



HISTORIC PRESERVATION ORDINANCE

FACT VS. FICTION

FICTION: Preservation is an illegal infringement upon property rights.

FACT: There are many legal and commonly accepted ways in which municipalities and counties place restrictions on what a property owner can do with his or her property. Every community creates and upholds zoning ordinances and building codes that reflect the community's shared values on safety, appearance and community-wide land use. A local preservation ordinance is simply another type of zoning ordinance.

- Courts of every level have upheld preservation ordinances since the 1930s.
- In 1978, the United States Supreme Court regarding Penn Central Trans. Co. v. New York City ruled that involuntary preservation ordinances are Constitutional in that they promote "health, safety, morals or general welfare." They also ruled that such ordinances are not in violation of the Fifth and Fourteenth Amendments, as they allow for "reasonable returns" and adaptive use.
- A preservation ordinance is one type of zoning ordinance. To say that it is illegal would mean that zoning laws themselves are illegal.
- Preservation ordinances seek to protect the rights of the community and individual homeowners, especially under threatened circumstances.
- Ownership rights are not affected by landmark designation.

FICTION: The preservation ordinance decreases property values.

FACT: Countless studies over the years and across the country have shown that, overall, communities that enact a local preservation ordinance experience an increase in property values.

- Nationally known economist Donovan Rypkema reviewed over fifty communities with preservation ordinances; not one showed a reduction in property values.
- A 1998 study of ten historic districts in Maryland showed that buildings in the historic districts actually had a 29% greater appreciation than buildings in adjacent, non-historic districts.
- A 20-year long Fredericksburg, VA study conducted by the Government Finance Research Center found that the value of property inside historic districts had increased 480%, while property values outside the district saw an increase of only 280%.

FICTION: Everything will become a landmark.

FACT: The Commission only designates a small number of buildings and/or sites.

FICTION: The preservation ordinance costs the County money in paying a commission and staff and requires public funds to maintain historic structures.

FACT: The Will County Historic Preservation Commission, like nearly all such commissions in local governments, is comprised of citizens who volunteer their time. The Commission is staffed with employees who manage multiple ordinances and commissions.

- The government is not required to make a financial commitment to maintain landmark buildings by any preservation ordinance in Illinois.

FICTION: The preservation ordinance creates a financial hardship for property owners.

FACT: For owners whose property is designated significant via the local preservation ordinance and preservation commission, there are a number of financial advantages.

- Owners of historic properties may be eligible for an 8 to 12 year tax assessment freeze through the state of Illinois.
- Tax incentives are available to the owners of historic commercial properties.
- By protecting neighborhood character and scale, historic districts benefit all buildings within the district.

FICTION: The preservation ordinance will stop development.

FACT: The preservation ordinance does not stop new construction. The ordinance requires the Commission to review additions and changes to buildings that are individually landmarked or to buildings that are within a local historic district. The ordinance impacts relatively few buildings.

- Development continues in the over 1,500 American cities and counties with preservation ordinances. Here in the Chicago area, many suburbs have preservation ordinances and yet their housing stock continues to grow and change with the times.
- The Metropolitan Planning Council of Illinois encourages preservation as an economic development tool.

FICTION: The preservation ordinance prohibits a building owner from modernizing and making improvements and forces the restoration of all historic features.

FACT: Landmark designation does not cover the landmark building's interior. Only major alterations affecting the facade or proposing demolition need official approval.

- No ordinance in Illinois mandates restoration beyond current zoning requirements.
- Property owners are required neither to restore nor to rehabilitate their properties. For owners of designated properties, the application for a building/demolition permit means that there is an additional step of review by the Historic Preservation Commission before the Building Department grants a permit.
- Preservation actually encourages additions and the modernization of buildings in order to protect them and keep them useful and on the tax rolls.

For more information, please contact the Will County Historic Preservation Commission at (815) 740-8140 or hpc@willcountyillinois.com.

If you are located within the incorporated limits of Aurora, Frankfort, Joliet, Lockport, Lemont, Orland Park, Naperville, Oswego, or Plainfield, please contact your municipality's local Historic Preservation Commission.