

ORDINANCE NO. 04 - 09

**AN ORDINANCE CORRECTING ORDINANCE NO. 04-01 ADOPTED BY THE
VILLAGE OF OSWEGO, KENDALL COUNTY, ILLINOIS**

(Historic Preservation Section Number)

WHEREAS, on January 12, 2004, the President and Board of Trustees adopted Ordinance No. 04-01 entitled "An Ordinance Granting Approval of the Zoning Ordinance Text Amendment Creating Section 16 Regarding Historic Preservation, Amending Title 2, Chapter 6 of the Code of Ordinances, and Rescinding Ordinance Nos. 99-05 and 99-12"; and

WHEREAS, Ordinance No. 04-01 contained a scrivener's error in identifying Historic Preservation as Section 16; and

WHEREAS, the President and Board of Trustees desire to correct said scrivener's error.

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD
OF TRUSTEES OF THE VILLAGE OF OSWEGO, KENDALL COUNTY, ILLINOIS,
AS FOLLOWS:**

SECTION 1. CORRECTION OF SCRIVENER'S ERROR:

That Ordinance No. 04-01 be and the same is hereby amended to delete all references to Section 16 and to replace with Section 18.

SECTION 2. REPEALER:

All ordinances or parts of ordinances conflicting with any provisions of this Ordinance are hereby repealed.

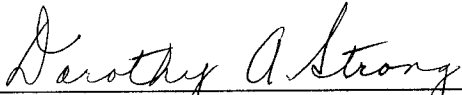
SECTION 3. SEVERABILITY

This ordinance and every provision thereof shall be considered severable, and the invalidity of any section, clause, paragraph, sentence or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

SECTION 4. EFFECTIVE DATE

This Ordinance shall be in full force and effect immediately upon its passage, approval, and publication in pamphlet form.

PASSED by the Board of Trustees of the Village of Oswego, Kendall County, Illinois this 9th day of February, 2004.


DOROTHY A. STRONG, VILLAGE CLERK

DAVID KRAHN	<u>Aye</u>	RODGER LONG	<u>Aye</u>
CHARLES PAJOR	<u>Aye</u>	BRADEN ROCK	<u>Aye</u>
WILLIAM SANDERS	<u>Aye</u>	LORI WEST	<u>Aye</u>

APPROVED by me, Craig Weber, as President of the Board of Trustees of the Village of Oswego, Kendall County, Illinois this 9th day of February, 2004.


CRAIG WEBER VILLAGE PRESIDENT

Return to:
Village of Oswego
Attn: Village Clerk
113 Main Street
Oswego, IL 60543

VILLAGE OF OSWEGO

HISTORIC PRESERVATION ORDINANCE

FOR

**THE VILLAGE OF OSWEGO, ILLINOIS
KENDALL COUNTY**

ORDINANCE NO. 04-01

**PASSED AND APPROVED
BY THE
VILAGE PRESIDENT AND BOARD OF TRUSTEES
ON
JANUARY 12, 2004**

**AMENDED BY
Ordinance No. 04-09 on February 9, 2004**

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SECTION 18.00 – HISTORIC PRESERVATION

18.01 AUTHORIZATION

This Section is authorized by the Illinois Historic Areas Preservation Act, Chapter 65, Section 5/11-13-1 and 5/11-48.2-1 et. Seq. of the Illinois Compiled Statutes, which have granted powers to the Village President and Board of Trustees of the Village Oswego to provide for official landmark designation by ordinance of areas, places, buildings, structures, and other objects having a special, historical, community or aesthetic interest or value, and in connection with such areas so designated by ordinance to impose regulations governing the construction, alteration, demolition and use, and to adopt other additional measures appropriate for their preservation, protection, enhancement, rehabilitation, reconstruction, perpetuation or use.

18.02 PURPOSE

The purpose of this Section is to promote the educational, cultural, economic, and general welfare of the community and to promote the protection, enhancement, perpetuation, and use of improvements of special character or historical interest or value in the interest of the health, prosperity, safety, and general welfare of the people of the Village of Oswego by:

1. Providing a mechanism to identify and preserve the distinctive historic, architectural, and/or landscaping characteristics of the Village of Oswego which represent elements of the Village's cultural, social, economic, political, and architectural history;
2. Promoting civic pride in the beauty and significant accomplishments of the past as represented in the Village's landmark and historic districts;
3. Providing a positive force to help stabilize and improve the property value of the Village's landmarks and historic districts;
4. Protecting and enhancing the attractiveness of the Village to its residents and visitors, and thereby supporting and promoting commerce and providing economic benefit to the Village;
5. Fostering and encouraging preservation, restoration, and rehabilitation.

18.03 REATION AND ORGANIZATION OF COMMISSION

The Commission shall be organized and have those powers and duties set forth in Title 2 of Chapter 6 of the Oswego Code of Ordinances.

18.04 LANDMARK AND HISTORIC DISTRICT DESIGNATION

- A. Application and Nomination. Any person, group of persons, or association including, but not limited to the Oswego Historic Preservation Commission, may apply for historic landmark designation for any structure, building or site within the boundaries of the Village of Oswego which may have historic or architectural significance as defined by this Ordinance. Nominations shall be made to the Historic Preservation Commission on the appropriate form. Completed forms shall be submitted to the Community Development Department for formal review by the Historic Preservation Commission and the Village Board of Trustees. Applications shall provide the following information:

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1. Name(s) and address(es) of the owner(s) of record of the property proposed for designation;
2. Legal description and common street address of the property;
3. Scaled plan of the site with photographs;
4. Written statement describing the property and setting forth reasons the property, structure or area is eligible for nomination, including a statement indicating which criteria in this Ordinance are applicable;
5. Proof of written notification to property owner(s) of the application;
6. Proper application fee and completed application forms as provided by the Community Development Department.

Persons wishing guidance or advice prior to completing an application may contact the Community Development Department.

B. Criteria for Landmark Designation. Village Staff shall upon receipt of a complete application, make a preliminary determination as to whether the nominated structure or property meets one or more of the following criteria:

1. The property possesses significant value as part of the historical, cultural, artistic, social, ethnic or other heritage of the Nation, State, County, or Community;
2. The property is associated with an important person or event in National, State, County, or Village history;
3. The property is representative of the distinguishing characteristics of an architectural type inherently valuable for the study of a period, style, craft, method of construction, or use of indigenous materials;
4. The property is associated with the notable work of a master builder, designer, architect, or artist whose individual genius has influenced an era;
5. The property is identifiable as an established and familiar visual feature in the community owing to its unique location or physical characteristics;
6. The property is characteristic of a particularly fine or unique example of a utilitarian structure, including but not limited to farmhouses, gas stations, and other commercial structures, with a high level of integrity and architectural significance;
7. The property is one of few remaining examples of a particular architectural style or use, or is an example which clearly represents a major architectural style, and has undergone little or no alteration since its construction and/or;
8. Area that has yielded or may be likely to yield, information important in history or prehistory.

Landmark Property Owner Consent. The Historic Preservation Commission, Officials, and Staff of the Village of Oswego may only author and put forth for consideration nomination applications for landmarks, which have property owner consent.

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Submitted landmark applications, which do not have property owner consent, require a supermajority vote of the Historic Preservation Commission to recommend approval and a supermajority vote of the Village Board to approve the designation of landmark. A supermajority shall be defined as three-quarters (3/4) of the corporate authority.

C. Criteria for Historic District Designation. Village Staff shall upon receipt of a complete application, make a preliminary determination as to whether the nominated district meets one or more of the following criteria:

1. A significant number of structures in the proposed district meet the landmark criteria;
2. The area contains a contiguous grouping of properties having a sense of cohesiveness expressed through a similarity in style, period, or method of construction;
3. The historic district contains one or more landmarks along with such other buildings, places or areas within its definable geographic boundaries which, while not such historic significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks;
4. Establishing a sense of time and place unique to the Village of Oswego and/or;
5. Exemplifying or reflecting the cultural, social, economic, political, or architectural history of the Nation, State, County, or Village.

Contributing and Noncontributing Properties. All properties within the boundaries of the proposed historic district shall be identified as either "contributing" or "noncontributing" properties. Both contributing and noncontributing properties must adhere to all of the historic district procedures and guidelines set forth in this Ordinance and applicable design guidelines adopted for the particular historic district. Certificates of Appropriateness and Economic Hardship for noncontributing properties are to be reviewed for the proposed work's impact to the property itself, district, neighborhood and adjacent properties. The intent of this section is not to review a noncontributing property within a historic district by the same historical requirements as contributing, historic properties. However, proposed work to a noncontributing property must be sensitive to the significance of the historic district and the architecture of the property itself.

District Property Owner Consent. Historic District nominations require owner consent from a minimum of 51% of the properties falling within the boundaries of the proposed historic district. The owners' consent must be submitted on the proper forms with the nomination application at the time of submittal.

D. Application Scheduling and Notification for Landmarks and Historic Districts.

1. Public Hearing. The Community Development Department shall schedule a public hearing before the Historic Preservation Commission. The Historic Preservation Commission shall hear public testimony regarding the applications for landmark and historic districts and shall review and evaluate the application according to the criteria established by this Ordinance.
2. Published Notice. The Village Clerk shall publish a notice in a newspaper of general circulation in the Village of Oswego at least once, not more than 30 days and not less than 15 days before the hearing. The notice shall describe the property proposed for designation, and set forth the date, time, place, and purpose of the public hearing. The published notice may be supplemented by

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such additional form notice as the Historic Preservation Commission may provide by rule.

3. Notice by Sign. At least 15 days, but no more than thirty (30) days prior to the date of the public hearing, notice thereof shall be posted as hereafter provided. The sign(s) shall be approximately 18 inches by 24 inches in size, and shall be mounted at least three feet off the ground. The Village Community Development Department shall provide the sign blanks and sign support system that must be used by the applicant. The sign shall bear the following words "NOTICE OF PUBLIC HEARING." The sign must also indicate the date, time, place, and purpose of the hearing. The sign shall be posted not less than fifteen (15) days, prior to the public hearing.

The public hearing posting of the land or area which is the subject matter of an application for Historic District shall be completed in such a manner to provide description of District boundary lines at locations and quantities in accordance with the Community Development Director's review and recommendation.

The sign for public hearing posting of a building or structure for Landmark status shall be on the road or street frontage of the building or structure. If there is no road or street frontage, than at a location determined by the Community Development Director.

The applicant shall remove all signs within 48 hours of the Historic Preservation Commission recommendation to the Village Board. The petitioner shall submit to the Historic Preservation Commission, before the public hearing, an affidavit stating that all signs were posted in accordance with this Ordinance.

4. Notice to Landowners. The applicant shall notify persons designated on the County records to receive property tax bills for property, which is the subject of a public hearing either for designation as a landmark or property within a historic district. Such notification shall include a statement summarizing how the landmark or district meets the criteria set forth by this Ordinance, the location of the property, and the time, date, and location of the public hearing. Such notice shall be by certified mail, return receipt requested, and mailed at least five days, but not more than 15 days prior to the hearing. The applicant shall provide an affidavit prior to the public hearing attesting that notice has been mailed, and attach a copy of the notice and return receipts.
5. The requirement to post signs and give notices set forth in this section is not jurisdictional and the failure to post any sign(s) or to give notice shall not affect the validity of any action taken.

- E. Public Hearing. The Community Development Department shall prepare a report regarding the nomination for presentation at the public hearing. Testimony and other evidence concerning the compliance of the proposed landmark or historic district with the criteria required for designation as provided in this Ordinance shall be taken at the public hearing before the Historic Preservation Commission. Interested parties including the owner of any proposed landmark or any property within a proposed district shall be allowed reasonable opportunity to present or respond to evidence and to cross examine witnesses.

The Historic Preservation Commission shall recommend approval or denial of the application by motion and majority vote, except as provided in Section 16.04 B. The Historic Preservation Commission may incorporate into its motion findings in support of its decision. The Historic Preservation Commission's evaluation and recommendation

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and all available information shall be forwarded to the Village Board of Trustees for formal consideration within 45 days of the public hearing.

- F. Village Board Consideration. After the Historic Preservation Commission has made its recommendation, the Village shall approve or deny the Historic Preservation Commission's recommendation. The Village Board shall consider the following in taking action on the application for landmark or historic district:

1. The extent to which the application meets the criteria;
2. Whether the designation is consistent with the intent and objectives of this Ordinance, and the intent of the Village Zoning Ordinance;
3. Whether the property owner has demonstrated that the owner is deprived of all reasonable use or return on the property if it is so designated; and
4. Whether the property owner(s) consents to the designation.

When the Historic Preservation Commission recommends denial, the designation shall not be approved except by a supermajority vote of the Village Board of Trustees. A supermajority shall be defined as three-quarters (3/4) of the corporate authority. If the Board of Trustees denies the application for designation, an application cannot be resubmitted to the Community Development Department for 90 days.

Approval by the Board of Trustees of a designation of a landmark and/or historic district must be formalized by Ordinance and recorded with the Kendall County Recorder.

- G. Owner's Objections. The property owner of record may file a formal objection against the designation of their property as a landmark or being within a historic district. A valid objection shall meet the following requirements:

1. The objection shall be filed with the Village Clerk by 5:00 p.m., three (3) business days prior to a Village Board action;
2. A written objection shall be signed by the owners of forty percent (40%) or more of the property included within the boundary of the proposed historic district. Each property shall be entitled to one (1) vote. In the case of a property with more than one record owner, the objection must be signed by each record owner. In the case of a property containing more than one lot of record, each lot of record improved with a structure or determined to be vacant and buildable shall be entitled to one (1) vote. A property owned land trust may execute an objection only if executed by the trustee. Ownership shall be determined by the legal records.
3. The objection document shall identify the proposed nomination, shall contain a statement of objection against the nomination, and shall attest that the signatories are the legal owners of the subject property.
4. The objection document shall bear the signatures, common street addresses, and property identification number of those signing the document, and shall identify the property which each signatory owns. Each signature shall be notarized.
5. The Historic Preservation Commission and Village Board of Trustees shall take into consideration the filed, written objection when considering an application for designation as a landmark or historic district.

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18.05 CERTIFICATE OF APPROPRIATENESS

- A. Statement of Intent. The intent of this paragraph is to ensure that a property designated as a landmark or a property within a historic district is in harmony with other adjacent properties. This regulation is not intended to require reconstruction, renovation, or restoration, or to prohibit demolition, or to impose architectural style.
- B. Scope. Construction, alteration, or demolition of property designated as a landmark or a property within a historic district shall be regulated as follows:

No activity involving the exterior of the structure, including alterations, relocation, additions, new construction, or exterior demolition shall be performed on property and improvements which have been designated under this ordinance as landmarks or historic districts without first having obtained a Certificate of Appropriateness issued by the Historic Preservation Commission.

The following actions do not qualify for the need to apply for a Certificate of Appropriateness:

1. Changing the exterior paint scheme or colors.
2. Installing or changing storm doors, storm windows, screens, window air conditioners, or satellite dishes.
3. Normal repair and maintenance of existing exterior architectural features which does not change the basic structural appearance.
4. Installing and repairing walks, patios, or driveways.
5. Installing outside storage and mechanical equipment not visible from the street.
6. Installing, removing, or changing landscaping.
7. Modifications, alterations, and maintenance of the building interiors

If a landmark or historic district was nominated and designated as such based on the architectural, historical, cultural, and/or archeological significance of the above mentioned features, then the proposed work effecting said feature is not excluded from applying for and securing a Certificate of Appropriateness.

- C. Considerations For Issuing A Certificate of Appropriateness. The Historic Preservation Commission shall consider the following criteria when evaluating proposed work that requires a Certificate of Appropriateness:
1. The effect of the proposed construction, alteration, removal, or demolition upon the exterior architectural features and upon the historic, aesthetic or architectural value of the landmark or historic district.
 2. The maintenance of the significant original qualities or character of the landmark, structure or property within a historic district including, if significant, its landscape. The removal or alteration of any historic or distinctive architectural features should be avoided when possible.

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3. The compatibility of a proposed structure to be relocated to the district, additions and new construction to the original architecture of the landmark or styles within the historic district shall be evaluated against the Oswego Design Guidelines.
- D. Specific Criteria for Construction, Alteration and Demolition. Construction, alteration, and demolition shall be undertaken only in accordance with the following standards:
1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or ornament from other buildings shall not be undertaken.
 4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
 6. Deteriorated historic features shall be repaired rather than replaced whenever feasible. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the original to the most practical extent.
 7. Chemical or physical treatments, such as sandblasting, shall not be used unless recommended by a consultant in the field of architectural restoration. Sales people and contractors do not qualify as consultants.
 8. Additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible in mass, scale, and balance.
 9. Additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- E. Procedure. An owner, or representative of the owner, of a property designated as a landmark or a property within a historic district must apply for and secure a Certificate of Appropriateness from the Historic Preservation Commission.
1. *Building Permit Application.* Any application for a building permit, including plans and specifications as required for designated landmarks or for structures within a historic district shall be sent by the Village Building Officials to the Community Development Department within seven (7) calendar days after the Building Official receives the building permit application.
 2. *Initial Evaluation.* The Community Development Department, upon receipt of the application, shall determine whether the proposed activity required a Certificate of Appropriateness as required by this ordinance. If the Community Development Department determines that the proposed activity does require a

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Certificate of Appropriateness, the applicant shall be advised that a formal request for a Certificate of Appropriateness is necessary.

3. *Certificate of Appropriateness Application.* Upon receipt of a completed application for Certificate of Appropriateness, the Community Development Department shall forward the request to the following Historic Preservation Commission meeting for review and recommendation. The Historic Preservation Commission shall evaluate the application according to the standards and criteria set forth in this Ordinance and all applicable Village codes and guidelines.

- F. Commission Review. The Historic Preservation Commission shall review the application and determine if the proposed work is clearly consistent with the design standards established for the landmark or historic district in which the property is located. The Historic Preservation Commission shall approve, approve with modifications, or deny the application. If the applicant does not agree with the Historic Preservation Commission's decision to modify the application for Certificate of Appropriateness, the application shall be denied. If the for Certificate of Appropriateness application is approved, or approved with modifications, the Historic Preservation Commission shall issue a Certificate of Appropriateness.

If the Historic Preservation Commission finds that the proposed work is clearly inconsistent with applicable criteria, the Certificate of Appropriateness shall be denied. No application for a Certificate of Appropriateness, which is substantially the same as one, which has been denied previously shall be considered by the Historic Preservation Commission for one (1) year, or if appealed, for one year after the same was denied by the Village Board.

The Building and Zoning Department may issue a building permit only consistent with the Certificate of Appropriateness. The Building and Zoning Department shall not issue a building permit in cases where the Certificate of Appropriateness was denied.

- G. Issuance. If granted, a Certificate of Appropriateness shall be valid for six (6) months to start and continue the approved work. After the issuance, no change may be made in the proposed work without resubmittal of an application. The Certificate of Appropriateness shall be considered as part of and necessary for an approved Village of Oswego Building Permit.
- H. The Appeal Process. An applicant whose application for a Certificate of Appropriateness is denied by the Historic Preservation Commission may appeal the Historic Preservation Commission's decision in writing to the Village Board. The Village Board shall take action on the appeal within forty-five (45) days. The Village Board may modify the decision after due consideration of the facts contained in the record submitted by the Historic Preservation Commission on the denied application.

The Village Board decision shall be based solely on a determination as to whether the proposed work is in accordance with applicable standards. If the Village Board approves the application as submitted, or approves the application with modifications, the Community Development Department shall notify the applicant and Historic Preservation Commission in writing. If the Village Board concurs with the decision of the Historic Preservation Commission to deny the application, the Village Board's decision shall be final. The Community Development Department shall notify the applicant and Historic Preservation Commission in writing.

- I. Emergency Work. If emergency circumstances affect a landmark or structure within a historic district which requires immediate relief, repair or demolition, the Building and Zoning Department shall certify that such conditions exist, and be abated as quickly as

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possible. This paragraph applies only to situations that make it impractical for the Historic Preservation Commission to consider a Certificate of Appropriateness. A Certificate of Appropriateness shall be required in the event that the Village Administrator requires exterior alterations to an existing structure to comply with a building or life safety code.

18.06 CERTIFICATE OF ECONOMIC HARDSHIP

- A. Scope. The Historic Preservation Commission may issue a Certificate of Economic Hardship to allow the performance of work for which a Certificate of Appropriateness would have been denied if there was no demonstrated economic hardship.
- B. Submittal Requirements. An applicant for a Certificate of Economic Hardship may submit documentation to demonstrate why a reasonable return cannot be obtained on the property and/or why the appropriate work cannot be afforded at the time of application. The following information may be reviewed by the Historic Preservation Commission in order to make a determination on the application:
1. The amount paid for the property, the date of purchase, and the party from whom purchased (including description of the relationship, if any between the owner and the persons from whom the property was purchased).
 2. The assessed value of the land and improvements thereon according to two most recent assessments.
 3. Real estate taxes from the two previous years.
 4. Remaining balance on the mortgage, if any, and the annual debt service, if any, for the two previous years.
 5. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property.
 6. Any listing of the property for sale or rent, price asked, and offers received, if any.
 7. Any consideration by the owners regarding potential adaptive uses for the property.
 8. If the property is income-producing, the annual gross income from the property for the previous two years, itemized operating and maintenance expenses for the two previous years, and annual cash flow before and after debt service, if any during the same period.
 9. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other.
 10. A written review on the particular application by the Oswego Economic Development Corporation and/or the Village of Oswego Finance Director.
- C. Findings. If the Historic Preservation Commission finds that without approval of the proposed work, the property and improvements cannot be put to a reasonably beneficial use or the owner cannot obtain a reasonable economic return there from or the owner must complete repair and maintenance to the property but cannot afford the appropriate work, then the Historic Preservation Commission shall issue a Certificate of Economic Hardship approving the proposed work. If the Historic Preservation Commission finds otherwise, it shall deny the request for a Certificate of Economic Hardship.

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- D. The Appeal Process. An applicant whose application for a Certificate of Economic Hardship is denied by the Historic Preservation Commission may appeal the Historic Preservation Commission's decision in writing to the Village Board. The Village Board shall take action on the appeal within forty-five (45) days. The Village Board may modify the decision after due consideration of the facts contained in the record submitted by the Historic Preservation Commission on the denied application.

The Village Board decision shall be based solely on a determination as to whether the proposed work is in accordance with applicable standards. If the Village Board approves the application as submitted, or approves the application with modifications, the Community Development Department shall notify the applicant and Historic Preservation Commission in writing. If the Village Board concurs with the decision of the Historic Preservation Commission to deny the application, the Village Board's decision shall be final. The Community Development Department shall notify the applicant and Historic Preservation Commission in writing.

18.07 ENFORCEMENT AND PENALTIES

- A. Fees and Penalties. The Historic Preservation Commission may establish an appropriate system of processing fees for the review of landmark and historic district nominations and Certificates of Appropriateness.

Any person who undertakes or causes an alteration, construction, demolition, or removal of any nominated or designated landmark or property within a nominated or designated historic district without a valid Certificate of Appropriateness shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00). Every day such violation shall continue to exist shall constitute a separate violation. The Village Administrator may institute any appropriate action or proceeding in the name of the Village of Oswego to enjoin, correct or abate any violation of this ordinance.

18.08 DEFINITIONS

1. *Alteration* – Any act or process that changes one or more of the exterior architectural features of the structure, including, but not limited to the erection, construction, reconstruction, or removal of any structure.
2. *Area* – A specific geographic division of the Village of Oswego.
3. *Addition* – Any act or process which changes one or more of the exterior architectural features of a structure designated for preservation by adding to, joining with or increasing the size or capacity of the structure.
4. *Certificate of Appropriateness* – A certificate issued by the Historic Preservation Commission authorizing issuance of a permit for alterations, construction, removal, or demolition of a landmark structure or a building or site within a designated district.
5. *Certificate of Economic Hardship* – A certificate issued by the Historic Preservation Commission authorizing an alteration, relocation, construction, removal, or demolition of a landmark or structure within a historic district for which a Certificate of Appropriateness has previously been denied, but for which economic hardship has been determined.
6. *Historic Preservation Commission* – The Oswego Historic Preservation Commission.

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7. *Construction* – The act of altering an existing structure, building an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.
8. *Contributing Structure* – Any regulated structure that is located within a historic district and which: (a) is a designated landmark; (b) meets the criteria for a landmark but has not been officially designated as a landmark; or (c) does not meet the criteria for a landmark, but nevertheless contributes to the overall special characteristics of the historic district, landmark(s) or the contributing regulated structures located within the historic district; and therefore is contributing to the overall character and designation of the historic district.
9. *Demolition* – Any act or process that destroys in part or in whole a landmark or site within a historic district.
10. *Design Guidelines* – Any design standard specified by the Commission for alteration, construction, or relocation that is unique to a particular Landmark or District to be used in conjunction with other design standards in this Section, and the Secretary of Interior's Standards for Rehabilitation of Historic Properties, as amended.
11. *Exterior Architectural Appearance* – The architectural composition of the exterior of a structure, including, but not limited to type, color, and texture of building material, and the type, design and character of windows, doors, light fixtures, signs and ornamental features.
12. *Historic District* – An area designated as a historic district by ordinance the Village and which may contain within definable geographic boundaries one or more landmarks; and which may have within its boundaries contributing regulated structures.
13. *Historic Architectural Significance* – A characteristic of a building or structure evidenced by any one or combination of the following:
 - a. having been designed by or associated with a notable architect or builder;
 - b. being an example of a particular style in terms of detail, material, and/or workmanship, and possessing a high degree of stylistic integrity, having undergone little or no alteration since its construction;
 - c. being one of a contiguous groupings of building or structures having a sense of cohesiveness of design expressed through a similarity of characteristics of a style, scale, period, or method of construction and accenting the contextual significance of the whole neighborhood.
14. *Landmark* – A property, structure or natural object designated as a 'landmark' by the ordinance of the Village, that is worthy of rehabilitation, restoration and presentation because of its historic or architectural significance to the Village.
15. *Non-contributing Structure* – A designation applied to a regulated structure within an historic district indicating that it is not representative of the qualities that give the district historic significance, does not meet the criteria for designation set

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forth within this Ordinance, and therefore does not contribute to the overall character and designation of the historic district.

16. *Owner of Record* – The person, corporation, or other legal entity listed as the Owner on the records of the County Recorder of Deeds.
17. *Rehabilitation* – The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.
18. *Removal* – Any complete relocation of a structure on its site or to another site.
19. *Repair* – Any change that does not require a building permit that is not construction, relocation or alteration.
20. *Structure* – An improvement upon land, other than the land itself, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground including, but not limited to, buildings, decks, fences, and freestanding signs.