

<b>Topic:</b>	State Land Use Law; Transfer of Development Rights (TDR)
<b>Resource Type:</b>	Regulations
<b>State:</b>	Illinois
<b>Jurisdiction Type:</b>	State
<b>Municipality:</b>	N/A
<b>Year (adopted, written, etc.):</b>	2004
<b>Community Type – applicable to:</b>	Urban; Suburban; Rural
<b>Title:</b>	State of Illinois Transfer of Development Rights – County Ordinance
<b>Document Last Updated in Database:</b>	May 5, 2017

### ***Abstract***

As enumerated under the powers to preserve scenic and historic resources, in 55 ILL. COMP. STAT. 5/5-30004 (2004), corporate county authorities may establish a system for the “transfer of development rights,” including the necessary means to deposit and transfer such rights into a “development rights bank.” The system is to be modeled after the system established for municipalities under 65 ILL. COMP. STAT. 5/11-48.2-1A(4) (2004). All receipts arising from such transfers must be deposited in a special county account, and applied against expenditures for county programs to designate and preserve landmarks and other scenic and historic resources.

### ***Resource***

#### **55 ILL. COMP. STAT. 5/5-30004 (2004)**

##### **Sec. 5-30004. Authority to protect and preserve landmarks and preservation districts.**

The county board of each county shall have the following authority:

(1) to establish and appoint by ordinance a preservation study committee and to take any reasonable temporary actions to protect potential landmarks and preservation districts during the term of an appointed preservation study committee;

(2) to establish and appoint by ordinance a preservation commission upon recommendation of a preservation study committee;

(3) to conduct an ongoing survey of the county to identify buildings, structures, areas, sites and landscapes that are of historic, archaeological, architectural, or scenic significance, and therefore potential landmarks or preservation districts;

(4) to designate by ordinance landmarks and preservation districts upon the recommendation of a preservation commission and to establish a system of markers, plaques or certificates for designated landmarks and preservation districts;

(5) to prepare maps showing the location of landmarks and preservation districts, publish educational information, and prepare educational programs concerning landmarks and preservation districts and their designation and protection;

(6) to exercise any of the powers and authority in relation to regional planning and zoning granted counties by Divisions 5-12 and 5-14, for the purpose of protecting, preserving and continuing the use of landmarks and preservation districts;

(7) to nominate landmarks and historic districts to any state or federal registers of historic places;

(8) to appropriate and expend funds to carry out the purposes of this Division;

(9) to review applications for construction, alteration, removal or demolition affecting landmarks or property within preservation districts;

(10) to acquire by negotiated purchase any interest including conservation rights in landmarks or in property within preservation districts, or property immediately adjacent to or surrounding landmarks or preservation districts;

(11) to apply for and accept any gift, grant or bequest from any private or public source, including agencies of the federal or State government, for any purpose authorized by this Division;

(12) to establish a system for the transfer of development rights including, as appropriate, a mechanism for the deposit of development rights in a development rights bank, and for the transfer of development rights from that development rights bank in the same manner as authorized for municipalities by Section 11-48.2-2 of the Illinois Municipal Code. All receipts arising from the transfer shall be deposited in a special county account to be applied against expenditures necessitated by the county program for the designation and protection of landmarks and preservation districts. Any development rights acquired, sold or transferred from a development rights bank, shall not be a "security" as that term is defined in Section 2.1 of The Illinois Securities Law of 1953, and shall be exempt from all requirements for the registration of securities.

(13) to establish a loan or grant program from any source of funds for designated landmarks and preservation districts and to issue interest bearing revenue bonds or general obligation bonds pursuant to ordinance enacted by the county board, after compliance with requirements for referendum, payable from the revenues to be derived from the operation of any landmark or of any property within a preservation district;

(14) to abate real property taxes on any landmark or property within a preservation district to encourage its preservation and continued use or to provide relief for owners unduly burdened by designation;

(15) to advise and assist owners of landmarks and property within preservation districts on physical and financial aspects of preservation, renovation, rehabilitation and reuse;

(16) to advise cities, villages or incorporated towns, upon request of the appropriate official of the municipality, concerning enactment of ordinances to protect landmarks or preservation districts;

(17) to exercise within the boundaries of any city, village, or incorporated town any of the powers and authority granted counties by this Division so long as the corporate authorities by ordinance or by intergovernmental agreement pursuant to the Intergovernmental Cooperation Act, or pursuant to Article 7, Section 10 of the Constitution of the State of Illinois have authorized the county preservation commission established by authority of this Division to designate landmarks or preservation districts within its corporate boundaries, and such county preservation commission shall have only those powers, duties and legal authority provided in this Division;

(18) to exercise any of the above powers to preserve and protect property owned by any unit of local government including counties, or to review alteration, construction, demolition or removal undertaken by any unit of local government including counties that affect landmarks and preservation districts.

(19) to exercise any other power or authority necessary or appropriate to carrying out the purposes of this Division, including those powers and authorities listed in Sections 5-30010 and 5-30011.

(Source: P.A. 90-655, eff. 7-30-98.)