



## Community Development Department

City Hall

222 E. 9<sup>th</sup> Street, 2<sup>nd</sup> Floor

Lockport, IL 60441

(815) 838-0549, Option 4

[www.lockport.org](http://www.lockport.org)

# **Sidewalk Café, Outdoor Restaurant, or Rooftop Restaurant Application**

*Last revised 8/14/17*

The City of Lockport welcomes your interest in establishing an outdoor dining area for the enjoyment of your patrons. There a number of outside dining areas which are allowed by the City, either as a permitted use or as a special use. We have tried to address each of these. Of course, different standards may apply to each individual activity. Additionally, please remember that this permit is separate from other permits that may be necessary for you to create and operate a sidewalk area dining facility, such as but not limited to: liquor licenses, building permits, occupancy permits, health department permits, etc. Below is a brief summary of the types of outdoor eating/drinking permits in Lockport. More detailed regulations for each are attached to this application.

**SIDEWALK CAFÉ:** A restaurant with an outside area for eating and drinking having ten or fewer tables (20 square foot each maximum) and located on public sidewalks. Businesses wanting to sell alcoholic beverages in the sidewalk café must apply for a liquor license through the City Clerk’s office and such licenses are limited to businesses holding a C-1, C-2, D-1, or D-2 liquor license.

**OUTDOOR AREA FOR RESTAURANT AND/OR BAR (SMALL):** This is for an outside area used for eating and/or drinking having ten (10) or fewer tables (20 square foot each maximum) or when the outdoor area is not used exclusively for seating at tables the total outdoor floor area is eight-hundred (800) square feet or less. In order to sell alcoholic beverages in the outdoor area businesses holding an A-1, B-1, B-2, C-1, C-2, D-1, D-2, G-1, or G-2 liquor license can apply for a yearly outdoor liquor permit through the City Clerk’s office.

**OUTDOOR AREA FOR RESTAURANT AND/OR BAR (LARGE):** An outside area used for eating and/or drinking that exceeds ten tables (20 square foot each maximum) or when the outdoor area is not used exclusively for seating at tables the total outdoor floor area exceeds eight-hundred (800) square feet. Due to the size and potential impact on adjacent properties a special use permit must be obtained from the City for this type of outdoor area. Special use applications are available through the Planning Department. In order to sell alcoholic beverages in the outdoor area businesses holding an A-1, B-1, B-2, C-1, C-2, D-1, D-2, G-1, or G-2 liquor license can apply for a yearly outdoor liquor permit through the City Clerk’s office.

**OUTDOOR RESTAURANT/ROOF TOP:** It is an area located on the top of a building in the C-4 downtown commercial district, and access to the Outdoor Restaurant/Roof Top area must be from within the building upon which it is located. A special use permit must be obtained from the City for this type of outdoor area. Special use applications are available through the Planning Department. In order to sell alcoholic beverages in the outdoor area businesses holding an A-1, B-1, B-2, C-1, C-2, D-1, D-2, G-1, or G-2 liquor license can apply for a yearly outdoor liquor permit through the City Clerk’s office.

<b>FEES</b>	
Outdoor area for restaurant and/or bar/small Sidewalk Café	\$25.00 (Section 108.3.6)
Yearly Outdoor Liquor Permit	\$25.00 (Section 91.85)
Special Use Permit	\$125.00 payable semi-annually (Section 111.09 B)
	Varies depending on project size. (Section 156.166)

**OUTDOOR EATING AND/OR DRINKING APPLICATION**

Submit application to the Community Development Department/Planning located at City Hall, 222 E. 9<sup>th</sup> Street, 2<sup>nd</sup> Floor, if there will be no sale/consumption of alcoholic beverages. If you applying for liquor sales in the outdoor area, submit the application to the City Clerk's Office located at City Hall, 3<sup>rd</sup> Floor.

<b>Type of Use</b>	<b>With liquor sales</b>	<b>Without liquor sales</b>
Sidewalk Café	(     )	(     )
Outdoor Restaurant /Bar – Small	(     )	(     )
Outdoor Restaurant/Bar – Large	(     )	(     )
Outdoor Restaurant/Bar – Rooftop	(     )	(     )

**BUSINESS/PROPERTY INFORMATION**

Address: \_\_\_\_\_

Business Name: \_\_\_\_\_

Primary Contact Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

**PROPERTY OWNER INFORMATION (if different than Business Owner)**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_

**REQUIRED SIGNATURES**

**\*Notarized letter may be submitted in lieu of signature on application.**

**Property Owner:**

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

**Applicant:**

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

**Lessee:**

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

<b>REQUIRED SUBMITTAL ITEMS</b>
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- Copy of a valid food handler's permit.
- A plat of survey of the property.
- ***A dimensioned plan drawn to scale and done in a professional manner*** showing proposed outdoor area. Indicate entrance and exit locations, furniture locations, improvements such as light posts, benches, planters, trees and tree grates in the area, location of the curb relative to the building.
- Submit information (such as color, material, height) of any proposed fencing, furniture items, lighting, sound systems, and canopies. Furniture items may include the following: tables, chairs, benches, trash receptacles, ashtrays, planters or other articles of a character, nature, material and color conducive to an attractive outdoor care.
- Completed indemnification statement is required on the form provided by the city. (Sidewalk café applications only.)
- Provide an insurance certificate naming the City of Lockport as an additional insured with comprehensive general liability limits in the amount of \$500,000 combined single limit shall be in full force and effect during the life of the permit. (Sidewalk café applications only)

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**FOR INTERNAL USE ONLY**

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Application Received	By: _____	Date: _____	
Survey Attached?	Yes	No	N/A
Certificate of Insurance?	Yes	No	N/A
City named as additional insured?	Yes	No	N/A
Minimum liability coverage (not less than \$500,000)	Yes	No	Amount: _____
Signed indemnification statement	Yes	No	N/A
Copy of valid food handler's permit	Yes	No	N/A
Copy of liquor license	Yes	No	N/A
State right of way?	Yes	No	

Approval from H & A	By: _____	Date: _____
Application Approval	By: _____	Date: _____
Applicant Notified	By: _____	Date: _____

## IDEMNIFICATION

WHEREAS, the undersigned desires to maintain an outdoor restaurant seating area on a portion of the public sidewalk in the City of Lockport;

WHEREAS, the City of Lockport is willing to permit the undersigned to maintain such an area, provided that the City will not thereby incur the risk of any liabilities to the undersigned, or to any third party or employee of the undersigned, by virtue of the presence or actions of the undersigned;

NOW, THEREFORE, the undersigned agrees to indemnify, defend and hold harmless the City of Lockport, its officers, employees and agents against any and all loss, liability, damage, claims, costs and expenses, including attorney's fees which it may hereafter suffer, incur, be put to or pay out as a result of the undersigned's operation of the restaurant outdoor seating area and the undersigned shall at his or her own expense, appear defend and pay all fees of attorneys and all costs and other expenses arising therefrom or incurred in connection therewith; and, if any judgments shall be rendered against the City in any such action, the undersigned shall satisfy and discharge the same excluding only such claims, demands or losses, which result from the sole negligence of the City of Lockport or its officers, agents or employees.

Signed at \_\_\_\_\_ Illinois, this \_\_\_\_\_ day of , 20\_\_\_\_\_

WITNESS: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (Please Print)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

## SUMMARY OF REGULATIONS

(Note: All section references in the regulations, such as 91.80, 111.09, 156.120, etc. are to the Lockport Municipal Code; which can be found at [www.cityoflockport.net](http://www.cityoflockport.net)).

<b>OUTDOOR LIQUOR PERMIT - Section 111.09</b>
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On application and payment of an investigation and processing fee, the holder of a Class A-1, B-1, B-2, C-1, C-2, D-1, D-2, G-1, G-2 license may be issued an outdoor liquor permit, except that areas located on public sidewalks (sidewalk cafés) shall be limited to the holder of a Class C-1, C-2, D-1, D-2 license. Upon issuance, an outdoor liquor permit will entitle the holder of the aforementioned liquor license the ability to sell alcoholic liquors as authorized by his or her primary classification, outside of the permanent structure of his or her premises provided the following conditions are met:

Outdoor areas where liquor is served shall comply with all applicable sections of the municipal code

- Outdoor area for restaurant and/or bars (large) or outdoor eating and/or drinking permit (if located on a rooftop) shall have a valid special use permit as required per §156.123.
- Outdoor area for restaurant and/or bar (small) shall have a valid permit meeting the regulations contained in §156.033. Sidewalk cafés shall meet the provisions set forth in § 91.80.
- Permanent or temporary structures erected in association with the outdoor area shall comply with all district zoning requirements.
- A pedestrian barrier is required for all outdoor areas where alcohol is served. In public right-of-way the barrier is not to exceed 42". When located on private property the barrier is not to exceed six (6) feet and solid style fencing may be required and designed in such a manner so that the vision of a person on either side of the fence is obscured when viewing through the fence.
- Access to the outdoor area is restricted (E.g. fully enclosed with access from the interior of the establishment only) or monitored by employees at all times to prevent the passing of beverages to patrons off the premise, to prevent open containers of alcoholic liquor from being removed from the designated area, and to ensure persons under the age of 21 do not consume alcoholic beverages.
- Hours of operation for the sale and consumption of liquor in the outdoor area shall adhere to the primary liquor license governing the establishment, but in no such case shall the outdoor hours exceed the hours of operation for the principal use. If any persons other than the licensee or licensee's employees are in the outdoor area after the aforementioned hours and there are alcoholic beverages in any form or container other than in the corked or re-closed place of display or storage, it shall be presumed that a violation of this section has occurred. All unfinished drinks shall be cleared from the outdoor area within ten (10) minutes after closing time of said area.
- Music shall be permitted in an outdoor area for a restaurant and/or bar according the provisions contained in §156.123 and §156.033 provided no music of any kind may be played or broadcast from the outdoor area or within the permanent structure which is of such a volume so as to disturb the neighborhood in any manner.
- No sales or dispensing of alcoholic liquor may be made from the outside area or permanent structure to any person upon adjoining property, public street, sidewalk, or alley and no alcoholic liquor served in an open container may be removed from the outdoor area permanent structure.
- Proof of dram insurance coverage on the outside area must be submitted with the complete application.
- Adequate security must be provided by the licensee.

<b>SIDEWALK CAFÉ PERMIT – Section 91.80, 91.83</b>
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Restaurant businesses placing chairs and tables outside their buildings on public and private sidewalks (including patios) are required to apply for a sidewalk café permit. Sidewalk cafés are limited to a maximum of ten tables (20 square foot each maximum) subject to city staff review of specific site limitations. Outdoor dining areas exceeding this size must apply for an outdoor restaurant permit. Such permits may be purchased at any time during a calendar year, but all such permits shall expire on December 31 of the same calendar year. No permit shall be issued to any business that is not in compliance with all provisions of the city code. State limitations and requirements shall apply to all state right-of-ways. Businesses holding a C-1, C-2, D-1, or D-2 liquor license may apply for a yearly outdoor liquor permit through the City Clerk's office in order to sell alcoholic beverages in the sidewalk café.

Sidewalk cafés are subject to the following regulations:

- Items on the sidewalk shall at all times be placed in accordance with the approved plan. Any changes made without the approval of the city will be considered a violation of this subchapter and subject to penalty as outlined in § 91.99.
- The sidewalk shall be kept clean and free of refuse and clutter at all times by the permit holder regardless of the source of such refuse and clutter, including but not limited to overflowing trash receptacles (private and public), cigarette, and paper refuse. Private trash receptacles may be required by the City where there is no wait staff serving the outdoor area.
- All public improvements on the sidewalk, including but not limited to benches, light poles, and trees shall be maintained in the condition in which they existed immediately prior to the issuance of the permit, excluding normal wear and tear. The permit holder shall immediately report any damage to the city. The city shall replace or repair such improvements at its discretion and shall charge the cost of such replacement or repair to the permit holder unless the damage can be clearly shown to have resulted from a cause not related to the issuance of the sidewalk use permit. It is entirely the permit holder's responsibility and obligation to provide any such evidence that the aforesaid damage resulted from a cause not related to the issuance of the sidewalk permit.
- Operations of the sidewalk café shall be conducted in a manner that does not interfere with pedestrians, parking, or traffic.
- The area and materials must be maintained and in good condition at all times. Broken, rusting, torn or tattered furnishings shall be removed promptly.
- Furniture items must be made to a professional standard and may be constructed of the following materials: wood, iron, steel, canvas (as in director's chairs), aluminum, plastic or resin.
- Site furnishings must be removed at the conclusion of the outdoor use season, during any period of permit suspension or revocation, or in the event the outdoor use is discontinued for a period in excess of seven (7) days.
- The proposal must meet all other regulating codes and requirements including but not limited to zoning, building, development, health, fire, police, etc.
- Items shall be placed so that a five-foot wide unobstructed pedestrian walkway is maintained at all times. The walkway shall be located so as to be parallel to the curb line, and include an unobstructed five-foot path measured from the curb. Pedestrian clearances must be clearly evident.
- A five-foot clear zone shall be maintained at corner locations of two public sidewalks. No item shall be placed within five feet of the corner of the building on either side. This "clear zone" shall be defined as a space measured five feet from the corner of a building on both sides facing the sidewalk, so that the corner of the building is entirely free from obstruction.
- Sidewalk cafés on public sidewalks may delineate the space by use of theater-ropes, or other such temporary means. Demarcation fences shall not require, nor shall be permitted to have postholes drilled into any sidewalk surface. Fences shall be easily removable without leaving any lasting impression on the sidewalk.
- Items shall be adjacent to the building and shall not extend beyond the permit holder's property on any side.
- Items shall not obstruct normal ingress and egress from the business or other businesses.
- Items shall be at least 20 inches in height and shall be of a design and/or weight that will not create a wind-blown hazard.
- Umbrellas shall not encroach upon the five-foot clear zone or upon the five-foot walkway. Umbrellas shall be secured so as not to create any safety hazard. During any severe weather conditions, the permit holder shall be responsible for removing and/or securing the umbrella so as not to create any safety hazard. The design is limited to a solid color or striped design. Natural, earth-toned colors are encouraged. No advertising is permitted on the umbrellas with the exception that one business or product logo may be displayed, up to a maximum of four (4) square feet.
- If it is determined that the hours of operation of the outdoor area will not negatively impact the use and enjoyment of the neighboring properties, outdoor activities shall not exceed the hours of operation for the principal use, excluding the sale of liquor which may be further limited by the liquor license. Amplified music and music speakers are prohibited from the area.
- Access to interior bathrooms for customers must be provided at that property during hours of operation.
- Tables and chairs of establishments may, at the discretion of the city, be required to be removed during Canal Days, or other such events, potentially causing a conflict due to the volume of pedestrian traffic and other uses on the sidewalks.

- When there are sales and consumption of alcoholic beverages in the outdoor area additional standards apply and it shall be licensed as set forth in §111.09.
- Items shall be placed so that a five-foot wide unobstructed pedestrian walkway is maintained at all times. The walkway shall be located so as to be parallel to the curb line, and include an unobstructed five-foot path measured from the curb. Pedestrian clearances must be clearly evident.
- Umbrellas shall not encroach upon the five-foot clear zone or upon the five-foot walkway. Umbrellas shall be secured so as not to create any safety hazard. During any severe weather conditions, the permit holder shall be responsible for removing and/or securing the umbrella so as not to create any safety hazard. The design is limited to a solid color or striped design. Natural, earth-toned colors are encouraged. No advertising is permitted on the umbrellas with the exception that one business or product logo may be displayed, up to a maximum of four (4) square feet.
- If it is determined that the hours of operation of the outdoor area will not negatively impact the use and enjoyment of the neighboring properties, outdoor activities shall not exceed the hours of operation for the principal use, excluding the sale of liquor which may be further limited by the liquor license. Amplified music and music speakers are prohibited from the area.
- Provide a certificate of insurance naming the city as an additional insured with minimum liability coverage of \$500,000.
- A signed indemnification statement is required on the form provided by the city.
- A copy of a valid food handler's permit is required.
- When there are sales and consumption of alcoholic beverages in the outdoor area additional standards apply and it shall be licensed as set forth in §111.09.
- A failure to comply with the provisions of this subchapter may result in a fine as provided in § 91.99.
- The enforcement of all other sections of this subchapter including, but not limited to, the maintenance provisions and restrictions, shall be the responsibility of the permit holder. Any two violations of the provisions shall result in the revocation of the permit and permit holder shall be prohibited from reapplication for a period of 12 months.
- The city, upon determining that the method or manner of use or conduct of persons using such facilities pose a threat to public health, safety or welfare shall have the power and authority to cause the items to be removed immediately and to revoke the permit.(30) Annual permits for sidewalk cafés shall be granted upon administrative review of the sidewalk café application and approval by the City Planner. The City Administrator shall have the authority to revoke a permit after holding a hearing on the matter. An appeal from a denial of a sidewalk permit or from a revocation shall be heard and decided by the City Council and Mayor. Such appeal shall be made to the City Council within ten working days from the date of the decision of the denial or revocation.

<b>OUTDOOR AREA FOR RESTAURANT AND/OR BAR (SMALL) - Section 156.033</b>
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Outdoor area for restaurant and/or bar (small). Which is for an outside area used for eating and/or drinking having ten (10) or fewer tables (20 square foot each maximum) or when the outdoor area is not used exclusively for seating at tables the total outdoor floor area is eight-hundred (800) square feet or less. Such uses are a permitted use in the C-1, C-2, C-3, and C-4 zoning districts provided the use adheres to all conditions and restrictions set forth in the code. Businesses holding an A-1, B-1, B-2, C-1, C-2, D-1, D-2, G-1, or G-2 liquor license may apply for a yearly outdoor liquor permit through the City Clerk's office in order to sell alcoholic beverages in the outdoor area.

Outdoor eating and/or drinking areas are subject to the following conditions:

- Permanent or temporary structures erected in association with the outdoor eating and/or drinking area shall comply with all district zoning requirements.
- Outdoor eating and/or drinking areas shall not be located on public right-of-way.
- At least fifty percent (50%) of the outdoor eating and/or drinking area must be used for seating.
- Fencing of the outdoor area is provided to protect the use and enjoyment of neighboring properties. Fencing may be required to control ingress/egress to the outdoor area, prevent the passing of food/beverages to patrons off the premise, to prevent food/beverages from being removed from the designated area. Any fencing shall be decorative style fencing. Chain link is not permitted. Fencing shall not disrupt pedestrian circulation patterns nor jeopardize public health, safety, or welfare. If fencing is used to enclose an outdoor eating/drinking area on private sidewalks open decorative style fencing (permanent or temporary) shall be used.



- If it determined that the hours of operation of the outdoor area will not negatively impact the use and enjoyment of the neighboring properties, outdoor activities (including music) shall not exceed the hours of operation for the principal use, excluding the sale of liquor which may be further limited by the liquor license.
- Operations of the outdoor area shall be conducted in a manner that does not interfere with pedestrians, parking, or traffic.
- The area and materials must be maintained and in good condition at all times. Broken, rusting, torn or tattered furnishings shall be removed promptly.
- Furniture items must be made to a professional standard and may be constructed of the following materials: wood, iron, steel, canvas (as in director's chairs), aluminum, plastic or resin.
- When there are sales and consumption of alcoholic beverages in the outdoor area additional standards apply and it shall be licensed as set forth in §111.09.

**OUTDOOR AREA FOR RESTAURANT AND/OR BAR (LARGE) – Section 156.123**

Outdoor area for restaurant and/or bar (large). Which is for an outside area used for eating and/or drinking that exceeds ten tables (20 square foot each maximum) or when the outdoor area is not used exclusively for seating at tables the total outdoor floor area exceeds eight-hundred (800) square feet. This use is allowed in C-1, C-2, C-3, and C-4 zoning districts after a special use permit is obtained from the City. Under this format, the Planning and Zoning Commission will conduct a public hearing, with proper notification being given pursuant to the applicable zoning ordinance regulations. Following a public hearing, deliberation and recommendation, final consideration of the special use permit request is subject to consideration and approval by the City Council. Businesses holding an A-1, B-1, B-2, C-1, C-2, D-1, D-2, G-1, or G-2 liquor license may apply for a yearly outdoor liquor permit through the City Clerk's office in order to sell alcoholic beverages in the outdoor area.

Such outdoor eating and/or drinking areas are subject to the following conditions:

- Permanent or temporary structures erected in association with the outdoor eating and/or drinking area shall comply with all district zoning requirements.
- Outdoor area for restaurant and/or bars shall not be located on public right-of-way.
- At least fifty percent (50%) of the outdoor area for restaurant and/or bar area must be used for seating.
- A permanent fence, not less than six feet in height from the sidewalk or ground level, shall be erected. The fence shall be designed in such a manner so that the vision of a person on either side of the fence is obscured when viewing through the fence. The fencing shall be positioned between the area in which alcoholic liquor can be consumed outside and any adjoining residential or commercial property. City Council may waive or modify this requirement, based on specific site circumstances, in granting the special use permit.
- Doorway access shall be permitted from the street, sidewalk and/or adjacent structure through a gate or doorway, which shall be monitored at all times by employees of the establishments.
- If it is determined that the hours of operation of the outdoor area will not negatively impact the use and enjoyment of the neighboring properties, outdoor activities (including music) shall not exceed the hours of operation for the principal use, excluding the sale of liquor which may be further limited by the liquor license.
- Operations of the outdoor area shall be conducted in a manner that does not interfere with pedestrians, parking, or traffic.
- The area and materials must be maintained and in good condition at all times. Broken, rusting, torn or tattered furnishings shall be removed promptly.
- Furniture items must be made to a professional standard and may be constructed of the following materials: wood, iron, steel, canvas (as in director's chairs), aluminum, plastic or resin.
- When there are sales and consumption of alcoholic beverages in the outdoor area additional standards apply and it shall be licensed as set forth in §111.09.

**OUTDOOR AREA FOR RESTAURANT AND/OR BAR PERMIT (IF LOCATED ON THE ROOFTOP) – Section 156.123**

Outdoor area for restaurant and/or bar permit (if located on the rooftop). An outdoor eating and/or drinking area located on the rooftop of a building within the Downtown Commercial District. A special use permit must be obtained from the City for this type of use. Under this format, the Planning and Zoning Commission will conduct a public hearing, with proper notification being given pursuant to the applicable zoning ordinance regulations.

Following a public hearing, deliberation and recommendation, final consideration of the special use permit request is subject to consideration and approval by the City Council. Businesses holding an A-1, B-1, B-2, C-1, C-2, D-1, D-2, G-1, or G-2 liquor license may apply for a yearly outdoor liquor permit through the City Clerk's office in order to sell alcoholic beverages in the outdoor area.

Roof top restaurants/bars shall be subject to the following conditions:

- The rooftop area shall be associated with an establishment doing business within the principal building.
- The floor immediately below the rooftop area is occupied by a nonresidential use.
- If it determined that the hours of operation of the outdoor area will not negatively impact the use and enjoyment of the neighboring properties, outdoor activities (including music) shall not exceed the hours of operation for the principal use, excluding the sale of liquor which may be further limited by the liquor license.
- Screening shall be provided, either with landscaping and or a fence, based on the specific site circumstances. City Council may waive or modify this requirement, based on specific site circumstances in granting the special use permit.
- The main access to the rooftop patio shall be from the interior space of the business within the principal building.
- Any lighting fixtures shall be designed to effectively eliminate glare, and sharply cut-off lighting levels at the property line. All lights associated with the rooftop patio must be turned off when the rooftop area is not in use.
- Complaints regarding outdoor eating and drinking permits will be investigated by the Police Department, and violations of the rules and regulations heretofore promulgated will result in citations and possible revocation of the rooftop patio permit.
- When there are sales and consumption of alcoholic beverages in the outdoor area additional standards apply and it shall be licensed as set forth in §111.09.

### **ZONING – SPECIAL USE PERMIT**

Outdoor Area for Restaurant and/or Bar – Large, and an Outdoor Area for Restaurant and/or Bar – Rooftop, are classified as Special Uses. Under this format, the Planning and Zoning Commission will conduct a public hearing, with proper notification being given pursuant to the applicable zoning ordinance regulations. Following a public hearing, deliberation and recommendation, final consideration of the special use permit request is subject to consideration and approval by the City Council

#### Section 156.122 Standards

A special use permit shall be granted only if evidence is presented to establish that:

- (A) The proposed building or use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of the public and will contribute to the general welfare of the neighborhood or community;
- (B) The proposed building or use will not have a substantial adverse effect upon the adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matters affecting the public health, safety and general welfare; and
- (C) The proposed building or use will be designed, arranged and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations.

### **HERITAGE AND ARCHITECTURE COMMISSION – CERTIFICATE OF APPROPRIATENESS**

One of the many items that makes Lockport unique among Illinois Communities is its inclusion on the National Register of Historic Places. The area of Lockport which has been do designated comprises a specific area within the Downtown. Additionally, the City has enacted legislation creating the Lockport Historic Preservation District, which encompasses the National Register of Historic Places area, along with a buffer area recognizing properties significant to the City.

Both of these designations carry with them a responsibility to preserve and maintain the historical and architectural significance of the area. To that end, the City has created a Heritage and Architectural Committee, whose duties include, but are not limited to:

- 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.
- To prepare and distribute application forms for certificates of appropriateness and certificates of economic hardship;
- 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;
- To issue or deny certificates of appropriateness
- To hold hearings and to review applications for permits to construct or replace structures within the Historic Preservation District.
- 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.

For business within boundaries of the National Register of Historic Places, and within the Lockport Historic Preservation District, a review of any exterior building improvements, including alterations, painting or renovations, as well as the placement of any fencing, barriers or other temporary devices, will require review and approval; from the Heritage and Architecture commission.