

## CHAPTER 25

### PLANNING AND DEVELOPMENT

- Art. I. In General, §25-1100 - §25-1104**
- Art. II. Official Comprehensive Plan, §25-2100**
- Art. III. Plan Commission, §25-3100 - §25-3116**
- Art. IV. Historic Preservation, §25-4100 - §25-4112**

#### ARTICLE I. IN GENERAL

##### **SEC. 25-1100. DEPARTMENT OF PLANNING AND DEVELOPMENT CREATED; PURPOSE.**

The department of planning and development is hereby created. The primary purpose of this department is to assist the Moline Plan Commission and City Council in the development, maintenance and administration of the comprehensive program of long-range community planning; to provide continuous, comprehensive review and analysis of activities implementing or impacting upon long-range planning and community development; to assist in the development of a capital improvements program and budget; to administer and maintain the Moline Zoning Ordinance (Chapter 35) and Subdivision Ordinance (Chapter 29).

##### **SEC. 25-1101. POSITION OF DIRECTOR OF PLANNING AND DEVELOPMENT CREATED; APPOINTMENT; RESPONSIBILITY; QUALIFICATIONS.**

There is hereby created the position of director of planning and development. The director of planning and development shall be appointed by the city administrator with the advice and consent of the City Council and may be dismissed by the city administrator at any time in accordance with the provisions of this Code for the removal of officers set forth in Sec. 2-3202(c)(3). Said director shall be responsible for the administration, direction, and supervision of the department of planning and development and its personnel and carry out such other functions as may be assigned from time to time by the city administrator. The individual appointed to the position of director of planning and development shall be a person skilled in the field of municipal planning and development regulation by education, training, and experience. (Ord. No. 92-6-1; §25-1102 repealed; new section enacted; 06/02/92)

##### **SEC. 25-1102. PERSONNEL IN DEPARTMENT OF PLANNING AND DEVELOPMENT.**

In addition to the director of planning and development, the office of planning and development shall include economic development coordinator; community development coordinator; land development coordinator; and such other personnel as authorized by the City Council from time to time.

##### **SEC. 25-1103. DEPARTMENT TO PROVIDE TECHNICAL ASSISTANCE AND COORDINATION.**

In addition to providing the mayor, city administrator, and City Council with assistance and advice on all community planning and development matters, the department of planning and development shall provide technical, secretarial, and clerical assistance to the Moline Plan Commission, and any other boards, commissions and advisory groups duly appointed by the mayor and/or the City Council, depending upon their particular needs. The department shall work closely with other City departments, the Moline Housing Authority, the Moline School District, and provide liaison with the Bi-State Regional Commission and adjoining community planning departments and agencies.

**MOLINE CODE OF ORDINANCES**

**SEC. 25-1104. DEPARTMENT OF PLANNING AND DEVELOPMENT  
SUPERSEDES DEPARTMENT OF PLANNING AND ZONING.**

The department of planning and development shall replace and supersede all reference in the Moline Code of Ordinances to the department of planning and zoning.

**ARTICLE II. OFFICIAL COMPREHENSIVE PLAN.**

**SEC. 25-2100. OFFICIAL COMPREHENSIVE PLAN; ADOPTED;  
TERRITORIAL APPLICATION.**

(a) The comprehensive plan prepared for the Moline Plan Commission by the Bucher, Willis & Ratliff Corporation and published in September 2001, in one (1) volume, "Comprehensive Plan 2001," is, and the same is hereby adopted as the official comprehensive plan for the City, and is attached hereto and incorporated herein as Exhibit A. Exhibit "A" is not set forth herein, but is on file with the City.\*\*

- (1) The "Comprehensive Plan 2001" as prepared by the Bucher, Willis & Ratliff Corporation and published in September 2001 is supplemented by and includes the following Comprehensive Plan elements as part of the same and are hereby adopted as elements of the official comprehensive plan for the City:
- a. The Moline Centre on the Mississippi Master Plan Update
  - b. The Floreiciente Neighborhood Plan Update, dated November 2001
  - c. The Avenue of the Cities vision and Implementation Plan
  - d. The Edgewater Neighborhood Plan, dated April 1993

Said elements of the official comprehensive plan for the City are attached hereto and incorporated herein as Exhibits "B," "C," "D," and "E" respectively. Exhibits "A," "B," "C," "D," and "E" are not set forth herein, but are on file with the City."

- (2) The comprehensive plan as contained in the Future Land Use map incorporated herein as Exhibit A and the Future Land Use South Rock Planning District map incorporated herein as Exhibit B are hereby amended by repealing the future land use classification of "Industrial with Business Park Overlay" for a tract property contained with said Exhibits A and B and further described as follows:

That certain tract of land situated in the East Half of the Northeast Quarter of Section Number Thirty (30), Township Number Seventeen (17) North, Range Number One (1) West of the Fourth Principal Meridian, described as follows, to-wit:

Beginning at the Southeast Corner of said East Half of the Northeast Quarter; Thence North 89 degrees 03 minutes 19 seconds West along the South line of the Northeast Quarter of said Section Number Thirty (30) a distance of 797.02 feet; Thence North and parallel to the East Line of said Section Number Thirty (30) a distance of 172.67 feet to a point; Thence North 90 degrees 00 minutes 00 seconds East a distance of 797.02 +/- feet to a point on the East line of said Section Number Thirty (30); Thence South along the East line of said Section Number Thirty (30) 172.67 feet, more or less, to the point of beginning; situated in Rock Island County, Illinois.

Subject to an easement for the Indian Hills Subdivision filed in Plat Book 45, Page 327, filed 27 November 1978 in the Rock Island County Recorder's Office.

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And in lieu thereof there is hereby adopted a new Future Land Classification of "Agricultural" for said tract of land described above and contained within Exhibits A and B.

(Ord. No. 2001-11-01; Sec. 25-2100 (a) repealed; new Sec. 25-2100 (a) enacted; 11/13/01; Sp. Ord. No. 2060; Sec. 25-2100 (a) repealed; new Sec. 25-2100 (a) enacted; 06/11/02)

(b) The "Comprehensive Plan 2001" as prepared by the Bucher, Willis & Ratliff Corporation and published in September 2001 is supplemented by and includes the following Comprehensive Plan elements as part of the same and said elements are hereby adopted as elements of the official comprehensive plan for the City:

- (1) North Rock River Corridor Plan 2004
- (2) The Moline Centre on the Mississippi Master Plan Update
- (3) The Floreciente Neighborhood Plan Update, dated November 2001
- (4) The Avenue of the Cities Vision and Implementation Plan
- (5) The Edgewater Neighborhood Plan, dated April 1993

Said elements of the official comprehensive plan for the City are incorporated herein as Exhibits "B," "C," "D," "E," and "F," respectively. Exhibits "A," "B," "C," "D," "E," and "F" are not set forth herein, but are on file with the City Clerk. (Ord. No. 3068-2004; Sec. 25-2100 (b) repealed; new Sec. 25-2100 (b) enacted; 09/07/04)

(c) The comprehensive plan adopted in subsection (a) shall be applicable to all land situated within the corporate limits of the City, and shall also be applicable to contiguous territory within one and one-half (1½) miles from the corporate limits of the City and not included within the corporate limits of any other municipality.

(d) The official comprehensive plan adopted in subsection (a) shall be available to the public upon request. \*(Ord. No. 3038-2008; Sec. 25-2100 amended by repealing Chapter 1 of the Comprehensive Plan, "Socioeconomic Analysis, Inventory and Evaluation of Existing Conditions," and enacting new Chapter 1 re: same subject matter; 10/09/08)

## ARTICLE III. PLAN COMMISSION

### **SEC. 25-3100. CREATED; PURPOSE.**

In order that adequate provisions be made for the preparation of a comprehensive City plan for the guidance, direction and control of the growth and development or redevelopment of the City and contiguous territory not more than one and one-half (1½) miles beyond the corporate limits of the city, and not included in any municipality, a plan commission is hereby created.

### **SEC. 25-3101. COMPOSITION; APPOINTMENT AND QUALIFICATIONS OF MEMBERS; MAYOR TO BE EX OFFICIO MEMBER.**

The plan commission shall consist of eleven (11) members, citizens of the City, appointed by the mayor on the basis of their particular fitness for their duty on the plan commission, and subject to the approval of the City Council.

### **SEC. 25-3102. TERMS AND COMPENSATION OF MEMBERS.**

The term of office of members of the plan commission shall be six (6) years. All members of the plan commission shall serve without compensation except that, if the City Council deems it advisable, they may receive such compensation as may be fixed from time to time by the City Council and provided for in the appropriation ordinance.

## **MOLINE CODE OF ORDINANCES**

### **SEC. 25-3103. ORGANIZATION.**

Immediately following their appointment, the members of the plan commission shall meet, organize, elect such officers as it may deem necessary, and adopt and later change or alter rules and regulations of organization and procedure consistent with state law, the provisions of this Code and other City ordinances.

### **SEC. 25-3104. RECORDS.**

The plan commission shall keep written records of its proceedings, which shall be open at all times to public inspection.

### **SEC. 25-3105. POWERS AND DUTIES.**

The plan commission shall have the following powers and duties:

- (1) To prepare and recommend to the City Council, a comprehensive plan for the present and future development or redevelopment of the City and contiguous unincorporated territory not more than one and one-half (1½) miles beyond the corporate limits of the City and not included in any other municipality. The plan may be adopted in whole or in separate geographical or functional parts, each of which, when adopted shall be the official comprehensive plan, or part thereof, of the City. Such plan shall be advisory, except as to such part thereof as has been implemented by ordinances duly adopted by the City Council. All requirements for public hearing, filing of notice of adoption with the county recorder of deeds, and filing of the comprehensive plan and ordinances with the city clerk shall be complied with as provided for by law.
- (2) To provide for the health, safety, comfort and convenience of the inhabitants of the City and its contiguous territory, such plan or plans shall establish reasonable standards of design for subdivisions and for resubdivisions of unimproved land and of areas subject to redevelopment in respect to public improvements as defined in this division, and shall establish reasonable requirements governing the location, width, course, and surfacing of public streets and highways, all ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, storm water drainage, water supply and distribution, sanitary sewers and sewage collection and treatment. The requirements specified in this subsection shall become regulatory only when adopted by ordinance.
- (3) To designate land suitable for annexation to the City and the recommended zoning classification for the land upon annexation.
- (4) To recommend to the City Council, from time to time, such changes in the official comprehensive plan or any part thereof as may be deemed necessary.
- (5) To prepare and recommend to the City Council, from time to time, plans or recommendations for specific improvements in pursuance of the official comprehensive plan.
- (6) To give aid to the officials of the City, charged with the direction of projects for improvements embraced within the official comprehensive plan or parts thereof, to further the making of such improvements, and generally to promote the realization of the official comprehensive plan.
- (7) To arrange and conduct any form of publicity relative to its activities for the general purpose of public understanding.

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- (8) To cooperate with municipal or regional planning commissions and other groups or agencies to further the local planning program and to assure harmonious and integrated planning for the area.
- (9) To exercise such other powers germane to the powers granted under authority of an act of the General Assembly of the State of Illinois entitle "Illinois Municipal Code" approved May 29, 1961, and effective July 1, 1961, and as amended, as may be conferred by the City Council.

### **SEC. 25-3106. ADOPTION OF OFFICIAL MAP.**

An Official Map may be designated by ordinance, which map may consist of the whole area included within the official comprehensive plan or of one (1) or more separate geographical or functional parts, and may include all or any part of the contiguous unincorporated area within one and one-half (1½) miles from the corporate limits of the City. All requirements for public hearing, filing of notice of adoption with the county recorder of deeds, and filing of the plan and ordinances including the Official Map with the city clerk, shall be complied with as provided for by law.

### **SEC. 25-3107. SUBDIVISIONS.**

No map or plat of any subdivision or resubdivision presented for record, affecting land within the City, or within contiguous territory which is not more than one and one-half (1½) miles beyond the corporate limits of the City, shall be entitled to record or shall be valid unless the subdivision shown thereon provides for standards or design, and standards governing streets, alleys, public ways, ways for public service facilities, street lights, public grounds, size of lots to be used for residential purposes, storm and flood water run-off channels and basins, water supply and distribution, sanitary sewers, and sewage collection and treatment, in conformity with the applicable requirements of this Code and other City ordinances, including the Official Map.

### **SEC. 25-3108. DATA RELATIVE TO PUBLIC IMPROVEMENTS.**

The city clerk shall furnish the plan commission for its consideration, a copy of all ordinances, plans and data relative to public improvements of any nature. The plan commission may report in relation thereto, if it deems a report necessary or advisable, for the consideration of the City Council.

### **SEC. 25-3109. EXPENDITURES; EMPLOYMENT OF PERSONNEL.**

The mayor, with the approval of the City Council, may employ a planning staff whose salaries, wages, and other necessary expenses shall be provided for by adequate appropriation made by the City Council from the public funds. If the plan commission shall deem it advisable to secure technical advice or services, it may be done upon authority from the City Council and appropriations by the City Council therefor.

### **SEC. 25-3110. HEARINGS IN GENERAL.**

At all hearings before the plan commission, all testimony shall be given under oath, and a record of the proceedings shall be made.

### **SEC. 25-3111. PLAN COMMISSION REVIEW OF PUBLIC IMPROVEMENTS.**

The plan commission, in conducting its review under Sec. 25-3108, shall follow standard specifications on file in the office of the city clerk and director of public works.

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**SEC. 25-3112.            ADOPTION OF STANDARD SPECIFICATIONS.**

The following supplemental specifications and construction standard details are hereby adopted as the specifications of the City of Moline and shall govern all work on public improvements pursuant to the board of local improvements' powers, pursuant to the subdivision regulations, and other public improvement projects authorized by the City Council. The supplemental specifications supplement a specific Section or Article of the edition in effect on the date of invitation of bids of the following: the Illinois DOT "Standard Specifications for Road and Bridge Construction"; the "Illinois DOT Supplemental Specifications and Recurring Special Provisions"; the "Illinois Recommended Standards for Sewage Works and the Design Criteria for Pressure Sewer Systems"; the "Manual on Uniform Traffic Control Devices for Streets and Highways"; the "Manual of Test Procedures of Materials"; and the "Standard Specifications for Water & Sewer Main Construction in Illinois", hereinafter referred to as the Sewer and Water Specifications.

In case of conflict with any part, or parts, of the above, the City of Moline Supplemental Specifications, the City of Moline Special Provisions (specific to the project being bid), and City of Moline Standard Details shall take precedence and will govern. In the case of conflict between the Moline Supplemental Specifications and the Moline Special Provisions, the Moline Special Provisions shall take precedence and will govern and shall be maintained on file in the office of the city clerk/legal records' office and director of public works for public inspection.

(Ord. No. 3007-2007; Sec. 35-3112 repealed; new Sec. 35-3112 enacted; 02/13/07)

**SEC. 25-3113.            PROVISIONS FOR AMENDMENT OF  
STANDARD SPECIFICATIONS.**

No amendment to any standard specifications shall be enacted unless initiated by the director of public works and reviewed by the plan commission and enactment shall follow the procedure used for original enactment.

**SEC. 25-3114.            SPECIAL PROVISION TO THE  
STANDARD SPECIFICATIONS.**

Sec. 25-3111, Sec. 25-3112, and Sec. 25-3113 shall not prohibit development of individual special provisions and/or standards by either the director of public works or a registered professional engineer for individual projects, if approved by the director of public works, and such director or such registered professional engineer is hereby authorized to promulgate and adopt such provisions or standards and to keep such provisions or standards available for public review and inspection; provided, such special provisions and/or standards shall be listed on the face of any plans or permits and attached verbatim thereto as an exhibit.

**SEC. 25-3115.            COMPLIANCE WITH STANDARD  
SPECIFICATIONS.**

Contractors under contract with the City and all other persons doing work which is or will be a public improvement upon completion thereof or which work is governed by said standard specifications (such work includes, but is not limited to, sidewalk, driveway, pavement patch permit work and other work regulated by Chapter 28) shall be required to follow said standard specifications unless special provision is made otherwise and failure to follow said standard specifications shall be considered a breach of contract or violation of permit and an offense of this Code.

**SEC. 25-3116.            VIOLATIONS.**

A violation of Sec. 25-3115 shall be punishable as provided in Sec. 1-1107 of this Code.

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**ARTICLE IV. HISTORIC PRESERVATION**

**SEC. 25-4100. AN ORDINANCE PROVIDING FOR THE PRESERVATION OF STRUCTURES OR AREAS OF HISTORIC OR ARCHITECTURAL SIGNIFICANCE FOR THE CITY OF MOLINE, ILLINOIS.**

(a) **Authority.** The authority for this ordinance is found in the Illinois Constitution of 1970, Article VII, concerning home rule powers and the Illinois Historic Areas Preservation Act, Chapter 65, Section 5/11-13.1 and 5/11-48.2 et. seq. of the Illinois Compiled Statutes that grants powers to the Mayor and City Council of Moline to provide for official landmark designation by ordinance of areas, places, buildings, structures, and other objects having a special, historical, community or aesthetic interest or value, and in connection with such areas so designated by ordinance to impose regulations governing the construction, alteration, demolition and use, and to adopt other additional measures appropriate for their preservation, protection, enhancement, rehabilitation, reconstruction, perpetuation or use.

(b) **Purpose and Scope.** This Historic Preservation Ordinance is established for the purpose of:

- (1) Promoting the educational, cultural, and economic welfare of the City by preserving and protecting historic structures, sites, and neighborhoods which serve as visible reminders of the history and cultural heritage of the City, state, or nation.
- (2) Fostering awareness and appreciation among Moline citizens for the unique history of the City embodied in its architecture and historic sites.
- (3) Providing a mechanism to identify and preserve the distinctive historic architectural areas and structures that are significant to the City's history.
- (4) Strengthening the economy of the City by stabilizing and improving property values in historic areas, and to encourage new developments that will be harmonious with the existing historic structures and districts.
- (5) Fostering civic pride and enhancing and promoting the aesthetics of the community to residents, potential residents and visitors.
- (6) Encouraging preservation, restoration of structures, areas, and neighborhoods and thereby preventing future urban blight.

**SEC. 25-4101. DEFINITIONS.**

Unless otherwise indicated, the following words, terms or phrases shall have these prescribed meanings:

- (1) **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.
- (2) **ALTERATION.** Any act or process that changes one (1) or more of the exterior architectural features of a structure including, but not limited to the erection, construction, reconstruction or moving of any structure.
- (3) **ARCHITECTURAL SIGNIFICANCE.** Embodying the distinctive characteristics of a type, period style or method of construction or use of indigenous construction, or representing the work of an important builder, designer, architect, or craftsman who has contributed to the development of the community, City, county, state or nation.

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- (4) **CERTIFICATE OF APPROPRIATENESS.** A certificate reviewed by the Historic Preservation Commission and issued by the City Council verifying that an application to allow the alteration or demolition of any improvement upon a Landmark Site or Historic District was found to be appropriate to the general character of the Landmark Site or Historic District; and that the City has found that the proposed alteration is in accordance with the Secretary of the Interior's Standards for Rehabilitation and Design Guidelines for Rehabilitating Historic Buildings; and that the requested action may be taken subject to applicable building and zoning codes.
- (5) **CERTIFICATE OF ECONOMIC HARDSHIP.** A certificate reviewed by the Historic Preservation Commission and issued by the City Council authorizing alterations, construction, relocation, removal or demolition of a landmark building, or structure when such property cannot be put to a reasonably beneficial use or the owner cannot obtain a reasonable economic return thereon without the proposed alteration, construction, relocation, removal or demolition.
- (6) **CITY COUNCIL.** The elected City Council of the City of Moline, Illinois.
- (7) **COMMISSION.** The City's appointed Moline Historic Preservation Commission.
- (8) **CONTRIBUTING (building, structure or site).** A building, structure or site that may not necessarily have architectural or historic significance as a single property, but which adds to the overall character and significance of a historic district due to its architectural or historical merit and its compatibility with other buildings, structures and sites within an architectural or historic setting such as a neighborhood or commercial district.
- (9) **DEMOLITION.** The complete or substantial removal or destruction of any site, structure or improvement.
- (10) **DEPARTMENT.** Shall refer to the Department of Planning and Development of the City of Moline, Illinois.
- (11) **DESIGN GUIDELINES.** A set of criteria, policies or procedures intended to preserve the historic and architectural character of a structure or areas.
- (12) **EXTERIOR.** The front facade of any structure or any exterior feature visible from the public way.
- (13) **EXTERIOR ARCHITECTURAL APPEARANCE.** The architectural and general composition of the exterior of a structure, including, but not limited to the kind and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs and appurtenant elements.
- (14) **LOCALLY DESIGNATED HISTORIC DISTRICT.** An area designated a Historic District by ordinance of the City Council and which may contain within definable geographic boundaries one (1) or more historic properties and which may have within its boundaries other properties or Landmark structures that, while not of such historic and/or architectural significance to be designated as Landmark, nevertheless contribute to the overall visual characteristics of the Landmark or Landmarks located within the Historic District.
- (15) **NATIONALLY DESIGNATED HISTORIC DISTRICT.** An area that has been designated by the US Secretary of Interior and is listed on the National Register of Historic Sites and Places.
- (16) **IMPROVEMENT.** An exterior change in the property that upgrades the structure and enhances the value of said property.

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- (17) **LANDMARK**. A historic property or structure or site designated as a Landmark by ordinance of the City Council, pursuant to procedures prescribed herein, that is of architectural, landscape architectural, historical, archaeological, or cultural importance or value of significance to the City, or has been designated as a landmark by the U.S. Secretary of Interior on the National Register of Historic Sites and Places prior to the adoption of this ordinance.
- (18) **LANDSCAPE**. The area surrounding a landmark or structure within a historic district. This shall include, but not be limited to, fences, statues, signs, plantings, paving and outbuildings, as well as landforms.
- (19) **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.
- (20) **RELOCATION**. Any repositioning of a structure on its site or the moving of it to another site.
- (21) **REPAIR**. Any change that does not require a building permit, is not new construction, removal, or alteration. Furthermore, nothing in this definition shall be construed to prohibit or limit normal repairs or maintenance, which do not involve alterations or changes in the exterior features of a structure. For the purposes of this ordinance, changes made in the color of the exterior surfaces of a structure are considered to be ordinary maintenance and repair.
- (22) **SITE**. Any parcel of real property.
- (23) **STRUCTURE**. Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including but not limiting the generality of the following: any building, structure, wall, fence, gazebo, advertising sign, billboard, backstops for tennis courts, radio and television antennae, including supporting towers, swimming pools, satellite dishes, solar panels and wind generation.
- (24) **STRUCTURAL CHANGE**. Any change or repair to the exterior of a structure that would change the structure in height or bulk or any change in the supporting members of a structure.
- (25) **UNLAWFUL DEMOLITION**. The removal in whole or in part of a historic landmark without proper City Council approval.

## SEC. 25-4102. HISTORIC PRESERVATION COMMISSION.

- (1) **COMPOSITION**. The Moline Historic Preservation Commission shall consist of seven (7) voting members, residents and/or property owners of the City, appointed by the mayor with the advice and consent of the City Council.
- (2) **QUALIFICATIONS**. The members of the Commission shall be appointed on the basis of, expertise, experience or interest in the area of architectural history, building construction or engineering, finance, historical and architectural preservation, neighborhood organizing or real estate.
- (3) **TERMS**. The members of the Commission shall be appointed for terms of three (3) years. Of those members first taking office, two (2) shall be appointed for one (1) year, three (3) for two (2) years, and two (2) for three (3) years. The successors to the initial members shall serve for a term of three (3) years. Alternate members shall be appointed in the same manner as regular members to serve in the extended absence or disqualification of the regular members. Vacancies shall be filled for the unexpired term only. Members shall serve without compensation.

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- (4) **OFFICERS.** Members of the Commission shall elect a Chairperson, Vice-Chairperson and Secretary. Officers shall serve for a term of one (1) year and may be re-elected, but no person may serve as chairperson for more than two (2) consecutive years.
- (5) **MEETINGS.** Following their appointment, members of the Commission shall meet at least monthly, or more often as determined by the Chairman. A quorum shall consist of five (5) of the members. A concurring vote of a majority of those members present and constituting a quorum is necessary to render a decision on any matter on which the Commission is authorized to act. No member of the Commission shall vote on any issue that might be construed in any way as a conflict of interest under the City Code of Ethics as contained in Chapter 2 of the City Code. The Commission shall keep written records of its proceedings and all meetings shall be conducted in accordance with the Open Meeting Act of the State of Illinois
- (6) **ATTENDANCE.** A commission member having three (3) consecutive unexcused absences may be recommended for removal from the commission by the Mayor, with the consent of the City Council.
- (7) **POWERS AND DUTIES.** At all times consistent with and subject to the laws of the State of Illinois and the ordinances of the City of Moline, the Historic Preservation Commission shall have and may exercise the following responsibilities:
- a. Adopt its own procedural regulations.
  - b. Undertake an ongoing survey and research effort in the City to identify neighborhoods, areas, sites, structures, and objects that have historical, community, architectural or aesthetic importance, interest or value.
  - c. 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.
  - d. Identify such structures, places or areas within the City which are historically significant in that they exemplify and/or reflect the cultural, social, economic, political or architectural history of the nation, the state or the City.
  - e. Investigate and hold public hearings, and recommend to the City Council the adoption of ordinances designating such structures, places or areas as either Landmark or Historic Districts.
  - f. Review and process applications for Certificate of Appropriateness and Certificate of Economic Hardship and provide Commission recommendations to the City Council.
  - g. Investigate and recommend areas as having special historic, community or architectural value as potential Historic Districts or Landmarks.
  - h. Subject to Council approval perform such other functions as may be useful or necessary to safeguard and enhance the City's historic, aesthetic, architectural, cultural and community heritage as embodied in its structures, places and areas.
  - i. The commission may review plans and designs for new infill construction in designated Historic Districts and forward its findings and recommendations to City Council.
  - j. To accept and administer on behalf of the City of Moline upon designation by the City Council such gifts, grants and money as may be appropriate for the purpose of this ordinance.

### **SEC. 25-4103. LANDMARK DESIGNATION GUIDELINES.**

(a) Applications for landmark designation shall be reviewed by the Historic Preservation Commission, which shall consider whether a building or structure nominated for Landmark designation meets the required designation guidelines.

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Any person, group of persons or association, including but not limited to the Moline Historic Preservation Commission, may nominate a building or structure that may have historic or architectural significance as defined by the ordinance, for designation as a Landmark.

Persons wishing guidance or advice prior to completing an application may contact the Department of Planning and Development or the Historic Preservation Commission. Completed applications shall be filed at the Department of Planning and Development.

To be considered for landmark designation, a structure or structures should be determined to be at least fifty (50) years old. Special consideration may be given to a structure less than fifty years old that exhibits exceptional qualities such as being designed by a noted architect, is architecturally significant, has prominence of location, and has local, state or national historical significance.

Additionally, proponents must provide information to the Commission to satisfy one (1) or more of the following criteria.

- (1) Properties and/or structures are significant in national, state or local history, architecture, archaeology, and/or culture.
  - (2) Properties and/or structures possess integrity of location, design, setting, materials, workmanship, or association.
  - (3) Properties and/or structures are associated with events that have made a significant contribution to the broad patterns of our history.
  - (4) Properties and/or structures are associated with the lives of persons significant in our past.
  - (5) Properties and/or structures embody the distinctive characteristics of a type, period, method of construction, represent the work of a master, possess high artistic values, and represent a significant and distinguishable entity.
  - (6) Properties and/or structures have yielded, or may likely yield, information important in prehistory or history.
- (b) For consideration, an application for nomination of a Landmark should minimally include the following:
- (1) The name and address of the property owner(s) of the proposed Landmark.
  - (2) The legal description and common street address of the property and/or a map delineating the boundaries of the area.
  - (3) A written history describing the property and setting forth reasons in support of the proposed designation.
  - (4) Documentation that the property owners have been notified or consent to the application for designation.
  - (5) Documentation of the building or structure construction date, if possible.
  - (6) A list of significant exterior architectural features that should be protected.

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- (7) Photographs and an overall site plan of the Landmark
- (8) Fees may be established by action of the City Council. Such fees shall be paid to the Finance Director who shall give a receipt therefore and account for the same to the City Council.

### **SEC. 25-4104. HISTORIC DISTRICT DESIGNATION GUIDELINES.**

(a) Applications for Historic District status shall be reviewed by the Historic Preservation Commission. The Commission shall evaluate the proposed district for eligibility based on its overall historic and/or architectural significance, and the extent to which it meets the following criteria:

- (1) The area contains one or more buildings, structures or sites meeting the criteria for landmark designation, and may also include other buildings, structures or sites which, although they may not qualify for individual landmark designation, contribute to the overall visual character of the area and to its architectural or historic significance.
- (2) The area is historically, economically or culturally significant to the development of the City of Moline.
- (3) The area has sufficient integrity to convey the sense of a particular period in the history of the community.

(b) Any person, group of persons or association, including but not limited to the Moline Historic Preservation Commission, may nominate an area or district within the boundaries of the City of Moline that may have historic or architectural significance as defined by the ordinance for the designation of a Historic District. Persons wishing guidance or advice prior to completing an application may contact the Department of Planning and Development or the Historic Preservation Commission. Completed applications shall be filed at the Department of Planning and Development.

- (c) For consideration, an application for nomination of a Historic District should minimally include:
  - (1) A petition supporting the nomination signed by no less than fifty-one percent (51%) of the property owners of record within the proposed district.
  - (2) The legal description, names and addresses of all property owners within the proposed district and a map delineating the boundaries of the area.
  - (3) A written statement describing the history of the proposed district and setting forth reasons in support of the proposed designation.
  - (4) Documentation of the structure or district's age.
  - (5) A list of significant exterior architectural features that should be protected.
  - (6) Photographs and an overall site plan of the proposed Historic District.
  - (7) Fees may be established by action of the City Council. Such fees shall be paid to the Finance Director who shall give a receipt therefore and account for the same to the City Council.

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### **SEC. 25-4105. LANDMARK AND HISTORIC DISTRICT DESIGNATION PROCEDURES.**

- (a) Applications for Landmark designation may be obtained from the City's Department of Planning and Development.
- (1) Any person, group of persons, or association, including but not limited to the Moline Historic Preservation Commission, may request a Landmark or Historic District designation for any area, structure or site within the boundaries of the City of Moline which may have historic or architectural significance as defined by this ordinance.
  - (2) The Department of Planning and Development shall submit completed applications to the Historic Preservation Commission. Upon receipt of the application, the Commission will schedule a review to be held at its next regular meeting and shall notify the applicant and the owner of the property in writing of the date, time and place of such landmark applications review.
  - (3) The Commission shall evaluate the property's eligibility for landmark designation based on its historic and/or architectural significance, the integrity of its design, workmanship, materials, location, setting and the extent to which it meets landmark guidelines.
  - (4) The Commission shall hold a public hearing on all applications. At least fifteen (15) days prior to the date set for the hearing, the Commission shall publish in the newspaper of general circulation in the City of Moline, a notice of time and place of the hearing as provided by statutes of the State of Illinois. Notice of the date, time, place and purpose of the public hearing shall also be sent by mail to the owner(s) of record of the nominated property as well as to the adjoining property owners not less than fifteen (15) days prior to the date of the hearing.
  - (5) During the public hearing, the Commission shall review and evaluate the application according to the criteria established in this Article IV.
  - (6) If the Commission finds the application merits further consideration, the Commission will recommend designation as a Landmark or Historic District to the City Council's Committee of the Whole. If the Commission does not recommend further consideration, they will recommend rejection to the City Council's Committee of the Whole.
  - (7) If the Committee of the Whole and owners of record agree that the Landmark or Historic District should be designated, a simple majority vote of the City Council is necessary for approval of a Landmark or Historic District.
  - (8) If legal objectors representing at least twenty percent (20%) of the total lineal footage of the boundaries of the site for which a Landmark or Historic District is proposed, file a written, duly notarized objection with the Department of Planning and Development or with the City clerk; or if the owner of the subject site is in opposition; or if the Commission recommends denial of a Landmark or Historic District; the City Council shall not adopt an ordinance for such Landmark or Historic District except by a vote of at least two-thirds (2/3) of the members of the City Council.
  - (9) Where provisions of state statute and this ordinance conflict, this ordinance shall prevail per Article VII, Sec. 6 of the Illinois Constitution of 1970.

## MOLINE CODE OF ORDINANCES

### SEC. 25-4106. CERTIFICATE OF APPROPRIATENESS.

(a) Certificate of Appropriateness must be obtained before any construction, alteration, demolition, repair or relocation affecting the exterior architectural appearance of any designated Landmark or structure within a locally designated Historic District can occur. A copy of the Certificate of Appropriateness may be obtained from the Department of Planning and Development.

(b) The Historic Preservation Commission will approve or deny all requests for a Certificate of appropriateness before a building permit, moving permit or demolition permit can be issued for any designated landmark or landmarked structure in a locally designated historic district. If the Historic Preservation Commission denies the request for a certificate of appropriateness the commission will submit its recommendation to the Committee Of the Whole and the City Council which must approve the certificate of appropriateness before a building permit, moving permit or demolition permit can be issued for any landmark or landmarked structure in a locally designated historic district. A Certificate of Appropriateness is also required if the structure or site will be altered, extended or repaired in such a manner as to cause a major change in the exterior appearance of the aforementioned. Such major changes include, but are not limited to:

- (1) Major changes by addition, alteration, maintenance, reconstruction, rehabilitation, renovation or repair.
- (2) Any new construction or demolition, or removal in whole or in part requiring a building permit from the City of Moline.
- (3) Moving a structure.
- (4) Any construction, alteration, demolition, or removal affecting a significant exterior architectural feature as specified in the ordinance designating the Landmark or Historic District.

(c) In the case of a pending application for nomination of a Landmark or a locally designated Historic District, a Certificate of Appropriateness in accordance with the Secretary of Interior's Standards for Rehabilitation shall be required for alteration, construction, removal or demolition of a proposed Landmark or locally designated Historic District effective from the date the nomination form is presented to the Department of Planning and Development and shall be required until the final disposition of the request, or sixty (60) days, whichever is shorter.

(d) Any construction, alteration or repairs to an exterior feature must be made in accordance with the Secretary of the Interior's Standards for Rehabilitation and follow this ordinance's Design Guidelines.

#### (1) SECRETARY OF THE INTERIOR STANDARDS FOR REHABILITATION

- a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- c. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features of architectural elements from other buildings shall not be undertaken.
- d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- e. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
- f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old design, color, texture, and other visual qualities and, where possible, materials.

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Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.

- g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing size, scale and architectural features to protect the historic integrity of the property and its environment.
- j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

### (2) DESIGN GUIDELINES

Guidelines for applying the criteria for review of Certificates of Appropriateness shall, at a minimum, consider the following architectural criteria:

- a. Height. The height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures in a historic district.
- b. Proportions of windows and doors. The proportions and relationships between doors and windows should be compatible with the architectural style and character of the landmark.
- 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 similarly compatible.
- d. Roof Shape. The design of the roof, fascia, and cornice should be compatible with the architectural style and character of the landmark.
- e. Landscaping. Landscaping should be compatible with the architectural character and appearance of the landmark.
- f. Scale. The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures in a historic district.
- g. Directional Expression. Facades in historic districts should blend with other structures with regard to directional expression. Structures in a historic district should be compatible with the dominant horizontal or vertical expression of surrounding structures; the directional expression of a landmark after alteration, construction, or partial demolition should be compatible with its original architectural style and character.
- h. Architectural Details. Architectural details including types of materials, colors, and textures should be treated so as to make the landmark compatible with its original architectural style and character of a landmark or historic district.
- i. New Structures. New structures in a Historic District shall be compatible with the architectural styles and design in said districts.

### **SEC. 25-4107. APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS FOR A LANDMARK OR HISTORIC DISTRICT.**

(a) Applications for a Certificate of Appropriateness may be obtained from the Department of Planning and Development at the Moline City Hall. The Historic Preservation Commission, prior to approval or denial of a request for a Certificate of Appropriateness, shall review each application including plans and specifications for proposed exterior renovations or changes to the designated Landmark structure which require a building permit or demolition permit. A Certificate of Appropriateness is also required if the structure or site will be altered, extended, or repaired in such a manner as to cause a major change to its exterior appearance. The Commission's findings and

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recommendations for the denial of said request are then forwarded to the City Council's Committee of the Whole for its approval or denial of the applications. Approval of the request by the Commission requires no action by the City Council as detailed below in subsection (c).

- (b) Each application must include, but not be limited to:
  - (1) Owner's name, developer's name (if different than the owner) and architect's name;
  - (2) Street address of the property involved;
  - (3) Legal description of the property involved;
  - (4) Photographs of the property involved;
  - (5) Brief description of the existing improvements situated on the property;
  - (6) A detailed description of the construction, alteration, demolition, or use proposed, together with any architectural drawings or sketches if those have been utilized by the applicant, and if not, a sufficient description of the construction, alteration, demolition or use to enable any reasonable person to determine what the final appearance and use of the real estate will be; and
  - (7) A filing fee, as set by the City Council, from time to time, is required.

(c) Upon receipt of a request for a Certificate of Appropriateness, the Historic Preservation Commission will meet to review an application for alterations, repairs or for a request for demolition of a Historic Landmark. If the Commission finds the application for alterations or repairs to be in accordance with the Secretary of Interior's Standards for Rehabilitation, and there are no objectors of record to the proposed alterations or repairs, the Commission shall approve the request for a Certificate of Appropriateness and no action by the City Council will be required.

If the application for alterations or repairs is not in accordance with the Secretary of Interior's Standards for Rehabilitation, the Commission may deny the request for a Certificate of Appropriateness. The Commission will then make a recommendation to the City Council Committee of the Whole as to whether the request is appropriate for said Landmark or Historic District with the City Council making the final decision to deny or approve the request for a Certificate of Appropriateness. A simple majority vote of the City Council is necessary for approval or denial. (Ord. No. 3032-2007; Sec. 25-4107 repealed; new Sec. 25-4107 enacted; 10/09/07)

### **SEC. 25-4108. CERTIFICATE OF ECONOMIC HARDSHIP.**

(a) An exception to the Certificate of Appropriateness shall be made if the applicant shows the City that a failure to grant the permit will cause an imminent threat to life, health or property. After a recommendation for denial of the Certificate of Appropriateness by the Historic Preservation Commission, the City Council may consider an exemption for economic hardship which has not been self-imposed or self-created by the applicant. In order to obtain such exemption, the applicant must show that the structure or structures cannot be used for the original intended purpose and/or no alternative reasonable use can be identified and the applicant can show evidence that economic hardship will be created if the structure or structures cannot be removed.

(b) The Historic Preservation Commission will review all evidence and information required of the applicant and make a recommendation to the City Council whether the denial of a Certificate of Appropriateness has deprived, or will deprive, the owner of the property of reasonable use of, or economic return on, the property. After reviewing the evidence, the City Council may deny and/or accept the application of economic hardship or may postpone consideration of the application for sixty (60) days to permit an opportunity for other alternatives to be evaluated. If no decision is made within said sixty (60) days, the application shall be deemed denied for the reasons set forth by the Historic Preservation Commission.

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### SEC. 25-4109. APPEALS.

Any person aggrieved by or adversely affected by a decision of the City may, within thirty (30) days of the decision, appeal the action to the City Council. When the City Council has determined an exception, no additional appeals may be made. The City Council shall determine whether the City exercised its power in accordance with the applicable laws and ordinances. Appeal from the actions of the City Council shall be pursuant to the Illinois Administrative Review Law found generally at 735 ILCS 5/3-101, et seq.

### SEC. 25-4110. PENALTY.

Any person who violates the provisions of this ordinance shall be guilty of a petty offense and shall be subject to a fine of no less than fifty dollars (\$50.00) for the first offense and no less than one hundred dollars (\$100.00) for the second and subsequent offenses upon conviction thereof. The maximum fine shall be consistent with Section 1-1107 of the Code. Each day any willful violation of any provision of this ordinance shall continue shall constitute a separate offense.

### SEC. 25-4111. MAINTENANCE OF LANDMARK STRUCTURES.

The owner or other person of record having custody and control of a Landmark structure shall not allow such structure and the land upon which it is situated to fall into a state of disrepair which may result in the deterioration of any exterior appurtenance or architectural feature or other element upon which its landmark designation is based so as to produce or tend to produce a detrimental effect upon the appearance, life or character of the structure, or upon the landmark designation or upon the character of the surrounding neighborhood.

Such structures shall be maintained in good condition and repair so as to avoid a deteriorating or inadequate foundation, defective or deteriorating roofs or roof supports, chimneys and exterior walls, subject to buckling, listing or sagging; deteriorating or ineffective waterproofing of exterior walls, roofs and foundation, and broken windows or doors or any other fault or defect which renders a structure unsafe or not protected from weathering.

In addition said premises or vacant property shall be kept clear of all weeds, fallen trees or limbs, debris, abandoned vehicles and all other refuse as specified under City code. A violation of this section may subject the structure in question to a loss of Landmark status and the property owner subject to penalties as set forth under the City's penalties for code violations.

### SEC. 25-4112. CIVIL RELIEF.

**Unlawful Demolition.** It is the intent of this ordinance that it be construed as a regulation of land usage and of buildings and, therefore, the civil remedies available under the Illinois Compiled Statutes 65 ILCS 5/11-13-15 (proceedings to prevent violation) and 65 ILCS 5/11-31-1 Par. 11-31-1, et. seq., (demolition or repair) shall be available to civilly enforce the provisions hereof.

In addition, such remedies shall be in addition to and not exclusive of any remedies provided in 65 ILCS 5/11-48.2-1 (preservation of historical and other special areas) *et. seq.* (Ord. No. 98-8-10; Chapter 25, Article IV repealed, new Article IV enacted; 08/18/98)

Specifically, any Code violations may be referred to a Code Enforcement Hearing Officer (RICCES) per Section 2-6100, *et. seq.* (Ord. No. 98-8-10; Chapter 25, Article IV repealed, new Article IV enacted; 08/18/98; Ord. No. 3040-2006; Art. IV repealed; new Art. IV enacted; 10/03/06)