

CITY OF MARSHALL

ORDINANCE NO. 2023-O- 46

AN ORDINANCE AMENDING APPENDIX A. ZONING.
ARTICLE XVII. HISTORIC PRESERVATION. SECTION 17-4. HISTORIC
PRESERVATION COMMISSION.

ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF MARSHALL

Published in pamphlet form by authority of the City of Marshall,
Clark County, Illinois, this 9 day of January, 2023.

ORDINANCE NO. 2023-0- 06

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ARTICLE XVII. HISTORIC PRESERVATION. SECTION 17-4. HISTORIC
PRESERVATION COMMISSION.

BE IT ORDAINED by the City Council of the City of Marshall,
Illinois:

Section 1. That Appendix A. Zoning. Article XVII. Historic
Preservation. Section 17-4. Historic preservation committee of the
Code of Ordinances, City of Marshall, Illinois is hereby amended
to read as follows, with strikeouts indicating deletions in text
and underscores indicating additions to text:

Section 17-4. Historic preservation commission.

- (1) *Establishment of historic preservation commission:* The
Marshall Historic Preservation Commission (herein "historic
preservation commission" or "commission") is hereby
established. Its functions and duties are set forth in this
article.
- (2) *Composition.* The historic preservation commission shall
consist of five (5) voting members, residents of the city
Marshall Library District, appointed by the mayor and
approved by the city council and one (1) ex-officio,
nonvoting member who shall be a member of the city council
and appointed by the mayor.
- (3) *Qualifications.* The members 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.
- (4) *Term.* Appointments shall be made at the first regular meeting
of the city council of each municipal year; and from time to
time as necessary to fill vacancies. Voting 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, one (1) for two (2) years, and two (2) for three (3) years. ~~No member shall serve more than two (2) successive three (3) year terms.~~ Ex-officio members shall be appointed for a term of one (1) year. Alternate members shall be appointed to serve in the absence of or disqualification of the regular members. Vacancies shall be filled for the unexpired term only. Members shall serve without compensation.

- (5) *Officers.* Officers shall consist of a chairman, vice-chairman, and a secretary elected by the historic preservation commission who shall serve a term of one (1) year and shall be eligible for reelection, ~~but no member shall serve as an officer for more than two (2) consecutive years.~~ The chairman shall preside over meetings. In the absence of the chairman, the vice-chairman shall perform the duties of the chairman. If both are absent, a temporary chairman shall be elected by those present. The secretary to the historic preservation commission shall have the following duties:
- (a) Take minutes of each historic preservation commission meeting;
 - (b) Be responsible for publication and distribution of copies of the minutes, reports and decisions of the historic preservation commission to the members of the historic preservation commission;
 - (c) Give notice as provided herein or by law for all public hearings conducted by the historic preservation commission;
 - (d) Advise the mayor of vacancies on the historic preservation commission and expiring terms of members; and
 - (e) Prepare and submit to the city council a complete record of the proceedings before the historic preservation commission on any matter requiring city council consideration.
- (6) *Meetings.* A quorum shall consist of a majority of the members. All decisions or actions of the historic preservation commission shall be made by a majority vote of those members present and voting at any meeting where a

quorum exists. Meetings shall be held at regularly scheduled times to be established by resolution of the commission at the beginning of each calendar year or at any time upon the call of the chairman. There shall be a minimum of four (4) meetings per year.

No member of the historic preservation commission shall vote on any matter that may materially or apparently affect the property, income or business interest of that member. No action shall be taken by the historic preservation commission that could in any manner deprive or restrict the owner of property in its use, modification, maintenance, disposition, or demolition until such owner shall first have had the opportunity to be heard at public meeting of the historic preservation commission, as provided herein. The chairman, and in his or her absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the historic preservation commission shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the historic preservation commission and shall be a public record.

- (7) *Powers and duties:* The historic preservation commission shall have the following powers and duties:
- (a) To adopt its own procedural regulations;
 - (b) To conduct an ongoing survey to identify historically and architecturally significant properties, structures and areas;
 - (c) To investigate and recommend to the city council to adopt procedures to protect properties or structures having special historic, community, or architectural value as landmarks or as historic preservation districts;
 - (d) To investigate and recommend to the city council the adoption of ordinances designating properties or structures having special historic, community or architectural value as landmarks or as historic preservation districts;
 - (e) To keep a register of all properties and structures that have been designated as landmarks or historic

preservation districts, including all information required for each designation;

- (f) To determine an appropriate system of markers and make recommendations for the design and implementation of specific markings of properties or structures which have special historic, community, or architectural value;
- (g) To advise property owners within historic preservation districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the State or National Register of Historic Places;
- (h) To inform and educate the citizens of Marshall concerning the historic and architectural heritage of the city by publishing appropriate maps, newsletters, brochures, and pamphlets, and by holding programs and seminars;
- (i) To accept and administer on behalf of the city, upon designation by the city council, such gifts, grants and money as may be appropriate for the purpose of this article;
- (j) To call upon available city staff members as well as other experts for technical advice;
- (k) To testify before all boards and commissions, including the zoning board of appeals, on any matter affecting historically and architecturally significant properties;
- (l) To periodically review the city's zoning ordinance and to recommend to the city council any amendments appropriate for the protection and continued use of landmarks or property and structures within historic preservation districts;
- (m) To hold public hearings and to review applications for construction, alteration, removal or demolition affecting properties for which preliminary determinations have been approved for historic designation or designated landmarks or structures or historic preservation districts and issue or deny certificates of appropriateness for such actions.

Applicants shall be required to submit plans, drawings, elevations, specifications, and other information as may be necessary to make decisions.

- (n) To develop and recommend to the city council specific guidelines for the alteration, demolition, construction or removal of landmarks or property and structures within historic preservation districts.
 - (o) To review proposed zoning amendments, applications for conditional use permits or variances that affect properties for which a preliminary determination of historic significance has been made or designated landmarks and historic preservation districts. Applications should be forwarded by the city to the commission upon receipt. Such review shall be made prior to the date of the hearing by the zoning commission.
- (8) *Surveys and research:* The historic preservation commission shall undertake an ongoing survey and research effort in the city to identify neighborhoods, areas, sites, structures, and objects that have historic, community, architectural, or aesthetic importance, interest, or value. As part of the survey, the historic preservation 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. The historic preservation commission shall identify significant structures based upon the following criteria:
- (a) Architecturally or historically significant properties on one (1) identifiable neighborhood or district or geographical area of the city;
 - (b) Association with a particular person, event or historical period;
 - (c) Representations of a particular architectural style or school, or of a particular architect, engineer, builder, designer or craftstman;
 - (d) Such other criteria as may be adopted by the historic preservation commission to assure systematic survey of all significant property within the city.

(Ord. No. 10-3, §§ 1, 31, 3-26-10)

State Law reference- 65 ILCS 5/11-48.2-3.

Section 2. If any provision of this Ordinance, or application thereof, is held invalid by any Court, other provisions or applications of this Ordinance which can be given effect without the invalid provision or application shall not be affected, and to this end the provisions of this Ordinance are declared to be severable.

Section 3. That this Ordinance shall be published in pamphlet form and shall take effect ten (10) days after its passage, approval and publication in pamphlet form as provided by law.

	<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Michael Smitley	✓		
Warren J. Le Fever	✓		
Vickie Wallace			✓
Jarod Green	✓		
Josh Sanders	✓		
Robert Nelson	✓		
Foster Propst	✓		
Rob Knott	✓		

PASSED this 9 day of January, 2023.

APPROVED this 9 day of January, 2023.



 MAYOR

ATTESTED, filed in my office, and published in pamphlet form this 9 day of January, 2023.

Nancy C. Smithey

CITY CLERK

(SEAL)