

IV. RECOMMENDATIONS: **Carbondale Zoning Ordinance**

The Carbondale Zoning Ordinance provided for the creation of a Preservation Commission upon its passage on October 3, 1989. Among the numerous duties of the Preservation Commission are recommending the nomination of landmarks and historic districts to the National Register of Historic Places, keeping a register of all properties which have been designated under the ordinance, and educating the citizens of Carbondale concerning the historic and architectural heritage of the City. The Zoning Ordinance also provides that the Preservation Commission is to conduct an ongoing survey to identify properties, improvements, and areas that have historic, architectural, or community interest.

As part of the planning process for this Preservation Plan, the Preservation Commission chose to have the Preservation District section of the Zoning Ordinance reviewed with particular regard to the Commission's interest in increasing the numbers of local landmarks and establishing historic districts and neighborhood preservation districts, neither of which have been designated.

Preservation District

The Preservation District section of the Zoning Ordinance is the preservation ordinance. While it is logically organized, it is not particularly user-friendly in that the process and criteria for designation are not quickly found and easily identified. Additionally, the three possible designations—local landmark, historic district, and neighborhood preservation district—share the same procedures, with the reference to “preservation district” or “designated district” presumably meaning the overall zoning overlay which occurs when local landmarks, historic districts, and neighborhood preservation districts are established. Understandably, the terminology gets confusing. The Preservation District section of the Zoning Ordinance should, at a minimum, be re-formatted to create a more user-friendly document. A smaller, more readable font should be used and subheadings such as “Preliminary Review” and “Regulation of Demolitions During Nomination Review” should be italicized. References to “designated district” should be clarified, as these procedures apply to local landmarks, historic districts, *and* neighborhood preservation districts.

Designation procedures for local landmarks, historic districts, and neighborhood preservation districts should be separated, even if the procedures are entirely the same for each type of nomination. Currently, wording in sections such as “D-4/Required Petition” is confusing for local landmarks which would typically have a single (or joint) property owner. The ordinance should be formatted in such a way that relevant sections could easily be extracted and given to property owners pursuing designation. Additionally, the Preservation District section of the Zoning Ordinance could be re-formatted for use as a handout or brochure for distribution.

Designation Procedures

Eight local landmarks, no historic districts, and no neighborhood preservation districts in twelve years indicate problems. Some of the inactivity could be due to education—people simply not knowing or understanding the process. Yet the ordinance itself is likely a significant factor in this lack of activity as well. The ordinance, as it currently stands, is not *facilitating* historic preservation in Carbondale.

As the nomination process is written, it is more complicated than most other communities in the state of Illinois. The mandate of custom design standards for every nomination—local landmark, historic district, and neighborhood preservation district—is a step that is typically eliminated in other communities, where a common set of design guidelines is accepted for all nominations. Beyond the design standards, nominations are considered not only by the Preservation Commission, but also by the Planning Commission, and then the City Council. In some communities, the Planning Commission holds the public hearing, where the Preservation Commission is not given the power to do so. However, the Carbondale Zoning Ordinance gives the Preservation Commission the power/duty to hold public hearings for the consideration of nominations.

The ordinance should be amended to omit the Planning Commission in the nomination process. The involvement of the Planning Commission extends the nomination process possibly by thirty days. Additionally, as the ordinance is currently written, the purpose of the Planning Commission review are not clear. Section D-6-b states that “The Commission may not expand the boundaries beyond the property described in the application; however, the Commission may recommend that property be deleted from the boundaries.” By definition in this section, “Commission” should clearly refer to the Preservation Commission, but in this case, the reference appears to be to the Planning Commission. At a minimum, the wording regarding the purpose of the Planning Commission in the review of nominations needs to be clarified.

Section D-4/Required Petition calls for “A petition, on a form prepared by the Commission, in support of the nomination including the proposed design standards, signed by the owners of record of more than fifty percent (50%) of the parcels of land in the proposed designation, shall be submitted to the executive secretary of the Commission prior to a public hearing being scheduled before the Preservation Commission. If the minimum number of signatures cannot be obtained, within sixty (60) days . . .the nomination process shall terminate.” This requirement, as do all sections of the preservation ordinance, applies to local landmarks, historic districts, and neighborhood preservation districts. For local landmarks, owner objection to designation would prevent a property from being designated. In fact, a husband and wife who own a property jointly could disagree on local landmarking, resulting in not meeting this more than fifty percent rule. As the Zoning Ordinance is written, for local landmarks, designation is voluntary. No individual properties in Carbondale may be recognized without owner consent.

Additionally, for historic districts and neighborhood preservation districts, the requirement to get more than fifty percent of the property owners to sign before the nomination is considered, gives a considerable amount of work to the person(s) who are already working to document an area and

prepare a nomination. The D-4/Required Petition wording should be changed to provide for a petition of more than fifty-percent of the properties owners *opposed* to a nomination either terminating the nomination process or requiring a super-majority vote of the City Council for approval.

The Zoning Ordinance should be amended to allow for a “registered preference” for property owners. A registered preference is a parcel owner’s written indication as to their choice of whether their property should be designated as a landmark or included within a district. In the event of owner objection for individual properties or for more than fifty percent (50%) of property owners within proposed historic districts or neighborhood preservation districts, designation by City Council should require a super-majority vote. While the political reality may often be that designation is rejected for properties which do not have owner consent, this provision at least *allows* for *all* significant properties to be considered.

Designation procedures are also complicated by mandating a specific set of design guidelines for each listing, whether an individual landmark, historic district, or neighborhood preservation district. The Carbondale Preservation Commission should formally adopt the *Architectural Preservation Guidelines*, published by the City and the Preservation Commission in 1996, and the Zoning Ordinance should be amended to eliminate the creation of design guidelines for each nomination. A Certificate of Appropriateness should be required for any alteration, relocation, construction, removal, or demolition that affects the exterior architectural appearance of any designated property. A Certificate of Appropriateness should also be required for any demolition, construction, or material change of any fence, wall, permanent sign or ornamentation included in a landmark designation or within a historic district, if the change is visible from a public street or sidewalk.

A provision for “Minor Works” should also be added to allow a Development Services official, and the Preservation Commission Chair or Vice Chair, to issue a Certificate of Appropriateness on behalf of the Preservation Commission for certain property activities such as replacement of fences or roofs with the same type and materials in the same location or the installation or change in storm doors, storm windows, screens, window air conditioners, satellite dishes, or television antennas. Currently, the Zoning Ordinance allows for a review and determination of routine applications through a subcommittee of the Preservation Commission, comprised of three Commissioners. This provision allows for the Commission to establish guidelines for the executive secretary to determine applications for Certificates of Appropriateness that are “clearly in accordance with the applicable design standards for the district in which the property is located and that are considered routine in nature.” A “Minor Works” provision would streamline this process and codify exactly what actions could be reviewed by this process.

Other Sections of the Zoning Ordinance

As historic districts and neighborhood preservation districts become designated, the Preservation Commission should review the relevant zoning districts to which the preservation district overlay has been applied. In some cases, land use designations and parking requirements may be contrary to the intent of the preservation district designation.

Carbondale also has several significant historic signs, including the Dairy Queen and the Varsity Theater signs. (See Section IV. *Recommendations: Carbondale Register of Historic Places* for additional information.) The Preservation Commission may wish to recommend to the Planning Commission the addition of “Historic Sign” to the Sign Regulations section (Definitions and Special Signs Permitted), to ensure that historic advertising signs are not rendered obsolete by provisions of the Zoning Ordinance. Section 15-2G-11/Obsolete Signs and Removal could be in conflict with saving a historic sign for a business which no longer exists. For example, in the event that the Jeffrey Laundromat at 311 W. Main (a 1950s era building with an original sign recommended for local landmark status) would close, the sign is still an important aspect of the property’s history. The building could continue to be identified as the “Jeffrey Building” despite any loss of that business.

Some of the wording found in Chapter 4/Redevelopment and Development Districts and Projects could be problematic for properties which are potentially eligible for local designation. As stated in the Legislative Declaration of Purpose, “It is hereby determined and declared that there exist certain areas within the City where improved and vacant lands because of the presence of one or more of the following factors are detrimental to the public health, safety, morals and welfare: dilapidation; obsolescence; deterioration; . . . excessive vacancies; . . . depreciation of physical maintenance; . . .” These factors may all too commonly be associated with historic properties. The purpose of this land use district is to allow for City assistance in private development projects. However, this Redevelopment District designation should allow for some consideration of its effect on historic properties within the recommendations for designations in this Preservation Plan. Currently, only one City block is zoned as a Redevelopment District.

Recommendations

- The Preservation District section of the Zoning Ordinance should be re-formatted to create a more user-friendly document. Additionally, the Preservation District section of the Zoning Ordinance could be re-formatted for use as a handout or brochure for distribution.
- The “D-4/Required Petition” wording should be changed to provide for a petition of more than fifty-percent of the properties owners *opposed* to a nomination either terminating the nomination process or requiring a super-majority vote of the City Council for approval.

- The Carbondale Preservation Commission should formally adopt the *Architectural Preservation Guidelines*, published by the City and the Preservation Commission in 1996, and the Zoning Ordinance should be amended to eliminate the creation of design guidelines for each nomination. A provision for “Minor Works” should also be added.
- The Ordinance should be amended to omit the Planning Commission in the nomination process. At a minimum, the wording regarding the purpose of the Planning Commission in the review of nominations needs to be clarified.
- Amend the Zoning Ordinance to allow for a “registered preference” for property owners. A registered preference is a parcel owner’s written indication as to their choice of whether their property should be designated as a landmark or included within a district.
- The Preservation Commission should maintain an ongoing survey program through Certified Local Government grants and volunteer and/or internship programs. Future surveys should include documentation of historic signs such as those at the Varsity Theater and Dairy Queen; documentation of 1950s and 1960s architecture; the Southern Illinois University campus; and potential archaeological sites in and around Carbondale.