meeting each year.

ARTICLE IV. COMMITTEES

Section 1. The standing committees of the Commission are: Survey and Landmark Committee, and Communication and Public Relations Committee. All committees shall bring their recommendations directly to the Commission for review and action.

Section 2. Immediately after the first of the year, committees shall be established and members appointed by the Chairman for a one-year term, or until their successors are appointed.

Section 3. Committee Chairpersons will be proposed by the Chairman of the Commission and acted upon by the Commission. Chairpersons of all standing committees must be Commission members. Committee and subcommittee members may be non-Commission members. Committee members may be recruited by the Committee Chairperson, staff and/or the Commission. The appointment of all committee members must be approved by the Commission.

Section 4. Each standing committee of the Commission shall have a Commission of Responsibility approved by the Commission.

Section 5. There can be additional standing committees, task forces or special committees of the Commission of such nature and number, if any, as the Commission from time to time may determine. Their members and Chairpersons shall be appointed by the Chairman of the Commission and approved by the Commission.

Section 6. Each committee and subcommittee shall keep minutes of its meetings and file them with the Secretary. No committee or subcommittee shall enter into any contract or incur any indebtedness or financial obligation of any kind, except under the authority of the Commission or these Rules and Procedures. Each committee or subcommittee shall have the power to appoint such subcommittees for carrying on work under its direction as it may deem necessary. Subject to the approval of the Commission, each committee shall have power to adopt such rules, which are not inconsistent herewith, as may be necessary for the conduct of the work entrusted to it.

ARTICLE V.
FINANCES

Section 1. The Commission may, from time to time, solicit, secure, receive (subject to the approval of the McHenry County Board), administer and expend funds to further the goals and objectives of the County Historic Preservation ordinance.

Section 2. Fees for landmark applications, certificates of appropriateness, plaques, etc., if any, shall be established by the Commission.

Section 3. In keeping with the purposes of the Commission, it shall be the policy of the Commission to consider a waiver or reduction of any fee based upon any individual's demonstrated inability to pay such fee.

Section 4. The fiscal year of the Commission shall be January 1 to December 31 of each year.

Section 5. The Commission may apply for grants in its own name, may seek funding from the County, and may seek gifts from individuals and others to assist in furthering the goals of the Commission.

Section 6. If the Commission's budget exceeds \$10,000 in any one year, the financial records of the Commission shall be audited at least annually by a firm of independent certified public accountants chosen by the Commission, or otherwise as may be required by grantors, state law or county policy.

ARTICLE VI.
TERMINATION OF COMMISSIONER OR OFFICER

Section 1. Any Commission member or officer who shall fail to fulfill the responsibilities of his or her office may be terminated only after a hearing and upon the recommendation of the McHenry County Planning and Development Committee and the action of the McHenry County Board.

ARTICLE VII.
INDEMNIFICATION

Section 1. The Commission shall indemnify, hold harmless and make whole, any and all of its members, officers and/or former members or officers, against expenditures actually and necessarily incurred by them arising out of, or in connection with, the defense of any action, suit or proceeding in which they, or any other, are made parties, or a party, or otherwise have liability by reason of being, or having been, members or officers, or against any amount which they, or any of them, are obligated to pay as a result of any judgment, order, decree or other court, administrative or arbitration decision or settlement arising out of or in connection with such action, suit or proceeding.

Section 2. Such indemnification, hold harmless, and/or making whole shall be, or be deemed to be, exclusive of any other rights or remedies to which those indemnified, held harmless or made whole, may be entitled under any law, by-laws, agreement, vote by members, or otherwise; moreover, this provision shall be exclusive of any available "Directors and Officers Liability Insurance" benefits, and shall be coordinated with any indemnification provision requiring indemnification, holding harmless and/or making whole by other members, officers, all in accordance with Illinois state law.

ARTICLE VIII.
**NOMINATIONS, CRITERIA FOR CONSIDERATION
AND LANDMARK DESIGNATION**

Section 1. All nominations of landmarks or preservation districts shall be on an official application form. A copy of the application form and the instructions for completing same are attached hereto and incorporated herein as Exhibit A.

Section 2. All nominations shall be considered using the Commission's official criteria. A copy of the Commission's criteria for consideration is attached hereto and incorporated herein as Exhibit B.

Section 3. Each application shall be logged in by the Commission's staff liaison, with the date and materials received noted. Copies of the nomination will be distributed to:

- A. Committee members;
- B. Department heads; and
- C. Individuals by request.

Section 4. Persons wishing to be notified of pending applications and Commission meetings should provide the staff liaison with

their name and mailing address. A copy of each application shall be available for inspection at the McHenry County Department of Planning, 2200 North Seminary Avenue, Woodstock, Illinois 60098.

Section 5. Initial Report and Recommendation of Commission. The Staff Liaison shall, within thirty (30) days from receipt of a completed application for designation, cause to be written an initial recommendation and report stating whether the nominated landmark or preservation district does or does not meet the Commission's criteria for designation. The report shall contain the following information:

- A. An explanation of the significance or lack of significance of the nominated landmark or preservation district as it relates to the criteria for designation;
- B. A description of the integrity or lack of integrity of the nominated landmark or preservation district;
- C. In the case of a nominated landmark found to meet the criteria for designation:
 - i) A description of the significant exterior architectural features of the nominated landmark that should be protected;
 - ii) A description of the types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit, that should be reviewed for appropriateness pursuant to the provisions of Article IV, Sections 2(C) through 2(D) of the 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 the 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 of structures that meet the criteria for designation;

- F. A map showing the location of the nominated landmark and the boundaries of the nominated preservation district.

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

Section 6. The Commission shall, within thirty (30) days from completion of the initial report and recommendation as described above in 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, return receipt requested, 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 a nominated district.

Section 7. A public hearing shall be scheduled. Oral or written testimony shall be taken at the public hearing from any person or organization concerning the nomination. Continuances for additional sessions may be scheduled at the Commission's discretion. The Commission may solicit expert testimony or present its own evidence regarding the historic, archaeological, or scenic significance of a proposed landmark, or of any property within a proposed preservation district relative to compliance with the Commission's criteria for designation. The owner of any nominated landmark or of any property within a nominated preservation district, shall be allowed a reasonable opportunity to present evidence regarding historic, archeological, architectural or scenic significance, and shall be afforded the right of representation by counsel and a reasonable opportunity to cross-examine expert witnesses. Subject to the provisions of this section, the Commission may impose reasonable limits on comments or testimony from third parties. Third parties wishing to make comments or provide testimony are encouraged to contact the Commission's staff liaison in advance of the hearing. The hearing shall be closed upon the completion of testimony.

Section 8. Within thirty (30) days following the close of the public hearing, the Commission shall make its determination upon the evidence whether the proposed landmark or preservation district does or does not meet the criteria for designation. A recommenda-

tion to the McHenry County Board that the proposed landmark or preservation district does or does not meet the criteria for designation, and should or should not be designated, shall be passed by a majority vote of the Commission. This recommendation shall be accompanied by a report stating the findings of the Commission concerning the historic, archaeological, or scenic significance of the proposed landmark or preservation district. The Commission shall forward copies of the resolution and report to the applicant and the owner(s) of the subject property, or representative(s) for the petitioners of the subject district.

Section 9. The McHenry County Board, upon a recommendation from the Commission that the proposed landmark or preservation district should be designated, shall review the report and recommendations of the Commission. The McHenry County Board may schedule a public hearing, when they deem it necessary, concerning the proposed designation, and shall provide notice of any public hearing in the same manner as provided in Section 7 hereof. The McHenry County Board, after reviewing the report and recommendation, shall within sixty (60) days from receipt of the recommendation of the Commission take one of the following steps:

- A. Designate the landmark or preservation district by ordinance; or
- B. Refer the report and recommendation back to the Commission with suggestions for revisions stating its reason(s) for such action.

Section 10. Notice of the action of the McHenry County Board, including a copy of the ordinance designating the landmark or preservation district, shall be sent by regular mail to all persons of record, including but not limited to each owner of record of a landmark or property within a preservation district, and to owners of adjacent and immediately surrounding properties affected by a proposed landmark designation. Further, as soon as is reasonably possible, the Chairman of the McHenry County Board shall cause to be notified the McHenry County Department of Planning, the McHenry County Building and Zoning Department, 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 is recorded on all directly affected parcels.

Section 11. 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 Planning Department and at the same locations as any county zoning map.

Section 12. Adoption of an ordinance designating a landmark or preservation district by the McHenry County Board shall be a final

action reviewable under Section 3-101, et seq., of the Illinois Administrative Review Act.

Section 13. The Commission may recommend that the McHenry County Board amend or rescind designation by the same procedure. and according to the same standards and considerations set forth for designation.

ARTICLE X.
CERTIFICATES OF APPROPRIATENESS

Section 1. All applications for certificates of appropriateness shall be on an official application form. A copy of the application form and the instructions for completing same are attached hereto and incorporated herein as Exhibit C.

Section 2. All applications for certificates of appropriateness shall be considered using the Commission's design guidelines and standards for review. A copy of the Commission's design guidelines and standards for review is attached hereto and incorporated herein as Exhibit D.

Section 3. Every application submitted to the McHenry County Building and Zoning Department for a permit wherein the applicant represents and/or delineates plans to commence any action for which a certificate of appropriateness is required under the ordinance shall be forwarded by the McHenry County Zoning Enforcement Officer to the Commission's Staff Liaison within three (3) days following the receipt of said application by the McHenry County Building and Zoning Department. The McHenry County Building and Zoning Department shall not issue a building or demolition permit until a certificate of appropriateness has been issued by the Commission. Each applicant for such a building permit will be requested to complete an application in accordance with Section 1 of this article and proceed as outlined herein.

Section 4. The Commission may schedule, provide notice of and conduct a public hearing concerning the application in the manner previously described in Article VIII, Sections 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.

Section 5. The Commission may 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 Commission's design guidelines and standards for review, and the purposes of the ordinance.

Section 6. Within fifteen (15) days (Saturdays, Sundays, and county, state, or federal 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 and a certificate of appropriateness may be denied.

Written notice of the approval or denial of the application for a certificate of appropriateness shall be provided the applicant, sent by certified mail, return receipt requested, and to the McHenry County Planning Department within seven (7) days (Saturdays, Sundays, and county, state, or federal holidays excluded) following the determination. The notice shall be accompanied by a "certificate of appropriateness" in the case of approval.

Section 7. 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. The Staff Liaison 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.

Section 8. Failure of the Commission to act upon an application for a certificate of appropriateness within ninety (90) days from the date said request was logged in by the Staff Liaison, shall constitute approval. This time limit may be waived only by mutual consent of the applicant(s) and the Commission.

Section 9. The Commission may deny any application for a certificate of appropriateness where demolition is proposed if the Commission finds that such proposed action will adversely affect the historic, archaeological, architectural, or scenic significance of a landmark or preservation district. Upon receipt of an application for a certificate of appropriateness for demolition, the Commission shall as soon as possible make a determination, supported by written findings, whether one or more of the following criteria are met:

- i) The structure, located within a preservation district, is of such interest or quality that it would reasonably meet national, state or local criteria for designation as a historic or architectural landmark on its own credentials;
- ii) The structure is of such unusual or uncommon design, texture or materials that it could not be reproduced, or be reproduced only with great difficulty and expense; and/or
- iii) Retention of the structure would aid substantially in preserving and protecting another structure which meets criteria (i) or (ii) above.

Where the Commission determines that one or more of these criteria are met, no certificate of appropriateness shall be issued and the application shall be denied. In all applications for a certificate of appropriateness for demolition in a historic district, the Commission shall require the applicant to submit for review and consideration all post-demolition plans, including, without limitation, drawings or sketches with sufficient detail to show, as far as they relate to exterior appearance, the architectural design of any and all planned improvements.

Section 10. A certificate of appropriateness will become void:

- i) If there is any change in the scope of work pursuant to the approved application subsequent to the issuance of the certificate; or
- ii) If twelve (12) months have elapsed after the issuance of the certificate, and no building permit has been issued, or if twenty-four (24) months have lapsed after issuance of the last building permit and the project has not been completed.

Section 11. A denial of a "certificate of appropriateness" is an administrative decision as defined in Section 3-101, et seq., of the Administrative Review Act, and it shall be subject to judicial review pursuant to said Act, as amended, and any rules adopted pursuant thereto.

ARTICLE XI.

CERTIFICATES OF ECONOMIC HARDSHIP

Section 1. All applications for certificates of economic hardship shall be on an official application form. A copy of the application form and the instructions for completing same are attached hereto and incorporated herein as Exhibit C.

Section 2. All applications for certificates of economic hardship shall be considered using the Commission's Economic Hardship Criteria. A copy of the Commission's Economic Hardship Criteria is attached hereto and incorporated herein as Exhibit E.

Section 3. The Commission shall issue a certificate of economic hardship upon a determination that the failure to issue a certificate of appropriateness has denied, or will deny, the owner of a landmark, or of a property within a preservation district, all reasonable use of, or return on, the property. The Commission may schedule a public hearing concerning the application and provide notice and conduct the hearing in the same manner as prescribed in Article VIII, Sections 6 and 7 hereto.

Section 4. Within one hundred and twenty (120) days from receiving a request for a certificate of economic hardship, the Commission, upon a determination that the denial of a certificate of appropriateness has denied, or will deny, the owner of a landmark, or of a property within a preservation district, of all reasonable use of, or return on, the property, shall undertake one or the other of the following actions:

- i) Offer the owner of the property reasonable financing, tax or other incentives sufficient to allow a reasonable use of, or return on, the property; or,
- ii) Offer to purchase the property at a reasonable price or institute eminent domain proceedings pursuant to Article VII of the Illinois Code of Civil Procedure; or,
- iii) Issue a certificate of appropriateness for the proposed construction, alteration, demolition or removal. Written notice of the Commission's determination shall be provided in the same manner as required by Article IV, Section 2(E) of the ordinance.

Section 5. A denial of a certificate of economic hardship is an administrative decision as defined in Section 3-101, et seq., of the Administrative Review Act, and it shall be subject to judicial review pursuant to provisions of said Act, as amended, and any rules adopted pursuant thereto. Such appeal must be made within fifteen (15) days of final denial of certificate of economic hardship.

ARTICLE XII. ANNUAL REPORT

Section 1. An Annual Report shall be approved by the Commission at the first Commission meeting of each fiscal year in January. A

copy of the Annual Report shall be forwarded to the McHenry County Board and the State Historic Preservation Officer on or before March 1 of each year.

Section 2. The Annual Report shall:

- A. List all landmarks and/or historic districts designated during the last fiscal year;
- B. Provide a summary of all properties considered by, rejected or appealed and shall indicate if any designations are pending;
- C. Indicate the number of certificates of appropriateness and/or certificates of economic hardship that were reviewed by the Commission and the results and status of those reviews;
- D. Describe the progress of local survey efforts (indicate the number of properties added to the survey inventory and distinguish between intensive and windshield surveys);
- E. Report on the status and handling of any National Register nominations (including date logged in, date(s) of public hearings, how public input was sought, what input was received, and the dates the Commission comments were forwarded to the State Historic Preservation Officer);
- F. Describe any efforts made to monitor proposed and actual alterations or demolition of National Register or Illinois Register properties;
- G. Provide a summary of the principle activities and accomplishments of the Commission during the fiscal year; and
- H. Attach the following documentation:
 - i) Resumes of Commission members;
 - ii) Documentation of representation at an informational or educational meeting;
 - iii) Copies of Commission minutes;
 - iv) Copies of any Commission publications; and
 - v) Documentation for each new designation.

ARTICLE XIII.
NATIONAL REGISTER REVIEW PROCEDURES

Section 1. Each nomination received from the State Historic Preservation Officer ("SHPO") will be logged in by the Commission's Staff Liaison, with the date and materials received noted. Copies of the nomination will be distributed to:

- a. Commission members;
- b. Department heads; and
- c. Individuals by request.

Section 2. Persons wishing to be notified of pending nominations and Commission meetings should provide the Commission's Staff Liaison with their name and mailing address.

Section 3. Persons on the National Register mailing list will be informed of the proposed nomination by the Commission's Staff Liaison, and a copy of the nomination will be forwarded upon request. A copy of the nomination will be available for inspection at the McHenry County Department of Planning, 2200 North Seminary Avenue, Woodstock, Illinois 60098.

Section 4. The Commission's Staff Liaison will notify, by first class mail, the owner(s) of record and the applicant(s) that the proposed nomination has been received, and inform them of the date, time and place when the nomination will be reviewed by the Commission. The Staff Liaison shall retain copies of all notifications. If requested to do so by the SHPO, the Commission will verify ownership of any nominated property.

Section 5. The Staff Liaison will schedule the nomination for consideration at the next regularly scheduled Commission meeting. Notice of the meeting will be forwarded to all owners, applicants and interested individuals by certified mail, return receipt requested. If conditions warrant, the nomination may be considered at a special meeting of the Commission, provided all parties are so notified.

Section 6. In the event of a historic district nomination, the Staff Liaison will notify, by first class mail, each owner of record of property within the district. The Commission's Staff Liaison will coordinate a public information meeting to be held within the district, at a time and place mutually agreeable to the SHPO.

Section 7. At the meeting in which the Commission considers the nomination, interested parties will be invited to comment upon the merits of the nomination. Persons interested in commenting are encouraged to contact the Staff Liaison prior to the meeting. Copies of all written comments received by the Commission, and

copies of all professional opinions on National Register nominations, shall be retained by the Commission.

Section 8. The applicant may present a presentation regarding the nominated property.

Section 9. Following a discussion of the nomination's merits, the Commission will vote on whether or not to recommend nomination.

Section 10. The Staff Liaison will transmit the written opinion of the Commission, and the opinions of any elected governmental officials or experts which the Commission receives, to the SHPO by the deadline stipulated on the transmittal letter from the SHPO.

Section 11. The Staff Liaison will forward a copy of the opinions of the Commission, elected governmental officials and experts which the Commission receives to the property owner(s) and the applicant(s), and inform them that the nomination has been forwarded to the SHPO. The notification shall include an explanation of the National Register appeals procedures. A copy of the opinions of the Commission, and the opinion of any elected governmental officials and experts which the Commission receives, will be forwarded to interested individuals upon request.

ARTICLE XIV.

COMMISSION REPRESENTATION AT INFORMATIONAL MEETINGS

Section 1. The Commission shall be represented at, or attend, at least one informational meeting per year pertaining to the work and functions of the Commission. The Commission's staff liaison shall retain documentation of said representation or attendance.

ARTICLE XV.

DEMOLITION BY NEGLECT

Section 1. At least annually, the Commission shall, in conjunction with its ongoing survey operations, survey each landmarked property, and each property within a historic district, which is listed on the County, State, or National Register to ensure that the property is not suffering from demolition by neglect, as defined in the ordinance.

Section 2. The Commission's Secretary shall document the performance of each annual neglect survey.

ARTICLE XVI
INTERPRETATION AND CONSTRUCTION

Section 1. The definitions contained in the McHenry County Historic Preservation ordinance (the "Ordinance") are hereby incorporated herein.

Section 2. These Rules and Procedures shall be construed liberally to effectuate the purposes of the Ordinance.

Dated: November 6, 1992

EXHIBIT A

LANDMARK AND HISTORIC DISTRICT APPLICATION AND INSTRUCTIONS

EXHIBIT B

COMMISSION CRITERIA FOR DESIGNATION AS A LANDMARK OR HISTORIC DISTRICT

The Commission may, after investigation, recommend to the McHenry County Board the designation of landmarks or historic districts if the Commission determines that a property, structure, alteration or area so recommended meets one 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;
- D. It embodies distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;
- E. It is identified with the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the local area, County of McHenry, State of Illinois, or the Nation;
- F. It embodies elements of design, detailing, materials, or craftsmanship that render it architecturally significant;
- G. It embodies design elements that make it structurally or architecturally innovative;
- H. It has a unique location or singular physical characteristics that make it an established or familiar visual feature;

- I. It has character which is a particularly fine or unique example of a utilitarian structure, including, but not limited to farmhouses, gas stations, or other commercial structures, with a high level of integrity or architectural significance;
- J. It establishes a sense of time and place unique to a community and/or the County of McHenry;
- K. It is suitable for preservation or restoration;
- L. It is included in the National Register of Historic Places and/or the Illinois Register of Historic Places;
- M. It has yielded, or may be likely to yield information important to pre-history or other areas of archaeological significance;
- N. It is an exceptional example of a historic or vernacular style or one of few remaining in the County of McHenry.

EXHIBIT C
APPLICATION AND INSTRUCTIONS FOR
CERTIFICATES OF APPROPRIATENESS
OR
ECONOMIC HARDSHIP

EXHIBIT D

DESIGN GUIDELINES AND STANDARDS FOR COMMISSION REVIEW OF APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS OR ECONOMIC HARDSHIP

The Commission shall consider the following design guidelines in reviewing applications for certificates of appropriateness:

- A. Height: compatible with the style and character of the landmark and with surrounding structures within a preservation district.
- B. Proportions of windows and doors: compatible with the architectural style and character of the landmark and with the surrounding structures within a preservation district.
- C. Relationship of building masses and spaces: compatible within a preservation district to open space between it and adjoining structures.
- D. Roof shape: compatible with the architectural style and character of the landmark and surrounding structures in a preservation district.
- E. Landscaping: compatible with the architectural style and character of the landmark and surrounding structures in a preservation district.
- F. Scale: compatible with the architectural style and character of the landmark and surrounding structures in a preservation district.
- G. Directional expression: compatible with the dominant horizontal or vertical expression of surrounding structures and facades.
- H. Architectural Details: treated to make a landmark compatible with its original architectural style or character.

In considering the appropriateness of any alteration, demolition, new construction, removal, etc., the Commission shall follow the following standards for review (in addition to the

criteria for designation and existing zoning classifications and height and area limitations):

- A. Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
- B. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided when possible.
- C. All buildings, structures, and sites shall be recognized as products of their time. alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged.
- D. Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- E. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site shall be treated with sensitivity.
- F. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- G. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

- H. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
- I. 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.
- J. 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.

EXHIBIT E

ECONOMIC HARDSHIP CRITERIA

The Commission shall consider the following types of information, evidence or expert testimony in making its determination on applications for a certificate of economic hardship.

- 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 engineer or architect, licensed in the State of Illinois, and with experience in rehabilitation, as to the structural soundness of any structures on the property;
- 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 return to 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 licenses 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;
- vi) Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer, and any

consideration by the owner as to profitable adaptive uses for the property;

- vii) If the property is income-producing, the annual gross income from the property for the previous two (2) years; itemized operating and maintenance expenses for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
- viii) Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the two (2) previous years, and all appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property;
- ix) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years;
- x) Assessed value of the property according to the two (2) most recent quadrennial assessments;
- xi) Real estate taxes for the previous two (2) years;
- xii) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other; and,
- xiii) Any other information, including the income tax bracket of the owner, applicant, or principal investors in the property considered necessary by the Commission to make a determinate as to whether the property does yield or may yield a reasonable return to owners.

