

## CHAPTER 1

**HISTORIC SITES COMMISSION**

## SECTION:

- 9-1-1: Commission Created
- 9-1-2: Appointment Of Members
- 9-1-3: Meetings
- 9-1-4: Jurisdiction And Authority

9-1-1: **COMMISSION CREATED:** There is hereby established a historic sites commission for the village. Said commission shall consist of seven (7) members. Each member so appointed shall serve for a term of four (4) years or the remainder of a term of any member being replaced, whichever is less. All persons appointed shall serve until a successor is appointed and qualified. As hereafter provided, one member shall serve as chairman. Notwithstanding anything herein to the contrary, this section shall not in any way affect the terms of the current members of the commission. (Ord. 04-05, 4-20-2004)

9-1-2: **APPOINTMENT OF MEMBERS:**

- A. **Generally:** The village president shall make all appointments to the historic sites commission and to the position of chairman, subject to the approval of the village board of trustees.
- B. **Qualifications:** Members of the historic sites commission shall be appointed on the basis of demonstrated expertise, experience or interest in the areas of anthropology, architecture, art, building construction, engineering, finance, historical and architectural preservation, history, law, neighborhood organizing, planning or real estate.
- C. **Chairman:** The member appointed to the position of chairman shall be so appointed to such position for a term of one year.

- D. Removal: The village president, subject to approval by the village board of trustees, shall have the power to remove, after a public hearing, any member of the historic sites commission for cause. Failure to attend three (3) successive meetings of the board shall constitute sufficient cause for removal.
- E. Vacancies: Vacancies shall be filled as soon as possible for the unexpired term of any member whose place has become vacant. In the event that the office of the chairman is vacated for any reason, the village president shall immediately appoint either one of the remaining members on the commission, or any member who is appointed to fill such vacancy on the commission as the new chairman. Such appointment shall be subject to the approval of the village board of trustees at its next regular meeting. (Ord. 01-18, 12-4-2001)

9-1-3:           **MEETINGS:**

A. Meeting Procedures:

1. Time: All meetings shall be held at regularly scheduled times, at the call of the chairman, or at such other times as the historic sites commission may determine<sup>1</sup>.
2. Quorum: Four (4) members of the commission shall constitute a quorum.
3. Open To Public: All meetings of the historic sites commission shall be open to the public, at which time every person has the right to be heard or to be represented by a duly authorized agent or attorney.
4. Conflict Of Interest: Any member of the commission having a pecuniary or personal interest in any matter coming before the commission shall disclose such interest to the other members. Such interest shall be made a matter of record, and may be deemed a disqualifying interest. Any member of the historic sites commission belonging to any religious, philanthropic, fraternal, charitable, social or other not for profit organization shall not be deemed to have a pecuniary or personal interest therein solely by reason of membership in such organization, but shall disclose such membership to the other members of the historic sites commission,

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1. See subsection 1-5-2E of this code.

and such membership shall be made a matter of record. No member shall thereby be disqualified from voting or participating on any matter affecting such organization unless the member shall also be an officer or director of such organization, in which case such interest shall be deemed a disqualifying interest. Any member having a disqualifying interest shall not speak on such matter, shall not vote or in any way use personal influence on such matter, and shall not be counted in determining a quorum for consideration of such matter.

5. Records: The historic sites commission shall keep minutes of its proceedings, showing the vote, absence, or failure to vote of each member upon every question, and shall also keep records of its other official actions. Every order, requirement, decision or determination of the commission shall immediately be filed in the office of the village clerk and shall be a public record. (Ord. 01-18, 12-4-2001)

- B. Voting: The concurrent vote of a simple majority of those present and constituting a quorum shall be required for the historic sites commission to render a decision provided however, the commission shall not deny a certificate of appropriateness except by affirmative vote of majority of all members of the historic sites commission then appointed. (Ord. 04-05, 4-20-2004)
- C. Rules Of Procedure: The historic sites commission shall adopt and publish in pamphlet form rules of procedure for the conduct of its business. Such rules of procedure shall be subject to approval of the village board and shall not be inconsistent with any of the provisions of the zoning ordinance. (Ord. 01-18, 12-4-2001)

9-1-4: **JURISDICTION AND AUTHORITY:** The historic sites commission shall have the following jurisdiction and authority:

- A. To recommend to the village board areas to be designated historic districts, or additions to previously designated historic districts.
- B. To consider and grant or deny certificates of appropriateness for all construction, demolition or alterations of any exterior feature of any landmark building, structure or site, or of any building, structure or site improvement within a historic district.

- C. To review and submit findings and recommendations to the plan commission and village board on applications for allowable special uses and for zoning text amendments affecting a historic district.
- D. To review and submit findings and recommendations to the zoning board of appeals on applications for authorized variations affecting a historic district.
- E. To inform the residents of Wayne concerning the history and architecture of the village.
- F. To hear and decide all matters referred to it or which it is required to consider by the zoning ordinance of this code or this title, and to exercise all further responsibilities which may be given to it by the village board.
- G. To recommend to the village board any additional measures to protect those portions of the village that have significant historic, architectural or aesthetic features.
- H. To represent the village by attending at least one informational or educational meeting per year, approved by the state historic preservation officer, pertaining to the work and functions of the historic sites commission or to historic preservation.
- I. To transmit an annual report of its activities to the state historic preservation officer including the number of cases reviewed, new designations made, progress and survey activities, resumes for new commission members, attendance records, and documentation for educational and informational meetings. Such reports shall be transmitted within sixty (60) days after the end of each fiscal year.
- J. To monitor and notify the state historic preservation officer of any actual or proposed demolition or actual or proposed major alteration affecting any property in its jurisdiction listed in the Illinois Register of Historic Places or the National Register of Historic Places, which have been provided to the commission and elected local officials by such officer.
- K. To maintain a system to survey and inventory historic properties, in a manner consistent with, coordinated with, and complementary to those of the state. All such inventories shall be securely maintained and accessible to the public. All such inventories shall be updated periodically to reflect changes, alterations and demolitions. There

shall be a building by building survey and inventory for each designated historic district.

- L. To receive funds from federal, state and private sources for deposit in a separate account of the village to be referred to as the preservation fund, which fund shall only be loaned or expended by the historic sites commission, with the approval of the village board, for such purposes as are herein set forth. If the commission is dissolved, then any amounts remaining in the fund shall be applied by the village to further the purposes of this chapter. If any amounts remain in the fund after a period of one year following the commission's dissolution, then such funds may be applied by the village for such general purposes as it may deem appropriate, unless received pursuant to subsection 9-2-1C of this title.
- M. To hold public hearings and recommend designation of landmarks to the village board.
- N. To compile information and prepare descriptions of the landmarks or historic districts identified and recommended for designation, including the characteristics of each which meet the standards for designation. (Ord. 01-18, 12-4-2001)

## CHAPTER 2

**HISTORIC AND RURAL PRESERVATION PROGRAM**

## SECTION:

- 9-2-1: Historic And Rural Preservation Fund
- 9-2-2: Land Acquisition And Improvements
- 9-2-3: Conditions Of Acceptance
- 9-2-4: Impact On Lot Area And Setbacks

9-2-1: **HISTORIC AND RURAL PRESERVATION FUND:**

- A. **Fund Established:** There is hereby established and created a fund to be known as the "Village of Wayne Historic and Rural Preservation Fund" (the "Preservation Fund"), which shall be maintained and administered by the village treasurer for the purpose of allowing the village to finance studies, research and other activities which may assist in the preservation of the rural and historic character of the village and protect the village from any potential adverse impacts of future development.
- B. **Receive And Disburse Funds:** The village treasurer is hereby authorized to receive donations for deposit into the preservation fund. Such donations shall be in the form of a check, payable to the "Village of Wayne Historic and Rural Preservation Fund". The amounts received from said donations shall be and are hereby appropriated for the purposes specified in subsection A of this section, and shall be deposited into such fund for disbursement only for such purposes. All investment proceeds of the preservation fund shall be deposited in and shall be part of the preservation fund. Each project for which funds are disbursed shall be authorized by the village president and board of trustees. The village treasurer shall keep a true and accurate record of each donation made to the fund.
- C. **Return Of Bequests:** The village treasurer shall determine, at the end of each fiscal year, the amount of monies received and disbursed from the preservation fund. If the corporate authorities determine that

the preservation fund is no longer necessary or the funds therein remaining are no longer required, any unexpended monies shall be reimbursed to the individual donors, on a pro rata basis, by check made payable to such donors. (Ord. 01-18, 12-4-2001)

**9-2-2: LAND ACQUISITION AND IMPROVEMENTS:**

- A. **Acceptance Of Land:** The village board of trustees may accept, through gifts, donations, grants, dedications in plats of subdivision or otherwise, land for parks, flood plain areas, detention ponds, conservation areas and other public grounds and easements, whether granted in fee, or in some lesser estate, whose value, preservation and continued utilization are necessary and desirable to sound community planning for the village and to the welfare of the residents thereof, for the purpose of preserving the special historic and rural character of the village and the streets, roads and other thoroughfares within and adjacent to the village, and for the purpose of aiding the preservation or enhancement of areas which have special historical, community or aesthetic interest.
- B. **Hold Lands In Trust:** All gifts, donations, grants or dedications of land accepted by the village, and all land purchased under this chapter, as set forth in subsection D of this section, shall be held in trust as perpetual historic and rural preservation areas for the purposes specified in such gift, donation, grant or dedication, subject to the right of the village to maintain and improve the condition of such land or easements through additional plantings of trees, shrubs or other landscaping compatible with the rural atmosphere of the village and with the adjoining properties. It shall be the policy of the village to consult with the donor or his successors in title prior to any planting of trees or major landscaping.
- C. **Improvements:** The acceptance of a gift, grant, donation or dedication of land or easements as hereinabove set forth, as well as to the purchase of land under this chapter, shall provide that no structure or other improvement may be located on any such land or easement without the express consent of the party or parties making such gift, grant, donation or dedication, and that such land or easement shall not be used for any right of way for any public or private utility or public or private street, alley or other thoroughfare, bicycle path, equestrian trail or motorized or nonmotorized vehicle access, except to the extent already so utilized at the time of such grant, donation or dedication.

The property owner immediately adjoining any land which is granted, donated, given or dedicated in fee, easement, or any lesser estate, or which is purchased, pursuant to this section, shall have the right to maintain any existing landscaping, fencing or driveways on such land. The village may install fencing on such land or easements only with the consent of the immediately adjoining property owner.

D. Acquisition Policy:

1. Donations:

a. The land acquired for purposes of this program under the provisions of this chapter shall generally be acquired by voluntary donation, grant, gift or dedication only, and not by purchase or the exercise of the power of condemnation or eminent domain.

b. Any property owner may pledge to donate land for this program and such pledges shall be held by the village until an appropriate survey and legal description can be prepared and the potential zoning impact on the remaining property adjacent to the donated land can be evaluated, and if there is no detrimental impact on the remaining property held by such owner, the land shall then be donated. The village shall not seek to enforce such pledge in a court of law.

2. Purchase: Notwithstanding the general policy to acquire land by donation whenever possible, the village board of trustees may purchase land for parks, open space or other land or areas having a special historical, community or aesthetic interest or value, whose value, preservation and continued utilization are necessary and desirable to sound community planning for the village and to the welfare of the residents thereof, for the purpose of promoting preservation of the special historic and rural character of the village and the streets, roads and other thoroughfares within and adjacent to the village and the historic districts and structures located therein, or otherwise in furtherance of the policies set forth in 65 Illinois Compiled Statutes 5/11-48-2. (Ord. 01-18, 12-4-2001)

9-2-3: **CONDITIONS OF ACCEPTANCE:**

A. Subject To Existing Restrictions: Acceptance of each and every such gift, grant, donation or dedication, as well as the purchase of land under this chapter, shall be subject to existing encumbrances, easements, covenants and restrictions of record, and to easements



of ingress and egress for new and existing driveways of the village. Such gifts, grants, donations or dedications shall also be subject to existing easements or other agreements for public or private equestrian trails and may, with the consent of the donor at the time of the gift, grant, donation or dedication, be accepted subject to additional dedications for public or private equestrian trails.

- B. . Acceptance By Ordinance Or Resolution: Acceptance of each and every such gift, grant, donation or dedication shall be pursuant to specific ordinance or resolution of the village president and board of trustees, which shall specify the conditions of such gift, grant, donation or dedication. (Ord. 01-18, 12-4-2001)

9-2-4: **IMPACT ON LOT AREA AND SETBACKS:**

- A. Lot Area: In a residence district, any territory conveyed to and accepted by the village pursuant to the provisions of this chapter, shall be included in determining whether any lot of record adjacent to such territory complies with the minimum lot area and minimum yard setbacks for the applicable residence district, whether such lot was a lot of record prior or subsequent to the date of conveyance, provided that nothing herein shall be construed to affect or modify any covenants, conditions, easements or restrictions of record pursuant to any private agreement, recorded plat of subdivision or annexation agreement. The following are examples of the operation of this section:

1. The owner of a two (2) acre lot of record in the W2 single-family residence district donates frontage to the village for a linear park under the HARP program. The conveyance is three thousand (3,000) square feet (200 feet of frontage by 15 feet deep). The remaining portion of the lot owned by the donor is a buildable lot because together with such park, it meets the two (2) acre minimum lot size requirement for the W2 district.

2. The owner of a five (5) acre lot in the W1 single-family residence district sells or donates to the village two (2) acres for a park pursuant to the HARP program, and retains three (3) acres. The remaining portion of the lot is a buildable lot because the two (2) acre park conveyance, together with the three (3) remaining acres of the lot, satisfies the minimum four (4) acre requirement for the W1 district.

3. In subsection A2 of this section, the owner proposes to build a residence one hundred feet (100') from the adjacent street but only twenty five feet (25') from the lot line of the remaining lot. In determining whether the W1 front yard setback requirement is met, the total distance from the street is included in determining the length or width of the yard.
4. The village acquires, by condemnation, one acre of a four (4) acre lot of record located in the W1 single-family residence district. The remaining portion of the lot is not buildable, because the land was not acquired pursuant to the HARP program.
5. The owner of a twenty (20) acre unsubdivided tract of land conveys all of the frontage to the village pursuant to the HARP program. The owner subsequently applies for a plat of subdivision. The owner is entitled to include the land conveyed for determining compliance with minimum lot areas.
- B. Yards: If the territory conveyed under the HARP program constitutes at least twenty five percent (25%) of the lot of record in question, front or rear yards in all zoning districts shall be a minimum of twenty five feet (25') and side yards shall be a minimum of ten feet (10') from new lot lines established as a result of the HARP conveyance.
- C. Limitations: An owner or applicant seeking the benefits of these provisions shall have the burden of demonstrating to the village, at the time of application for building permit or subdivision approval, that the exceptions set forth in this section apply to the lot for which a building permit or subdivision approval is sought. No donation or other conveyance of land under the HARP program shall be counted or included in lot area or setback computations for more than one lot. (Ord. 01-18, 12-4-2001)

## CHAPTER 3

**HISTORIC PRESERVATION DISTRICTS**

## SECTION:

- 9-3-1: Purpose And Intent
- 9-3-2: Zoning
- 9-3-3: Standards And Procedures
- 9-3-4: Designated Historic Landmarks And Historic Preservation Districts

9-3-1: **PURPOSE AND INTENT:**A. **Declarations:** It is found and declared by the village board as follows:

1. Prodigious new development in the areas immediately adjacent to the village, with its accompanying shifts of population and changes in residential, commercial and industrial land use, threaten with deterioration and disappearance the property and improvements of the village which are the sources of its tradition and stability;

2. It is required in the interest of the public health, safety and general welfare, and is necessary sound urban planning, that properties and improvements having special historic, architectural, community or aesthetic significance should be preserved, enhanced, continued or restored to use; and

3. The village's economic vitality and tax base cannot be maintained and enhanced without regard for Wayne's heritage and older neighborhoods.

B. **Purposes:** The purposes of this chapter are as follows:

1. To designate, preserve, enhance, perpetuate and protect the character of those properties and improvements in the village which have significant historic, architectural or aesthetic features, which reflect the historic, cultural, artistic, social, ethnic or other heritage of

the nation, state or community, or which may be representative of an architectural or engineering type inherently valuable for the study of a style, period, craftsmanship, method of construction or use of indigenous materials;

2. To stabilize and improve the economic vitality and value of the designated properties and improvements in particular, and of the village in general;

3. To preserve the existing housing stock;

4. To foster civic pride in the beauty and accomplishments of the past and an awareness among the citizens of the village of the unique history of Wayne as embodied in its architecture and historic sites and areas;

5. To enhance the village's attraction to visitors;

6. To promote and encourage the continued private ownership and use of designated properties and improvements to the maximum extent consistent with the above objectives. (Ord. 01-18, 12-4-2001)

9-3-2:           **ZONING:**

- A.   **Dual Zoning Classifications:** Any portion of the village classified in an historic district shall also be classified in one or more of the residence districts or business districts established by the zoning ordinance. The zoning classification of any property in an historic district shall be designated by adding "H" to the designated zoning classification.
- B.   **Applicability Of Other Regulations:** In an historic district, all the regulations of the underlying residential or business district shall apply, except insofar as such regulations are in conflict with any special regulations applicable to an historic district. In the event of such a conflict, the regulations governing an historic district shall apply. All permitted or special uses in the underlying residence or business district shall be allowed except as otherwise provided in this chapter.
- C.   **Signs:** No advertising signs shall be permitted in an historic preservation district. Signs may be erected in an historic preservation district which has an underlying residential classification in accordance with the regulations of such district, subject to the

provisions of this section. Every new business sign or expansion of an existing business sign in an historic preservation district which has an underlying business classification shall be erected only as a special use. In addition to the requirements applicable to signs in the underlying zoning district, the size, shape and character of any sign erected shall be in keeping with the character of the historic preservation district, and in accord with the criteria and architectural and aesthetic considerations for the issuance of a certificate of appropriateness under chapter 4 of this title. The historic sites commission shall review the effect of the size, shape or character of the sign on the historic preservation district and shall grant or deny a certificate of appropriateness.

- D. Building Height, Yards: Building height, front yard or rear yard regulations, and regulations with respect to accessory buildings or uses otherwise permitted in the underlying residential or business district, may be varied by the corporate authorities, as applied to a particular property, after hearings by the zoning board of appeals, upon a determination that the variation is necessary to assure the continued preservation of an historic site or area. All requests for such variations shall be processed in accordance with provisions of subsection 10-4-6C of this code. (Ord. 01-18, 12-4-2001)

**9-3-3: STANDARDS AND PROCEDURES:**

- A. Designation Standards For Landmarks: The standards for designation of landmarks shall be as follows:
1. Significant value as part of the historic, cultural, artistic, social, ethnic or other heritage of the nation, state or community;
  2. Association with an important person or event in national, state or local history;
  3. Representation of the distinguishing characteristics of an architectural type inherently valuable for the study of a style, period, craftsmanship, method of construction or use of indigenous materials;
  4. Notable work of a master builder, designer, architect or artist whose individual genius has influenced an era;
  5. Identification as an established and familiar visual feature in the community owing to its unique location or physical characteristics;

6. Owner preferences; and
  7. Economic and functional potentials.
- B. Designation Standards For Historic Districts: The standards for designation of historic districts shall be as follows:
1. Any of the standards listed in subsection A of this section;
  2. Homogeneity of architectural design or dates of construction throughout the area;
  3. Identification by clear and distinctive boundaries; and
  4. Repetition of distinguishing architectural or land use characteristics throughout the area.
- C. Designation Procedures:
1. Application:
    - a. The historic sites commission, by a three-fifths ( $\frac{3}{5}$ ) vote of all members, or any person, group of persons or association, may apply for a landmark or historic district designation for property and improvements located within the limits of the village.
    - b. Applications shall be filed on forms provided by the historic sites commission. The application shall include or be accompanied by the following:
      - (1) The name and address, as shown on the tax assessor's rolls, of the owner of the property proposed for designation.
      - (2) The legal description and common street address of the property proposed for designation.
      - (3) A map delineating the boundaries and location of the property proposed for designation.
      - (4) A written statement describing the property and setting forth reasons in support of the designation proposed.
      - (5) An indication of whether or not the owner consents to the proposed designation.

(6) Such other information as may be required by the historic sites commission.

2. Preliminary Review: The historic sites commission shall, within thirty (30) days from receipt of a complete application for designation, cause an initial recommendation and report to be written, stating whether the nominated landmark or historic district meets or fails to meet the standards for designation as provided in subsections A and B of this section. The report shall contain the following information:

a. An explanation of the significance or lack of significance of the nominated landmark or historic district as it relates to the standards for designation;

b. A description of the integrity or lack of integrity of the nominated landmark or historic district;

c. In the case of a nominated landmark found to meet the standards for designation, a description of the significant exterior architectural features of the nominated landmark that should be protected.

3. Notification Of Nomination: The historic sites commission shall, within thirty (30) days from completion of the initial report, cause a public hearing to be scheduled to consider the nomination. Notice of the date, time, place and purpose of the public hearing and a copy of the completed nomination form shall be sent by certified mail to the owner(s) of record and to the nominators. Notice shall also be sent by regular mail to property owner(s) adjoining the nominated landmark or historic district at least fifteen (15) days prior to the date of the hearing. All notices shall state the street, address and permanent index number or legal description of a nominated landmark and the boundaries of a nominated historic district.

4. Hearing: Oral or written testimony concerning the nomination shall be taken at the public hearing from any person or organization. The historic sites commission may solicit expert testimony or present its own evidence regarding the historic, archaeological or scenic significance of a proposed landmark or of any property within a proposed historic district. The owner of the nominated landmark, or of any property within a nominated historic district, shall be provided a reasonable opportunity to present evidence regarding historic, archaeological, architectural or scenic significance, to be

represented by counsel, and to cross examine expert witnesses. The hearing shall be closed upon completion of testimony.

5. Recommendation Of Historic Sites Commission: Within fifteen (15) days following the close of the public hearing, the historic sites commission shall determine whether the proposed landmark or historic district meets or fails to meet the designation standards based on the evidence. Its recommendation shall be presented to the village board together with its findings concerning the historic, archaeological, architectural or scenic significance of the proposed landmark or historic district. A copy of the commission's recommendation shall also be transmitted to the applicant and to the owner of the subject property.

6. Village Board To Approve Or Disapprove Nomination: The village board shall review the recommendation of the historic sites commission, and may schedule a further public hearing concerning the proposed designation. If such a hearing is scheduled, the village clerk shall provide notice of any public hearing in the same manner as is provided in subsection C3 of this section. Within sixty (60) days from its receipt of the commission's recommendation, the village board shall either designate the landmark or historic district by ordinance, or deny the nomination, stating its reasons for such action.

7. Notice Of Designation: Notice of the action of the village board, including a copy of the ordinance designating the landmark or historic district, if any, shall be sent by regular mail to all persons of record, including, but not limited to, each owner of record of a landmark or property within an historic district and all owners of adjacent properties.

8. Appeals: Adoption of an ordinance designating a landmark or historic district by the village board shall be final action reviewable under section 3-101 of the Illinois administrative review law.

9. Regulation During Consideration Period: From the date an application for designation is filed until the date of the final decision concerning designation, the nominated property shall be regarded as if it was designated as requested; provided that such interim status shall not apply for more than two hundred ten (210) days from the date of the application.

10. Power Of Village Board: Nothing in this section shall be construed to limit the powers of the village board of trustees



pursuant to 65 Illinois Compiled Statutes 5/11-48-2. (Ord. 01-18, 12-4-2001)

9-3-4: **DESIGNATED HISTORIC LANDMARKS AND HISTORIC PRESERVATION DISTRICTS:**

- A. Landmarks Designated: The following properties or buildings are designated as historic landmarks in the village, in that they have special historic, community and aesthetic interest of value:
1. Army Trail Road, formerly known as Wayne Road, and Main Street, from Munger Road to Illinois State Route 25, as an historic country road and corridor.
  2. Dove cottage, located at 35W074 Army Trail Road, as an historic site and building.
  3. The Chicago and Northwestern Railroad depot, as an historic building.
  4. The Yolton-Vogt farmstead, located at 5N021 Powis Road, as an historic site and building.
- B. Historic Preservation Districts: The following areas are designated historic preservation districts, in that they have historic significance to the village, state and nation:
1. The Wayne Road Historic District: That portion of Army Trail Road, formerly known as Wayne Road, and Main Street from Munger Road on the east to Illinois State Route 25 on the west, and all land and territory measured one hundred feet (100') on either side of the center line of said road in DuPage and Kane Counties, Illinois, is hereby designated as the Wayne Road historic district. The village board may, from time to time in its discretion, establish special conditions, regulations or other measures which are reasonable, necessary or appropriate for the preservation, protection, enhancement, rehabilitation, reconstruction, perpetuation or use of or within the Wayne Road historic district.
  2. The Wayne Village Historic District: The general area located in the center of the village between Will Way on the south, the property along the north side of Glos Street on the north, except those properties north of Glos Street and east of Guild Lane, the Chicago and North Western Railway on the west and Powis Road on the

east, but also including the property along the east side of Powis Road between Army Trail Road and Will Way, as if extended, all as legally described in ordinance 80-03 on file in the office of the village clerk.

3. The Oak Lawn Farm Historic District: The area generally located at the intersection of Army Trail Road and Dunham Road, embracing the four corners of the intersection, including "Dunham Castle", the buildings and structures located on the south side of Army Trail Road east of Dunham Road on the Dunham Woods riding club property and the barn, the residence located on the east side of Dunham Road and the vacant land extending south of Army Trail Road and east of Dunham Road to Norton Creek, all as legally described in ordinance 80-03 on file in the office of the village clerk. (Ord. 01-18, 12-4-2001)

## CHAPTER 4

**CERTIFICATE OF APPROPRIATENESS****SECTION:**

- 9-4-1: Certificate Required  
9-4-2: Procedures For Consideration Of Certificate  
9-4-3: Criteria For Consideration Of Certificate

**9-4-1: CERTIFICATE REQUIRED:**

- A. A certificate of appropriateness shall be required before the construction, demolition or alteration of any exterior feature of any landmark building or structure, or of any building, structure or site improvement in an historic district, whether or not a building or demolition permit is required under the provisions of this code.
- B. For purposes of this section, "site improvement" shall mean and include, but not be limited to, fences or similar enclosures, tennis courts or similar facilities, riding facilities, light fixtures, siding, painting and decoration, paving of any portion of any lot area, creation of any new parking areas on any lot, whether paved or otherwise, and grading, filling or contour changes, provided that berms shall not be permitted in any historic district unless certified as necessary by the village engineer. "Site improvement" shall not include temporary, seasonal or holiday decorations, or any flowers, plants, trees, bushes or grass if they are otherwise in compliance with village ordinances. (Ord. 01-18, 12-4-2001)

**9-4-2: PROCEDURES FOR CONSIDERATION OF CERTIFICATE:**

- A. Application: It shall be the obligation of the lot owner, occupant, contractor or subcontractor to apply for any required certificate of appropriateness.

- B. Processing: Immediately upon receipt of an application for a building permit or certificate of appropriateness, the zoning enforcement officer shall forward one copy of the application to the historic sites commission.
- C. Historic Sites Commission Procedures:
1. Meetings: The historic sites commission shall meet within thirty (30) days after receipt of the application to consider the application and determine whether the application should be approved or denied. The historic sites commission shall have jurisdiction over only those applications affecting exterior features of a building or structure. The historic sites commission shall notify the applicant in writing at least seven (7) days prior to the scheduled meeting of the date, place and time of the meeting at which the application will be considered.
  2. Approval: If the historic sites commission determines that the application should be approved, the commission shall so notify the applicant in writing within fourteen (14) days of its meeting.
  3. Denial: If the historic sites commission determines that the application should be denied, the commission shall so notify the applicant within fourteen (14) days of its meeting, and shall recommend changes necessary to comply with the criteria for review of applications for certificates of appropriateness. Within thirty (30) days of receipt of notification of any such denial, the applicant shall either file a written modification of the application to conform with the historic sites commission's recommended changes, or request in writing that the historic sites commission schedule a public hearing on the application. If no written modification or request for public hearing is received, the application shall be considered withdrawn.
  4. Public Hearing:
    - a. Within thirty (30) days of receipt of a written modification or request for public hearing, the historic sites commission shall hold a public hearing. Written notice of such hearing shall be provided to the applicant, the village attorney, and the village president and trustees at least seven (7) days prior to the scheduled public hearing. Notice of the time and place of the public hearing shall also be published at least once, not more than thirty (30) nor less than fifteen (15) days before the hearing, in a newspaper of general circulation in the village.

b. The chairman of the historic sites commission shall conduct the hearing and the commission shall receive oral or written testimony from all interested parties. The applicant or any other interested party may be represented by counsel. The 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.

c. The historic sites commission shall vote, announce its decision, and notify the applicant, within seven (7) days after the conclusion of the public hearing, unless the time is extended by mutual agreement between the commission and the applicant.

d. The decision of the historic sites commission is final, except for the right of appeal as provided herein.

- D. **Appeal:** An appeal to the village board may be taken by an applicant or any interested party from any final decision of the historic sites commission within fourteen (14) days from the date the decision was announced at the public hearing, by filing with the historic sites commission and the village board a notice of appeal specifying the grounds thereof. The commission shall forthwith transmit to the village board all papers constituting the record upon which the appeal is taken. Without further evidentiary hearing, the village board shall decide the appeal within thirty (30) days following its next regularly scheduled meeting after receipt of the notice of the decision of the commission. Written notice of the decision of the village board on the appeal shall be provided the applicant and the historic sites commission within seven (7) days.
- E. **Time Limitation:** Any certificate of appropriateness issued pursuant to this section shall expire two (2) years from the date of issuance if work has not substantially commenced under the certificate. Upon written request submitted within the two (2) year period, or not less than thirty (30) days after notification of a revocation of a certificate for failure to substantially commence work, an extension of time not to exceed one year may be granted if supported by a showing of good cause. The director of the building and zoning department shall be empowered to make any determination required hereunder, subject to a right of appeal to the historic sites commission.
- F. **Expedited Procedure For Approving Minor Projects:** The following procedures shall be utilized only for repair or replacement of any exterior feature, as follows:

1. The property owner or applicant shall submit the usual application for issuance of a certificate of appropriateness as otherwise provided in this section, together with a written request for expedited approval hereunder;

2. The property owner or applicant shall submit with the application current photographs of the entire residence (unless the historic sites commission has a current set on file), with detailed photographs of the particular areas of the proposed work;

3. The property owner or applicant shall certify that the proposed work is a "one for one" or otherwise identical repair or replacement;

4. The property owner or applicant shall certify that the total cost of the work to be performed is ten thousand dollars (\$10,000.00) or less and shall provide, with the application, a written estimate or other acceptable evidence of such cost;

5. The building department shall notify the chair of the historic sites commission that an expedited approval has been requested, and the following shall then be required:

a. The chairman shall designate two (2) members of the commission, one of whom may be the chairman, to make a site visit;

b. The two (2) members selected shall make a joint site visit, after notice to the property owner or applicant, and shall inspect the property and review samples of the proposed materials, colors and similar items;

c. In the event that both members concur in writing that an "identical replacement" is contemplated and that the total cost of the work is ten thousand dollars (\$10,000.00) or less, the chairman shall issue a special certificate of appropriateness to the property owner or application, which shall be limited to the work described in the application;

d. In the event that either or both of the members conclude that the proposed work does not strictly constitute an identical replacement or repair, that the reasonable cost of the work exceeds ten thousand dollars (\$10,000.00), or that the proposed repair or replacement is of a nonhistoric element, or if the two (2) members do not agree as to any of the required elements for the expedited certificate, they shall refer the application to the full historic sites commission for the normal review process;

6. Upon the issuance of the special certificate of appropriateness, the building department shall issue a building permit if the owner or applicant otherwise qualifies therefor, subject to the provision that the historic sites commission shall review and approve the work prior to issuance of an approved final inspection when applicable. (Ord. 01-18, 12-4-2001)

9-4-3: **CRITERIA FOR CONSIDERATION OF CERTIFICATE:** In making a determination whether to approve or deny an application, the historic sites commission shall be governed by the following criteria:

A. General Considerations:

1. Every reasonable effort should be made to provide a compatible use for buildings, which will require minimum alteration to the building and its environment.
2. Rehabilitation work should not destroy the distinguishing qualities or character of the property and its environment. The removal or alteration of any historic material or architectural features should be held to the minimum. The proposed work should preserve, highlight or enhance the historic or architectural character of the building and district.
3. Construction, new improvements or rehabilitation work should be visually compatible with other buildings and places in the district and have a positive effect on and harmonize with the aesthetic, cultural or historic nature of the building or district.
4. Architectural details and materials should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent character of the district.
5. Deteriorated architectural features should be repaired rather than replaced, wherever possible. In the event that replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities.
6. Many changes to buildings and environments which have taken place in the course of time are evidence of the history of the building and the neighborhood. These changes may have developed significance in their own right, and this significance should be recognized and respected.

7. All buildings should be recognized as products of their own time. Alterations to create an appearance inconsistent with the actual character of the building should be discouraged.

8. Wherever possible, new additions or alterations to buildings should be done in such a manner that, if they were to be removed in the future, the essential form and integrity of the original building would be unimpaired.

9. New buildings in an historic district or additions to existing buildings or landscaping, should not be discouraged if their design is compatible with the size, scale, color, material and character of the district, building or its environment.

B. Architectural And Aesthetic Considerations: The following architectural and aesthetic features should be considered:

1. All exterior architectural features including signs, fences, outbuildings, paving and other appurtenances;

2. Height of building or structure;

3. The proportion of the front facade, that is, the relationship between the width of the building to the height of the front elevation;

4. The proportion of the openings within the structure, that is, the relationship between the width and height of the windows and doors;

5. The relationship of building mass to the open space between the building and adjoining buildings or structures;

6. The relationship of materials, textures and color;

7. Roof shapes;

8. The directional expression of a building or structure, that is, the vertical or horizontal positioning;

9. The general design and arrangement of buildings or structures;

10. The relationship of the features set forth in subsections B1 through B9 of this section to similar features of the other buildings, structures and visual elements in the historic district. (Ord. 01-18, 12-4-2001)



CHAPTER 5  
ENFORCEMENT

SECTION:

9-5-1: Zoning Enforcement Officer

9-5-1: **ZONING ENFORCEMENT OFFICER:** The zoning enforcement officer shall enforce the provisions of this title pursuant to the duties established for such officer in sections 10-4-1 and 10-4-2 of this code. Such enforcement shall be in accordance with the dual zoning classification established for historic districts in section 9-3-2 of this title, and with the requirements for a certificate of appropriateness set forth in chapter 4 of this title. (Ord. 01-18, 12-4-2001)