



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Laurel Lunt Prussing, Mayor

FROM: Elizabeth H. Tyler, AICP, Director, Community Development Director

DATE: October 4, 2007

SUBJECT: An Ordinance Establishing a Delay Period for Issuance of Demolition Permits

Introduction

At the September 24, 2007 Committee of the Whole meeting, City staff was directed to prepare an ordinance establishing a delay period for issuance of demolition permits for the purposes of encouraging historic preservation. The limitations to the proposed demolition delay ordinance, as moved by Council included the following:

1. The delay period shall be for no more of 45 days,
2. The delay period shall allow for landmark applications to be submitted
3. The delay period shall be limited to properties in the residential zoning districts
4. The delay period shall be limited to properties which are at least 75 years old
5. The delay period shall be limited to properties for which historic resource surveys have been completed.

The motion also stated that further studies be conducted for at-risk properties, that a \$25 fee be assessed to assist with property research, and that a list of homes within the surveyed areas be published at least once a year.

Discussion

Based upon this direction, a draft ordinance is attached to this memorandum for Council consideration. This draft ordinance is still under review by the City's legal division and revisions may be suggested by staff prior to its passage.

This proposed ordinance follows the parameters outlined by the Council motion and includes suggested exceptions for the following:

- Local landmarks and historic districts (since these are already protected from by-right demolition),
- Demolition permits issued before ordinance approval,

- Properties in TIF districts or those for which a development or redevelopment agreement with the City is in effect or pending,
- Construction, repair, and maintenance not involving exterior demolition,
- Accessory Buildings less than 500 square feet in area,
- Unsafe or dilapidated structures as determined by the Building Official or by a court of law in accordance with the City's building codes.

Concerning the implications of demolition delay and demolition review ordinances, please refer to memoranda from October 19, 2006, September 6, 2007, and September 20, 2007.

At its meeting on October 3, 2007 under staff reports, the Historic Preservation Commission discussed the possibility of a demolition delay ordinance. By a voice vote of 4-3, the Commission recommended to Council that the demolition delay apply to both surveyed and unsurveyed properties and apply to buildings that are at least 50 years old. City staff recommendations remain as set forth in the above noted memoranda.

Prepared by:

Robert Myers, AICP
Planning Manager

Attachment: Demolition Delay Ordinance

cc: Historic Preservation Commissioners

ORDINANCE NO. 2007-10-118

**AN ORDINANCE ESTABLISHING A DELAY PERIOD FOR ISSUANCE OF DEMOLITION PERMITS
FOR THE PURPOSES OF HISTORIC PRESERVATION**

WHEREAS, in 1998 by Ordinance No. 9798-111, the City amended the Urbana Comprehensive Plan through adoption of an Historic Preservation Plan and in 1998, by Ordinance No. 9798-112 the Zoning Ordinance of Urbana was amended to allow the establishment of locally designated historic landmarks and historic districts; and

WHEREAS, as empowered by enabling legislation, the City of Urbana has adopted a comprehensive plan by Ordinance No. 2005-03-050, as amended by Ordinance No. 2006-11-136, which plan contains policies pertaining to the goal of pursuing the establishment of historic landmark and/or historic district status for sites that have contributed to the history of Urbana; and

WHEREAS, between establishment of the historic preservation portion of the Zoning Ordinance in 1999 and the current date, the City has designated a total of seven local landmarks and two local historic districts; and

WHEREAS, during the period of 2001 to 2005, the City of Urbana has issued an average of 28 demolition permits per year, approximately one-half of which have been for single family residences, some of which may have been eligible for designation as local historic landmark; and

WHEREAS, a number of historic resource surveys for properties within the City of Urbana have been conducted by the Illinois Department of Conservation, the Illinois Historic Preservation Office, the Preservation and

Conservation Association, and University of Illinois historic preservation courses and submitted to the City of Urbana Community Development Services Department for inclusion in the City's Historic Resource Surveys Inventory, which currently comprises surveys for 1,023 properties within the City; and

WHEREAS, the City Council finds that it is in the public interest to enact a requirement for demolition delay for the categories of properties identified herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. Establishment. The Urbana City Council does hereby establish a delay period for the issuance of certain demolition permits for historic preservation purposes.

Section 2. Statement of purpose. The purpose of this Ordinance is to encourage the identification and designation of additional historic landmarks within the City of Urbana, pursuant to the historic preservation provisions of the Urbana Zoning Ordinance.

Section 3. Definitions. For the purposes of this Ordinance, the following words shall have the following specified meanings:

"Accessory Building". An attached or detached building subordinate to and used for purposes customarily incidental to the main or principal use, building, or structure. Examples include garages and sheds.

"Building". Any support, enclosure, or shelter for persons, animals, or property. This definition specifically excludes structures other than buildings, including fences, walls, driveways, and landscape features, as well as utilities, either below or above ground.

"Demolition". Any act or process that destroys in whole or in part the exterior of a building.

"Historic Resource Surveys Inventory". A data base compilation of historic resource surveys within the City of Urbana that have been conducted by the Illinois Department of Conservation (1975 Illinois Historic Structures Survey and 1974 Illinois Historic Landmarks Survey), State Historic Preservation Office (1971 State of Illinois Survey of All Buildings of Architectural Significance Built Prior to WW II), Preservation and Conservation Association (1985 Survey of Downtown to Campus), and University of Illinois Historic Preservation Students (1975 Survey by University of Illinois Planning Students and 1998-2007 UP320/420 Planning for Historic Preservation Survey Projects). Said inventory is housed within the City of Urbana Community Development Services Department and a listing of properties surveyed is on file with the City of Urbana Clerk. The Inventory may be supplemented from time to time by the Secretary of the Historic Preservation Commission to include additional surveys prepared by or under the direction of historic preservation professionals.

Section 4. Period of Demolition Delay. Other than the exceptions provided in Section 7 of this Ordinance, the Building Official of Urbana shall not issue a demolition permit for any building or structure on properties meeting the criteria set forth in Section 6 of this Ordinance,

until the passage of 45 calendar days following the submittal of an application.

Section 5. Submission of Landmark Applications. During the 45-day delay period, an application for designation of the property as a landmark pursuant to and in conformance with Article XII of the Urbana Zoning Ordinance may be submitted and said application shall be considered by the City prior to issuance of a demolition permit for the subject property under the provisions of Article XII of the Urbana Zoning Ordinance.

Section 6. Properties Affected. This Ordinance shall apply to the properties meeting all of the following criteria as determined by the Building Official:

- a. Properties zoned R-1, Single-Family Residential; R-2, Single-Family Residential; R-3, Single and Two-Family Residential; R-4, Medium Density Multiple-Family Residential; R-5, Medium High Density Multiple-Family Residential; R-6, High Density Multiple-Family Residential; R-6B, High Density Multiple-Family Residential - Restricted Business; and R-7, University Residential, as designated by the City of Urbana's Official Zoning Map, as adopted; and
- b. Properties included within the City's Historic Resource Surveys Inventory as of the date of enactment of this Ordinance, as such Inventory is defined herein and may be amended from time to time; and
- c. Properties which are estimated to be 75 years or older, as determined by historical documentation, as available, including City of Urbana building permit records, Township building permit records, Sanborn Fire Insurance Maps, photographic documentation, or the professional judgment of the Building Official should such documentation be unavailable or contradictory.

Section 7. Exceptions and Variations. This Ordinance does not apply to the following:

- a. *Local Landmarks and Historic Districts.* Properties designated as local landmarks or in local historic districts designated pursuant to the Urbana Historic Preservation Ordinance.
- b. *Demolition Permits Previously issued.* Demolition permits approved or applied for by the effective date of this ordinance.
- c. *Redevelopment projects.* Properties contained within redevelopment areas as established by the City's tax increment finance (TIF) districts and properties for which development or redevelopment agreements have been approved or are pending by the City Council.
- d. *Accessory Buildings.* Accessory buildings under 500 square feet in area shall be exempt from this Ordinance.
- e. *Unsafe or Dilapidated Structures.* Structures that have been determined by the Building Official or by a Court of jurisdiction to be dilapidated, unsafe, or posing an imminent danger to the health, safety and welfare of the general public pursuant to the City's building and property maintenance codes, as adopted in Chapter 5 of the Urbana Code of Ordinances.
- f. *Construction, Repair, and Maintenance.* Nothing in this ordinance shall be construed to prevent construction, repair, or maintenance activities of buildings or structures located on properties specified in Section 6 of this Ordinance.

Section 8. Appeals. Determinations made by the Building Official under Sections 6 and 7 of this Ordinance may be appealable to the Zoning Board of Appeals following the procedures set forth in Section XI-3.D. of the Urbana Zoning Ordinance.

Section 9. The provisions of this Ordinance shall take precedence and be interpreted as superseding any other Ordinance or Administrative Order that may be in explicit conflict with the provisions of this Ordinance.

Section 10. This Ordinance shall be effective following its passage by the City Council and signature by the Mayor.

Section 11. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities.

PASSED by the Corporate Authorities this ____ day of _____, 2007.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this ____ day of _____, 2007.

Laurel Lunt Prussing, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the _____ day of _____, 2007, the Corporate Authorities of the City of Urbana passed and approved Ordinance No.

_____, entitled "AN ORDINANCE ESTABLISHING A DELAY PERIOD FOR DEMOLITION PERMITS FOR HISTORIC PRESERVATION PURPOSES" which provided by its

terms that it should be published in pamphlet form. The pamphlet form of

Ordinance No. _____ was prepared, and a copy of such Ordinance was

posted in the Urbana City Building commencing on the _____ day of

_____, 2007, and continuing for at least ten (10) days

thereafter. Copies of such Ordinance were also available for public inspection

upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this _____ day of _____, 2007.