



**CITY OF LOCKPORT
HERITAGE & ARCHITECTURE COMMISSION MEETING
AGENDA**

**TUESDAY, OCTOBER 19, 2021
CITY HALL, 3RD FLOOR, BOARD ROOM**

6:00 PM

NOTICE: The meeting of the public body will be held pursuant to Governor Pritzker's Executive Order 2021-23 issued on September 17, 2021 to extend previous Executive Orders, and with the guidance of the Center for Disease Control and Prevention (CDC), recommending all individuals regardless of their vaccination status cover their nose and mouth with a face-covering while indoors. Therefore, any individual appearing in person at the meeting should cover his/her nose and mouth with a face covering unless speaking at the podium and regardless of his or her vaccination status.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES**
May 11, 2021 Heritage & Architecture Meeting Minutes
- 4. CASES TO BE HEARD**
- 5. CHAIRMAN'S REPORT**
- 6. STAFF REPORT**
Historic Preservation Code Assessment and Update
Phase Two: Staff's suggested modifications
- 7. CITIZENS TO BE HEARD**
- 8. MISCELLANEOUS**
- 9. PUBLIC COMMENT**
- 10. ADJOURNMENT**



Lockport: City of Historic Pride

City of Lockport

Steve Streit, *Mayor*
Kathleen Gentile, *City Clerk*
David H. Payla, *Treasurer*
Sonni Williams, *City Attorney*
Ben Benson, *Administrator*

Community Development Center, 222 E. 9th Street, Lockport, IL 60441-3497 Phone (815) 838-0549 Fax (815) 588-0111

HERITAGE AND ARCHITECTURE COMMISSION SPECIAL MEETING MINUTES

TUESDAY, MAY 11, 2021 @ 6:00 PM

BOARD ROOM

222 E. 9TH STREET

LOCKPORT IL 60441

MEMBERS PRESENT: T. PINN, D. STILWELL, T. ALVES, B. MOLONY, N. ARRIAGA, R. LIF, J.R. GILLOGLY

MEMBERS ABSENT: B. DREW

STAFF PRESENT: KIMBERLY PHILLIPS, CITY PLANNER
LANCE THIES, DIRECTOR OF COMMUNITY AND ECON DEV.

- 1) **CALL TO ORDER:** The Meeting was called to order by Chairman T. Pinn at 6:00 P.M.
- 2) **PREVIOUS MINUTES:** April 20th minutes were approved.
- 3) **CONTINUED CASES:** None
- 4) **NEW CASES:**

Case No. 2021-H003/ 933 S. STATE STREET CERTIFICATE FOR APPROPRIATENESS FOR OUTDOOR EATING AREA

The applicants David and Edward Mede are requesting Certificate of Appropriateness from the Heritage and Architecture Commission for an outdoor eating structure and astro-turf area with bocce ball for the property located at 933 S. State Street. A special meeting was held May 11th to allow the applicants to move to building permit process more timely.

Staff presented report to the Commission. The applicant, (Edward Mede) was present and provided information and answered questions. The applicants propose to construct a permanent 24' x 12' eating structure with an outdoor astro-turf area and bocce ball. According to the applicant, they desire to create more outdoor opportunities for customers and non-customers to eat and enjoy being outdoors. They want to create a more beautiful setting than the current temporary eating area that the applicant described as "not-so-attractive" (which was established for temporary dining precautions during Covid restrictions). There is also a financial aspect with hopes of attracting more customers.

The structure would be a permanent structure for an unknown period of time. The applicant expressed that the structure would be "made well" and asked for direction from the Commission for appropriate roof and wall materials and colors. The Commission requested that it "not" be of metal material as that would be more of an industrial look. They also requested a neutral/complimentary roof color. However, were open to

flexibility in the materials. The Commission added that the walls should complement the colors of the primary building.

The remainder of the discussion was general with questions about the space, fence, location, structure, electric supply, heater, live plants, details of the construction, and more. The applicant addressed all questions and the Commission was satisfied. The applicant clarified that no electric is proposed. Lighting would be outdoor string lights that would be tied into the roof. Other questions regarding construction such as foundation requirement and stormwater were raised. However, staff addressed these questions by stating that the structure (and other components) would be required to meet building code and other City requirements.

MOTION TO APPROVE THE OUTDOOR EATING AREA WITH STRUCTURE, ASTRO-TURF, AND BOCCE BALL, AS PRESENTED BY R. LIF 2nd BY B. MOLONY MOTION CARRIED 6:0 VOTE.

- 5) **CHAIRMAN’S REPORT:** Chairman reported that temporary sidewalk café’s would not be required to come before the Commission.
- 6) **STAFF:** Staff reported that future meetings related to code updates would be announced.
- 7) **CITIZENS TO BE HEARD:** none
- 8) **MISCELLANEOUS:** Commission member Dale Stilwell provided explanation and background which led to the 917 State Building reverting back to previous COA.
- 9) **ADJOURNMENT:** MOTION TO ADJOURN AT 6:55 P.M. BY D. STILWELL AND 2ND BY B. MOLONY - MOTION CARRIED 6/0.

Chairman, Date

Recording Sec. Date



CHAPTER 150: HISTORIC PRESERVATION

To: Members of the Heritage and Architecture Commission

From: Kimberly Phillips, City Planner

Subject: Historic Preservation Code Assessment and Update
Phase Two: Staff's Suggested Modifications

Date: October 14, 2021

City of Lockport Staff initiated a Historic Preservation Code assessment and update process that will take place in multiple phases. Phase 1, the assessment (or evaluation) phase was introduced at the April 20th Heritage and Architecture Commission meeting. Members of the Commissioner reviewed and discussed the current (Chapter 150 Historic Preservation) and provided feedback to staff.

The next phase, Phase 2 of the update, is scheduled for Tuesday, October 19th. We will be discussing Staff's suggested modifications that are based on the feedback that was provided (by H&A members) during Phase 1. The following is a general overview of staffs suggested modifications that will be discussed:

- a) 150.21 Added items - Purpose (items H, I, J)
- b) (New Section) Added District map and description of the H&A Jurisdiction
- c) 150.22 Definition added – Restoration
- d) 150.22 Definition amended – Historic District Boundary
- e) 150.23 Modified “Appointed Secretary” to Administrator or Staff
- f) 150.24 Modified Commissioner’s Duties (Consolidated + Added Inspections)
- g) (New Section) Review Resources added (Dept. of Interior Design Standard, etc.)
- h) 150.25 Added Certificate of Appropriateness
- i) 150.26 Relocated Procedures (text for Procedures consolidated into one section)
- j) 150.28 Certificate of Economic Hardship – general discussion
- k) 150.31 Enforcement and penalties for Violation – general discussion

H&A Commission members are encouraged to review staff's suggested modifications, included in your packets. A “marked-up” or “stricken” version of the code is attached to this memo. Additionally, staff will share a Powerpoint presentation and relevant documentation such as older design guidelines and other publications at the meeting which could assist in the discussion.

CHAPTER 150: COMPREHENSIVE PLAN; HISTORIC PRESERVATION

Section

Comprehensive Plan

- 150.01 Adoption of plan
- 150.02 Applicability
- 150.03 Implementation
- 150.04 Plan on file

Historic Preservation

- 150.20 Title
 - 150.21 Purpose
 - 150.22 Definitions
 - 150.23 City Heritage and Architecture Commission
 - 150.24 Powers and duties of Heritage and Architecture Commission
 - 150.25 (Reserved)
 - 150.26 Review of minor modifications
 - 150.27 Review of applications for [Certificate of Appropriateness for](#) construction, removal, significant alteration, or demolition
 - 150.28 Certificate of economic hardship
 - 150.29 Appeals
 - 150.30 Issuance of permits
 - 150.31 Review of acquisitions for public use
 - 150.32 Enforcement and penalties for violation
 - 150.33 Effect of approvals
- #### Landmark/Historic District Designation
- 150.50 Nomination of landmark; Historic District designation
 - 150.51 Criteria
 - 150.52 Timing
 - 150.53 Procedures
 - 150.54 Decision
 - 150.55 Supporting Documentation

COMPREHENSIVE PLAN

§ 150.01 ADOPTION OF PLAN.

The Comprehensive Plan, as prepared by the Plan Commission of the city dated December 1997 is adopted as the official Comprehensive Plan of the City of Lockport, Will County, Illinois.

(79 Code § 150.001) (Ord. 717, passed 3-2-70; Am. Ord. 993, passed 8-6-84; 97-087, passed 12-22-97; Am. Ord. 07-699, passed 2-14-07; Am. Ord. 08-807, passed 6-25-08)

§ 150.02 APPLICABILITY.

The Comprehensive Plan is made applicable to all land situated within the corporate limits of the city, and also to all contiguous territory located not more than 1½ miles beyond the corporate limits and not included in any municipality.

(79 Code § 150.005) (Ord. 717, passed 3-2-70)

§ 150.03 IMPLEMENTATION.

The Comprehensive Plan may be implemented by ordinances establishing standards of design and use of all territory to which the Comprehensive Plan applies.

(79 Code § 150.010) (Ord. 717, passed 3-2-70)

§ 150.04 PLAN ON FILE.

The official Comprehensive Plan shall be placed on file with the City Clerk and shall be available at all times during business hours for public inspection, and copies of the plan shall be made available to all interested parties upon payment of a sum determined by the City Council to be adequate to cover the cost of printing and distribution.

(79 Code § 150.015) (Ord. 717, passed 3-2-70)

HISTORIC PRESERVATION

§ 150.20 TITLE.

This subchapter shall be known, referred to, and cited as The Lockport Historic Preservation subchapter of 1987.

(79 Code § 150.175) (Ord. 88-130, passed 10-3-88)

§ 150.21 PURPOSE.

The purpose of this subchapter is to promote the educational, cultural, economic, and general welfare of the community as follows:

(A) To provide a mechanism to identify and preserve the distinctive historic, architectural, and/or landscaping characteristics of the city which represent elements of the city's cultural, social, economic, political, and architectural history and character;

(B) To foster and improve commercial business within the downtown of the city and the designated Historic Preservation District by assuring that alteration of any improvements is performed in a manner that is consistent with the city's historic and architectural character, and to protect past and future investments by businessmen and property owners;

(C) To stabilize and improve property values within the Lockport Historic Preservation District and in other areas adjacent to the downtown of the city;

(D) To create an atmosphere and character for the city that will stimulate tourism and shopping;

(E) To create a mechanism for future consideration of other buildings, structures, and areas within the city that may be appropriate for future designation as landmarks or landmark areas;

(F) To foster civic understanding and pride in the city's history and architecture; and

(G) To foster and encourage preservation, restoration and rehabilitation.

(H) Protect the styles and periods of the original buildings while supporting the economic development and continued revitalization of the downtown.

(I). Protect the historic character of downtown by evaluating and approving compatible new buildings and development

(J) Improve the quality of design through engagement with architects and owners regarding standards

(79 Code § 150.176) (Ord. 88-130, passed 10-3-88)

150.XX (NEW SECTION) JURISDICTION AND HISTORIC DISTRICT LIMITS

- Maps (Insert Image of Map)
- National Register Historic District
- City's Local Historic District – Local District that is an expanded district surrounding the national register historic with a definable boundary as depicted in the Historic Preservation District Map.
- Landmark Designations Properties of significant value as part of the historic, heritage or cultural characteristics of Lockport, IL that have been nominated for Landmark Designation

§ 150.22 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

AREA. A specific geographic division of the city.

CERTIFICATE OF APPROPRIATENESS. A certificate issued by the Commission indicating its approval of plans for significant alteration, construction, removal or demolition of a landmark or of a structure within the Historic Preservation District or a landmark area.

CERTIFICATE OF ECONOMIC HARDSHIP. A certificate issued by the Commission authorizing a significant alteration, minor modification, construction, removal, or demolition even though a certificate of appropriateness has previously been denied.

COMMISSION. The city Heritage and Architecture Commission.

COMMISSIONERS. Members of the city Heritage and Architecture Commission.

CONSTRUCTION. The act of building a new structure or adding an addition to a structure that requires a building permit. This term specifically shall include the building of a new principal or detached accessory structure on a lot or property.

COUNCIL. The City Council of the city.

DEMOLITION. Any act or process which destroys in part or in whole a landmark or a structure or improvement within the Historic Preservation District or a landmark area.

DESIGN CRITERIA. A standard of appropriate activity that will preserve the historic and architectural character of a landmark, a landmark area, or the Historic Preservation District.

EXTERIOR ARCHITECTURAL APPEAR- composition of the exterior of a structure, including but not limited to the kind, color, and texture of the building material and the type, design, and character of all windows, doors, light fixtures, ornamental details, signs, and appurtenant elements.

[HISTORIC DISTRICT - "CITY OF LOCKPORT HISTORIC DISTRICT BOUNDARY" - The area designated as the City of Lockport Historic District as depicted by the Historic District Boundary Map by Ordinance 91-060](#)

HISTORIC PRESERVATION [NATIONAL REGISTER OF HISTORIC PLACES](#) DISTRICT. The area designated as the "Historic Preservation District" by Ordinance 801, passed March 17, 1975.

IMPROVEMENT. Any visible built feature on a property, such as, but not limited to, landscaping or paving, that is not a structure.

LANDMARK. A property or structure recommended by the Historic Preservation Council and by the Commission and thereafter designated as a LANDMARK by ordinance of the City Council, according to criteria and pursuant to procedures adopted by the City Council and implemented by the Commission.

LANDMARK AREA. An area which may contain within definable geographic boundaries one or more landmarks and which may have within its boundaries other properties or structures which, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the area and recommended by the Commission and thereafter designated by ordinance of the City Council, according to criteria and pursuant to procedures adopted by the City Council.

MINOR MODIFICATION. Any act or process that does not require a building permit but changes the character of an exterior architectural feature or modifies the character of an improvement.

OWNER OF RECORD. The person or corporation or other legal entity whose name appears on the records of the County Recorder of Deeds as the title holder.

PROPERTY. Land and improvements identified as a separate lot for purposes of the subdivision and zoning regulations of the city.

REHABILITATION. The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

REMOVAL. Any relocation of a structure on its site or to another site.

REPAIR. Any change that is not construction, removal, significant alteration, or minor modification.

[RESTORATION. An act or process of returning something to its earlier or original condition, or to a state similar to its original condition.](#)

-SIGNIFICANT ALTERATION. Any act or process requiring a building permit that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure, removal of paint from masonry surfaces, application of paint to masonry surfaces, addition or removal of siding, replacement of window sash or window units, removal or replacement of porch

spindles, window and door trim, and other decorative architectural elements, removal or addition of window shutters, removal, replacement or addition of canopies, removal or addition of fences, and removal or replacement of limestone sidewalks.

STRUCTURE. Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality of the foregoing, buildings, garages, tool sheds, fences, advertising signs, billboards, radio and television antennae, including supporting towers, satellite receiving dishes, and swimming pools.

(79 Code § 150.177) (Ord. 88-130, passed 10-3-88; Am. Ord. 91-260, passed 11-18-91; Am. Ord. 07-699, passed 2-14-07)

§ 150.23 CITY HERITAGE AND ARCHITECTURE COMMISSION ORGANIZATION AND PROCEDURES.

(A) Establishment.

(1) ~~There is h~~ereby created is the city Heritage and Architecture Commission, consisting of seven voting members appointed by the Mayor and approved by the City Council, and two ex officio, nonvoting members, namely an Alderman appointed by the Mayor, and the Planner of the city. The members appointed by the Mayor and approved by the City Council shall be:

- (a) A member of the city Plan and Zoning Commission;
- (b) A local historian; and
- (c) Five members-at-large.

(2) All members who are appointed or reappointed after April 1, 1996, must be residents of the city with the exception of a member who is a state registered architect. The Mayor may recommend names to the above mentioned organizations, boards, and commissions for nomination of members with the above mentioned knowledge and experience.

(B) Term. Commissioners shall serve terms of three years. Initially, Commissioners shall serve staggered terms of two persons for three years, two persons for two years, and one person for one year. Subsequent nominations and appointments shall be made so as to replace any member representing an organization, board, or commission with another such member. All members shall hold office until their successor shall have been appointed and qualified. Vacancies after selection of the members of the first Commission shall be filled through appointment by the Mayor with the concurrence of the City Council.

(C) Chairperson and Vice Chairperson. Officers shall consist of a Chairperson, a Vice Chairperson and a Secretary. The first Chairperson of the Commission shall be designated by the Mayor upon recommendations of the organizations, boards, and commissions named in division (A) of this section and with the concurrence of the City Council. The Chairperson shall be so appointed for two years or until his membership term expires, whichever is less. Each subsequent Chairperson shall be selected by the Commission from among its members. The Chair-person of the Commission shall appoint a Vice Chair-person from the membership of the Commission. In the absence of the Chairperson and Vice Chairperson, an acting Chairperson shall be elected by the remaining members of the Commission from its members. The Chairperson shall preside at meetings of the

Commission and shall otherwise supervise the affairs of the Commission. He shall sign all official documents, correspondence, statements, and recommendations generated by the Commission. The Vice Chairperson in the absence of the Chairperson, shall perform all the duties and exercise all the powers of the Chairperson.

(D) An employee of the Community Development Department shall serve as the ex-officio administrator to the Commission. The administrator shall provide staff assistance to the Commission, act as the Commission's secretary, and issue Certificates of Appropriateness as directed by the Commission. The Administrator shall:

~~(D) Secretary. The Secretary of the Commission shall be retained by the Mayor and City Council. The Secretary shall:~~

(1) Be responsible for preparation of minutes of each Commission meeting, originals of which shall be kept in the office of the city Community Development Center;

(2) Provide administrative and technical assistance to the Commission to assist it in making the decisions and findings as provided hereunder;

(3) Publish and distribute to the Commissioners copies of the minutes, reports and decisions of the Commission; and

(4) Advise the Mayor of vacancies on the Commission and expiring terms of Commissioners.

(E) Commission Meetings must be open to the public and a public record shall be kept of the Commission's resolutions, proceedings, and actions. The Commission shall hold regular meetings pursuant to the Illinois Open Meetings Act unless a meeting is cancelled due to a lack of a quorum or a lack of business to be conducted. A special meeting of the Commission may be called by the Chairperson or upon the request of three Commission members provided that such request is submitted to the Secretary-Administrator of the Commission at least 96 hours prior to the time specified for the meeting and if there is sufficient time to post the notice of the meeting and agenda at least 48 hours prior to the meeting. A quorum shall consist of four members of the Commission present and voting, and no official meeting shall be held without a quorum of the members present. ~~The Commission shall meet at least once a month with proper notice and requirements pursuant to the Illinois Open Meetings Act unless a meeting is cancelled due to a lack of a quorum or a lack of business to be conducted.~~ The Chairperson shall be entitled to be counted in determining a quorum and to vote as a member. All resolutions shall be passed by a majority of a quorum.

(1) Application for a Certificate of Appropriateness requires a public meeting. At the meeting the petitioning property owner and/or other interested parties (such as neighboring property owners or representative of the property owner) are invited to speak.

(2) Public Notice is sent to local media companies that are readily available to the community.

~~—The Commission holds a meeting for each application for a Certificate of Appropriateness. Meetings are held at the next regularly scheduled meeting time providing the application is complete with supporting materials.~~

(79 Code § 150.178) (Ord. 88-130, passed 10-3-88; Am. Ord. 91-245, passed 6-4-91; Am. Ord. 96-004, passed 2-28-96; Am. Ord. 07-699, passed 2-14-07; Am. Ord. 09-041(A), passed 10-21-09; Am. Ord. 10-002, passed 1-6-10; Am. Ord. 20-097, passed 9-16-20)

§ 150.24 POWERS AND DUTIES OF THE HERITAGE AND ARCHITECTURE COMMISSION.

The Heritage and Architecture Commission shall have the following powers and duties:

~~(A) —(A)—~~To adopt its own procedural regulations for the conducting of its business.

~~(B) To perform inspections for advisory purposes when requested by the applicant.~~

(B) To advise and assist owners of property and structures on the physical and financial aspects of preservation, renovation, rehabilitation, reuse, and new construction in or adjacent to the Historic Preservation District and Residential Area Intensive Survey Districts;

(C) To inform and educate the citizens of the city concerning the historic and architectural heritage of the city by publishing appropriate maps, newsletters, brochures, and pamphlets, and by holding programs and seminars;

~~(D) To prepare and distribute application forms for certificates of appropriateness and certificates of economic hardship;~~

(E) To hold hearings and to review applications for the Certificate of Appropriateness for the demolition or significant alteration of structures within the Historic Preservation District and to deny or issue certificates of appropriateness.

(F) To hold hearings and to review applications for permits-Certificate of Appropriateness to construct or replace structures within the Historic Preservation District.

~~—(G) To hold hearings and to review plans for new construction on projects for which a demolition permit is required and to advise the Buildings Department to issue or deny a demolition permit based on such plans.~~

~~—(H) To require applicants to demonstrate, to the Commission's satisfaction, a good faith intention to construct in accordance with the plans for new construction submitted and approved.~~

(I) To develop specific design guidelines for the modification, alteration or demolition of significant architectural features, and for new construction within the Historic Preservation District, ~~and for minor modifications to structures or improvements.~~

~~—(J) To issue or deny certificates of appropriateness.~~

(K) To consider and hold hearings on applications for certificates of economic hardship that would allow the performance of work for which a certificate of appropriateness has been denied, and to issue or deny such certificates of economic hardship.

(L) To consult with persons proposing maintenance or minor modifications to structures or improvements within the Historic Preservation District and to advise them concerning proper methods for restoration, renovation or rehabilitation of historic structures.

(M) To conduct an ongoing survey to identify historically, architecturally, or culturally significant buildings and structures within the Historic Preservation District ~~and~~

~~(X) To consider recommendations from the Commission concerning~~ designation of other historically, architecturally or culturally significant structures and areas as landmarks or landmark areas.

(N) ~~Upon recommendation of the Commission~~ To propose criteria and authority for identification, designation, and/or protection of other structures, improvements, and areas as landmarks or landmark areas.

(O) To review proposed zoning amendments, applications for special use permits, or applications for zoning variances that affect property or structures within or adjacent to the Historic Preservation District.

(P) To administer on behalf of the city any property or full or partial interest in real property in the Historic Preservation District, including easements or covenants, that the city may have or accept as a gift or otherwise, but only upon authorization and prior approval by the City Council.

(Q) To prepare a budget, as necessary, and to accept and administer on behalf of the city such gifts, grants, and money as may be approved or appropriated by the City Council for the purposes of this subchapter. Such money may be expended for publishing maps and brochures or for hiring staff persons or consultants or for performing other appropriate functions for the purpose of carrying out the duties and powers of the Heritage and Architecture Commission and the purposes of this subchapter.

(R) To call upon available city staff members or consultants or to appoint such citizen advisory committees as may be required from time to time and approved by the City Council as well as other experts for technical advice.

~~(S) To retain such specialists or consultants or to appoint such citizen advisory committees as may be required from time to time and approved by the City Council.~~

(T) To testify before or present comments to all boards and commissions ~~City Council, and Committees/Boards such as including~~ the Plan and Zoning ~~ning~~ Commission and the Zoning Board of Appeals, on any matter affecting historically, architecturally, and culturally significant properties, structures and areas.

(U) To make recommendations to the Mayor and City Council concerning any proposed acquisition of property for public use, whether by the city or by any other public agency, within the Historic Preservation District.

(V) To confer recognition upon the owners of property, structures, or improvements within the Historic Preservation District by means of certificates, plaques, or markers including recognition for outstanding preservation or rehabilitation efforts.

(W) To prepare an appearance, architectural, and beautification plan for the Historic Preservation District consistent with the Comprehensive Plan of the city and consistent with existing ordinances. Elements of this plan shall include, but not be limited to, improved and unimproved land, including open spaces, streets and parkways, gardens, malls, yards and rights-of-ways; external architectural features of structures of all types, existing and future, visible to the eye and above grade; landscaping; land topography and plant life, natural and manmade; walks, drives, parking areas and plazas; exterior furniture; hardware; signs and markers; posts and fences; barriers; lights and lighting; supplementary structures and appurtenances.

(X) To hold public hearings and make recommendations with other appropriate bodies to the City Council on the adoption and implementation of an appearance, architectural, and beautification plan, and on any other matter affecting property, structures, or improvements within or adjacent to the Historic Preservation District.

(Y) To undertake other actions or activities necessary or appropriate to the implementation of its powers and duties or to the implementation of the purpose of this subchapter or as directed by the City Council.

(Z) To identify and report to the Building Department apparent violations by owners of a landmark or by owners of property located in a landmark area or within 75 feet of the boundary of a landmark area of the Building Officials and Code Administrators Basic Property Maintenance Code, ~~1981 Edition, adopted on December 16, 1985 by the city under Ordinance 1023 or as amended from time to time.~~

(79 Code § 150.179) (Ord. 88-130, passed 10-3-88; Am. Ord. 07-699, passed 2-14-07)

§ 150.25 ~~(RESERVED)~~. CERTIFICATES OF APPROPRIATENESS

The Commission's primary means for implementing its responsibilities is the Certificate of Appropriateness (COA)

(A) Applications for a Certificate of Appropriateness are available from the Building Department or online at www.lockport.org. Applications shall include a plat of survey (for demo or addition projects only), a contractor's cost estimate of the work, Nine (9) full size scaled copies of all plans/drawings and product specifications of the proposed work, pdfs of the plans/drawings and product specification on a CD or USB drive, and a written summary of the project/proposed modifications.

150.27 § 150.27 APPLICATION PROCEDURE FOR REMOVAL, SIGNIFICANT ALTERATION, OR DEMOLITION THAT REQUIRE CERTIFICATE OF APPROPRIATENESS

(A) Permits for construction, removal, significant alteration or demolition within the Historic Preservation District shall not be issued by the Building Department without the applicant first having obtained a certificate of appropriateness from the Heritage and Architecture Commission, or from the City Council after an appeal under § 150.29.

(B) The Building Department shall notify the Community and Economic Development Department (CED) within seven days following the receipt of an application for a permit for construction, removal, significant alteration or demolition within the Historic Preservation District, send the application to the Commission and notify the applicant by email or mail of the Commission's jurisdiction to review applications for permits and the process to be followed, including the date and place of any meeting to consider the application. Any applicant may request a meeting with the Commission before the building permit application is sent by the CED to the Commission for review and may consult with the Commission during its review of the application.

(C) The Commission meets to make a determination for issuance of the Certificate. If the Commission finds that the work proposed will not adversely affect any historically or architecturally significant features of the structure or property

within the Historic Preservation District and is appropriate or consistent with the spirit and purposes of this subchapter, it shall, at the next regular Commission meeting, issue a certificate of appropriateness by resolution passed by a majority of a quorum and forward copies to the owner of record and the Building Department. An owner may request a special meeting if the next regular Commission meeting is scheduled 15 days or more after the receipt of the application.

(D) A Certificate of Appropriateness can be denied by the Commission. If the Commission finds that the proposed work will adversely affect or destroy any significant historic, aesthetic, or architectural feature or value of the structure or property within the Historic Preservation District, it shall deny the request for COA and advise the applicant in writing within 30 days after receiving the copy of the application

- I. The Commission shall briefly state its reasons therefor in writing and it may make recommendations to the applicant to assure appropriateness of design, arrangement, texture, scale, material, color, location, or other elements of appearance of the building or structure involved.
- II. In cases of denial accompanied by recommendation, the applicant may resubmit an amended application (that conforms with the recommendations) within 21 days of the date of denial or make application for a certificate of economic hardship as provided for in § 150.28. The applicant shall be heard at the next regular meeting of the Commission after receipt of the amended application, and the Commission shall approve or deny the amended application by resolution.
- III. An applicant has 30 days following denial by the Commission of an application for a certificate of appropriateness or an application for a certificate of economic hardship to notify the Commission of an intention to appeal the Commission decision to the City Council. Failure of the applicant to notify the Commission within 30 days shall end the review process. The applicant may not resubmit an application for a building permit for the proposed alteration, construction, removal, or demolition for 90 days following expiration of the time for filing notice of intention to appeal.
- IV. A public hearing shall be held by the Commission within 15 days after receiving notice of an appeal if the applicant and the Commission fail to resolve differences of opinion after consideration of an amended application and the applicant notifies the Commission in writing that he intends to appeal the disapproval to the City Council
- V. A public hearing shall also be held by the Commission within 30 days after receipt of an application for a certificate of economic hardship filed with the Commission pursuant to § 150.28

VI. Notice of the date, time, place and purpose of the public hearing shall be sent by regular mail to the applicant, to adjoining property owners, and to all owners of property within the Historic Preservation District and also within 250 feet of the property for which an application has been made. The notice shall be sent not less than ten days prior to the date of the hearing. The notice shall state the location including the common street address of the property, and include a brief description of the proposed alteration, construction, demolition, or removal for which an application has been made and the differences of opinion between the applicant and the Commission.

VII. Within 15 days following completion of the public hearing, the Commission shall issue or deny the certificate of appropriateness or of economic hardship and transmit copies of its decision, and a summary of the reasons for it, to the applicant

(E) The Commission may issue a Certificate of Appropriateness with Conditions

(F) All construction performed under a Certificate of Appropriateness shall conform to any permits issued pursuant to the Certificate and, upon completion, may be reviewed or inspected by the Commission members (or staff) for conformance with the Commission's approval.

(G) Any Changes in the approved work subsequent to the issuance of a Certificate of Appropriateness shall require issuance of a new Certificate.

(H) A Certificate of Appropriateness shall become null and void within one (1) year (or the time assigned by the Commission) if the work has not been completed.

(I) The above shall meet the intent of the City's adopted Building Codes and ADA Ordinance.

~~(D) Review process for construction, removal, significant alteration, or demolition.~~

~~(1) All applications shall be sent by the Building Department to the Planning Department and then forwarded to be reviewed by the Commission.~~

~~(2) If the Commission finds that the work proposed in the application will not adversely affect any historically or architecturally significant features of the structure or property within the Historic Preservation District and is appropriate or consistent with the spirit and purposes of this subchapter, it shall, at the next regular Commission meeting, issue a certificate of appropriateness by resolution passed by a majority of a quorum and forward copies to the owner of record and the Building Department. An owner may request a special meeting if the next regular Commission meeting is scheduled 15 days or more after the receipt of the application.~~

~~(3) If the Commission finds that the proposed work will adversely affect or destroy any significant historic, aesthetic, or architectural feature or value of the structure or property within the Historic Preservation District or is inappropriate or inconsistent with the spirit and purposes of this subchapter, it shall disapprove the application by resolution and shall so advise the applicant for permit and the Building Department in writing within 30 days after receiving the copy of the application.~~

~~— (a) The Commission shall briefly state its reasons therefor in writing and it may make recommendations to the applicant to assure appropriateness of design, arrangement, texture, scale, material, color, location, or other elements of appearance of the building or structure involved.~~

~~— (b) In cases of disapproval accompanied by recommendation, the applicant may again be heard before the Commission if within 21 days of the date of receipt of notice of disapproval of the application he amends his application to conform with the recommendations or makes application for a certificate of economic hardship as provided for in § 150.28. The time limit for receipt of an amended application or for filing an application for a certificate of economic hardship may be extended by the Commission for a reasonable period of time upon request of the applicant. The applicant shall be heard at the next regular meeting of the Commission after receipt of the amended application, and the Commission shall approve or disapprove the amended application by resolution.~~

~~— (c) An applicant has 30 days following denial by the Commission of an application for a certificate of appropriateness or an application for a certificate of economic hardship to notify the Commission of an intention to appeal the Commission decision to the City Council. Failure of the applicant to so notify the Commission within 30 days plus all reasonable extensions of time granted by the Commission shall end the review process. The applicant may not resubmit an application for a building permit for the proposed alteration, construction, removal, or demolition for 90 days following expiration of the time for filing notice of intention to appeal.~~

~~— (d) A public hearing shall be held by the Commission within 15 days after receiving notice of an appeal in the following circumstances:~~

~~— 1. The applicant and the Commission fail to resolve differences of opinion after consideration of an amended application and the applicant notifies the Commission in writing that he intends to appeal the disapproval to the City Council or~~

~~— 2. The applicant fails to file an amended application and notifies the Commission in writing that he intends to appeal the disapproval to the City Council.~~

~~— (e) A public hearing shall also be held by the Commission within 30 days after receipt of an application for a certificate of economic hardship filed with the Commission pursuant to § 150.28.~~

~~— (f) Notice of the date, time, place and purpose of the public hearing shall be sent by regular mail to the applicant, to adjoining property owners, and to all owners of property within the Historic Preservation District and also within 250 feet of the property for which an application has been made. The notice shall be sent not less than ten days prior to the date of the hearing. The notice shall state the location including the common street address of the property, and include a brief description of the proposed alteration, construction, demolition, or removal for which an application has been made and the differences of opinion between the applicant and the Commission.~~

~~— (g) At the public hearing the Commission shall take testimony presented by the owner and any other interested persons concerning the effect of the proposed construction, alteration, demolition, or removal upon the exterior architectural appearance and the review criteria in division (C) of this section.~~

~~—(h) Within 15 days following completion of the public hearing, the Commission shall issue or deny the certificate of appropriateness or of economic hardship and transmit copies of its decision, and a summary of the reasons for it, to the applicant.~~

~~—(E) The above shall meet the intent of the ADA Ordinance 05-524 passed on September 29, 2005.~~

~~(79 Code § 150.182) (Ord. 88-130, passed 10-3-88; Am. Ord. 07-699, passed 2-14-07)~~

§ 150.26 REVIEW OF MINOR MODIFICATIONS (EXEMPT FROM CERTIFICATE OF APPROPRIATENESS):-

- A. Ordinary maintenance that does not involve amending the existing design, materials, scale, or appearance
- B. Modifications to the interior of a building
- C. Installation or replacement of gutters and downspouts when no change is made to architecture features (such as eaves and soffits, or ornaments such as brackets, crown moldings, etc.)
- D. Exterior painting of existing structures; including choice of paint color when selected from the Benjamin Moore Historical Collection or Sherwin-williams Historic Paint Color Collection (colors through 1830s -1910s) as appropriate to the erection date of the building.
- E. Work required by the City to eliminate an immediate unsafe condition where there is not sufficient time to receive COA Concurrence of Chairman or their designee, including City Staff, is required.
- F. Installation of temporary signs (However temporary signs require temporary sign permit) issued by CED.

(A) The Heritage and Architecture Commission shall develop and publish advisory guidelines based upon the criteria in § 150.27(C) concerning exterior minor modifications to structures or improvements such as, but not limited to, the following:

- (1) Removal of paint from wood surfaces;
- (2) Application of paint to wood surfaces;
- (3) Repair or replacement of roofs;

(B) The Commission shall be authorized to expand or modify the list of exterior minor modifications to structures or improvements enumerated in division (A) of this section by resolution of the City Council.

(C) The guidelines shall be periodically revised by the Commission and shall be distributed to property owners within the Historic Preservation District and to the public, and shall be made available at the office of the Building Department.

(D) The Commission, upon receiving information from the Building Department or other sources concerning proposed minor modifications that may be contrary to published advisory guidelines, may notify the property owner in writing and request an informal conference. The Commission shall make all reasonable efforts to contact the owner and

may delegate one or more Commission members to meet with the owner or his architect or contractor and provide information concerning such advisory guidelines.

(79 Code § 150.181) (Ord. 88-130, passed 10-3-88; Am. Ord. 91-260, passed 11-18-91)

§ 150.27 REVIEW OF APPLICATIONS FOR CONSTRUCTION, REMOVAL, SIGNIFICANT ALTERATION, OR DEMOLITION.

(A) Permits for construction, removal, significant alteration or demolition within the Historic Preservation District shall not be issued by the Building Department without the applicant first having obtained a certificate of appropriateness from the Heritage and Architecture Commission, or from the City Council after an appeal under § 150.29.

(B) The Building Department shall, within seven days following the receipt of an application for a permit for construction, removal, significant alteration or demolition within the Historic Preservation District, send the application to the Commission and notify the applicant by mail of the Commission's jurisdiction to review applications for permits and the process to be followed, including the date and place of any meeting to consider the application. Any applicant may request a meeting with the Commission before the building permit application is sent by the Building Department to the Commission for review and may consult with the Commission during its review of the application.

~~(C) Review criteria. In making a determination whether to issue or deny a certificate of appropriateness, the Commission shall consider, among other things, the effect of the proposed construction, alteration, removal or demolition upon the historic, aesthetic or architectural value, characteristics and significance of the property, structure or improvements within the Historic Preservation District. The criteria to be used by the Commission in making its determination shall include, but not be limited to the following:~~

~~— (1) The maintenance of the significant original qualities or character of the property, structure, or improvements, including, if significant, its landscape. The removal or alteration of any historic or distinctive architectural features should be avoided whenever possible.~~

~~— (2) The compatibility of the architectural style and design detailing of the proposed construction, alteration or addition or repair with the original architecture of the property or structures within the Historic Preservation District;~~

~~— (3) The compatibility of the general design, arrangement, scale, texture, or materials of the construction or alteration or addition, with historic, aesthetic, or architectural values, characteristics and significance of the Historic Preservation District;~~

~~— (4) The relationship of the location of the construction, alteration, or removal to the streets, public or semi-public ways and any other structures or property within the Historic Preservation District;~~

~~— (5) Construction, alteration, and demolition shall be undertaken only in accordance with the following standards:~~

~~— (a) Every reasonable effort shall be made to minimize alteration of the property, structure, or site and its environment.~~

~~— (b) All property and structures shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.~~

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

~~—(d) Distinctive stylistic features or examples of skilled craftsmanship which characterize a property, structure, or site shall be treated with sensitivity.~~

~~—(e) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material need not be identical to but should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other structures.~~

~~—(f) 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.~~

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

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

~~—(i) Wherever possible, new additions or alterations to structures shall be done in such manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would not be impaired.~~

~~—(D) Review process for construction, removal, significant alteration, or demolition.~~

~~—(1) All applications shall be sent by the Building Department to the Planning Department and then forwarded to be reviewed by the Commission.~~

~~—(2) If the Commission finds that the work proposed in the application will not adversely affect any historically or architecturally significant features of the structure or property within the Historic Preservation District and is appropriate or consistent with the spirit and purposes of this subchapter, it shall, at the next regular Commission meeting, issue a certificate of appropriateness by resolution passed by a majority of a quorum and forward copies to the owner of record and the Building Department. An owner may request a special meeting if the next regular Commission meeting is scheduled 15 days or more after the receipt of the application.~~

~~—(3) If the Commission finds that the proposed work will adversely affect or destroy any significant historic, aesthetic, or architectural feature or value of the structure or property within the Historic Preservation District or is inappropriate or inconsistent with the spirit and purposes of this subchapter, it shall disapprove the application by resolution and shall so advise the applicant for permit and the Building Department in writing within 30 days after receiving the copy of the application.~~

~~— (a) The Commission shall briefly state its reasons therefor in writing and it may make recommendations to the applicant to assure appropriateness of design, arrangement, texture, scale, material, color, location, or other elements of appearance of the building or structure involved.~~

~~— (b) In cases of disapproval accompanied by recommendation, the applicant may again be heard before the Commission if within 21 days of the date of receipt of notice of disapproval of the application he amends his application to conform with the recommendations or makes application for a certificate of economic hardship as provided for in § 150.28. The time limit for receipt of an amended application or for filing an application for a certificate of economic hardship may be extended by the Commission for a reasonable period of time upon request of the applicant. The applicant shall be heard at the next regular meeting of the Commission after receipt of the amended application, and the Commission shall approve or disapprove the amended application by resolution.~~

~~— (c) An applicant has 30 days following denial by the Commission of an application for a certificate of appropriateness or an application for a certificate of economic hardship to notify the Commission of an intention to appeal the Commission decision to the City Council. Failure of the applicant to so notify the Commission within 30 days plus all reasonable extensions of time granted by the Commission shall end the review process. The applicant may not resubmit an application for a building permit for the proposed alteration, construction, removal, or demolition for 90 days following expiration of the time for filing notice of intention to appeal.~~

~~— (d) A public hearing shall be held by the Commission within 15 days after receiving notice of an appeal in the following circumstances:~~

~~— 1. The applicant and the Commission fail to resolve differences of opinion after consideration of an amended application and the applicant notifies the Commission in writing that he intends to appeal the disapproval to the City Council or~~

~~— 2. The applicant fails to file an amended application and notifies the Commission in writing that he intends to appeal the disapproval to the City Council.~~

~~— (e) A public hearing shall also be held by the Commission within 30 days after receipt of an application for a certificate of economic hardship filed with the Commission pursuant to § 150.28.~~

~~— (f) Notice of the date, time, place and purpose of the public hearing shall be sent by regular mail to the applicant, to adjoining property owners, and to all owners of property within the Historic Preservation District and also within 250 feet of the property for which an application has been made. The notice shall be sent not less than ten days prior to the date of the hearing. The notice shall state the location including the common street address of the property, and include a brief description of the proposed alteration, construction, demolition, or removal for which an application has been made and the differences of opinion between the applicant and the Commission.~~

~~— (g) At the public hearing the Commission shall take testimony presented by the owner and any other interested persons concerning the effect of the proposed construction, alteration, demolition, or removal upon the exterior architectural appearance and the review criteria in division (C) of this section.~~

~~(h) Within 15 days following completion of the public hearing, the Commission shall issue or deny the certificate of appropriateness or of economic hardship and transmit copies of its decision, and a summary of the reasons for it, to the applicant.~~

~~(E) The above shall meet the intent of the ADA Ordinance 05-524 passed on September 29, 2005.~~

~~(79 Code § 150.182) (Ord. 88-130, passed 10-3-88; Am. Ord. 07-699, passed 2-14-07)~~

(NEW SECTION) STANDARDS FOR REHABILITATION

The Secretary of the Interior's Standards for Rehabilitation set forth the principles and purposes of historic preservation, and provide a good introduction to the more specific Guidelines which follow. Copies of the Standards for Rehabilitation are available in the Building Department and are summarized as follows:

LOCKPORT, ILLINOIS; A HISTORIC DISTRICT PRESERVATION PLAN

Preservation Plan provides a report of the City of Lockport's History and Architecture, and provides Analysis and Recommendations for Preservation Planning. The report includes Individual Building Recommendations, Infill Design Guidelines, Color Guidelines, Parking Guidelines, and Design References.

(NEW SECTION) REVIEW CRITERIA FOR CERTIFICATE OF APPROPRIATENESS (COA)

In making a determination whether to issue or deny a COA, the Commission shall consider, among other things, the effect of the proposed construction, alteration, removal or demolition upon the historic aesthetic or architectural value, characteristics and significance of the property, structure or improvements within the Historic Preservation District. The criteria to be used by the Commission in making its determination shall include but is not limited to the following:

1. The maintenance of the significant original qualities or character of the property, structure, or improvements, including, if significant, its landscape. The removal or alteration of any historic or distinctive architectural features should be avoided whenever possible.

(2) The compatibility of the architectural style and design detailing of the proposed construction, alteration, addition or repair with the original architecture of the property or structures;

(3) The compatibility of the general design, arrangement, scale, texture, or materials of the construction or alteration or addition, with historic, aesthetic, or architectural values, characteristics and significance of the Historic Preservation District;

(4) The relationship of the location of the construction, alteration, or removal to the streets, public or semi-public ways and any other structures or property within the Historic Preservation District;

(5) Construction, alteration, and demolition shall be undertaken only in accordance with the following standards:

(a) Every reasonable effort shall be made to minimize alteration of the property, structure, or site and its environment.

_____ (b) All property and structures shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

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

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

_____ (e) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material need not be identical to but should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other structures.

_____ (f) 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.

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

NEW SECTION – NEW CONSTRUCTION

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

_____ (i) Wherever possible, new additions or alterations to structures shall be done in such manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would not be impaired.

DESIGN GUIDELINES – (To be addressed via future workshop)

STAFF APPROVALS

- A. The Commission may authorize the staff to grant or deny an application for a Certificate of Appropriateness via an adopted resolution
- B. The Commission shall specify the types of applications for Certificates of Appropriateness that the staff is authorized to grant or deny.
- C. Upon Staff's Denial of a Certificate of Appropriateness, the applicant may request that the application be heard by the Historic Preservation Commission at the next regularly scheduled meeting.

§ 150.28 CERTIFICATE OF ECONOMIC HARDSHIP.

(A) A certificate of economic hardship shall be issued by the Commission upon a finding by it that all reasonable use of or return from a property within the Historic Preservation District would be denied a property owner as a result of the disapproval of a certificate of appropriateness.

(B) The Commission may solicit expert testimony, or the applicant may submit evidence, concerning any of the following items at the time of the public hearing provided for in § 150.27.

(1) Any substantial decrease in the fair market value of the property as a result of the denial of the certificate of appropriateness.

(2) Any substantial decrease in the pre-tax or after-tax return to owners of record or other investors in the property as a result of the denial of the certificate of appropriateness;

(3) Any additional cost of work necessary to comply with the standards and criteria for the issuance of a certificate of appropriateness as stated in § 150.27.

(4) In the case of a proposed demolition, the economic feasibility of rehabilitation or reuse of the existing structure or improvement on the property.

(5) The Commission may adopt procedural rules concerning the types of information, evidence or expert testimony that it considers necessary to make a determination on an application for a certificate of economic hardship.

(6) Upon a finding by the Commission that without approval of the proposed work all reasonable use of, or return from, a property within the Historic Preservation District will be denied a property owner, then the application shall be delayed for a period not to exceed 60 days. During this period of delay, the Commission shall investigate plans and make recommendations to the City Council to allow for a reasonable use of, or return from the property, or to otherwise preserve the subject property. Such plans and recommendations may include but are not limited to: a relaxation of the provisions of this subchapter, a reduction in real property taxes, financial assistance, building code modifications, and/or changes in zoning regulations.

(C) If by the end of this 60-day period, the Commission has found that without approval of the proposed work, the property cannot be put to a reasonable use or the owner cannot obtain a reasonable economic return therefrom, then the Commission shall issue a certificate of economic hardship approving the proposed work. If the Commission finds otherwise, it shall deny the application for a certificate of economic hardship, and notify the applicant within seven days by mail of the final denial.

(79 Code § 150.183) (Ord. 88-130, passed 10-3-88; Am. Ord. 07-699, passed 2-14-07)

§ 150.29 APPEALS.

(A) Upon receipt of a final denial of a certificate of appropriateness or a certificate of economic hardship by the Heritage and Architecture Commission after a public hearing for a property or structure within the Historic Preservation District, the applicant may, within 15 days, appeal the Commission's decision to the City Council. The City Council shall affirm, modify, or reverse the decision within 60 days after receiving notice of the appeal, after due consideration of the facts contained in the record of the public hearing and any

report submitted to the Council by the Commission. The Council may receive comments on the contents of the record, but no new matter may be considered by the Council.

(B) Upon a decision by the Council that a certificate of appropriateness or a certificate of economic hardship shall or shall not be issued, the Secretary shall notify the Commission, the applicant and the Building Department within ten days following the decision.

(C) Failure of the Council to vote to affirm, modify, or reverse the decision of the Commission within 60 days shall be considered a denial of the appeal, and the Secretary shall so notify the Commission, the applicant, and the Building Department.

(79 Code § 150.184) (Ord. 88-130, passed 10-3-88)

~~§ 150.30 ISSUANCE OF PERMITS.~~

~~—Upon receipt of notice of a final decision of the Heritage and Architecture Commission or the City Council to issue a certificate of appropriateness or a certificate of economic hardship, the Building Department shall issue the permit within seven days.~~

~~(79 Code § 150.185) (Ord. 88-130, passed 10-3-88)~~

§ 150.31 REVIEW OF ACQUISITIONS FOR PUBLIC USE.

The City Administrator shall notify the Heritage and Architecture Commission 90 days prior to the date of submission to the City Council of any proposal to acquire property within the Historic Preservation District for public use by the city. The Commission shall review the proposal for consistency with the purposes and spirit of this subchapter and make recommendations to the City Administrator and to the City Council, if, in the opinion of the Commission, the acquisition of the property or the proposed use of the property after acquisition, will be detrimental to the architectural or historic character of the Historic Preservation District. The City Council, in making any determination to acquire property within the Historic Preservation District, shall take into consideration any recommendations of the Commission.

(79 Code § 150.186) (Ord. 88-130, passed 10-3-88)

§ 150.32 ENFORCEMENT AND PENALTIES FOR VIOLATION.

Any person who causes the alteration, demolition or removal of any property or structure in the Historic Preservation District without a certificate of appropriateness or a certificate of economic hardship shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50 nor more than \$500. Every day each such violation shall continue to exist shall constitute a separate violation.

(79 Code § 150.187) (Ord. 88-130, passed 10-3-88)

§ 150.33 EFFECT OF APPROVALS.

(A) If substantial construction has not begun within one year from the date of approval by the Heritage and Architecture Commission, the approval shall no longer be in effect.

(B) At its discretion and for good cause, the Commission may extend the approval for a reasonable time, not to exceed one year, provided the extension is granted during the original period.

(Ord. 08-828, passed 12-3-08)

LANDMARK/HISTORIC DISTRICT DESIGNATION

§ 150.50 NOMINATION OF LANDMARK; HISTORIC DISTRICT DESIGNATION.

(A) Nomination. The Lockport Heritage and Architecture Commission shall nominate potential landmarks or Districts upon completion of a comprehensive survey and search effort to identify areas, sites, and structures that have historic, community, architectural, or aesthetic importance or value. In addition, the Commission welcomes applications from other individuals or groups for the designation of more historic structures as local landmarks or Districts.

(B) Forms. Nominations shall be made to the Heritage and Architecture Commission on a form provided by the Commission.

(79 Code § 150.190) (Ord. 94-378, passed 12-5-94; Am. Ord. 07-699, passed 2-14-07)

§ 150.51 CRITERIA.

The Commission shall, upon investigation as it deems necessary, make a preliminary determination as to whether a property, structure, or area possesses the integrity of design, workmanship, materials, location, setting and feeling and meets one or more of the following criteria:

(A) Significant value as part of the historic, heritage or cultural characteristics of Lockport, Will County, Illinois, or the U.S.A.;

(B) Identification with a person or persons who significantly contributed to the development of Lockport, Will County, Illinois, or the U.S.A.,

(C) Representative of the distinguishing characteristics of architecture inherently valuable for the study of a period, type, method of construction, or use of indigenous materials, particularly locally quarried limestone;

(D) Notable work of a master builder, designer, architect or artist whose individual work has influenced the development of Lockport, Will County, Illinois, or the U.S.A.;

(E) Its unique location or singular physical characteristics that make it an established or familiar visual feature;

(F) Its character as a particularly fine or unique example of a utilitarian structure, including but not limited to farmhouses, gas stations, or granaries, with a high level of integrity or architectural significance;

(G) Area that has yielded or may be likely to yield, information important in history or prehistory;

(H) District that contains one or more Landmarks along with such other buildings, places, or areas within definable geographic boundaries which, while not of such significance to be designated as Landmarks, nevertheless contribute to the overall visual characteristics of the Landmark(s) located in the district;

(I) District that establishes a sense of time and place unique to the city;

(79 Code § 150.191) (Ord. 94-378, passed 12-5-94)

§ 150.52 TIMING.

A preliminary determination as to whether a property, structure, or area meets one or more of these criteria shall be made within 30 days of the filing of a nomination to the Commission.

(79 Code § 150.192) (Ord. 94-378, passed 12-5-94)

§ 150.53 PROCEDURES.

The Commission shall schedule a public hearing within 60 days after the filing of an application.

(A) Any person, group of persons or association, including but not limited to the Lockport Heritage and Architecture Commission, may request an Historic Landmark or District designation for any structure, site or defined geographic area within the boundaries of the city which may have historic or architectural significance.

(B) The Commission shall supply, upon request, the application forms. Completed forms shall be submitted to the Secretary which shall be forwarded to the Commission for their consideration.

(C) Notice of date, time, place and purpose of the public hearing shall be sent by mail to owner(s) of record and to the nominator(s) as well as to the adjoining property owners, not less than 15 nor more than 30 days prior to the date of the hearing. A public notice also shall be published in a newspaper having general circulation in the city. The notice shall state the location of the property and a statement summarizing how the proposed Landmark or District meets the criteria set forth herein.

(D) Upon receipt of the application, the Secretary of the Commission shall schedule a public hearing, to be held within 30 days after preliminary approval of application.

(E) During the public hearing, the Commission shall review and evaluate the application according to the Criteria.

(F) If the Commission finds at the time that the application merits further consideration, then the Commission may table the request until its next regularly scheduled meeting.

(G) A Certificate of Appropriateness shall be required for alteration, construction, removal or demolition of a proposed Landmark or structure within a District from the date when the nomination form is presented to the Commission until the final disposition of the request.

(79 Code § 150.193) (Ord. 94-378, passed 12-5-94)

§ 150.54 DECISIONS.

(A) A decision shall be made within 30 days following the date of the closing of the public hearing.

(B) Following the public hearing the Secretary of the Commission shall prepare the Commission's evaluation, recommendation and all available information for submission to the City Council within 30 days.

(C) If the Commission decides that the landmark or District should be designated, it shall do so by a resolution passed by a majority of the Commission.

(D) The owner(s) of record shall be notified promptly by a letter containing information of the Commission's decision.

(E) A simple majority vote by the City Council is necessary for passage of an ordinance approving a landmark designation. However, the owner(s) of record must approve, in writing, the landmark or District Designation before the City Council approves a landmark designation. If the City Council approves the application for the designation, a notice will be sent to the property owner(s), and recorded with the Will County Recorder of Deeds. If the City Council denies the petition, no petitioner or applicant can file for 160 days to the Secretary of the Heritage and Architecture Commission.

(F) A simple majority vote by the City Council is necessary for passage of an Ordinance approving a District designation. However, at least 51% of the individual owner(s) of record must approve, in writing, District Designation before the City Council approves a District Designation. If the City Council approves the application for the designation, a notice will be sent to the property owner(s), and recorded with the Will County Recorder of Deeds. If the City Council denies the petition, no petitioner or applicant can file for 160 days to the Secretary of the Heritage and Architecture Commission.

(G) Buildings designated as landmarks or within Historic Districts shall be subject to issuance of Certificates of Appropriateness.

(79 Code § 150.194) (Ord. 94-378, passed 12-5-94)

§ 150.55 SUPPORTING DOCUMENTATION.

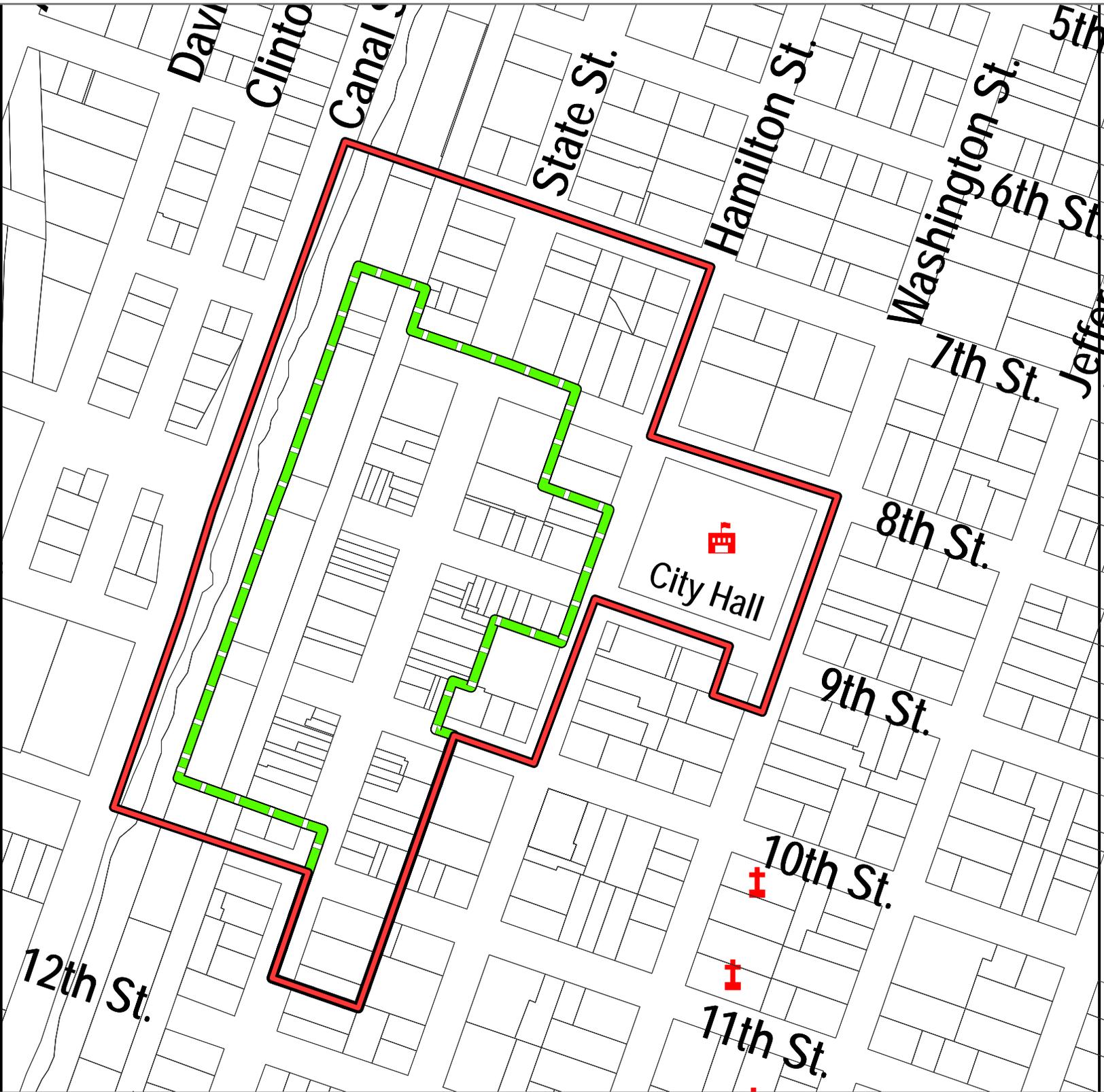
(A) Any person, group or persons or association, may apply to the Lockport Heritage and Architecture Commission for the designation of a Historic Landmark or District. Applications for a nomination shall be filed at the Commission office. Persons wishing guidance or advice prior to completing an application may contact the Staff of the Commission.

(B) At minimum, the application shall include the following:

- (1) For a Landmark.
 - (a) Name and address of the property owner.
 - (b) Legal description and common street address of the property.
 - (c) Written statement describing the property and setting forth the reasons in support of the proposed designation.
 - (d) Documentation that the property owner has been notified or consents to the application for designation.
 - (e) List of significant exterior architectural features that should be protected.
 - (f) An overall site plan and photographs of the landmark. The plan shall also include a front, side and rear elevation drawing.
- (2) For an Historic District.
 - (a) Names and addresses of the property owners.
 - (b) Map delineating the boundaries or the area to be designated.
 - (c) Written statement describing the area and properties within the proposed Historic District and setting forth reasons in support of the proposed designation.

(d) List and photographs of significant exterior architectural features of all properties in the district should be protected.
(79 Code § 150.195) (Ord. 94-378, passed 12-5-94)

City of Lockport, Illinois Historic District Map



Legend

-  City of Lockport Historic District Boundary
-  National Register of Historic Places Historic District Boundary

