

**ARTICLE V.
PRESERVATION OF HISTORICALLY OR ARCHITECTURALLY SIGNIFICANT PROPERTY**

DIVISION 1. GENERALLY

Sec. 11-91. Statement of Purpose:

The purpose of this article 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 districts; (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) Protecting and enhancing the attractiveness of the City to its home buyers, homeowners, residents, tourists, visitors, and shoppers, and thereby supporting and promoting business, commerce, industry, and providing economic benefit to the City.

Sec. 11-92. Definitions:

As used herein, the following terms shall have the meanings ascribed to them, except when the context demands otherwise:

Alteration:

1. 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.
2. Any act or process that, while not requiring a building permit, significantly changes the exterior of a Regulated Structure so as to change one or more features that relates to the Regulated Structure's status as a Landmark or Contributing Resource.

Applicant: A person or entity submitting an application for issuance of a Certificate of Appropriateness or a Certificate of Economic Hardship.

Architectural Review Guidelines: A standard of design quality that will preserve the historic and architectural character of a Landmark or a structure within a Locally Designated Historic District.

Area: A specific geographic division of the City.

Archeological Resource: Any material remains or physical evidence of past human life or activities that are of archeological interest, including the record of the effects of

human activities on the environment. An Archeological Resource may be capable of revealing scientific or humanistic information through archeological research.

Building: A house, commercial building, church, hotel, school, or similar construction made to shelter any form of human activity.

Certificate of Appropriateness (COA): A certificate authorizing Regulated Activity involving a Regulated Structure issued by the Preservation Administrator pursuant to approval by the Commission under the applicable provisions of Section 11-113 of this article.

Certificate of Economic Hardship (COEH): A certificate authorizing Regulated Activity involving a Regulated Structure issued by the Preservation Administrator pursuant to Section 11-114 of this Article, even though a Certificate of Appropriateness previously has been denied.

Certified Local Government (CLG): The Certified Local Government program is jointly administrated by the National Park Service and the Illinois Historic Preservation Agency; the program certifies communities that have certain requirements in establishing local historic preservation programs. Once certified, communities gain access to grants and technical assistance to implement their local preservation programs.

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 Locally Designated Historic District.

Construction: The act of building or altering a structure.

Contributing Resource: Any building, object, site, or structure that contributes to understanding the architectural and historic development within a Locally Designated or Nationally Designated Historic District. The Contributing Resource usually retains a high level of integrity.

Cultural/Historic Resource: A cultural resource is an aspect of a cultural system that is valued by or significantly representative of a culture or that contains significant information if it is greater than fifty years of age. Cultural resources are categorized as districts, sites, buildings, structures, and objects for the National Register of Historic Places. Archeological sites are also considered cultural resources.

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

Demolition: Any act or process which destroys in part or in whole a Cultural/Historic Resource.

Design Review: The formal process of reviewing proposed projects seeking a Certificate of Appropriateness from the Preservation Commission.

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.

District: A district possesses a significant concentration, linkage, or continuity of buildings, sites, structures, or objects united historically or architecturally by plan or physical development. A district derives its importance from being a unified entity, even though it is often comprised of a variety of resources.

Locally Designated Historic District: An area designated as a “Historic District” by ordinance of the City Council, pursuant to the procedures prescribed in Division 3 of this Article and subject to the regulations therein.

Nationally Designated Historic District: An area designated as a “Historic District” by being listed on the National Register of Historic Places.

Inventory: A listing of properties evaluated as contributing or non-contributing to a Historic District or potentially eligible for local Landmark designation or for listing in the National Register of Historic Places. Inventories are derived from field surveys.

Integrity: The authenticity of a property’s historic identity. The seven qualities of integrity as defined by the National Register of Historic Places are location, setting, feeling, association, design, workmanship, and materials.

Landmark: A Regulated Structure that is designated as a “Landmark” by ordinance of the City Council, pursuant to procedures prescribed in Division 3 of this Article.

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.

National Register of Historic Places (NRHP): The comprehensive list of Cultural Resources significant in American history, architecture, archeology, engineering, and culture. This list is maintained by the National Park Service under authority of the National Preservation Act of 1966.

Noncontributing Resource: Buildings, objects, sites, and structures that did not exist at the time of the event(s) associated with a Locally or Nationally Designated Historic District or have lost integrity from the district's period of significance.

Object: The term used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale. Objects may include a boundary marker, fountain, milepost, monument, sculpture, or statuary.

Owner(s) Of Record: The person(s), corporation, or other legal entity in whose name(s) the property appears on the records of the county recorder of deeds.

Preservation: The act or process of applying measures to sustain the existing form, integrity, and material of a historic building, site, structure, or object. Preservation may also entail the act of designating a Historic Resource a Landmark, getting a Historic Resource on the National Register of Historic Places, or establishing a Locally Designated Historic District.

Preservation Administrator: An employee of the community and economic development department that has been designated as the administrator of this Preservation Ordinance. This individual serves as Secretary to the Preservation Commission.

Property: A distinct parcel of real property which is assigned a separate tax parcel number by the county supervisor of assessments.

Regulated Activity: Any act or process involving the construction, reconstruction, rehabilitation, repair, relocation, alteration, or demolition of a Regulated Structure.

Regulated Structure: Any property or structure that is subject to the provisions of this Article because it has been designated as a Landmark or because it is located within a Locally Designated Historic District.

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

Relocation: Any repositioning of a 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.

Replacement-in-Kind: The act of replacing or rebuilding a structural element to correct the deterioration, decay of, or damage to a building, structure, or site using the same material, construction, and dimensions. Replacement material shall match the old

both physically and visually. Replacement-in-Kind projects do not require a Certificate of Appropriateness, but the Commission shall be notified when a Replacement-in-Kind project is approved by the Preservation Administrator at the next regularly scheduled meeting.

Restoration: The process of returning a property to an approximate state of its original construction and appearance or to a specific time period in relation to its significance as a historic property.

Preservation Administrator of the Interior's Standards: The "Preservation Administrator Of The Interior's Standards For Rehabilitation And Guidelines For Rehabilitating Historic Buildings", revised U.S. 1990, Department of the Interior, National Park Service, preservation assistance division, Washington, D.C.

Site: The location of an important event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possess historic, cultural, or archeological value. Examples of sites include designed landscapes, parks, natural features, ruins, or trails.

State Historic Preservation Office (SHPO): State agency that manages and administrates statewide preservation planning and cultural resource management programs, including the National Register of Historic Places and the Certified Local Government program. In Illinois, the SHPO is the Illinois Historic Preservation Agency.

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. (Ord. 83-61, § 2, 2-13-1984)

Survey: A survey is a study designed to identify and evaluate properties in a community, area or district to determine whether they may be of historic, architectural, archeological, engineering or cultural significance.

Sec. 11-93. Penalties:

Any person, firm, or corporation who alters, demolishes, repairs, or relocates any Landmark or any structure within a Locally Designated Historic District without complying with the provisions of this article 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, their designee, or by designated representatives of the Department of Community and Economic Development. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty contained in this section. If there is a willful violation of the provisions of this article, 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. (Ord. 83-61, § 12, 2-13-1984)

Sec. 11-94. Affirmation Of Existing Zoning:

Nothing contained in this article 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 article in no way modifies or negates existing zoning in the City. Thus 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. (Ord. 83-61, § 11, 2-13-1984)

Sections 11-95 through 11-100 reserved.

DIVISION 2. PRESERVATION COMMISSION

Sec. 11-101. Created:

- a) Membership: 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 ex officio nonvoting member, a representative of the department of Community and Economic Development. At least one member of the Commission shall be an attorney, one an architect, and one 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.
- b) Compensation: Commissioners shall serve without compensation.
- c) Terms: 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 year. Commissioners may serve only two (2) consecutive terms, but may be reappointed after a three (3) year waiting period.
- d) Associate Members: The Mayor may appoint 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. The number of associate members shall not exceed four (4).
 - (1) Compensation: Associate members shall serve without compensation.
 - (2) Term of Office: Associate members shall serve for a period of three (3) years. There shall be no limit to the number of terms an associate member may serve.
 - (3) Conduct: Associate members are an important resource to the Commission and may be called upon for input by voting members of the Commission or by City staff but they shall not serve on committees.
- e) Preliminary Determination Subcommittee: Voting members of the Commission shall elect no less than three Commission members and two alternates to serve on a Preliminary Determination Subcommittee for the purpose of conducting a preliminary review of applications for the nomination of a Landmark (see Section 11-111(b)). The Subcommittee shall:
 - (1) Elect a chair of the Subcommittee. The chair shall be a voting member of the Preservation Commission.
 - (2) Make a preliminary determination via a majority vote as to whether a property, structure, or area meets one of the seven criteria as defined in Section 11-111(b)(1)-(7).
 - (3) Conduct its meetings a minimum of fourteen (14) days prior to the proposed public hearing date of a proposed Landmark.
 - (4) Serve for a period of one year and shall be eligible for reelection.
 - (5) Conform to the requirements of the Open Meetings Act.

- (6) Serve without compensation.
- (7) Take minutes of each Preliminary Determination Subcommittee meeting, originals of which shall be kept in the office of the department of Community and Economic Development.

Sec. 11-102. Purpose:

The Commission is created for the purpose of:

- a) Identifying such property, structures, or areas within the City 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;
- b) Advising the City Council on the designation of such property, structures or areas as either Landmarks or Historic Districts, as defined herein;
- c) Protecting the distinctive visual characteristics of Landmarks or Locally Designated Historic Districts by
- d) Reviewing, giving advice and passing upon changes to their exterior architectural appearances; and
- e) Performing such other functions as may be useful or necessary to safeguard and enhance the community heritage as embodied in property, structures and areas. (Ord. 83-61, § 3C, 2-13-1984)
- f) Offering advice to owners of Landmark property seeking guidance of a technical nature, including architecture and design.

Sec. 11-103. Officers:

- a) Generally: Officers shall consist of a chair and vice chair elected by the Commission who shall each serve a term of one year and shall be eligible for reelection. Elections shall be held annually.
- b) Chair: The Chair shall preside over meetings. In the absence of the Chair, the Vice Chair shall perform the duties of the Chair. If both are absent, a temporary Chair shall be elected by those present.
- c) Preservation Administrator: The Preservation Administrator shall serve as the Secretary of the Commission and be a representative of the department of Community and Economic Development of the City. The Preservation Administrator shall:
 - (1) Take minutes of each Commission meeting, originals of which shall be kept in the office of community development and make these available to the public;
 - (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 decision 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 Preservation Administrator shall have no vote. (Ord. 83-61, § 4A--C, 2-13-1984)
- d) Elections and Appointments
- (1) Election of Officers. The Commission shall elect officers at its regular meeting during the month of April or the next regularly scheduled meeting. The Chair may either appoint a nominating committee to nominate a slate of candidates for presentation to the Commission or hold open nominations at the annual meeting. Voting shall be by the method deemed appropriate by the majority of the Commission members present. The order of election shall be the Chair first and the Vice Chair next.
 - (2) Removal of Officers. The Commission may remove any officer after a written statement signed by a majority of the current members and stating the reasons for removal is formally filed with the Commission and after a formal hearing by the Commission at which time said officer is afforded opportunity to respond to such statement. Such hearing shall be held no later than five (5) weeks after formal filing of the written statement and only after written notice of the hearing has been given to all Commission members at least two weeks in advance of such hearing. Such notice shall include a copy of the statement of reasons for removal. Following such hearing said officer may be removed only upon an affirmative vote of a majority of the Commission members.
 - (3) Replacement of Officers. In the event any office of the Commission becomes vacant, a replacement shall be elected at the next regular meeting to serve the unexpired term of the vacated office.
 - (4) Temporary Absence of Officers.
 - a. Temporary Appointments by Chair. In the event of the temporary absence, disability, or disqualification of any officer, the Chair may appoint other members to serve temporarily in their capacity and to assume during such temporary period all the powers and duties of such officers as may be immediately necessary to carry out the duties of that office.
 - b. Temporary Appointments by the Commission. In the event that the Chair and the Vice-Chair of the Commission should be absent or unable for any reason to attend to the duties of their office, the members of the Commission may at any regular meeting or special meeting called for that purpose, appoint a Chair pro tem or a Vice-Chair pro tem, as the case may be, who shall attend to all the duties of such officer until such officer shall return to be able to attend to their duties.

Sec. 11-104. Meetings:

- a) A quorum shall consist of a majority of the voting members of the Commission.

- b) Designation of Landmarks and Locally Designated 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.
- c) Meetings shall be held at regularly 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 chair. There shall be a minimum of six (6) meetings per year.
- d) No Commissioner shall vote on any matter which materially or apparently may affect the property, income or business interest of that Commissioner.
- e) All meetings shall conform to the requirements of the Open Meetings Act.
- f) 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 public meeting(s) of the Commission, as provided herein. (Ord. 83-61, § 4D, 2-13-1984)
- g) The Preservation Administrator or delegate thereof has the authority to review and approve applications involving the Replacement-in-Kind of structural elements, but the Commission shall be notified when a Replacement-in-Kind project is approved by the Preservation Administrator at the next regularly scheduled meeting.

Sec. 11-105. Vacancies:

The seat of any voting member of the Commission who fails to attend three (3) consecutive meetings without a valid reason, or who fails to attend one-half (1/2) 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. (Ord. 83-61, § 4E, 2-13-1984)

Sec. 11-106. Powers And Duties:

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 and archeological areas.
- 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 the adoption of ordinances designating certain Rock Island areas as having special historic, community, architectural or archeological value as Locally Designated Historic Districts.
- e) To keep a register of all property and structures which have been designated under this article, 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 Locally Designated Historic District 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 Locally Designated Historic Districts and for additions to, alterations, removal or demolition of Landmarks or structures within Locally Designated 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 develop criteria for the alteration, construction or removal of Landmarks or property and structures within Locally Designated Historic Districts.
- l) To review proposed zoning amendments, applications for special uses, or applications for zoning variances that affect designated Landmarks and Locally Designated 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. The Preservation Commission shall review the special use or zoning variance request at a regular meeting. The Preservation Commission's comment on the request shall be noted in the meeting minutes to be transmitted to the Planning Commission, Board of Zoning Appeals, or City Council for their review and consideration.
- m) To accept and administer on behalf of the City, upon designation by the City Council, such gifts, grants and money as may be appropriate for the purposes of this article.
- n) 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.
- o) To confer recognition upon the owners of Landmarks or property or structures within Historic Districts by means of certificates, plaques or markers.
- p) To develop a preservation component in the Comprehensive Plan of the City and to recommend it to the Planning Commission and the City Council.
- q) 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 Locally Designated Historic Districts.

- r) To assist owners of Landmark structures or contributing structures within certified historic districts to receive certification for repairs and alterations so that the owner will qualify for investment tax credit.
- s) 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 article. (Ord. 83-61, § 5, 2-13-1984)

Sections 11-107 through 11-110 reserved.

DIVISION 3. PROCEDURES

Sec. 11-111. Landmark Designation:

- a) **Nomination:** Nominations shall be made to the Commission on an application form provided by the Preservation Administrator. Said application shall be accompanied by a filing fee to cover the costs associated with processing the application and legal notification. Should the application be withdrawn prior to publication of legal notice thereon, such fee will be returned upon the written request of the applicant.

Nomination applicants shall include the following information:

- (1) Property address of proposed Landmark.
- (2) Name and address of applicant.

If an application is determined to be incomplete by the Preliminary Determination Subcommittee, the applicant may withdraw the nomination in order to resubmit a complete application.

- b) **Criteria:** The Commission shall consider the following criteria when determining whether to designate a Landmark or Locally Designated Historic District. It shall be the responsibility of the nominator(s) to provide evidence of suitability for Landmark or Locally Designated Historic District status as well as documentation of the evidence.
- (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. A filing fee shall be paid by the applicant after a preliminary determination of significance has been made by the Commission.

- c) **Notification:** Within ten (10) days following a preliminary determination that a proposed Landmark meets one or more of the criteria in subsection (b) of this section, 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) Public Hearing: 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 (b) of this section.
 - (1) Notice of the 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. 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 (b) of this section. The Inspection Division and the Planning Division of the City 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 (b) of this section 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 (b) of this section.
- e) Decision: 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, 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. The owner(s) of record shall be notified promptly by a letter containing a copy of the decision.
 - (3) The Preservation Administrator shall send a copy of the resolution and the accompanying report to the City Council.
 - (4) The Preservation Administrator shall send a copy of the resolution to the nominator(s).
 - (5) The Preservation Administrator shall send a copy of the resolution to the Inspection Division.
 - (6) The Preservation Administrator shall record the designation with the county recorder of deeds, unless an appeal is filed in accordance with the procedures contained herein.

- (7) 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) Appeal: 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's 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.
- (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 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 county recorder of deeds.
- g) Subsequent Alterations Subject To Certificate: 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) Amendment or Rescission of Designation: Designation may be amended or rescinded by the same procedure and according to the same criteria set forth herein for designation. (Ord. 83-61, § 6, 2-13-1984; Ord. 84-55, §§ 1, 2, 10-15-1984; Ord. 86-05, § 1, 2-24-1986; Ord. 33-2003, § 5, 4-21-2003)

Sec. 11-112. Historic District Designation:

- a) Nomination: Nominations shall be made on a form provided by the Preservation Administrator. Said application shall be accompanied by a filing fee to cover the costs associated with processing the application and legal notification. Should the application be withdrawn prior to publication of legal notice thereon, such fee will be returned upon the written request of the applicant. Nominations must be accompanied by a petition signed by twenty five percent (25%) of the Owners of Record within a proposed Locally Designated Historic District.
- b) Criteria: The Commission shall consider the following criteria when determining whether an area merits historic district designation. It shall be the responsibility of the nominator(s) to provide evidence of suitability for Locally Designated Historic District status as well as documentation of the evidence.
- (1) A significant number of structures meeting any of the standards in subsection 11-111(b) of this division are located within the proposed boundaries.

(2) A traditional Rock Island neighborhood, commercial area, or public activity center is within the proposed boundaries.

(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. A filing fee plus the cost of postage to affected and neighboring properties (determined at time of application) shall be paid by the applicant after a preliminary determination of significance has been made by the Commission.

- c) Notice Of Proposed Designation: Within ten (10) days following a preliminary determination that a proposed historic district meets one or more of the criteria in subsection (b) of this section, 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 Locally Designated 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 subsection, "property" shall be defined as a distinct parcel of real property which is assigned a separate tax parcel number by the 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 their 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) Hearing: The Commission shall schedule a public hearing within forty five (45) days following a preliminary determination that a proposed Locally Designated Historic District meets one or more of the criteria in subsections (b) and (c) of this section.
- (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. 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 (b) of this section. The Inspection Division and the planning division of the City 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 (b) of this section to the proposed 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 (b) of this section.
- e) Decision: 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, 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 Preservation Administrator shall send a copy of the resolution and the accompanying report to the City Council.
 - (5) The Preservation Administrator shall send a copy of the resolution to the nominator(s).
 - (6) The Preservation Administrator shall send a copy of the resolution to the inspection division.
 - (7) The Preservation Administrator shall record the designation with the 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) Appeals: A decision by the Commission granting historic district designation may be appealed to the City Council by an Owner of Record of property in the Locally Designated 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 Locally Designated 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's 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.
 - (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 Locally Designated Historic District. The 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 county recorder of deeds.

- g) Subsequent Alteration Subject To Certificate: A Certificate of Appropriateness shall be required for alteration, construction, removal or demolition of a structure within a proposed Locally Designated 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 (b) of this section until the final disposition of the petition.
- h) Amendment: Designation may be amended by the same procedure and according to the same criteria set forth herein for designation. (Ord. 83-61, § 7, 2-13-1984; Ord. 84-55, §§ 3, 4, 10-15-1984; Ord. 86-05, § 2, 2-24-1986; Ord. 33-2003, § 6, 4-21-2003)

Sec. 11-113. Certificates of Appropriateness:

- a) Applicability. A Certificate of Appropriateness shall be required before the following actions affecting the exterior architectural appearance of any Landmark or any Regulated Structure may be undertaken.
 - (1) Any alteration, construction, or relocation requiring a building permit from the City.
 - (2) Any alteration, construction, or relocation, or replacement of windows or doors, colored, leaded, etched or beveled glass, fencing or walls, and signs.
 - (3) Any demolition in whole or in part requiring a permit from the City.
 - (4) No Certificate of Appropriateness shall be required for change in exterior paint scheme or colors, installation of or change in window air conditioners, installation of or change in television satellites, or ordinary repair or maintenance of existing architectural features which does not change the basic structural appearance of the building.
 - (5) The Preservation Administrator is expressly authorized to issue Certificates of Appropriateness of in-kind replacement of materials with like materials.
- b) Application. Applications for certificates of appropriateness shall be made to the Commission on a form provided by the Preservation Administrator. Applicants may request a consultation meeting with the Commission prior to the review meeting where the Commission makes its determination.
- c) Emergency Circumstances. If the emergency circumstances affect a Landmark or a structure within an historic district which requires 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 article, permission to conform to those codes must be granted even if a Certificate of Appropriateness would not ordinarily be issued.

- d) 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 Locally Designated Historic District. The criteria to be used by the Commission in making its determination shall include, but not be limited to:
- (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 Locally Designated Historic District shall be evaluated against the following general guidelines:
 - i. Height: The height of the proposed structure or additions or alterations should be compatible with surrounding structures.
 - ii. Proportions Of Structure's Front Facade: The proportion between the width and height of the proposed structure should be compatible with nearby structures.
 - iii. Proportions Of Openings Into The Facility: The proportions and relationships between doors and windows should be compatible with existing structures.
 - iv. Relationship Of Building Masses And Spaces: The relationship of a structure to the open space between it and adjoining structures should be compatible.
 - v. Roof Shapes: The design of the roof should be compatible with adjoining structures.
 - vi. 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.
 - vii. Scale Of Structure: The scale of the structure should be compatible with surrounding structures.
 - viii. 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.
 - ix. 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.
 - (3) Alterations should be made in accordance with the Preservation Administrator of the interior's "Standards For Historic Preservation Projects" and other guidelines that may be developed and used by the Commission for Certificate of Appropriateness review purposes as revised from time to time:

- i. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure or site and its environment, or to use a property for its originally intended purpose.
- ii. 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.
- iii. 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.
- iv. 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.
- v. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.
- vi. Deteriorated architectural features shall be repaired rather than replaced, wherever 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.
- vii. 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.
- viii. Every reasonable effort shall be made to protect and preserve archeological resources affected by or adjacent to any project.
- ix. 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.
- x. 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.

(4) Review process.

- i. 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 Locally Designated Historic District and is appropriate or consistent with the

spirit and purposes of this article, it shall authorize, by a majority vote, the Preservation Administrator to issue a Certificate of Appropriateness and forward copies to the applicant and the inspection division.

- ii. 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 Locally Designated Historic District or is inappropriate or inconsistent with the spirit and purposes of this article, it shall deny the application by a majority and shall so direct the Preservation Administrator to notify the applicant within ten (10) days of the decision.
 - 1) 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.
 - 2) 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 of the application they amend their application to conform to the recommendations or makes application for a Certificate of Economic Hardship as provided for in section 11-114. 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 vote.
 - 3) At the request of the applicant, within fifteen (15) days following disapproval of an application, the Commission shall hold a public hearing. The Commission shall also hold a public hearing upon receipt of an application for a Certificate of Economic Hardship pursuant to section 11-114.
 - 4) 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.
 - 5) 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 (e) herein.

- 6) 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.

(Ord. No. 83-61, § 8, 2-13-84)

Sec. 11-114. Certificate of Economic Hardship:

- a) Notwithstanding any of the provisions of the article 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.
- b) Applicants claiming economic hardship shall be required to apply to the 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.
- c) 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 (2) most recent assessments.
 - (3) Real estate taxes for the previous two (2) years.
 - (4) Remaining balance on mortgage, if any, and annual debt service, if any, for the previous two (2) years.
 - (5) All appraisals obtained within the previous two (2) years by the owner or applicant in connection with their 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 (2) years, itemized operating and maintenance expenses for the previous two (2) 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 or not-for-profit corporation, limited partnership, joint venture or other.
 - (10) Evidence of any substantial decrease in fair market value, unfavorable tax impact, or additional cost of work resulting from the denial of a COA.

- (11) In the case of a proposed demolition, the economic feasibility of rehabilitation or reuse.
 - (12) 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.
- d) 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 this article, a reduction in real property taxes, financial assistance, building code modifications and/or changes in zoning regulations.
 - e) 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. (Ord. 83-61, 2-13-1984)

Sec. 11-115. 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 Preservation Administrator 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 Preservation Administrator shall notify the applicant and the inspection division within seven (7) days. (Ord. 83-61, 2-13-1984)

Sections 11-116 through 11-120 reserved.