

ORDINANCE NO. 2900

AN ORDINANCE AMENDING CHAPTER 15.64 (HISTORIC SITE PRESERVATION) OF THE MUNICIPAL CODE OF THE CITY OF COLUMBIA, ILLINOIS TO CLARIFY AND UPDATE GUIDELINES AND PROCEDURES FOR HISTORIC PRESERVATION WITHIN THE CITY OF COLUMBIA

**Adopted by the
City Council
of the
City of Columbia, Illinois
this 17th day of October, 2011**

**Published in pamphlet form by
authority of the City Council
of the City of Columbia,
Illinois, this 17th day of October, 2011**

OCT 17 2011

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City Clerk

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WHEREAS, the Illinois Municipal Code delegates to municipalities in the State of Illinois the power to provide for official landmark designation by ordinance of areas, places, and buildings, structures, works of art and other objects having a special historic, community, or aesthetic interest or value and to provide special conditions, to impose regulations governing construction, alteration, demolition, and use, and to adopt other measures appropriate for their preservation, protection, enhancement, rehabilitation, reconstruction, perpetuation, or use as is more particularly described in said Act for the Preservation of Historic and Other Special Areas, of 1963, as amended (65 ILCS 5/11-48.2-2 [the "Act"]);

WHEREAS, the City Council of the City of Columbia, Illinois deems it to be in the public health, welfare and best interests of its citizens that this ordinance be adopted to provide for preservation of historic sites in the City pursuant to the authority provided by the aforementioned Act;

WHEREAS, the Certified Local Government Program, which was established by the National Historic Preservation Act Amendments of 1980 and is administered jointly by the National Park Service and the Illinois Historic Preservation Agency ("IHPA"), gives a City's Historic Preservation Commission the opportunity to participate as partners in state and federal preservation activities;

WHEREAS the requirement for certification is to enact a historic preservation ordinance, establish a preservation review commission, have an active local survey program to identify historic resources, and provide for public participation;

WHEREAS, Chapter 15.64 (HISTORIC SITE PRESERVATION) of the City of Columbia, Illinois (the "City") Municipal Code (the "Code") allows and provides that the Columbia Heritage and Preservation Commission (the "Commission"), shall identify historic sites and structures, establish guidelines for preservation of such sites and structures, and recommend appropriate action to the City Council:

WHEREAS IHPA has reviewed Chapter 15.64 and has identified areas in the current code that should be amended to clarify guidelines and keep practices up-to-date; and

WHEREAS the Commission has discussed IHPA's recommendations and, in turn, resolved at their August 22 meeting to recommend these changes to the City Council of the City of Columbia, Illinois.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Columbia, Illinois, as follows:

Section 1. The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Columbia, Illinois.

Section 2. Section 15.64.020 (Definitions) of the Code is hereby amended to read as follows:

“UNREASONABLE ECONOMIC HARDSHIP”. The condition whereby failure to issue a requested Building Permit, Demolition Permit, or Sign Permit on a landmark, or an improvement or area within a Historic District, which would amount to a taking of the owner's property without just compensation or, in the case of low-income owner(s), failure to issue such a permit would place an onerous and excessive financial burden upon such owner(s).

Section 3. Section 15.64.150 (Certificate of appropriateness required) of the Code is hereby amended to add the following subsection:

(E) A COA is required for landscaping only if one of the following is true:

- a. Another City permit is required (such as landscaping required by zoning for parking lots); or
- b. A tree greater than 14 inches in diameter is to be cut down (trees of that size have existed long enough to be considered important elements of the overall environment of a landmark or historic district, and hence are worth protecting).

Section 4. Section 15.64.180 (STANDARDS FOR COA) of the Code is hereby amended to read as follows:

The Columbia Historic Preservation Commission applies general standards derived from the Secretary of the Interior's Standards for Rehabilitation, adopted and supplemented by local standards, to fit specific situations encountered in Columbia. The key to successful rehabilitation is in maintaining characteristic details and the

historic fabric of the structure.

The decision to approve or deny an application for a CoA shall include, but not be limited to, the following considerations:

- a. A reasonable effort shall be made to use a building, structure, or site for its originally intended purpose, or for a purpose requiring minimum alteration to the premises;
- b. When introducing new exterior elements, materials equivalent to those already existing on the structure should be used;
- c. Buildings should not be made to look either older or newer than they really are by using details from another style or period;
- d. Original materials or details should not be removed from a building when they can be repaired;
- e. The distinctive historic and architectural character of a building should be retained through regular maintenance and repair.

The compatibility of proposed new additions or construction to the original architecture of the landmark or styles within the historic district shall be evaluated against these guidelines and subsidiary considerations as developed by the Commission.

[Remainder of the current section to be omitted except for the following items]

The focus of design guidelines for new construction is on ensuring the compatibility of the new with what already exists in the immediate vicinity. These design guidelines are not intended to dictate style but to set up criteria under which any new designs can be objectively compared with the setting of the particular historical district. It is strongly recommended that owners of buildings consult with the Commission in the early planning stages of a new construction project.

New construction should be compatible with existing structures in the immediate area in the following ways:

- a. Size, height, and setback of structures;
- b. Relationship of the structure to the open space between it and neighboring structures;
- c. Exterior features, such as window sill or header lines, the proportion of window and door openings to the overall façade, and the horizontal or vertical emphasis of major building elements; and
- d. Building materials.

Demolition of historical buildings irreversibly alters the character of the individual site, streetscape, building or district grouping. Demolition of buildings and structures in

historical districts or of landmark structures should be a last alternative when all other avenues of protecting historic buildings and structures have been exhausted.

Demolition is not permitted within historical districts or on historic sites unless one of the following conditions exists:

- a. The demolition request is for an inappropriate addition, a nonsignificant portion of a building, or nonsignificant accessory structure, provided the demolition will not adversely affect those parts of a building or buildings which are significant, as determined by the Columbia Historical Preservation Commission; or
- b. The demolition request is for a noncontributing building and the demolition is required by the public safety because of an unsafe or dangerous condition; or
- c. The building official of the City of Columbia certifies that the demolition is required by public safety because of an unsafe or dangerous condition; or
- d. The property owner shows that failure to allow demolition would create an unreasonable economic hardship as defined in Section 15.64.020 of this Chapter of the Code; or
- e. The property owner shows that no reasonable economic return may be gained from the property.

Any vacant lots within a historic district should be sodded or seeded with grass, and the grass kept cut to acceptable standards for a residential neighborhood.

Section 5. The City Council hereby directs and authorizes the Heritage & Preservation Commission to develop and maintain such other specific guidelines for granting a CoA (subject to the general guidelines above) as may be consistent with current preservation practice, direction from the IHPA, relevant state & federal statutes, and other Sections of the Municipal Code of the City of Columbia.

Section 6. All resolutions or ordinances or parts of resolutions or ordinances in conflict herewith, to the extent of such conflict, are hereby changed and amended to be read and applied to be consistent with the provisions of this Ordinance and preempted thereby; and to the extent such conflict cannot be cured by amendment, to the extent of such conflict, are hereby repealed.

Section 7. This Ordinance shall be in full force and effect following its passage and publication in pamphlet form, as provided by law.

Alderman Agne moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Piazza, and the roll call vote was as follows:

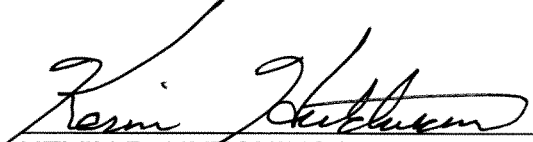
YEAS: Aldermen Agne, Roessler, Huch, Mathews, Piazza and Reis.

NAYS: None.

ABSENT: Aldermen Ebersohl and Niemietz.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 17th day of October, 2011.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



J. RONALD COLYER, City Clerk

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF MONROE)

CERTIFICATE OF PUBLICATION

I, J. Ronald Colyer, certify that I am the duly elected and acting City Clerk of the City of Columbia, Illinois.

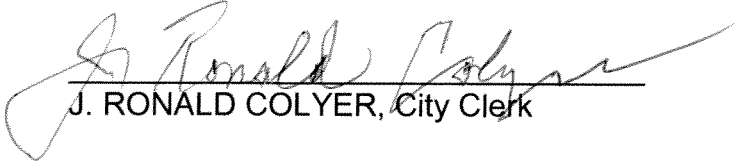
I further certify that on the 17th day of October, 2011 the Corporate Authorities of the City of Columbia, Illinois, passed and approved Ordinance No. 2900 entitled:

“AN ORDINANCE AMENDING CHAPTER 15.64 (HISTORIC SITE PRESERVATION) OF THE MUNICIPAL CODE OF THE CITY OF COLUMBIA, ILLINOIS TO CLARIFY AND UPDATE GUIDELINES AND PROCEDURES FOR HISTORIC PRESERVATION WITHIN THE CITY OF COLUMBIA”

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

The pamphlet form of Ordinance No. 2900, including the ordinance and a cover sheet thereof, was prepared, and a copy of such ordinance was posted in the Columbia City Hall, commencing on October 18, 2011 and continuing for at least ten (10) days thereafter. Copies of such ordinance were also made available for public inspection upon request in the office of the City Clerk.

DATED at Columbia, Illinois this 17th day of October, 2011.



J. RONALD COLYER, City Clerk

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF MONROE)

CERTIFICATE OF TRUE COPY

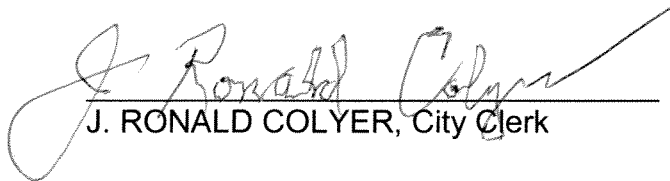
I, J. Ronald Colyer, hereby certify that I am the duly elected and acting City Clerk of the City of Columbia, Illinois, and as such I am the keeper of the books, records, files and corporate seal of said City.

I do further certify that Ordinance No. 2900, entitled:

“AN ORDINANCE AMENDING CHAPTER 15.64 (HISTORIC SITE PRESERVATION) OF THE MUNICIPAL CODE OF THE CITY OF COLUMBIA, ILLINOIS TO CLARIFY AND UPDATE GUIDELINES AND PROCEDURES FOR HISTORIC PRESERVATION WITHIN THE CITY OF COLUMBIA”

to which this certificate is attached, is a true, perfect, complete and correct copy of said ordinance as adopted at a regular meeting of the Columbia, Illinois, City Council held on the 17th day of October, 2011.

IN WITNESS WHEREOF, I have made and delivered this certificate for the uses and purposes hereinabove set forth this 17th day of October, 2011.



J. RONALD COLYER, City Clerk

(SEAL)