

AN AMENDMENT TO THE COMPREHENSIVE PLAN OF THE CITY OF URBANA,
ILLINOIS

(Historic Preservation Plan -Plan Case 1686-CP-98)

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on February 19, March 5, March 19, April 9 and April 23, 1998 concerning the Petition filed by Zoning Administrator in Plan Case 1686-CP-98, to amend the City of Urbana's Comprehensive Plan; and

WHEREAS, the Urbana Plan Commission has forwarded the case to the Urbana City Council with a recommendation to approve the request so that the attached Historic Preservation Plan is incorporated into the City of Urbana's Comprehensive Plan, as amended; and

WHEREAS, the requested Comprehensive Plan Amendment conforms to the goals and objectives of the City of Urbana's Comprehensive Plan, as amended; and

WHEREAS, the Urbana City Council has determined it is in the best interests of the citizens of the City of Urbana to amend the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, THAT:

Section 1. The petitioner's request to amend the City of Urbana Comprehensive Plan to include the attached Historic Preservation Plan as an element of said Plan is hereby approved

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 6th day of July, 1998.

PASSED by the City Council on this 6th day of July, 1998.

AYES: Hayes, Huth, Kearns, Patt, Taylor, Whelan, Wyman

NAYS:

ABSTAINED:

APPROVED by the Mayor this 20th day of July, 1998.

Phyllis D. Clark
Phyllis D. Clark, City Clerk

Tod Satterthwaite
Tod Satterthwaite, Mayor





**CERTIFICATE OF PUBLICATION
IN PAMPHLET FORM**



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

I certify that on the 6th day of July, 1998, the corporate authorities of the City of Urbana passed and approved Ordinance No. 9798-111, entitled "AN AMENDMENT TO THE COMPREHENSIVE PLAN OF THE CITY OF URBANA, ILLINOIS (HISTORIC PRESERVATION PLAN - PLAN CASE 1686-CP-98)"

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 9798-111 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 21st day of July, 1998, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 21st, day of July, 1998.

(SEAL)

Phyllis D. Clark
Phyllis D. Clark, City Clerk
by *Robert J. Roberts*, Deputy Clerk

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

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

I certify that on the ____ day of _____, 19__, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled AN AMENDMENT TO THE COMPREHENSIVE PLAN OF THE CITY OF URBANA, ILLINOIS which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the ____ day of _____, 19__, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this ____ day of _____, 19__.

(SEAL) _____
Phyllis D. Clark, City Clerk

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CITY OF URBANA
HISTORIC PRESERVATION PLAN

July 6, 1998

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On July 6, 1998, the Urbana City Council adopted the City of Urbana Historic Preservation Plan as an element of Urbana's Official Comprehensive Plan.

Drafting of the plan

On March 16, 1987, the Urbana City Council passed Resolution No. 8687-R23, "A Resolution regarding planning project priorities." This resolution ranked "Historic preservation study" second in priority behind a "Downtown to Campus Study" as a planning project. The Downtown to Campus Plan was completed in June 1990 and many of the rezonings and other recommendations of the study have been completed since that time.

By 1994 the City of Urbana's Department of Community Development Services was able to proceed with this project. The Urbana City Council met with the Plan Commission in October 1994 to set initial policy for drafting the plan. Mayor Tod Satterthwaite then appointed a Historic Preservation Steering Committee to draft a plan.

The Historic Preservation Steering Committee worked on the plan for parts of 1995 and 1996 and resumed regular meetings in April 1997. By August 1997, the Steering Committee had completed the plan in draft form for public review. The committee continued drafting of a historic preservation ordinance through December 1997.

Review and comment

In December 1997, focus groups reviewed the proposed historic preservation plan and ordinance, suggesting revisions. The Historic Preservation Steering Committee incorporated some of these revisions in the January 12, 1998 plan and ordinance.

Plan Commission reviewed the January 12, 1998 draft at a January 22 study session. The Plan Commission held public hearings on the plan and ordinance on February 19, March 5, March 19, April 9 and April 23, 1998.

Adoption of the plan

On July 6, 1998 the Urbana City Council approved the Historic Preservation Plan as an amendment to the City of Urbana Comprehensive Plan.

Why Preserve?

Urbana is a community rich in architectural and cultural history and resources. These buildings, sites, structures, objects, and districts exemplify aspects of the aesthetic, architectural, cultural, economic, educational, political, and social history of the state and nation, as well as the City of Urbana.

But changes in population, the economic base, land uses and lifestyles threaten some of these important resources and many have been lost over the years for various reasons:

General Samuel T. Busey Mansion, 502 West Main Street (1870; demolished 1964);

Thornburn School, 101-105 North McCullough (1897; old school demolished 1971; annex demolished 1994), and Lincoln School, 901-911 West Clark (1902; demolished 1983),

William Smith/George Busey residence, 503 West Elm Street (c.1860; destroyed by fire 1988);

Metal Shop later renamed Aeronautical Lab B, 102 South Burrill (1895; demolished 1993), designed by Nathan C. Ricker;

First National Bank of Urbana, later known as the Champaign County Bank, 102-104 East Main (1927; demolished 1980);

The Flatiron Building, 301 West Main, which occupied the wedge-shaped intersection of Springfield Avenue and Main Street from 1904 until 1948 when it was destroyed by fire (designed by Joseph Royer).

Enhancing, sustaining and protecting the remaining historic resources in Urbana is in the interest of the public's general welfare. Preservation of Urbana's historic resources is consistent with sound urban planning and community development principles and can improve Urbana residents' understanding and enjoyment of their city far into the future.

What is "historic"?

Historic resources include the buildings and other physical reminders of Urbana's past. This plan defines "historic resources" as follows:

Urbana's historic resources are physical reflections of the city's architectural, artistic, civic, cultural, economic, educational, ethnic, political and social heritage. These historic resources can be valuable for their historic association, style, period, craftsmanship, method of construction and/or use of indigenous materials. They establish a sense of time and place unique to Urbana.

Urbana's Historic Character

Early Settlement

Native Americans, including the Illinois, Iroquois, Pottawatomies and Kickapoos, were the first to occupy the land that would later become Urbana. While little physical evidence of their settlements remains, two sites in the city are associated with their occupation: Boneyard Creek and Leal Park. The creek earned its name from the accumulation of animal bones which were discarded by the tribes along the banks. Attempts in the late 19th century to rename the stream a more pleasing name, "Silver Creek," were unsuccessful. Leal Park on University Avenue was possibly an early burial ground for both Native Americans and settlers.

In 1822 Champaign County was surveyed into townships and settlers were encouraged to move into the area, further displacing native populations. By the late 1830s Native Americans were required to move west of the Mississippi River. The earliest settlers preferred to locate in the Big Grove, a large expanse of trees north of what would later become the city. The first permanent building is attributed to Runnel Fielder, who built a cabin on the edge of the Big Grove in 1822. More than a dozen families from Kentucky moved into the Grove between 1826 and 1832. In 1833 an act of the Eighth General Assembly created Champaign County.

The act also called for the appointment of three commissioners who were charged with the responsibility of choosing a location for the county seat. Big Grove was the logical choice since it was the geographical center of the county and had the largest and oldest settlement. Residents on the north and south of the Grove competed for the honor of having their area designated as the county seat. Isaac Busey's hospitality to the commissioners prevailed, and they selected a south side site donated by Isaac and Matthew Busey, along with William T. Webber. The location they chose for the county seat was called Urbana, after Urbana in Champaign County, Ohio, birthplace of sponsoring legislator Senator John Vance. After Isaac and Matthew Busey and William T. Webber donated 43 acres for the county seat, Isaac was then elected one of the county's first commissioners and helped lay out the town of Urbana, including the public square and parcels on Main Street. Matthew W. Busey was active in many key positions in the early years of the city, including county assessor, probate judge, and colonel in the state militia.

Near the developing town agricultural changes were having an impact on the community. Several small mills had been established by the 1830s; the earliest were manual in operation, with later versions using animal power, then water. Steam power was introduced to Urbana in 1849 at Park's Mill, which was able to supply adequate power to the settlement. Between 1830 and 1850 a shift from subsistence to commercial farming was taking place, with farmers raising livestock for market. Blooded cattle were introduced to the county in 1836. The production of corn, oats and hay doubled by 1850, as did the number of sheep and horses.

Railroads and the Developing City

The burgeoning cattle business made improved access to markets crucial. Early efforts to establish a railroad system throughout Illinois began as early as the 1830s. However, a charter was not granted to the Illinois Central Railroad Company to build a new railroad until 1851. Although three sites in Urbana were offered by Colonel Matthew W. Busey, the route selected was two miles west of the county courthouse in Urbana, at a location named "West Urbana," which later became Champaign. The route was ultimately

determined by engineering considerations to be the most economical choice because it offered the least number of geographical obstacles. Considerations included access to timber for railroad ties and fuel for wood-burning engines. Terrain--avoiding low swampy ground, rivers and streams, or extensive grading--was also considered.

The Illinois Central was, to a large extent, responsible for the enormous growth of population in the 1850s and the following decades, particularly in the area west of the depot. Several hundred commercial buildings had been erected and over one hundred houses built within a year of the arrival of the railroad. Urbana was chartered as a city by the state legislature in 1855 and on June 2, Archa Campbell was elected the first mayor. Campbell was the proprietor of West Urbana's depot, which provided accommodations for travelers in addition to ticket services. Between 1855 and 1856, the population of West Urbana tripled and on April 17, 1857, West Urbana became a separate village. In 1863 the first streetcar, drawn by mules, began operating between the courthouse and the depot.

Despite West Urbana's incredible growth, Urbana continued to prosper. In 1852 William H. Jaques arrived and established the first stove and tin shops in the city. Attorney William N. Coler came here the same year and established the *Urbana Union*, the first newspaper in town. Samuel T. Busey, his brother Simeon H. Busey, and William Earhart opened Busey Brothers and Company Bank on January 13, 1868. As the seat of county government, Urbana was visited regularly by Abraham Lincoln who accompanied Judge David Davis on the Eighth Circuit Court between 1849 and 1859. Lincoln frequently stayed in Urbana's first hotel, called the Urbana House, which had been converted from the original temporary courthouse building. The two story, frame hotel was located on the site now occupied by the Urbana Cinema and was later moved to a site across from the present courthouse to make way for the construction of Busey's Hall in 1870.

The location of the county seat in Urbana has always played an important role in insuring the vitality of the downtown area. A stable owned by Colonel Matthew W. Busey was the site of the first court, held in 1833. The first county courthouse was built in 1836 on the exact site of the present courthouse. In 1859, an expenditure of \$30,000 was approved for the "renovation" of the second courthouse, but it was actually reduced to a foundation and a new third permanent courthouse opened in 1861. Due to his approval of this large expenditure, Judge Edward Ater was the person most instrumental in the retention of the county seat in downtown Urbana. Ater built a two-story Italianate home at 207 West Elm Street in 1857 and served as mayor of Urbana from 1861-64. Over the years five different courthouses have occupied the same site. The present courthouse dates to 1901.

Downtown Urbana

Clark Robinson Griggs's Indianapolis, Bloomington, and Western Railroad (I.B. & W.), completed in 1869, provided a direct rail route that enabled Urbana to become a stable and independent trade center. Despite the railroad's nickname--"I Better Walk"--merchants were no longer dependent on the streetcar railroad to transport shipments of goods from the Illinois Central depot in Champaign. In 1871 he built an Italianate home at 505 West Main Street which is Champaign County's only private single family residence on the National Register of Historic Places. Griggs was also a farmer and land speculator and was elected mayor of Urbana in 1866. A four-story hotel called the Griggs House was built around 1870 and provided station facilities for the railroad. Griggs House, located in the 400 block of West University Avenue and named in honor of Clark Griggs, was one of the grandest buildings in Urbana. To service the ever-growing railroad industry, the Big Four rail car repair shops opened in Urbana in 1871 and became a major employer in the city.

Bricks were manufactured in Urbana by Bissel & Sherril as early as 1853, but it was after a major fire in 1871 destroyed most of the wooden frame buildings on Main Street that brick buildings began to proliferate. Busey's Hall was opened as an opera house in 1870, survived the fire, and was converted to a multi-use social hall in 1903. According to the *Champaign Daily Gazette*, "Most prominent among the many new edifices in Urbana is the beautiful and commanding three-story block bearing the name Tiernan's." Built in 1871 and opened as an opera house in 1872, Tiernan's joined Busey's Hall in providing some of the best entertainment in the twin cities. The City Building at the corner of Elm and Broadway (a site now occupied by the downtown parking deck) and the County Courthouse were soon complemented by an abundance of retail stores. Lining Main Street were the Knowlton-Bennett Drugstore, Peterson Cafe, Sim's Drug Company, the Columbian Hotel, Amsbary and Sawin Grocery, Hubbard Drug Company, the Palace Confectionary, Oldham Drugstore, T.J. Colvin & Sons Butcher Shop, Hanes Meat Market, and Dickenson's Grocery. As Ray Bial so aptly sums up in his history of the city, "Urbana has always been characterized by the pleasant atmosphere of a small town with just a touch of sophistication appropriate to a community that is home to a major university."

Among the many attractions to the downtown business district was the library. Francis G. Jaques, a lawyer originally in partnership with Colonel William N. Coler, founded the Young Men's Library Association of Urbana in 1872. Begun as a subscription library, the facility was originally located above a grocery store. Jaques purchased the Ater home at 207 West Elm Street and added a one-story addition for his law office around 1872. The library became public in 1874. Miss Ida Hanes, a cousin, served as Librarian from 1874 until 1924. In 1912, the library applied to Andrew Carnegie to construct a permanent building, but the request was denied. The present Urbana Free Library was built with a \$35,000 gift from Mary E. Busey in honor of her late husband, General Samuel T. Busey. It opened on Monday, July 23, 1917.

The growing economic prosperity of the downtown led to the construction of very fine homes for many of the business owners. Many of Urbana's most historically significant residences were built on Main Street very near the downtown: the William T. Webber home at 605 East Main (1850s), Matthew Busey's home at 804 West Main (1869), the Samuel Busey mansion at 502 W. Main (c. 1870), demolished in 1964 for the construction of Landmark Apartments, and three very fine examples of the Queen Anne style: the Louis A. Wahl residence at 510 West Main (1892), the Emmett Grant Yearsley house at 508 West Main (1893), and the Frank M. Marriott residence at 506 West Main (1893). Main Street is also home to two architecturally important churches: St. Patrick's Catholic Church at 708 West Main (1903) and Canaan Baptist Church, originally First Christian Church (1910). Other stately homes in close proximity to the downtown business district were the Sutton/Bills House at 502 West Elm (c.1878), the Smith/Busey house at 503 West Elm (destroyed by fire in 1988), the Gus T. Freeman home at 504 West Elm (c.1902), and Dr. Austin Lindley's residence at 312 W. Green (1895), now restored and open as Lindley House Bed and Breakfast.

The early 1900s saw construction of numerous architecturally important public and semi-public buildings in Urbana. Since activity at both Tiernan's Opera House and Busey's Hall had waned by the turn of the century, several prominent citizens agitated for a new theater. Their efforts eventually resulted in the opening of the Illinois Theatre in 1908 at 312 W. Railroad Street (Springfield); the theater was destroyed by fire in 1927. Busey's Hall was remodeled in 1915 and became the Princess Theater. Other notable public and semi-public buildings included the Unitarian Universalist Church (1901), the Nathan Cohen Building (1907), the United States Post Office (1915), the Troop B Illinois Calvary Armory (310 W. Main St., 1915), and the First United Methodist Church (1928).

Noted local architect Joseph Royer left his permanent mark on the face of Urbana in the early part of the

century. He designed the Romanesque Revival-style Champaign County Courthouse at Main and Broadway in 1901 and served as architect for the remodeling of Tiernan's Opera House at 115 W. Main for the Masons in 1914. This extensive remodeling included the addition of a new terra cotta facade which is still extant. In 1916 he designed the three-story Gothic Revival Urbana High School. Royer also designed the Urbana-Lincoln Hotel, now Jumer's Castle Lodge, a fixture in Downtown Urbana since 1924.

Later projects that resulted in important historic resources in Urbana included the WPA-built (Works Progress Administration) Leal School, 312 W. Oregon, designed by Joseph Royer and completed in 1936 on the site of the original high school. The National Guard Armory, 60 E. University Avenue, was completed in 1937 and was also a WPA project. During this era, the WPA also rebuilt brick streets and sidewalks throughout the community.

University of Illinois

Nothing has influenced the economy, land use, traffic and development of Urbana as much as its relationship with the University of Illinois. The person credited with bringing the University to Champaign County is Clark R. Griggs, who was elected to the state legislature in 1867 and pledged to obtain the university for Champaign County. On February 28, 1867, Governor Richard J. Ogelsby signed the bill to establish the Illinois Industrial University. The first university building had actually been constructed for a seminary called the Urbana-Champaign Institute. The selection of location for the Institute was intended to mend the rift between Urbana and West Urbana who were disputing the unsettled land between them. The cornerstone for the building was laid in 1861, but the Civil War created unstable financial conditions, bringing the project to a halt and resulting in the building being dubbed the "white elephant." The new land grant college was given the name of the Illinois Industrial University, which later became the University of Illinois.

A number of historic resources associated with the early development of the university remain in Urbana. The oldest of these is the Morrow Plots, a National Historic Landmark located on Gregory Drive. Named for George E. Morrow, the first dean of the college of agriculture, the site is the oldest continuing soil experimental field established by a university (1876). Among the oldest surviving buildings on campus are Harker Hall, 1305 W. Green St. (1878), the Armory, 1402 W. Springfield (Kenney Gym Annex, 1890), Natural History Building, 1301 W. Green St. (1892), and Altgeld Hall, 1409 W. Green St. (1896), all designed by Nathan Clifford Ricker. Ricker was an 1872 University of Illinois graduate, receiving the first American degree in Architecture. He served as a professor and head of the Department of Architecture from 1873 until his retirement in 1910. He also served as the Dean of the College of Engineering for twenty-seven years from 1878 to 1905, while the Department of Architecture was in the College of Engineering. His home at 612 West Green was built in 1892 and was purchased for preservation in May 1996 by the Preservation and Conservation Association.

Some of the earliest buildings at the University were constructed around the quadrangle. Flanked by Ricker-designed buildings, University Hall (1871-1938), was built at the north end on the site now occupied by the Illini Union. The Astronomical Observatory, 901 S. Mathews, the second of Urbana's National Historic Landmarks, was constructed to the south in 1896, replacing a smaller observatory, which had been farther northwest. The College of Agriculture building, Davenport Hall, 607 S. Mathews, was erected in 1899-1901 on the east side. While building on the quadrangle had taken place for over thirty years, a means to organize the University's construction plans had not been created. The University's first campus plan was developed by architect C.H. Blackall, an 1877 university graduate who consulted the Olmsted Brothers, famed landscape architects, on the development of the plan. In 1907 Blackall sited the

Auditorium (now Foellinger Auditorium, 709 S. Mathews) on the rise which defined the main campus quadrangle's southern axis.

Substantially south of the quadrangle, the College of Agriculture was developing its experimental dairy farm. Begun in 1902, the farm, 1201 W. St. Mary's Road, included a series of three round barns, which served as models for barn construction throughout the Midwest. The barns, related outbuildings, and manager's house comprise Champaign County's only historic district listed in the National Register of Historic Places.

The continued growth at the university produced a wealth of early twentieth-century buildings, including the Woman's Building, later renamed the English Building (608 S. Wright, 1905), Lincoln Hall (702 S. Wright, 1911), Woman's Residence Hall/ Mary E. Busey Hall (1111 W. Nevada, 1916), Ceramics Building (105 S. Goodwin, 1915), Tina Weedon Smith Memorial Music Hall (805 S. Mathews, 1920), Mumford Hall (1301 W. Gregory, 1922), Commerce Building/David Kinley Hall (1407 W. Gregory Dr., 1924), and Architectural Building (608 E. Lorado Taft Dr., 1926). Construction on campus was neither limited strictly to classroom facilities, nor to the Urbana side of the campus. In 1912 W.C. Zimmerman, supervising architect for the State of Illinois, designed the University of Illinois Armory (505 E. Armory, Champaign) to serve as a drill hall for the student military regiment. After World War I renowned architect Charles A. Platt designed the rooms surrounding the drill hall and the facade of the Armory in the Georgian style. Distinguished sculptor and University of Illinois graduate Lorado Taft completed the Alma Mater statue in 1918. Memorial Stadium (200 E. Florida Avenue, Champaign), designed by the noted Chicago architectural firm of Holabird and Roche, was constructed in 1922-24 as a memorial to students who had died in World War I. Private developments such as Wesley Foundation (1201 W. Green St., 1921) also designed by Holabird and Roche, were located near the university campus to serve the religious and social needs of students.

Later additions to the campus of the university have also achieved architectural significance, despite being less than fifty years old. The Assembly Hall, 1800 S. First St., Champaign, completed in 1965, has been determined eligible by the Illinois Historic Preservation Agency for listing in the National Register of Historic Places. Other late twentieth century buildings that have received architectural honors include the 1990s Booth/Hansen-designed Kinkead Pavilion addition to the Krannert Art Museum (500 W. Peabody Dr., Champaign).

Summary of Past Preservation Efforts

National and state influences

The Civil War Centennial of 1965 is credited with launching renewed interest in American history and preservation initiatives such as the National Historic Preservation Act of 1966, which created State Historic Preservation Offices and the National Register of Historic Places. A decade later, the American Bicentennial added momentum to the preservation movement.

Federal tax reforms in 1976 and 1981 provided federal tax credits for rehabilitation of historic *income-producing* properties. The program offered owners of historic and old buildings up to a 25 percent rehabilitation tax credit on federal taxes. This incentive spurred thousands of rehabilitation projects nationwide. Investment was later curtailed with passage of the 1986 Tax Reform Act, which lowered the rehabilitation credit to 20 percent and set a \$7000 per year cap on the credit.

To help historic homeowners rehabilitate their property, Illinois offers an eight-year property tax freeze at the pre-rehabilitation value followed by a four-year "thaw" period. This incentive applies to *owner-occupied* residential property for which rehabilitation comprises at least 25 percent of the assessed market value.

Local initiatives

No local tax incentives have been offered for historic property rehabilitation of owner-occupied property in Urbana, but several good examples exist of the city's investment in historic downtown and other areas.

Urbana's downtown tax increment financing (TIF) district has helped fund capital improvements to the downtown area, where many of the city's historic commercial buildings are located. Some of the most visible improvements paid for with TIF funds have included sidewalk, alley, and landscaping treatments in the downtown.

Another economic development initiative, the city's facade loan program, has provided commercial loans for downtown buildings at a 2% fixed rate in partnership with local banks. Several downtown buildings have used the loans to restore facades that had been neglected or had undergone inappropriate treatment. Rehabilitation and adaptive use projects which have benefited from this program include the Novak, Weaver, Solberg Law Offices at 130 West Main; the Urbana Cinema/Cinema Caffe at 120 W. Main, the Baxley Media Group buildings at 108-112 West Main, and the office building at 117 North Broadway.

Apart from financial incentives, local zoning changes have made the Urbana Zoning Ordinance more flexible in terms of use of older buildings in designated areas. As part of the 1990 Downtown to Campus Plan (see next section), the City Council created the Mixed Office-Residential (MOR) district, which provides more flexibility for the adaptive use of existing structures facing West Green and West Elm streets. Two developments under the new zoning category are the renovation of Lindley House at 312 West Green for a bed and breakfast and ongoing rehabilitation of the Nathan Ricker residence at 612 West Green by the Preservation and Conservation Association.

Historic resource studies and surveys

Local studies and surveys have provided numerous resources and ideas for historic preservation in Urbana. Architectural historians and other experts conducted statewide historical and architectural resources surveys in the mid-1970s, including studies of Champaign County. Several individual and University of Illinois class efforts have also identified significant sites and structures in Urbana. The following is a partial list of these studies and surveys:

- | | |
|---------|--|
| 1961 | <i>100 Houses of Urbana</i> , Karl Lohmann |
| 1971-75 | <i>Buildings of architectural interest built prior to World War II</i> , Illinois Historic Structures Survey (158 in Urbana) |
| 1973 | <i>Inventory of Historic Landmarks in Champaign County</i> , Illinois Historic Landmarks Survey (9 sites in Urbana) |
| 1974 | <i>Architectural Study of Champaign-Urbana</i> , Frank Heitzman, research project |
| 1975 | <i>Inventory of Architecture before World War II in Champaign County</i> , Illinois Historic Structures Survey (52 structures in Urbana) |
| 1975 | <i>Urbana Preservation Study</i> , University of Illinois, Urban Planning 338, Lachlan Blair |
| 1976 | <i>Historic Sites in Champaign County</i> , Champaign County Bicentennial Commission |
| 1985 | <i>Residential West Urbana Building Resource Report</i> , Preservation and Conservation Association |
| 1990 | <i>Recommendations for a Preservation Ordinance</i> , University of Illinois, Urban Planning 327, Eliza Steelwater |

Many of these studies provide information that has been useful in preparing this historic preservation plan.

Purposes of Preservation

Urbana's historic resources contribute to the community's attractiveness and understanding of its past. Damaging and destroying these historic resources through demolition, inappropriate alteration and other means removes the physical reminders of the Urbana's heritage and diminishes important community assets.

Urbana's Historic Preservation Plan and Ordinance together will

- * **Promote the preservation of Urbana's historic resources, including buildings, sites, structures, objects and historic districts.**

To encourage preservation of the City's historic resources, the plan and ordinance will:

- Provide a mechanism for identifying and designating Urbana's historic resources.
- Afford an appropriate level of protection to designated historic resources.
- Encourage high standards for the restoration, rehabilitation and maintenance of historic resources.

- * **Promote economic development by encouraging investment in historic resources.**

Urbana's residents should enjoy the economic benefits that result from increased investment in the city's older historic areas.

Designation of historic landmarks and districts can provide incentives for private ownership and investment. As owners invest in restoration, rehabilitation and adaptive use of historic property, property values and business sales may increase. As a result of increased property values and sales, the community's property and sales tax revenues from these areas may also increase.

To promote economic development through increased investment in Urbana's historic resources, the plan and ordinance will:

- Encourage private ownership and investment in designated historic resources.
- Enable Urbana property owners to enjoy tax incentives, possible increased property values, and other economic benefits available through renovation of designated historic sites and structures.
- Enhance Urbana's attractiveness to homebuyers, homeowners, residents, tourists, visitors and shoppers by improvements in the city's historic resources.
- Allow adaptive use of historic structures in accordance with the Urbana Zoning Ordinance.

* **Preserve the character of historic neighborhoods.**

Many of Urbana's historic resources are located in residential areas. While adaptive use of historic residential structures should be encouraged in accordance with the Urbana Zoning Ordinance, residential neighborhoods should be protected from development that is inconsistent with the historic character of the neighborhoods.

To protect the character of historic neighborhoods, the plan and ordinance will:

- Protect historic neighborhoods from the adverse effects of development that is inconsistent with historic districts as each is defined.
- Preserve the supply of affordable housing through the preservation of historic residential structures.

* **Foster understanding and civic pride in Urbana's history and architecture.**

Urbana's historic resources should be a source of pride in the noble accomplishments of Urbana's past residents, architects, builders, businesses, and homeowners.

To foster understanding and civic pride, the plan and ordinance will:

- Promote the use of Urbana's historic resources for the education, pleasure and welfare of Urbana's citizens and visitors.
- Promote the education of the public concerning Urbana's history by retaining physical reminders of the past.

* **Preserve Urbana's historic downtown buildings and facades.**

Many of Urbana's historic downtown buildings remain, yet other historic resources have been demolished or renovated in ways not consistent with the downtown's historical character. The continued attraction of downtown Urbana lies in part on the city's attention to its historic sites and structures.

Urbana also enjoys the benefits of various civic commitments to its downtown. Investment in downtown business, streetscapes and landscaping have enhanced the attractiveness of the downtown.

To preserve Urbana's historic downtown buildings and facades, the plan and ordinance will:

- Afford an appropriate level of protection to designated downtown historic resources.
- Encourage historically appropriate facade restoration and rehabilitation.

Comprehensive Plan, Zoning and Building Codes

Enhancing and sustaining the active use of historic resources is in the interest of the public's general welfare. Preserving Urbana's historic resources is consistent with sound urban planning and community development and can improve Urbana's quality of life.

Therefore, the Urbana Historic Preservation Plan is intended to

1. guide decisions regarding the preservation of the city's historic resources as part of the Comprehensive Plan;
2. provide a sound basis for the Urbana Historic Preservation Ordinance; and
3. be consistent with City of Urbana building safety codes and other codes related to health, safety, morals and general welfare.

City of Urbana Comprehensive Plan

The Historic Preservation Plan will be incorporated as an amendment to the City of Urbana Comprehensive Plan. The most recent version of the Comprehensive Plan, adopted in 1982, was the second update of the document originally prepared in 1967. The Comprehensive Plan's purpose statement is as follows:

The purpose of the Comprehensive Plan is to provide the policy framework for decisions, both in the public and private sectors, necessary to realize the desired future for Urbana. The major emphases of the Plan are conservation and development. In conservation, the emphasis is on the need to maintain and improve older neighborhoods where existing facilities are underutilized or deteriorating, and to consider these areas as centers of new opportunities. In development, the emphasis is on the need to synchronize land uses with urban services and facilities in ways that will minimize environmental incursion and the public cost for capital improvements while expanding the economic base.

This purpose is consistent with historic preservation because preservation involves maintaining and improving older neighborhoods as well as focusing on areas where urban services and facilities are already largely in place.

Further goals, objectives, and policies of the Comprehensive Plan related to historic preservation are listed below. The first group is from the 1982 Comprehensive Plan revision, and the second group is from the 1990 Downtown to Campus Plan, an amendment to the Comprehensive Plan.

1982 Comprehensive Plan - Format: Under each subject heading, goals are indented furthest to the left, objectives are next, and policies are indented furthest to the right.

Overall Goals and Objectives

1.400 To improve and maintain the developed portions of the City, including the existing housing stock, the older residential neighborhoods, and the commercial areas with special emphasis on the downtown area.

1.410 Promote the redevelopment and conservation of urbanized areas.

Land development

3.100 To organize and develop land uses and adjacent properties in a balanced and mutually compatible manner relative to the functional needs of the City.

3.110 Promote development in the City and surrounding unincorporated areas in a manner which minimizes conflicting land uses and/or adjacent development.

3.111 Review all land use changes that are controlled by the Zoning Ordinance, Subdivision Ordinance, or annexation procedures to ensure compatibility . The Special and Conditional use permit and Planned Unit Development procedures in the Zoning Ordinance and annexation agreements are particularly useful tools for insuring the harmonious development of adjacent sites.

3.400 To create a compact community where the conversion of agricultural land, the cost of providing public services, and the use of energy are minimized.

3.410 Designate growth areas in a manner that minimizes the cost of providing public services.

3.411 Encourage development only in areas where urban services and facilities are available at adequate capacity or have been planned.

Fiscal impacts

4.100 To increase sources of municipal revenues required to continue providing existing and future increased levels of municipal services.

4.110 Increase the proportion of land uses which produce municipal revenues equal to, or in excess of the cost of required services.

4.111 Promote mixtures of compatible uses, improvements in services and facilities, aesthetics and public convenience, in existing commercial and industrial developments.

4.112 Enhance the downtown area as the City's major commercial and business center.

Development and preservation of residential areas

5.100 To provide sound and attractive residential neighborhoods which meet the housing needs of the current and future population, are accessible to urban services and facilities, and in a manner which conserves land, energy and other resources.

5.110 Protect and improve the residential quality of residential neighborhoods and minimize the effects on such neighborhoods of other city developments.

5.111 Offer continued support for the maintenance of residential lifestyles and values and the preservation property values by discouraging the encroachment of influence of unacceptable non-residential uses into residential neighborhoods.

5.112 Provide incentives for housing rehabilitation and for quality in new residential developments.

5.113 Provide incentives to promote architectural design, aesthetics and landscaping in residential areas.

5.114 Provide incentives to promote the preservation of historically significant sites.

5.130 Promote land use patterns which conserve energy.

5.134 Revise codes and ordinances as necessary to promote land use patterns that conserve energy.

5.140 Expand the housing supply to include a variety of housing types and price ranges through preservation, development and redevelopment.

5.141 Review codes and ordinance on a regular basis and make revisions as necessary.

5.144 Make available low interest loans and grants from sources such as Community Development funds for housing rehabilitation.

5.145 Encourage higher densities where need and existing facilities can support such increased residential densities.

Economic development

6.100 To increase and diversify the tax base of the City of Urbana.

6.110 Encourage the promotion of commercial and industrial development which is compatible with the character, environment, and resources of the community.

6.113 Work with appropriate agencies to promote Urbana as a good place for commercial and industrial development and to recruit suitable businesses and industries to the City.

6.200 To capitalize on the existing economic, educational, environmental and personnel resources that Urbana has to offer businesses and industries.

6.210 Increase the awareness of potential developers, investors, and visitors of the special attributes which are incentives to locating, investing, staying and expanding, or visiting Urbana.

6.211 Identify those resources that make Urbana a particularly desirable place to locate or stay and expand.

6.212 Use the identified resources to sell potential investors on the desirability of locating or staying and expanding in Urbana.

6.213 Identify factors that inhibit compatible economic growth and mitigate or eliminate their impact.

6.214 Work in cooperation with appropriate agencies to promote tourism in the City.

6.300 To achieve a proactive stance towards economic development that will be viewed in a positive manner by potential investors.

6.310 Improve Urbana's image as a community that welcomes and aggressively pursues compatible economic development.

6.311 Identify potential financial and developmental incentives that the City Council is willing to offer developers to promote commercial and industrial developments.

6.312 Identify ways in which the review of projects can be accomplished in a more timely and efficient manner.

6.313 Evaluate revisions to City ordinances, regulations, and policies in terms of potential impact on the business community and climate.

6.500 To support the redevelopment of downtown Urbana with particular emphasis on the Tax Increment District (TID), and Business Development and Redevelopment District.

6.514 Encourage redevelopment of vacant upper stories in downtown commercial buildings.

6.520 Encourage private investment in the conservation of existing buildings, as well as new residential and commercial development.

6.700 To support the retention and expansion of existing businesses and industries located in Urbana.

6.710 Adopt policies and make decisions that support existing businesses and industries.

6.711 Continue to identify the concerns of local businessmen and industrialists.

6.712 Make available financial incentives to encourage local commercial and industrial expansion.

Energy Conservation

12.100 To guide new developments so as to promote the most efficient use of energy.

12.110 Regulate the use of land in ways that will promote compact urban design which minimizes the demand for energy and maximizes its efficient use.

12.111 Encourage land use arrangements and densities that facilitate provision of energy efficient public transportation.

12.112 Encourage downtown redevelopment as a multi-purpose center to include a variety of compatible land uses as a means to reduce the need for vehicular travel.

Downtown to Campus Plan - The overall goal of the Downtown to Campus Plan is "to achieve a desirable and compatible balance among the area's diverse residential, commercial and institutional land uses in order to protect and preserve the historical, architectural, economic and environmental character of the neighborhood." The objectives below provide a framework for achieving this goal and relate to historic preservation:

1. Protect and preserve the character, scale and integrity of established low-density residential areas by discouraging inappropriate and incompatible zoning and development.
2. Provide a diverse supply of affordable housing to meet the needs of a variety of individual lifestyles while seeking a stable balance between owner-occupied and renter-occupied units.
3. Provide appropriate locations for compatible and well designed multiple family residential development, especially near the University's campus and Downtown Urbana.
5. Provide for the physical and economic growth of Downtown Urbana by allowing businesses and parking areas to locate in appropriate designated areas.
7. Encourage new buildings to blend with the historic, architectural and environmental character of the neighborhood through the use of compatible building and site design techniques.
8. Recognize and preserve the neighborhood's existing buildings and unique character through the use of neighborhood conservation zoning, historic preservation ordinances or similar methods.
11. Provide appropriate locations for compatible and well-designed commercial and residential development to increase local property values and Urbana's tax base while relieving development pressure in established low-density residential areas.
12. Continue the systematic evaluation, maintenance and improvement of the neighborhood's infrastructure focusing special attention on the brick streets, brick sidewalks, street lights, street trees and other features which contribute to the area's character.
15. Continue the enforcement of the Zoning Ordinance, building code and other City codes and ordinances which regulate housing conditions, nuisances and parking.
20. Improve the Green Street corridor to strengthen the connection between the University's campus and Downtown Urbana.
21. Provide support for increased neighborhood rehabilitation and re-investment to maintain and improve the quality of the existing residential and non-residential structures.

Zoning Ordinance

The Historic Preservation Plan does not make recommendations on the application of historic preservation to individual properties; nor does it spell out the regulations of a historic preservation ordinance. Rather, the Plan acts as a guide in the development and implementation of a historic preservation ordinance. The Plan, through its purpose statements, recommends goals, objectives and policies that will help formulate the ordinance. The historic preservation ordinance, when adopted by the Urbana City Council, will become an

amendment to the Urbana Zoning Ordinance, which is itself a portion of the Code of Ordinances of the City of Urbana.

Other City Codes

Various city codes can affect historic sites and neighborhoods, including the application of the *Subdivision and Land Development Code*, nuisance codes, fence requirements and others. The codes that have perhaps the greatest effect on historic structures, especially their adaptive use, are building safety codes.

Many historic properties are in zoning districts such as the Mixed Office Residential district, which permits single-family, multi-family and business uses either by right or by special or conditional use permit. When owners of these buildings wish to make changes to their properties, building codes help govern what the owners can do.

Some issues often arise when changes are requested for older buildings:

Exterior stairs/second means of egress - Exterior stairs for fire escapes are needed for upper-story apartments in many homes converted from single-family to multi-family use. These provide safety, but are often unsightly. In cases where the owner may want to enclose the stairs, development regulations restrict enclosures from projecting into a required yard.

Porches - Since adoption of 1990 building codes, a renovated porch may now be restored to its previous state, so long as it is at least as safe as before renovation. There is more flexibility now in the code.

Required yards - Setbacks, including side yards, are a requirement of the zoning ordinance in most residential classifications. Side yards are popular places for locating new heating/ventilation/air conditioning (HVAC) units. Off-site parking can also be an issue in areas with high demand for parking and small lots.

Adaptive use - Where older single family homes are converted into offices, regulations such as exit requirements and floor load capacity (for file cabinets, etc.) can be a problem. Sprinklers can sometimes help make up for other deficiencies in older buildings, but sprinkler installation can also be expensive.

Life Safety - When apartments exist above commercial space, life safety becomes an important issue. The cost of fire separation systems and means of egress reduce what owners have left to spend on the rest of the historic building's rehabilitation.

Americans with Disabilities Act (ADA) regulations - This bill was intended as a civil rights bill for employees and the users of public buildings and it relates to public places. The federal government, not the city, enforces ADA regulations.

ADA does not apply to single family homes. Normally it does not apply to rooming houses or apartment buildings, either, unless there is a mixed use. There can be repercussions to businesses, depending on the work done. A two-story law office, for instance, may meet ADA requirements without installing an elevator if all public services are done on the first floor.

Illinois State Accessibility Code - Not all buildings must meet these provisions, either. Existing single-family, duplex and multi-family uses are not covered by the code when these are the principal uses of the building.

For the code to apply, alteration costs must exceed 15% of reproduction costs and \$100,000--not including exterior facade work. All work done in a thirty-month period counts toward the total alteration costs.

Properties not up to code - The existing structures code is retroactive in terms of necessitating compliance, but in most cases does not have the same requirements as for new construction. Most renovation work is not subject to the Illinois State Accessibility Code unless renovations are quite extensive.

A historic preservation ordinance may include ways in which owners and investors in historic buildings can meet building safety standards and still be encouraged to use and adaptively reuse property.

Governmental Roles and Responsibilities

City's role in plan development and implementation

The City of Urbana's involvement in this Historic Preservation Plan extends to many different levels: staff organization of plan development, advisory review by the Plan Commission, and policy direction and adoption by the Mayor and City Council. The Historic Preservation Steering Committee appointed by Mayor Tod Satterthwaite played a large part in advising and commenting on the text of the plan.

The city has sought public comment by Urbana residents, business owners, and interest groups to ensure that all points of view are considered in the plan.

Municipal bodies such as the City Council, Plan Commission, Board of Zoning Appeals and the Historic Preservation Commission will each play a part in implementing historic preservation strategies. City staff will provide support, process permits and petitions, and enforce associated regulations.

The City of Urbana is committed to historic preservation, as evidenced by the cost, time and public outreach dedicated to creating a plan and ordinance for historic resources.

Municipally controlled historic resources

The City of Urbana has control over a number of resources--both those that can support preservation of historic resources and some historic resources themselves.

One element under city control that affects historic properties is infrastructure. The city's Department of Public Works is responsible for road construction and repair, storm and sanitary sewer improvements, sidewalks, trees on public property, lighting and a number of greenscapes. Because many of these capital improvements are located in historic areas of town, the systems and improvements themselves are in many cases older. The city's commitment to maintaining these older capital resources will support investment in historic neighborhoods. Residents of these neighborhoods can then expect dependable streets, drainage and sewers.

Moreover, efficient upkeep of capital assets can help historic areas maintain the character of their buildings. Some special considerations should be made for historic infrastructure. Streets, sidewalks and streetlights appropriate to the historic character of the area can enhance the attractiveness of these areas. Parkway tree planting can be sympathetic to existing mature trees and blend in with them.

Decisions on capital improvements and maintenance in designated historic areas should take neighborhood character into account. For instance, the city's street lighting plan includes replacing existing streetlights with new lights that replicate the style of the old Urbana streetlights. In the past, brick streets and sidewalks, and ornamental streetlights in older neighborhoods have been installed and maintained by the city, mostly through the city's regular capital improvements program. The city plans to continue to maintain brick streets and sidewalks in historic residential areas, rather than replacing them with asphalt or concrete.

The city also has influence over buildings important to Urbana's history. Two examples are the 1917 Urbana Free Library and the 1857 Ater-Jaques House, immediately west of the library. Both are historic

resources operated by the Urbana Free Library Board. The Library Board in turn is partially funded by the City of Urbana. Expansion of the library will affect the Ater-Jaques House.

The city must be circumspect in how it treats these and other historic properties under the city's stewardship. The city is responsible for weighing its goals, policies and finances while making decisions in the public interest--and can lead by example in implementing the Historic Preservation Plan.

Other governmental entities

Other governmental agencies besides the municipal government own historic resources. For historic resources controlled by other agencies, this plan recommends intergovernmental cooperation and attention to the public interest. These resources are important not just to individual jurisdictions, but to the citizens of Urbana as a whole. Some examples of potential historic properties that are publicly owned include:

Historic buildings and resources on the campus of the University of Illinois, some of which are already on the National Register of Historic Places;

the Champaign County Courthouse (1901) and sheriff's building in the 100 block of East Main;

the National Guard Armory (1937), 60 E. University Avenue;

Urbana School District 116's Leal School, 312 West Oregon; and

Urbana Park District's Abraham Lincoln statue and pavilion at Carle Park and the Greek Revival Cottage (c. 1852) at Leal Park, 303 W. University.

The Historic Preservation Commission

The **Historic Preservation Commission**, whose manner of creation, composition, and specific duties will be determined by the Historic Preservation Ordinance, will be responsible for implementing the Historic Preservation Plan and Ordinance. Commissioners will have expertise, experience, or interest in the areas of historic architecture, architectural history, archaeology, history, historic or neighborhood preservation, building construction or engineering, or city planning. They will serve without compensation for a period of time to be specified by the Historic Preservation Ordinance.

1. The Preservation Commission shall carry out a survey and inventory system approved by the Illinois Historic Preservation Agency for properties within Urbana in a manner consistent with statewide comprehensive historic preservation planning and other appropriate planning processes. The survey efforts and format shall be coordinated with and complementary to those of the state.

The Preservation Commission will be responsible for both reconnaissance surveys and intensive surveys of the City. The Commission will seek local newspaper and news media coverage in an effort to publicize the survey and to seek historical information.

A. The **reconnaissance survey** of Urbana may not include the entire city at once but will be carried out systematically with available resources. Reconnaissance surveys for areas now outside Urbana's corporate limit will be done after those areas are annexed.

B. After reconnaissance surveys identify potential historic resources, the Preservation Commission will carry more **intensive surveys** of areas given high priority by the reconnaissance surveys as resources allow. The Preservation Commission will also carry out intensive surveys of areas that apply or are nominated for historic district status if the reconnaissance survey has revealed that such a designation is warranted.

C. The Preservation Commission shall maintain all survey material securely and all material shall be accessible to the public. The Preservation Commission shall update all survey material periodically to reflect changes, alterations, and demolitions.

2. The Preservation Commission will prioritize areas to be surveyed based on the following criteria:
 - **Age of structures:** High priority areas will have a concentration of buildings at least fifty years of age.
 - **Zoning intensity:** Because multi-family or business zoning increases the likelihood of redevelopment from existing lower-intensity uses to higher-intensity income-producing uses, high priority will be given to such areas.
 - **Surveyed concentration of resources:** High priority will also be given to areas that have been previously identified by surveys conducted by the Preservation and Conservation Association (PACA) and the Illinois Historic Preservation Agency (IHPA) as having a high concentration of historic resources. These areas may also be identified by Comprehensive Plan documents such as the Downtown to Campus Plan.
 - **Feasibility:** The area to be surveyed must be manageable in terms of financial and volunteer resources.

3. The Preservation Commission will systematically identify and designate potential landmarks and historic districts.
4. The Preservation Commission shall apply for Certified Local Government grants to the Illinois Historic Preservation Agency as well as to other agencies offering grants for historic resources survey work.

Historic Resource Surveys

Common forms of historic resource surveys

Surveys of historic neighborhoods, sites and structures are important in historic preservation planning. Surveys of historic resources can help (1) make the historic preservation plan truly comprehensive, (2) apply the designation of historic properties more consistently throughout the community, and (3) provide a database for listing and monitoring historic resources. Historic resources surveys can identify the number, location, quality and history of historic resources.

Survey systems often consist of both a reconnaissance survey--perhaps taking the form of a "windshield survey" of the community--and an intensive, more detailed survey. This historic preservation plan does not include a comprehensive survey of historic properties in Urbana; but it does provide a framework for carrying out such a survey, as well as a more intensive neighborhood survey.

Certified Local Government requirements

Communities whose ordinances meet Certified Local Government status are eligible to compete for grants from the State of Illinois. There are numerous requirements for achieving Certified Local Government status, one of which is that "the local government shall maintain a system for the survey and inventory of historic properties." The state's survey requirements include the following:

1. The local government shall initiate or continue a process for survey and inventory approved by the State Historic Preservation Officer for properties within the local jurisdiction in a manner that is consistent with statewide comprehensive historic preservation planning and other appropriate planning processes.
2. All inventory material shall be maintained securely and shall be accessible to the public.
3. All inventory material shall be updated periodically to reflect changes, alterations, and demolitions.
4. There shall be a building by building survey and inventory for each designated historic district.
5. Survey and inventory efforts including the format of the local survey shall be consistent with, coordinated with, and complementary to those of the state.
6. The State Historic Preservation Officer shall provide technical assistance for developing the survey.

Urbana's survey system will be formulated to meet Certified Local Government criteria so that the city can vie for funding of surveys of its historic resources.

The City of Urbana's Department of Community Development Services has compiled a preliminary database of a number of past historic resources surveys in Urbana. That database can be used as a starting point from which to launch into further surveys.

Priority areas for surveying will be identified by the historic preservation commission.

Incentives for Preservation

In "Preparing a Historic Preservation Plan," Bradford White and Richard Roddewig list three reasons why incentives should be included in a preservation program:

1. Incentives help to offset additional expenditures that may be necessary to comply with a historic preservation ordinance.
2. Rehabilitation of historic properties can be a catalyst for neighborhood revitalization and conservation.
3. There are instances where a denial of a certificate of appropriateness may be considered an unconstitutional taking. Incentives may be used to offset economic hardships that might arise in a taking.

The vast majority of historic resources are in the hands of private home and business owners. It is neither feasible nor desirable for the City of Urbana to (1) purchase and maintain these properties or (2) pay for all of them to receive improvements in keeping with their historic character.

Moreover, restrictions on historically designated properties will not by themselves necessarily ensure their proper maintenance or increase their property value. Private or not-for-profit incentive programs can help improve historic properties; but if Urbana's privately owned stock of historic resources is to be well maintained, provision and use of other financial incentives likely will be necessary.

Existing incentive programs

Municipal financial involvement in historic resources is implemented by cities nationwide. This includes programs in Illinois and even Urbana.

Individual projects - The City of Urbana has been financially involved in individual rehabilitation and adaptive use projects. Rehabilitation of these buildings was made possible in part with city funds. These sorts of efforts may well occur again in the future, even though not always part of an organized program.

Facade loans for businesses - The city's facade loan program has provided loans for commercial buildings at a 2% fixed rate in partnership with local banks. Several downtown buildings have used the loans to improve their facades. The facade restorations have generally occurred following design review by city staff to examine whether or not the buildings were treated appropriately given the character of downtown.

These loans could be extended to businesses in the Mixed Office Residential (MOR) district as well, if properties in the MOR district were part of a tax increment financing district (see below). The idea behind adaptive use in the MOR district is to allow various uses, including businesses of limited scale, to occupy existing buildings on parts of Elm, Green and Race streets.

Limitations on building demolition where facade loans are involved can deter destruction of these buildings. Incentives for following design guidelines can also be of benefit.

Tax increment financing - Urbana's downtown tax increment financing (TIF) district has helped fund capital improvements to the downtown area, including sidewalk and landscaping improvements in the

downtown. Limitations on building demolition and incentives for following design guidelines where TIF funding is involved can encourage preservation. TIF funds are limited, however, and TIF programs normally are not popular with other taxing bodies such as school and park districts. These taxing bodies do not begin collecting the tax revenue increases created by business investment in an area for some time. Because TIF districts must be approved at the state level and because of possible difficulties created for other local taxing bodies, this alternative in its present form may not work well for preservation. On the other hand, a modified form of this concept could be considered.

Possible alternative financial incentives

The City of Urbana can encourage preservation of its historic resources by (1) encouraging the use of its existing programs (see above), (2) educating property owners on existing federal and state financial incentives and (3) creating new local incentives for property designated historic under the ordinance. One challenge for the city will be to create new local incentives that will not reduce existing tax revenues or increase the city's property tax rate. Another challenge will be to commit to such programs for a length of time sufficient that the public investment pays off with the desired results.

Designation under Certified Local Government status - Designation of an income-producing property as a historic landmark or contributing to a historic district can make such a property eligible for federal tax credits. These credits currently entitle the property owner to a 20 percent tax credit up to \$7000 per year. These credits would apply to properties designated as historic by Urbana after the city attains Certified Local Government status with the State of Illinois. The same benefits apply to properties listed on the National Register. They need not be locally designated to receive these credits. Thus the mere designation of property as historic can aid property owners in rehabilitation and restoration of their properties.

State property tax freeze - The City should also educate property owners on the incentives available through the State of Illinois. One of these is an eight-year property tax freeze at pre-rehabilitation value followed by a four-year step-up period. This incentive applies to owner-occupied residential property for which rehabilitation comprises at least 25 percent of the assessor's market value.

Local alternatives - Some financial incentives that have been used elsewhere should be considered for the City of Urbana. Incentives may be tied to historic designation or to some agreement with the city regarding restriction on what can be done with the property. Alternatives to be considered should not reduce tax revenues or increase the city's property tax rate. Many of these alternatives are quoted from White and Roddewig's "Preparing a Historic Preservation Plan." Alternatives may include:

- Property tax freeze - Property tax assessments are frozen at pre-rehabilitation values for a certain period of time. During this period, taxes may increase annually due to fluctuations in the tax rate.

Unlike a 100 percent tax abatement program, the taxpayer will pay some taxes annually during the period of the property tax freeze but will not pay property taxes on the increased value resulting from the rehabilitation of the property. An example is the Illinois eight-year tax freeze mentioned above.

- Tax deferral - Under this program, taxes resulting from an increase in assessed value from the rehabilitation of a historic structure are deferred for a period of years or until sale of the property . . . [T]he deferral allows for the recapture of the property taxes due over the period of the deferral.

- Tax-exempt bond financing - This has been used to provide grants or loans to not-for-profit organizations that rehabilitate historic properties. It has also been used for private projects either to allow a government agency to purchase property for sale to a developer at a write-down or as a method for directly financing the rehabilitation project.
- Revolving loan fund - Revolving loans could be used for acquisition, stabilization, rehabilitation, restoration, site work, and/or pre-development work. For either loan or grant programs, such as the redevelopment incentive program in Champaign, the initial challenge is to find money to create a pool of funds. These funds could then be used to leverage private investment.
- Mortgage guarantees - The guarantee reduces the risk to the mortgagee, and benefits, such as a waiver or reduction in loan costs or a reduction in interest rates, may be passed along to the developer or property owner.
- Tax increment financing - As mentioned above, this could relate to historic resources in the city's downtown tax increment financing district. Its scope, however, is not likely to increase in Urbana due to reasons mentioned above.
- Transfer development rights - Allowances for the shifting or sale of density may provide enough incentives to owners of historic structures to undertake rehabilitation.
- Easements/Conservation Rights - In exchange for donating an easement to a qualified holder (such as the Preservation and Conservation Association), a property owner is allowed to claim a charitable contribution/deduction. By granting an easement, the property owner gives up certain ownership rights, giving the easement holder the right to govern changes to features of the building which are granted in the easement.

White and Roddewig further suggest that cities offer a menu of incentives, because of the various needs of individual property owners.

Direct financial incentives, combined with flexibility in zoning and development matters, should increase the attractiveness and likelihood of long-term improvement of Urbana's historic resources.

Preservation and Education

Forums for education

No preservation effort would be complete without educating the public on the opportunities presented by historic preservation. Historic preservation education can meet two complementary goals: making Urbana's history more available to a larger segment of the population and informing the public about the benefits of preservation of historic resources. These goals can be accomplished in a number of ways:

- guided tours of historic districts;
- publication of brochures detailing features of historic homes and other structures, to be made available at local museums, libraries, and other attractions;
- tourism promotion and funding from the convention and visitors arm of the Greater Champaign-Urbana Economic Partnership;
- publicity and events during the National Trust for Historic Preservation's annual Preservation Week;
- contests highlighting historic resources;
- presentations on local historic resources to classes of elementary, secondary and college students;
- establishment of a historic preservation speakers bureau;
- development and/or enhancement of a history and historic preservation curriculum for local schools;
- advertising and educational efforts, including information on incentives for restoration and rehabilitation, aimed at long-term residents; and
- a recognition program of markers or street signs.

Cooperation

Many of these methods are already in use by local groups interested in historic preservation. The Historic Preservation Commission created by the Historic Preservation Ordinance can play an important part in these activities as well. The City of Urbana should work with these organizations to increase the value, use and understanding of the city's historic resources.

Agenda for Future Action

Adoption of the historic preservation ordinance will follow roughly the same pattern as the adoption of the historic preservation plan. In addition to ordinance adoption, action steps should include the implementation of the plan and ordinance provisions. These action steps are summarized below.

Adopting the ordinance

- Develop the ordinance with the Historic Preservation Steering Committee, Plan Commission and staff;
- obtain public input;
- revise the ordinance as appropriate;
- present the ordinance to Plan Commission for review and recommendation;
- present the ordinance to City Council for review and adoption.

Implementing the plan

- Apply for certified local government status with the State of Illinois;
- set up a staff support system for implementation of the plan through the ordinance;
- nominate and approve members of a historic preservation commission and begin regular meetings;
- apply for historic resources survey grants under the state's certified local government program;
- survey historic resources;
- implement historic designation, financial incentives and other aspects of the ordinance.

APPENDIX A National Register of Historic Places

The following National Register information was adapted from Quincy's Northwest Neighborhood, Phase Two Architectural/Historic Survey Report, prepared by ArchiSearch Historic Preservation Consultants, Urbana, Illinois, March 1996.

Administered by the National Park Service of the U.S. Department of the Interior, the National Register of Historic Places is the official federal list of buildings, structures, sites, districts, and objects significant in American history, architecture, archaeology, engineering, and culture. National Register properties may be significant at the local, state, or national level. Anyone can nominate a property to the National Register. The documentation process includes a technical property description (usually architecturally oriented) and a well-researched significance section. The demands of preparing a successful National Register nomination go well beyond simply completing an application.

Each state and territory has a State Historic Preservation Office (with a State Historic Preservation Officer or SHPO) which reviews, comments upon, and processes the nominations before they are sent to the National Park Service in Washington, D.C. In Illinois, this office is the Illinois Historic Preservation Agency (IHPA) in Springfield. A review board in each state considers each nomination proposed for listing and makes a recommendation to the State Historic Preservation Officer who then must sign the nomination before it is forwarded to the National Park Service. In Illinois this review board is known as the Illinois Historic Sites Advisory Council (IHSAC) and consists of professionals, educators, and activists in preservation-related fields from around the state; a number of local residents have served on IHSAC since its beginning in 1969.

Communities recognized as Certified Local Governments (CLGs) participate in the nomination recommendation process by commenting on a property's eligibility to the SHPO for nominations on resources in their community. Formal comments are given by the local elected official (typically the Mayor) and the Historic Preservation Commission. While neither Urbana nor Champaign currently qualify for this program, the nearby communities of Danville, Bloomington, Normal, and Decatur are all recognized as CLGs.

Private property owners may object to their properties being listed in the National Register, which in the case of an individual nomination would prevent a building from being listed. For historic districts, formal objections must exceed a majority of the owners of property within the district. The objection of governments or public agencies (as property owners) to a property being listed in the National Register **does not** prevent the property from being listed. Examples of publicly owned local properties which are listed in the National Register include the Ater-Jaques House in Urbana, several buildings on the University of Illinois campus, and the U.S. Post Office (now the Springer Recreation Center) in downtown Champaign.

A property must be more than just old to be eligible to the National Register. Properties must possess **significance and integrity**. According to the National Register, significance may be found in four aspects of American history recognized by the National Register Criteria:

- A. association with historic events or activities,
- B. association with important persons,

- C. distinctive design or physical characteristics, or/and
- D. potential to provide important information about prehistory or history.

A property must meet at least one of the Criteria for listing. The property must also possess historic integrity, which may be evident through the qualities of location, design, setting, materials, workmanship, feeling, and association.

In addition to meeting one or more of the Criteria for listing and possessing historic integrity, generally speaking, a property must be fifty years of age or older to be considered historic, but exceptions to this rule do exist. Some of the more notable examples of properties which have achieved significance within the last fifty years include the St. Louis Arch (completed in 1966), an early example of a McDonald's restaurant (in Ohio), and a Greyhound Bus Station (Ohio). Properties must also be addressed within their historic context; i.e., they must be significant when evaluated in relation to major trends of history in their community, state, or the nation.

What the National Register **Does**

Provides a recognition and appreciation of historic properties and their importance;

Mandates consideration of historic properties in federally funded, licensed, permitted or assisted projects (Section 106 review);

Under Illinois law, mandates consideration of historic properties in state funded projects (State Law 707 review);

Allows Illinois property owners to be eligible for 20% federal tax credits for the certified rehabilitation of income-producing properties;

Allows property owners to be eligible for the Property Tax Assessment Freeze Program for the certified rehabilitation of a single family, owner-occupied residence; and

Provides for federal grant assistance, when available, for qualifying preservation projects.

What the National Register **Does Not Do**

Does not prevent a property from being demolished or insensitively renovated;

Does not mandate a property be restored to its original appearance;

Does not require a property to be open to the public or to periodically be placed on tour;

Does not require property maintenance;

Does not allow a property owner to be eligible for the 10% federal tax credit for the rehabilitation of properties built before 1936;

Does not prevent future changes to a property.

National Register of Historic Places listings for Urbana as of May 1, 1997

(Listed by historic name only, as found in the National Register.)

Alpha Xi Delta Sorority House, 715 West Michigan Avenue
Listed August 28, 1989

Altgeld Hall, University of Illinois, Wright & Green streets
Listed April 17, 1970

Ater-Jaques House, 207 West Elm Street
Listed August 1, 1996

Chemical Laboratory, University of Illinois, 1305 West Green Street
Listed November 19, 1986

Clark R. Griggs House, 505 West Main Street
Listed November 30, 1978

Farm House, University of Illinois, 1403 East Lorado Taft Drive
Listed October 31, 1989

Gamma Phi Beta Sorority House, 1110 West Nevada Street
Listed October 28, 1994

Greek Revival Cottage, 303 West University Avenue, Leal Park
Listed October 20, 1977

Metal Shop, University of Illinois, 102 South Burrill Avenue
Listed November 19, 1986
Demolished for Grainger Engineering Library and Information Center, 1993

Military Drill Hall & Men's Gymnasium, University of Illinois, 1402-1406 West Springfield Avenue
Listed November 19, 1986

Morrow Plots, University of Illinois, Gregory Drive at Mathews Avenue
Listed May 23, 1968

Natural History Building, University of Illinois, 1301 West Green Street
Listed November 19, 1986

Phi Mu Sorority House, 706 West Ohio Street
Listed May 21, 1990

Tina Weedon Smith Memorial Hall, University of Illinois, 805 South Mathews Avenue
Listed February 29, 1996

National Register of Historic Places listings for Urbana as of May 1, 1997, *continued*

Unitarian Church of Urbana (Channing-Murray Foundation), 1209 West Oregon Street
Listed May 13, 1991

University of Illinois Astronomical Observatory, 901 South Mathews Avenue
Listed November 6, 1986

University of Illinois Experimental Dairy Farm Historic District, St. Mary's Road
Listed February 4, 1994

APPENDIX B National Historic Landmark

Recognition as a National Historic Landmark is our nation's highest honor for historic and cultural resources. The main difference between this program and the National Register of Historic Places is that National Historic Landmarks are of national significance. Properties listed in the National Register may be of local, state, or national significance. If not already listed, properties recognized as National Historic Landmarks are automatically also included in the National Register.

National Historic Landmarks are buildings, historic districts, structures, sites, and objects that possess exceptional value or quality in illustrating or interpreting the heritage of the United States. Enacted in 1935, the National Historic Landmark program was designed, in part, to identify nationally significant properties which might be considered for inclusion into the National Park System. Over the years, Federal acquisition was obviously not economically feasible or practical for most Landmarks, and alternative means for ensuring the long-term preservation of Landmarks other than fee acquisition had to be developed. Today, through a variety of innovative programs within the National Park Service (NPS), some measure of preservation assistance is available to owners of Landmarks.

Despite the high honor and prestige of the recognition conveyed through this program, properties listed as National Historic Landmarks may still be demolished or altered inappropriately to their historic character.

Champaign County has two National Historic Landmarks, both of which are in Urbana, on the campus of the University of Illinois:

Morrow Plots, University of Illinois
Gregory Drive at Mathews Avenue
Designated May 23, 1968

University of Illinois Astronomical Observatory
901 South Mathews Avenue
Designated December 20, 1989

Additionally, Memorial Stadium has been determined to be eligible for recognition as a National Historic Landmark, but has not officially been listed.

APPENDIX C
Preservation-related Organizations

Illinois Historic Preservation Agency, Preservation Services Division

1 Old State Capitol Plaza
Springfield, IL 62701
217.785.4512
217.524.7535 (fax)
<http://www.state.il.us/HPA>

Serving as the State Historic Preservation Office, the Illinois Historic Preservation Agency has five divisions--Executive, Administrative Services, Historic Sites, Preservation Services, and Historical Library. Preservation Services operates the federal and state historic preservation programs for Illinois, including the National Register of Historic Places, the federal tax credits, review and compliance (through the federal "Section 106" and Illinois "state law 707"), the state property tax assessment freeze, state archaeological programs, the Certified Local Government program, and other historic preservation services.

Landmarks Preservation Council of Illinois

The Monadnock Building
53 West Jackson Blvd., #752
Chicago, IL 60604
312.922.1742
312.922.8112 (fax)
<http://nsn.nslsilus.org.regio/LPCI>

The Landmarks Preservation Council of Illinois (LPCI) is a not-for-profit membership organization dedicated to preserving architecturally and historically significant buildings and sites throughout the state. LPCI offers technical and financial assistance to local preservation organizations, educates the public through lectures and publications, and acts as an advocate for state and federal preservation legislation. LPCI is supported entirely through membership, grants, and contributions.

Illinois Association of Historic Preservation Commissions

c/o Illinois Historic Preservation Agency
Preservation Services Division
1 Old State Capitol Plaza
Springfield, IL 62701-1507
217.785.4512

This not-for-profit group provides assistance to historic preservation commissions throughout the state through meetings, publications, a lending library, a quarterly newsletter, and other programs. The group sponsors annual awards to an individual and to a historic preservation commission in recognition of significant contributions to a particular community. Membership categories are for either commissions or for individuals; the individual rate is \$5.

Illinois Heritage Association

Suite 203 Bresee Building
602 - 604 East Green Street
Station A - Box C
Champaign, IL 61825-8008
217.359.5600

<http://www.prairienet.org/iha>

The Illinois Heritage Association is a nonprofit educational organization that provides technical assistance to protect the cultural heritage of Illinois. Individual membership in IHA is \$25.

Illinois Main Street

612 Stratton Building
Springfield, IL 62706
217.524.6869
217.782.7514 (fax)

<http://www.state.il.us/lsgov/mainst.html>

A preservation-based downtown revitalization program located within the Office of Lieutenant Governor Bob Kustra in cooperation with the Illinois Historic Preservation Agency and the Department of Commerce and Community Affairs. Four areas of concentration are 1) developing downtown management organizations, 2) improving the image of the downtown, 3) enhancing the appearance of the downtown through historic preservation, and 4) strengthening and expanding the downtown's economic base.

Illinois State Historical Society

1 Old State Capitol Plaza
Springfield, IL 62701-1507
217.782.2635
217.524.8042 (fax)

<http://www.prairienet.org/ishs>

The Illinois State Historical Society was founded in 1899 to support the Illinois State Historical Library and to encourage research and writing on subjects of Illinois history; its mission also includes programs of the Illinois Historic Preservation Agency. Regular membership is \$25; family membership is \$35.00. ISHS offers a \$20 membership to students, libraries, and educators.

National Trust for Historic Preservation

1785 Massachusetts Avenue, N.W.
Washington, D.C. 20036
202.588.6296
202.588.6223 (fax)
<http://www.nthp.org>

Midwest Regional Office
National Trust for Historic Preservation
Suite 1135
53 West Jackson Boulevard
Chicago, IL 60604
312.939.5547
312.939.5651 (fax)

The National Trust is the only national private, non-profit organization chartered by Congress with

responsibility for encouraging public participation in the preservation of sites, buildings, and objects significant in American history and culture. In addition to its national headquarters, the Trust maintains six regional offices throughout the country. Regional office staffs make field visits, give technical and financial assistance under National Trust programs and act as the point of contact for preservation organizations and agencies in their regions. Membership is \$20 for individuals and \$24 for families.

Preservation Action

1350 Connecticut Avenue, N.W.

Suite 401

Washington, D.C. 20036

202.659.0915

202.659.0189 (fax)

<http://www.preservenet.cornell.edu/presaction/home.htm>

Founded in 1974, Preservation Action advocates federal legislation to further the impact of historic preservation at the local, state and national levels. Preservation Action monitors federal agency actions that affect the preservation of the nation's historic and cultural resources, participates directly in policy development, and works to create an environment for others to succeed with their preservation initiatives.

While this group is a non-profit organization, a portion of membership dues is used for lobbying activities, and is therefore not deductible. Memberships begin at \$40.

Local Organizations

Preservation and Conservation Association (PACA)

Box 2555, Station A

Champaign, Illinois 61825

217.328.PACA (7222)

<http://www.prairienet.org/ricker> (Ricker House Restoration Project)

The county's not-for-profit historic preservation organization, PACA was founded in 1981. The group operates a salvage warehouse for historic building parts; sponsors an annual Heritage Awards presentation in February; co-sponsors the Kids Building Fair in May with the Orpheum Children's Science Museum in downtown Champaign; conducts various thematic building tours annually; provides annual Heritage Grants to other not-for-profit organizations in the county; holds preservation easements; and numerous other activities. Among the group's efforts to save the county's historic resources are the Ricker House in Urbana, the Greek Revival Cottage (which they rehabilitated in Urbana's Leal Park), the Orpheum Theatre in Champaign, the National Register-listed Hazen Bridge in Mahomet, the Wood-Robeson House at the Middle Fork Forest Preserve, and the Ater-Jaques House in Urbana. Individual membership is \$15.00; family membership is \$20.00. Students and senior citizen membership is \$10.00.

Society for the Preservation of Greek Housing

P.O. Box 2765

Champaign, IL 61825-2765

(no telephone)

A not-for-profit group initially established to encourage the preservation of historic fraternity and sorority houses at the University of Illinois, Urbana-Champaign, the group's efforts are gaining national attention. The Champaign-based organization has expanded to oversee similar efforts at the University of Nebraska, and may expand elsewhere.

University of Illinois Campus Committee on Historic Sites

Campus Historic Preservation Officer

Office of Facility Planning and Management

807 South Wright Street

Champaign, IL 61820

217.333.1232

217.244.5775

Appointed by the Vice Chancellor for Administration and Human Resources, this campus committee includes faculty, staff (ex officio), the Campus Historic Preservation Officer (ex officio), the Director (or designee) of the Office for Capital Programs (ex officio), and the Associate Vice Chancellor for Administration and Human Resources. The committee advises the chancellor on matters relating to preservation, restoration, and/or rehabilitation of historic campus buildings and sites. This includes advice relative to the utilization, revitalization, adaptive use, renovation, rehabilitation, and stewardship of historically significant sites, buildings, and open spaces. It also includes advice regarding the impact on a facility of potentially historic value resulting from a proposed renovation, addition, or new construction. The committee also gives advice relative to planning or plans involving historic facilities which are presented by the staff and to raising issues that the campus administration needs to address.

Champaign County Historical Society
c/o Champaign County Historical Archives
201 South Race Street
Urbana, IL 61801-3283
217.367.4025

A not-for-profit organization formed in 1958. It meets monthly September through May at the Urbana Free Library to stimulate interest in the history of Champaign County, to collect and preserve any available historical material connected with or associated with the history of the county and its environs; to collect, preserve, and diffuse such documents, articles, and information as may be available in the field of history and generally connected with the county; and to provide opportunities for acquaintance and friendship among persons interested in the history of the county.

Champaign County Genealogical Society
c/o Champaign County Historical Archives
201 South Race Street
Urbana, IL 61801-3283

Champaign Historic Preservation Commission
c/o City of Champaign Planning Department
102 North Neil Street
Champaign, IL 61820
217.351.4429

Educational Resources and Environmental Science/David Monk
115 North Market Street
Champaign, IL 61820
217.351.1911

Center for the Study of Art and Architecture
Michele Olson
115 West Church
Champaign, IL 61820
217.359.3982

CCDC Foundation (Champaign County Development Council)
Organized in 1964, CCDC is a foundation that serves as a council for community design and conservation. The group was organized in response to local recognition of the need for better community planning and for better articulation of environmental concerns in Champaign County. CCDC was the catalyst in the establishment of the Champaign County Regional Planning Commission (RPC). Among the demonstration projects of CCDC are Trees for Yankee Ridge (contributing a site plan and planting plan for Yankee Ridge School and coordination of first fund-raising efforts), the Willard Airport Entry Road (including the planting of 200 flowering crabapple trees to enhance this community gateway), and the Park Street Playground Mini-Park in Champaign (creating a neighborhood playground on a vacant lot in a residential area.)

Grand Prairie Friends

P.O. Box 36

Urbana, IL 61801

<http://www.prairienet.org/gpf/homepage.html>

Email: gpf@prairienet.org

An organization of volunteers, formed in 1984, who share a commitment to the preservation and restoration of tall grass prairie in East Central Illinois. They manage and acquire prairies, propagate and plant local prairie plant species in prairie reconstructions, and generate interest in prairie through education and local community programs. Membership is \$10 for a student, \$15 for an individual, and \$20 for a family.

Habitat for Humanity

P.O. Box 1162

Champaign, IL 61824-1162

217.355.6460

Through volunteer labor, careful management, and tax-deductible donations of money and materials, Habitat for Humanity builds, moves, and rehabilitates homes so they are affordable for low-income families who are currently living in substandard housing.

APPENDIX D Legal Basis for Preservation

This section of the appendix quotes extensively from an article called, "Are Preservation Ordinances Legal?" by Philip L. Pomerance and other sources (see parenthetical references and list of sources at the end of this section). This section is prepared for consideration as part of a proposed plan and is subject to review as to legality by qualified legal counsel.

Constitutionality of historic preservation regulation

Historic preservation is one facet of zoning and land use law. As such, it is based on the police power of a community.

Well-written historic preservation ordinances have been found constitutional. In the precedent-setting preservation case of *Penn Central Transportation Co. v. New York* (1978), the U.S. Supreme Court determined that a community could protect its historic resources without violating the rights of property owners so long as those owners had a reasonable use of their property left open to them (Pomerance).

Illinois became the first state in the nation to legislatively adopt the *Penn Central* rule when Senate Bill 847 was signed into law in the summer of 1979. Under Illinois's amended law, unless a historic designation denies a property owner all reasonable use of the property, the owner may not be entitled to compensation by the municipality making the designation (Pomerance).

Common court challenges to historic preservation

Numerous court cases relate to the legality of local preservation ordinances. Many of the cases have focused on (1) police power, (2) condemnation without just compensation, and (3) due process.

Police power - Police power is a term for the community's right, given by the state, to establish laws and ordinances to preserve public order and tranquility and to promote the public health, safety and morals and other aspects of the general welfare. In the 1964 case of *Santa Fe v. Gamble-Skogomo Inc.*, the law and enforcement of the city's preservation ordinance was accepted by the court. The court considered architectural style and preservation of a historic area a proper use of the police power (UIUC, 1990).

Condemnation without just compensation (taking) - The Fifth Amendment to the U.S. Constitution provides in part "nor shall private property be taken for public use, without just compensation." The courts often have upheld government regulations that restrict use of private property without formal transfer of title to the government if the regulations do not prevent all reasonable use (taking) of a property.

The taking question is an important consideration in any ordinance that would restrict the use of land. According to Brian Blaesser and Alan C. Weinstein (page 70), courts may find a regulatory taking in light of a number of factors, including:

- assuming that a land use regulation has a legitimate state interest, the regulation does not substantially advance that interest; or
- the advancement of a legitimate state interest places the disproportionate burden of securing a benefit upon a single landowner when it is more properly borne by the general community; or
- reasonable investments were made prior to general notice of the regulatory program; or
- the economic effect of the regulation deprives the landowner of all, or substantially all, beneficial use of the property, and there are no offsetting reciprocal benefits.

In recent years the U.S. Supreme Court has dealt with other cases related to land uses:

- 1987 In *First Evangelical Lutheran Church of Glendale v. County of Los Angeles*, the Supreme Court held that even a temporary regulatory taking requires payment of compensation (Blaesser and Weinstein, 1989).
- 1987 The test of a rational nexus between the public purpose and the regulation was the focus of *Nollan v. California Coastal Commission*. A regulation or prohibition must substantially advance a legitimate state interest (Blaessar and Weinstein, 1989).
- 1992 In *Lucas v. South Carolina Coastal Council*, the Supreme Court ruled in favor of a landowner who charged that his beachfront property was a taking. A state law applied to his property denied his right to build on the property (Tibbetts, 1995).
- 1994 The more recent case of *Dolan v. City of Tigard* added a new test. The Supreme Court said that the city must show a rough proportionality between a condition of permit approval and a development's potential harm. In addition, the Court found that even though the whole use of the property was not taken, the relatively small portion of the property required for a bikepath and a floodway easement was enough to call into question the "taking" of property rights (Tibbetts).

Means of avoiding takings claims include: backing up regulations with research and a clear rationale; demonstrating how an ordinance that restricts property rights to some extent seeks to avoid potential harm to the same extent; and establishing variance procedures for property owners caught under a changing ordinance (Pomerance). The issue of such variance procedures is closely related to due process.

Due process - The Fourteenth Amendment to the U.S. Constitution prohibits government action that deprives "any person of . . . liberty or property, without due process of law." This

amendment not only applies the taking clause to the states, but also requires that administrative and quasi-judicial decision-making meet minimal standards of fairness.

Because poorly written preservation legislation still may be found unconstitutional, it is critical that legislation be competently drafted. Careful attention must be paid to due process issues of (1) designation, (2) design review, and (3) notice and appeal sections of an historic preservation ordinance.

1. Designation - The standards used by a local landmark commission in designating historic properties or districts must be uniformly applied. Designations must not appear to target certain properties for special treatment with no regard for like treatment of properties with similar use, age and location characteristics.

In the *Penn Central* case, the Court decided that a fairly applied designation process using clear and comprehensive standards was **not** analogous to spot zoning and was constitutional. This seems to indicate that the ordinance may designate individual landmarks, but designation standards must be clear, comprehensive and fairly applied (Pomerance).

2. Design review - Illinois preservation commissions may be granted authority to review alterations and demolitions affecting designated properties. The power must be specifically granted to the commission by the ordinance and the scope of the review powers should be clearly spelled out (Pomerance). A 1968 Illinois court decision pertaining to design review held a (non-historic) architectural review ordinance invalid (*Pacesetter Homes b. Village of Olympia Fields, 104 Illinois App. 2'd 218. 244 N.E. 2d 369--1968*).

The court's opinion is of critical importance to Illinois preservation commissions because it points out that while the theory of the ordinance was proper, the procedures used by the municipality to review design changes were not proper (Pomerance).

In other words, a well-written historic preservation ordinance should insure that design criteria are fairly and uniformly applied. The commission must be given specific authority to review design changes, and the ordinance must specify the design review criteria. Furthermore, the ordinance should be clear as to whether the commission's decisions are merely advisory or are declaratory. Concrete written standards will help insure fair and objective application of those standards to each case reviewed by the preservation commission (Pomerance).

3. Notice and Appeal - Drafters of historic preservation ordinances must also take care that their ordinances respect due process for the parties concerned. Provisions for notification of property owners affected by the landmark preservation commission's decisions must be included. The owner should be told of the decision, and be given a reasonable time to appeal. The ordinance must set forth where appeals are to be filed, and who is allowed to appeal an adverse decision (Pomerance).

These due process considerations protect the property owner and the preservationist alike by making sure that all competing interests have a chance to be heard. Some experts suggest that the due process provisions of local ordinances include a public record of all historic property or district designations be maintained by the building department and county recorder as well as the local commission.

The key to procedural due process is fairness: an ordinance that fairly protects notification and participation of all of the parties involved in designating and maintaining historic properties is likely to meet a due process requirements.

State enabling legislation

Other municipal jurisdictions such as Carbondale, Evanston and Peoria, Illinois have adopted local historic preservation ordinances under Illinois legislation. These municipalities and others cite the following enabling legislation:

1. Home rule authority - Article VII, Section 6(a) of the 1970 Constitution of Illinois.

Richard Roddewig recommends this enabling legislation for home rule municipalities because it does not require "slavish attention to the enabling language in the Illinois Historic Areas Preservation Act." As a municipality with more than 25,000 persons, Urbana has home rule authority on which it may also rely in addition to other state enabling statute to adopt a local preservation ordinance for the "protection of the public health, safety, morals and welfare."

2. Historic Areas Preservation Act - Chapter 24, Section 11-48.2.1-7 of the Illinois Revised Statutes.

Carbondale and Peoria are two cities that also cite this act. The act gives certain powers to communities to regulate construction, alteration, demolition and re-use of historic structures or structures in historic areas.

3. Illinois Zoning Enabling Act - Chapter 24, Section 11-13.1-20, of the Illinois Revised Statutes.

This can be used to protect historic areas, but not an individual landmark or a scattered number of individual landmarks.

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\$4.95/issue; various subscription rates; discount rate through PACA

Old-House Interiors 800.462.0211; P.O. Box 56008, Boulder, CA 80323-6008
\$4.95/issue; various subscription rates

Historic Illinois Illinois Historic Preservation Agency, 217.524.6045; 1 Old State Capitol Plaza,
Springfield, IL 62701-1507; \$10 for one year or \$17 for two years; 6 issues
per year, 1 issue of the *Illinois Preservation Series*, and the full-color *Historic
Illinois Calendar*

Preservation The magazine of the National Trust for Historic Preservation,
202.588.6000; 1785 Massachusetts Avenue, N.W., Washington, D.C. 20078-
6412; a benefit of membership, beginning at \$20

Appendix F Glossary of Historic Preservation Terms

Certified Local Government (CLG): A status granted by the Illinois Historic Preservation Agency and the National Park Service which recognizes established local historic preservation programs. This status allows CLGs within the state to vie for ten percent of the IHPA's federal allocation which is set aside for various CLG programs such as architectural surveys, education programs, National Register nominations, and tour brochures. CLGs also have the authority to formally comment on National Register nominations that are proposed for properties in their communities. Illinois currently has over forty CLGs, including the nearby communities of Danville, Bloomington, and Decatur.

Contributing: A contributing building, sites, structure, or object adds to the historic associations, historic architectural qualities, or archaeological values for which a property is significant. This would mean that the historic resource was present during the period of significance, relates to the documented significance of the property, and possesses historic integrity or is capable of yielding important information about the period. Most commonly, this term would be used in historic district designations, but the term may also be used when a property considered for landmark status includes more than one resource (for example, a house and a garage).

Design Review: The process established in a historic preservation ordinance which requires certain exterior changes to properties designated as landmarks or within historic districts to be reviewed by the historic preservation commission. Such proposed changes might include the application of artificial siding, a room addition that could be seen from the street, or the alteration of windows.

Historic Preservation Commission: Appointed by the mayor and city council, a preservation commission consists of architects, planners, attorneys, real estate professionals, preservation activists, and others who have related knowledge, usually 7-9 members, the preservation commission oversees the directives in the preservation ordinance, usually including surveys, education programs, landmark and historic district designation, and design review.

Historic District: A historic district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, and/or objects united historically or aesthetically by plan or physical development. District applied to properties having a number of resources that are relatively equal in importance, such as a neighborhood, or large acreage with a variety of resources, such as a cemetery or park. A district may contain *contributing* and *non-contributing* properties.

Historic Preservation Ordinance: An ordinance enacted locally (either by a city/town/village or county) to recognize historic resources. The most effective local ordinances enable the designation of landmarks and historic districts, and establish a preservation commission to oversee design review; i.e. certain exterior changes to landmarks and historic districts.

Historic Resources Buildings, sites, structures, objects, and other physical reflections of the city's architectural, artistic, civic, cultural, economic, educational, ethnic, and natural heritage.

Integrity: Historic integrity is the authenticity of a property's historic identity, evidenced by the

survival of physical characteristics that existed during the property's prehistoric or historic period. Integrity enables a property to illustrate significant aspects of its past. Qualities of historic integrity may include location, design, setting, materials, workmanship, feeling, and association. All seven qualities do not need to be present for eligibility (as a landmark or to contribute to a historic district) as long as the overall sense of past time and place is evident.

Intensive Survey: An intensive level survey is a more detailed examination of specific properties in a geographical area. Included on each property within the defined area are background research, photographs (typically black and white), exterior building and site description, and a review of previous surveys that may have included the property. Typically a summary report analyzes the architecture and history of the area.

Landmark : A property designated as a "Landmark" by the Historic Preservation Commission and City Council which is worthy of preservation for future generations because of its historic or architectural significance to the City of Urbana.

National Register of Historic Places: The official federal list of buildings, structures, sites, districts, and objects significant in American history, architecture, archaeology, engineering, and culture. *See Appendix B for more information.*

National Historic Landmark: The nation's highest honor for historic properties, indicating that the property is of national significance. *See Appendix B for more information.*

Non-contributing: A non-contributing building, sites, structure, or object does not add to the historic architectural qualities, historic associations, or archaeological values for which a property is significant because: it was not present during the period of significance or does not relate to the documented significance of the property; or due to alterations, disturbances, additions, or other changes, it no longer possesses historic integrity or is capable of yielding important information about the period. For example, a historic district may include a house built in 1977 or a modern apartment building that would be non-contributing to a historic district with a period of significance from c. 1880-c. 1920. Likewise, a house being considered for landmark status may have a modern garage that would be non-contributing.

State Historic Preservation Office: Every state, territory, and federal agency has an office/officer that is designated with carrying out historic preservation programs. In Illinois, this is the Illinois Historic Preservation Agency (IHPA). The head of the Preservation Services Division of the IHPA is the State Historic Preservation Officer (SHPO) whose duties include signing nominations to the National Register of Historic Places before they may be forwarded to the National Park Service in Washington, D.C. for final approval.

Section 106 Review: Taken from "Section 106" of the National Historic Preservation Act of 1966, the review requires that project involving federal money, federal license, or other federal undertakings "take into account the potential affect of the project on historic properties. Included are a variety of projects ranging from road construction to new banks. In Illinois, the reviews take place through the Illinois Historic Preservation Agency. For purposes of this review, historic properties include those that are *listed on* or *eligible to* the National Register of Historic Places. Importantly, this is a *review*,

intended to mitigate adverse affects on historic properties, but it does not guarantee such affects if no alternative is possible.

State Law 707: Enacted in 1990 and officially known as the Illinois State Agency Historic Resources Preservation Act, "State Law 707" creates a similar process to the federal Section 106 at the state level.

Thus, project involving state money, state licenses, and other such state involvement must be reviewed for their potential impact on historic properties. For example, locally, the University of Illinois works under this review process.

Reconnaissance Survey: Sometimes referred to as a "windshield survey, a reconnaissance survey is a broad visual observation of a specific geographical area, characterizing properties in general terms and developing a basis for organizing more detailed survey efforts.