

**RULES OF PROCEDURE FOR
THE HISTORIC PRESERVATION COMMISSION**
(Adopted January 18, 1994)

ARTICLE I

GENERAL PROVISIONS

Section 1.1 The following procedural rules are intended to supplement the basic procedures set forth in Chapter 7, Article 9 of the Village code entitled "Historic Preservation." No rule shall be proposed or adopted herein which conflicts with any provision in Chapter 7 Article 9 of the Village Code. If a conflict does arise between any provision of Chapter 7 Article 9 of the Village code and any provision of these rules, the provision set forth in Chapter 7 Article 9 shall prevail.

Section 1.2 Any Commission member who has a proprietary interest or other conflict of interest, in any matter before the Commission shall not vote thereon and shall remove himself or herself from any meeting or hearing at which said matter is under consideration. If more than four members of the Commission remove themselves from a hearing, the Commission shall refer the matter to the President and board of Trustee for their direction.

Section 1.3 The Commission shall hold its hearings in the Oak Park Village Hall, unless, in a particular case, Chapter 7 Article 9 of the Village Code or the applicable statutes of Illinois requires a hearing or hearings of the Commission to be held in another location, or unless the Commission, for good cause shown, determines that a particular hearing be held elsewhere.

ARTICLE II

OFFICERS AND DUTIES

Section 2.1 The officers of the Commission shall be a Chair, an Acting Chair, and a Secretary.

Section 2.2 The Chair shall be designated by the President of the Village of Oak Park, with the consent of the Village Board. The Commission shall elect from among its members an Acting Chair to preside whenever the Chair is absent. The Secretary shall be an employee of the Village who has experience in taking minutes and record keeping. In the event of death, removal for cause, or resignation of any of the above-mentioned officers, a successor shall be named by the respective appointing authority.

Section 2.3 The Chair shall supervise the affairs of the Historic Preservation Commission. He or she shall preside at all hearings or meetings of the Commission, shall appoint such committees and subcommittees of the Commission as may be necessary to carry out the

purposes of the Commission, and shall administer or authorize the administration of oaths. The Chair shall be an ex officio member of all committees and subcommittees appointed.

Section 2.4 In case of the absence or disability of the Chair, the Acting Chair shall perform all the duties and exercise all the powers of the Chair.

ARTICLE III

MEETINGS

Section 3.1 Regular meetings shall be held on the second Thursday of each month at 7:30 p.m. and at such other times as the Chairperson or any six (6) members of the Commission may direct.

Section 3.2 Regular meetings may be cancelled by the Chair when there are no cases pending or when it is apparent that there will not be a quorum, in which event notification of said cancellation shall be given to members of the Commission.

Section 3.3 The Commission may hold special meetings at the call of the Chair or at the written request of six (6) members of the Commission, provided at least 48 hours notice of any such meeting is given in person or by mail to each member.

Section 3.4 All regular meetings, including public hearings, of the Commission shall be open to the public and no official action shall be taken except in public and in accordance with Article X hereof.

Section 3.5 No public hearing shall be held or official action taken unless a quorum is present. A quorum shall consist of six (6) members of the Commission.

ARTICLE IV

ESTABLISHMENT OF ARCHITECTURAL REVIEW COMMITTEE

Section 4.1 The Chair will appoint an Architectural Review Committee consisting of the five (5) Commissioners.

Section 4.2 The Architectural Review Committee and/or staff may approve applications for Certificates of Appropriateness and Certificates of Advisory Review when the proposed work involves (1) restoration of original conditions, (2) no changes in materials, (3) changes not visible from the street, (4) a non-contributing structure, or (5) other types of activities determined by the Commission to have limited effect on the historic, architectural, or aesthetic qualities of Landmarks or districts.

Section 4.3 The Review Committee and/or staff shall use the guidelines listed in Section 7-9-12(A) of the Historic Preservation Ordinance and other guidelines adopted by the Commission to determine if the proposed work is appropriate-under said guidelines.

Section 4.4 A Certificate of Appropriateness may be issued upon the concurring vote of a majority of a quorum of the Architectural Review Committee.

Section 4.5 If the Architectural Review Committee can not reach a decision within five (5) working days from receipt of the application by the Commission or votes to deny the application it shall refer the matter to the full Commission in a timely fashion so that the time limits established by the Historic Preservation Ordinance may be met by the Commission.

Section 4.6 If two (2) members of the Architectural Review Committee concur in a decision to approve a Certificate of Appropriateness or Certificate of Advisory Review, the Committee shall issue the appropriate certificate and shall notify the applicant and appropriate Village staff of its decision and shall provide the original certificate to the applicant and copies thereof to appropriate Village staff as soon as possible.

Section 4.7 Except in the case of Landmarks, applications for Electric Permits, Plumbing Permits, Fence Permits, and Street Obstruction Permits will be considered to have limited effect on the historic, architectural or aesthetic qualities of the building and will automatically be granted a Certificate of Appropriateness with no review by the Commission. *(Amended May 18, 1998)*

ARTICLE V

ORDER OF BUSINESS

Section 5.1 The order of business of the Commission shall be as follows: unless otherwise set by the Chair:

- (a) Roll call and declaration of a quorum;
- (b) Approval of minutes of previous meeting(s);
- (c) Introduction of guests
- (d) Call of cases of agenda and hearing of requests for continuances;
- (e) Consideration of nominations for preliminary eligibility for designation, advisory reviews of permit work within Historic Districts, reviews of the impact of requests for zoning variations, zoning ordinance amendments and special use permits on Historic Preservation, hearings for Historic Landmark designation, hearings on applications for Certificates of Appropriateness, and hearings on applications for Certificates of Economic Hardship.
- (f) Any other business presented by members of the Commission.
- (g) Adjournment

ARTICLE VI

CONTINUANCES

Section 6.1 Continuances may be granted at the discretion of the Commission and only upon good cause shown. It is recognized that where notice of a hearing has been published, considerable inconvenience may result to many interested persons in the event continuances are freely granted. Except in extreme circumstances, once a hearing is commenced, every effort shall be made to take all evidence and close testimony on the night the hearing is set.

ARTICLE VII

FAILURE OF NOMINATOR OR OWNER/APPLICANT TO APPEAR

Section 7.1 Whenever a nominator or owner/applicant or the nominator's or owner/applicant's representative fails to appear, the Chair may entertain a motion from the Commission to dismiss the case for want of prosecution. In the absence of such a motion, the Chair will rule.

Section 7.2 In cases which are dismissed for want of prosecution, the nominator or owner/applicant shall be furnished written notice by the Secretary of the Commission.

Section 7.3 Dismissal for want of prosecution is not a determination on the merits and shall not of itself bar the filing of a new nomination or owner's application for Certificate of Appropriateness or Certificate of Economic Hardship.

ARTICLE VIII

PROCEDURES FOR APPEAL

Section 8.1 The Commission recommends the designation of Historic Landmarks to the Village Board which has exclusive and final authority to make such designations. Nominators, owner(s) of record and other interested persons who either agree or disagree with the recommendation of the Commission shall have an opportunity to express their views at the public meeting of the Village Board at which the recommendation of the Commission is considered. Therefore, with an avenue of direct access to the Village Board already in place for Commission recommendations for designation, an appeal process for the recommendation of the Commission to the Village Board is neither necessary or warranted and none shall be had.

Section 8.2 The denial by the Commission of a nomination for designation of a site, property, improvement, or structure as a Historic Landmark shall be a final administrative decision and no appeal may be had to the Village Board.

Section 8.3 An appeal may be taken to the Village Board by an aggrieved owner or owner(s) of record of a denial by the Commission of a Certificate of Appropriateness or a Certificate of Economic Hardship with regard to such owner's property, improvement or structure.

Section 8.4 An appeal shall be considered by the Village Board only if filed in the Office of the Village President located in the Village Hall within 15 days after the date of the alleged erroneous decision of the Commission, with notice thereof being filed simultaneously with the Secretary of Commission. The appeal shall be on such forms and in such number of copies as are prescribed by the Commission.

Section 8.5 Upon receiving notice of appeal, the Secretary to the Commission shall promptly transmit to the Office of the Village President all papers constituting the record upon which the Commission made the decision appealed.

ARTICLE IX

PROCEDURE FOR HEARINGS

Section 9.1 At the time of the hearing, the nominator or owner/applicant may appear in his or her own behalf or be represented by an agent or attorney.

Section 9.2 All witnesses and owner/applicants shall testify under oath.

Section 9.3 The nominator or owner/applicant or his or her representative may make a brief operating statement, outlining the nature of the request prior to introducing evidence.

Section 9.4 Evidence shall be presented in the following order, except as modified by the Chair:

- (a) All exhibits shall be marked and presented to the Commission fourteen (14) days prior to the hearing, and shall include evidence as described in Section 7-9-14 of Article 9, Chapter 7 of the Oak Park Village Code. Exhibits submitted to the Commission less than fourteen (14) days prior to the hearing shall be excluded from the hearing, except in those instances where the Chair, for good cause shown, shall, in the Chair's sole discretion, waive the fourteen (14) day requirement.
- (b) A list of witnesses accompanied by a resume or curriculum vitae shall be submitted to the Commission at least fourteen (14) days prior to the hearing.
- (c) The Chair or the Secretary may state the nature of the case and whether a designation of Historic Landmark, a Certificate of Appropriateness, or a Certificate of Economic Hardship is being sought.

- (d) The nominator or owner/applicant presents evidence.
- (e) Commission members cross-examine witnesses as presented.
- (f) Interested citizens present evidence.
- (g) Commission members cross-examine witnesses as presented.
- (h) Questions which are designated for specific witnesses may be submitted to the Commission by the nominator, owner(s) of record or interested citizens, which the Commission may ask of such witnesses on cross-examination;
- (i) Evidence by additional witnesses called by the Commission;
- (j) Rebuttal by nominator or owner/applicant as to new matters presented by any party in opposition to the nominator or owner/applicant;
- (k) Closing of all evidence and consideration by the Commission.
- (l) Once deliberations have begun and testimony is closed, no responses are allowed from witnesses except at behest of the Chair of the Commission.
- (m) Commissioners are strictly prohibited from communicating with any applicants, witnesses or other interested persons prior to or following a hearing until such time as a decision has been reached. Such contact may result in the removal of the Commissioner by the Chair from participation in deliberations and/or voting.

Section 9.5 The Commission shall not be bound by strict rules of evidence, but it may exclude such irrelevant, immaterial, incompetent or unduly repetitious testimony or other like evidence as appropriate to insure an orderly proceeding. The Chair shall rule on all questions relating to the admissibility of evidence. Any evidentiary ruling by the Chair may be overruled by a majority of the Commission members present.

Section 9.6 Every person appearing before the Commission or in attendance at a hearing shall abide by the order and direction of the Chair. Discourtesy, or disorderly or contemptuous conduct shall be regarded as a breach of order and of the privileges of the Commission and such misconduct shall be dealt with as the Chair deems proper, up to and including ordering the removal of such persons from the hearing room.

ARTICLE X

DECISIONS

Section 10.1 Final decisions or recommendations shall be made within the time frames set forth in Chapter 7 Article 9 of the Village Code, and if no time frame is set forth therein, then within a reasonable time after the date of the closing of the hearing. A nominator or owner applicant may withdraw his or her nomination or Certificate application at any time prior to the decision thereon by the Commission.

Section 10.2 The Commission shall conduct its vote in a public session. The Commission may vote on any matter before it at the same meeting at which evidence as to such matter is concluded, or, if the Commission considers additional time for deliberation necessary, then the Commission may defer its vote to a subsequent public session.

Section 10.3 Final disposition of any application for a Certificate of Appropriateness or a Certificate of Economic Hardship shall be in the form of a resolution granting or denying the Certificate and shall include the Commission's findings of fact. The Commission may require such conditions, restrictions or limitations as it deems necessary to be imposed upon any Certificate granted, but any such conditions, restrictions or limitations shall be made part of the resolution. The resolution may also request the Code Administration Department to take any action necessary for the effectuation of any Certificate granted.

Section 10.4 Members of the Commission absent and not hearing all the evidence shall not be eligible to vote on any matter, provided that a member who was absent but who has listened to the recording of the meeting, and reviewed any documentary evidence submitted, and affirms on the record that he or she has listened to the recording of the meeting and reviewed the documentary evidence shall be eligible to vote. The concurring vote of six (6) members shall be necessary for any decision in favor of nominator or an owner/applicant for designation or issuing of a Certificate. If the resolution denying the designation or application shall be formerly entered on the record; however, if the votes of absent but eligible members, when added to the number voting in favor of the nominator or owner/applicant, would total six (6) or more, the matter will be postponed to a subsequent meeting to provide those absent members with an opportunity to hear the tape and review any documentary evidence.

Section 10.5 In the case of nomination for the designation of sites, property, improvements of structures as Historic Landmarks, the concurring vote of a majority of the members of the Commission shall be necessary for any resolution and recommendation in favor if designation.

Section 10.6 If a summary record (as opposed to a verbatim transcript) of any hearing is made, such summary record shall be approved as to accuracy by the members of the Commission and shall be kept as a part of the public record in the files of the Commission.

Section 10.7 As soon as practicable after a decision of the Commission is reached notice thereof shall be given to the nominator and/or owner(s) of record and to such other parties of record as have requested such notice.

Section 10.8 No order of the Commission permitting construction, or the alteration, or the demolition of a property, an improvement or a structure shall be valid for period longer than 12 months from the date of such order, unless an application for building permit for such erection or alteration is filed within such period and/or such erection or alteration is commenced and proceeds to completion in accordance with the terms of the permit when issued.

ARTICLE XI

RECORDS

Section 11.1 A file of decisions, recommendations, and all deliberations relating to each case shall be kept by the Secretary in the office of the Commission as a part of the public records of the Commission.

Section 11.2 All records of the Commission pertaining to recommendations of designation or owner(s) of record applications for Certificates of Appropriateness and Certificate of Economic Hardship shall be maintained as public records.