

**AN ORDINANCE AMENDING CHAPTER 16 OF THE CODE OF THE CITY OF PEORIA
RELATING TO HISTORIC PRESERVATION**

WHEREAS, the City of Peoria is a home rule municipality pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

WHEREAS, as a home rule municipality, the City may exercise any power and perform any function pertaining to its government and affairs including zoning regulations and uses; and

WHEREAS, the City of Peoria desires to revise the Historic Preservation requirements;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS AS FOLLOWS:

Section 1: Chapter 16 of the Peoria City Code, as adopted, and as thereafter amended, is hereby amended by deleting the following stricken words and adding the following underlined words:

ARTICLE I. IN GENERAL

Sec. 16-6. Ordinary maintenance and emergency repairs.

(a) Ordinary maintenance. Nothing in articles I through IV of this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in a historic district or on a landmark site which does not involve a change in design, material, color or the outward appearance thereof; nor to prevent any alteration or demolition which the ~~director of planning and growth management~~ Community Development Director shall certify is required by the public safety because of an unsafe or dangerous condition, as defined in Section 5-402.(2), .(5), & .(6) of the Code of the City of Peoria regarding dangerous buildings; nor to prevent any alteration or demolition under a certificate of appropriateness issued prior to August 15, 1989. For all demolitions in which the Community Development Director certifies as an unsafe or dangerous building, a second City department, must sign off prior to the demolition, indicating there is an unsafe or dangerous condition present requiring the building to be demolished. In addition, a report must be provided to the Commission at the next regularly scheduled meeting following the demolition, with an explanation regarding the reason the structure was demolished.

(b) Emergency repairs by the city and public utilities. No certificate of appropriateness is necessary for any emergency repairs or for ordinary maintenance and repairs rendered by the city and/or a public utility to any sidewalk, street, curb, gutter or alley, which are deemed an improvement pursuant to articles I through IV of this chapter; provided that the improvement is returned to its original appearance.

- (1) A certificate of appropriateness shall be required if a proposed alteration or demolition by the city and/or public utility constitutes a material change in the exterior architectural appearance of a landmark or of an improvement located within a historic district.
- (2) The procedures for obtaining a certificate of appropriateness, as set forth in section 16-62, apply to the city; except that, following a denial of the city's application, the city manager may, within 30 days after the determination, file with the city clerk a written appeal to the city council.
 - a. If an appeal is not filed within such time, the decision by the commission shall be the final administrative decision.

- b. Within 30 days after such an appeal is filed, the city council shall, by resolution, affirm or reverse the commission's decision. The city council may also modify the commission's decision. The city council's decision shall be the final administrative decision.
- (c) Significant landscaping. Nothing in this chapter shall be construed to prevent the ordinary maintenance of any significant landscaping nor to prevent the removal of such landscaping which the director of public works certifies is required for the public safety because of an unsafe or dangerous condition. Any landscape maintenance shall be done in accordance with generally acceptable horticultural practice.

ARTICLE II. COMMISSION

Sec. 16-36. Membership; organization.

(a) There is hereby created a historic preservation commission which shall consist of seven members whom except for a licensed real estate broker representative shall be residents of the city. At least one member shall be a licensed real estate broker who shall either be a resident or be employed by an employer with its principal place of business located within the city, at least one shall be a representative of the Peoria Historical Society, at least one shall be a licensed architect and the remaining four at-large members shall have demonstrated an interest in historic preservation.

(b) All voting members of the commission shall be residents of the city and shall be appointed on the basis of demonstrated expertise, experience or interest in the areas of anthropology, architecture, art, building construction, engineering, finance, historical and architectural preservation, history, law, neighborhood organizing, planning or real estate.

(c) The mayor shall appoint, subject to council approval, the members of the historic preservation commission for terms as set forth in section 2-162 of this Code.

(d) The commission shall elect annually a chairman, and vice-chairman ~~and a secretary~~ from among the members of the commission for terms of one year. The chairman shall preside over meetings. In the absence of the chairman, the vice- chairman shall perform the duties of the chairman.

~~(e) The secretary shall:~~

~~(1) Take the minutes of each commission meeting.~~

~~(2) Prepare reports of decisions and findings of fact of the commission.~~

~~(3) Publish and distribute to the commissioners and to such persons who may for each meeting so request in writing the minutes, reports and decisions of the commission.~~

~~(4) Report on behalf of the commission to the city council on matters requiring council consideration.~~

~~(f)~~(e) The commission shall adopt rules for the conduct of its business. Commission meetings shall be held at regular intervals at least once a month. All meetings shall be open to the public.

~~(g)~~(f) A quorum shall consist of the majority of the commission. The transaction of business shall be made by a majority vote of those members in attendance while a quorum is present, except that the adoption, modification or rescision of any rule or part thereof shall require the affirmative vote of four members. Members shall be automatically dismissed from the commission upon failure to attend at least two-thirds of all meetings held during a one-year period.

~~(h)~~(g)- The mayor may, in his discretion, remove any member for incompetence, neglect of duty or malfeasance in office. The mayor shall, within ten days, report in writing such removal to the city council with the reasons therefor.

~~(+)~~ (h) No commissioner shall vote on any matter which may materially or apparently affect the property, income or business interest of that commissioner. No action shall be taken by the commission which directs a private owner to do or refrain from doing any specific thing, or which refuses to permit a private owner to do some specific thing he desires to do, in connection with property designated as set forth herein; unless due notice is given to such owner as provided herein and unless such owner shall have had the opportunity to be heard at a public meeting of the commission.

ARTICLE III. -CONSTRUCTION, ALTERATION, DEMOLITION AND REMOVAL REGULATIONS

Sec. 16-62. General standards, criteria.

(a) Standards. Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the improvement, building, structure or site and its environment or to use a property for its originally intended purpose.

- (1) The distinguishing original qualities or character of an improvement, building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature or the exterior architectural appearance shall be prohibited unless otherwise provided for in articles I through IV of this chapter.
- (2) All improvements, buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance than the true age of the improvements shall be discouraged.
- (3) Changes which may have taken place in the course of time are evidence of the history and development of an improvement, building, structure or site and its environment. These changes may have acquired significance in their own rights, and this significance shall be recognized and respected when dealing with a specific architectural period.
- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize an improvement, building, structure or site shall be treated with sensitivity.
- (5) Deteriorated architectural features shall be repaired rather than replaced whenever possible. In the event that replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (6) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- (7) Every reasonable effort shall be made to protect and preserve historic sites, structures, improvements or resources affected by or adjacent to any project.

- (8) New structures or alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the exterior architectural appearance and the size, scale, color, material and character of the property, neighborhood or environment.
- (9) Wherever possible, new additions or alterations to structures shall be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
- (10) Electronic Multiple Message signs, as defined in Appendix B, Article 18 of the City of Peoria Code, are prohibited in local historic districts or on properties containing a structure designated as a historic landmark. All other signs require a major certificate of appropriateness.

(b) Height. The height of any proposed alteration or construction shall be compatible with the style and character of the subject building and with surrounding structures in a historic district.

(c) Relationship of building masses and spaces. The relationship of a structure within a historic district to the open space between it and adjoining structures should be compatible.

(d) Scale. The scale of the improvement after alteration, construction or partial demolition should be compatible with its predominant architectural style and character and with surrounding improvements and structures in the historic district contiguous thereto.

Sec. 16-63. Certificate of appropriateness—Procedure for.

Application submittal: Applications for certificates of appropriateness shall be filed with the director of planning and growth management on forms provided by the commission and shall be accompanied by such information, plans, elevations, specifications and other documents as the commission may require. Any applicant may request a pre-application discussion of a forthcoming submission with the staff before submitting an application and may consult with the commission during the review of the application.

- (a) Types of certificates of appropriateness.
 - (1) No certificate of appropriateness required:
 - a. Removal of vegetative materials except trees that meet the definition of significant landscaping
 - b. Installation of plant materials including flowers, shrubs, lawns, hedges and trees.
 - c. Maintenance, including pruning trees and thinning plants.
 - d. Removal of trees prohibited by City of Peoria Code Appendix B and C.
 - e. Removal of dead trees.
 - f. Yard fixtures when confined to the rear yard.
 - g. Grading and filling consistent with surrounding grades.
 - h. Paint applied to existing painted surfaces.
 - i. Paint that results in a maximum of three colors for the primary structure - may include one contrasting color (from the three permitted colors) to accent trim details and doorways only.
 - j. Paint that matches a generally accepted historical color palate.
 - k. Gutters and downspouts that meet the following: Original gutters and downspouts, such as boxed or built-in types, shall be repaired and replaced

whenever possible. If built-in gutters are covered over, and new half-round or K-style gutters are added, the cornice shall remain in profile and not be completely removed, so they appear similar from the street. New gutters and downspouts shall be located with minimal visual impact and shall blend in color with the trim or body of the structure. Downspouts shall be placed on the side or rear of the house and shall be used in conjunction with splash blocks to avoid water damage to the structure. When visible, hang-on type gutters and downspouts shall match the original design.

- (2) Administrative certificate of appropriateness: Administrative certificates of appropriateness are certificates reviewed by the director of planning and growth management for non-permanent or easily altered improvements to structure, property or landscaping as determined by the commission such as but not limited to: painting, specific commission determined landscaping issues, unhealthy and/or dying trees that meet the definition of significant landscaping, rear yard fencing, driveway improvements that comply with applicable Land Development Code or Zoning Ordinance requirements, and roof replacement based on previous commission precedent. Applications that are determined to be beyond what may be administratively approved will be heard by the commission as a major certificate of appropriateness at the next regularly scheduled meeting.

Process: The director of planning and growth management shall review the application and after consultation with the chairman of the commission or his designee may grant a certificate of appropriateness if the proposed work meets the requirements of Articles I through IV of this chapter and any rules or regulations adopted by the commission and is clearly appropriate and in accordance with the applicable criteria set forth in sections 16-62 and 16-64 and the purposes of Articles I through IV of this chapter. A final decision must be made within seven business days of the date of submittal. The granting of a certificate of appropriateness shall be the final administrative decision. If the proposed work does not meet the above requirements, the director of planning and growth management will send written notification of his or her findings to the applicant. The decision will be final unless the applicant files a written request in accordance with section 16-63(c). The director of planning and growth management will report a list of administratively issued certificates during the preceding month to the commission at the next regularly scheduled meeting.

Major certificate of appropriateness (public hearing): Major certificates of appropriateness are certificates reviewed by the commission. Improvements and alterations that are not identified in section 16-63(1) in historic districts and all improvements or alterations to local landmarks will be reviewed as major certificates of appropriateness.

Process: The applicant and all owners of property within 250 lineal feet of a subject property within the historic district or 250 radial feet of a subject landmark shall be notified of the time, date, place, and purpose of the public hearing by first class mail, properly addressed as shown on the tax assessor's rolls and with sufficient postage attached thereto no less than 15 days prior to such review. Failure to send such notice where no address appears on the tax assessor's roll shall not invalidate the proceedings of the commission. Notice shall also be posted in the form of an agenda on the city's website. At the next regular meeting, the applicant and all owners of property within the subject designation shall be entitled to speak at the public hearing, and the commission may accept comments from all other interested parties. The owners and all other interested parties shall also be permitted

limited rights of cross-examination, as facilitated through the commission. A record of the proceedings shall be made and maintained by the director of planning and growth management.

The commission may grant a certificate of appropriateness if it finds that the proposed work meets the requirements of Articles I through IV of this chapter and any rules or regulations adopted by the commission and is clearly appropriate and in accordance with the applicable criteria set forth in sections 16-62 and 16-64 and the purposes of Articles I through IV of this chapter. The granting of a certificate of appropriateness shall be the final administrative decision. If the proposed work does not meet the above requirements, the commission will send written notification of its finding to the applicant. The decision will be final unless the applicant files a written request in accordance with section 16-63(c).

(b) Denial appeal: When a certificate of appropriateness is denied, the applicant may file a written appeal with the director of planning and growth management for an appeal of the historic preservation commission's decision to the city council within ten days from the date of the denial letter. A date for consideration of the appeal by city council shall be scheduled not less than 15 but not more than 60 days from the applicant's written request. The applicant and owners of property within 250 lineal feet of the subject property within the subject district, or 250 radial feet of the subject landmark, shall be notified of the time, date, place and purpose of such consideration by first class mail, properly addressed as shown on the tax assessor's rolls and with sufficient postage attached thereto. Failure to send such notice where no address appears on the tax assessor's rolls shall not invalidate the proceedings of the commission. The review may be continued from time to time without further notice.

- (1) Subject to the provisions contained in Articles I through IV of this chapter the city council may affirm, revise or overturn the decision on the basis of the criteria set forth in sections 16-61 and 16-64. The official minutes of the city council meeting shall constitute the written opinion of the city council. Copies of the decision shall be mailed to the applicant and all owners of the subject property within 30 days after the city council vote. The decision of the city council shall be the final decision of the city.
- (2) Re-submittal: Following a denial, the application shall not be resubmitted within the next 12 months except upon the written request of an application indicating the incorporation of changes in plans and specifications as may have been recommended by the commission.

(c) Conditions of approval: After the issuance of a certificate, no change may be made in the proposed work without the re-submittal of an application. All certificates are valid for 12 months from the issue date unless otherwise specified by the commission. Work must be started before the certificate expires.

Sec. 16-66. - Maintenance and repair of improvements.

- (a) The owner, occupant or other person legally responsible for a historic landmark or improvement in a historic district shall maintain and keep in good repair those improvements and shall maintain in good condition and repair all interior portions and appurtenances thereof whose maintenance is necessary to prevent the deterioration and decay of the improvement.
 - (1) The exterior of a structure shall be maintained in good repair, structurally sound and in a sanitary manner so as not to pose a threat to the health, safety or welfare of the

occupants and so as to protect the occupants from the adverse effects of the environment.

- (2) All cornices, entablatures, belt courses, corgels, terra-cotta trim, wall facings and similar decorative features, as well as all stairs, porches, canopies, awnings, stairways, balconies, fire escapes, standpipes, exhaust ducts and similar overhang extensions, shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. They shall be protected from the elements and against decay or rust by periodic application of weathercoating materials, such as paint or other protective treatment.
- (b) It is the intent of articles I through IV of this chapter to preserve from deliberate or inadvertent neglect the exterior portions of such landmark or improvement located in a historic district, the interior portions when subject to control as specified in the designating portion of articles I through IV of this chapter and all interior portions whose maintenance is necessary to prevent the deterioration and decay of any exterior portion.
 - (c) Whenever the director of planning and growth management determines that a historic landmark or improvement located in a historic district fails to meet the requirements set forth in articles I through IV of this chapter or that the exterior architectural appearance is endangered by a state of disrepair or lack of maintenance, the director shall forthwith issue to the owner or occupant a notice of the violation in substantially the following manner or form:
 - (1) It shall be in writing.
 - (2) It shall set forth each violation of articles I through IV of this chapter in substantially the language of the applicable ordinance section with as much additional detail as might assist the person responsible to correct each violation.
 - (3) It shall describe the structure where the violation is alleged to exist or to have been committed by street address or by legal description of record in the records of the county recorder of deeds.
 - (4) ~~It shall be served upon the owner by certified mail, return receipt requested, after the determination of a violation has been made by the director.~~ When a ticket is issued for a violation in a local historic district or local landmark, the case is heard by the City's Hearing Officer and timeline for resolution shall be determined by the Hearing Officer, as outlined in Section 32 of the Code of the City of Peoria. In instances where a Certificate of Appropriateness is required, it must be obtained before work takes place to resolve the violation.
 - (d) The director's determination that a violation exists shall be final unless the applicant files a written request for an appeal accompanied by a public hearing before the commission within ten days of receipt of the director's determination. A date for a public hearing shall be scheduled not less than 15 but not more than 30 days from the applicant's written request. The owner shall be notified of the time, date and place of such hearing. ~~by certified mail properly addressed as shown on the tax assessor's rolls and with sufficient postage attached thereto.~~
 - (e) The owner shall be entitled to speak at the public hearing, and the commission may accept comments from all other interested parties. The commission shall review and evaluate all available information according to the applicable standards set forth in articles I through IV of this chapter.
 - (f) If the commission determines that a violation of articles I through IV of this chapter has occurred, the commission shall establish a reasonable time, depending upon the nature and extent of each violation, for the correction of each violation. Times for correcting multiple violations shall be computed concurrently.

- (g) Followup inspection shall be made by the director of planning and growth management within three working days after the expiration of the time for correction of the violations alleged. If any violations are determined by the director to still exist, it will be deemed a violation of articles I through IV of this chapter. In addition, the commission shall have the option to request that the director of planning and growth management prepare a complaint against the violator with the violation of the applicable section or sections of articles I through IV of this chapter. Thereupon, the complaint will be given to the corporation counsel of the city for review as to its legal sufficiency and for filing, prosecution and enforcement.

Section 2. This Ordinance shall be in full force immediately and upon passage and approval according to law.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, THIS
_____ DAY OF _____, 2015

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel