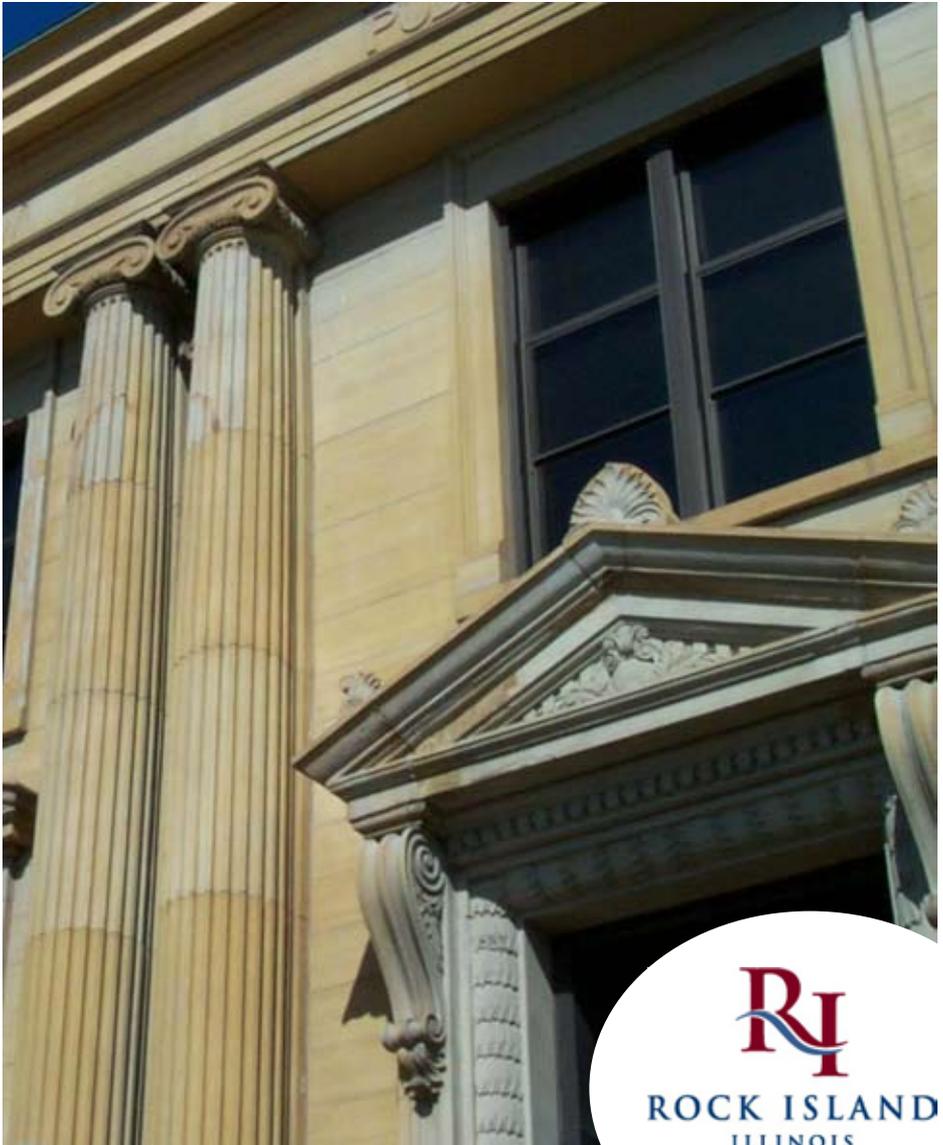


Rock Island Preservation Ordinance

Planning & Redevelopment Division
Rock Island Preservation Commission



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ORDINANCE NO. 83-61

AN ORDINANCE PROVIDING FOR THE PRESERVATION OF STRUCTURES OR AREAS OF HISTORIC OR ARCHITECTURAL SIGNIFICANCE FOR THE CITY OF ROCK ISLAND, ILLINOIS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCK ISLAND, ILLINOIS:

PRESERVATION ORDINANCE

PREAMBLE

The City of Rock Island has had a rich cultural and architectural history. Following the Native American settlements and the settlements of Farnhamsburg and Stephenson, Rock Island was incorporated in 1841. River transportation demanded a variety of services from this city, particularly as vessel crews negotiated passage through or around the rapids in this section of the Mississippi River. Also, it became an important river port as different goods and agricultural commodities were imported and exported. The arrival of the railroad in 1854 and the completion of the first railroad bridge across the Mississippi River in 1856 enhanced this city's transportation and economic character. As a result of the good river and railroad transportation and the development of waterpower and industry in the neighboring City of Moline, Rock Island experienced considerable growth as a manufacturing center in the second half of the 19th century. Agricultural implement and lumber industries became major components of the area's economy.

Accompanying this economic growth, Rock Island's settlement system expanded and many buildings of different architectural styles reflecting different economic levels and preferences were constructed. Moreover, certain buildings came to be associated with important persons or special historic events. Other transportation and industrial developments in the 20th Century continued the economic and population growth of Rock Island. This growth, in turn, led to additional expansion of the City's residential and commercial areas and construction of architecturally significant and interesting structures.

The result of this history is a community with a rich cultural landscape containing interesting neighborhoods, archeological sites, and many commercial, industrial, religious, governmental and residential structures. These neighborhoods, sites and structures embody a sense of time and place unique to Rock Island. They are the sources of our traditions and contribute to our identity, pride and stability. Moreover, these areas and buildings exemplify aspects of the cultural, social, economic, political or architectural history of the nation, the State of Illinois, and the City of Rock Island.

Yet, movements and shifts of population, changes in the local and regional economic base, and changes in residential, commercial and industrial uses and customs threaten to destroy areas and structures having

special historic, community, architectural or aesthetic interest. Since it is in the interest of the public's general welfare and in the interest of Rock Island's economic vitality and tax base to preserve, enhance and sustain the active use of historically or architecturally significant areas and structures and since such historic preservation actions are necessary for sound urban planning, we, the people of Rock Island, seek to preserve the City's cultural and architectural heritage by means of the following ordinance:

WHEREAS, the City of Rock Island is a home rule municipality as defined in Article VII, Section 6(a) of the 1970 Constitution of Illinois; and

WHEREAS, section 5 of Chapter 24-11-48-2 of the Illinois cities and Villages Act establishes a comprehensive program for the designation and protection of historic areas, places, structures, works of art and other objects, and provides a standard for reconciling the interest of property owners with the purpose of historic preservation; and

WHEREAS, the 1970 Constitution of Illinois grants to home rule municipalities the power to regulate for the protection of the public welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCK ISLAND, ILLINOIS:

SECTION 1. STATEMENT OF PURPOSE

- A. The purpose of this ordinance is to promote the educational, cultural, economic and general welfare of the community by:
- 1) Providing a mechanism to identify and preserve the distinctive historic, architectural and/or "landscape characteristics of Rock Island, which represent elements of the City's cultural, social, economic, political and architectural history;
 - 2) Fostering civic pride in the beauty and noble accomplishments of the past as represented in Rock Island's landmarks and historic areas;
 - 3) Stabilizing and improving the property value of Rock Island's landmarks and historic areas;
 - 4) Fostering and encouraging preservation, restoration and rehabilitation of our buildings; and
 - 5) Ensuring that all of the economic benefits resulting from preservation, including tax incentives, new jobs and renewed buildings, are available to our citizens.

SECTION 2. DEFINITIONS

Alteration. Any act or process that changes one or more of the exterior architectural features of the structure, including, but not limited to, the erection, construction, reconstruction or moving of any structure.

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

Area. A specific geographic division of the city of Rock Island.

Certificate of Appropriateness. A certificate issued by the Commission indicating its approval of plans for alteration, construction, removal or demolition of a landmark or a structure within a designated historic district.

Certificate of Economic Hardship. A certificate issued by the Commission authorizing an alteration, construction, removal or demolition even though a Certificate of Appropriateness previously has been denied.

Commission. Rock Island Preservation Commission

Commissioners. Voting members of the Rock Island Preservation Commission.

Conservation Right. A term that includes easements, covenants, deed restrictions or any other type of less than full fee simple interest that might be used to protect a landmark or historic district.

Construction. The act of building or altering a structure.

Council. The City Council of the City of Rock Island.

Demolition. Any act or process which destroys in part or in whole a landmark or a structure within a designated historic district.

Exterior Architectural Appearance. The architectural character and general composition of the exterior of a structure, including, but not limited to, the kind, color and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs and appurtenant elements.

Historic District. An area designated by ordinance of the City Council, pursuant to procedures prescribed herein, which may contain within

definable geographic boundaries, properties or structures, which mayor may not be landmarks, which contribute to the overall historic characteristics of the designated area.

Landmark. A property or structure designated by ordinance of the City Council, pursuant to procedures prescribed herein, which is worthy of rehabilitation, restoration and preservation because of its historic and/or architectural significance to the City of Rock Island.

Landscape. The area surrounding a landmark or structure within a historic district. This shall include, but not be limited to: fences, statues, signs, plantings, paving and outbuildings, as well as landforms.

Owner(s) of Record. The person(s) or corporation or other legal entity in whose name(s) the property appears on the records of the Rock Island County Recorder of Deeds.

Property. A distinct parcel of real property which is assigned a separate tax parcel number by the Rock Island County Supervisor of Assessments.

Rehabilitation. The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.

Relocation. Any repositioning of a structure on its site or moving it to another site.

Repair. Any change that does not require a building permit, that is not construction, relocation or alteration.

Structure. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built-up or composed of parts joined together in some definite manner.

SECTION 3. ROCK ISLAND PRESERVATION COMMISSION CREATED

A. Commission Created. There is hereby created the Rock Island Preservation Commission, consisting of nine (9) voting members, residents of Rock Island, appointed by the Mayor of Rock Island and approved by the City Council, and one (1) ex-officio non-voting member, a representative of the Department of Community services and Development. At least one (1) member of the Commission shall be an attorney, one (1) an architect, and one (1) shall be an active member of

the Rock Island Preservation Society. Six (6) Commission members shall be appointed at large on the basis of expertise, experience or interest in the areas of architectural history, building construction or engineering, finance, historical and architectural preservation, landscape architecture geography, neighborhood organizing or real estate. Commissioners shall serve without compensation. Commissioners shall serve terms of three (3) years. Initially, Commissioners shall serve staggered terms of three (3) persons for three (3) years, three (3) persons for two (2) years, and three (3) persons for one (1) year. Commissioners may serve only two (2) consecutive terms, but may be reappointed after a three (3) year waiting period.

B. Associate Members. The Commission may elect non-voting associate members to the Commission whose expertise or interest in specific or generalized areas shall be deemed necessary or desirable to further the work of the Commission. Associate members shall serve without compensation.

- 1) Term of Office. Associate members shall serve for a period of one (1) year. Associate members shall be eligible for re-election in a like manner to their original election. There shall be no limit to the number of terms an associate member may serve.
- 2) Number. The number of associate members shall not exceed nine (9), the number of commissioners.
- 3) Rights, Duties, Voting. Non-voting members enjoy the same rights and privileges as Commissioners, save the right to chair a Standing Committee and to vote at Commission meetings. They may participate in the deliberations of the Commission and may be voting members of committees.

C. Purpose. The Commission is created for the purpose of:

- 1) Identifying such property, structures or areas within the City of Rock Island that are historically significant in that they exemplify and/or reflect the cultural, social, economic, political or architectural history of the nation, state or city;
- 2) Advising the City Council on the designation of such property, structures or areas as either landmarks or historic districts, as defined herein;
- 3) Protecting the distinctive visual characteristics of landmarks or historic districts by reviewing, giving advice and passing upon

changes to their exterior architectural appearances: and

- 4) Performing such other functions as may be useful or necessary to safeguard and enhance the community heritage as embodied in property, structures and areas.

SECTION 4. OFFICERS AND COMMISSION MEETINGS

A. Officers. Officers shall consist of a Chairman and vice-Chairman elected by the Commission who shall each serve a term of one (1) year and shall be eligible for re-election. Elections shall be held annually.

B. Chairman. The Chairman shall preside over meetings. In the absence of the Chairman, the Vice-Chairman shall perform the duties of the Chairman. If both are absent a temporary Chairman shall be elected by those present.

C. Secretary. The Secretary of the Commission shall be a representative of the Department of Community Services and Development of the city of Rock Island. The Secretary shall:

- 1) Take minutes of each Commission meeting, originals of which shall be kept in the office of Community Services and Development:
- 2) Provide administrative and technical assistance to the Commission to assist it in making the decisions and findings as provided herein:
- 3) Publish and distribute to the Commissioners copies of the minutes, reports and decisions of the Commission:
- 4) Give notice as provided herein or by law for all public hearings conducted by the commission:
- 5) Advise the Mayor of vacancies on the commission and expiring terms of Commissioners:
- 6) Prepare and submit to the City Council a complete record of the proceedings before the Commission on all appeals from decisions of the Commission and also on any other matters requiring Council consideration; and
- 7) The Secretary shall have no vote.

D. Meetings

- 1) A quorum shall consist of a majority of the voting members of the Commission.
- 2) Designation of landmarks and historic districts as herein provided shall require six (6) affirmative votes by the Commission. All other decisions or actions of the Commission shall be made by a majority vote of those members present at any meeting where a quorum exists.
- 3) Meetings shall be held at regular scheduled times to be established by resolution of the Commission at the beginning of each calendar year or at any time upon the call of the Chairman. There shall be a minimum of four (4) meetings per year.
- 4) No Commissioner shall vote on any matter which materially or apparently may affect the property, income or business interest of that Commissioner.
- 5) All meetings shall conform to the requirements of the Open Meetings Act.
- 6) No action shall be taken by the Commission which in any manner could deprive or restrict the owner of that property in its use, modification, maintenance, disposition or demolition until such owner first shall have had the opportunity to be heard at a public meeting(s) of the Commission, as provided herein.

E. Vacancies. The seat of any Commissioner who fails to attend three (3) consecutive meetings without a valid reason, or who fails to attend one-half of all meetings scheduled or called during any one-year period shall be declared vacant. Any vacancy on the Commission shall be filled in the same manner as for original appointments to the Commission.

SECTION 5. POWERS AND DUTIES OF THE COMMISSION

The Commission shall have the following powers:

- A. To adopt its own procedural regulations.
- B. To conduct an ongoing survey to identify Rock Island's historically and architecturally significant properties, structures and areas, including landscapes.
- C. To investigate, hold public hearings and recommend to the city Council

the adoption of ordinances designating certain Rock Island sites or structures having special historic, community or architectural value as “landmarks”.

- D. To investigate, hold public hearings and recommend to the city Council the adoption of ordinances designating certain Rock Island areas as having special historic, community, architectural or archeological value as “historic districts”.
- E. To keep a register of all property and structures which have been designated under this ordinance, including all information required for each designation.
- F. To determine an appropriate system of markers and make recommendations for the design and implementation of specific markings of the streets and routes leading from one landmark or historic district to another.
- G. To advise and assist owners of landmarks and property or structures within historic districts on physical and financial aspects of preservation, renovation, rehabilitation and reuse, and on procedures for inclusion on the National Register of Historic Places.
- H. To nominate landmarks and historic districts to the National Register of Historic Places.
- I. To inform and educate the citizens of Rock Island concerning the historic and architectural heritage of the City.
- J. To hold public hearings and to review building permit applications for new construction within historic districts and for additions to, alterations, removal or demolition of designated landmarks or structures within historic districts, and to issue or deny Certificates of Appropriateness for such actions. Applicants may be required to submit plans, drawings, specifications and other information as may be necessary to make decisions.
- K. To consider applications for Certificates of Economic Hardship that would allow the performance of work for which a certificate of Appropriateness has been denied.
- L. To develop criteria for the alteration, construction or removal of landmarks or property and structures within historic districts.
- M. To review proposed zoning amendments, applications for special uses, or applications for zoning variances that affect designated landmarks and historic districts. The Planning Administrator shall send applications for special use or zoning variances to the Commission for comment prior to the date of the hearing by the Planning commission, the Board of Zoning

Appeals, or the City Council.

- N. To administer on behalf of the City of Rock Island any property or full or partial interest in real property, including a conservation right as that term is used in Chapter 30, paragraph 401, et. seq., Illinois Revised statutes, which the City may have or accept as a gift or otherwise, upon designation by the City Council.
- O. To accept and administer on behalf of the City of Rock Island, upon designation by the City Council, such gifts, grants and money as may be appropriate for the purposes of this ordinance.
- P. To testify before all boards and commissions, including the Planning Commission, the Housing Code Board of Appeals, the Building Code Board of Appeals and the Board of Zoning Appeals on any matter affecting historically or architecturally significant property, structures and areas.
- Q. To confer recognition upon the owners of landmarks or property or structures within historic districts by means of certificates, plaques or markers.
- R. To develop a preservation component in the Comprehensive Plan of the city of Rock Island and to recommend it to the Planning Commission and the City Council.
- S. To review periodically the Rock Island Zoning Ordinance and to recommend to the Planning Commission and the City Council any amendments appropriate for the protection and continued use of landmarks or property and structures within historic districts.
- T. To recommend certification of designated historic districts to the Division of Historic Sites, Illinois Department of Conservation.
- U. To assist owners of significant properties within certified historic districts to receive certification for repairs and alterations so that the owner will qualify for investment tax credit.
- V. To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to implementation of the purpose of this ordinance.

SECTION 6. LANDMARK DESIGNATION PROCEDURES

- A. Nominations shall be made to the Commission on a form provided by the Commission. A \$15.00 filing fee shall be paid by the applicant after a preliminary determination of significance has been made by the Commission. (Ord. #84-55; 10/15/84)

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- B. The Commission shall, upon such investigation as it deems necessary, make a preliminary determination as to whether a property, structure or area meets one or more of the following criteria:
- 1) Significant value as part of the historic, cultural, artistic, social, ethnic or other heritage of the nation, state or community.
 - 2) Associated with an important person or event in national, state or local history.
 - 3) Representative of the distinguishing characteristics of an architectural and/or landscape type inherently valuable for the study of a period, style, craftsmanship, method of construction or use of indigenous materials and which retains a high degree of integrity.
 - 4) Notable work of a master builder, designer, architect or artist whose individual genius has influenced an era.
 - 5) Identifiable as an established and familiar visual feature in the community owing to its unique location or physical characteristics.
 - 6) Its character as a particularly fine or unique example of a utilitarian structure, including, but not limited to, farmhouses, gas stations or other commercial structures with a high level of integrity or architectural significance.
 - 7) Areas that have yielded, or may be likely to yield, information important in history or prehistory.

The preliminary determination as to whether a property, structure or area meets one or more of the foregoing criteria shall be made within sixty (60) days of the filing of a nomination with the Commission.

- C. Within ten (10) days following a preliminary determination that a proposed landmark meets one or more of the criteria in Subsection 6-8 herein, the Commission shall so notify by certified mail the owner(s) of record. The notice shall be accompanied by an owner consent form requesting the property owner(s) to provide written approval or disapproval of the proposed designation, provided that owner approval shall not be required for historic landmark designation. Failure of an owner of record to return the form shall be noted as such.
- D. The Commission shall schedule a public hearing within forty-five (45) days following a preliminary determination that a proposed landmark

meets one or more of the criteria in Subsection 6-B herein.

- 1) Notice of date, time, place and purpose of the public hearing shall be sent by mail to owner(s) of record and to the nominator(s), as well as to the adjoining property owners, not less than fifteen (15) nor more than thirty-five (35) days prior to the date of the hearing. A like notice also shall be published in a newspaper having general circulation in the City of Rock Island. The notice shall state the location of the property and a brief statement summarizing how the proposed landmark meets the criteria set forth in Subsection 6-B herein. The Inspection Division and the Planning and Redevelopment Division of the City of Rock Island also shall be notified.
 - 2) At the public hearing, the Commission shall take testimony presented by the nominator(s), the owner(s), and any other interested parties who wish to be heard on the application of the criteria for designation enumerated in Subsection 6-B herein to the proposed landmark. In addition, the Commission shall consider all written comments received by the Commission prior to the hearing. It shall be the responsibility of the nominator(s) to provide evidence of suitability for landmark status as well as documentation of the evidence.
 - 3) The Commission shall review and evaluate all available information according to the applicable criteria set forth in Subsection 6-B herein.
- E. A decision shall be made within thirty-five (35) days following the date of the closing of the public hearing.
- 1) If the Commission decides after the hearing that the proposed landmark should be designated, it shall do so by a resolution passed by a two-thirds (2/3) majority of the Commission (that is, six (6) Commissioners). Failure by an owner of record to return the form shall be noted as such.
 - 2) The commission's decision shall be in writing and shall be accompanied by a report summarizing the evidence presented at the hearing and explaining the decision.
 - 3) The owner(s) of record shall be notified promptly by a letter containing a copy of the decision.
 - 4) The secretary shall send a copy of the resolution and the accompanying report to the City Council.
 - 5) The secretary shall send a copy of the resolution to the nominator(s).
 - 6) The Secretary shall send a copy of the resolution to the Rock Island

Inspection Division.

- 7) The Secretary shall record the designation with the Rock Island county Recorder of Deeds, unless an appeal is filed in accordance with the procedures contained herein.
 - 8) A decision by the Commission denying landmark designation shall be the final administrative decision. No application relating to the same property may be filed during the twelve (12) months following such a denial by the commission.
- F. A decision by the Commission granting landmark designation may be appealed to the City Council by an owner of the subject property. Such an appeal must be filed in writing with the City Clerk within thirty (30) days after the Commission's decision to grant landmark designation. If an appeal is not filed within such time, the designation of the Commission shall be the final administrative decision.
- 1) The City council, at the earliest possible City Council meeting following the filing of a written appeal, shall accept or reject the Commission's decision. In reviewing the Commission decision the Council may consider other relevant factors, including economic considerations, not considered by the commission. Rejection of the Commission's decision requires a two-thirds (2/3) vote of the entire Council. (Ord. #86-05; 2/24/86)
 - 2) If the Commission's decision is reversed, the City Clerk shall provide written notification by regular mail to the nominator(s) and owner(s) of record of the designated landmark of the action taken by the City Council. The Rock Island Inspection Division shall be notified of the City Council action. If the designation is affirmed, said designation shall be recorded at the office of the Rock Island County Recorder of Deeds.
- G. A certificate of Appropriateness shall be required for alteration, construction, removal or demolition of a proposed landmark from the date when the nomination form is presented to the Commission until the final disposition of the petition.
- H. Designation may be amended or rescinded by the same procedure and according to the same criteria set forth herein for designation.

SECTION 7. HISTORIC DISTRICT DESIGNATION PROCEDURE

- A. Nominations shall be made to the Commission on a form provided by the Commission. A \$15.00 filing fee shall be paid by the applicant after a preliminary determination of significance has been made by the Commission. (Ord. #84-55; 10/15/84) Nominations must be accompanied

by a petition signed by twenty-five percent (25%) of the owners of record within a proposed district.

- B. The Commission, shall, upon such investigation as it deems necessary and utilizing National Register guidelines (see Appendix A), make a preliminary determination as to whether an area meets these guidelines or one more of the following criteria:
- 1) A significant number of structures meeting any of the standards in Section 6-5.
 - 2) A traditional Rock Island neighborhood, commercial area or public activity center.
 - 3) An area of sufficient integrity to convey a sense of time and place.

The preliminary determination as to whether an area meets these guidelines or criteria shall be made within sixty (60) days of the filing of the nomination of such area to the Commission.

- C. Within ten (10) days following a preliminary determination that a proposed historic district meets one or more of the criteria in Subsection 7-5 herein, the Commission shall so notify by mail the owner(s) of record. The notice shall be accompanied by an owner consent form requesting the property owner(s) to provide written approval or disapproval of the proposed designation. In the case of a historic district, the owner(s) of record of any property in the proposed district shall have one vote on the approval or disapproval of the designation for each property owned in the proposed district. For purposes of this paragraph, "property" shall be defined as a distinct parcel of real property which is assigned a separate tax parcel number by the Rock Island county Supervisor of Assessments. Joint or multiple owners of property shall not be entitled to separate votes, but shall jointly receive one vote for each property owned in the proposed district. Failure of an owner of record to return the form with his or her approval or disapproval by the date of the public hearing provided for herein shall be noted as such. Approval of at least fifty-one percent (51%) of those owners of record who have returned the form by the date of the public hearing shall be required for the historic district to be considered for designation by the Commission.
- D. The Commission shall schedule a public hearing within forty-five (45) days following a preliminary determination that a proposed historic district meets one or more of the criteria in Subsection 7-8 and 7-C herein.

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- 1) Notice of the date, time, place and purpose of the public hearing shall be sent by mail to the owner(s) of record and to the nominator(s), as well as to the owners of property adjoining the proposed district, not less than fifteen (15) nor more than thirty-five (35) days prior to the date of the hearing. A like notice shall also be published in a newspaper having general circulation in the City of Rock Island. The notice shall state the location of a proposed district and a brief statement summarizing how the proposed historic district meets the criteria set forth in subsection 7-8 herein. The Inspection Division and the Planning and Redevelopment Division of the City of Rock Island shall also be notified.
 - 2) At the public hearing, the Commission shall take testimony presented by the nominator(s), the owner(s), and any other interested parties who wish to be heard on the application of the criteria for designation enumerated in subsection 7-8 herein to the proposed historic district. In addition, the Commission shall consider all written comments received by the Commission prior to the hearing. It shall be the responsibility of the nominator(s) to provide evidence of suitability for historic district status as well as documentation of the evidence.
 - 3) The Commission shall review and evaluate available information according to the applicable criteria set forth in Subsection 7-B herein.
- E. A decision shall be made within thirty-five (35) days following the date of the closing of the public hearing.
- 1) If the Commission decides after the hearing that the proposed historic district should be designated, it shall do so by a resolution passed by a two-thirds (2/3) majority of the Commission (that is, six (6) Commissioners).
 - 2) The Commission's decision shall be in writing and shall be accompanied by a report summarizing the evidence presented at the hearing and explaining the decision.
 - 3) The owner(s) of record shall be notified promptly by a letter containing a copy of the decision.
 - 4) The Secretary shall send a copy of the resolution and the accompanying report to the City Council.
 - 5) The Secretary shall send a copy of the resolution to the nominator(s).
 - 6) The Secretary shall send a copy of the resolution to the Rock Island Inspection Division.
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- 7) The Secretary shall record the designation with the Rock Island County Recorder of Deeds, unless an appeal is filed in accordance with the procedures contained herein.
 - 8) A decision by the Commission denying historic district designation shall be the final administrative decision. No application relating to the same specific district may be filed during the twelve (12) months following such a denial by the Commission.
- F. A decision by the Commission granting historic district designation may be appealed to the City Council by any owner of record of property in the historic district. Such an appeal must be filed in writing with the City Clerk within thirty (30) days after the Commission's decision to grant historic district designation. If an appeal is not filed within such time, the designation of the Commission shall be the final administrative decision.
- 1) An appeal shall be considered at the earliest possible city Council meeting. The Council shall accept or reject the Commission's decision. In reviewing the Commission decision the council may consider other relevant factors, including economic considerations, not considered by the Commission. Rejection requires a two-thirds (2/3) vote of the entire Council. (Ord. #86-05; 2/24/86)
 - 2) If the Commission decision is reversed, the city Clerk shall provide written notification by mail to the nominator(s) and owner(s) of record of the designated historic district. The Rock Island Inspection Division shall be notified of the city Council action. If the designation is affirmed, said designation shall be recorded with the office of the Rock Island County Recorder of Deeds.
- G. A Certificate of Appropriateness shall be required for alteration, construction, removal or demolition of a structure within a proposed historic district from the date when the nomination forms are submitted to the Commission for the purpose of making a preliminary determination that a proposed historic district meets one or more of the criteria outlined in Subsection 7-5 until the final disposition of the petition.
- H. Designation may be amended by the same procedure and according to the same criteria set forth herein for designation.

SECTION 8. CONSTRUCTION, ALTERATION, DEMOLITION OR RELOCATION - CERTIFICATES OF APPROPRIATENESS

- A. A certificate of Appropriateness is required for any construction, alteration, demolition, repair or relocation requiring a building permit that affects the exterior architectural appearance of any landmark or any

structure within a historic district. Any application for a building permit, including plans and specifications when required by the building permit, for designated landmarks or for structures within designated historic districts shall be sent by the Inspection Division to the Commission within seven (7) calendar days of the receipt of the application by the Inspection Division. Any applicant may request a meeting with the Commission before the building permit is sent by the Inspection Division to the Commission for review and may consult with the Commission during its review of the application.

- B. A certificate of Appropriateness is required for any demolition, construction or material change of any sidewalk, curb, fence, wall, permanent sign or other ornamentation included in a landmark designation or within a historic district if subject to view from a public street. This specifically includes brick or tile sidewalks and excludes small repairs to concrete or asphalt sidewalks.
- C. A certificate of Appropriateness is required for any relocation, removal or repair of colored, leaded, etched or beveled glass from landmarks or structures within historic districts.
- D. If the emergency circumstances affect a landmark or a structure within a historic district which require immediate relief, repair or demolition, the Fire Marshal or Chief Building Inspector shall certify that such conditions exist and said conditions shall be eliminated as quickly as is practicable. Emergencies are defined as life or health-threatening conditions requiring immediate attention. This subsection shall apply only in cases where it is impractical for the Commission to consider an application for a certificate of Appropriateness.

In the event that the Fire Marshal or Chief Building Inspector shall require exterior alterations in an existing use to conform to Life Safety or other codes, a certificate of Appropriateness shall be required, provided in the event irreconcilable conflicts arise between such codes and this ordinance, permission to conform to those codes must be granted even if a Certificate of Appropriateness would not ordinarily be issued.

- E. Architectural Review Guidelines. In making a determination whether to issue or deny a certificate of Appropriateness, the Commission shall consider, among other things, the effect of the proposed construction, alteration, removal or demolition upon the exterior architectural features and upon the historic, aesthetic or architectural value, characteristics and significance of the landmark or of the historic district. The criteria to be used by the Commission in making its determination shall include, but not be limited to:

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- 1) The maintenance of the significant original qualities or character of the structure or property including, if significant, its landscape. The removal or alteration of any historic or distinctive architectural features should be avoided when possible.
 - 2) The compatibility of proposed new additions and new construction to the original architecture of the landmark or styles within the historic district shall be evaluated against the following general guidelines:
 - a. Height: The height of the proposed structure or additions or alterations should be compatible with surrounding structures.
 - b. Proportions of structure's front facade: The proportion between the width and height of the proposed structure should be compatible with nearby structures.
 - c. Proportions of openings into the facility: The proportions and relationships between doors and windows should be compatible with existing structures.
 - d. Relationship of building masses and spaces: The relationship of a structure to the open space between it and adjoining structures should be compatible.
 - e. Roof shapes: The design of the roof should be compatible with adjoining structures.
 - f. Landscape and appurtenances: Landscaping and the use of appurtenances should be sensitive to the individual structure, its occupants and their needs. Further, the landscape treatment should be compatible with surrounding structures and landscapes.
 - g. Scale of structure: The scale of the structure should be compatible with surrounding structures.
 - h. Directional expression of front elevation: Street facades should blend with other structures with regard to directional expression. When adjacent structures have a dominant horizontal or vertical expression, this should be carried over and reflected.
 - i. Architectural details: Architectural details and materials should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent characteristics of that area.

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- 3) Alterations should be made in accordance with the Secretary of the Interior's "Standards for Historic Preservation Projects"* as revised from time to time: **U.S. Department of the Interior, Heritage Conservation and Recreation Service, "Standards for Historic Preservation Projects", Washington, D.C. 1979 (Stock #024-016-00105-2, U.S. Government Printing Office).*
- a. Every reasonable effort shall be made to provide a compatible use for a property which requires a minimal alteration of the building, structure or site and its environment, or to use a property for its originally intended purpose.
 - b. The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
 - c. All buildings, structures 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 shall be discouraged.
 - d. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
 - e. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.
 - f. Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
 - g. 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.

- h. Every reasonable effort shall be made to protect and preserve archeological resources affected by or adjacent to any project.
- i. contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- j. Wherever possible, new additions or alterations to structures shall be done in such manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

F. Review Process

- 1) If the Commission finds that the work proposed in the application will not adversely affect any historically or architecturally significant features of the landmark or structure or property within a historic district and is appropriate or consistent with the spirit and purposes of this chapter, it shall issue, at the next regular Commission meeting, a Certificate of Appropriateness by resolution passed by a majority of a quorum and forward copies to the owner(s) of record and the Inspection Division. An owner may request a special meeting if the next regular Commission meeting is scheduled fifteen (15) days or more after the receipt of the building permit application.
- 2) If the Commission finds that the proposed work will adversely affect or destroy any significant historic, aesthetic or architectural feature or value of the landmark or structure or property within a historic district or is inappropriate or inconsistent with the spirit and purposes of this section, it shall disapprove the application by resolution passed by a majority of a quorum and shall so advise the applicant and the Inspection Division in writing within thirty (30) days after receiving the copy of the application.
 - a. The Commission shall state briefly its reasons therefore in writing and it may make recommendations to the applicant with respect to the appropriateness of design, arrangement, texture, scale, material, color, location or other elements of appearance of the building or structure involved.
 - b. In cases of disapproval accompanied by recommendation, the applicant may be heard again before the Commission if within sixty (60) days of the date of receipt of notice of disapproval

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- of the application he amends his application to conform with the recommendations or makes application for a Certificate of Economic Hardship as provided for in Section 9 herein. The applicant shall be heard at the next regular meeting of the commission after receipt of the amended application and the Commission shall approve or disapprove the amended application by resolution passed by a majority of a quorum.
- c. At the request of the applicant, within fifteen (15) days following disapproval of an application, the Commission shall hold a public hearing upon receipt of an application for a Certificate of Economic Hardship pursuant to section 9.
 - d. Notice of the date, time, place and purpose of the public hearing shall be sent by regular mail to the applicant, to property owners within two hundred fifty (250) feet of the property for which an application has been made, and said notice shall be published in a newspaper of general circulation. The notice shall be sent not less than ten (10) days prior to the date of the hearing. The notice shall state the location, including the common street address of the property and a brief description of the proposed alteration for which an application has been made and the differences of opinion between the applicant and the Commission.
 - e. At the public hearing the Commission shall take testimony presented by the owner(s) and any other interested parties concerning the effect of the proposed alteration, demolition or removal upon the exterior architectural features and the Review Criteria in Subsection B-E herein.
 - f. Within fifteen (15) days following completion of the public hearing, the Commission shall issue or deny the Certificate of Appropriateness or Certificate of Economic Hardship and transmit copies of its decision to the applicant.

SECTION 9. CERTIFICATE OF ECONOMIC HARDSHIP

Notwithstanding any of the provisions of the ordinance to the contrary, the Commission may issue a certificate of Economic Hardship to allow the performance of work for which a certificate of Appropriateness has been denied.

- A. Applicants claiming economic hardship shall be required to apply to the Planning and Redevelopment Division to determine eligibility for rehabilitation assistance. The eligibility for and availability of financial aid shall be considered by the Commission in making its decision.

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- B. An applicant for a Certificate of Economic Hardship may submit any or all of the following information in order to assist the Commission in making its determination on the application.
- 1) The amount paid for the property, the date of purchase and the party from whom purchased (including a description of the relationship, if any, between the owner and the person from whom the property was purchased).
 - 2) The assessed value of the land and improvements thereon according to the two most recent assessments.
 - 3) Real estate taxes for the previous two years.
 - 4) Remaining balance on mortgage, if any, and annual debt service, if any, for the previous two years.
 - 5) All appraisals obtained within the previous two years by the owner or applicant in connection with this purchase, financing or ownership of the property.
 - 6) Any listing of the property for sale or rent, price asked and offers received, if any.
 - 7) Any consideration by the owner as to profitable adaptive uses for the property.
 - 8) If the property is income-producing, the annual gross income from the property for the previous two years, itemized operating and maintenance expenses for the previous two years, and annual cash flow before and after debt service, if any during the same period.
 - 9) Form of ownership or operation of the property, whether sole proprietorship, for-profit corporation, limited partnership, joint venture or other.
 - 10) Any other information, including the income tax bracket of the owner, applicant or principal investors in the property, reasonably necessary for a determination as to whether the property can be reasonably used or yield a reasonable return to present or future owners.
- C. If the Commission finds that without approval of the proposed work, the property cannot obtain a reasonable economic return therefrom, then the application shall be delayed for a period not to exceed three (3) months. During this period of delay, the Commission shall investigate plans and

make recommendations to the City Council to allow for a reasonably beneficial use or a reasonable economic return, or to otherwise preserve the subject property. Such plans and recommendations may include, but not be limited to: a relaxation of the provisions of the ordinance, a reduction in real property taxes, financial assistance, building code modifications and/or changes in zoning regulations.

- D. If by the end of this three (3) month period, the Commission has found that without approval of the proposed work, the property cannot be put to a reasonable beneficial use or the owner cannot obtain a reasonable economic return therefrom, then the Commission shall issue a Certificate of Economic Hardship approving the proposed work. If the Commission finds otherwise, it shall deny the application for a Certificate of Economic Hardship.

SECTION 10. APPEALS

- A. When a certificate of Appropriateness or a certificate of Economic Hardship is approved or denied for either a landmark or a structure within a historic district, the applicant or any interested party may, within thirty (30) days, appeal the Commission's decision to the City Council. The Council may receive comments on the contents of the record but no new matter may be considered by the Council. The city Council may affirm the decision or recommend changes by a majority vote of the Council after due consideration of the facts contained in the record submitted to the Council by the Commission. The Council may overturn the Commission's decision by a majority vote of a quorum of the Council. If the Council decides that a Certificate of Economic Hardship should be issued, the Secretary shall notify the applicant and the Inspection Division within seven (7) days of the Council's decision and the Inspection Division then shall issue the permit within fifteen (15) days.
- B. If the Council concurs with the Commission's decision not to issue a Certificate of Economic Hardship, the Secretary shall notify the applicant and the Inspection Division within seven (7) days.

SECTION 11. AFFIRMATION OF EXISTING ZONING

Nothing contained in this ordinance shall supersede the powers of other local legislative or regulatory bodies or relieve any property owner of complying with the requirements of any other state statutes or municipal ordinances or regulations. Specifically, this ordinance in no way modifies or negates existing zoning in the City of Rock Island. This affirmation of existing zoning is not an approval of that zoning, nor does it preclude amendments to zoning district boundaries or categories of uses. The local Zoning Ordinance remains in effect unless modified.

SECTION 12. PENALTIES

- A. Any person, firm or corporation who alters, demolishes, repairs or relocates any landmark or any structure within a historic district without complying with the provision of this ordinance shall be required to restore the building or structure and its site to its appearance prior to the violation. Any action to enforce this section shall be brought by the City Attorney, his designee or by designated representatives of the Department of Community Services and Development. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty contained in this section.
- B. If there is a willful violation of the provisions of this ordinance, any person, firm or corporation shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such herein.

SECTION 13. SEPARABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 14. ORDINANCES REPEALED

All ordinances and parts of ordinances in conflict herewith are hereby repealed insofar as they do conflict.

SECTION 15. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and approval, as required by law.

James R. Davis
MAYOR OF THE CITY OF ROCK ISLAND

PASSED: February 13, 1984
APPROVED: February 14, 1984

ATTEST: Jacqueline Vander Meersch
CITY CLERK

APPENDIX A

National Register of Historic Places Criteria for Evaluation

The following criteria are designed to guide the States, Federal agencies and the Secretary of the Interior in evaluating potential entries (other than areas of the National Park System and national historic landmarks) for the National Register:

The quality of significance in American history, architecture, archeology and culture is present in districts, sites, buildings, structures and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association, and:

- A. that are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. that are associated with the lives of persons significant in our past; or
- C. that embody the distinctive characteristics of a type, period or method of construction or that represent the work of a master or that possess high artistic values or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. that have yielded, or may be likely to yield, information important in prehistory or history.

Ordinarily, cemeteries, birthplaces or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved a significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- A. a religious property deriving primary significance from architectural or artistic distinction or historical importance: or
- B. a building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event: or
- C. a birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his productive life; or

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- D. a cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
 - E. a reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan and when no other building or structure with the same association has survived; or
 - F. a property primarily commemorative in intent if design, age, tradition or symbolic value has invested it with its own historical significance; or
 - G. a property achieving significance within the past 50 years if it is of exceptional importance.

Look for information regarding
Rock Island's historic preservation program at
www.rigov.org.

Architectural Styles
Historic Structures
Property Tax Incentives
Tours & Publications
Certificate of Appropriateness Application
Design Guidelines
How to Become A Landmark
Preservation Commission
Meeting Schedule & Deadlines
& Much, Much More

On the Cover

The Rock Island Public Library was designated a Rock Island Landmark in 1985.



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