

CHAPTER 31

LANDMARKS AND HISTORIC DISTRICTS

1. **STATEMENT OF PURPOSE.** The purpose of this Chapter is to promote the educational, cultural, economic and general welfare of the City of Decatur by:

(a) Protecting, enhancing and perpetuating the distinctive historical and/or architectural characteristics of the City which represent elements of the City's cultural, social, economic, political or architectural history;

(b) Fostering 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 property values of the City's landmarks and historic districts; and,

(d) Protecting and enhancing the City's attractiveness to tourists and visitors and the support of business and industry thereby provided.

It is the intent of this Chapter to accomplish the foregoing purposes and objectives by providing a mechanism whereby landmarks and districts in the City of Decatur identified by the City Council as having historical or architectural significance may be preserved and enjoyed in a suitable and harmonious environment.

2. **DEFINITIONS.** For purposes of this Chapter, the following words or terms shall have the meaning or construction ascribed to them in this section:

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(a) "Alteration" means any act or process that changes the exterior architectural appearance of a property. Examples of alteration include, but are expressly not limited to, the following: new construction; window replacement, when the character of the window is to be changed; addition of aluminum or other siding materials; fence construction or removal; pavement, including parking lots or driveways, whether connected to a garage or not; and the installation or modification of satellite dishes or solar collectors.

(b) "Area" means a specific geographic division of the City of Decatur.

(c) "Certificate of Appropriateness" means a certificate issued by the Commission indicating its approval of plans for alteration or construction of a Landmark or of a property within a Historic District as defined by this section.

(d) "Certificate of Demolition" means a certificate issued by the Commission authorizing a demolition.

(e) "Commission" means the Historical and Architectural Sites Commission of the City of Decatur.

(f) "Council" means the City Council of the City of Decatur.

(g) "Demolition" means any act or process which destroys in part or in whole a Landmark or a structure within a Historic District.

(h) "Exterior Architectural Appearance" means the architectural character and general composition of the exterior of a Landmark or of a property within a Historic District, including but not limited to the kind and texture of the building material and type, design and character of all windows, walls, roofs, doors, light fixtures, signs, appurtenant elements, and accessory structures and fences visible from a public right of way.

(i) "Historic District" means an area of contiguous properties designated as a "Historic District" by ordinance of the City Council, pursuant to procedures prescribed in this Chapter, and which contains within definable geographic boundaries one or more properties that may qualify as Landmarks or which has within its boundaries properties which, while not of such historic and/or architectural significance to be designated as Landmarks, nevertheless contribute to the distinctive historical or architectural character of the area.

(j) "Historic Preservation Administrator" means the person appointed by the City Manager, from the Economic and Community Development Department, to undertake the responsibilities assigned by this Chapter and to assist the Commission in the implementation of this Chapter.

(AMENDED, Ordinance No. 2017-07, February 6, 2017)

(AMENDED, Ordinance No. 2010-03, February 1, 2010)

(AMENDED, Ordinance No. 2000-11, March 13, 2000)

(k) "Landmark" means a single property, structure, site, object, or improvement designated as a "Landmark" by ordinance of the City Council, pursuant to procedures prescribed in this Chapter, which is worthy of rehabilitation, restoration, and preservation because of its historic and/or architectural significance to the City of Decatur.

(l) "Property" means the real property and any and all improvements, structures, objects or works of art situated on it.

3. **OTHER LICENSES OR PERMITS.** No provisions herein shall be construed as repealing any other code or ordinance of the City of Decatur, and any permit or license required thereunder shall be required, in addition to any Certificate of Appropriateness or Certificate of Demolition which may be required hereunder. Where a Certificate of Appropriateness or Certificate of Demolition is required, no such other permit or license shall be issued by any

department of the City of Decatur before a certificate has been issued by the Commission as herein provided.

4. CRITERIA FOR DESIGNATION OF LANDMARKS AND HISTORIC DISTRICTS. In order to designate any area or property as either a Landmark or a Historic District, the Council and the Commission shall make express findings that the area or property in question meets one or more of the following criteria and has integrity of design:

(a) It has character, interest or value as part of the development, heritage or cultural characteristics of the City of Decatur, County of Macon, State of Illinois, or United States of America (hereinafter, in this Chapter, respectively, City, County, State or Nation);

(b) It was the location of a significant local, county, state or national event;

(c) It is identified with a person or persons who significantly contributed to the development of the City, County, State or Nation;

(d) It embodies distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction or use of indigenous materials;

(e) It is identified as the work of a master designer, architect or landscape architect whose individual work has influenced the development of the City, County, State or Nation;

(f) It is one of the few remaining examples of a particular architectural style or use, or is an example which clearly represents a major architectural style and has undergone little or no alteration since its construction;

(g) It is one of a contiguous grouping of properties having a sense of cohesiveness expressed through a similarity of characteristic of style, period or method of construction;

(h) It embodies elements of design, detailing, materials or craftsmanship that make it structurally or architecturally significant or innovative;

(i) It has a unique location or singular physical characteristics that make it an established or familiar visual feature;

(j) It is associated with an antiquated use due to technological or social change, including but not limited to blacksmith shops, covered bridges and hitching posts;

(k) It is a monument to or a cemetery of historic personages.

5. APPLICATION FOR DESIGNATION AS A LANDMARK OR HISTORIC DISTRICT. Any person, group of persons, corporation or association may apply to the Commission for the designation of a Landmark or Historic District. Application for such shall be filed with the Historic Preservation Administrator on forms provided by said officer, which forms shall require such information as is deemed necessary by said officer to effect the provisions of this Chapter. The Historic Preservation Administrator shall forward all completed application forms to the Commission and to the Director of the Economic and Community Development Department.

(Amended, Ordinance No. 2017-07, February 6, 2017)

(Amended, Ordinance No. 2010-03, February 1, 2010)

(Amended, Ordinance No. 2000-11, March 13, 2000)

6. RECOMMENDATION OF ECONOMIC AND URBAN DEVELOPMENT DEPARTMENT. After receipt of a completed application form seeking the designation of a property or area as a Landmark or Historic District, the Director of the Economic and Community Development Department shall file with the Historic Preservation Administrator a written opinion as to the effect of the proposed designation on the surrounding neighborhood, the relationship of said proposal to the Official Comprehensive Plan of the City, and any other planning considerations relevant to said proposal. The written opinion shall also include a recommendation as to whether said proposal should be approved, rejected or approved with

modifications. No action may be taken by the Commission on such proposal until it has received the written opinion of said Director as required herein.

(Amended, Ordinance No. 2017-07, February 6, 2017)

(Amended, Ordinance No. 2010-03, February 1, 2010)

(Amended, Ordinance No. 2000-11, March 13, 2000)

7. PUBLIC HEARING ON DESIGNATION OF LANDMARK OR HISTORIC DISTRICT.

A. The Commission shall schedule a public hearing on the proposed designation of a property or area as a Landmark or Historic District, said hearing to be held before the Commission within forty-five (45) days following the receipt by the Commission of the written opinion of the Director of the Economic and Community Development Department regarding such designation. Notice of the date, time, place and purpose of the public hearing shall be sent by certified mail to the owners of record of the property proposed for designation as herein provided. Such notice to owners must be given not less than fifteen (15) days nor more than thirty (30) days prior to said hearing, and notice shall be considered given for the purposes hereof on the date of mailing. Notice of said hearing shall also be published in a newspaper having general circulation in the City of Decatur, Illinois, said notice to be published not less than five (5) days nor more than ten (10) days prior to the hearing. Notice published as required herein shall state the street address and legal description of a proposed Landmark and the boundaries of a proposed Historic District.

(Amended, Ordinance No. 2017-07, February 6, 2017)

(Amended, Ordinance No. 2010-03, February 1, 2010)

(Amended, Ordinance No. 2000-11, March 13, 2000)

B. Testimony and other evidence concerning the compliance of the proposed Landmark or Historic District with the criteria required for the designation of same as provided in Section 4

hereof shall be taken at the public hearing from any person wishing to be heard. The owner of any proposed Landmark or of any property within a proposed Historic District shall be allowed a reasonable opportunity to present evidence regarding said criteria and to respond to such evidence or testimony given by others, and shall be afforded the right of representation by counsel. The Commission may adopt rules of procedure not in conflict with the provisions hereof to govern the conduct of such public hearing or any hearing required by this Chapter. The rules of evidence normally applicable in a judicial hearing shall not apply in any hearing held by the Commission except as expressly adopted by the Commission. The hearing shall be closed upon the completion of testimony and the submission of all other evidence.

8. DECISION OF THE HISTORIC AND ARCHITECTURAL SITES COMMISSION. Within forty-five (45) days following the close of the public hearing, the Commission shall make a determination upon the evidence whether the proposed Landmark or Historic District meets the criteria required for the designation of same by Section 4 hereof. Such determination shall be in the form of a written resolution of the Commission. A copy of the resolution certified by the Chairman of the Commission shall be filed with the City Clerk not more than ten days after its adoption by the Commission.

9. DESIGNATION BY THE COUNCIL OF A LANDMARK OR HISTORIC DISTRICT.

A. Within forty-five (45) days of the filing of a resolution with the City Clerk as provided in Section 8 hereof, the Council shall either designate by ordinance such area or property as a Landmark or Historic District, or, by resolution, refuse to so designate such area or property. Notice of the date, time and place of the meeting at which the Council shall consider the designation of such area of property as a Landmark or Historic District shall be sent by

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certified mail to the owners of record of such properties; such notice must be given not less than ten (10) days prior to said meeting, and notice shall be considered given for the purposes hereof on the date of mailing. The Council may accept in part the findings and determinations of the Commission and designate some areas or properties as Historic Districts or Landmarks and refuse to so designate other areas or properties. Such ordinance designating an area or property a Landmark or Historic District shall contain express findings that such area or property meets the criteria required for such designation by Section 4 hereof.

B. A certified copy of the ordinance designating any area or property a Landmark or Historic District shall be sent by regular mail to the owners of all property so designated by such ordinance and shall be recorded with the Recorder of Deeds of Macon County. No ordinance designating any area or property a Landmark or Historic District shall be effective until recorded with the Recorder of Deeds as required herein, but no such ordinance shall be found invalid for failure to mail a copy thereof to the owner or owners of the affected areas or properties.

C. No area or property proposed for designation as a Landmark or Historic District and refused such designation by resolution of the Council may be considered for such designation by the Commission for one (1) year after such refusal by the Council, except upon motion by the Council.

10. **INTERIM CONTROL.** No building or demolition permit shall be issued by the Building Inspections Manager for any area or property proposed for designation as a Landmark or Historic District from the date of the filing with the Historic Preservation Administrator of the written opinion of the Director of the Economic and Community Development Department, as required by Section 6 hereof, until the final disposition by the Council. Such prohibition shall only extend to those areas or properties which the Director of the Economic and Community

Development Department recommends for approval in said opinion. In no event shall the prohibition required hereby extend for more than four (4) months.

(Amended, Ordinance No. 2017-07, February 6, 2017)

(Amended, Ordinance No. 2010-03, February 1, 2010)

(Amended, Ordinance No. 2000-11, March 13, 2000)

11. RESCISSION OF DESIGNATION AS LANDMARK OR HISTORIC DISTRICT.

Designation as a Landmark or Historic District may be rescinded by ordinance of the Council after application to the Commission and compliance with the same procedures set forth herein for designation, where applicable.

12. CERTIFICATE OF APPROPRIATENESS REQUIRED.

A. It shall be unlawful for any person, group of persons, association or corporation to make any alteration to any Landmark or property within a Historic District unless a certificate of appropriateness is issued for such alteration by the Commission, or by the Council on appeal, or unless such alteration is specifically permitted by subsection (b) hereof, or unless such alteration is specifically permitted by the Historic Preservation Administrator, or his designee, pursuant to the provisions of subsection (C) hereof.

B. No certificate of appropriateness shall be required for the following listed alterations:

- (1) change in exterior paint scheme or colors;
- (2) installation of, or change in, storm doors, storm windows or screens;
- (3) installation of, or change in, window air conditioners;
- (4) installation of, or change in, radio or television antennae;
- (5) ordinary repair and maintenance of existing exterior architectural features which does not change the basic structural appearance of same.

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C. The Historic Preservation Administrator is expressly authorized to issue Certificate of Appropriateness for the following listed alterations:

- (1) construction and repair of fences;
- (2) roof and gutter replacement, but only with like materials;
- (3) driveway and sidewalk replacement;
- (4) tuckpoint for brickwork;
- (5) replacement of windows, but only with like windows;
- (6) change in garage doors to any style that is visually compatible with the existing architectural style; and,
- (7) any replacement of materials with like materials.

A denial by the Historic Preservation Administrator of a Certificate of Appropriateness may be appealed to the Commission, and such appeal shall be treated as an application for such Certificate under paragraph 14 hereof and shall be subject to all procedures prescribed thereby.

(Amended, Ordinance No. 92-57, July 6, 1992)

13. CRITERIA FOR CERTIFICATE OF APPROPRIATENESS. In considering an application for a certificate of appropriateness, the Commission shall be guided by the following general standards:

(a) A property owner is entitled to a reasonable economic use of his property, and consideration shall be given to the economic loss or hardship that would result from the denial of an application.

(b) Every reasonable effort shall be made to provide a compatible use for a property which requires minimum alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

(c) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided when possible.

(d) All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historic basis and which seek to create an earlier appearance shall be discouraged.

(e) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

(f) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.

(g) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new materials should match the material being replaced in composition, design, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

(h) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

(i) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.

(j) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material and such design is compatible with the size, scale, material and character of the property, neighborhood or environment.

14. APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS. An owner of a Landmark or property lying within a Historic District shall apply to the Commission for a certificate of appropriateness for a proposed alteration of such Landmark or property. The application shall be filed with the Historic Preservation Administrator on forms provided by said officer, which forms shall require such information as is deemed necessary by said officer to effect the provisions of this Chapter. The Historic Preservation Administrator shall forward all completed application forms to the Commission.

15. GRANT OR DENIAL OF CERTIFICATE OF APPROPRIATENESS.

A. An application for a certificate of appropriateness shall be reviewed by the Commission at its next regularly scheduled meeting following the filing of same with the Historic Preservation Administrator. However, if said application is filed with such officer fewer than seven (7) days prior to such meeting, then said application shall be reviewed at the second regularly scheduled meeting following such filing, unless the Commission, on its own motion, votes to review it earlier.

B. Notice of the meeting of the Commission at which an application for a certificate of appropriateness shall be reviewed shall be given to the owner of the property by regular mail not less than five (5) days prior to such meeting. For the purposes hereof, notice shall be considered given on the date of mailing. The owner proposing the alterations shall be allowed reasonable opportunities to present evidence regarding the criteria for issuance of a certificate of

appropriateness and to respond to such evidence or testimony given by others, and shall be afforded the right of representation by counsel.

C. If the Commission finds that the denial of the application for a certificate of appropriateness would result in an economic loss or hardship to the owner that would constitute a "taking" under the United States Constitution, then the Commission shall approve the application. In all other cases, approval, denial or modification shall be as provided in subsections (d), (e) and (f) hereof.

D. If the Commission finds that the alteration proposed by the owner of the Landmark or property located in a Historic District is in compliance with the criteria listed in Section 13 of this Chapter, and with any applicable design guidelines adopted by the Commission pursuant to Section 18 of this Chapter, then the Commission shall approve the issuance of a certificate of appropriateness for such alteration as proposed by said owner. The certificate of appropriateness, as approved, shall be issued by the Historic Preservation Administrator within five (5) days following the approval by the Commission.

E. If the Commission finds that the alteration proposed by the owner of the Landmark or property located in a Historic District is not in compliance with the criteria listed in Section 13 of this Chapter, or with any design guidelines adopted by the Commission pursuant to Section 18 of this Chapter, then the Commission shall disapprove the issuance of a certificate of appropriateness for such alteration as proposed by said owner.

If the Commission disapproves the issuance of a certificate of appropriateness as herein provided, the Commission may, in its discretion, approve the issuance of such a certificate for said alteration contingent upon certain modifications.

F. The Historic Preservation Administrator, within five (5) days after the Commission approves the issuance of a certificate of appropriateness contingent upon certain modifications, as provided in subsection (e) hereof, shall by regular mail communicate such approval to the owner of the Landmark or property within a Historic District. If such owner agrees with these modifications, the Historic Preservation Administrator shall issue a certificate of appropriateness for the alteration, as so modified.

16. CERTIFICATE OF DEMOLITION.

A. If the owner of a Landmark or property in a Historic District proposes to demolish all or any part of a structure so designated, said owner shall apply for a certificate of demolition. Procedures provided for in Section 15 of this Chapter shall be followed concerning such application, except as expressly modified hereby.

B. In addition to the criteria and guidelines for a certificate of appropriateness provided for in Section 15 of this Chapter, the Commission shall also consider evidence and testimony on the following factors:

(1) the state of repair and structural stability of the structure, or portion thereof, proposed for demolition;

(2) the extent and process of demolition, including any proposed changes in landscaping.

C. The Commission may, in its discretion, continue its consideration of the application for a certificate of demolition to some date certain, not to exceed four (4) months. During the period of said continuance, the Historic Preservation Administrator shall attempt to preserve the structure by contacting private citizens, civic groups or other government boards or agencies seeking potential buyers, or by any other appropriate means. Also during said period of continuance, if required by the Commission, the owner of the Landmark or property within a

Historic District must place such structure on the open market for sale, but said owner is under no obligation to accept any offer to purchase received during this period; however, refusal to accept a bone fide offer may be considered by the Commission as evidence regarding the economic loss of hardship to the owner of a denial of the application.

D. At either the original or continued hearing on the application for a certificate of demolition, the decision of the Commission shall be according to the criteria for the issuance of certificates of appropriateness as elsewhere provided.

17. APPEALS.

A. Denial of the issuance of a certificate of appropriateness or of a certificate of demolition by the Commission may be appealed to the Council. Notice of such appeal must be filed with the City Clerk upon forms supplied by said clerk within twenty (20) days after said denial by the Commission. Failure to file such notice of appeal within the time limits required herein shall divest the Council of jurisdiction to consider such appeal, and in such case the decision of the Commission shall be final.

B. The Council may, by ordinance, reverse the Commission and grant a certificate of appropriateness or a certificate of demolition as applied for by the owners of Landmarks or properties within Historic Districts, as provided by this section.

C. No application for a certificate of appropriateness or a certificate of demolition may be considered by the Commission for one (1) year after an application for substantially the same alteration or demolition was denied by the Commission, or, if appealed, for one (1) year after the same was denied by the Council.

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18. **DESIGN GUIDELINES.** The Commission may adopt design guidelines to be used in making alterations under certificates of appropriateness. Said guidelines must be published in pamphlet form and available for public viewing with the City Clerk.

19. **EMERGENCY BUILDING OR DEMOLITION PERMITS.** The provisions of this Chapter shall not prohibit the Building Inspections Manager from issuing building or demolition permits if the same are deemed necessary by said officer for the public health, safety or welfare. (Amended, Ordinance No. 2010-03, February 1, 2010)

20. **PENALTIES.**

A. Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with, or resisting or opposing the enforcement of any of the provisions of this Chapter shall be fined not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each offense. For purposes of this Chapter, a separate and distinct offense shall be regarded as committed each day upon which said persons shall continue any such violation, or permit any such violation to exist after notification thereof.

(Amended, Ordinance No. 2011-66, October 31, 2011)

B. In addition to the penalty provided for in subsection (a) hereof, the City may bring an appropriate action in any court of proper jurisdiction seeking injunctive relief for any violation of the provisions of this Chapter.

21. **SEVERABILITY.** If any provision of this Chapter or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity does not affect other provisions or applications of this Chapter which can be given effect without the invalid application or provision, and to this end each such invalid provision or invalid application of this Chapter is severable, unless otherwise provided by this Chapter.