

PLANNING AND DEVELOPMENT

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.