

ORDINANCE NO. 2483

**AN ORDINANCE TO PROVIDE FOR PRESERVATION OF  
HISTORIC SITES IN THE CITY OF COLUMBIA, ILLINOIS**

WHEREAS, the Illinois Municipal Code delegates to municipalities in the State of Illinois the power to provide for official landmark designation by ordinance of areas, places, and buildings, structures, works of art and other objects having a special historic, community, or aesthetic interest or value and to provide special conditions, to impose regulations governing construction, alteration, demolition, and use, and to adopt other measures appropriate for their preservation, protection, enhancement, rehabilitation, reconstruction, perpetuation, or use as is more particularly described in said Act for the Preservation of Historic and Other Special Areas, of 1963, as amended (65 ILCS 5/11-48.2-1 (the "Act")); and,

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

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

**Section 1.** This Preservation of Historic Sites Ordinance of the City of Columbia, Illinois (the "City"), same to be and to become Chapter 15.64 of the Columbia, Illinois Municipal Code is hereby changed and amended, to read as follows:

"Chapter 15.64"  
Preservation of Historic Sites

Article 1 - General Provisions

Section 15.64.010      PURPOSE.    The purpose of this chapter is to promote the protection, enhancement, perpetuation, and use of improvements of special character or historical interest or value in the interest of the health, prosperity, safety, and welfare of the people of the City of Columbia, Illinois by:

    (A) Providing a mechanism to identify and preserve the historic and architectural characteristics of the City of Columbia, Illinois which represent elements of the City's cultural, social, economic, political, and architectural history.

(B) Promoting civic pride in the beauty and noble accomplishments of the past as represented in the City's landmarks and historic districts.

(C) Stabilizing and improving the economic vitality and value of the City's landmarks and historic areas.

(D) Protecting and enhancing the attractiveness of the City to home buyers, visitors, and shoppers, thereby supporting business, commerce, and industry, and providing economic benefit to the City.

(E) Fostering and encouraging preservation and restoration of structures, areas, and neighborhoods, and thereby preventing future urban blight.

Section 15.64.020 Definitions. For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**"ADDITION".** Any act or process which changes one or more of the exterior architectural features of a structure designated for preservation by adding to, joining with, or increasing the size or capacity of the structure.

**"ALTERATION".** Any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure.

**"AREA".** A specific geographic division of the City.

**"BUILDING".** Any structure created for the support, shelter, or enclosure of persons, animals, or property of any kind and which is permanently affixed to the land.

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"CERTIFICATE OF APPROPRIATENESS" ("COA"). A certificate from the Columbia Historic Preservation Commission authorizing plans for alterations, construction, removal, or demolition of a designated landmark, structure, or site within a designated historic district.

"COMMISSION". The Columbia Heritage and Preservation Commission.

"COMMISSIONERS". Voting members of the Columbia Heritage and Preservation Commission.

"COUNCIL". The City Council of the City of Columbia, Illinois.

"DEMOLITION". Any act or process that destroys in part or in whole a designated landmark or a structure or site within a designated historic district.

"DESIGN GUIDELINE". A standard or appropriate activity that will preserve the historic and architectural character of a structure or area.

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

"HISTORIC DISTRICT". An area designated as a historic district by ordinance of the City Council, which may contain within definable geographic boundaries one or more landmarks, and which may have within its boundaries other properties or structures that, while not of such historic or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district.

**"LANDMARK".** Any building, structure, or site which has been designated as a landmark by ordinance of the City Council, pursuant to procedures prescribed herein, that is worthy of rehabilitation, restoration, and preservation because of its historic or architectural significance to the City.

**"OWNER OF RECORD".** The person, corporation, or other legal entity listed as owner on the records of the County Recorder of Deeds.

**"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.

**"REMOVAL".** Any relocation of a structure on its site or to another site.

**"REPAIR".** Any change that does not require a building permit, that is not construction, relocation, addition, or alteration.

**"STRUCTURAL CHANGE".** Any change or repair in the supporting members of a building, structure, roof, or exterior walls which would expand the building in height, width, or bulk.

**"STRUCTURE".** Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality of the foregoing, buildings, fences, gazebos, advertising signs, billboards, backstops for tennis courts, radio and television antennae including supporting towers, swimming pools, satellite dishes, solar panels, and wind generation.

**"UNREASONABLE ECONOMIC HARSHSHIP".** The condition whereby failure to issue a requested Building Permit, Demolition Permit, or Sign Permit on a landmark, or an improvement or area within a

Historic District, which would amount to a taking of the owner's property with just compensation or, in the case of low-income owner(s), failure to issue such a permit would place an onerous and excessive financial burden upon such owner(s).

## ARTICLE 2 - COLUMBIA HERITAGE AND PRESERVATION COMMISSION

Section 15.64.030 COMPOSITION. The Columbia Heritage and Preservation Commission (hereinafter referred to as the "Commission" or the "CHPC") shall consist of nine (9) voting members, residents of the City of Columbia, Illinois, or persons owning real property located in the City of Columbia, Illinois, appointed by the Mayor with the approval of the City Council. The residency requirement may be waived for not more than three (3) members who, in the opinion of the Mayor and the City Council, possess special knowledge or expertise in historic preservation or local history.

Section 15.64.040 QUALIFICATIONS OF MEMBERS. The members of the CHPC shall be appointed on the basis of expertise, experience, or interest in the areas of architectural history, building construction or engineering, finance, historical and architectural preservation, neighborhood organization, or real estate (especially as same pertains to Historic Districts in the City). All members shall be provided with Columbia Historical Society Memberships, however Two (2) members shall be members of the Columbia Historical Society selected by said Columbia Historical Society to represent the Society on the CHPC and the remaining seven (7) Members shall be from the community at large (that is to say, not appointed to the Commission to represent any other special interest group, association, board, commission or society).

Section 15.64.050 TERMS OF APPOINTMENT. Members of the CHPC shall be appointed for terms of two (2) years. Of those members first taking office, four (4) shall be appointed for one (1)

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year and five (5) for two (2) years. Alternate members may be appointed to serve in the absence of, or disqualification of the regular members. Vacancies shall be filled for the unexpired term only. Appointments of alternates or to fill vacancies shall be by the Mayor with the approval of the City Council. Members shall serve without compensation.

Section 15.64.060                    OFFICERS.

(A) Officers shall consist of a Chairperson, Vice-Chairperson, and a Secretary elected by the Commission, who shall each serve a term of one (1) year and shall be eligible for re-election, but no members shall serve as an officer for more than three (3) consecutive years.

(B) The duties of the Chairperson shall be (a) to preside over meetings and (b) to disqualify any member for excessive absences. In the absence of the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson. If both are absent, a temporary Chairperson shall be elected by those present.

(C) The Secretary to the Commission shall have the following duties:

(1) Take minutes of each Commission meeting.

(2) Be responsible for publication and distribution of copies of the minutes, reports, and decisions of the Commission to the members of the Commission.

(3) Give notice as provided herein or by law for all public hearings conducted by the Commission.

(4) Advise the Mayor of vacancies on the Commission and expiring terms of members.

(5) Prepare and submit to the City Council a complete record of the proceedings before the Commission on any matter requiring Council consideration.

Section 15.64.070                    MEETINGS.

(A) A quorum shall consist of a majority of the members. All decisions or actions of the Commission shall be made by a majority vote of those members present and voting at any meeting where a quorum exists.

(B) 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 Chairperson. There shall be a minimum of one (1) meeting per month.

(C) No member of the Commission shall vote on any matter that may materially or apparently affect the property, income, or business interest of that member.

(D) No changes to the regulations contained in this Chapter or any other action shall be taken by the Commission that could in any manner deprive or restrict the owner of a property in its use, modification, maintenance, disposition, or demolition until the owner shall first have had the opportunity to be heard at a public hearing to be held by the Commission, as hereinafter provided. The Chairperson, and in his absence the acting Chairperson, may administer oaths and compel the attendance of witnesses.

(E) All meetings of the Commission shall be open to the public. The Commission shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Commission (being the office of the City Clerk, until the Commission may designate otherwise) and shall be a public records.

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Section 15.64.080        POWERS AND DUTIES.        The CHPC shall have the following powers and duties:

(A)    To adopt its own procedural regulations.

(B)    To conduct an ongoing survey to identify historically and architecturally significant properties, structures, and areas in the City.

(C)    To investigate and recommend to the City Council the adoption of ordinances designating properties or structures having special historic, community, or architectural value as landmarks.

(D)    To investigate and recommend to the City Council the adoption of ordinances designating areas having special historic, community, or architectural value as historic districts.

(E)    To keep a register of all properties and structures that have been designated as landmarks or historic districts, 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 owners of landmarks and property or structures within historic districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the state or national register of historic places.

(H)    To inform and educate the citizens concerning the historic and architectural heritage of the City by publishing

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appropriate maps, newsletters, brochures, and pamphlets, and by holding programs and seminars.

(I) To hold public hearings and to review applications for construction, alteration, removal, or demolition affecting proposed or designated landmarks or structures or historic districts, and issue or deny Certificates of Appropriateness for such actions. Applicants shall be required to submit plans, drawings, elevations, specifications, and other information as may be necessary to make decisions.

(J) To develop specific guidelines for the alteration, demolition, construction, or removal of landmarks or property and structures within historic districts.

(K) To review proposed zoning amendments and applications for special use permits or variances that affect proposed or designated landmarks and historic districts. Such review shall be made prior to the date of the hearing by the City Plan Commission or the Zoning Board of Appeals.

(L) To administer on behalf of the City any property or full or partial interest in real property, including a conservation right as that term is used in the Illinois Revised Statutes, Chapter 30, Section 401, et. seq., which the City may have or accept as a gift or otherwise, upon designation by the City Council.

(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 purpose of this chapter.

(N) To call upon available City staff members as well as other experts for technical advice.

(O) To testify before all boards and commissions, including the City Plan Commission and the Zoning Board of Appeals,

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on any matter affecting historically and architecturally significant property and landmarks.

(P) To periodically review the City zoning code and to recommend to the City Plan Commission and the City Council any amendments appropriate for the protection and continued use of landmarks or property and structures within historic districts.

(Q) To recommend that the Mayor certify this chapter with the Illinois Historic Preservation Agency and with the Secretary of the United States Department of the Interior, in order to qualify Historic Structures under the Federal "Economic Recovery Tax Act of 1981", Sections 212 and 214 and under the Illinois "Revenue Act of 1939", as amended.

(R) To maintain a registry of historic sites.

### ARTICLE 3 - LANDMARK DESIGNATION

#### Section 15.64.090 SURVEYS AND RESEARCH.

(A) The CHPC shall undertake an ongoing survey and research effort in the City to identify neighborhoods, areas, sites, structures, and objects that have historic, community, architectural, or aesthetic importance, interest, or value. As part of the survey, the Commission shall review and evaluate any prior surveys and studies by any unit of government or private organization, and compile appropriate descriptions, facts, and photographs.

(B) The Commission shall identify potential landmarks and adopt procedures to nominate them in groups based upon the following criteria:

(1) The potential landmark is one identifiable neighborhood or district geographical area of the City.

(2) The potential landmarks associated with a particular person, event, or historical period.

(3) The potential landmarks of a particular architectural style or school, or of a particular architect, engineer, builder, designer, or craftsman.

(4) Such other criteria as may be adopted by the Commission to assure systematic survey and nomination of all potential landmarks within the City.

Section 15.64.100 CRITERIA.

(A) Nominations shall be made to the CHPC on a form provided by the Commission. A filing fee may be required.

(B) The Commission shall, upon investigation as it deems necessary, make a preliminary determination as to whether a property, structure, or area possesses the integrity of design, workmanship, materials, location, setting, and feeling, and meets one or more of the following criteria:

(1) Significant value as part of the historic heritage or cultural characteristics of the community, county, state or nation.

(2) Identification with a person or persons who significantly contributed to the development of the community, county, state, or country.

(3) Representative of the distinguishing characteristics of architecture inherently valuable for the study of a period, type, method of construction, or use of indigenous materials.

(4) Notable work of a master builder, designer, architect, or artist, whose individual work has influenced the development of the community, county, state, or country.

(5) Unique location or singular physical characteristics that make it an established or familiar visual feature.

(6) 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) An area that has yielded or may be likely to yield, information important in history or prehistory.

(C) A preliminary determination as to whether a property, structure, or area meets one or more of the foregoing criteria shall be made within fifteen (15) days of the filing of a nomination with the Commission.

#### Section 15.64.110 PROCEDURES.

(A) The CHPC shall schedule a public hearing within sixty (60) days after the filing of an application to the City Council.

(1) Any person, group of persons, or association, including, but not limited to, the Commission, may request a historic landmark designation by the City Council for any structure, building, or site, or part thereof, within the boundaries of the City, which may have historic or architectural significance as defined by this Chapter. The City Clerk shall supply, upon request, the application forms. Completed forms shall be submitted to the City Council. Forms shall be forwarded to the Commission for its consideration and recommendation.

(2) Notice of date, time, place, and purpose of the public hearing shall be sent by mail to owners of record and to the nominators as well as to the adjoining property owners, not less than fifteen (15) nor more than thirty (30) days prior to the date of the hearing. A public notice also shall be published in a newspaper having general circulation in the City. The notice shall state the location of the property and summarize how the proposed landmark meets the criteria set forth in Section 41-3-2 hereof.

(3) Upon receipt of the application, the Secretary of the Commission shall schedule a public hearing, to be held within forty five (45) days after preliminary approval of the application.

(4) During the public hearing, the Commission shall review and evaluate the application according to the criteria established by this chapter.

(5) If the CHPC finds at the time that the application merits further consideration, then the Commission may table the request until its next regularly scheduled meeting.

(6) A Certificate of Appropriateness (COA) 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 request.

(B) A decision shall be made within thirty (30) days following the date of the closing of the public hearing.

(1) Following the public hearing, the Secretary of the Commission shall prepare the Commission's evaluation, recommendation, and all available information for submission to the City Council within thirty (30) days.

(2) If the Commission decides that the landmark should be designated, it shall do so by a resolution passed by a majority of the Commission.

(3) The owners of record shall be notified promptly by a letter containing information of the Commission's decision.

(4) A simple majority vote by the City Council is necessary for approval of a landmark designation. If the City Council approves the application for a designation, a notice will be sent to the property owner, the CHPC, the Building Inspector, and the City Clerk, and recorded with the County Recorder of Deeds. If the City Council denies the petition, no petitioner or applicant can refile with the City Council for ninety (90) days.

(5) Buildings designated as historic landmarks shall be subject to issuance of Certificates of Appropriateness.

#### ARTICLE 4 - HISTORIC DISTRICT DESIGNATION

##### Section 15.64.120 CRITERIA.

(A) Nominations shall be made to the City Council, with the advice and recommendations of the Commission, on a form to be provided by the City Clerk. A filing fee may be required.

(B) The following criteria shall be utilized by the Commission in making its recommendations to the City Council and by the City Council in making its decision on nominations for designation of historic districts:

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

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contribute to the overall visual characteristics of the landmark or landmarks located in the district.

(2) The district contains a significant number of structures meeting any of the standards of Section 41-3-2(B).

(3) The district establishes a sense of time and place unique to the City of Columbia.

(4) The district exemplifies or reflects the cultural, social, economic, political, or architectural history of the nation, the state, or the City.

(C) A preliminary determination as to whether a district or an 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.

Section 15.64.130                    PROCEDURE.

(A) Any person, group of persons, or association, including but not limited to, the CHPC, may present to the City Council a petition requesting that a defined geographic area be designated as a historic district. The City Clerk shall supply, upon request, the application forms. Completed forms shall be submitted to the City Council which shall forward them to the Commission for its consideration and recommendations.

(1) The petition shall contain the names of no less than fifty-one percent (51%) of the property owners; or, if leaseholders, with a five (5) year or longer leasehold interest, are signatories to the petition, then the petition shall contain no less than fifty-one percent (51%) of the property owners and leaseholders.

(2) Upon receipt of the application, the Secretary of the Commission shall schedule a public hearing to be

held within thirty (30) days after preliminary approval of the application.

(3) Notice of date, time, place, and purpose of the public hearing shall be sent by mail to owners of record and to the nominators as well as to the adjoining property owners, not less than fifteen (15) nor more than thirty (30) days prior to the date of the hearing. A public notice also shall be published in a newspaper having general circulation in the City. The notice shall state the location of the property and include a statement summarizing how the proposed district meets the criteria set forth in Section 41-4-1 of this Chapter.

(4) During the public hearing, the Commission shall review and evaluate the application according to the criteria established by this Chapter.

(5) If the Commission finds at the time that the application merits further consideration, then the Commission may table the request until its next regularly scheduled meeting.

(B) A decision shall be made within thirty (30) days following the date of the closing of the public hearing.

(1) Following the public hearing, the Secretary of the Commission shall prepare the Commission's evaluation, recommendation, and all available information for submission to the City Council within thirty (30) days.

(2) If the Commission decides that the proposed historic district should be designated, it shall do so by a resolution passed by a majority of the Commission.

(3) The owners of record shall be notified promptly by a letter containing information of the Commission's decision.

(4) A simple majority vote of the City Council is necessary for approval of a historic district designation. If the City Council approves the application for designation, a notice will be sent to the property owner, the Commission, the Building Inspector, and the City Clerk, and recorded with the County Recorder of Deeds, that the area has been designated as such, and that building located within the boundaries of the historic district shall be subject to issuance of Certificates of Appropriateness. If the City Council denies the petition, no petitioner can refile for historic district designation to the City Council for ninety (90) days.

#### ARTICLE 5 - APPLICATIONS; CERTIFICATE OF APPROPRIATENESS

Section 15.64.140 APPLICATIONS FOR NOMINATIONS OF LANDMARKS AND HISTORIC DISTRICTS. Any person, group of persons, or association, or the Commission may apply to the City Council for the designation of a landmark or historic district. Applications for a nomination shall be filed with the City Clerk. Persons wishing guidance or advice prior to completing an application may contact the City Clerk. At a minimum, the application shall include the following:

(A) For a landmark:

(1) The name and address of the property owner.

(2) The legal description and common street address of the property.

(3) A written statement describing the property and setting forth reasons in support of the proposed designation.

(4) Documentation that the property owner has been notified or consents to the application for designation.

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(5) A list of significant exterior architectural features that should be protected.

(6) An overall site plan and photographs of the landmark. The plan shall also include a front, side, and rear elevation drawing.

(B) For an historic district:

(1) The names and addresses of the property owners.

(2) A map delineating the boundaries of the area to be designated.

(3) A written statement describing the area and properties within the proposed historic district, and setting forth reasons in support of the proposed designation.

(4) A list and photographs of significant exterior architectural features of all properties in the district that should be protected.

Section 15.64.150 CERTIFICATE OF APPROPRIATENESS REQUIRED.

(A) A COA issued by the CHPC shall be required before any alteration in the current design or materials of any designated historic landmark or any building, structure, or site, or part thereof, in a designated historic district, when such alteration would be visible from a public right-of-way (including alleys). Even alterations from current condition intended to return a structure to its original or historic condition shall require a COA.

(B) A COA shall not replace, and must be obtained in addition to, all other applicable City permits such as building or demolition permits and zoning clearances.

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(C) An exception to the COA requirement shall be made if the applicant shows to the Commission that a failure to grant the permit will cause an imminent threat to life, health, or property.

(D) A COA shall not be required for ordinary maintenance when such maintenance does not result in a change in the design or materials of the building, structure, or site being maintained.

Section 15.64.160 NATURAL DESTRUCTION OR DEMOLITION.

(A) In the case of partial or complete natural destruction or demolition of a site within a historic preservation district, or of a landmark, the owner will be required to obtain a COA from the Commission prior to reconstruction.

(B) Although exact duplication of the previous structure may not be required, the exterior design of the property shall be in harmony with:

(1) The exterior design of the structure prior to damage;

(2) The character of the historic preservation district.

Section 15.64.170 APPLICATION FOR COA.

(A) Every application for a demolition permit or a building permit, including plans and specifications, shall be forwarded by the Building Inspector to the CHPC within fifteen (15) days following receipt of the application by the Building Inspector.

(B) The application for issuance of a COA must include:

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- (1) The street address of the property involved.
- (2) The legal description of the property involved.
- (3) A brief description of the present improvements situated on the property.
- (4) A detailed description of the construction, alteration, demolition, or use proposed, together with any architect drawings or sketches if those services have been utilized by the applicant, and if not, a sufficient description of the construction, alteration, demolition, and use to enable anyone to determine what the final appearance and use of the real estate will be.
- (5) The owner's name.
- (6) The developer's name, if different than owner.
- (7) The architect's name, if any.
- (8) A filing fee is required.

Section 15.64.180      STANDARDS FOR COA.      The Columbia Historic Preservation Commission applies general standards derived from the Secretary of the Interior's Standards for Rehabilitation, adopted and supplemented by local standards, to fit specific situations encountered in Columbia. To ensure that everyone, Commission members and property owners alike, have an equal understanding of the standards that are applied, the following guidelines are provided, based on the Secretary of the Interior's Standards and past actions by the Columbia Historic Preservation Commission. The decision to approve or deny an application for a

COA shall include, but not be limited to, the following considerations:

(A) A reasonable effort shall be made to use a building, structure, or site for its originally intended purpose, or for a purpose requiring minimum alteration to the premises.

(B) The compatibility of proposed new additions or construction to the original architecture of the landmark or styles within the historic district shall be evaluated against the following guidelines:

(1) The key to successful rehabilitation is in maintaining characteristic details and the historic fabric of the structure.

(2) When introducing new exterior elements, materials equivalent to those already existing on the structure should be used.

(3) Buildings should not be made to look either older or newer than they really are by using details from another style or period.

(4) Original materials or details should not be removed from a building when they can be repaired.

(5) The distinctive historic and architectural character of a building should be retained through regular maintenance and repair.

(6) Paint Color - Property owners are encouraged, although not required, to submit plans to the Columbia Historic Preservation Commission for paint preparation and color selection.

(a) In selecting paint colors, consider what is stylistically appropriate for the period of the architecture

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and how color selected will blend with other buildings on the street.

(b) Generally, the number of colors for the exterior should be limited in keeping with the original style and with other buildings within the historic district. Light colors visually reduce the massiveness of a wall and absorb less heat. White, however, unless appropriate to the original architectural style, is not recommended for wall surfaces because it is overly bright and tends to draw attention rather than blend in with surrounding buildings. White may be more appropriate as an accent color.

(c) Avoid bright or brilliant tones as dominant building colors.

(d) Use color to accent important detail.

(e) Brick, stone, or other masonry should not be painted unless the material has been painted before. Wood surfaces which are stained should continue to be stained and not painted. Other wood surfaces should be painted and not left untreated or allowed to "weather" in appearance. Paint should not be removed from materials which were originally painted.

(7) Cleaning of Structures - The Columbia Historical Preservation Commission is available for advice at the owner's request.

(a) Cleaning of materials should be done by the gentlest means possible.

(b) Sandblasting and other abrasive cleaning techniques should not be used.

(c) Any material destroyed or damaged in the cleaning process should be replaced by equivalent material; e.g., wood siding should be replaced by wood siding.

(8) Wood - Destructive, dangerous and/or abrasive cleaning techniques, such as propane torching and sand or water blasting, should not be used.

(9) Masonry - Sandblasting or the use of harmful, destructive chemicals should not be used.

(10) Landscape - A COA is required only if one of the following is true:

(a) Another City permit is required (such as landscaping required by zoning for parking lots); or

(b) A tree greater than 14 inches in diameter is not to be cut down [trees of that size have existed long enough to be considered important elements of the overall environment of a landmark or historic district, and hence are worth protecting].

(11) Roof Repair or Replacement

(a) The original shape, pitch, eaves, lines, and ridge should be retained or restored.

(b) The original roofing material should be retained and duplicated, whenever possible. When not possible, materials should be used that are compatible with the original in texture, basic material, and color.

(c) Adequate drainage and weather-tight covering should be provided.

(d) When replacing deteriorated roofs, whenever possible new materials should match the old in composition, size, shape, color, and texture.

(e) Necessary roof-mounted architectural features such as dormers, cupolas, cornices, brackets, chimneys, cresting and/or weathervanes should be preserved or replaced.

(f) Gutter or downspout materials should be appropriate to the building on which they are located and have the same size, shape, texture and material as the historic gutter and downspout systems.

(12) Existing Dormers - Should be maintained in original size, shape and placement, unless the owner can show they were not part of the original structure and that they have not become significant parts of the design of the structure, or its history.

(13) New Dormers

(a) Should match the original architectural style and materials of the structure.

(b) Should be located as to preserve the original balance and massing of the structure.

(c) Should be compatible with existing dormers in proportion, slope and design.

(14) Windows and Doors

(a) Window and door openings should be kept in their original size and spacing.

(b) Original openings and trim, including sash, glass, lintels and sills, architraves, doors, pediments, hoods, steps and hardware should be repaired and reused.

(c) The original style of windows should be retained.

(d) When original material is deteriorated, original material and design should be duplicated in new sash and door work.

(e) When used, substitute materials should be as unobtrusive as possible and removable in the future.

(f) Use of snap-in mounting bars and similar items should be used only in noncontributing properties.

(g) Use of raw aluminum for storm windows and doors is strongly discouraged.

(h) Contemporary door designs, such as flush doors, not appropriate to the style of a historic building, should not be used.

(i) Replacement doors should match the historic doors in material, size and style; have the same series of panels; and have a frame of the same dimensions.

(15) Siding

(a) Original materials should be retained.

(b) Mortar should only be repointed when there are moisture problems or where mortar is missing.

(c) Mortar should not be routed with electric devices because it may cause damage to adjacent masonry.

(d) Original mortar should be duplicated in terms of composition, color and texture.

(e) Original mortar joint profiles in all weathering joints should be retained.

(f) Original materials should be duplicated when replacing deteriorating masonry.

(g) Missing architectural elements, i.e., cornices, brackets, railings, porches, and shutters, should be replaced.

(h) Masonry that has not been painted before should not be painted.

(i) Masonry and wood that were originally painted should be painted.

(j) Vinyl or aluminum siding will be allowed only on structures built after such materials were generally available. If such siding is used, it should match the original in appearance (spacing and direction) and decorative trim and cornerboards should be retained.

(k) Synthetic or modern replacements of original materials such as aluminum, fiberglass or epoxies should not be used other than for stabilization, consolidation or conservation of original materials.

(16) Existing Chimneys - When rebuilding or repairing existing chimneys, existing material and design should be matched, unless it can be shown that this differs from the original construction, in which case that may be used as the model instead.

(17) Additional Chimneys - Must match existing ones in material and basic design.

(18) Porches and Decks

(a) Should be compatible with the main structure in materials and scale.

(b) Vertical elements (e.g. railings) should be painted to be compatible with the main structure; decking may be stained or painted to match railings, etc.

(c) Original work/details should be retained whenever possible.

(19) Fences

(a) Style should be appropriate to the house.

(b) Use of chain link is discouraged; when used, it should be painted black or dark green to make it as unobtrusive as possible. Plastic fencing will be allowed.

(20) Garages

(a) Pitch of roof on a new garage should match that of the house, unless specific problems prevent it (such as houses with extremely steep pitch, which would result in a garage too high to meet zoning requirements).

(b) Siding should match that of the house unless the house is brick; then wood is allowed as an alternative.

(c) Service doors and windows should match those on the house in design.

(d) Plain flush garage doors should match those on the house in design.

(21) Ramps - Railings for ramps installed to provide handicapped accessibility should match similar elements on the structure.

(22) Skylights - Use of skylights that are visible from the street is discouraged. Those that are not visible do not require a COA.

(23) Solar Collectors - Allow homeowners to utilize modern technology while preserving the home.

(24) Satellite Dishes - Are strongly discouraged. If they must be used, they should be as unobtrusive as possible.

(25) Swimming Pools

(a) Permanent above-ground pools are strongly discouraged.

(b) Fencing around in-ground pools must be reviewed by the Columbia Historical Preservation Commission.

(26) Signs

Refer to Article IV (Regulations Based on Type of Location of Street Graphics) of the City of Columbia, Illinois Ordinance No. 892, entitled "FIRST REVISED STREET CONTROL ORDINANCE", as amended by Ordinance No. 1528 enacted December 16, 1996, to regulate signs on historic landmarks and/or in historic districts.

(27) Additions

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- (a) Should match the material, window spacing and roof pitch of the main structure.
- (b) Impact of the addition should not overwhelm the main structure.
- (c) Significant historical materials and features should be preserved and not covered up with the addition.

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

- (a) New construction should be compatible with existing structures in the immediate area in the following ways:
  - (i) Size, height, and setback of structures.
  - (ii) Relationship of the structure to the open space between it and neighboring structures.

(iii) Exterior features, such as window sill or header lines, the proportion of window and door openings to the overall façade, and the horizontal or vertical emphasis of major building elements; and

(iv) Building materials.

(29) Demolition - Of historical buildings irreversibly alters the character of the individual site, streetscape, building or district grouping. Demolition of buildings and structures in historical districts or of landmark structures should be a last alternative when all other avenues of protecting historic buildings and structures have been exhausted. Demolition is not permitted within historical districts or on historic sites unless one of the following conditions exist:

- (a) The demolition request is for an inappropriate addition, a nonsignificant portion of a building, or nonsignificant accessory structure, provided the demolition will not adversely affect those parts of a building or buildings which are significant, as determined by the Columbia Historical Preservation Commission; or
- (b) The demolition request is for a noncontributing building and the demolition is required by the public

safety because of an unsafe or dangerous condition; or

- (c) The building official of the City of Columbia certifies that the demolition is required by public safety because of an unsafe or dangerous condition; or
- (d) The property owner shows that failure to allow demolition would create an unreasonable economic hardship as defined in Section 15.64.020 of this Chapter of this Code; or
- (e) The property owner shows that no reasonable economic return may be gained from the property.

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

Section 15.64.190

HEARING ON APPLICATION FOR COA.

(A) Applications for a COA shall be available from the City Clerk. Applications shall be completed and submitted to the City Clerk, which shall forward them to the CHPC. The Commission shall schedule a public hearing for consideration of the application within fifteen (15) days of receipt of the application. A public notice for consideration of the application shall be published no less than fifteen (15) days nor more than thirty (30) days

before a hearing, in a newspaper of general circulation published in the City.

(B) If the CHPC finds at the time that the application merits further consideration, then the Commission may table the request until its next regularly scheduled meeting.

Section 15.64.200 ISSUANCE OF COA.

(A) The CHPC shall notify the applicant of their decision within five (5) days after the public meeting. Upon approval of the application, the Commission shall issue a signed COA to the applicant, with copies forwarded to the Building Commissioner / Ordinance Administrator and the City Council. If the application for COA is denied by the Commission, the applicant can request appeal in accordance with the provisions of Sections 15.64.250 and 15.64.260 of this chapter.

(B) A COA shall be invalid if changes in the plans reviewed by the Commission are necessary in obtaining the building permit, or if the building permit issued for the same work becomes invalid. The COA remains valid for the same period of validity as the building permit.

Section 15.64.210 UNREASONABLE ECONOMIC HARDSHIP; LANDMARKS AND HISTORIC DISTRICTS.

(A) If, notwithstanding a proposed construction, alteration, removal or demolition may be inconsistent with the criteria of this chapter, failure to grant a COA will involve an unreasonable economic hardship to the applicant, the Commission may grant the COA to allow the performance of work

which otherwise would be denied upon its findings that there will not be a substantial detriment to the public welfare nor substantial derogation from the purposes of this chapter.

(B) In order to enable the Commission to determine Unreasonable Economic Hardship, the applicant shall at the time of the public hearing or meeting at which the application for a COA is considered, produce all relevant information in affidavit form including:

- (1) Amount paid for property and date of purchase;
- (2) Recent assessed value, real estate taxes, annual debt service, appraisals obtained in previous years;
- (3) Listing of offers to sell or rent the property and any offers received to purchase or rent the property;
- (4) Financial information relating to income and expenses on the property over a period of at least five (5) years pending the year of application;
- (5) Any additional information which fully explains the economic hardship which would result from denial of the COA for the permit.

(C) If the Commission finds that a proposed construction, alteration, removal or demolition is inconsistent with the criteria of this chapter and issuance of a COA would cause substantial detriment to the public welfare or substantial derogation from the purposes of this chapter, but that denial

of the permit would cause an economic hardship for the applicant, the Commission may order a postponement of any action on the application for a period not to exceed six (6) months. During this period, the Commission shall investigate alternatives to provide for a reasonable beneficial use or a reasonable economic return, or to otherwise preserve the subject property and improvements. If, by the end of the six (6) month period, the Commission has found what without approval of the proposed work, the property and improvements cannot be put to a reasonable beneficial use or the owner cannot obtain any reasonable economic return, the Commission shall grant the COA for the proposed work. In case a COA is denied, the applicant may, within fifteen (15) working days, appeal the Commission's decision to the City Council. The City Council may affirm, modify or reject the decision, after due consideration of the facts contained in the record submitted to the City Council by the Commission.

(D) When granting a COA under this section the Commission shall indicate the reasons for issuance, and may prescribe any conditions or limitations that are necessary to minimize the adverse impact of the requested construction, alteration, removal or demolition.

Section 15.64.220            ZONING, LANDMARKS AND HISTORIC DISTRICTS. Whenever an application or petition for a zoning map amendment or bulk area variance is submitted to the City's Plan Commission or a special use permit application is submitted to the City's Zoning Board of Appeals or other change is submitted to the appropriate municipal Board for

property which is a Landmark or which is within a Historic District in the City, a notice of any public hearing to be held on the application by the Board shall be sent to the CHPC with a copy of the application for the proposed change. The Commission may submit comments, requests and recommendations to the subject Board for its consideration at the hearing.

Section 15.64.230                    EMERGENCY PROCEDURE.

- (A) Whenever the City Council is to consider a resolution or ordinance that would declare a building or structure as unsafe and dangerous, the City Council shall immediately give notice of the pending resolution or ordinance to the Chairman of the Commission. In the event that a Landmark or Historic structure is to be considered by said resolution or ordinance as unsafe or dangerous, the Chairman shall convene a special meeting of the Commission to review the proposed resolution or ordinance and to make recommendations to the City Council prior to final action on the resolution or ordinance by the City Council.
- (B) In the event that a Landmark or Historic structure is determined by the City Council to constitute an imminent threat to the safety of life, health or property, immediate repairs necessary to render the building or structure safe, including demolition, may be undertaken without review by the Commission.

Section 15.64.240                    FEES. The CHPC may establish an appropriate system of processing fees for the review of nominations and Certificates of Appropriateness. Such fees will be as indicated in

the City's annual fee ordinance as per Title 18 of the Columbia Municipal Code.

Section 15.64.250 APPEALS.

- (A) In the event of a denial of an application for a COA, the CHPC shall notify the applicant in writing of the disapproval and the reasons therefore, and shall recommend changes, if any, in the proposed action that would cause the Commission to reconsider its denial.
- (B) Within fifteen (15) days of receipt of the notification of disapproval, the applicant may resubmit an amended application that takes into consideration the recommendations of the CHPC. The application shall be considered to be withdrawn if no written modification or request for public hearing is received. Within fifteen (15) days of receipt of a written modification, the Commission must either issue the COA or hold a hearing.

Section 15.64.260 FINDINGS ON APPEAL.

- (A) The CHPC shall select a reasonable time and place for the hearing of the appeal, and give due notice thereof to the applicant by mailing notice of the hearing, this mailing to be made at least ten (10) days prior to the date of hearing.
- (B) Notice of the time and place of the public hearing shall be published at least once, not less than fifteen (15) days nor more than thirty (30) days before the hearing, in a newspaper of general circulation published in the City.
- (C) The Chairperson shall conduct the hearing. The Commission and the applicant shall have the right

to introduce evidence and cross-examine witnesses. A recorded or written transcript of the hearing shall be made and kept.

- (D) The Commission shall vote, announce its decision, make its recommendations, and notify the Building Inspector, City Council and the applicant within five (5) days after the conclusion of the public hearing, unless the time is extended by mutual agreement between the Commission and the applicant.
- (E) In the event of a denial of an application for a COA on appeal by the Commission, the applicant may appeal the decision to the City Council, whose decision in this matter shall be final subject only to judicial review as provided by law.

Section 15.64.270 PENALTY.

(A) The Commission may recommend that the City of Columbia, with the approval of the City Council apply to the Circuit Court for a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this chapter notwithstanding the existence of other remedies. Any such injunction may be issued without notice and without bond.

In addition to other remedies provided by law, appropriate action may be instituted to correct a violation of this chapter, including, but not limited to, requiring the restoration of property and improvements to their original appearance prior to the violation. If a Court shall find that an act or omission was willful, then the Court may, in addition to any compensation, award damages for the sake of example and by the way of punishment.

Any action to recover for such loss, damage or injury may be brought in a Circuit Court of competent jurisdiction by any person or party (to include a corporation, partnership or other legal entity) who is a resident of or owns property in the City of Columbia, Illinois. In every case of a recovery of damages by any person or party under the provisions of this chapter, the plaintiff shall be entitled to a reasonable attorney's fee to be fixed by the Court, which fee shall be taxed and collected as part of the cost of the case.

- (B) Any person who causes the alteration of any Landmark, or any improvement or area within a Historic District, which said alteration requires a permit from the City, and who does so without obtaining a COA from the Commission, upon conviction shall be punished by a fine of not greater than Seven Hundred and Fifty Dollars (\$750.00). Each day that a violation exists shall constitute a separate offense.
- (C) Any person who causes the demolition of any Landmark, or any improvement or area within a Historic District, which said demolition requires a permit from the City, and does so without obtaining a COA from the Commission, upon conviction shall be punished by a fine of not greater than Seven Hundred and Fifty Dollars (\$750.00).
- (D) Any and all monies collected pursuant to the above subsections (B) and (C) of this section shall be deposited in the City Corporate General Fund and may be used and expended for general municipal corporate uses and purposes as the Columbia City Council shall decide.

Section 2. All Ordinances, Resolutions or Orders in conflict herewith (including conflicting provisions of the City Zoning Code and the City Subdivision Code), to the extent of such conflict, are hereby subordinated to the provisions hereof, and said conflicting provisions shall be deemed changed and amended by this ordinance to read in conformity and compliance herewith.

Section 3. This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet form, as provided by law.

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

YEAS:	8	Alderman Conrad Alderman Ebersohl Alderman Agne Alderman Niemietz Alderman Unnerstall Alderman Koesterer Alderman Row Alderman Huch
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NAYS:	0	
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ABSENT:	1	Mayor Hutchinson
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ABSTENTIONS:	0	
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PASSED by the City Council, and APPROVED by the Mayor, this 7<sup>th</sup> day of August, 2006.

APPROVED:

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MICHAEL CONRAD, Mayor Pro Tem

ATTEST:

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WESLEY J. HOEFFKEN, City Clerk

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