



**DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES**

*Planning Division*

**m e m o r a n d u m**

**TO:** The Urbana Plan Commission

**FROM:** Robert A. Myers, AICP, Planning Manager

**DATE:** March 16, 2007

**SUBJECT:** Plan Case 2023-T-06: A Request by the Zoning Administrator to amend Article XII of the Zoning Ordinance to add Section XII-6, Neighborhood Conservation Districts.

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Plan Case 2023-T-06 is a proposed Zoning Ordinance text amendment which would allow neighborhood conservation districts to be created. This case was first reviewed at the February 22, 2007 Plan Commission meeting, and the staff memo and supporting documents for that meeting are expressly referenced here as part of the consideration. The Plan Commission provided comments at that meeting, after which City staff requested delaying making a recommendation until the March 22, 2007 meeting to provide time for review and comment by the Historic Preservation Commission. The Historic Preservation Commission reviewed the proposed Zoning Ordinance text amendment at their March 7, 2007 meeting. Draft meeting minutes are attached which provide their comments.

Based on input from both the Plan Commission and Historic Preservation Commission, the proposed Zoning Ordinance text amendment has been adjusted. Changes include:

- Not allowing applications to be made by the Urbana City Council;
- Changing the order of the process so that preparation of design guidelines come before the property owner petition;
- Clarifying that the district “plan” is actually a regulatory document;
- More clearly differentiating between minimum eligibility requirements (Section XII-6.B) and more qualitative preliminary determination criteria (Section XII-6.E);
- Minor changes to the elements typically included in design guidelines (Section XII-6.F.3), including removing landscaping as an element;
- Minor editing for better clarity.

Additionally, recent comments submitted by Betsey Cronan, representing the West Urbana Neighborhood Association, are attached.

## **Recommendation**

Based on the evidence and findings presented in the February 15, 2007 Staff memo to the Plan Commission, staff recommends that the Plan Commission recommend approval of the attached Zoning Ordinance text amendment which incorporates comments provided by Commissioners and the public.

Attachments:   Exhibit A: Proposed Ordinance  
                  Exhibit B: Written comments submitted by Betsey Cronan, WUNA  
                  Exhibit C: Draft Historic Preservation Commission minutes, March 7, 2007

cc:               West Urbana Neighborhood Association  
                  Historic East Urbana Neighborhood Association  
                  United Citizens and Neighbors  
                  Downtown Neighborhood Association

## ARTICLE XII. HISTORIC PRESERVATION ORDINANCE

- Section XII-1. Statement of Purpose
- Section XII-2. Definitions
- Section XII-3. Historic Preservation Commission
- Section XII-4. Historic Districts
- Section XII-5. Historic Landmarks
- Section XII-6. Neighborhood Conservation Districts
- Section XII-67. Certificate of Appropriateness
- Section XII-78. Affirmation of Existing Zoning
- Section XII-89. Building Permits Previously Issued
- Section XII-910. Penalties
- Section XII-4011. National Register of Historic Places

### Section XII-1. Statement of Purpose

The purpose of this ordinance is to promote the educational, cultural, economic and general welfare of the community by:

1. Providing a mechanism to identify and preserve the distinctive historic, architectural and/or landscape characteristics of Urbana, which represent elements of the city's cultural, social, economic, political and architectural history; and
2. Fostering civic pride in the beauty and noble accomplishments of the past as represented in Urbana's landmarks and historic areas;
3. Stabilizing and improving the property value of Urbana's landmarks and historic areas;
4. Promoting restoration and rehabilitation by encouraging investment in historic resources;
5. Ensuring that all of the economic benefits resulting from preservation, including tax incentives, new jobs and renewed buildings, are available to our citizens; and
6. Preserving the character of historic neighborhoods and especially Urbana's historic downtown buildings and facades.

### Section XII-2. Definitions

*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, demolition, or relocation of any structure.

*Appurtenances:* The area surrounding a landmark or a building or structure within a historic district. This shall include, but not be limited to: fences, statues, signs, pavement and outbuildings visible from a public street or sidewalk.

*Architectural Review Guidelines:* A standard of design quality that will preserve the historic and architectural character of a landmark or a structure within a designated historic district.

*Area:* A specific geographic division of the City of Urbana.

*Building:* Any support, enclosure, or shelter for persons, animals, or property.

*Certificate of Appropriateness:* A certificate approving of plans for alteration, relocation, construction, removal or demolition of either a designated landmark; or a structure within a designated historic district.

*Certificate of Economic Hardship:* A certificate authorizing an alteration, relocation, construction, removal or demolition even though a Certificate of Appropriateness previously has been denied.

*Chair:* The Chair of the Urbana Historic Preservation Commission.

*Conservation District Design Guidelines:* A document providing a plan and design guidelines for future physical improvements within a Neighborhood Conservation District.

*Conservation Right:* Per Chapter 765 of the Illinois Compiled Statutes Section 120, Paragraph 1, a conservation right includes easements, covenants, deed restrictions or any other type of less than full fee simple interest that may be used to protect a landmark or historic district.

*Construction:* The excavation of earth to provide for a foundation, basement, or cellar; and/or the addition or removal from a lot or tract of land for the construction of a structure; and/or the act of placing or affixing a component of a structure upon the ground or upon another such component; and/or the placing of construction materials in a permanent manner; and/or the demolition, elimination, and/or removal or an existing structure in connection with such construction.

*Contributing:* A building, structure, site or object that adds to the historical associations, architectural qualities, or archaeological values for which a property is significant because it was present during the period of significance, relates to the documented significance of the property, and possesses integrity or is capable of yielding important information about the period. Although most commonly used in historic district designations, this term may also be used when a property is considered for landmark status which includes more than one resource, such as a house and a garage.

*Council:* The City Council of the City of Urbana.

*Demolition:* Any act or process that destroys in part or in whole a landmark, or a site or structure within a designated historic district.

*Exterior Architectural Features:* The architectural character and general composition of the exterior of a building or structure, including but not limited to the type and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs, ornamental details, and appurtenant elements.

*Historic:* Related to the City's architectural, artistic, civic, cultural, economic, educational, ethnic, political or social heritage.

*Historic District:* An area designated pursuant to procedures prescribed herein which contains, within defined geographic boundaries, buildings, structures, sites or objects which may or may not be landmarks that contribute to the overall historic characteristics of the designated area.

~~*Parcel Owner:* An owner of record of a parcel, or, if the parcel is being purchased under a contract for deed and memorandum of such contract has been recorded with the Champaign County Recorder, then the contract buyer shall be regarded as the parcel owner unless the memorandum that is recorded states that the rights under this ordinance are reserved to the contract seller.~~

*Improvement:* Any building, structure, bridge, work of art, parking space, parking lot, public infrastructure, fence, gate, wall, landscaping, or other object constituting a physical addition to real property, or any part of such addition.

*Landmark:* A property, building, structure, site or object which is worthy of rehabilitation, restoration and preservation because of its historic and/or architectural significance to the City of Urbana designated pursuant to procedures prescribed herein.

*Minor Works:* Repairs that do not require a building permit or exterior changes that do not involve substantial alterations, additions, or removals that could impair the integrity of the property and/or the district as a whole.

*Neighborhood Conservation District:* An area designated pursuant to procedures prescribed herein which contains, within defined geographic boundaries, buildings, structures, sites or objects with unifying qualities or characteristics which are to be conserved.

*Noncontributing:* A building, structure site or object which may be part of a landmark or district, but does not possess historic, architectural or archaeological significance or integrity per se; however, the relationship of these buildings, structures, sites or objects to those that are contributing may be important to the preservation of the landmark or district. Inclusion of these properties within a historic district subjects these properties to those design review standards and guidelines applicable to noncontributing properties.

*Object:* Constructions that are primarily artistic in nature and are relatively small in scale, including those constructions that are associated with a specific setting or environment.

*Owner(s) or Record:* The person(s) or corporation or other entity in whose name(s) the property is held according to the last recorded deed in the records of the Champaign County Recorder.

*Parcel:* A parcel of real property other than railroad right-of-way which qualifies as a lot of record under the Urbana Subdivision and Land Development Code; and is included within a proposed historic district or is a designated landmark.

*Parcel Owner:* An owner of record of a parcel, or, if the parcel is being purchased under a contract for deed and memorandum of such contract has been recorded with the Champaign County Recorder, then the contract buyer shall be regarded as the parcel owner unless the memorandum that is recorded states that the rights under this ordinance are reserved to the contract seller.

*Preservation Commission:* Urbana Historic Preservation Commission.

*Preservation Commissioners:* Members of the Urbana Historic Preservation Commission.

*Registered Preference:* A parcel owner's written indication as to their choice of whether or not their property should be designated as a landmark or included within a district.

*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.

*Relocation:* Any repositioning of a building, structure or object on its site or moving it to another site. The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing buildings, structures, sites or objects.

*Secretary:* Representative of the Community Development Services Department of the City of Urbana designated to provide staff support to the Historic Preservation Commission.

*Structure:* Any building, or other construction, which requires attachment to the ground, including but without limiting the generality of the foregoing, advertising signs, billboards, poster panels, and supports and frames thereof.

*Valid Protest:* Valid protest is a document signed by the requisite number of parcel owners respecting each parcel which document expresses a protest against the designation of such parcel as either a landmark or a designation of the proposed area of that historical district in which such district the parcel is located.

### **Section XII-3. Historic Preservation Commission**

- A. *Preservation Commission Created.* There is hereby created the Urbana Historic Preservation Commission, consisting of seven members. One member may reside in the 1 ½ mile extra-territorial jurisdictional area of Urbana while the rest must be residents of the City of Urbana. The Preservation Commission shall be appointed by the Mayor of Urbana and approved by the City Council. Members shall be appointed on the basis of expertise, experience or interest in the areas of architecture, architectural history, building construction or engineering, finance, historic preservation, geography, landscape architecture, law, neighborhood organizing, planning, real estate or another related field. Preservation Commissioners shall serve without compensation and shall serve terms of three years. Initially, Preservation Commissioners shall serve staggered terms of three persons for three years, two persons for two years, and two persons for one year.
- B. *Purpose.* The Preservation Commission is created for the purpose of:
1. Identifying such buildings, structures, sites, objects or historic districts within the City of Urbana that are historically significant in that they exemplify and/or reflect the cultural, social, economic, political or architectural history of the nation, state or City;
  2. Advising the City Council on the designation of such buildings, structures, sites or objects as either landmarks, ~~or~~ historic districts, or neighborhood conservation districts as defined herein;
  3. Protecting the historical characteristics of landmarks or districts by , reviewing proposed changes to their exterior architectural appearances;
  4. Educating the public on the opportunities presented by historic preservation; and
  5. Performing such other functions as may be useful or necessary to safeguard and enhance the community heritage as embodied in historic parcels or buildings, structures, sites or objects.
- C. *Officers.* There shall be a Chair and a Vice-Chair elected by the Preservation Commission, who shall each serve a term of one year and shall be eligible for re-election. Elections shall be held annually.
1. *The Chair Shall Preside over Meetings.* In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair. If both the Chair and Vice Chair are absent, those members present shall elect a temporary Chair.
  2. *Secretary.* The Secretary of the Preservation Commission shall be a representative of the Department of Community Development Services of the City of Urbana. The Secretary shall:
    - a) Take minutes of each Preservation Commission meeting, an original of which shall be kept in the office of the Department of Community Development Services;
    - b) Provide administrative and technical assistance to the Preservation Commission to assist it in making the decisions and findings as provided herein;
    - c) Publish and distribute to the Preservation Commissioners copies of the minutes, reports and decisions of the Preservation Commission;

- d) Give notice as provided herein or by law for all public hearings conducted by the Preservation Commission;
- e) Advise the Mayor of vacancies on the Preservation Commission and expiring terms of Preservation Commissioners;
- f) Prepare and submit to the City Council a complete record of the proceedings before the Preservation Commission on all appeals from decisions of the Preservation Commission and on any other matters requiring Council consideration; and
- g) Have no vote.

D. *Meetings*

- 1. A quorum shall consist of a majority of the members of the Preservation Commission then holding office, but not less than three.
- 2. Recommendations regarding the designation of landmarks, ~~and~~ historic districts, ~~and~~ Neighborhood Conservation Districts as herein provided shall require a majority vote of all Commissioners then holding office. All other decisions or actions of the Preservation Commission shall be made by a majority vote of those members present at any meeting where a quorum exists.
- 3. Meetings shall be held at regularly scheduled times to be established by resolution of the Preservation Commission at the beginning of each calendar year. Meetings may also be held at any time upon the call of the Chair. There shall be a minimum of four meetings per year.
- 4. If a Preservation Commissioner's abstention is not based upon an asserted conflict of interest, then such vote shall be recorded as an abstention, but the Chair of the Preservation Commission shall rule that such vote goes with the majority of those votes actually cast as an aye or a nay vote.
- 5. All meetings shall conform to the requirements of the Open Meetings Act.
- 6. No action shall be taken by the Preservation Commission which in any manner could deprive or restrict the owner of the subject property of its use, modification, maintenance, disposition or demolition until such property owner shall first have had the opportunity to be heard at public meeting(s) of the Preservation Commission, as provided herein.

E. *Vacancies*. The Mayor shall declare vacant the seat of any Preservation Commissioner who fails to attend three consecutive meetings without notification to the Secretary, or who fails to attend one-half of all meetings held during any one-year period. In such cases as well as for resignations, the Mayor shall appoint a successor with approval of the City Council.

F. *Powers and Duties*. The Preservation Commission shall have the following powers:

- 1. To adopt its own procedural regulations.
- 2. To conduct an ongoing survey to identify Urbana's historically and architecturally significant buildings, structures, sites, objects and districts.
- 3. To investigate, hold public hearings and designate or recommend designation of landmarks and historic districts.
- 4. To keep a register of all buildings, structures, sites, objects or districts that have been designated under this ordinance, including all information required for each designation.

5. To determine an appropriate system of plaques and markers to identify historic landmarks and districts and to make recommendations for the design and implementation of specific markings of the streets and routes leading from one landmark or historic district to another.
6. To nominate landmarks and historic districts to the National Register of Historic Places.
7. To inform and educate the citizens of Urbana concerning the historic and architectural heritage of the City.
8. To hold public hearings and to review building permit applications for new construction within historic districts and for additions to, alterations, relocations, removal or demolition of designated landmarks or buildings, structures, sites or objects within historic districts, and to issue or deny Certificates of Appropriateness for such actions. The Preservation Commission may require applicants to submit plans, drawings, specifications and other information as may be necessary to make decisions.
9. To consider and make decisions upon applications for Certificates of Economic Hardship that would allow the performance of work for which a Certificate of Appropriateness has been denied.
10. To apply criteria as set forth herein for the alteration, construction, relocation or removal of landmarks or buildings, structures, sites or objects within historic districts and Neighborhood Conservation Districts.
11. To review and comment upon submitted applications for zoning amendments, special use permits, conditional use permits, Mixed Office Residential District provisions, or zoning variances for properties contiguous to or separated only by public right-of-way from designated landmarks and historic districts. The Zoning Administrator shall send notification of such applications to the Preservation Commission for comment prior to the date of the hearing by the Plan Commission, the Board of Zoning Appeals, or the City Council.
12. To testify before all boards and commissions, including the Building Safety Code Board of Appeals, the Community Development Commission, the Plan Commission, the Property Maintenance Code Board of Appeals, and the Board of Zoning Appeals on any matter affecting historically or architecturally significant buildings, structures, sites, objects and areas. The Chair or the Chair's designee shall give such testimony on behalf of the Preservation Commission.
13. To administer on behalf of the City of Urbana, upon designation by the City Council, any property or full or partial interest in real property, including a conservation right as that term is used in Chapter 765 of the Illinois Compiled Statutes Section 120, Paragraph 1, which the City may possess or accept as a gift or otherwise.
14. To recommend application for, acceptance of, and administration of such gifts, grants and money as may be appropriate for the purpose of this ordinance to the Urbana City Council.
15. To consider amendments to the preservation component of the Comprehensive Plan of the City of Urbana and to recommend action upon such amendments to the Plan Commission and the City Council.
16. To periodically review the Urbana Zoning Ordinance and to recommend to the Plan Commission and the City Council any amendments appropriate for the protection and continued use of landmarks or buildings, structures, sites or objects within historic districts and Neighborhood Conservation Districts.
17. To recommend certification of designated historic districts to the Illinois Historic Preservation Agency.



18. To recommend prospective Preservation Commissioners to the Mayor in order to fill vacancies on the Preservation Commission.
19. To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to the implementation of the purpose of this ordinance.

## **Section XII-4. Historic Districts**

- A. *Historic District Nomination.* Nominations shall be made to the Preservation Commission by means of a completed application form provided by the Preservation Commission. A filing fee may be required with this application form. The application and filing fee shall not be accepted until the Secretary considers it complete. The Secretary shall have five working days to review an application for completeness.
  1. Nominations may be made by anyone except the Preservation Commission and individual members of the Preservation Commission.
  2. A completed application form for historic district nominations must be accompanied by signatures of parcel owners representing no less than 25% of the parcels within the proposed district endorsing said nomination. The determination of whether the application has the endorsement of the owners on behalf of a parcel shall be, if a sole owner, by his or her signature, and if multiple owners, by the owners representing no less than 50% of the title interest in the property. If the affected property is owned by a corporation or partnership, a signed resolution must be submitted indicating an endorsement. Each parcel is considered independently, regardless of single ownership of multiple parcels.
  3. The Preservation Commission may request additional information from the applicant, but at a minimum, nominations shall include the following:
    - a) The name and address of the owner of record of each property proposed for designation;
    - b) A boundary description accurately describing the boundaries of the proposed district, common street addresses, if any, and tax parcel identification numbers of the property proposed for designation;
    - c) A map delineating the boundaries and location of the district proposed for designation;
    - d) A written statement describing the district and setting forth the reasons the district may be eligible for nomination, including a statement indicating which of the criteria in Section XII-4.C.1 are met by the nomination; and
    - e) An application fee as found in Chapter 14 of the Urbana City Code, as may be amended from time to time by the Urbana City Council.
- B. *Notice to Property Owners of Applications.* Upon receipt of an accepted application for designation of a historic district, the Secretary or his/her designee shall notify parcel owners within the proposed district of the time and date of the Commission meeting where preliminary review of the application will occur. If there are multiple owners for one parcel, each owner shall be sent a meeting notice. Such notification shall be given at least ten days in advance, by U.S. mail. In addition, the Secretary shall include a copy of the application or relevant portions thereof for the property owners' information, as well as appropriate general information on the City's historic preservation ordinance including information describing the Certificate of Appropriateness process and when a certificate is required.

- C. *Criteria for Designation of a Historic District.* The Preservation Commission shall, upon such investigation as it deems necessary, make a preliminary determination as to whether a historic district meets one or more of the following criteria necessary for designation.
1. *Historic District Criteria:*
    - a) A significant number of buildings, structures, sites or objects meeting any of the standards in Section XII-5.C.1.
    - b) An area containing a contiguous grouping of properties having a sense of cohesiveness expressed through a style, period or method of construction.
    - c) An area of sufficient historical integrity to convey a sense of historical time and place.
  2. The Preservation Commission may find that portions of the nomination do not meet the criteria necessary for designation, in which case such portions shall not be further considered. But if contiguity is interrupted, areas may be considered as separate districts. The Preservation Commission may amend, but not extend the boundaries of the proposed historic district.
  3. The preliminary determination as to whether a proposed historic district meets one or more of the foregoing criteria shall be made within 35 days of filing of the application with the Preservation Commission. The Secretary or his/her designee shall notify the applicant in writing of the preliminary determination for the nomination. The letter shall specify the date of said determination.
- D. *Notification of Public Hearing on Historic District Designation.* The Preservation Commission shall commence a public hearing within 45 days following the date of the preliminary determination that a historic district meets one or more of the criteria in Section XII-4.C.1. Within 15 days following the preliminary determination, but not less than ten days before a public hearing on the proposal, the following forms of notice shall be made:
1. *Notice by Mail.* The Secretary of the Preservation Commission shall mail a copy of the preliminary determination, the date of the public hearing, and a form to express their preference on behalf of each of the parcels within a proposed historic district with regard to the proposed designation. Notification shall be mailed U.S. first-class postage pre-paid to:
    - a) The address of the property affected, by certified mail;
    - b) The address of the person who last paid the general taxes on the property affected according to the records of the Champaign County Supervisor of Assessments;
    - c) The address, if any, shown on the last recorded deed of the property affected directing where the tax bill should be sent; and
    - d) If the property affected is being purchased under contract for deed and a memorandum of such contract has been recorded with the Champaign County Recorder, then such contract buyers shall be notified at the address of the property affected.
  2. *Notice by Publication.* At least 15 days, but not more than 30 days before a public hearing, notice of the time and place of the public hearing on any proposed historic district shall be published in a newspaper of general circulation in the City of Urbana. The notice of such proposed hearing shall contain the common street address(es), if any, and, a description of the proposed district boundaries for which such action is sought, as well as a brief description of the proposed action. The cost of such publication shall be in addition to the fee and will be billed to the applicant.

3. *Notice by Sign.* The Department of Community Development Services shall make a good faith effort to post notice by sign in accordance with Section XI-10 of the Urbana Zoning Ordinance.

E. *Protests Against Designation of Historic District.*

1. *Determination of Protest on Behalf of a Parcel.* The manner by which parcel owners protest designations shall be at their sole discretion, but a valid protest must be in writing and must be signed by the requisite number of parcel owners for such parcel as follows:
  - a) If a sole owner, then protest must be signed by the sole owner; or
  - b) If multiple owners, then protest must be signed by the owners representing the majority of the title interest in the property. By way of illustration, if four persons are joint owners of a parcel, it would take three of such joint owners to sign the protest for it to be valid.
  - c) There shall be one registered preference for each historic parcel within the proposed district. For example, if an owner owns four historic parcels, each parcel would have one vote.
2. For a written protest to be valid, the owners of at least 40% of the parcels within the proposed district must indicate their opposition to the nomination. Said protest shall be filed with the City Clerk by 5:00 p.m. on the Wednesday preceding the City Council meeting at which the designation will be considered.

F. *Public Hearing on Designation of Historic District*

1. At the Preservation Commission public hearing, the Preservation Commission shall take testimony presented by the nominator(s), the owner(s), and any other parties who wish to be heard on the application of the criteria for designation enumerated in Section XII-4.C.1. In addition, the Preservation Commission shall consider all written comments received by the Preservation Commission prior to or during the hearing. It shall be the responsibility of the nominator(s) to provide evidence of suitability for historic district status as well as documentation of such evidence.
2. The Preservation Commission shall review and evaluate all submitted information according to the applicable criteria set forth in Section XII-4.C.1 herein.
3. The Preservation Commission shall identify all contributing and noncontributing buildings, structures, sites or objects within the proposed historic district that are listed in the application.
4. During the public hearing, the Preservation Commission may find that portions of the nomination do not meet the criteria necessary for designation, in which case such portions shall not be further processed. But if contiguity of the district is interrupted, areas may be considered as separate districts. However, the Preservation Commission may amend, but not extend the boundaries of the proposed historic district.

G. *Decisions on Designation.* A recommendation of the Commission on designation shall be made within 60 days following the date of the public hearing.

1. If the Preservation Commission determines to recommend designation of the proposed historic district, it shall do so by a majority vote of the Preservation Commissioners then holding office.
2. The Preservation Commission's recommendation shall be in writing and shall be accompanied by a report summarizing the evidence presented at the hearing and a report of the Commission's findings. Said recommendation will then be forwarded to the Urbana City Council.

3. The parcel owners shall be sent a copy of the Preservation Commission's recommendation within 15 days by pre-paid U.S. first class mail postage. If there are multiple owners for one parcel, each owner shall be sent a copy of the recommendation.

4. The Secretary shall send a copy of the Preservation Commission recommendation and the accompanying report to:

The City Council;  
The nominator(s); and  
The Urbana Building Safety Division

5. If there is no filed protest to the proposed historic district and the City Council determines that the proposed historic district should be approved, it shall do so by enacting an ordinance in accordance with the voting requirements of a majority vote of the quorum.

6. If there is a filed protest to the proposed historic district and the City Council determines that the proposed historic district should be approved, it shall do so by enacting an ordinance in accordance with the voting requirements of a two-thirds "affirmative" vote of all the Alderpersons then holding office.

7. No application relating to the same property or district may be filed during the 12 months following a denial by the Urbana City Council.

8. A parcel can only be nominated for one historic district at any one time and, if designated, may not be represented in a nomination or historic parcel vote in another proposed historic district.

9. An existing historic district may be expanded in the same manner in which a historic district is designated, except those parcels within the existing historic district that are restricted in accordance with Section XII-4.G.7.

H. *Amendment of Designation.* Once a historic district designation has been made by the Preservation Commission or City Council, said designation may be amended by the same procedure and according to the same criteria set forth herein for designation.

I. *Historic Districts*

1. *Joseph Royer Historic District:* 801 W. Oregon and 701 S. Busey
2. *Buena Vista Historic District:* 1 thru 8 Buena Vista Court
3. Any others that may be designated

## **Section XII-5. Historic Landmarks**

A. *Historic Landmark Nomination.* Nominations shall be made to the Preservation Commission on a completed application form provided by the Preservation Commission. The Secretary or his/her designee shall not accept an application or filing fee until it is considered complete. The Secretary shall have five working days to review an application for completeness.

1. Nominations may be made by anyone except the Preservation Commission and individual members of the Preservation Commission.
2. Owner approval shall not be required for historic landmark nomination or designation.
3. The Preservation Commission may request additional information from the applicant, but at a minimum, nominations shall include the following:

- a) The name and address of the owner of record of each property proposed for designation;
  - b) A legal description, common street address, and tax parcel identification number of the property proposed for designation;
  - c) A map delineating the boundaries and location of the property proposed for designation;
  - d) A written statement describing the property and setting forth the reasons the landmark may be eligible for nomination, including a statement indicating which of the criteria in Section XII-5.C.1 are met by the nomination; and
  - e) An application fee as found in Chapter 14 of the Urbana City Code, as may be amended from time to time by the Urbana City Council.
- B. *Notice to Property Owners of Application.* Once an application for designation of a landmark is accepted, the Secretary or his/her designee shall notify the parcel owner(s) of the proposed landmark of the time and date of the Commission meeting where preliminary review of the application will occur. Such notification shall be given at least ten days in advance, by U.S. first-class postage prepaid mail. In addition, the Secretary shall include a copy of the application or relevant portions thereof for the property owners' information, as well as appropriate general information on the City's historic preservation ordinance including information describing the Certificate of Appropriateness process and when a certificate is required.
- C. *Criteria for Designation of a Landmark.* The Preservation Commission shall, upon such investigation as it deems necessary, make a preliminary determination as to whether or not a proposed landmark is eligible for designation.
1. *Landmark Criteria.* A proposed landmark must meet one or more of the following criteria for designation:
    - a) Significant value as part of the architectural, artistic, civic, cultural, economic, educational, ethnic, political or social heritage of the nation, state, or community.
    - b) Associated with an important person or event in national, state or local history.
    - c) Representative of the distinguishing characteristics of an architectural type inherently valuable for the study of a period, style, craftsmanship, method of construction or use of indigenous materials, while retaining a high degree of integrity.
    - d) Notable work of a master builder, designer, architect or artist whose individual genius has influenced an area.
    - e) Identifiable as an established and familiar visual feature in the community owing to its unique location or physical characteristics.
    - f) Character as a particularly fine or unique example of a utilitarian structure, including, but not limited to, farmhouses, gas stations or other commercial structures with a high level or integrity or architectural significance.
    - g) Located in an area that has yielded, or may be likely to yield, information important in history or prehistory.
  2. The Preservation Commission may find that portions of the nomination do not meet the criteria necessary for designation, in which case such portions shall not be further considered.

3. The preliminary determination as to whether a proposed landmark meets one or more of the foregoing criteria shall be made by vote of the Preservation Commission within 35 days of the filing of an accepted application. The Secretary or his/her designee shall notify the applicant in writing of the preliminary determination for the nomination. The letter shall specify a date of said determination.
- D. *Notification of Public Hearing to Consider Landmark Designation.* The Preservation Commission shall commence a public hearing within 45 days following the date of the preliminary determination that a proposed landmark meets one or more of the criteria in Section XII-5.C.1. Within 15 days following the preliminary determination but not less than ten days before a public hearing on the proposal, the following forms of notice shall be made by U.S. first class mail postage pre-paid:
1. *Notice by mail.* The Secretary of the Preservation Commission shall mail a copy of the preliminary determination, the date of the public hearing, and a registered preference form to each of the owners of a proposed landmark. Notification shall be mailed to:
    - a) The address of the property affected;
    - b) The address of the person who last paid the general taxes on the property affected according to the records of the Champaign County Supervisor of Assessments;
    - c) The address, if any, shown on the last recorded deed directing where the tax bill should be sent; and
    - d) If the subject parcel is being purchased under contract for deed and a memorandum of such contract has been recorded with the Champaign County Recorder, then such contract buyers shall be notified at the address of the property affected.
  2. *Notice by Publication.* At least 15 days, but not more than 30 days before a public hearing, notice of the time and place of the public hearing on any proposed landmark shall be published in a newspaper of general circulation in the City of Urbana. The notice of such proposed hearing shall contain the common street address, if any, and, if available, the legal description of the property for which such action is sought, as well as a brief description of the proposed action. The cost of such publication shall be in addition to the application fee and will be billed to the applicant.
  3. *Notice by Sign.* The Department of Community Development Service shall make a good faith effort to post notice by sign in accordance with Section XI-10.
- E. *Protests Against Designation of Historic Landmark*
1. *Protest from Subject Property Owner.* Individual parcel owner(s) may protest the nomination of their property as a historic landmark in the form of a signed Registered Preference. The Registered Preference must be signed by the requisite number of owners for such parcel as follows:
    - a) If a sole owner, then protest must be signed by the sole owner; or
    - b) If multiple owners, then the Registered Preference must be signed by the owners representing at least 50% of the title interest in the property. By way of illustration, if four persons are joint owners of a parcel, it would take two of such joint owners to sign the protest for it to be valid.
    - c) If owned by a corporation or partnership, a signed resolution must accompany the Registered Preference.

2. Registered Preferences opposing the nomination of a historic landmark must be submitted to the Secretary of the Preservation Commission no less than two full working days prior to the scheduled Preservation Commission hearing on the subject property.
3. *Amendment to Nomination.* Once a landmark designation has been made by the Preservation Commission or City Council, said designation may be amended or rescinded by the same procedure and according to the same criteria set forth herein for designation.

F. *Decisions on Landmark Designation*

1. Historic Preservation Commission Authority:
  - a) If the landmark designation application was submitted by the owner of the subject property, or submitted by someone other than the owner but agreed to by the owner by means of a signed Registered Preference form, the Historic Preservation Commission may approve or deny said application by a majority vote of the Commissioners then holding office. A decision shall be made within 60 days following the date of commencement of the public hearing.
  - b) If the landmark designation was submitted by someone other than the property owner and the owner has submitted a Registered Preference against the nomination, the Historic Preservation Commission shall recommend the Urbana City Council approve or deny said application by a majority vote of the Commissioners then holding office. Said recommendation shall be forwarded to the Urbana City Council within 60 days following the date of commencement of the public hearing. The Preservation Commission's recommendation shall be in writing and shall be accompanied by a report summarizing the evidence presented at the hearing and setting forth findings. Said recommendation shall then be forwarded to the Urbana City Council for consideration at the next City Council meeting.
  - c) The landmark parcel owners shall be notified by a letter containing a copy of the recommendation 15 days prior to the City Council meeting when designation will be considered.
  - d) The Secretary shall send a copy of the decision or recommendation and the accompanying report to:  
  
The City Council  
The nominator(s); and  
The Urbana Building Safety Division.

2. *City Council Authority*

- a) If the landmark designation application was submitted by someone other than the owner of the subject property and the owner has submitted a Registered Preference against the nomination, the Urbana City Council shall approve or deny said application by enacting an ordinance in accordance with the voting requirements of a two thirds majority vote of all the Alderpersons then holding office.
- b) No application relating to the same property may be filed during the 12 months following such a denial by the Urbana City Council.

G. *Historic Landmarks*

1. Tiernan's Block/Masonic Temple: 115 W. Main Street
2. The Lindley House: 312 W. Green Street
3. The Gothic Revival Cottage: 108 N. Webber Street
4. Busey's Hall/Princess Theater: 120 thru 124 W. Main Street
5. Ricker House: 612 W. Green Street
6. Any others that may be designated

**Section XII-6. Neighborhood Conservation Districts**

A. Purpose. The purposes of establishing Neighborhood Conservation District are to:

1. Conserve the unique characteristics, including architectural, historical and aesthetic qualities, of older neighborhoods that do not qualify for historic district designation;
2. Provide for design review of new construction and alteration of existing buildings to ensure compatibility with the existing character of the district;
3. Encourage the retention and rehabilitation of existing structures in older neighborhoods;
4. Encourage reinvestment in older neighborhoods; and
5. Protect the setting of historic landmarks and historic districts in close proximity to or surrounded by Neighborhood Conservation Districts.

B. Minimum eligibility requirements. The minimum eligibility requirements for nomination of Neighborhood Conservation Districts are:

1. The majority of the structures within the proposed district shall be at least fifty years old;
2. The proposed district shall consist of a minimum of twenty-five contiguous zoning lots;
3. The proposed district boundaries shall designate a logical, coherent, and cohesive district in terms of the physical location of properties in relation to one another; and
4. The proposed district shall be predominately residential in use or character.

C. Neighborhood Conservation District Nomination. Nominations shall be made by means of a completed application form. Nominations shall be initiated by a minimum of 10% of the owners of parcels to be included in the proposed district. A filing fee may be required.

The application and filing fee shall not be accepted until the Secretary considers it complete. The Secretary shall have five working days to review an application for completeness. To be accepted as a complete application, nominations shall minimally include:

- a) The name and address of the owner of record of each property proposed for designation;
- b) A boundary description accurately describing the boundaries of the proposed district, common street addresses, if any, and tax parcel identification numbers of the property proposed for designation;
- c) A map delineating the boundaries and location of the district proposed for designation;



- d) A written statement describing the district and setting forth the reasons the district may be eligible for nomination, including a statement indicating which of the criteria in Section XII-6.B. are met by the nomination; and
  - e) A statement and description of the desired outcome of the designation, including any recommended guidelines to be included in the *Conservation District Plan*; and
  - f) Nominations shall be initiated by a minimum of 10% of the owners of real property to be included in the proposed district.
- D. *Notice to Property Owners of Applications.* Upon receipt of a complete application for designation of a neighborhood conservation district, the Secretary or his/her designee shall notify parcel owners within the proposed district of the time and date of the Commission meeting where preliminary review of the application will occur. Such notification shall be given by U.S. Mail according to the most recent tax record. In addition, the Secretary shall include a copy of the application or relevant portions thereof for the property owners' information.
- E. *Preliminary Determination.*
- 1. In addition to meeting the minimum eligibility requirements of Section XII-6.B, the Historic Preservation Commission shall make a determination as to whether or not the proposed district has a cohesive and identifiable visual setting, character or association:
    - a) Representing the traditional character of Urbana neighborhoods through architecture; building scale, massing, setbacks, and orientation; and streetscape design; or
    - b) Exemplifying a neighborhood development pattern significant to the cultural history or tradition of Urbana; or
    - c) Containing an identified unique or unusual physical character that creates distinctiveness.
  - 2. The Preservation Commission may find that portions of the nomination do not meet the criteria necessary for designation, in which case such portions shall not be further considered. If contiguity is interrupted, areas may be considered as separate districts. The Preservation Commission may recommend reducing but not extending the boundaries of the proposed neighborhood conservation district.
  - 3. The Preservation Commission may also find that based upon available evidence the proposed neighborhood conservation district qualifies for historic district designation, in which case the district shall be ineligible for neighborhood conservation district designation. Should an application for historic district designation for the same district subsequently be made and denied based on the criteria in Section XII-4.C of this Ordinance, an application for a neighborhood conservation district may be resubmitted without prejudice.
  - 4. The Preliminary Determination as to whether a proposed Neighborhood Conservation District meets one or more of the foregoing criteria shall be made within 60 days of the Preliminary Hearing. The Secretary or his/her designee shall notify the applicant in writing of the Preliminary Determination for the nomination. The letter shall specify the date of said determination.
- F. *Conservation District Design Guidelines.* Following Preliminary Determination, staff to the Historic Preservation Commission shall prepare Conservation District Design Guidelines in consultation with district property owners and residents. Conservation District Design Guidelines shall include:
- 1. An inventory defining what is significant about the established character of the proposed Neighborhood Conservation District, including building characteristics such as patterns in

setbacks from property lines, height, massing, bulk, and orientation; patterns of parcel size and orientation; and streetscape elements.

2. Defined boundaries of the Neighborhood Conservation District;
3. Design guidelines for the district, which may include the following elements governing future changes to the physical characteristics and features of all property (public or private) within the proposed district:
  - a) Façade/elevation features;
  - b) Roofline and pitch;
  - c) Building size and massing;
  - d) Orientation of window openings and doorways;
  - e) Outdoor living space;
  - f) Materials; and
  - g) Parking areas.
4. The proposed process and level of review for categories of exterior changes within the Neighborhood Conservation District.

G. Petition of Property Owners. The applicants shall submit a petition with the signatures of at least sixty percent of the owners within the proposed district in favor of the nomination. The determination of whether the application has the endorsement of the owners on behalf of a parcel shall be, if a sole owner, by his or her signature, and if multiple owners, by the signatures of owners representing no less than 50% of the title interest in the property. If the affected property is owned by a corporation or partnership, a signed resolution must be submitted indicating an endorsement. Each zoning lot is considered independently, regardless of single ownership of multiple parcels. Upon completion, the petition shall be submitted to the Secretary and shall become an official part of the application.

H. Notification of Public Hearing on Neighborhood Conservation District Designation. The Secretary shall schedule a hearing of the Plan Commission upon completion of the Conservation District Report. Not less than ten days before a public hearing on the proposal, the following forms of notice shall be made:

1. Notice by Mail. The Secretary of the Preservation Commission shall mail a copy of the Neighborhood Conservation District Report, or pertinent portions thereof, to property owners within the proposed district along with the date of the public hearing, and a form to express their preference on behalf of each of the parcels within a proposed neighborhood conservation district with regard to the proposed designation. Notification shall be sent by first-class U.S. mail to:
  - a) The address of the property affected;
  - b) The address of the person who last paid the general taxes on the property affected according to the records of the Champaign County Supervisor of Assessments;
2. Notice by Publication. At least 15 days, but not more than 30 days before a public hearing, notice of the time and place of the public hearing on any proposed neighborhood conservation district shall be published in a newspaper of general circulation in the City of Urbana. The notice of such proposed hearing shall contain the common street address(es), if any, and, a description of the

proposed district boundaries for which such action is sought, as well as a brief description of the proposed action.

3. Notice by Sign. The Department of Community Development Services shall make a good faith effort to post notice by sign in accordance with Section XI-10 of the Urbana Zoning Ordinance.

I. Public Hearing of the Plan Commission

1. At the Plan Commission public hearing, the Commission shall take testimony presented by the nominator(s), the owner(s), and any other parties who wish to be heard on the application of the criteria for designation enumerated in Section XII-6.E. In addition, the Plan Commission shall consider all written comments received prior to or during the hearing.
2. The Plan Commission shall review and evaluate all submitted information according to the applicable criteria set forth in Sections XII-6.B, XII-6.C, and XII-6.E herein, as well as the proposed Design Guidelines. The Plan Commission shall also consider Historic Preservation Commissions comments and recommendation and whether the Conservation District Plan is consistent with the vision and goals provided in the application.

J. Plan Commission Recommendation. A recommendation of the Plan Commission on designation shall be made within 60 days following the date of the public hearing.

1. If the Plan Commission determines to recommend designation of the proposed neighborhood conservation district, it shall do so by a majority vote of the Commissioners.
2. The Plan Commission's recommendation shall be in writing and shall be accompanied by a report summarizing the evidence presented at the hearing and a report of the Commission's findings. Said recommendation shall then be forwarded to the Urbana City Council.
3. District parcel owners shall be sent a copy of the Plan Commission's recommendation within 15 days by U.S. first class mail. If there are multiple owners for one parcel, each owner shall be sent a copy of the recommendation.
4. The Secretary shall forward the application, Plan Commission recommendation(s), and proposed design guidelines and enacting ordinance to the City Council, and copied to the Urbana Historic Preservation Commission, the nominator(s); and the Urbana Building Safety Division.

K. Protests Against Designation of Neighborhood Conservation District.

1. Determination of Protest on Behalf of a Parcel. To be considered valid, official protests shall be in writing and signed by the requisite number of parcel owners for such parcel as follows:
  - a) If a sole owner, then protest shall be signed by the sole owner; or
  - b) If multiple owners, then protest shall be signed by the owners representing the majority of the title interest in the property. By way of illustration, if four persons are joint owners of a parcel, it would take three of such joint owners to sign the protest for it to be valid.
  - c) There shall be one registered preference for each parcel within the proposed district. For example, if an owner owns four historic parcels, each parcel would have one vote.
2. For a written protest to be valid, the owners of at least 25% of the parcels within the proposed district must indicate their opposition to the nomination. Said protest shall be filed with the City Clerk by 5:00 p.m. on the Wednesday preceding the City Council meeting at which the

designation will be considered.

L. Final Determination on Applications. The City Council shall make the final determination on the designation of the neighborhood conservation district.

1. If there is no filed protest to the proposed Neighborhood Conservation District and the City Council determines that the proposed Neighborhood Conservation District should be approved, it shall do so by enacting an ordinance.
2. If there is a filed protest to the proposed Neighborhood Conservation District and the City Council determines that the proposed Neighborhood Conservation District should be approved, it shall do so by enacting an ordinance in accordance with the voting requirements of a two-thirds "affirmative" vote of the Council members then holding office.
3. No application for the same district may be filed during the 12 months following a denial by the Urbana City Council.

M. Amendment of Designation. Once a neighborhood conservation district ordinance has been enacted by the City Council, said designation may be amended by the same procedure and according to the same criteria set forth herein for designation. Neighborhood conservation districts may be dissolved by a two-thirds "affirmative" vote of the City Council members then holding office.

## **Section XII-67. Certificate of Appropriateness Review**

A. *Scope of Certificate of Appropriateness.* A Certificate of Appropriateness is required for any alteration, relocation, construction, removal or demolition that affects the exterior architectural appearance of any landmark or any building, structure, site or object within a historic district regardless of whether a building permit is required for such action. Contributing and noncontributing properties will be subject to the level of review found in Table XII-1 and Table XII-2. In accordance with Table XII-1 and Table XII-2, those activities or projects listed under "no review" shall not require a Certificate of Appropriateness. In the event that a proposed activity or project is considered a minor work, the Zoning Administrator together with the Chair or Vice Chair is authorized to issue a Certificate of Appropriateness on behalf of the Preservation Commission. Those projects or activities not considered minor works would be subject to review by the Preservation Commission. The Certificate of Appropriateness review shall be required for activities once a preliminary determination is made that a parcel or district will be considered by the Preservation Commission.

B. *Review Criteria for Certificate of Appropriateness*

1. In making a determination whether to issue or deny a Certificate of Appropriateness, if the proposed activities cannot be considered "minor works" as identified in Table XII-1 and Table XII-2, the Preservation Commission shall consider, among other things, the effect of the proposed alteration, relocation, construction, removal or demolition upon the exterior architectural features and upon the historic value, characteristics and significance of the landmark or of the historic district.
2. The criteria to be used by the Preservation Commission in making its determination shall include, but not be limited to:

The maintenance of the significant original qualities or character of the buildings, structures, sites or objects including, if significant, its appurtenances. The removal or alteration of any historic or distinctive architectural features should be avoided whenever possible.

The compatibility of proposed new additions and new construction to the original architecture or the landmark or styles within the historic district shall be evaluated against the following general guidelines:

- a) *Height*: The height of the proposed building or structure or additions or alterations should be compatible with surrounding buildings or structures.
  - b) *Proportions of structure's front façade*: The proportion between the width and height of the proposed building or structure should be compatible with nearby buildings or structures.
  - c) *Proportions of openings into the facility*: The proportions and relationships between doors and windows should be compatible with existing buildings and structures.
  - d) *Relationship of building masses and spaces*: The relationship of a building or structure to the open space between it and adjoining buildings or structures should be compatible.
  - e) *Roof shapes*: The design of the roof should be compatible with that of adjoining buildings and structures.
  - f) *Appurtenances*: Use of appurtenances should be sensitive to the individual building or structure, its occupants and their needs.
  - g) *Scale of building or structure*: The scale of the building or structure should be compatible with that of surrounding buildings or structures.
  - h) *Directional expression of front elevation*: Street façades should blend in with other buildings and structures with regard to directional expression when adjacent buildings or structures have a dominant horizontal or vertical expression.
3. The Secretary of the Interior's "Standards for Historic Preservation Projects," as revised from time to time, as follows:
- a) Every reasonable effort shall be made to use a property for its originally intended purpose, or to provide a compatible use for a property that requires minimal alteration of the building, structure, site or object and its environment.
  - b) The distinguishing historic qualities or character of a building, structure, site or object and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
  - c) All buildings, structures, sites and objects shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
  - d) Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, site or object and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
  - e) Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, site or object shall be treated with sensitivity.
  - f) Deteriorated architectural features shall be repaired rather than replaced, wherever feasible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or

replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings, structures, sites or objects.

- g) The surface cleaning of buildings, structures, sites or objects shall be undertaken utilizing the gentlest means possible. Sandblasting and other cleaning methods that may damage the historic building materials shall not be undertaken.
- h) Every reasonable effort shall be made to protect and preserve archeological resources affected by or adjacent to any project.
- i) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- j) Wherever possible, new additions or alterations to buildings or structures shall be done in such manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building or structure would remain unimpaired.

C. *Review Process for Certificate of Appropriateness*

1. Any application for a building permit, including plans and specifications when required by the building permit, for designated landmarks or for buildings, structures, sites or objects within designated historic districts, shall be sent by the Building Safety Division to the Zoning Administrator and Chair within ten working days of receipt of the building permit application by the Building Safety Division. The building permit application shall be considered the application for Certificate of Appropriateness unless the applicant completes a separate application for Certificate of Appropriateness. Applications that are not part of a building permit application shall be submitted to the Zoning Administrator. Application forms for Certificate of Appropriateness shall be available from the Department of Community Development Services.
2. The Zoning Administrator and Chair, upon receipt of the completed application, shall determine whether the proposed activity requires a Certificate of Appropriateness. A determination by either the Zoning Administrator or Chair that the proposed activity requires a Certificate of Appropriateness shall cause a continuation of the review process. A determination by both the Zoning Administrator and Chair that the proposed activity does not require a Certificate of Appropriateness shall halt the review process. Written notification of such decision shall be forwarded to the applicant, the Building Safety Manager and the Preservation Commission within ten days of receipt of the application.
3. If the Zoning Administrator and Chair determine that the proposed activity requires a Certificate of Appropriateness, the Zoning Administrator and Chair shall then determine whether or not the proposed activity constitutes a minor work as defined in this Article. If both the Zoning Administrator and Chair determine that the activity constitutes a minor work and conforms to the criteria for a Certificate of Appropriateness, the Zoning Administrator and Chair shall approve the application. Written notification of such decision shall be forwarded to the applicant, the Building Safety Manager and the Preservation Commission within ten days of receipt of the application. If either the Zoning Administrator or the Chair determines that the activity does not conform to the criteria for a Certificate of Appropriateness or does not constitute a minor work, then application for Certificate of Appropriateness shall be forwarded to the Preservation Commission for review within 35 days of receipt of the application.

Within 35 days of receipt of the application for Certificate of Appropriateness or Certificate of Economic Hardship, the Preservation Commission shall schedule a public hearing for consideration of the application. The Department of Community Development Services shall make a good faith effort to post notice by sign in accordance with Section XI-10 herein.

4. If the Preservation Commission determines that the work proposed in the application is consistent with the review criteria in Section XII-~~67~~.C with or without certain conditions, they may approve a Certificate of Appropriateness with or without conditions by means of a resolution to be passed by a majority vote of those Commissioners currently holding office. Copies of the resolution shall be sent to the owner(s) of record, the Building Safety Division, and the Urbana City Council.
5. If the Preservation Commission finds that the proposed work is not consistent with the review criteria listed in Section XII-~~67~~.C, it shall disapprove the application by resolution passed by a majority vote of those Commissioners currently holding office and shall so advise the applicant and the Building Safety Division in writing within 10 days following this decision, and in accordance to the following:
  - a) The Preservation Commission shall state briefly its reasons for denial in writing and may make recommendations to the applicant with respect to the appropriateness of design, arrangement, texture, scale, material, color of material, location or other elements of appearance of the buildings, structures, sites or objects involved. The Secretary shall forward recommendations by the Preservation Commission to the Building Safety Manager and the applicant in those cases where a building permit is required.
  - b) In cases of denial accompanied by recommendation, the applicant may amend the application and be heard again before the Preservation Commission, if within 60 days of the date of receipt of notice of disapproval of the application the applicant amends the application to conform to the recommendations. The applicant shall be heard at the next regular meeting of the Preservation Commission after receipt of the amended application and the reservation Commission shall approve or disapprove the amended application by resolution passed by a majority vote of those Commissioners currently holding office.

*D. Certificate of Economic Hardship*

1. Notwithstanding any of the provisions of this Article to the contrary, the Preservation Commission may consider issuance of a Certificate of Economic Hardship to allow the performance of work for which a Certificate of Appropriateness has been denied.
2. An applicant for a Certificate of Economic Hardship may submit any or all of the following information in order to assist the Preservation Commission in making a determination on the application:
  - a) The amount paid for the property, the date of purchase and identification of the party from whom the property was purchased, including a description of the relationship, if any, between the owner and the person from whom the property was purchased.
  - b) The assessed value of the land and improvements thereon according to the two most recent assessments.
  - c) Real estate taxes paid for the previous two years.
  - d) Remaining balance on mortgage, if any, and annual debt service, if any, for the previous two years.
  - e) All appraisals obtained within the previous two years by the owner or applicant in connection

with the purchase, financing or ownership of the property.

- f) Any listing of the property for sale or rent, price asked and offers received, if any.
  - g) Any consideration given by the owner as to profitable adaptive uses for the property.
  - h) 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 previous two years, and annual cash flow before and after debt service, if any during the same period.
  - i) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture or other.
  - j) The cost of the proposed work and the cost of alternatives.
  - k) Any other information, including the income tax bracket of the owner, applicant or principal investors in the property, as may be reasonably necessary for a determination as to whether the property can be reasonably used to yield a reasonable return to present or future owners.
3. If the Preservation Commission finds that without approval of the proposed work, the property cannot obtain a reasonable economic return therefrom, then the application shall be delayed for a period not to exceed 90 days. During this period of delay, the Preservation Commission shall consider alternative proposals to allow for a reasonable beneficial use or a reasonable economic return for the property, or to otherwise preserve the subject property.
  4. If by the end of this 90 day period, the Preservation Commission has found that without approval of the proposed work, the property cannot be put to a reasonable beneficial use or the owner cannot obtain a reasonable economic return therefrom, then the Preservation Commission shall issue a Certificate of Economic Hardship approving the proposed work. The Preservation Commission's failure to grant the Certificate of Economic Hardship shall be deemed to be a denial of the application.

*E. Appeal of Certificate of Appropriateness or Certificate of Economic Hardship*

1. When a Certificate of Appropriateness or a Certificate of Economic Hardship is approved or denied for either a landmark or a building, structure, site or object within a historic district, the applicant or any property owner within the district or any person with financial interest in the property may, within 30 days of the final action by the Preservation Commission, appeal the Preservation Commission's decision to the City Council.
2. Notification of appeal shall be given in accordance with Section XI-10 of this Ordinance.
3. The City Council may affirm or revise the decision by a majority vote of the Council members currently holding office after due consideration of the facts contained in the record submitted to the Council by the Preservation Commission. The Council may overturn the Preservation Commission's decision by a majority vote of the Council members currently holding office.
4. If the Council decides that a Certificate of Economic Hardship should be issued, the Secretary shall notify the applicant and the Building Safety Division within seven days of the Council's decision and the Building Safety Division then shall begin review of the permit within 15 days.
5. If the Council concurs with the Preservation Commission's decision not to issue a Certificate of Appropriateness or a Certificate of Economic Hardship, the Secretary shall notify the applicant and the Building Safety Division of this decision within seven days.



F. *Special Emergency and Life Safety Circumstances*

1. If emergency circumstances affect a landmark or a building, structure, site or object within a historic district in a way that requires immediate relief, repair or demolition, the Urbana Fire Chief or Building Safety Division Manager shall certify that such conditions exist and said conditions shall be eliminated as quickly as is practicable. Emergencies are defined as life or health-threatening conditions requiring immediate attention.
2. In a non-emergency circumstance, where the Urbana Fire Chief or Building Safety Division Manager shall require exterior alterations in an existing use to conform to life safety or other codes, a Certificate of Appropriateness shall be required. In the event that irreconcilable conflicts arise between such codes and this Article, the Preservation Commission shall grant permission to conform to those codes even if a Certificate of Appropriateness would not otherwise be issued.

**Section XII-78. Affirmation of Existing Zoning**

This Article does not modify or negate the existing zoning of any property in the City of Urbana. Furthermore, nothing contained in this Article relieves any person of the duty of complying with all other statutes, laws, ordinances and regulations. Nor is anything in this Article XII intended to amend the powers of any other regulatory body of the City.

**Section XII-89. Building Permits Previously Issued**

The provisions of this Article shall not apply to a structure for which a building permit has been applied for, or issued, prior to the date the Secretary of the Commission receives a nomination for a landmark, historic district, or neighborhood conservation district designation pertaining to said structure. Such exemption shall remain in force until the date that a certificate of occupancy is issued for said building permit.

**Section XII-910. Penalties**

- A. Any person, firm or corporation who alters, demolishes, repairs or relocates any landmark or any building, structure, site or object within a historic district without complying with the provisions of this Article shall be required to restore the building, structure, site or object to its appearance prior to the violation. Any action to enforce this section shall be brought by the City Attorney, his designee or by designated representatives of the Department of Community Development Services. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.
- B. Any person, firm or corporation knowingly violating this article of this ordinance, upon conviction, shall be fined not less than \$50 nor more than \$500. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

(Ord. No. 2005-01-010, 01/28/05)

**Section XII-4011. National Register of Historic Places**

- A. *Criteria for Evaluation.* The Preservation Commission shall use the guidelines of the National Register for Historic Places for evaluating potential sites for National Register nomination.
- B. The following criteria are designed to guide the states, federal agencies and the Secretary of the

Interior in evaluating potential entries (other than areas of the National Park System and national historic landmarks) for the National Register:

1. The quality of significance in American history, architecture, archeology and culture is present in districts, sites, buildings, structures and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association; and
  2. That are associated with events that have made a significant contribution to the board patterns or our history; or
  3. That are associated with the lives of persons significant in our past; or
  4. That embody the distinctive characteristics of a type, period or method of construction or that represent the work of a master or that possess high artistic values or that represent a significant and distinguishable entity whose components may lack individual distinction; or
  5. That has yielded, or may be likely to yield, information important in prehistory or history.
- C. Ordinarily, cemeteries, birthplaces or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:
- H. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
  - I. A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
  - J. A birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his or her productive life; or
  - K. A cemetery with derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
  - L. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan and when no other building or structure with the same association has survived; or
  - M. A property primarily commemorative in intent if design, age, tradition or symbolic value has invested it with its own historical significance; or
  - N. A property achieving significance within the past 50 years if it is of exceptional importance. (Ord. No. 9798-112, 06-06-98)

**MINUTES OF A REGULAR MEETING**

**URBANA HISTORIC PRESERVATION COMMISSION**

**DRAFT**

**DATE:** March 7, 2007

**TIME:** 7:00 p.m.

**PLACE:** City Council Chamber, 400 South Vine Street, Urbana, Illinois

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**MEMBERS PRESENT:** Rich Cahill, Katherine Lipes, Alice Novak, Mary Stuart

**MEMBERS EXCUSED:** Scott Dossett, Trent Shepard, Art Zangerl

**MEMBERS ABSENT:**

**STAFF PRESENT:** Robert Myers, Planning Division Manager; Anna Hochhalter, Public Arts Coordinator; Tony Weck, Recording Secretary

**OTHERS PRESENT:** G. D. Brighton, Tyler Fitch, Dennis Roberts, Chris Stohr

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**1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM**

The meeting was called to order at 7:03 p.m. by Historic Preservation Commission Chair, Alice Novak.

**2. CHANGES TO THE AGENDA**

The issue of the High School Art Contest and choosing judges was discussed first. Discussion of Plan Case #2023-T-06 was discussed next, followed by the Historic Windows Workshop Grant Notification.

**3. APPROVAL OF HISTORIC PRESERVATION COMMISSION MINUTES**

Mr. Cahill made a motion to approve the February 7, 2007 meeting minutes as presented. Ms. Stuart seconded the motion. Upon a vote the Commission unanimously approved the minutes as presented.

**4. WRITTEN COMMUNICATIONS**

There were none.

**5. AUDIENCE PARTICIPATION**

There was none at this point in the meeting.

**6. CONTINUED PUBLIC HEARINGS**

There were none.

**7. OLD BUSINESS**

There was none.

**8. NEW PUBLIC HEARINGS**

There were none.

**9. NEW BUSINESS**

*High School Art Contest judges.*

Anna Hochhalter briefly updated the Commission on the planning process of the High School Art Contest. Ms. Hochhalter asked the Commissioners for recommendations for judges for the contest. Commission members suggested a few individuals and Ms. Hochhalter stated that she would contact these people to see if they would be interested in participating.

*Plan Case #2023-T-06: Proposed text amendment to the Urbana Zoning Ordinance, Article XII, Historic Preservation Ordinance, to establish the procedures for and designation of Neighborhood Conservation Districts:*

Robert Myers presented the staff report on this subject. After the presentation of the staff report, Ms. Novak invited audience members to participate in the meeting. Tyler Fitch, of 503 East California Avenue, and Chris Stohr, President of the Historic East Urbana Neighborhood Association (HEUNA), of 405 East High Street, spoke to the Commission on the matter of Neighborhood Conservation Districts (NCDs). Mr. Fitch, who is also involved in HEUNA, stated that NCDs appear in the HEUNA neighborhood plan and that the group supports them as a concept. Mr. Stohr stated that there were a lot of things he liked about the proposed text amendment however there were some issues which he would like to address. First, with regard to the property owners mentioned in the proposed text amendment, he stated that HEUNA is trying to preserve the residential character of its neighborhoods and he wondered if by the proposed text amendment asking for the support of property owners should actually be changed to mean only resident property owners. He cited that it is often difficult to find the actual owner of a property, particularly with rental property. On the matter of the proposed text amendment calling for the support of at least 60% of the property owners in order to enact an NCD, he felt that this number was too high. He said that 60% participation is not even seen in general elections, and he would like to see this percentage reconsidered. Additionally, he stated in regards to the preliminary determination of

NCD feasibility, he hoped the Historic Preservation Commission would consider this carefully. He also stated in regards to the stipulation that applicants for NCDs should submit a petition showing at least 60% support that this should be more carefully considered before moving forward with a text amendment. Finally, Mr. Stohr noted that in the proposed text amendment, only 25% of the people of a given neighborhood would have to oppose an NCD versus 40% opposition for a Historic Preservation District. It was his hope that the text amendment would not make it easier to establish a historic district than it would to establish an NCD.

Mr. Fitch stated that when HEUNA has talked to residents about this issue, people seem to be confused about the difference between a historic district and an NCD, saying that in people's minds, they both seem to be one and the same. He noted that at a recent meeting of the Urbana Plan Commission there was a "passionate opposition" expressed to the idea by a resident of the HEUNA area, as it was that resident's fear that her property rights would be taken away under a Historic Preservation District and/or NCD. He noted that as a neighborhood organization, HEUNA is sensitive to the issue of taking property rights. The main problem according to HEUNA is replacement of single-family homes with apartment buildings. HEUNA is discussing some possible zoning remedies for this issue and said that such zoning remedies may help the neighborhood more than an NCD. With regards to the 60% support issue, he noted the sheer difficulty of getting that many signatures on a petition and suggested that a referendum process might be a better method of proving support. Lastly, he expressed the importance of educating people on the differences between an NCD and a Historic Preservation District.

On the subject of the replacement of single-family homes with apartment buildings, Mr. Stohr added that a number of such incidents wherein the apartment buildings are architecturally incompatible that they discourage neighbors from keeping up their homes, run down property values, and otherwise work against the ideal of a "real neighborhood". He stated that this was one of the main reasons that HEUNA was organized in the first place and that this is one of the main reasons that the group is interested in the concept of an NCD and the protections afforded therewith for owner-occupied homes.

Ms. Novak asked Mr. Fitch and Mr. Stohr to remain in the audience in case the Commission were to have further questions of them. Mr. Myers asked of Mr. Fitch and Mr. Stohr if they had any alternatives to the 60% support stipulation. Mr. Fitch restated his earlier suggestion that some sort of referendum process be enacted to gauge support. He also suggested that property owners in an affected area be notified of an NCD application and given a certain amount of time to comment. Both suggestions, he stated, would relieve the applicant for NCD status of going from door to door and getting a sufficient number of signatures on a petition. Mr. Stohr added that the cost of doing a mass mailing to individuals in an affected area would be cost-prohibitive to a group such as HEUNA and Mr. Fitch agreed that there would be some costs involved that the City would need to help cover. He also suggested that the cost of the notification process could be passed to the NCD applicant.

Ms. Novak then asked for discussion on the issue from members of the Commission. Regarding the 60% support issue, Mr. Cahill stated that the Commission should comment that applications for NCDs initiated by the City Council should not be allowed. He said that he would rather see applications come from citizens rather than the Council. Ms. Novak agreed with Mr. Cahill, saying

that her understanding of how NCDs work is that they are initiated by citizens of the area. Mr. Cahill was also concerned with property owners who own a number of parcels being able to vote numerous times either in favor of or against an NCD. He said that in the case of a rental property, the renter would not get a vote but the property owner would and he was unsure as to how to address this issue. Ms. Novak answered that this issue cannot be addressed due to the fact that due process must be provided for. She noted that when Urbana's Historic Preservation Ordinance was being drafted, property owners were allowed one vote per parcel and in cases where one individual owned several parcels, that individual dominated voting in a given area. Therefore, she stated that a referendum to gauge support would not work as an alternative to the 60% support stipulation. Additionally, she felt that a 60% level of support for an NCD was unreasonable and impractical and that the City would have to bear at least some of the responsibility for sending out notifications to citizens in any area affected by an NCD application. Mr. Myers responded that for other zoning actions, the City mails notices to the property owners provided in Champaign County tax records.

Ms. Stuart suggested that instead of requiring 60% support of an NCD application from all citizens in an affected area, it be required that 60% of responses received by the City from a notification of application be in favor of the NCD for it to go forward. Mr. Myers agreed that this would be a possibility but cautioned that a situation could arise wherein perhaps only 20% of people notified of an application for an NCD responded to the notification, which would not necessarily qualify as support from the majority of a given neighborhood. He stated that the 60% figure as listed in the proposed text amendment was designed to ensure sufficient support from the neighborhood of an application for NCD. In closing, Ms. Novak warned that, although she agreed with what the audience members, City staff and her fellow Commissioners were suggesting, it is very difficult to get people to participate in such a process.

As for the part of the proposed text amendment that stipulates 25% opposition to an NCD application must be met for an official protest, Ms. Novak asked for Commissioner comments on this matter next. Ms. Stuart stated that the percentage of opposition for an official protest should be higher because the "stakes are lower" than for a Historic Preservation District and suggested 40% opposition be required.

Mr. Cahill was concerned with how the commission would deal with applications for NCDs in which the area in question is historically significant to a degree which would qualify it as a Historic Preservation District. Mr. Myers answered that if a given area does not qualify for historic district status, that the application for NCD be allowed to go forward without delay. He suggested, however, that if City staff and the Commission believed the area had historic significance, then the application could be tabled until the following commission meeting to give time to gather more information. Ms. Novak expressed concern over the wording in the second paragraph of the second page of the staff memorandum where it stated that the proposed NCD ordinance would allow non-historic residential areas. She stated that she did not want to see a blanket statement that anything within an NCD is not historic, as a given structure could be very historic but changes have been made to that structure that would disqualify it from being part of an historic district. Mr. Myers agreed, saying that the wording Ms. Novak mentioned was intended only as a summary of the ordinance.

There was some concern, raised at first by Ms. Stuart, over whether a proposed district could be applied for historic district status and then be denied. An otherwise eligible NCD district could then be in limbo. Mr. Myers answered that such a situation is possible and to that Ms. Novak added that if a petition for Historic Preservation District status is rejected, it should be made clear why it was rejected so that the petitioner could not come back with an application for NCD status, using that as a “back door” to the protections afforded under historic district status. Also, on the matter of an audience member’s earlier comment regarding the confusion between Historic Preservation Districts and NCDs, Ms. Novak suggested the creation of a flow chart or something similar that would explain the difference between the two. Mr. Myers stated that the Plan Commission has asked staff to bring to the next meeting a model example of an NCD project.

Mr. Cahill stated that this confusion on the difference between NCDs and Historic Preservation Districts proves that a better job needs to be done on educating the public. He also suggested that the positive aspects of NCDs and Historic Preservation Districts be highlighted as this might dispel some of the misconceptions about them.

## **10. MONITORING OF HISTORIC PROPERTIES**

There was nothing to report.

## **11. STAFF REPORT**

Mr. Myers stated that the City of Urbana was the recipient of a Certified Local Government grant from the State of Illinois to host a how-to workshop on repairing historic wood windows. Urbana is one of only seven communities in the state to receive such a grant. The grant amount is \$3,150.00.

## **12. STUDY SESSION**

There was none.

## **13. ANNOUNCEMENTS**

Mr. Cahill announced that on April 15, 2007, the PACA Annual Meeting will take place in the afternoon.

## **14. ADJOURNMENT**

Ms. Lipes moved to adjourn the meeting. Ms. Novak seconded the motion and adjourned the meeting at 8:30 p.m.

Submitted,

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Robert Myers, Planning Division Manager