

City of Waukegan



Historic Preservation Ordinance



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01-O-144

**HISTORIC PRESERVATION ORDINANCE
OF THE CITY OF
WAUKEGAN, ILLINOIS**

WHEREAS, movements and shifts of population and the changes in residential, commercial and industrial uses and customs threaten the destruction of areas, places, structures, works of art, and other objects having special historic, community, architectural or aesthetic importance, interest, or value and whose voluntary preservation and continued utilization are necessary and desirable for the enjoyment and beauty of the City of Waukegan and for the welfare of the citizens of Waukegan; and

WHEREAS, the authority for these purposes is pursuant to its powers as a home rule municipality under Article VII, Section 6 of the Illinois Constitution; and also pursuant to the *Illinois Historic Areas Preservation Act, Chapter 65, Section 5/11-13.1 and 5/11-48.2 et. seq. of the Illinois Compiled Statutes* which have granted powers to the Mayor and City Council of the City of Waukegan to provide for official landmark designation by ordinance of areas, places, buildings, structures, and other objects having a special, historical, community or aesthetic interest or value, and in connection with such areas so designated by ordinance to impose regulations governing the construction, alteration, demolition and use, and to adopt other additional measures appropriate for their preservation, protection, enhancement, rehabilitation, reconstruction, perpetuation or use; and

WHEREAS, the City of Waukegan contains many structures and areas that embody a sense of time and place unique to the City or which exemplify or reflect the cultural, social, economic, political or architectural history of the nation, the State of Illinois, or the City; and

WHEREAS, the protection of the historic and architectural character and resources of the City of Waukegan would be advantageous for the promotion of its economic development.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Waukegan, Lake County Illinois:

Section 1 TITLE

1.1 This ordinance shall be known, cited and referred to as the “Historic Preservation Ordinance of the City of Waukegan, Illinois”.

Section 2 STATEMENT OF PURPOSE

2.1 The purpose of this ordinance is to promote the voluntary protection, enhancement, perpetuation, and use of improvements of special character or historical interest or value in the interest of the health, prosperity, safety, and welfare of the people of the City of Waukegan by:

- a. Providing a mechanism to identify and voluntarily preserve the historic and architectural characteristics of Waukegan that represent elements of the City's cultural, social, economic, political and architectural history;
- b. To promote civic pride in the beauty and noble accomplishments of the past as represented in Waukegan's landmarks and historic districts;
- c. Stabilizing and improving economic vitality and value of Waukegan's landmarks and historic areas;
- d. Protecting and enhancing the attractiveness of the City to have buyers, visitors and shoppers and thereby supporting business, commerce, industry and providing economic benefit to the City;
- e. Fostering and encouraging voluntary preservation, restoration of structures, areas, and neighborhoods and thereby preventing future urban blight.

Section 3 **DEFINITIONS**

- 3.1 In the event of a conflict between the following definitions and the definitions included in any other ordinance of the City of Waukegan, the following definitions shall control.
- a. Alteration – Any act or process 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.
 - b. Area – A specific geographic division of the City of Waukegan.
 - c. Addition – Any act or process that changes one or more of the “exterior architectural features” of a structure designated for preservation by adding to, joining with or increasing the size or capacity of the structure.
 - d. Building – Any structure created for the support, shelter or enclosure of persons, animals or property of any kind and which is permanently affixed to the land.
 - e. Certificate of Appropriateness – A certificate from the Historic Preservation Commission authorizing plans for alterations, construction, removal or demolition of a landmark or site within a designated historic district.
 - f. Commission – Waukegan Historic Preservation Commission.
 - g. Commissioners – Voting members of the Waukegan Historic Preservation Commission.
 - h. Construction – The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.
 - i. Council – The City Council of the City of Waukegan.
 - j. Demolition – Any act or process that destroys in part or in whole a landmark or site within a historic district.
 - k. Design Guideline – A standard of appropriated activity that will preserve the historic and architectural character of a structure or area.
 - l. Exterior Architectural Appearance – The architectural and general composition of the exterior of a structure, including, but not limited to the kind, color, and the texture of the building material and the type, design and character of all windows, doors, light fixtures, signs and appurtenant elements.
 - m. Historic District – An area designated as a “historic district” by ordinance of the City Council and which may contain within definable geographic boundaries, one or more landmarks and which may have within the boundaries other properties or structures that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual character of the landmark or landmarks located within the historic district.
 - n. Landmark – Any building, structure or site which has been designated as a “landmark” by ordinance of the City Council, pursuant to procedures prescribed herein, that is worthy of rehabilitation, restoration, and preservation because of its historic and/or architectural significance to the City of Waukegan.
 - o. Owner of Record – The person, corporation, or other legal entity listed as owner on the records of the County Recorder of Deeds.
 - p. Rehabilitation – The process of returning the 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.
- q. Removal – Any relocation of a structure on its site or to another site.
 - r. Repair – Any change that does not require a building permit that is not construction, relocation or alteration.
 - s. Structure – Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but not limiting the generality of the foregoing, buildings, fences, gazebos, advertising signs, bill boards, backstops for tennis courts, radio and television antennae, including supporting towers, swimming pools, satellite dishes, solar panels and wind generation.
 - t. Structural Change – Any change or repair in the supporting members of a building, structure, roof or exterior walls which would expand the building in height, width or bulk of the building.

Section 4 HISTORIC PRESERVATION COMMISSION

4.1 Composition

The Waukegan Historic Preservation Commission shall consist of seven (7) voting members, residents of the City of Waukegan, appointed by the Mayor and approved by the City Council.

4.2 Qualification

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 and real estate.

4.3 Terms

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, three (3) for two (2) years and two (2) for three (3) years. No members shall serve more than two (2) successive three-year terms. 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. Permanent vacancies on the Commission shall be filled by the Mayor with the advice and consent of the City Council for the unexpired term of the former Commissioner.

4.4 Officers

Officers shall consist of a chairman, vice-chairman, and a secretary elected by the Preservation Commission who shall serve a term of one (1) year and who shall be eligible for re-election, but no members shall hold the same office 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, those present shall elect a temporary chairman. The secretary to the Preservation Commission shall have the following duties:

- a. Take minutes of each Preservation Commission meeting;
- b. Be responsible for publication and distribution of copies of the minutes, reports and decisions of the Preservation Commission to the members of the Preservation Commission;
- c. Give notice as provided herein or by law for all public hearings conducted by the Preservation Commission;
- d. Advise the Mayor of vacancies on the Preservation Commission and expiring terms of members; and
- e. Prepare and submit to the City Council a record of the proceedings before the Preservation Commission on any matter requiring Council consideration.

4.5 Meetings

- a. 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 the meetings 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. There shall be a minimum of four (4) regular meetings per year. Special meetings may be called by the chairman or any three (3) Commissioners.

- b. 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 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 Preservation Commission, as provided herein. The Chairman, and in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Preservation Commission shall be open to the public, except as provided for in the Illinois Open Meetings Act. Testimony at any hearing may be required by the Commission to be given under oath. The 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 Preservation Commission and shall be of public record. The Commission shall adopt its own procedural rules for the conduct of business. Such rules shall be filed with the secretary to the Commission and with the City Clerk. Any rule adopted which relates solely to the conduct of the hearings, and which is not required by the statutes of the State or by the Council or its Code of Ordinances, may be waived by the chairman upon good cause being shown. The Commission, by its rules, may create a sub-committee structure to enhance efficiency in consideration of Commission business. Every final decision of the Commission and every recommendation it makes to the Council or its duly authorized committee shall include written findings of fact, and shall specify the reason or reasons for such decision or recommendation. The secretary shall mail notice of any decision by the Commission to the applicant and any designated interested parties within five (5) business days of such decision.

4.6 Powers and Duties

The 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 the adoption of ordinances designating properties or structures having special historic, community or architectural value as “landmarks”.
- 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 “historic districts”.
- e. To keep a register of all properties and structures that have been designated as landmarks or historic 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 the streets and routes leading from one landmark or historic district to another.
- g. To advise owners of landmarks and property or structures within historic 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 Waukegan 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 hold public hearings and to review applications for construction, alteration, removal, or demolition affecting proposed or designated landmarks or structures or historic 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.
- j. To develop specific guidelines for the alteration, demolition, construction or removal of landmarks or property and structures within historic districts.
- k. To review proposed zoning amendments, applications for special use permits or variances that affect proposed or designated landmarks and historic districts. The Development Commission shall make such review prior to the date of the hearing.
- l. To accept and administer on behalf of the City of Waukegan, upon designation by the City Council, such gifts, grants and money as may be appropriate for the purpose of this ordinance.
- m. To call upon available City staff members as well as other experts for technical advice.
- n. To testify before all boards and commissions, including the Development Commission, Economic Development Commission, and Neighborhood Stabilization Committee, on any matter affecting historically and architecturally significant property and landmarks.
- o. To periodically review the Waukegan Zoning Ordinance and to recommend to the City Planning Commission and the City Council any amendments appropriate for the protection and continued use of landmarks or property and structures within historic districts.

Section 5 SURVEYS AND RESEARCH

- 5.1 The Historic Preservation Commission shall undertake an ongoing survey and research effort in the City of Waukegan 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 potential landmarks and adopt procedures to nominate them in groups based upon the following criteria:

- a. The potential landmarks in one identifiable neighborhood or district geographical area of the City of Waukegan;
- b. The potential landmarks associated with a particular person, event, or historical period;
- c. The potential landmarks of a particular architectural style or school, or of a particular architect, engineer, builder, designer or craftsman;
- d. Such other criteria as may be adopted by the Preservation Commission to assure systematic survey and nomination of all potential landmarks within the City of Waukegan.

Section 6 CRITERIA FOR LANDMARK DESIGNATION

6.1 Nominations shall be made to the Historic Preservation Commission on a form provided by the Commission. A filing fee may be required, as determined by the City Council.

6.2 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 the community, county, state or nation;
- b. Its identification with a person or persons who significantly contributed to the development of the community, county, state or nation;
- 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;
- d. Notable work of a master builder, designer, architect or artist whose individual work has influenced the development of the community, county, state or nation;
- 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 other commercial structures, 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.

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

Section 7 LANDMARK DESIGNATION PROCEDURES

7.1 The Commission shall schedule a public hearing within sixty (60) days after the filing of an application to the Planning Department.

- a. Any person, group of persons or association, including, but not limited to the Waukegan Historic Preservation Commission, may request a Historic Landmark designation for any structure, building or site within the boundaries of the City of Waukegan which may have historic or architectural significance as defined by the Ordinance.
 - b. The Planning Department shall supply, upon request, the application forms. Completed forms shall be submitted to the Planning Department that shall be forwarded to the Commission for their consideration.
- 7.2 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), ***not less than fifteen (15) nor more than thirty (30) days prior to the date of the hearing.*** A public hearing notice also shall be published in a newspaper having general circulation in the City of Waukegan. The notice shall state the location of the property and a statement summarizing how the proposed landmark meets the criteria set forth in Subsection 6.2 under Criteria for Landmark Designation.
- 7.3 Upon receipt of the application, the secretary of the Commission shall schedule a ***public hearing***, to be held within forty-five (45) days after preliminary approval of application.
- 7.4 During the public hearing, the Commission shall review and evaluate the application according to the criteria established by ordinance.
- 7.5 If further consideration is needed, the public hearing may be continued to regular or special meetings.
- 7.6 A Certificate of Appropriateness shall be required for alteration, construction, removal or demolition of a proposed landmark from the date when the nomination form is presented to the Commission until the final disposition of the request.
- 7.7 A decision shall be made within thirty (30) days following the date of the closing of the public hearing.
- a. 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 thirty (30) days.
 - b. If the Commission decides that the landmark shall be designated, it shall do so by a recommendation passed by a majority of the Commission.
 - c. The owner(s) of record shall be notified promptly by a letter containing information of the Commission's decision.
 - d. ***Adoption of an Ordinance by the City Council is necessary for approval of a landmark designation.*** If the City Council approves the application for a designation, a notice will be sent to the property owner, the Planning Department, the Building Commissioner, the City Clerk's office, and recorded with the County

- Recorder of Deeds. If the City Council denies the petition, no petitioner or applicant can file for ninety (90) days to the Secretary of the Commission.
- e. Buildings designated as Historic Landmarks shall be subject to issuance of Certificates of Appropriateness.

Section 8 CRITERIA FOR HISTORIC DISTRICT DESIGNATION

- 8.1 Nominations shall be made to the Historic Preservation Commission on a form provided by the Commission. A filing fee may be required, as determined by the City Council.
- 8.2 The following criteria shall be utilized by the Waukegan Historic Commission in determining the designation of Historic Districts:
 - a. The Historic District contains one or more landmarks along with such other buildings, places or areas within its definable geographic boundaries that, while not of such historic significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located in such District;
 - b. A significant number of structures meeting any of the standards of Subsection 6.2 under Landmark Designation Criteria;
 - c. Establishing a sense of time and place unique to the City of Waukegan, and/or;
 - d. Exemplifying or reflecting the cultural, social, economic, political or architectural history of the nation, the state or the City.
- 8.3 A preliminary determination as to whether a district or an area meets one or more of the foregoing criteria shall be made within sixty (60) days of the filing of a nomination with the Commission.

Section 9 HISTORIC DISTRICT DESIGNATION PROCEDURE

- 9.1 Any person, group of persons, or association, including but not limited to the Waukegan Historic Commission, may present to the commission a petition requesting that a defined geographic area be designated as a Historic District. The Planning Department shall supply, upon request, the application forms. Completed forms shall be submitted to the Planning Department that shall forward them to the Commission for their consideration.
- 9.2 The petition shall contain the names of no less than ***51% of the property owners***. Or, if lease holders, with a five (5) year or longer leasehold interest, are signatories to the petition then the petition shall contain no less than 51% of the property owners and/or leaseholders.
- 9.3 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), not less than fifteen (15) nor more than thirty (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 of Waukegan. The notice shall state the

location of the property and a statement summarizing how the proposed landmark meets the criteria set forth in Subsection 6.2 under Criteria for Historic Designation.

- 9.4 Upon receipt of the application, the Secretary of the Commission shall schedule a public hearing to be held within forty-five (45) days from after preliminary approval of application.
- 9.5 During the public hearing the Commission shall review and evaluate the application according to the criteria established by ordinance.
- 9.6 If further consideration is needed, the public hearing may be continued to regular or special meetings.
- 9.7 A decision shall be made within thirty (30) days following the date of the closing of the public hearing.
 - a. 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 thirty (30) days.
 - b. If the Commission decides that the proposed historic district should be designated, it shall do so by a recommendation passed by a majority of the Commission.
 - c. The owner(s) of record shall be notified promptly by a letter containing information of the Commission's decision.
 - d. Adoption of an Ordinance by the City Council is necessary for approval of a historic district designation. If the City Council approves, the application for a designation, a notice will be sent to the property owner, the Planning Department, the Building Inspector, the City Clerk's office and recorded with the County Recorder of Deeds that the area has been designated as such and that buildings located within the boundaries of the historic district shall be subject to issuance of Certificate of Appropriateness. If the City Council denies the petition, no petitioner can file for ninety (90) days to the Secretary of the Commission.

Section 10 APPLICATIONS FOR NOMINATIONS OF LANDMARKS AND HISTORIC DISTRICTS

10.1 Eligibility

Any person, group of persons or association, may apply to the Waukegan Historic Preservation Commission for the designation of a Landmark or Historic District. Applications for a nomination shall be filed at the Planning Office.

10.1-1 *Landmark Application*

At a minimum, the landmark application shall include the following:

- a. The name and address of the property owner.
- b. The legal description and common street address of the property.
- c. A written statement describing the property and setting forth reasons in support of the proposed designation.
- d. Documentation that the property owner has been notified or consents to the application for designation.
- e. A 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.

10.1-2 *Historic District Application*

At a minimum, the historic district application shall include the following:

- a. The names and addresses of the property owners.
- b. A map delineating the boundaries of the area to be designated.
- c. A written statement describing the area and properties within the historic district and setting forth reasons in support of the proposed designation.
- d. A list and photographs of significant exterior architectural features of all properties in the district that should be protected.

Section 11 CERTIFICATE OF APPROPRIATENESS

11.1 Certificate of Appropriateness Required

A Certificate of Appropriateness issued by the Commission shall be required before a building permit, moving or demolition permit is issued for any designated historic landmark or any building, structure or site or part thereof in the historic district. It is required if the building, structure or site ***will be altered, extended, or repaired in such a manner as to produce a major change in the exterior appearance of such building or structure. Such major changes include, but are not limited to:***

- a. Major changes by addition, alteration, maintenance, reconstruction, rehabilitation, renovation or repair;
- b. Any new construction and demolition in whole or in part requiring a permit from the City of Waukegan;

- c. Moving a building;
- d. Any construction, alteration, demolition, or removal affecting a significant exterior architectural feature as specified in the ordinance designating the landmark or historic district.

11.2 Exception

An exception to the Certificate of Appropriateness shall be made if the applicant shows to the Commission that a failure to grant the permit will cause an imminent threat to life, health or property.

11.3 Application for Certificate of Appropriateness

Every application for a demolition permit or a building permit, including plans and specifications shall be forwarded by the Planning Department to the Historic Preservation Commission within fifteen (15) days following receipt of the application by the Planning Department. ***The application for issuance of a Certificate of Appropriateness must include:***

- a. Street address of the property involved.
- b. Legal description of the property involved.
- c. Brief description of the present improvements situated on the property.
- d. A detailed description of the construction, alteration, demolition or use proposed together with any architect drawings or sketches if those services have been utilized by the applicant and if not, a sufficient description of the construction, alteration, demolition, and use to enable anyone to determine what final appearance and use of the real estate will be.
- e. Owner's name.
- f. Developer's name, if different than owner.
- g. Architect's name.
- h. A filing fee is required, as determined by the City Council.

11.4 Standards for Certificate of Appropriateness

In making a determination whether to approve or deny an application for a Certificate of Appropriateness, the Waukegan Historic Preservation Commission shall be guided by the following standards:

- a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site environment.
- b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

- d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- e. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site shall be treated with sensitivity.
- f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities, and where possible materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of the structures, if appropriate, shall be undertaken using the gentlest means possible.
- h. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environments.
- j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Section 12 DESIGN GUIDELINES

12.1 Architectural Criteria

Design guidelines for applying the criteria for review of Certificates of Appropriateness shall at a minimum, consider the following architectural criteria:

- a. Height - the height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures in a historic district.
- b. Proportions of windows and doors - the proportions and relationships between doors and windows should be compatible with the architectural style and character of the landmark.
- c. Relationship of Building Masses and Spaces - the relationship of a structure within a historic district to the open space between it and adjoining structures should be compatible.
- d. Roof Shape - the design of the roof, fascia, and cornice should be compatible with the architectural style and character of the landmark.
- e. Landscaping - Landscaping should be compatible with the architectural character and appearance of the landmark.
- f. Scale - the scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures in a historic district.

- g. Directional Expression - facades in historic districts should blend with other structures with regard to directional expression. Structures in a historic district should be compatible with the dominant horizontal or vertical expression of surrounding structures. The direction expression of a landmark after alteration, construction, or partial demolition should be compatible with its original architectural style and character.
- h. Architectural Details - architectural details including types of materials, colors, and textures should be treated so as to make landmark compatible with its original architectural style and character of a landmark or historic district.
- i. New structures in a Historic District shall be compatible with the architectural styles and design in said districts.

Section 13 HEARING ON APPLICATION

13.1 Applications

Applications for a Certificate of Appropriateness are available from the Planning Department. Such applications shall be completed and submitted to the Planning Department that shall be forwarded to the Waukegan Historic Preservation Commission. The Commission shall schedule a ***public meeting for consideration of the application within forty-five (45) days of receipt of application.*** A public notice for consideration of the application shall be made not less than fifteen (15) days or more than thirty (30) days before hearing, in a newspaper of general circulation published in the City of Waukegan.

13.2 Continuances

If the Historic Preservation Commission finds at the time that the application merits further consideration, then the Commission may continue the request to regular or special meetings.

Section 14 ISSUANCE OF A CERTIFICATE OF APPROPRIATENESS

14.1 Decision

The Waukegan Historic Preservation Commission shall notify the applicants of its decision within five (5) business days after the close of the public meeting. Upon approval of the application, the Commission shall direct the Planning Department to issue signed Certificate of Appropriateness to the applicant with copies forwarded to the Building Department.

14.2 Validity of a Certificate of Appropriateness

A Certificate of Appropriateness shall be invalid if changes in the plans reviewed by the Commission are necessary in obtaining a building permit or if the building permit issued for the same work becomes invalid. The Certificate of Appropriateness remains valid for the same period of validity as the building permit (one year).

Section 15 APPEALS FOR DENIAL OF A CERTIFICATE OF APPROPRIATENESS

15.1 Denial of a Certificate of Appropriateness

In the event of denial of an application for a Certificate of Appropriateness, the Commission shall notify the applicant in writing of the disapproval and the reasons therefore and shall recommend changes, if any, in the proposed action that would cause the Commission to reconsider its denial.

15.2 Submittal of an Amended Application

Within fifteen (15) days of receipt of the notification of disapproval, the applicant may resubmit an amended application that takes into consideration the recommendation of the Historic Preservation Commission. The application shall be considered to be withdrawn if no written modification or request for public hearing is received. Within fifteen (15) days of receipt of a written modification, the Commission must either issue the Certificate of Appropriateness or proceed to schedule a hearing.

Section 16 FINDINGS ON APPEAL

16.1 Appeal Hearing

The Waukegan Historic Preservation Commission shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the applicant by mailing notice of the hearing, said mailing to be made at least ten (10) day prior to the date of the hearing. Notice of the time and place of such public hearing shall be published at least once, not less than fifteen (15) days or more than thirty (30) days before the hearing, in a newspaper of general circulation published in the City of Waukegan.

16.2 Conducting an Appeal Hearing

The Chairperson shall conduct the hearing and the Waukegan Historic Preservation Commission and the applicant shall have the right to introduce evidence and cross-examine witnesses. A recorded or written transcript of the hearing shall be made and kept.

16.3 Decision of the Historic Preservation Commission

The Commission shall vote, announce its decision, make its recommendation and notify the Planning Department and the applicant within five (5) business days after the conclusion of the public hearing, unless the time is extended by mutual agreement between the Commission and the applicant.

16.4 Appealing the Decision of the Historic Preservation Commission

In the event of a denial of appeal by the Waukegan Historic Preservation Commission, the applicant may appeal the decision of the City Council within thirty (30) days of said denial. The Council shall review the appeal solely on the basis of the record and application of the standards described herein.

Section 17 CERTIFICATE OF ECONOMIC HARDSHIP

- 17.1 Notwithstanding any of the provisions of the ordinance to the contrary, the Commission may issue a Certificate of Economic Hardship to allow the performance of work for which a Certificate of Appropriateness has been denied.
- 17.2 Applicants claiming economic hardship may be required to apply to the City's appropriate department to determine eligibility for rehabilitation assistance. The Commission in making its decision shall consider the eligibility for and availability of financial aid.
- 17.3 An applicant for a Certificate of Economic Hardship may submit any or all of the following information in order to assist the Commission in making its determination on the application:
- a. The amount paid for the property, the date of purchase and the party from whom purchased (including a description of the relationship, if any, between the owner and the person from whom the property was purchased).
 - b. The assessed value of the land and improvements thereon according to the two most recent assessments.
 - c. Real estate taxes for the previous two years.
 - d. Remaining balance on mortgage, if any, and annual debt service, if any, for the previous two years.
 - e. All appraisals obtained within the previous two years by the owner or applicant in connection with this purchase, financing or ownership of the property.
 - f. Any listing of the property for sale or rent, price asked and offers received, if any.
 - g. Any consideration by the owner as to profitable adaptive uses for the property.
 - h. If the property is income-producing, the annual gross income from the property for the two previous years, itemized operating and maintenance expenses for the two previous years, and annual cash flow before and after debt service, if any, during the same period.
 - i. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture or other.
 - j. Any other information reasonably necessary for a determination as to whether the property can be reasonably used or yield a reasonable return to present or future owners.
- 17.4 If the Commission finds that without approval of the proposed work, the property cannot obtain a reasonable economic return therefrom, then the application shall be delayed for a period not to exceed three (3) months. During this period of delay, the Commission shall investigate plans and make recommendations to the City Council to allow for a reasonably beneficial use or a reasonable economic return, or to otherwise preserve the subject property. Such plans and recommendations may include, but not be limited to: a relaxation of the provisions of this ordinance, financial assistance, building code modifications and/or changes in zoning regulations.

17.5 If by the end of this three (3) month period, the Commission has found that without approval of the proposed work, the property cannot be put to a reasonable beneficial 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.

Section 18 APPEALS

- 18.1 When a Certificate of Economic Hardship is approved or denied the applicant may, within thirty (30) days, appeal the Commission’s decision to the City Council. The Council shall review the appeal solely on the basis of the record and application of the standards described herein. If the Council decides that a Certificate of Economic Hardship should be issued, the Secretary shall notify the applicant and the Building Department within seven (7) days of the Council’s decision and the Building Department then shall issue the permit within fifteen (15) days.
- 18.2 If the Council concurs with the Commission’s decision not to issue a Certificate of Economic Hardship, the Secretary shall notify the applicant and the Building Department within seven (7) days.
- 18.3 Denial or grant by the Council of a certificate of Economic Hardship is considered a final decision. The City Council decision shall be final, subject only to judicial review as provided by law.

Section 19 NATURAL DESTRUCTION OR DEMOLITION

- 19.1 In the case of partial or complete natural destruction or demolition of a site within a Historic Preservation District or of a landmark, the owner will be required to obtain a Certificate of Appropriateness from the Commission prior to reconstruction. Although exact duplication of the previous structure may not be required, the exterior design of the property shall be in harmony with:
 - a. The exterior design of the structure prior to damage; and
 - b. The character of the Historic Preservation District.

Section 20 FEES AND PENALTIES

- 20.1 Subject to City Council approval, the Waukegan Historic Preservation Commission may establish an appropriate system of processing fees for the review of nominations and Certificates of Appropriateness.
- 20.2 Failure to perform any act required by this ordinance or performance of any act prohibited by this ordinance shall constitute a violation. Any person violating any of the provisions of this ordinance shall be subject to a fine of up to five hundred dollars (\$500.00) for each day on which a violation exists. The Waukegan Historic Preservation Commission may institute any appropriate action, proceeding in the name of the City of Waukegan to enjoin, correct, or abate any violation of this ordinance.

Section 21 SEVERABILITY

If any provision of this ordinance or application thereof to any person or circumstance is held invalid, such invalidation shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 22 EFFECTIVE DATE

All ordinances, resolutions and orders, or parts thereof, in conflict herewith, be and the same are hereby repealed and this ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form as provided by law.

MAYOR DANIEL T. DREW

ATTEST:

WAYNE MOTLEY, City Clerk

Presented and Read at a regular meeting of the Waukegan City Council on the 17th day of December, 2001.

Passed and Approved at a regular meeting of the Waukegan, City Council on the 17th day of December, 2001.

ROLL CALL:

AYES: Alderman Harris, Alderman TenPas, Alderman Needham, Alderman Hyde, Alderman Cunningham, Alderman Balen, Alderman Rickerd, Alderman Figueroa

NAYS: None

ABSENT: None

ABSTAIN: None