

CITY OF MONTICELLO
PIATT COUNTY, ILLINOIS

ORDINANCE NO. 2000-3

“AN ORDINANCE AMENDING ARTICLE 9, DIVISION 5,
OF CHAPTER 2 OF THE CITY OF MONTICELLO
MUNICIPAL CODE
(THE MONTICELLO HISTORIC PRESERVATION COMMISSION)

ADOPTED BY THE
CITY COUNCIL
CITY OF MONTICELLO
THIS 24th DAY OF JANUARY, 2000

Published in pamphlet form by authority of the City Council of the City of Monticello, Piatt County, Illinois,
this 24th day of January, 2000.

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AN ORDINANCE AMENDING ARTICLE 9, DIVISION 5,
OF CHAPTER 2 OF THE CITY OF MONTICELLO MUNICIPAL CODE
(THE MONTICELLO HISTORIC PRESERVATION COMMISSION)

WHEREAS the City of Monticello is desirous of protecting and enhancing its historic districts and buildings; and

WHEREAS the City of Monticello contains many structures and areas that embody a sense of time and place unique to the City and which exemplify and reflect the cultural, social and architectural history of the City, the State of Illinois, and the United States of America; and

WHEREAS the General Assembly of the State of Illinois has adopted the Illinois Historic Preservation Act which authorizes municipalities to preserve and enhance their historic areas and buildings; and

WHEREAS, pursuant to said enabling legislature, the City Council of the City of Monticello desires to amend its Municipal Code to implement said authority;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Monticello, in regular session pursuant to law, this 24th day of January, A.D. 2000, that Article 9, Division 5 of Chapter 2 of the City of Monticello Municipal Code heretofore adopted by the City Council be amended as hereinafter provided, to-wit:

1. **TITLE OF ORDINANCE**: This Ordinance shall be known as "the Historic Preservation Ordinance of the City of Monticello, Illinois".

2. **PURPOSE**: The purpose of this Ordinance is to promote the protection, enhancement, perpetuation and use of improvements and areas within the City of special character and/or historical interest or value, in the interest of promoting the health, prosperity, safety and welfare of the people of the City of Monticello by:

- a. Identifying historically and/or architecturally significant properties, structures, neighborhoods or areas within the City;
- b. Designating areas or structures as historically and/or architecturally significant;
- c. Educating the public and property and business owners, local governmental units and civic organizations on the historical and architectural heritage of the City, as well as the economic, social and cultural benefits and preservation; and advising and assisting property and business owners on the physical and financial aspects of preservation, including holding seminars and other educational

programs with regard thereto and providing guidance and assistance in obtaining financial aid, technical assistance and assistance in locating materials and preservation-oriented contractors;

- d. Encouraging the preservation of historic areas and structures through educational, financial and administrative means; and
- e. Recognizing significant historic and/or architectural preservation efforts, thereby encouraging further preservation activities.

3. **DEFINITIONS:** Unless specifically defined below, words and phrases used throughout this Ordinance shall be given the meaning they have in ordinary English usage so as to give this Ordinance its most reasonable application.

- a. Alteration: Any act or process which changes one or more of the exterior architectural features of a structure, including but not limited to the erection, construction, reconstruction, or removal of any structure.
- b. Addition: Any act or process which changes one or more of the exterior architectural features of a structure by adding to, joining with or otherwise increasing the size or capacity of the structure.
- c. Building: Any structure created for the support, shelter or enclosure of persons, animals or property of any kind and which is permanently affixed to the ground.
- d. Construction: The act or process of erecting a new principal or accessory structure on a lot or property, or the act of adding an addition to an existing structure.
- e. Demolition: Any act or process that destroys in part or in whole a building or structure.
- f. Exterior architectural appearance: The architectural and general composition of the exterior of a structure, including, but not limited to the kind, color, and texture of the building materials and the type, design and character of all windows, doors, light fixtures, signs and appurtenant elements of the exterior portions of the structure.
- g. Owner of Record: The person, corporation or other entity listed as the owner in the records of the office of the Recorder of Piatt County, Illinois.
- h. Rehabilitation: The act or process of returning a building or structure

to a state of utility through repair or alteration, which makes possible an efficient, contemporary use while at the same time preserving those portions and features of the building or structure that are significant to its historic, social or architectural heritage.

- i. Removal: Any relocation of a building or structure to another site.
- j. Repair: Any change that does not require a building permit and which is not construction, relocation or alteration.
- k. Structure: Anything constructed or erected, the use of which requires attachment to, on or in the ground, including without limitation buildings, homes, fences, gazebos, advertising or other signs, billboards, backstops for tennis courts, radio and television antennae, satellite dishes, and solar panels.
- l. Structural change: Any change in the supporting members of a building, structure, roof or exterior walls which expands or alters the building in height, width, bulk or strength.

4. **COMPOSITION OF HISTORIC PRESERVATION COMMISSION**: The Monticello Historic Preservation Commission shall consist of seven (7) persons, who are residents of the City of Monticello, and who shall be appointed by the Mayor, with the advice and consent of the City Council, subject to the following:

- a. Qualifications: The members of the Commission shall be appointed on the basis of expertise, experience or interest in the areas of architectural history or history in general, building construction or engineering, historical or architectural preservation, neighborhood organization, real estate, and/or such other disciplines and professions as the City Council may deem appropriate.
- b. Terms: Members of the Commission, who shall serve without compensation, shall be appointed for terms of three (3) years. Of those members first taking office, two (2) shall be appointed for one (1) year, three (3) for two (2) years, and two (2) for three (3) years. Members of the Commission may be removed by the Mayor, with the advice and consent of the City Council, with or without cause. Vacancies shall be filled by the Mayor with the advice and consent of the City Council.
- c. Officers: Officers of the Commission shall be elected by the members of the Commission and shall consist of a Chairperson, a Vice-Chairperson, a Secretary/Assistant Secretary and Treasurer. Officers shall serve a term of one (1) year and shall be eligible for re-election.

The Chairperson shall preside at meetings. In the absence of the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson. If both are absent, a temporary Chairperson shall be elected by those present. The Secretary of the Commission shall have the following duties:

- (1) To take and preserve minutes of all Commission meetings;
- (2) To disseminate and distribute copies of the minutes of meetings, reports, and decisions of the Commission to the members of the Commission;
- (3) To give legal notices as provided herein or by law for all meetings and hearings conducted by the Commission;
- (4) To advise the Mayor of vacancies on the Commission and expiring terms of members; and
- (5) To prepare and submit to the City Council a complete record of proceedings before the Commission on any matter requiring the approval or consideration of the Council.

The Treasurer of the Commission shall have the following duties:

- (1) To keep and maintain accurate books and records of the Commission's funds, receipts and expenditures; and
- (2) To provide reports, when requested, of the Commission's financial condition.

The Treasurer shall be bonded if funds in excess of \$5,000.00 are placed in his or her care, and the cost of said bond shall be paid for by the City.

- d. Meetings: A quorum shall consist of five (5) members of the Commission. All decisions and actions of the Commission shall be by a majority vote of those members present and voting at such meeting, if a quorum is present except as provided hereafter. Meetings shall be held at regularly scheduled times and places established by resolution of the Commission at the beginning of each calendar year, which

resolution shall be published in a newspaper of general circulation in the City of Monticello, Illinois. The Commission shall hold at least four (4) regular meetings in each calendar year. Special meetings may be called by the Chairperson or by three (3) members of the Commission. Members of the Commission shall be given at least forty-eight (48) hours advance, written notice of the time, place and purpose of that meeting.

No member of the Commission may vote on any matter that may or does materially or apparently affect, either directly or indirectly, the property, business, income or other interest of that member. The Commission shall keep minutes of all of its proceedings, showing the vote on all matters which come before it, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Commission and shall be public records.

5. **POWERS AND DUTIES:** The Commission shall have the following powers and duties:

- a. To adopt its own procedural regulations;
- b. To conduct an ongoing survey to identify historically and/or architecturally significant properties, structures and areas;
- c. To designate by ordinance properties or structures having special historic, community or architectural value as "Landmarks";
- d. To designate by ordinance areas and neighborhoods having special historic, community or architectural value as "Historic Districts";
- e. To keep a register of all properties and structures that have been designated as "Landmarks" or "Historic Districts", including all information required for each designation;
- f. To determine and promulgate an appropriate system of signs and markers for all "Landmarks" and "Historic Districts", and to determine and promulgate the design and implementation of specific signs and markers of streets and routes leading to designated "Landmarks" and "Historic Districts";
- g. To advise owners of "Landmarks" and property or structures within "Historic Districts" on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for including it on the National Register of Historic Places;

- h. To inform and educate the citizens of Monticello concerning the historic and architectural heritage of the City by publishing and holding programs and seminars;
- i. To hold public hearings and to review applications for construction, alteration, removal, or demolition effecting proposed or designated "Landmarks" or structures of "Historic Districts" and issue or deny Certificates of Appropriateness or Certificates of Hardship for such actions. Applicants shall be required to submit plans, drawings, elevations and specifications with their applications;
- j. To develop specific guidelines for the alteration, demolition, construction or removal of "Landmarks" or property and structures within "Historic Districts";
- k. To review proposed zoning amendments, applications for special use permits or variances that affect proposed or designated "Landmarks" and "Historic Districts". Such review shall be made prior to the date of the hearing by the City Planning Commission or the Zoning Board of Appeals, as the case may be;
- l. To administer on behalf of the City of Monticello any property or full or partial interest in real property, including a conservation right as that term is used in the Illinois Revised Statutes, which the City may have or accept as a gift or otherwise, upon designation or authorization by the City Council;
- m. To accept and administer on behalf of the City of Monticello, upon designation and authorization of the City Council, such gifts, grants and money as may be appropriate for the purposes of this Ordinance;
- n. To call upon available City employees, as well as other experts, for technical or other advice;
- o. To testify before all boards and commissions, including the City Planning Commission and the Zoning Board of Appeals, on any matter affecting historically and architecturally significant properties and "Landmarks"; and
- p. To periodically review the City Zoning Ordinance and to recommend to the City Council any amendments appropriate for the protection and continued use of "Landmarks" or property and structures within "Historic Districts".

6. **SURVEYS AND RESEARCH:** The Historic Preservation Commission shall

undertake an ongoing survey and research effort in the City of Monticello to identify neighborhoods, areas, sites, structures, and objects that have historic, community, architectural, or aesthetic importance, interest or value. As part of the survey, the Historic Preservation Commission shall review and evaluate any prior surveys and studies by any unit of government or private organization and compel appropriate descriptions, facts, and photographs. The Historic Preservation Commission shall identify potential "Landmarks" and adopt procedures to nominate them in groups based on the following criteria:

- a. The potential "Landmarks" in one identifiable neighborhood, district or geographical area of the City of Monticello;
- b. The potential "Landmarks" associated with a particular person, event or historical period;
- c. The potential "Landmarks" of a particular architectural style or school, or of a particular architect; and
- d. Such other criteria as may be adopted by the Historic Preservation Commission to assure a systematic survey and nomination of all potential "Landmarks" within the City of Monticello.

7. **LANDMARK DESIGNATION:**

- a. Preliminary Determination: The Commission shall, after such investigation as it deems necessary, make a preliminary determination as to whether a property or structure possesses the integrity of design, workmanship materials, location, setting and feeling and meets one or more of the following criteria:
 - (1) Significant value as part of the historic, heritage, or cultural characteristics of the community, county, state or nation;
 - (2) Its identification with a person or persons who significantly contributed to the development of the community, county, state or nation;
 - (3) Representative of the distinguishing characteristics of architecture inherently valuable for study of a period, type, method of construction or use of indigenous materials;
 - (4) Notable work of a master builder, designer, architect or artist whose individual work has influenced the development of the community, county, state or nation;
 - (5) Its unique location or physical characteristics that make it an

established or familiar visual feature;

- (6) Its character as a particularly fine or unique example of a utilitarian structure, including but not limited to farmhouses, historic commercial buildings, gas stations, or other commercial structures with a high level of integrity or architectural significance; and
- (7) An area that has yielded or may be likely to yield information important to history, archeology, architecture or prehistory.

A preliminary determination as to whether a property, structure or area meets one or more of the above criteria shall be made within fifteen (15) days of the filing of a nomination with the Commission.

b. Landmark Designation Procedures: (1) Any person, group or persons or association, including but not limited to the Historic Preservation Commission, may request a historic "Landmark" designation for any structure or building within the City of Monticello which may have historic, architectural, cultural or other significance. An application for "Landmark" designation shall be submitted to the Secretary of the Commission on such form as the Commission may from time to time designate and approve. The application, at a minimum, shall contain the following:

- (a) The name and address of the property owner;
- (b) The legal description and the common street address of the property;
- (c) A written statement describing the property and setting forth reasons in support of the proposed designation;
- (d) Documentation or verification that the property owner has been notified of the application for designation or that he/she consents thereto;
- (e) A list of significant exterior architectural features that should be protected;
- (f) An overall site plan and photographs of the "Landmark". The plan shall also include a front, side and rear elevation drawing; and

- (g) The names and addresses of all adjacent property owners and occupants.
- (2) Upon the Secretary's receipt of an application for "Landmark" designation, a public hearing shall be scheduled before the Commission on that application within sixty (60) days of the receipt thereof. Notice of the date, time, place and purpose of the public hearing shall be sent by United States mail to the owner(s) of record and occupants of the property and to the nominator(s) as well as to all adjacent property owners listed on the nominator's application. Such written notice shall be sent by the Secretary of the Commission and must be sent not less than fifteen (15) days but not more than thirty (30) days before the date of the public hearing. A public notice shall also be published in a secular newspaper of general circulation in the City of Monticello at least fifteen (15) days before the public hearing. All such notices shall state the location of the property or area and a statement summarizing how the proposed "Landmark" meets the criteria set forth in this Ordinance.

At the public hearing, the Commission shall hear the testimony and comments of all persons in favor of and opposed to such "Landmark" designation. The Chairman is directed and authorized to administer oaths to all such persons. The members of the Commission may examine all persons speaking either in favor of or in opposition to such "Landmark" designation. The Commission may also consider any other information, facts or reports, as long as it makes its consideration of such information, facts or reports known at the public hearing. A detailed summary of the testimony, comments and statements of all persons addressing the Commission shall be kept and maintained as part of the minutes of that meeting. The Commission may, in its discretion, tape record the testimony, comments and statements of all persons addressing the Commission. The Commission shall review and evaluate the application in accordance with the criteria established in this Ordinance. If the Commission determines that an application merits further consideration or additional or other testimony, it may defer its decision thereon until its next regularly scheduled meeting.

The Commission shall make a decision to approve or disallow the application for "Landmark" designation not later than thirty (30) days after the conclusion of the public hearing. A vote of five (5) members of the Commission is necessary for approval of "Landmark" designation. Such approval shall be in the form of an ordinance adopted by a majority of the members of the Commission. The

Secretary of the Commission shall notify the owner(s) of record of the property subject to the "Landmark" designation of the Commission's decision. In addition, the Secretary shall also send notice of the "Landmark" designation to the City Planning Commission, the City Building Inspector, the City Clerk, and to the Piatt County Recorder to be recorded.

8. **HISTORIC DISTRICT DESIGNATION:**

a. **Preliminary Determination:** The Commission shall, after such investigation as it deems necessary, make a preliminary determination as to whether an area, neighborhood or district within the City of Monticello possesses the design, workmanship, materials, location, setting and feeling, and meets one or more of the following criteria:

- (1) The Historic District contains one or more "Landmarks" along with other such buildings and structures, places or areas within its definable geographic boundaries, which, while not of such historic significance to be designated as "Landmarks", nevertheless contribute to the overall visual characteristics of the "Landmark" or "Landmarks" located in such district;
- (2) The "Historic District" contains a significant number of structures meeting any of the standards of Section 7, paragraph a. above;
- (3) The "Historic District" establishes a sense of time and place unique to the City of Monticello; and/or
- (4) The "Historic District" exemplifies or reflects the cultural, social, economic, political, or architectural history of the City, the County, the State and/or the nation.

A preliminary determination by the Commission as to whether a district or area meets one or more of the above criteria shall be made within sixty (60) days of the filing of a nomination therefor with the Commission.

b. **Historic District Designation Procedures:** (1) Any person, group of persons or association, including but not limited to the Historic

Preservation Commission, may request a "Historic District" designation for any area or district within the City of Monticello which may have met the above criteria. An application for "Historic District" designation shall be submitted to the Secretary of the Commission on such form as the Commission may from time to time designate and approve. The application, at a minimum, shall contain the following:

- (a) The name(s) and address(es) of the property owner(s) of each tract or parcel of real estate within the proposed "Historic District";
 - (b) A map delineating the boundaries of the area or district to be designated;
 - (c) A written statement describing the area and properties within the proposed "Historic District" and setting forth reasons in support of the proposed designation;
 - (d) A list and photographs of significant exterior architectural features of all properties in the district which should be protected; and
 - (e) The names and addresses of all adjacent property owners and occupants.
- (2) Upon the Secretary's receipt of an application for "Historic District" designation, a public hearing shall be scheduled before the Commission on that application within sixty (60) days of the receipt thereof. Notice of the date, time, place and purpose of the public hearing shall be sent by United States mail to the owners of record and occupants of the properties proposed and to the nominator(s), as well as to all adjacent property owners listed on the nominator's application. Such written notice shall be sent by the Secretary of the Commission not less than fifteen (15) days but not more than thirty (30) days before the date of the public hearing. A public notice shall also be published in a secular newspaper of general circulation within the City of Monticello at least fifteen (15) days before the public hearing. All such notices shall state the location of the properties or areas and a statement summarizing how the proposed "Historic District" meets the criteria set forth in this Ordinance.

At the public hearing, the Commission shall hear the testimony and comments of all persons in favor of and opposed to such "Historic District" designation. The Chairman is directed and authorized to

administer oaths to all such persons. The members of the Commission may examine all persons speaking either in favor of or in opposition to the "Historic District" designation. A detailed summary of the testimony, comments and statements of all persons addressing the Commission shall be kept and maintained as part of the minutes of that meeting. The Commission may, in its discretion, tape record the testimony, statements and comments of all persons addressing the Commission. The Commission shall review and evaluate the applications in accordance with the criteria established in this Ordinance. If the Commission determines that an application merits further consideration or additional testimony, it may defer its decision thereon until its next regularly scheduled meeting.

The Commission shall make a decision to approve or disallow the application for "Historic District" designation, or to partly approve and partly disapprove the application, within thirty (30) days after the conclusion of the public hearing. A vote of five (5) members of the Commission is necessary for approval of any district or area as a "Historic District". Such approval shall be in the form of an ordinance adopted by a majority of the members of the Commission. Notwithstanding the foregoing, no area shall be approved for "Historic District" designation unless fifty-one per cent (51 %) of the owners of record thereof concur and agree thereto. The Secretary of the Commission shall notify the owners of record of the property within the "Historic District" of the Commission's decision. In addition, the Secretary shall also send notice of the "Landmark" designation to the City Planning Commission, the City Building Inspector, the City Clerk, and to the Piatt County Recorder to be recorded.

9. **INTERIM PROTECTION FOR NOMINATIONS:** Any building or structure nominated but not yet designated as a historic "Landmark" or as part of a "Historic District" shall be subject to all the protections provided by this Ordinance from and after its nomination to the Historic Preservation Commission, and the owner(s) or occupant(s) thereof shall be subject to all the rights and obligations hereinabove and hereinafter specified for buildings or structures designated as historic "Landmarks" or within designated "Historic Districts".

10. **MAINTENANCE AND REPAIR OF DESIGNATED PROPERTIES:**

All buildings or structures which have been designated Historic Landmarks or which are within a designated "Historic District", whether owned or controlled privately or by any public entity, shall receive reasonable care, maintenance and upkeep appropriate for the preservation, protection, perpetuation or use thereof in conformity with the purposes and requirements of this Ordinance. Neither the owner nor the occupant of a building or structure which has been designated a historic "Landmark" or which lies within a designated "Historic District" shall permit such building or

structure to fall into a state of disrepair which may result in the deterioration of any exterior appurtenance or architectural feature so as to produce or tend to produce in the reasonable judgment of the Historic Preservation Commission, a detrimental effect upon the character or life of the structure or building in question, or in the character of the "Historic District", as the case may be, including but not necessarily limited to the following:

- a. The deterioration of exterior walls or other vertical supports;
- b. The deterioration of the roofs or other horizontal members;
- c. The deterioration of external chimneys;
- d. The deterioration or crumbling of exterior plaster, mortar, brickwork, or stone;
- e. The ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors, and ineffective or insufficient paint or other waterproofing to any exterior features; and/or
- f. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.

Any violation of this Section shall subject the property owner to the penalties set forth hereinafter.

11. **CERTIFICATES OF APPROPRIATENESS AND OF HARDSHIP:**

- a. A Certificate of Appropriateness or a Certificate of Hardship issued by the Historic Preservation Commission shall be required before a building permit or demolition permit is issued for any designated historic "Landmark" or for any building, structure, site or part thereof in a designated "Historic District". A Certificate of Appropriateness or a Certificate of Hardship is also required if any designated historic "Landmark" or any building, structure, site or part thereof in a designated "Historic District" is to be altered, extended, or repaired in such a manner as to produce a major change in the exterior appearance of the building, structure or site. Such major changes include, but are not limited to the following:
 - (1) Major changes by addition, alteration, maintenance, reconstruction, rehabilitation, renovation, repair, deterioration, or lack of repair of, in or to the exterior features of such building, structure, site or part thereof;

- (2) Moving a building;
- (3) Any construction, alteration, demolition or removal effecting a significant exterior architectural feature of any designated historic "Landmark" or any building, structure, site or part thereof in a designated "Historic District"; and/or
- (4) In the case of partial or complete destruction of a building or structure within a "Historic District", the owner will be required to obtain a Certificate of Appropriateness or Certificate of Hardship from the Commission prior to reconstruction. Although exact duplication of the previous building or structure may not be required, the exterior design thereof shall be in harmony with the exterior design of the building or structure prior to its destruction, and with the character of the "Historic District".

In the case of partial destruction of a building or structure which has been designated a historic "Landmark", the owner will be required to obtain a Certificate of Appropriateness or Certificate of Hardship from the Commission prior to reconstruction. Although exact duplication of the previous building or structure may not be required, the exterior design thereof shall be in harmony with the exterior design of the building or structure prior to its partial destruction. In the case of complete destruction of a building or structures which have been designated a historic "Landmark", the owner may reconstruct the building or structure in conformity with its design and architecture before its destruction, in which case a Certificate of Appropriateness or Certificate of Hardship is required, or the owner may, in his or her discretion, reconstruct the building or structure in a completely different way, in which event it will forfeit its historic "Landmark" designation.

- b. Application Requirements: Every application for a building or demolition permit, including plans or specifications submitted therewith, shall be forwarded to the Historic Preservation Commission no more than fifteen (15) days after the same is filed with the City. An application for a Certificate of Appropriateness shall include:
 - (1) The street address of the property involved;
 - (2) The legal description of the property involved;

- (3) A brief description of the construction, alteration, demolition or use proposed, together with any architectural drawings, plans or sketches, if available, and if not available, a detailed description of the construction, alteration, demolition and/or use sufficient to enable a reasonable person to determine what the final appearance and use of the structure or building will be;
- (4) The names of all owners and occupants/tenants of the real estate involved;
- (5) The developer's name and address, if any;
- (6) The architect's name and address, if any; and
- (7) The names and addresses of all adjacent property owners and occupants/tenants.

An application for a Certificate of Hardship shall include all of the information necessary for a Certificate of Appropriateness, as well as a detailed statement explaining how a failure to grant the same will cause serious threat to life, health or property or will cause a serious economic hardship to the owner(s) of the property involved not foreseen or intended by this Ordinance.

c. Criteria for Certificates of Appropriateness: The criteria to be considered by the Commission in approving or disapproving a Certificate of Appropriateness shall include the following, as well as any other criteria deemed relevant by the Commission:

- (1) A reasonable effort should be made to provide a compatible use for buildings which will require minimum alteration to the building structure or site and its environment, or to use a property for its originally intended purpose;
- (2) The compatibility of the proposed additions or new construction to the original architecture of the historic "Landmark" or styles and appearance of buildings, structures or sites within a "Historic District" shall be evaluated against the following guidelines:
 - (a) The height of the proposed structure, addition or alteration in relation to surrounding

structures;

- (b) The relationship between the width of the building to the height of the front elevation with surrounding structures;
 - (c) The relationship of the building mass to the open spaces between it and adjoining buildings or structures;
 - (d) The directional expression of a building or structure, i.e. the vertical or horizontal positioning of it;
 - (e) The shape of the roof;
 - (f) Architectural details, general design, materials, textures and colors;
 - (g) Landscaping and appurtenances including, without limitation, signs, fences, accessory structures and pavings; and
 - (h) The scale of the structure after alteration, construction or partial demolition in relation to the scale of other structures in a "Historic District";
- (3) The historic character of a building or structure should be retained and preserved. The removal of historic materials or the alteration of features and spaces that characterize the building or structure should be avoided;
- (4) Deteriorated historic features should be repaired rather than replaced. Where the severity of the deterioration requires replacement of a distinctive feature, the new feature shall be substantiated by documentary, physical or pictorial evidence;
- (5) All buildings are products of the time in which they were built. Alterations intended to create an appearance inconsistent with the actual character of the building are discouraged;
- (6) Changes to buildings and environments which have taken place in the course of time may distinguish the history of the building and/or the neighborhood. Such changes should be recognized and respected;

- (7) New additions or alterations to buildings should be done, whenever reasonably possible, in such a manner that if they were subsequently removed, the essential form and integrity of the building would be preserved;
- (8) Designs and architectural styles in a "Historic District" not necessarily consistent with other buildings or structures in the District should not be discouraged if such designs or styles are compatible with the size, scale, color, materials or its environs;
- (9) Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure or site should be treated with sensitivity;
- (10) The surface cleaning of structures should be undertaken with the gentlest means possible. Sandblasting and other similar cleaning methods that will damage or deface the building materials are discouraged; and
- (11) Every reasonable effort should be made to protect and preserve archeological resources affected by or adjacent to any project.

d. Hearings on Applications for Certificates of Appropriateness and Certificates of Hardship:

Applications for Certificates of Appropriateness and Certificates of Hardship shall be filed with the Secretary of the Commission, who shall promptly schedule them for a public hearing before the Commission within sixty (60) days thereof. Notice of the date, time, place and purpose of the public hearing shall be sent by United States mail to the owner(s) and occupants/tenants of the property involved, as well as to all adjacent property owners listed in the application. Such written notice shall be sent by the Secretary of the Commission not less than fifteen (15) days but not more than thirty (30) days before the date of the public hearing. A public notice shall also be published in a secular newspaper of general circulation within the City of Monticello at least fifteen (15) days before the public hearing. All such notices shall state the location of the property involved and a statement summarizing the relief requested.

At the public hearing, the Commission shall hear the testimony and comments of all persons in favor of and opposed to the application. The Chairman is directed and authorized to administer oaths to all such persons. The members of the Commission may examine all persons speaking in favor of or against such application. A detailed

summary of the testimony, comments and statements of all persons addressing the Commission shall be kept and maintained as part of the minutes of that meeting. The Commission may, in its discretion, tape record the testimony, statements and comments of all persons addressing the Commission. The Commission shall review and evaluate the application in accordance with the criteria established in this Ordinance. If the Commission determines that an application merits further consideration or additional testimony, it may defer its decision until its next regularly scheduled meeting.

The Commission shall make a decision to approve or disallow the application for a Certificate of Appropriateness or for a Certificate of Hardship within forty-five (45) days after the conclusion of the public hearing. A simple majority of the Commission is necessary for approval of the application for Certificate of Appropriateness or for a Certificate of Hardship. Such approval shall be in the form of a resolution adopted by a majority of the members of the Commission. The Secretary of the Commission shall notify the applicant(s) of the Commission's decision. In addition, the Secretary shall also send notice of the decision to the City Planning Commission, the City Building Inspector, and the City Clerk. The Chairman of the Commission is authorized to sign, on behalf of the Commission, all Certificates of Appropriateness and Certificates of Hardship.

A Certificate of Appropriateness shall be deemed to be invalid if changes in the plans submitted to the Commission are made by the owner, developer or architect or if the building or demolition permit issued for that project becomes invalid. The Certificate of Appropriateness and Certificate of Hardship shall remain valid for the same period of time as the building or demolition permit.

12. **APPEALS:** In the event of a denial of an application for a Certificate of Appropriateness or for a Certificate of Hardship, the applicant may, with fifteen (15) days of the denial, file an amended application with the Commission, taking into consideration the Commission's reasons for the denial. Such amended applications shall be subject to the procedures specified in Paragraph 11. above.

In addition, or in the alternative, an aggrieved party with standing may appeal the Commission's granting or denial of a Certificate of Appropriateness or of a Certificate of Hardship or any other decision of the Commission to the City Council, upon filing a request for appeal with the City Clerk within twenty-one (21) days of the date of the decision from which the appeal is taken. Any appeal not taken within that time is barred. The City Council shall then review all facts and matters relevant to the application and the Commission's decision. A decision by the City Council to reverse or overturn the decision of the Commission, whether in whole or in part, must be approved by a vote of at least a majority of the City Council. The decision of the City Council shall be final as

to all parties involved, except as to judicial review as provided by law.

13. **FEES AND PENALTIES**: This Historic Preservation Commission is authorized to establish reasonable filing or processing fees for nominations for "Landmark" and "Historic District" designations and for application for Certificates of Appropriateness and Certificates of Hardship.

Any person who undertakes or causes an alteration, construction, demolition or removal of any historic "Landmark" or of any building, structure or site within any "Historic District" without a Certificate of Appropriateness or a Certificate of Hardship or who otherwise violates any of the terms of this Ordinance shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). Each day such violation continues shall be deemed to be a separate violation of this Ordinance. The City of Monticello, acting by and through the City Attorney, may institute any appropriate action or proceeding in any court of competent jurisdiction to enjoin, correct, abate or punish any violation of this Ordinance, as well as to enforce any of the provisions hereof.

14. **REPEALER**: All other ordinances or parts or provisions thereof of the City of Monticello which are inconsistent with the provisions hereof are hereby expressly repealed.

15. **SEVERABILITY**: In the event any part or provision of this Ordinance shall be held to be unconstitutional, unenforceable, void or other wise invalid, then the same shall not effect the validity and enforceability of all other parts and provisions of this Ordinance.

16. **EFFECTIVE DATE**: This Ordinance shall be effective after its passage, approval and publication in pamphlet form, as required by law.

PASSED this 24th day of January, 2000, by the following roll-call vote:

Ayes: Calhoun, Vanderkloot, Kuetemeyer, Schmitt, Jones, Wildman, Stoner

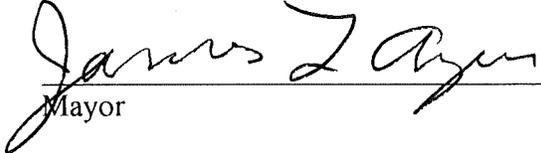
Nays: None

Absent: Mitze



City Clerk

Approved by the Mayor of the City of Monticello this 24th day of January, 2000.



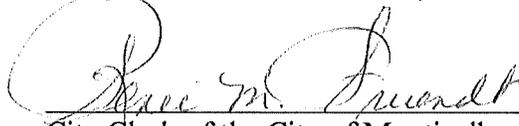
Mayor

ATTEST:


City Clerk

CERTIFICATE OF PUBLICATION

I, Renee Fruendt, City Clerk of the City of Monticello, Piatt County, Illinois, do hereby certify that the foregoing and attached "AN ORDINANCE AMENDING ARTICLE 9, DIVISION 5, OF CHAPTER 2 OF THE CITY OF MONTICELLO MUNICIPAL CODE (THE MONTICELLO HISTORIC PRESERVATION COMMISSION)" is a true and correct copy of said Ordinance duly adopted and enacted by the City Council of Monticello, Illinois, at its regular meeting on the 24th day of January, 2000, by the following roll-call vote: ayes 7; nays 0; absent 1; and that the same was published by publication in pamphlet form on the 24th day of January, 2000.



City Clerk of the City of Monticello, Piatt
County, Illinois