

**AN ORDINANCE ESTABLISHING A DELAY PERIOD FOR ISSUANCE OF
DEMOLITION PERMITS FOR THE PURPOSE OF HISTORIC PRESERVATION**

WHEREAS, in 1998 by Ordinance No. 9798-111, the City amended the Urbana Comprehensive Plan through adoption of an Historic Preservation Plan and in 1998, by Ordinance No. 9798-112 the Zoning Ordinance of Urbana was amended to allow the establishment of locally designated historic landmarks and historic districts; and

WHEREAS, as empowered by enabling legislation, the City of Urbana has adopted a Comprehensive Plan by Ordinance No. 2005-03-050, as amended by Ordinance No. 2006-11-136, which plan contains policies pertaining to the goal of pursuing the establishment of historic landmark and/or historic district status for sites that have contributed to the history of Urbana; and

WHEREAS, between establishment of the historic preservation portion of the Zoning Ordinance in 1999 and the current date, the City has designated a total of seven local landmarks and two local historic districts; and

WHEREAS, during the period of 2001 to 2005, the City of Urbana has issued an average of 28 demolition permits per year, approximately one-half of which have been for single family residences, some of which may have been eligible for designation as local historic landmarks; and

WHEREAS, a number of historic resource surveys for properties within the City of Urbana have been conducted by the Illinois Department of Conservation, the Illinois Historic Preservation Office, the Preservation and Conservation Association, and University of Illinois historic preservation courses and submitted to the City of Urbana Community Development Services Department for inclusion in the City's Historic Resource Surveys Inventory, which currently comprises surveys for 1,023 properties within the City; and

WHEREAS, the City Council finds that it is in the public interest to enact a requirement for demolition delay for the categories of properties identified herein.

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

Section 1. Establishment. The Urbana City Council does hereby establish a delay period for the issuance of certain demolition permits for historic preservation purposes.

Section 2. Statement of purpose. The purpose of this Ordinance is to encourage the identification and designation of additional historic landmarks within the City of Urbana, pursuant to the historic preservation provisions of the Urbana Zoning Ordinance.

Section 3. Definitions. For the purposes of this Ordinance, the following words shall have the following specified meanings:

"Accessory Building". An attached or detached building subordinate to and used for purposes customarily incidental to the main or principal use, building, or structure. Examples include garages and sheds.

"Building". Any support, enclosure, or shelter for persons, animals, or property. This definition specifically excludes structures other than buildings, including fences, walls, driveways, and landscape features, as well as utilities, either below or above ground.

"Demolition". Any act or process that destroys the exterior of a building.

"East Urbana Area". An area within the City of Urbana falling within the following boundaries: BEGINNING at the intersection of the eastern right-of-way of Vine Street and the northern right-of-way of Main Street; then extending easterly along the north right-of-way of Main Street to the southwest corner of the property known and numbered as 604 E. Main Street; then north along the western property line of said 604 E. Main Street to the northwest corner of 604 E. Main Street; then in a straight line northeasterly to the northwest corner of the terminus of the N. Webber Street right-of-way; then due north in a straight line to the southern right-of-way line of the Norfolk Southern Railroad; then easterly along the southern right-of-way of said railroad to its intersection with the northeast corner of a property known and numbered as 1304 E. Main Street; then southerly along the eastern line of 1304 E. Main Street and its extension to the southern right-of-way line of E. Main Street; then easterly along the southern right-of-way line of E. Main Street to its intersection with the northeast corner of a property known and numbered as 1403 E. Main Street; then extending southerly along the west right-of-way line of a Norfolk Southern Railroad spur to the intersection of the southeast corner of a property known as Barnes Mobile Home Park and numbered as 610 Glover Avenue; then westerly along the southern property line of said 610 Glover Avenue and its extension to the intersection of the western right-of-way line of Glover Avenue with the southern right-of-way line of E. Oregon Street; then westerly along the southern right-of-way line of Oregon Street to a point due south of the southwest

COPY

corner of the property known and numbered as 1006 E. Oregon Street; then due north to the southwest corner of said 1006 E. Oregon Street; then northerly along the west boundary line of said 1006 E. Oregon Street to its northwest corner; then easterly along the northern property line of said 1006 E. Oregon Street to its intersection with the southwest corner of a property known and numbered as 607 S. Cottage Grove Ave.; then northerly along the western property lines of 607, 605, 603, and 601 S. Cottage Grove Avenue to the southern right-of-way line of E. California Ave.; then continuing north to the intersection of the northern right-of-way line of E. California Ave. and the southwest corner of a property known and numbered as 509 S. Cottage Grove Ave.; then northerly along the western property lines of 509, 507, 505, 503, and 501 S. Cottage Grove Ave. to the southern right-of-way line of E. Illinois Ave.; then westerly along the southern right-of-way line of said E. Illinois Ave. to its intersection with the eastern right-of-way line of S. Maple Street; then southerly along the eastern right-of-way line of said Maple Street to its intersection with the northern right-of-way line of E. California Street; then westerly along the northern right-of-way line of E. California St. to its intersection with the eastern right-of-way line of S. Vine Street; then northerly along the eastern right-of-way line of Vine Street to the POINT OF BEGINNING.

"Historic Resource Surveys Inventory". A database compilation of historic resource surveys within the City of Urbana that have been conducted by the Illinois Department

of Conservation (1975 Illinois Historic Structures Survey and 1974 Illinois Historic Landmarks Survey), State Historic Preservation Office (1971 State of Illinois Survey of All Buildings of Architectural Significance Built Prior to WW II), Preservation and Conservation Association (1985 Survey of Downtown to Campus), and University of Illinois Historic Preservation Students (1975 Survey by University of Illinois Planning Students and 1998-2007 UP320/420 Planning for Historic Preservation Survey Projects). Said inventory is housed within the City of Urbana Community Development Services Department and a listing of properties surveyed is on file with the City of Urbana Clerk. The Inventory may be supplemented from time to time by the Secretary of the Historic Preservation Commission to include additional surveys prepared by or under the direction of historic preservation professionals.

"South Broadway Area". An area in the City of Urbana falling within the following boundaries: Illinois Street on the north, Vine Street on the east, Washington Street on the south, and Race Street on the west.

Section 4. Period of Demolition Delay. Other than the exceptions provided in Section 7 of this Ordinance, the Building Official of Urbana shall not issue a demolition permit for any building on properties meeting the criteria set forth in Section 6 of this Ordinance, until the passage of 45 calendar days following the submittal of an application.

Section 5. Submission of Landmark Applications. During the 45-day delay period, an application for designation of the subject property as a landmark pursuant to and in conformance with Article XII of the Urbana Zoning

COPY

Ordinance may be submitted and said application shall be considered by the City prior to issuance of a demolition permit for the subject property under the provisions of Article XII of the Urbana Zoning Ordinance.

Section 6. Properties Affected. This Ordinance shall apply to the properties meeting all of the following criteria as determined by the Building Official:

- a. Properties zoned R-1, Single-Family Residential; R-2, Single-Family Residential; R-3, Single and Two-Family Residential; R-4, Medium Density Multiple-Family Residential; R-5, Medium High Density Multiple-Family Residential; R-6, High Density Multiple-Family Residential; R-6B, High Density Multiple-Family Residential - Restricted Business; R-7, University Residential; and MOR, Mixed Office Residential, as designated by the City of Urbana's Official Zoning Map, as adopted; and
- b. Properties included within the City's Historic Resource Surveys Inventory as of the date of enactment of this Ordinance, as such Inventory is defined herein and as it may be amended from time to time, or located within the East Urbana Area or South Broadway Area as defined herein and until such time as the City accepts Historic Resource Survey Forms for newly surveyed blocks of said Areas, following which said Survey Forms shall take precedence for demolition delay purposes; and
- c. Properties which are estimated to be 75 years or older, as determined by historical documentation, as available, including City of Urbana building permit records, Township building permit records, Sanborn Fire Insurance Maps, photographic documentation, or the

professional judgment of the Building Official should such documentation be unavailable or contradictory.

Section 7. Exceptions and Variations. This Ordinance does not apply to the following:

- a. *Local Landmarks and Historic Districts.* Properties designated as local landmarks or in local historic districts designated pursuant to the Urbana Historic Preservation Ordinance.
- b. *Demolition Permits Previously issued.* Demolition permits approved or applied for by the effective date of this ordinance.
- c. *Redevelopment projects.* Properties contained within redevelopment areas as established by the City's tax increment finance (TIF) districts and properties for which development or redevelopment agreements have been approved or are pending by the City Council.
- d. *Accessory Buildings.* Accessory buildings under 500 square feet in area shall be exempt from this Ordinance.
- e. *Unsafe or Dilapidated Structures.* Structures that have been determined by the Building Official or by a Court of jurisdiction to be dilapidated, unsafe, or posing an imminent danger to the health, safety and welfare of the general public pursuant to the City's building and property maintenance codes, as adopted in Chapter 5 of the Urbana Code of Ordinances.
- f. *Construction, Repair, Renovation and Maintenance.* Nothing in this ordinance shall be construed to prevent construction, repair, renovation or maintenance activities

COPY

of buildings or structures located on properties specified in Section 6 of this Ordinance.

Section 8. Appeals. Determinations made by the Building Official under Sections 6 and 7 of this Ordinance may be appealable to the Zoning Board of Appeals following the procedures set forth in Section XI-3.D. of the Urbana Zoning Ordinance.

Section 9. The provisions of this Ordinance shall take precedence and be interpreted as superseding any other Ordinance or Administrative Order that may be in explicit conflict with the provisions of this Ordinance.

Section 10. This Ordinance shall be effective following its passage by the City Council and signature by the Mayor.

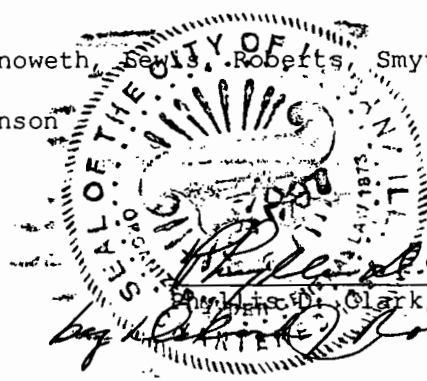
Section 11. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities.

PASSED by the City Council this 5th day of November, 2007.

AYES: Bowersox, Chynoweth, Sewell, Roberts, Smyth

NAYS: Barnes, Stevenson

ABSTAINS:



Philip A. Clark
Philip A. Clark, City Clerk

by Robert J. ...

APPROVED by the Mayor this 9th day of November,

2007.

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor