

Chapter 16 - HISTORIC PRESERVATION

Footnotes:

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Cross reference— *Buildings and building regulations, ch. 5; flood damage prevention and control, ch. 12; health and sanitation, ch. 15; licenses and miscellaneous business regulations, ch. 18; parks and public grounds, ch. 21; planning, ch. 23; streets, sidewalks and other public places, ch. 26; traffic and motor vehicles, ch. 28; trees and shrubs, ch. 29; water, sewers and sewage disposal, ch. 31; subdivision regulations, app. A; zoning regulations, app. B.*

ARTICLE I. - IN GENERAL

Sec. 16-1. - Declaration of policy.

It is hereby found and declared by the city council that it is required in the interest of the public's health, safety and general welfare and is necessary to sound urban planning that those properties and improvements having special historical, architectural, community or aesthetic significance be preserved, enhanced and continued in or restored to use; it being further found and declared that the city's economic vitality and tax base cannot be maintained and enhanced without regard for the city's heritage and older neighborhoods.

(Ord. No. 11990, § 1, 8-15-89)

Sec. 16-2. - Purposes.

It is hereby declared necessary for the general welfare of the citizens of the city as an exercise of the Home Rule authority of the city under Article VII, Section 6, of the Illinois Constitution and section 11-48.2-1 et seq. of the Illinois Municipal Code (65 ILCS 5/11-48.2-1 et seq.) to protect and encourage the continued utilization of areas, districts, places, buildings, structures, works of art and other similar objects within the city eligible for designation by ordinance as landmarks and historic districts for the following purposes:

- (1) To designate, preserve, enhance and perpetuate those properties and improvements which reflect the historical, cultural, artistic, social, ethnic or other heritage of the nation, state or community; or which may be representative of an architectural or engineering type inherently valuable for the study of a style, period, craftsmanship, method of construction or use of indigenous materials.
- (2) To preserve the character and vitality of the neighborhoods and central area, to promote economic development through rehabilitation and to conserve and improve the property tax base of the city.
- (3) To protect and enhance the attractiveness of the city to homeowners, home buyers, tourists, visitors, businesses and shoppers and, thereby, to support and promote business, commerce, industry and tourism and to provide economic benefit to the city.
- (4) To stabilize and improve the economic vitality and value of the designated properties and improvements in particular and of the city in general.
- (5) To preserve the existing housing stock.
- (6) To foster civic pride in the beauty and accomplishments of the past.
- (7) To enhance the city's attraction to visitors and, thereby, support and stimulate commerce and industry.
- (8) To promote and encourage the continued private ownership and use of designated properties and

improvements to the maximum extent consistent with the above objectives.

- (9) To foster and encourage the preservation, restoration and rehabilitation of areas, districts, places, buildings, structures, works of art and other objects, including entire districts and neighborhoods, and, thereby, prevent future urban blight and in some cases reverse current urban deterioration.
- (10) To encourage the continuation of surveys and studies of the city's historical and architectural resources and the maintenance and updating of a register of areas, districts, places, buildings, structures, works of art and other objects which may be worthy of landmark or historic district designation; and
- (11) To encourage public participation in identifying and preserving historical and architectural resources through public hearings on proposed designations, building permits and economic hardship variations.

(Ord. No. 11990, § 1, 8-15-89)

Sec. 16-3. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alteration means any act or process which changes one or more of the exterior architectural appearance of a structure or improvement, including, but not limited to, the erection, construction and reconstruction of any improvement. Further, "alteration" shall mean any act or process which changes or alters the significant landscaping (as defined by this article) of any property.

Certificate of appropriateness means a statement containing the signature of the secretary verifying that the commission has reviewed an application to allow the alteration or demolition of any improvement upon a landmark site or within a historic district; and that the commission has found the requested action to be appropriate to the general character of the landmark site or historic district; and that the requested action may be taken subject to applicable building and zoning codes.

Certificate of economic hardship means the certificate granted by the commission in cases of economic hardship pursuant to section 16-65.

Commission means the historic preservation commission.

Demolition means any act or process which destroys or removes, in whole or in part, an improvement which has been designated for preservation under this chapter.

Evergreen tree means any tree with conical foliage that persists and remains green yearround.

Exterior architectural appearance includes the architectural character, general composition and general arrangement of the exterior of a structure or improvement, including the kind, color and texture of the building material and the type of character and design of all windows, doors, light fixtures, signs, fences and appurtenant elements.

Historic district means a place or area designated as a historic district by ordinance of the city council pursuant to procedures prescribed hereunder. In order to be designated, one or both of the following requirements shall be met:

- (1) The historic district contains within definable geographic boundaries one or more landmarks along with such other buildings, places or areas which, while not of such historic significance to be designated as landmarks, nevertheless, contribute to the overall visual characteristics of the landmark or landmarks

located within the district.

- (2) The historic district contains within definable geographic boundaries such buildings, places or areas which, while not of such individual significance to be designated as landmarks, nevertheless as an aggregate possess historic significance for the city in:
- a. Establishing a sense of time and place unique to the city; and/or
 - b. Exemplifying or reflecting the cultural, social, economic, political or architectural history of the nation, the state or the city; and/or
 - c. Representing distinguishing characteristics of an architectural type which is inherently valuable for studying a period, style, method of construction, indigenous materials or unique craftsmanship.
- By either definition, the buildings, places or areas within the historic district, by their inclusion therein, are of sufficient historic significance to be worthy of rehabilitation, restoration and preservation.

Historic structure means any structure or building designated as a landmark or located in a historic district.

Improvement means any building, structure, wall, fence, steps, paving, gate, sign, light, general arrangement of place or area, the kind of texture or quality of building material, significant landscaping (as defined by this article) or landscape architecture or work of art, excluding yard fixtures (as defined by the article) which may be erected upon or proposed to be erected upon any specific real estate and any streets, sidewalks, curbs or alleys or other public improvements located within a historic district or which have designated landmarks.

Landmark means any improvement designated as a landmark by ordinance of the city council, pursuant to procedures prescribed herein, which is worthy of rehabilitation, restoration and preservation because of its historic significance to the city in:

- (1) Establishing a sense of time and place unique to the city; and/or
- (2) Exemplifying or reflecting the cultural, social, economic, political or architectural history of the nation, the state or the city; and/or
- (3) Representing distinguishing characteristics of an architectural type which is inherently valuable for studying a period, style, method of construction, indigenous materials or unique craftsmanship.

Landscaping means an area where trees, shrubs, flowers, lawn or other plantings are provided and which have been specifically identified by the commission when designating a landmark or historic district.

Limited right of cross examination means within limits determined at the discretion of the chair, based on totality of the circumstances.

Ornamental tree means a deciduous tree planted primarily for its ornamental value or for screening purposes. It tends to be smaller at maturity than a shade tree.

Shade tree means any tree planted primarily for its high crown of foliage or overhead canopy. It is usually a deciduous tree, rarely an evergreen.

Significant landscaping means existing landscaping that is defined as follows:

- (1) Any shade tree that has an eight-inch or greater trunk diameter that is measured from a height of five feet above grade of the adjoining ground.
- (2) Any ornamental tree which has a height and/or spread of 15 feet or more.

(3) Any evergreen tree which has a height of 20 feet or more.

Yard fixtures means outdoor items which include, but are not limited to, children's play equipment, dog houses, sculpture, fountains, birdbaths, and garden furniture.

(Ord. No. 11990, § 1, 8-15-89; Ord. No. 13369, § 1, 4-7-92; Ord. No. 16578, § 1, 6-22-10; Ord. No. 16665, § 1, 2-8-11)

Sec. 16-4. - General provisions.

- (a) No provision in articles I through IV of this chapter shall be construed as repealing any other code or ordinance of the city except as otherwise specifically provided herein, and any permit or license required thereunder shall be required in addition to any certificate of appropriateness or economic hardship which may be required hereunder; provided, however, that where a certificate of appropriateness or economic hardship is required, no such other permit or license shall be issued by any department of the city before a certificate has been issued by the commission as herein provided.
- (b) The use of property and improvements which have been designated under this chapter shall be governed by the city's zoning ordinance.
- (c) Whenever there is a conflict between the provisions of articles I through IV of this chapter or a regulation adopted hereunder and the provisions of any other code or ordinance of the city, the more restrictive shall apply.
- (d) For purposes of remedying emergency conditions determined to be dangerous to life, health or property, the commission may waive the procedures set forth herein and grant the immediate approval for a certificate of appropriateness. The commission shall state its reasons in writing for such immediate approval.

(Ord. No. 11990, § 1, 8-15-89)

Sec. 16-5. - Zoning.

Whenever an application for a zoning map amendment, variation or special use permit (including a modification or renewal thereof) is submitted to the zoning administrator for property within a designated historic district, or which is a landmark site, then a notice of any public hearing to be held on the application by the zoning commission shall be sent to the historic preservation commission. Such notice shall be the same as that sent to owners of property adjacent to that for which the application was filed. The historic preservation commission may submit its comments to the zoning commission which shall consider such comments, decisions or recommendations on the application.

(Ord. No. 11990, § 1, 8-15-89)

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

- (a) *Ordinary maintenance.* Nothing in Articles I through IV of this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in a historic district or on a landmark site which does not involve a change in design, material, color or the outward appearance thereof; nor to prevent any alteration or demolition which the community development director shall certify is required by the public safety because of an unsafe or dangerous condition, as defined in section 5-402(2), (5), and (6) of the Code of the City of Peoria regarding dangerous buildings; nor to prevent any alteration or demolition under a certificate of appropriateness issued prior to August 15, 1989. For all demolitions in which the community development director certifies as an unsafe or dangerous building, a second city department, must sign off

prior to the demolition, indicating there is an unsafe or dangerous condition present requiring the building to be demolished. In addition, a report must be provided to the commission at the next regularly scheduled meeting following the demolition, with an explanation regarding the reason the structure was demolished.

- (b) *Emergency repairs by the city and public utilities.* No certificate of appropriateness is necessary for any emergency repairs or for ordinary maintenance and repairs rendered by the city and/or a public utility to any sidewalk, street, curb, gutter or alley, which are deemed an improvement pursuant to Articles I through IV of this chapter; provided that the improvement is returned to its original appearance.
- (1) A certificate of appropriateness shall be required if a proposed alteration or demolition by the city and/or public utility constitutes a material change in the exterior architectural appearance of a landmark or of an improvement located within a historic district.
- (2) The procedures for obtaining a certificate of appropriateness, as set forth in section 16-62, apply to the city; except that, following a denial of the city's application, the city manager may, within 30 days after the determination, file with the city clerk a written appeal to the city council.
- a. If an appeal is not filed within such time, the decision by the commission shall be the final administrative decision.
- b. Within 30 days after such an appeal is filed, the city council shall, by resolution, affirm or reverse the commission's decision. The city council may also modify the commission's decision. The city council's decision shall be the final administrative decision.
- (c) *Significant landscaping and improvements to the public way.* Nothing in this chapter shall be construed to prevent the ordinary maintenance of the public way the ordinary maintenance of significant landscaping, nor to prevent the removal of such landscaping, or the reconfiguration of the public way which the director of public works certifies is required for the public safety because of an unsafe or dangerous condition. Any landscape maintenance shall be done in accordance with generally acceptable horticultural practice.

(Ord. No. 11990, § 1, 8-15-89; Ord. No. 13369, § 1, 4-7-92; Ord. No. 13551, § 1, 4-6-93; Ord. No. 17291, § 1, 11-10-15; Ord. No. 17539, § 1, 12-12-17)

Sec. 16-7. - Eminent domain.

In the exercise of the powers granted herein for the protection of any landmark or historic district, the commission may recommend to the city council that the council exercise its power of eminent domain on behalf of the commission.

(Ord. No. 11990, § 1, 8-15-89)

Sec. 16-8. - Violations.

- (a) Any person who causes the alteration or demolition of any locally designated historic property without complying with the requirements of Articles I through IV of this chapter or who violates the provisions of section 16-66 shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$150.00 nor more than \$500.00. Each day such a violation or failure to comply is continued, or permitted to exist, after notification thereof, shall constitute a separate offense.

Fines will be applied according to the following schedule:

First offense\$150.00

Second offense250.00

Third offense (or more)500.00

- (b) Notwithstanding the provisions of subsection (a) of this section, in the event any improvement, building or structure is erected, constructed, reconstructed, altered, added to or demolished in violation of articles I through IV of this chapter, the city may institute appropriate proceedings to prevent or remedy such unlawful erection, construction, reconstruction, alteration, addition or demolition.

(Ord. No. 11990, § 1, 8-15-89; Ord. No. 15285, § 1, 3-5-02)

Sec. 16-9. - Fees.

The following fees shall be submitted upon time of application:

(1) Local historic district designation\$200.00

(2) Local historic landmark designation50.00

(\$50.00 will be waived if an application is submitted by a recognized neighborhood association.

(3) Certificates of appropriateness25.00

(Fee will be waived if submitted by a recognized neighborhood association.)

(Ord. No. 13551, § 1, 4-6-93; Ord. No. 15277, § 1, 2-12-02; Ord. No. 15399, § 1, 12-10-02; Ord. No. 15570, § 1, 1-13-04; Ord. No. 15827, § 1, 9-6-05)

Secs. 16-10—16-35. - Reserved.

ARTICLE II. - COMMISSION

Footnotes:

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Cross reference— *Administration, ch. 2; planning and zoning commission, § 23-46 et seq.*

Sec. 16-36. - Membership; organization.

- (a) There is hereby created a historic preservation commission which shall consist of seven members whom except for a licensed real estate broker representative shall be residents of the city. At least one member shall be a licensed real estate broker who shall either be a resident or be employed by an employer with its principal place of business located within the city, at least one shall be a representative of the Peoria Historical Society, at least one shall be a licensed architect and the remaining four at-large members shall have demonstrated an interest in historic preservation.
- (b) All voting members of the commission shall be residents of the city and shall be appointed on the basis of demonstrated expertise, experience or interest in the areas of anthropology, architecture, art, building construction, engineering, finance, historical and architectural preservation, history, law, neighborhood organizing, planning or real estate.
- (c) The mayor shall appoint, subject to council approval, the members of the historic preservation commission

for terms as set forth in section 2-162 of this Code.

- (d) The commission shall elect annually a chairman and vice-chairman from among the members of the commission for terms of one year. The chairman shall preside over meetings. In the absence of the chairman, the vice-chairman shall perform the duties of the chairman.
- (e) The commission shall adopt rules for the conduct of its business. Commission meetings shall be held at regular intervals at least once a month. All meetings shall be open to the public.
- (f) A quorum shall consist of the majority of the commission. The transaction of business shall be made by a majority vote of those members in attendance while a quorum is present, except that the adoption, modification or rescission of any rule or part thereof shall require the affirmative vote of four members. Members shall be automatically dismissed from the commission upon failure to attend at least two-thirds of all meetings held during a one-year period.
- (g) The mayor may, in his discretion, remove any member for incompetence, neglect of duty or malfeasance in office. The mayor shall, within ten days, report in writing such removal to the city council with the reasons therefor.
- (h) No commissioner shall vote on any matter which may materially or apparently affect the property, income or business interest of that commissioner. No action shall be taken by the commission which directs a private owner to do or refrain from doing any specific thing, or which refuses to permit a private owner to do some specific thing he desires to do, in connection with property designated as set forth herein; unless due notice is given to such owner as provided herein and unless such owner shall have had the opportunity to be heard at a public meeting of the commission.

(Ord. No. 11990, § 1, 8-15-89; Ord. No. 13380, § 4-28-92; Ord. No. 13435, § 1, 8-4-92; Ord. No. 17021, § 1, 9-10-13; Ord. No. 17291, § 1, 11-10-15)

Sec. 16-37. - Powers and duties.

The historic preservation commission is hereby authorized to:

- (1) Recommend to the city council the designation of landmarks and historical districts within the corporate limits of the city in accordance with the procedures and standards hereinafter set forth.
- (2) Issue, modify or deny certificates of appropriateness and economic hardship in accordance with the procedures and criteria hereinafter set forth.
- (3) Adopt rules and regulations, including such guidelines as may be deemed necessary for the review of applications for certificates of appropriateness.
- (4) Keep a register of all property and improvements which have been designated for preservation under articles I through IV of this chapter. This register shall include the information required of each designation along with the appropriate maps.
- (5) Retain, upon approval by the city council, such specialists as may be required from time to time.
- (6) Engage in mutual cooperation with other city departments and commissions on matters affecting the property and improvements which have been designated for preservation.
- (7) Make suggestions and recommendations relative to the nomination of designated property and improvements to state and national registers.
- (8) Perform any and all functions which will foster the marking and maintenance of designated property and

improvements in accordance with the respect to which they are entitled and as will aid the public in visiting such areas with convenience and in appropriate surroundings.

- (9) Recommend the city's acquisition by donation, purchase or eminent domain of a fee or lesser interest in designated property and improvements, including, but not limited to, easements, covenants and leasehold interests; and to reconstruct, recommend, on maintenance, operation or transfer of such property so acquired, all in accordance with the purposes, procedures and standards set forth in articles I through IV of this chapter.
- (10) Induce by contract or other consideration the creation of covenants or restrictions binding on land.
- (11) Receive funds from federal, state and private sources for deposit in a separate account of the city to be referred to as the preservation fund, which funds shall only be loaned or expended by the commission with approval of the city council for such purposes as are set forth in articles I through IV of this chapter; and if the commission shall be dissolved, then any amounts remaining in such fund shall be applied by the city council to further the purposes of articles I through IV of this chapter.
- (12) Recommend the city's acquisition by donation, purchase or eminent domain of a fee or lesser interest in property which is within the public view and adjacent to or immediately surrounding designated property and improvements, the alteration, clearance or maintenance of which is important for the proper preservation and use of the designated property and improvements.
- (13) Prepare and publish maps, brochures and other description material about the city's landmarks and historic districts.
- (14) Cooperate with and enlist the assistance of persons, organizations, corporations, foundations, public agencies and other governmental agencies and not-for-profit organizations in matters involving historic preservation, renovation, rehabilitation and reuse.
- (15) Adopt, publish and make available bylaws for the conduct of commission meetings not inconsistent with the Administrative Review Law (735 ILCS 5/3-101 et seq.).
- (16) Make recommendations to the city council, pursuant to procedures prescribed hereunder, relative to the exercise of eminent domain powers.
- (17) Certify articles I through IV of this chapter with the office of preservation services of the state department of conservation and with the secretary of the United States Department of the Interior so as to qualify historic structures under articles I through IV of this chapter as certified historic structures pursuant to section 46 of the Internal Revenue Code.
- (18) Identify and certify for historic preservation purposes such organization or organizations to which fee titles or lesser interests in property may be granted by recommendation of the commission.
- (19) Act as conservator of and, therefore, sue on behalf of any landmark or historic district when it appears to the commission that the interest of the public in the landmark or historic district is in need of protection through the exercise of litigation.

(Ord. No. 11990, § 1, 8-15-89)

Sec. 16-38. - Designation criteria.

- (a) The historic preservation commission shall, upon such investigation as it deems necessary, make a determination as to whether a nominated property, structure or area meets three or more of the following

criteria:

- (1) Its character, interest or value as part of the development, heritage or cultural characteristics of the city, the county, the state or the United States of America.
 - (2) Its location as a site of a significant local, county, state or national event.
 - (3) Its identification with a person who significantly contributed to the development of the city, the state or the nation.
 - (4) Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction or use of indigenous materials.
 - (5) Its identification as the work of a master building designer, architect or landscape architect whose individual work has influenced the development of the city, the state or the nation.
 - (6) Its embodiment of elements of design, detailing, materials or craftsmanship that render it architecturally significant.
 - (7) Its embodiment of design elements that make it structurally or architecturally innovative.
 - (8) Its unique location or singular physical characteristics that make it an established or familiar visual feature.
 - (9) Its character as a particularly fine or unique example of a utilitarian structure with a high level of integrity or architectural significance.
 - (10) The owner(s) consent.
- (b) Any structure, property or area that meets three or more of the above criteria shall also be suitable for preservation or restoration and have sufficient integrity of location, design, materials and workmanship to make it worthy of preservation or restoration.

(Ord. No. 11990, § 1, 8-15-89; Ord. No. 16665, § 1, 2-8-11)

Secs. 16-39—16-60. - Reserved.

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

Sec. 16-61. - Scope of regulation.

Work on property and improvements shall be regulated as follows:

- (1) *Landmarks*. Except as otherwise noted in section 16-63(a), no alterations, interior construction which affects structural members, exterior construction, removal of significant landscaping or exterior demolition may be performed on property and improvements which have been designated under Articles I through IV of this chapter as landmarks except as shall be approved by a certificate of appropriateness.
- (2) *Historic districts*. Except as otherwise noted in section 16-63(a), no alterations, exterior construction, removal of significant landscaping or exterior demolition may be performed on property and improvements located within an area which has been designated under Articles I through IV of this chapter as a historical district except as shall be approved by a certificate of appropriateness.

(Ord. No. 11990, § 1, 8-15-89; Ord. No. 13369, § 1, 4-7-92; Ord. No. 16578, § 1, 6-22-10)

Sec. 16-62. - General standards, criteria.

- (a) *Standards.* Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the improvement, building, structure or site and its environment or to use a property for its originally intended purpose.
- (1) The distinguishing original qualities or character of an improvement, building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature or the exterior architectural appearance shall be prohibited unless otherwise provided for in Articles I through IV of this chapter.
 - (2) All improvements, buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance than the true age of the improvements shall be discouraged.
 - (3) Changes which may have taken place in the course of time are evidence of the history and development of an improvement, building, structure or site and its environment. These changes may have acquired significance in their own rights, and this significance shall be recognized and respected when dealing with a specific architectural period.
 - (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize an improvement, building, structure or site shall be treated with sensitivity.
 - (5) Deteriorated architectural features shall be repaired rather than replaced whenever possible. In the event that replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
 - (6) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
 - (7) Every reasonable effort shall be made to protect and preserve historic sites, structures, improvements or resources affected by or adjacent to any project.
 - (8) New structures or alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the exterior architectural appearance and the size, scale, color, material and character of the property, neighborhood or environment.
 - (9) Wherever possible, new additions or alterations to structures shall be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
 - (10) Electronic multiple message signs, as defined in Appendix B, Article 18 of the City of Peoria Code, are prohibited in local historic districts or on properties containing a structure designated as a historic landmark. All other signs require a major certificate of appropriateness.
- (b) *Height.* The height of any proposed alteration or construction shall be compatible with the style and character of the subject building and with surrounding structures in a historic district.
- (c) *Relationship of building masses and spaces.* The relationship of a structure within a historic district to the

open space between it and adjoining structures should be compatible.

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

(Ord. No. 11990, § 1, 8-15-89; Ord. No. 17291, § 1, 11-10-15)

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

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

(a) *Types of certificates of appropriateness*.

(1) *No certificate of appropriateness required*:

- a. Removal of vegetative materials except trees that meet the definition of significant landscaping
- b. Installation of plant materials including flowers, shrubs, lawns, hedges and trees.
- c. Maintenance, including pruning trees and thinning plants.
- d. Removal of trees prohibited by City of Peoria Code Appendix B and C.
- e. Removal of dead trees.
- f. Yard fixtures when confined to the rear yard.
- g. Grading and filling consistent with surrounding grades.
- h. Paint applied to existing painted surfaces.
 - i. Paint that results in a maximum of three colors for the primary structure - may include one contrasting color (from the three permitted colors) to accent trim details and doorways only.
 - j. Paint that matches a generally accepted historical color palate.
- k. Gutters and downspouts that meet the following: Original gutters and downspouts, such as boxed or built-in types, shall be repaired and replaced whenever possible. If built-in gutters are covered over, and new half-round or K-style gutters are added, the cornice shall remain in profile and not be completely removed, so they appear similar from the street. New gutters and downspouts shall be located with minimal visual impact and shall blend in color with the trim or body of the structure. Downspouts shall be placed on the side or rear of the house and shall be used in conjunction with splash blocks to avoid water damage to the structure. When visible, hang-on type gutters and downspouts shall match the original design.

(2) *Administrative certificate of appropriateness*: Administrative certificates of appropriateness are certificates reviewed by the director of planning and growth management for non-permanent or easily altered improvements to structure, property or landscaping as determined by the commission such as but not limited to: painting, specific commission determined landscaping issues, unhealthy and/or dying trees that meet the definition of significant landscaping, rear yard fencing, driveway improvements that comply with applicable Land Development Code or Zoning Ordinance

requirements, and roof replacement based on previous commission precedent. Applications that are determined to be beyond what may be administratively approved will be heard by the commission as a major certificate of appropriateness at the next regularly scheduled meeting.

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

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

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

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

- (b) *Denial appeal:* When a certificate of appropriateness is denied, the applicant may file a written appeal with the director of planning and growth management for an appeal of the historic preservation commission's decision to the city council within ten days from the date of the denial letter. A date for

consideration of the appeal by city council shall be scheduled not less than 15 but not more than 60 days from the applicant's written request. The applicant and owners of property within 250 lineal feet of the subject property within the subject district, or 250 radial feet of the subject landmark, shall be notified of the time, date, place and purpose of such consideration by first class mail, properly addressed as shown on the tax assessor's rolls and with sufficient postage attached thereto. Failure to send such notice where no address appears on the tax assessor's rolls shall not invalidate the proceedings of the commission. The review may be continued from time to time without further notice.

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

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

(Ord. No. 11990, § 1, 8-15-89; Ord. No. 13551, § 1, 4-6-93; Ord. No. 15399, § 1, 12-10-02; Ord. No. 16578, § 1, 6-22-10; Ord. No. 16665, § 1, 2-8-11; Ord. No. 17291, § 1, 11-10-15)

Sec. 16-64. - Same—Criteria for.

The commission shall consider, where applicable, the following criteria in determining whether or not proposed work is compatible and appropriate:

- (1) Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure or site and its environment or to use a property for its originally intended purpose.
- (2) 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 feature should be avoided when possible.
- (3) All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged.
- (4) Changes that 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.
- (5) Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure or site shall be treated with sensitivity.
- (6) Deteriorated architectural features shall be repaired rather than replaced whenever possible. In the event that replacement is necessary, the new material should match the material being replaced in

composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features substantiated by historic, physical or pictorial evidence rather on conjectural design or the availability of different architectural elements from other buildings or structures.

- (7) 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.
- (8) Every reasonable effort shall be made to protect and preserve archeological resources affected by or adjacent to any project.
- (9) 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, materials and character of the property, neighborhood or environment.
- (10) Whenever possible, new additions or alterations shall be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
- (11) Whether the proposed work conforms to the following design criteria as well as any specific 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 structures, 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 from 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.

(Ord. No. 11990, § 1, 8-15-89)

Sec. 16-65. - Economic hardship.

- (a) Notwithstanding any of the provisions of this 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 would have been denied.

- (b) Economic hardship shall be considered by the commission if an applicant, at time of application, has produced the following information in an affidavit signed by the owner of the subject property and improvements:
- (1) The amount paid for the property, the date of purchase and the party from whom purchased (including 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) 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 his 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, if any, during the same period.
- (c) If the commission finds that without approval of the proposed work the property and improvements cannot be put to a reasonably beneficial use, or the owner cannot obtain a reasonable economic return therefrom, then the application shall be delayed for a period not to exceed six months. During this period of delay, the commission shall investigate plans to allow for a reasonably beneficial use of a reasonable economic return or to otherwise preserve the subject property and improvements. Such plans may include, but are not limited to, a relaxation of the provisions of articles I through IV of this chapter.
- (d) If, by the end of this six-month period, the commission has found that without approval of the proposed work the property and improvements cannot be put to a reasonably 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 issue, deny or modify the requested certificate of appropriateness as provided in section 16-64.
- (e) A denial of a certificate of economic hardship may be appealed following the procedures in section 16-63(b).
(Ord. No. 11990, § 1, 8-15-89; Ord. No. 16578, § 1, 6-22-10; Ord. No. 16665, § 1, 2-8-11)

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

- (a) The owner, occupant or other person legally responsible for a historic landmark or improvement in a historic district shall maintain and keep in good repair those improvements and shall maintain in good condition and repair all interior portions and appurtenances thereof whose maintenance is necessary to prevent the deterioration and decay of the improvement.
- (1) The exterior of a structure shall be maintained in good repair, structurally sound and in a sanitary manner so as not to pose a threat to the health, safety or welfare of the occupants and so as to protect the occupants from the adverse effects of the environment.
 - (2) All cornices, entablatures, belt courses, corgels, terra-cotta trim, wall facings and similar decorative features, as well as all stairs, porches, canopies, awnings, stairways, balconies, fire escapes, standpipes,

exhaust ducts and similar overhang extensions, shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. They shall be protected from the elements and against decay or rust by periodic application of weathercoating materials, such as paint or other protective treatment.

- (b) It is the intent of Articles I through IV of this chapter to preserve from deliberate or inadvertent neglect the exterior portions of such landmark or improvement located in a historic district, the interior portions when subject to control as specified in the designating portion of Articles I through IV of this chapter and all interior portions whose maintenance is necessary to prevent the deterioration and decay of any exterior portion.
- (c) Whenever the director of planning and growth management determines that a historic landmark or improvement located in a historic district fails to meet the requirements set forth in Articles I through IV of this chapter or that the exterior architectural appearance is endangered by a state of disrepair or lack of maintenance, the director shall forthwith issue to the owner or occupant a notice of the violation in substantially the following manner or form:
- (1) It shall be in writing.
 - (2) It shall set forth each violation of Articles I through IV of this chapter in substantially the language of the applicable ordinance section with as much additional detail as might assist the person responsible to correct each violation.
 - (3) It shall describe the structure where the violation is alleged to exist or to have been committed by street address or by legal description of record in the records of the county recorder of deeds.
 - (4) When a ticket is issued for a violation in a local historic district or local landmark, the case is heard by the city's hearing officer and timeline for resolution shall be determined by the hearing officer, as outlined in Chapter 32 of the Code of the City of Peoria. In instances where a certificate of appropriateness is required, it must be obtained before work takes place to resolve the violation.
- (d) The director's determination that a violation exists shall be final unless the applicant files a written request for an appeal accompanied by a public hearing before the commission within ten days of receipt of the director's determination. A date for a public hearing shall be scheduled not less than 15 but not more than 30 days from the applicant's written request. The owner shall be notified of the time, date and place of such hearing.
- (e) The owner shall be entitled to speak at the public hearing, and the commission may accept comments from all other interested parties. The commission shall review and evaluate all available information according to the applicable standards set forth in Articles I through IV of this chapter.
- (f) If the commission determines that a violation of Articles I through IV of this chapter has occurred, the commission shall establish a reasonable time, depending upon the nature and extent of each violation, for the correction of each violation. Times for correcting multiple violations shall be computed concurrently.
- (g) Followup inspection shall be made by the director of planning and growth management within three working days after the expiration of the time for correction of the violations alleged. If any violations are determined by the director to still exist, it will be deemed a violation of Articles I through IV of this chapter. In addition, the commission shall have the option to request that the director of planning and growth management prepare a complaint against the violator with the violation of the applicable section or sections of Articles I through IV of this chapter. Thereupon, the complaint will be given to the corporation counsel of the city for review as to its legal sufficiency and for filing, prosecution and enforcement.

(Ord. No. 11990, § 1, 8-15-89; Ord. No. 13551, § 1, 4-6-93; Ord. No. 17291, § 1, 11-10-15)

Secs. 16-67—16-85. - Reserved.

ARTICLE IV. - REVIEW PROCESS

Sec. 16-86. - Designation procedure.

(a) *Application.* The commission, by a majority vote of all members, or any person may apply for a landmark or historical district designation for property and improvements located within the corporate limits of the city.

Prior to application submission, the applicant must forward by regular mail, a letter notifying the owner of intent to submit an application for local historic designation.

Applications shall be filed with the director of planning and growth management on forms provided by the commission. The application shall include or be accompanied by the following:

- (1) The name and address, as shown on the tax assessor's rolls, of the owner of the property proposed for designation.
 - (2) The legal description and common street address of the property proposed for designation.
 - (3) A map delineating the boundaries and location of the property proposed for designation.
 - (4) A written statement describing the property and setting forth reasons in support of the designation proposed.
 - (5) Written statement indicating when and how the owner was notified of the proposed designation, and whether or not the owner consents to the proposed designation.
 - (6) Notarized statement from the applicant specifically stating that the required notification letter was sent to the owner.
 - (7) Initialed checklist to show that all items have been completed, including the pre-application requirements listed above.
 - (8) Such other information as may be required by the commission.
- (b) *Owner consent.* The commission shall only consider for landmark designation properties whose owner or owners of record have responded to the application by submitting to the commission a letter of consent approving the designation of the property as a historic landmark. If such owner or owners do not consent to designation, the commission shall take no further action with respect to such property (and shall not recommend landmark designation to the city council). The commission shall only consider designation of a historic district if at least two-thirds of the owners of property in the area to be designated have responded to the application by submitting to the commission a letter of consent approving the designation of their property as part of a historic district. If two-thirds of the owners of record consent to the proposed designation of a historic district, the commission may proceed with designation. No property or structure that is owned by a religious organization and is used primarily as a place for the conduct of religious ceremonies or to further the religious mission or business of the owner shall be subject to the regulations set forth in Articles I through IV of this chapter by reason of its location within a historic district.
- (c) *Public hearing and decision.* A public hearing shall be scheduled to be held within the longer of the next 45

days or the next meeting after the filing date.

- (1) The director of planning and growth management shall notify the applicant and owner of the subject property as to the date, time, place and purpose of the public hearing. Such notice shall be in writing and shall be sent not less than 15 days in advance of such hearing by certified mail, properly addressed as shown on the tax assessor's rolls and with sufficient postage affixed thereto. Failure to send such notice where no address appears on the tax assessor's roll shall not invalidate the proceedings of the commission.
- (2) The director shall also publish a notice in a newspaper of general circulation in the city describing the property proposed for designation and setting forth the date, time, place and purpose of the hearing. A copy shall also be posted on the subject property. The hearing may be continued from time to time without further notice.
- (3) The applicant shall produce at the time of the hearing such information as the commission may require, including, but not limited to, the following:
 - a. All information required with the application.
 - b. A visual presentation of the significant improvements on the subject property, together with information as to the age, condition and use of each.
 - c. Proposals for preservation and enhancement of the property proposed for designation.
- (4) The applicant and the owners of the subject property shall be entitled to speak at the public hearing, and the commission may accept comments from all other interested parties. The owners and all other interested parties shall also be permitted limited rights of cross-examination, as facilitated through the commission. The commission shall review and evaluate all available information according to the applicable standards set forth in Articles I through IV of this chapter. A record of the proceedings shall be made and retained as a public record.
- (5) The commission shall grant, deny or modify the requested designation within 30 days after the public hearing; provided, however, that the commission may not modify a designation to extend beyond the property described in the application unless a new application is filed and the procedure repeated.
- (6) The commission's decision shall be in writing and shall include findings of fact in support thereof. The commission shall forward copies of the decision to the applicant and the owner of the subject property.
- (7) A decision by the commission denying a designation shall be the final administrative decision. No application relating to the same property may be filed during the 12 months following such a denial by the commission. The commission shall have the discretion, on its own motion or upon petition by an affected property owner, to extend the prohibition on applications for the same property for an additional 12 months if the commission finds re-nomination would cause economic hardship to the property owner. Provided, however, that in the case of an application to designate a historic district, if the commission modifies the application by excluding certain property or properties but grants the application to other properties, then the entire application shall proceed to the city council for final action, where the council may modify the commission's recommendation by including property or properties excluded by the commission.
- (8) A decision by the commission recommending a designation shall operate as a recommendation to the city council, which shall take the final action. In the event that the city council denies a designation, no application related to the same property may be filed during the 12 months following such denial by the

city council.

- (d) *Regulation during consideration period.* From the date of filing an application until the date of a final decision by the commission, or if the commission recommends the designation, until the date of a final decision by the city council, the provisions of section 16-61 shall apply as if the subject property were designated as requested; provided, however, that this interim control shall in no case apply for more than 180 days after the application is filed. Once the area is designated as a historic district or a landmark, it shall comply with all the regulations set forth in Articles I through IV of this chapter.
- (e) *Historic district designations.* Any historic districts previously designated by ordinance are hereby designated as historic districts under the provisions of Articles I through IV of this chapter.
- (f) *Landmark or historic district status recorded with deed.* Upon approval of the ordinance, the director of planning and growth management shall immediately file a certified copy of such ordinance designating a landmark or creating a historic district with the county recorder of deeds.
- (g) *Delisting of landmarked properties.* An applicant may submit an application to remove a local historic designation. The same process shall be followed as that which is required to designate a property, except that: The application shall include an explanation of how the criteria originally used to designate the property no longer applies.

(Ord. No. 11990, § 1, 8-15-89; Ord. No. 13551, § 1, 4-6-93; Ord. No. 13870, § 1, 2, 1-24-95; Ord. No. 15357, § 1, 8-27-02; Ord. No. 15557, § 1, 12-9-03; Ord. No. 16665, § 1, 2-8-11)

Secs. 16-87—16-105. - Reserved.