



**DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES**

*Planning Division*

**m e m o r a n d u m**

**TO:** The Urbana Historic Preservation Commission

**FROM:** Rebecca Bird, Community Development Associate

**DATE:** January 30, 2008

**SUBJECT:** Plan Case No. 2053-T-07: Request by the Zoning Administrator to amend Sections XII-4.A.1 and XII-5.A.1 of the Urbana Zoning Ordinance regarding nominations for local historic districts and landmarks.

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**Introduction**

Plan Case No. 2053-T-07 is a request to amend the Historic Preservation Ordinance to allow Historic Preservation Commissioners to nominate properties for local historic district and landmark designation. This case is going before the Urbana Plan Commission on Thursday, February 21, 2008. City staff would like comments from the Historic Preservation Commissioners on the proposed changes to take before the Plan Commission.

**Background**

At the February 7, 2007 joint meeting of the Urbana City Council and the Historic Preservation Commission, a study session was held to discuss ways of increasing the number of applications for local historic districts and landmarks. During the meeting, it was suggested that the Historic Preservation Ordinance be amended to allow Historic Preservation Commissioners to nominate properties for designation as local historic districts and landmarks but to recuse themselves from the vote to avoid an appearance of or an actual conflict of interest. Currently, the ordinance states that for both historic districts and historic landmarks,

*Nominations may be made by anyone except the Preservation Commission and individual members of the Preservation Commission (Article XII-4.A.1 and Article XII-5.A.1).*

At that meeting, it was pointed out that the Commissioners are some of Urbana's most capable residents in terms of historic preservation and yet they are unable to be involved with writing or submitting applications. Amending the ordinance to allow nominations by the Commissioners if

they abstain from voting on any designations with which they are personally involved was suggested as a means to address the concern and to encourage additional nominations.

The proposed Zoning Ordinance text amendment would revise Section XII-4.A.1 (Historic Districts) to read as follows:

Nominations may be made by any person, including individual members of the Preservation Commission. In the event a member of the Preservation Commission is the nominator, he/she shall present his/her evidence in the same manner as all other nominators but shall not participate thereafter as a commission member on the matter.

The proposed Zoning Ordinance text amendment would revise Section XII-5.A.1 (Historic Landmarks) to read as follows:

Nominations may be made by any person, including individual members of the Preservation Commission. In the event a member of the Preservation Commission is the nominator, he/she shall present his/her evidence in the same manner as all other nominators but shall not participate thereafter as a commission member on the matter.

## **Issues and Discussion**

The proposed text amendment is to allow individual members of the Historic Preservation Commission to nominate properties for designation as local historic districts and landmarks. This will provide improved consistency with Section XII-3.B.1 and Section XII-3.B.2 of the Urbana Zoning Ordinance (Urbana Zoning Ordinance, p 150), which states:

### *Section XII-3. Historic Preservation Commission*

*B. Purpose. The Preservation Commission is created for the purpose of:*

- 1. Identifying such buildings, structures, sites, objects, or historic districts within the City of Urbana that are historically significant in that they exemplify and/or reflect the cultural, social, economic, political or architectural history of the nation, state or City;*
- 2. Advising the City Council on the designation of such buildings, structures, sites or objects as either landmarks or historic districts, as defined herein;*

Allowing Historic Preservation Commissioners to participate in the nomination process would advance the above-listed objectives. Additionally, it would further the preservation goal in the comprehensive plan, which specifies identifying and protecting historic resources through historic district and landmark designation as an objective (2005 Comprehensive Plan, Goal 12.0, p 37).

Unlike rezoning and variance applications, historic landmark nominations have a technical aspect which is better dealt with by those with historic preservation expertise. It can be argued that by appointing citizens with historic preservation expertise to the Historic Preservation Commission and then restricting them from being involved with nominations has the effect of constraining nominations of local historic resources.

Many communities specifically allow for historic preservation commissioners to make such nominations, including Champaign, Bloomington, and Highland Park in Illinois. Others, however, such as the cities of Springfield and Rock Island, do not explicitly say who is allowed to make nominations, thereby allowing historic preservation commissioners to make such nominations.

Most of the historic preservation ordinances City staff has researched do not explicitly require a historic preservation commissioner to abstain from voting in a nomination that he/she submitted. According to the historic preservation planner at the City of Rock Island, a commissioner would only abstain if he/she has a financial interest in the property. The Chair of the Historic Sites Commission in Springfield explained that a commissioner there would only abstain if they either had a financial interest in the property or if they had prepared the nomination form for a fee. The City of St. Joseph, Missouri, however, does not allow a Commissioner to vote on an application if he/she is the applicant.

To avoid the appearance of a conflict of interest, City staff recommends including language requiring a Commissioner to abstain from further participating in the matter as a commission member if he/she is the nominator. If a Commissioner is the nominator, he/she would have a personal interest in the matter. Although there may not be a statutory conflict of interest, the Commissioner can still have a conflict of interest where the Commissioner has such a personal interest in a matter that he/she cannot render a fair and impartial decision.

## **Summary of Staff Findings**

1. Urbana's Zoning Ordinance has been enacted by the corporate authorities of the City of Urbana pursuant to its home rule powers as provided for in the Constitution of the State of Illinois, 1970, and in conformance with the Illinois Municipal Code;
2. On June 6, 1998, the Urbana City Council adopted Article XII, the Historic Preservation Ordinance, as part of the Urbana Zoning Ordinance;
3. Section XII-3.B.1 and Section XII-3.B.2 of the Urbana Zoning Ordinance states the following:

*B. Purpose. The Preservation Commission is created for the purpose of:*

1. *Identifying such buildings, structures, sites, objects, or historic districts within the City of Urbana that are historically significant in that they exemplify and/or reflect*

*the cultural, social, economic, political or architectural history of the nation, state or City;*

2. *Advising the City Council on the designation of such buildings, structures, sites or objects as either landmarks or historic districts, as defined herein;*
4. The proposed amendment would encourage additional nominations for the designation of historic districts and landmarks; and
5. The proposed amendment is consistent with the Historic Preservation Ordinance of the Urbana Zoning Ordinance and with the goals and objectives of the Comprehensive Plan calling for the preservation of those characteristics that make Urbana unique.

## **Options**

The Historic Preservation Commission has the following options for recommendations to the Plan Commission. In Plan Case 2053-T-07, the Historic Preservation Commission may:

- a) Recommend to the Plan Commission for approval of the proposed text amendment to the Zoning Ordinance, as presented herein.
- b) Recommend to the Plan Commission for approval of the proposed text amendment to the Zoning Ordinance, as modified by specific changes.
- c) Recommend to the Plan Commission for denial of the proposed text amendment to the Zoning Ordinance.

## **Staff Recommendation**

Based on the evidence presented in the discussion above, City staff recommends the Commission recommend **approval** of the proposed text amendment to the Zoning Ordinance to the Plan Commission, as presented herein.

Prepared by:

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Rebecca Bird, Community Development Associate

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF  
URBANA, ILLINOIS**

**(Revisions to Article XII, Historic Preservation Ordinance; Plan Case No.  
2053-T-07)**

WHEREAS, the City Council of the City of Urbana, Illinois, adopted Ordinance No. 9293-124 on June 21, 1993 consisting of a comprehensive amendment to the 1979 Zoning Ordinance of the City of Urbana, also known as the Urbana Zoning Ordinance; and

WHEREAS, the City Council of the City of Urbana, Illinois adopted Ordinance No. 9798-112 on June 6, 1998 consisting of the addition of a Historic Preservation Ordinance; and

WHEREAS, the Zoning Administrator has submitted a petition to amend the Urbana Zoning Ordinance to amend the text of Article XII, Historic Preservation Ordinance to revise the language regarding who is allowed to nominate historic districts and landmarks. The revision will allow Historic Preservation Commissioners to nominate historic districts and landmarks; and

WHEREAS, said petition was presented to the Urbana Plan Commission as Plan Case No. 2053-T-07; and

WHEREAS, after publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 24, Section 11-13-14 of the Illinois Revised Statutes, the Urbana Plan Commission held a public hearing to consider the proposed amendment on February 21, 2008; and

WHEREAS, the Urbana Plan Commission voted in a (\_\_\_-\_\_\_) vote to forward the proposed amendments set forth in Plan Case No. 2053-T-07 to the Urbana City Council with a recommendation for approval; and

WHEREAS, after due and proper consideration, the Urbana City Council has deemed it to be in the best interests of the City of Urbana to amend the text of the Urbana Zoning Ordinance as described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. Section XII-4.A.1, *Historic Districts*, of the Zoning Ordinance is hereby amended as follows:

**Section XII-4.A.1            Historic Districts**

1. Nominations may be made by any person, including individual members of the Preservation Commission. In the event a member of the Preservation Commission is the nominator, he/she shall present his/her evidence in the same manner as all other nominators but shall not participate thereafter as a commission member on the matter.

Section 2. Section XII-5.A.1, *Historic Landmarks*, of the Zoning Ordinance is hereby amended as follows:

**Section XII-5.A.1            Historic Landmarks**

1. Nominations may be made by any person, including individual members of the Preservation Commission. In the event a member of the Preservation Commission is the nominator, he/she shall present his/her evidence in the

same manner as all other nominators but shall not participate thereafter as a commission member on the matter.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

AYES:

NAYS:

ABSTAINS:

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

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Laurel Lunt Prussing, Mayor