



Village of Lincolnwood Plan Commission

Workshop
Wednesday, April 27, 2022
7:00 P.M.

in the
Council Chambers Room
Lincolnwood Village Hall - 6900 North Lincoln Avenue

Meeting Agenda

- 1. Call to Order/Roll Call**
- 2. Pledge of Allegiance**
- 3. Discussion: Plan Commission Rules and Procedures**
- 4. Discussion: Prioritization of Topics Awaiting Discussion**
- 5. Next Regular Meeting: May 4, 2022**
- 6. Public Comment**
- 7. Adjournment**

Posted: April 22, 2022



Plan Commission Discussion: Plan Commission Rules and procedures April 27, 2022

Background

Section 3-5-2(A) of the Village Code states that “*the Plan Commission shall adopt its own bylaws for its own guidance and proceedings as may be expedient, but not in conflict with this article or this Code.*” Despite this provision, staff is not aware of any such bylaws that have been adopted by the Plan Commission. In an effort to resolve this, staff has requested that the Village Attorney providing a template document of Rules and Procedures for consideration by the Plan Commission. That template document, entitled “*Village of Lincolnwood Rules and Procedures for the Plan Commission*”, is attached to this report.

The template document includes the following sections:

- Article I: General Provisions, which identifies the intent of the Rules and Procedures, and put them in context with other components of the Village Code;
- Article II: Officers and Duties, which establishes the authority of the Chair, procedures for identifying an interim Chair when needed, and the role of the Secretary;
- Article III: Meetings, which establishes general parameters for when and how meetings can be called and general parameters for the holding of meetings;
- Article IV: order of Business, which establishes the general structure for the meeting agenda and procedures related to continuances;
- Article V: Public Hearings, which establishes procedures related to the conducting of public hearings, and the receipt of written comments or testimony from Petitioners, experts, or members of the public’
- Article VI: Decisions, which establishes a process for the formulation of actions and the making of decisions;
- Article VII: Conflict of Interest, which presents scenarios in which a Plan Commissioner should recuse him or herself from certain proceedings; and
- Article VIII: Amendment of Rules, which establishes procedures related to the amendment of the Rules and Procedures.

Policy Questions

During the April 27, 2022 workshop discussion, Plan Commissioners will be asked to provide feedback regarding the following policy questions that were identified by staff based on related discussions or experiences with the Plan Commission:

Should the Rules and Procedures provide direction regarding meeting length or end time?

Currently, Plan Commission meetings begin at 7:00 PM. (This current start time is reflected in Article III, Section 1 of the template document.) An informal end time of approximately 9:00 PM is often placed on meetings based on a preference of some Commissioners. However, objections to this have been voiced by other Commissioners based on an interest to bring certain issues or hearings to a close more expeditiously. The Rules and procedures could be drafted in a number of ways to address this issue, including but not limited to:

- Establishing an earlier start time for meetings in order to allow for more deliberation time prior to an understood end time;
- Establishing an understood end time and procedures for extending meetings when that end time approaches; or
- Establishing that the Plan Commission cannot adjourn a meeting based on an understood end time of deliberations or additional business can be conducted that evening without the need for additional information.

To what extent should the Rules and Procedures call additional attention to the relationship between a Plan Commission recommendation, findings of fact, and Variation or Special Use standards?

Recently, there has been an emphasis on the application of zoning standards when considering requests for relief or special zoning approval. Article VI, Section 2 of the template document states that “*the motion which decides the issue will be in the form of fact and must state the reason(s) for the findings of the Plan Commission.*” However, this language does not create a more deliberate relationship between the motion, facts of the case, and the Variation and Special Use standards found in Section 5.15 and 5.17 of the Zoning Code, respectively.

Should the Rules and Procedures provide direction regarding the outcome of a tie vote on a motion or action?

Recently, the Zoning Board of Appeals (ZBA) experienced a vote on a motion, and the vote ended in a tie. Based on current rules, it was deemed that the motion did not pass. Therefore, the ZBA continued to deliberate the matter until it was ultimately continued to a future meeting with the support of the Petitioner. However, Section 5.12(2) of the Zoning Code states that “*the failure of the Plan Commission or the ZBA...to act within the relevant time period set forth in this Zoning Ordinance for the relief requested, or such further time to which the applicant may agree, shall be deemed to be a recommendation...to approve the requested relief.*” (The code currently establishes a 90-day period for the Plan Commission or ZBA to act once an application is deemed complete.) Based on the current procedures, if there is no resolution to the tie, the case will eventually be forwarded to the Village Board as a recommended approval based on a failure to act. The Rules and Procedures could clarify this scenario in one of the following ways:

- Tie votes could result in a failed motion, which would require additional deliberation;
- Tie votes could be deemed as an approval of the motion; or
- Tie votes could be deemed as neither a passing nor failing of the motion, with that result being forwarded to the Village Board for their deliberation.

Are there other considerations or issues that the Rules and Procedures should specifically address?

Staff invites feedback from the members of the Plan Commission regarding any other specific topics that the Rules and Procedures may address.

Requested Action

Staff requests the Plan Commission’s discussion during the workshop on April 27, 2022, regarding the Draft Rules and Procedures attached to this staff report, the policy questions presented above, and any other specific topics that Commissioners wish to raise.

Documents Attached

1. Draft Template Document entitled “*Village of Lincolnwood Rules and Procedures for the Plan Commission*”

RULES OF PROCEDURE
PLAN COMMISSION
VILLAGE OF DEERFIELD

Adopted 1/10/80
Amended 1/26/84, 1/13/05, 12/13/07, 12/9/21

Article I – General Provisions

- Section 1. These rules are supplementary to the provisions of the Municipal Code, the Zoning Ordinance, the Subdivision Ordinance of the Village of Deerfield, and any ordinances, resolutions, or rules adopted by the Village Board as they relate to the Plan Commission (the “Commission”).
- Section 2. Any members who have any financial interest or other conflicting interest in a matter before the Commission shall recuse themselves and shall not participate in any Hearing or portion of a meeting at which said matter is under consideration or vote in any vote involving said matter.
- Section 3. Nothing herein shall be construed to give or grant the Commission the power or the authority to alter or change the Zoning Ordinance or the Subdivision Ordinance or the Zoning Map, which authority is reserved to the Board of Trustees.
- Section 4. The Village Attorney shall be consulted in cases where the powers of the Commission are not clearly defined.

ARTICLE II – Officers and Duties

- Section 1. The officers shall be the Chair, appointed for a one year Term by the Mayor with the advice and consent of the Board of Trustees; and a Secretary, appointed by the Village Manager. The Secretary shall be the Planning and Zoning Officer or his designated representative and shall not be a member of the Commission and shall not vote.
- Section 2. In the absence of the Chair, the remaining members of the Commission shall elect an Acting Chair from the members of the Commission.
- Section 3. The Chair shall preside at all meetings of the Commission and shall otherwise supervise the affairs of the Commission.
- Section 4. The Acting Chair, in the absence of the Chair, shall perform all the duties and exercise all the powers of the Chair.
- Section 5. The Secretary shall record minutes of the Commission’s proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact; shall keep records of its examinations and other official actions; shall summarize the testimony of those appearing before the

Commission, and record their names and addresses. Minutes of the meetings shall be open to public inspection in accordance with the procedures and limitations of the Illinois Open Meetings Act and Freedom of Information Act.

ARTICLE III - Meetings

- Section 1. Regular meetings of the Commission will be held on the second and fourth Thursday of each month at 7:30 P.M. in the Village Hall or other advertised place, unless such day shall be a recognized holiday, for the purpose of holding public hearings and conducting other business. Any regular meeting may be cancelled by the Commission if any case or matter is not ready to proceed, or if a quorum of the Commission is not available for a regular meeting.
- Section 2. Special meetings of the Commission may be called by the Chair, or upon the request of any member of the Commission, provided forty-eight hour notice is given to each member of the Commission and posted in accordance with the Open Meetings Act.
- Section 3. An agenda will be prepared by the Secretary, with the approval of the Chair, for each regular or special meeting of the Commission and distributed to each member prior to the meeting. The Secretary or other designated person will also distribute such material as plats, surveys, petitions, copies of public notice, etc., as may pertain to the agenda.
- Section 4. A quorum shall consist of four members of the seven member Commission.
- Section 5. All decisions regarding land use shall be by recorded roll call vote. All members present, including the Chair, may vote on each issue. When a vote is taken, a matter shall be considered passed when – a quorum being present – a majority of those members present shall have voted in the affirmative.
- Section 6. Proxies shall not be permitted and only members actually in attendance at a meeting may vote. Members not present may have their views recorded on how they would have voted had they been present.
- Section 7. A member not present when evidence on a petition is taken during a public hearing shall not vote on such petition unless he has reviewed a transcript or tape recording of the public hearing when evidence was presented.
- Section 8. In the event that the Board of Trustees sends a petition back to the Plan Commission for reconsideration, any member of the Plan Commission who took part in the original public hearing and recommendation may vote on that petition. Also, any Plan Commission member who was not present at the public hearing may vote on the reconsideration of the petition if that member has reviewed all the minutes of the public hearing and workshop meeting and all of the documents submitted in support of the petition. If the tape recordings are still available, the Plan Commission members not present at the public hearing must also review the tape recordings of the public hearing and workshop meeting.

- Section 9. If, during the course of a meeting, it becomes apparent that the Plan Commission cannot conclude an agenda item before 10:30 P.M., those items may be continued to the next available Plan Commission meeting.
- Section 10. All meetings of the Commission shall comply with the Illinois Open Meetings Act.
- Section 11. All written recommendations to the Village Board will be approved by the Commission. Any Commission member may submit a minority opinion to the Village Board, stating opposition to the Commission's recommendations.
- Section 12. A member of the Commission may attend meetings of the Village Board where recommendations of the Commission are on the agenda for consideration. This responsibility shall be rotated among Commission members and the member presenting the opinion should agree with the majority.
- Section 13. Roberts Rules of Order shall be used as the Parliamentary authority in situations not covered by the Village ordinances, resolution, rules adopted by the Village Board, these Rules of Procedure, and State law.

ARTICLE IV–Public Hearings

Section 1. Public hearings are held by the Plan Commission for the purpose of considering:

- a. Applications for rezoning (amendment to the Zoning Ordinance).
- b. Applications for a Special or Unique Use.
- c. Changes in the Comprehensive Plan.
- d. Amendments to the Zoning Ordinance.
- e. Applications for approval of planned residential developments.
- f. Applications for a Planned Unit Development.
- g. Applications for Subdivisions and Resubdivisions.
- h. Any other purpose requested by the Village Board.

Section 2. Applications shall be made to the Commission in writing. Each application shall be accompanied by the appropriate fee as designated by the Village and shall be subject to the following:

- a. Application

All plans and materials necessary for an evaluation of a proposal must be on file with the Plan Commission's Secretary not less than 30 full days before the scheduled hearing (three sets are required). These plans and material must be accompanied by a completed application form. A complete application includes all necessary signatures, legal descriptions, any documents required to show authorization to represent the land owner, disclosure of the beneficial interests of any trust involved, the appropriate fee and any other documents as deemed necessary by the Secretary to the Plan Commission to complete the application.

The petitioner's scheduled public hearing may be cancelled or continued if the petitioner fails to comply with the above. If there is another petition on file which complies with the above, it may be given the time which had been scheduled for the cancelled public hearing. The petition which lost its original public hearing time will be rescheduled for the first available Plan Commission meeting once the application is complete.

b. Legal Notice

The Zoning Ordinance places the responsibility on the petitioner for preparation of the legal notice which will be published in the local newspaper. If requested by the petitioner and agreed to by the Secretary of the Plan Commission, the Secretary will prepare the legal notice, which costs shall be reimbursed by the petitioner. If the petitioner wishes to prepare the legal notice, that notice must be submitted with the complete application mentioned above. Any legal notice submitted to the Secretary of the Plan Commission shall be reviewed by the Secretary and will be subject to the Secretary's approval. The Secretary will be responsible for publishing the legal notice.

c. Public Hearing Materials

Four hard (paper) sets of all materials and an electronic set of materials that will be presented to the Plan Commission at the public hearing must be submitted to the Plan Commission's Secretary three weeks prior to the public hearing date. "All materials" consists of the documents and information necessary to render a recommendation. These include items such as a detailed written description, site plan, landscaping plan, perspectives, cross-sections, traffic studies, market studies, elevation drawings, etc. Failure to meet any of the above requirements may result in the Plan Commission continuing the public hearing to another meeting date.

d. Board of Trustees Materials

It is the petitioner's responsibility to submit a complete electronic copy set of the materials that were submitted at the public hearing for distribution to the Board of Trustees with the Plan Commission's recommendation. These materials must be on file with the Plan Commission's Secretary no later than two weeks prior to the Board of Trustees' meeting date. This includes all site plans, landscaping plans, traffic studies and other documents submitted in support of the petition.

Section 3. Notice of Public Hearings, as required by Ordinance or State law, shall be given not less than 15 days, nor more than thirty days, prior to the time of such hearings. Notice shall be by publication in a paper of general circulation in the Village of Deerfield.

- Section 4. The Chair shall preside at the hearing, or in his absence, the Acting Chair.
(Amended /26/84)
- Section 5. Petitioner, or his authorized representative, must be present at the hearing.
- Section 6. Quorums, voting and other matters shall be governed by the provisions of Article III of these rules.
- Section 7. Order of Business: The order of business for public hearings and for workshop meetings shall be determined by the Chair from time to time. The current order of business for such meetings is contained in Exhibits A and B attached hereto.
- Section 8. Continuances:
1. Hearings may be continued for not more than thirty days. All continuances shall be to a date certain; no further notification is required.
 2. One continuance must be granted to a petitioner, if requested. Further continuances will be at the Plan Commission's discretion.
 3. If after the presentation of the petitioner's proposal, other interested parties wish to have the hearing continued so that they might prepare evidence or testimony of their own concerning or in response to the petitioner's proposal, the Plan Commission may grant a continuance.
- Section 9. Subpoenas:
1. The Plan Commission may issue subpoenas for persons to appear at a hearing or for documents to be presented for examination.
 2. Applicants or objectors have may request the Plan Commission to issue subpoenas, subject to limitations of State law. The Plan Commission may make a judgment regarding the evidentiary relevancy of any person or document requested.
- Section 10. Code of Conduct:
- Hearings will be conducted according to the following Code of Conduct. This Code is calculated to result in a just and lawful determination of the issues as promptly as possible and in an orderly fashion.
1. Each person speaking shall first be sworn in as a witness, and shall identify themselves.

2. Anyone wishing to make a statement shall be recognized one time by the Chair. However, the Chair has the right not to recognize anyone more than once.
3. All statements must be relevant to the subject matter of the public hearing or meeting. The Chair shall rule out of order any person who makes statements which are not relevant.
4. The Chair may impose a three minute time limit for any particular hearing or for any individual's statement or testimony. Groups sharing a particular view are encouraged to make their feelings known through a single spokesperson, however, the spokesperson shall be limited to the same time limits as all other speakers.
5. All materials presented as evidence will be retained and filed by the Plan Commission.
6. Applicants or objectors may present witnesses for direct questioning. The Commission may limit the number of witnesses whose testimony is cumulative only.
7. Cross-examination of witnesses shall be permitted; provided that the Chair may limit redundant questions and make other limitations based on relevancy.
8. The Chair may require a preliminary statement of the nature of the evidence proposed to be elicited from the witness.
9. All questions or statements from the floor must be directed to the Chair. All others may be ruled out of order.

Section 11. Written Statements:

1. Anyone who would like to provide testimony may submit a statement in writing which will be included in the record. Written statements may be submitted to the Planning Commission via any of the following methods:
 - a. via email to plancommissioncomment@deerfield.il.us; or
 - b. mailed to: Deerfield Village Hall (850 Waukegan Road, Deerfield, IL 60015), Attn: Plan Commission.
2. Written statements received before 11 A.M. on the Friday prior to the date of the public hearing shall be included in the agenda packet distributed to the members of the Plan Commission and made available to the public on the Village website.

3. Written statements received after the agenda packet has been distributed will be distributed to the Commissioners and made available to the public in the following methods:
 - a. If the public hearing is conducted in person, written statements will be made available in hard copy for inspection by the public.
 - b. If the public hearing is conducted electronically, the Chair or the Chair's designee will read aloud any written statements into the record, provided that the Chair or the Chair's designee shall not be obligated to read any written submissions for more than three minutes or at all if the person who submitted the written statement has already provided the contents of the written statement as part of their oral testimony.

Section 12. Petitions: Petitions will be accepted by the Plan Commission as advisory evidence.

ARTICLE V – Liaison with Governmental Bodies

Section 1. The Commission may ask the school districts and the Park Board to appoint a representative as liaison to the Commission. This person will receive the Commission agenda in advance of the meeting and all minutes. The liaison will be responsible for keeping his School District or Park Board aware of matters of importance to that body and will attend Commission meetings when he deems it necessary. The participation of these representatives will be welcomed.

ARTICLE VI – Required Prefiling Conference for Public Entities

Section 1. When a public entity intends to file a petition in front of the Plan Commission, that public entity will be required to hold a prefiling conference with the Plan Commission. The purpose of the prefiling conference is to provide the applicant feedback and direction on the proposal and also to ensure and oversee appropriate necessary continuing consultation and cooperation between public entities. The Plan Commission will advise the petitioner which public entities will need to be contacted to facilitate intergovernmental cooperation. The public entity will be required to provide written certification prior to the public hearing that it has communicated with other public entities in a good faith effort with the intent to foster intergovernmental cooperation as set forth in the Comprehensive Plan of the Village of Deerfield.

ARTICLE VII – Amendments to Rules of Procedure

Section 1. These rules may be amended by a vote of five members of the Commission; provided, however, that every member of the commission shall be furnished with a copy of the amendment at least seven days before consideration of adoption.

**RULES OF PROCEDURE FOR
PLANNING AND ZONING BOARD
(PZB)**

Article I. RECITALS

WHEREAS, on [*INSERT DATE*] the City Council of the City of Des Plaines adopted Ordinance No. Z – 15 - ____, which amended provisions of the City Code to establish a consolidated Planning and Zoning Board (“*PZB*”); and

WHEREAS, the PZB was given jurisdiction over various matters pursuant to 65 ILCS 5/11-13-3, 65 ILCS 5/11-12-4, and the city’s home rule powers; and

WHEREAS, the PZB was granted various powers and jurisdiction by the City Code, the Zoning Ordinance, and Subdivision Regulations;

WHEREAS, the PZB is authorized and directed to adopt rule of procedure for the conduct of meetings and hearings on matters within its jurisdiction (“*Rules of Procedure*”), which shall be ratified by the City Council; and

WHEREAS, the Members of the PZB have determined that it would be in the best interest of the City and the general public to adopt the following Rules of Procedures and to conduct its business in accordance therewith.

Article II. DEFINITIONS AND GENERAL PROVISIONS

Section 2.01 Definitions. The following terms shall have the following meanings when used in these Rules of Procedure:

- (a) “*Applicant*” means a person or business entity seeking relief from the PZB.
- (b) “*City*” means the City of Des Plaines, Cook County, Illinois.
- (c) “*City Code*” means the City of Des Plaines City Code, as it has been and may be amended from time to time.
- (d) “*City Council*” means the Mayor and the City Council of the City of Des Plaines, Cook County, Illinois.
- (e) “*Member*” appointed and voting member of the PZB.
- (f) “*PZB*” means the Planning and Zoning Board of the City of Des Plaines, Cook County, Illinois.
- (g) “*Subdivision Regulations*” means the City’s Subdivision Regulations set forth in Title 13 of the City Code, as they have been and may be amended from time to time.
- (h) “*Zoning Ordinance*” means the City’s Zoning Ordinance set forth in Title 12 of the City Code, as it has been and may be amended from time to time.

Section 2.02 General Provisions.

- (a) **Tense and Form.** Words used or defined in one tense or form shall include other tenses and derivative forms.
- (b) **Gender.** The masculine gender shall include the feminine and neuter. The feminine gender shall include the masculine and neuter. The neuter gender shall include the masculine and feminine.
- (c) **Headings.** Headings provided are intended as a convenience to the user. In case of any difference of meaning or implication between the text of these Rules and any heading, the text shall control.
- (d) **Conflicts.** In the case of a conflict between these Rules and the codes and ordinances of the City or the laws of the State of Illinois or the United States, such codes, ordinances and laws shall control.
- (e) **Amendments.** These Rules may be amended only upon compliance with the requirements of Section 2-2-2 of the City Code for the adoption of PZB Rules of Procedure. A copy of any proposed amendment shall be provided to all Members of the PZB not less than three days prior to a vote on the adoption thereof.
- (f) **Waiver.** The chairman may, upon good cause shown, waive any Rule that relates solely to the conduct of the PZB's meeting or hearing and is not mandated by City's codes or ordinances or State law.

Article III. PZB CREATION AND ORGANIZATION

Section 3.01 Creation. The PZB has been established by the City Council pursuant to the City's authority as a home rule municipality and as provided in Sections 11-13-3 and 11-12-4 of the Illinois Municipal Code (65 ILCS 5/11-13-3, 65 ILCS 5/11-12-4). The establishment of the PZB is provided for in Section 2-2-1 of the Des Plaines City Code.

Section 3.02 Powers and Duties. The PZB has the powers and duties assigned to it by the City Council by the following codes, ordinances and other actions:

- (a) Chapter 2, entitled "Planning and Zoning Board," of Title 2, entitled "Boards and Commissions" of the City Code;
- (b) Section 12-2-3, entitled "Planning and Zoning Board," of Title 12, entitled "Zoning Ordinance" of the City Code
- (c) Title 13, entitled "Subdivision Regulations" of the City Code; and
- (d) Such other powers and duties germane to the powers now or that may hereafter be granted or as may be conferred by the City Council.

Section 3.03 Members. The PZB shall have seven Members, or such other number as may be established in the City Code. The Members shall be appointed to, serve on, and removed from, the PZB in the manner established in the City Code.

Section 3.04 Officers. The PZB shall have a Chair, Vice Chair, and Secretary, all of whom shall be appointed as provided in the City Code. In the absence of the Chair and Vice Chair, the PZB shall elect a chair pro-tem to act as chair.

Section 3.05 Code of Ethics; Conflicts of Interest. The Members of the PZB shall be bound by the Code of Ethics set forth in Section 1-9-1. In addition, the Members of the PZB shall be bound by the Conflicts of Interest Provisions set forth in Article VIII below.

Article IV. MEETINGS

Section 4.01 Open Meetings Act. All meetings of the PZB shall be scheduled and held, and notice thereof shall be given, in the manner provided in the Open Meetings Act, 5 ILCS 120/1 *et seq.*

Section 4.02 Regular Meetings. PZB meetings shall be held on the second and fourth Tuesday of each month commencing at the hour of seven (7:00) P.M. in the City Council Chambers, and at such other times and places as may be called by the chair. The PZB shall establish a schedule of its meetings for each calendar year at the beginning of each calendar year in accordance with the requirements of the Open Meetings Act, 5 ILCS 120/2.03.

Section 4.03 Special Meetings. The PZB may conduct such special or emergency meetings as it determines may be necessary from time to time at the call of the Chair and in compliance with the Open Meetings Act, 5 ILCS 120/2.02.

Section 4.04 Workshops. The PZB may hold such workshop sessions as it determines may be necessary from time to time.

Section 4.05 Closed Meetings. The PZB may hold meetings or portions of meetings that are closed to the public, but only in compliance with the Open Meetings Act, 5 ILCS 120/2

Section 4.06 Quorum. No meeting of the PZB may be conducted without the presence of a quorum, which shall consist of a majority of the currently appointed PZB members

Section 4.07 Attendance.

- (a) A Member's unexcused absence without good cause shown from four PZB meetings in a six month period shall be grounds for the Chair to recommend to the Mayor that the Member be removed.
- (b) To help ensure the presence of a quorum at each meeting of the PZB, all Members of the PZB shall notify the Secretary, or his designee, if they are unable to attend any meeting of the PZB. Such notice shall be provided as far in advance as is practical under the circumstances.

Section 4.08 Necessary Vote. The affirmative vote of at least a majority of the currently appointed PZB Members shall be necessary to adopt any motion to overturn a decision of the zoning administrator, to grant a variation that is within the PZB's jurisdiction, or to pass upon any matter over which the PZB is granted final authority. The affirmative vote of at least a majority of the PZB Members present shall be necessary to recommend approval of any matter referred to the PZB for hearing and recommendation. Any lesser vote on any such motions, even if a majority of those voting, shall be considered a final decision to deny or recommend denial of such matter or application.

ARTICLE V. ORDER OF BUSINESS/AGENDAS

Section 5.01 Establishing the Agenda. The Chair shall establish the items to be included on the agenda for each meeting of the PZB. Each agenda shall be established in consultation with the Secretary. In establishing each agenda, the Chair and Secretary shall consider the number of pending dockets, the complexity of such dockets, and any applicable time constraints for the processing of such dockets.

Section 5.02 Order of Business. In general, the order of business for each agenda shall contain the following items in the following order:

1. CALL TO ORDER
Performed by the Chair, the Vice-Chair or the chair pro-tem.
2. ROLL CALL
Performed by the Secretary.
3. CONSIDERATION OF MINUTES
Consideration of any unapproved minutes of any previous PZB meetings.
4. PUBLIC COMMENT TIME
Opportunity for Members of the public to speak on topics not otherwise appearing on the meeting agenda.
5. PENDING APPLICATIONS
 - a. CONTINUED APPLICATIONS
Consideration of PZB Dockets (in numerical order) for which the public hearing or meeting has previously been convened and continued by the PZB, and on which substantive evidence has been heard by the PZB.
 - c. NEW APPLICATIONS
Consideration of PZB Dockets (in numerical order) for which no public hearing or meeting has previously been convened or on which no substantive evidence has been heard by the PZB.
8. OLD BUSINESS
Consideration of any matters previously before the PZB.
9. NEW BUSINESS
Consideration of any matters not previously before the PZB.
10. ADJOURN

Section 5.03 Modification of Order of Business. The order of items on the agenda as distributed may be modified or rearranged by the Chair, for good cause shown, with the consent of the PZB.

Section 5.04 Distribution of Agenda and Related Materials. The agenda for each PZB meeting and all relevant materials prepared by applicants or City staff shall be distributed to each PZB Member by the Secretary. When meetings are scheduled for Tuesday evening, the distribution shall be on Friday evening. When meetings are scheduled for other times, the distribution shall be at a time designated by the Chair.

Article VI. CONDUCT OF HEARINGS AND MEETINGS

Section 6.01 Robert's Rules of Order. Robert's Rules of Order Newly Revised, current edition, shall govern the conduct of meetings of the PZB. However, Robert's Rules of Order shall not govern where they conflict with these Rules of Procedure or other applicable law.

Section 6.02 Standards of Decorum. All PZB Members and all others attending meetings of the PZB shall conduct themselves in a manner that shall not disrupt the business of the PZB. The Chair may indicate that persons who become personally abusive or in other ways violate ordinary standards of decorum will be ruled out of order.

Section 6.03 Public Comment Time.

- (a) The agenda of every regular and special meeting of the PZB shall include a reservation of time at the beginning of the meeting for public comment (“*Public Comment Time*”).
- (b) The Chairman shall recognize and allow to speak any person desiring to speak during Public Comment Time.
- (c) Public Comment Time is in addition to, and does not replace, the opportunity for the public to speak during any duly convened public hearing or meeting conducted by the PZB on a specific Docket.
- (d) If a person desires to speak during Public Comment Time about a matter or Docket that is the subject of its own agenda item at the same meeting, and public comment will be allowed during that agenda item whether by designation of the Chair or in the course of a duly convened public hearing, the Chair may require that person to speak about the matter during the agenda item instead of during Public Comment Time. If no public comment will be allowed during the specific agenda item, then the person will be allowed to speak about the matter during Public Comment Time.
- (e) The total amount of time allocated for Public Comment Time at any meeting shall not exceed 30 minutes, unless determined otherwise by the Chair. In the event that all persons desiring to speak during the Public Comment Time are not able to do so within the time limit allowed, the Chair may either extend the time allocated for Public Comment Time, or allow for continuation of Public Comment Time after the completion of all other matters on the agenda, or as the PZB may otherwise determine.
- (f) No person shall speak during the Public Comment Time for more than three minutes, unless the Chair designates a longer or shorter time period. Generally, the longer or shorter time period will apply to all persons participating in the Public Comment Time at the same meeting.

Section 6.04 Applicant Appearance Required at Hearing. The Applicant or its agent or counsel must be present in person at any and all PZB hearings relative to a specific request for Conditional Use, Variation, Amendment, or Appeal (collectively, “*Requested Relief*”). The applicant landowner, corporation, partnership, or any other non-homeowner entity must be present either individually or by his/her/their agent or by his/her/their counsel at any and all PZB hearings on the Requested Relief.

Section 6.05 Applicant's Presentation of Evidence. The Applicant is solely responsible for presenting testimony and evidence to the PZB supporting its application for the Requested Relief and establishing that it satisfies the standards and requirements set forth in the Zoning Ordinance for the Requested Relief. The

Applicant should be given wide latitude to present testimony, evidence, and witnesses in support of its application.

Section 6.06 Continuances. Any Applicant may request and shall be granted one continuance of a public hearing on an application. If an applicant fails to appear at a scheduled hearing without giving prior notice to the Secretary, the hearing shall be continued once so long as applicant has not previously used said one continuance. Any further requests for continuance by the applicant shall be subject to the approval of the PZB for good cause shown.

Section 6.07 Registration of Participants at the Hearing. Anyone besides the Applicant who will testify at a PZB hearing(s) relative to specific Requested Relief must sign in prior to the commencement of that PZB hearing relative to that specific Requested Relief by using one or more of the following three sign in sheets:

- (a) Each person testifying in favor of the Requested Relief shall have five minutes to present testimony.
- (b) Each person testifying against the Requested Relief shall have five minutes to present testimony.
- (c) Each person testifying neither in favor of or in opposition the Requested Relief shall have five minutes to present his/her testimony.

The Chair may, in his or her discretion and with the consent of the PZB, adjust these time in an equitable fashion. Designated and pre-registered representatives of groups either in favor or against the Requested Relief may be granted extended time to present testimony.

Section 6.08 Registration of Participants Prior to the Hearing. Property owners within 300 feet of the property is that is the subject of the Request Relief (“*Subject Property*”) and those persons with a special interest beyond that of the general public (“*Interested Parties*”) who wish to cross-examine witnesses must complete and file an appearance with the City Clerk and Director of Community Development no later than 4:30 p.m. five (5) business days preceding the PZB hearing using the form attached hereto as *Appendix A*. If such appearance is not timely filed, the Chair, in his discretion may continue the hearing to a date certain. Attorney(s) for any objectors must complete and file an appearance with the City Clerk and Director of Community Development no later than 4:30 p.m. five (5) business days preceding the PZB hearing.

Section 6.09 Testimony Under Oath at Hearing. Any person providing testimony either in favor or against the Requested Relief shall testify under oath or by affirmation. Any attorney shall be sworn only if he/she offers testimony or introduces evidence.

Section 6.10 Identification of Participants at Hearing. All persons participating in a hearing shall identify themselves for the record by giving their name and address both orally and in writing.

Section 6.11 Admissibility of Evidence at Hearing. The Chair may impose reasonable limitations on evidence or testimony presented, may grant additional time limits, and may bar repetitious, cumulative, irrelevant, immaterial, or clearly slanderous testimony. The PZB shall not be bound by the strict rules of evidence; however, repetitious, cumulative, irrelevant, immaterial, or clearly slanderous testimony shall not be admissible and will be stricken from the record. The Chair shall rule on all questions related to the admissibility or materiality of evidence. Any such ruling may be overruled by a majority of the PZB Members present following proper motion procedure. The Chair may impose reasonable conditions on the conduct of the hearing considering the following factors:

- (a) The complexity of the issue(s);

- (b) Whether the witness possesses special expertise;
- (c) Whether the testimony reflects a matter of taste or personal opinion or concerns a disputed issue of fact;
- (d) The degree to which the witness's testimony relates to the factors to be considered in approving or denying the Requested Relief; and
- (e) Any other factors appropriate for the hearing.

Section 6.12 Order of Presentation at Hearing. The order of presentation of evidence at a PZB hearing shall generally be in the following order, but, absent abuse of discretion, may be modified by the Chair:

- (a) With the permission of the Chair, at any time during the PZB hearing any Member or City staff may ask question(s) of the Applicant or other witnesses so long as said question(s) do not constitute a lack of decorum or a disruption of orderly proceedings. The Chair shall determine the timeliness, duration, and order of said question(s).
- (b) Introductory statement of the Chair regarding the nature of the case, the Requested Relief, and submittal of proof of notice.
- (c) Identification of Applicant;
- (d) If desired, opening statement by the Applicant briefly outlining the nature of the Requested Relief;
- (e) Testimony and other evidence by the Applicant;
- (f) PZB's examination of Applicant, Applicant's witnesses and other evidence;
- (g) Report by staff.
- (h) Cross-examination of Applicant, Applicant's witnesses and other evidence by interested persons and/or objectors who have timely filed their appearance with the City Clerk;
- (i) Testimony and other evidence by others in favor of the Requested Relief;
- (j) Testimony and other evidence by objectors to the Requested Relief; if any;
- (k) PZB's examination of objector(s), objectors' witnesses and other objector's evidence by Applicant.
- (l) Cross-examination of objector, objectors' witnesses and other objector evidence;
- (m) Testimony and other evidence by persons who are neither in favor of nor opposed to the Requested Relief; if any;
- (n) Summary/Closing by Applicant.
- (o) Summary /Closing by Objectors.

- (p) Discussion by the PZB.
- (q) At any point during the PZB hearing, any Member may call upon witnesses who have not previously testified such as a City staff and their consultants.
- (r) Closure of the public hearing by motion.

Section 6.13 PZB Decision Following Hearing. As set forth in the City of Des Plaines Zoning Ordinance and administered by the Director of Community and Economic Development, following public hearing, deliberation, and vote(s), the PZB is authorized and empowered to make the final decision or recommendation to the City Council regarding specific Requested Relief. In either case, at the conclusion of the evidence at the PZB hearing, the PZB shall make its decision by motion(s) made and seconded and approved by a roll call vote. All motions on final decisions or recommendations shall be stated clearly, concisely, and unambiguously and shall be in the form of either a motion to approve, a motion to deny, and/or a motion to approve subject to conditions. Should the PZB attach conditions to their approval, the motion should be presented as a motion to approve subject to conditions. Where multiple Requests for Relief are sought, separate and distinct motions to approve, motion to deny, and/or motion to approve subject to conditions are specifically required.

Section 6.14 Necessary Vote. An affirmative vote of a majority of the currently appointed Members of the PZB is required to adopt any motion to overturn a decision of the zoning administrator, to grant a variation that is within the PZB's jurisdiction, or to pass upon any matter over which the PZB is granted final authority. The affirmative vote of at least a majority of the PZB Members present shall be necessary to recommend approval of any matter referred to the PZB solely for hearing and recommendation to the City Council. Any lesser vote on any such motions, even if a majority of those voting, shall be considered a final decision to deny or recommend denial of the Requested Relief.

Article VII. TRANSMITTAL OF DECISIONS AND RECOMMENDATIONS

Section 7.01 Written Decision Following Hearing. For all PZB action, whether be it a final decision or recommendation, within (30) thirty days of the date of the hearing a written decision shall be prepared and transmitted to the Director of Community and Economic Development and to the applicant.

Section 7.02 Record of Proceeding on Hearing. A record of proceedings of any PZB hearing shall be maintained by the Secretary who shall summarize accurately or cause to be kept a verbatim transcript of all that is spoken at any PZB meeting, including but not limited to PZB hearings; shall record and maintain permanent minutes of the PZB's proceedings, showing the vote of each Member upon every motion or, if absent, or if abstaining, or, if failing to vote, indicating that fact. If the Applicant seeks a verbatim transcript of the Hearing, the Applicant shall be responsible for paying the cost of the preparation of such transcript.

Section 7.03 Maintaining a Public Record After Hearing. For all Requested Relief brought before and heard by the PZB, the Director of Community and Economic Development shall maintain a permanent public record, open for public inspection, of all written and tangible materials relative to every case, including but not limited to:

- (a) All application materials;
- (b) All surveys, plats, site plans, architectural drawings, engineering specifications, fire and building safety requirements, and traffic studies;
- (c) All materials in opposition to the application;

- (d) All staff reports;
- (e) All minutes of meetings;
- (f) All records of vote(s);
- (g) All records of decisions and recommendations;

Should any Requested Relief brought before and heard by the PZB be supplemented by any additional evidence introduced at the hearing, the Director of Community and Economic Development shall require the proponent of that evidence to provide a copy of the same to be maintained as part of the public record. Should any Requested Relief brought before and heard by the PZB be modified in any manner at the hearing, the Director of Community and Economic Development shall require the applicant to provide a copy of any modification to be maintained as part of the public record.

Article VIII. CONFLICTS OF INTEREST

Section 8.01 Definitions. For the purpose of this Article VIII, the following terms shall have the following meanings:

- (a) “**Business Entity**” means any firm, proprietorship, partnership, association, corporation, venture, trust, or similar organization, including, without limitation, a charitable or religious institution.
- (b) “**Immediate Relation**” means a spouse, domestic partner, child, grandchild, parent, grandparent, or sibling of the Member, or the child, grandchild, parent, grandparent, or sibling of the Member’s spouse or domestic partner.
- (c) “**Not-for-Profit Business Entity**” means a Business Entity that qualifies as a not-for-profit entity under section 501(c) of the United States Tax Code and is registered with the Secretary of State of Illinois as a not-for-profit entity permitted to conduct business in the state of Illinois.
- (d) “**Official Action**” means any action to recommend, approve, deny, or approve with conditions any Request Relief.
- (e) “**Owner**” means any person that owns 2.5% or more of the subject Business Entity.

Section 8.02 Prohibited Representations. A Member of the PZB shall not, under any circumstances, represent an Applicant seeking relief from the PZB at any hearing, meeting, or other assembly of the PZB. Nothing in this Article shall be deemed or interpreted as prohibiting a Member from appearing on behalf of him or herself at a hearing, meeting, or other assembly of the PZB, or before City staff, upon compliance with the rules for disclosure set forth in Section 8.03(c) of these Rules and the rules for recusal set forth in Section 8.03(d) of these Rules.

Section 8.03 Disclosure and Recusal.

- (a) **Circumstances Requiring Both Disclosure and Recusal.** In the following circumstances, a Member must disclose his or her interest in compliance with the rules for disclosure set forth in Section 8.03(c) of these Rules, and must recuse himself or herself from any deliberation, discussion, or official action of the PZB in compliance with the rules for recusal set forth in Section 8.03(d) of these Rules:
- (i) **Current Representation of Applicant on Related Matters.** The Member, or the Business Entity of which the Member is an Owner, officer, director, partner or employee, is currently representing the Applicant appearing before the PZB on the same or related matter for which the Applicant is seeking relief before the PZB.
 - (ii) **Member's Immediate Relation as Applicant.** The Applicant appearing before the Official's Board is an Immediate Relation of the Member.
 - (iii) **For-Profit Business Entity as Applicant.** The Applicant appearing before the PZB is either (a) the for-profit Business Entity of which the Member is an Owner, officer, director, partner or employee, or (b) another Owner, officer, director, partner or employee of the for-profit Business Entity of which the Member is an Owner, officer, director, or employee.
 - (iv) **Not-for-Profit Business Entity as Applicant – Direct Relationship.** The Applicant appearing before the PZB is a Not-for-Profit Business Entity of which the Member is an Owner, officer, director, partner or employee.
 - (v) **Appearance of Impropriety.** The Member has a connection to the Applicant or matter before the PZB such that the Member's participation in any deliberation, discussion, or Official Action related to the Applicant or matter would create the appearance of impropriety.
- (b) **Circumstances Requiring Disclosure But Not Recusal.** In the following circumstances, an Member must disclose his or her interest in compliance with the rules for disclosure set forth in Section 8.03(c) of these Rules:
- (i) **Current Representation of Applicant on Unrelated Matters.** The Member has actual knowledge that the Member, or the Business Entity of which the Member is an Owner, officer, director, partner or employee, is currently representing the Applicant appearing before the PZB on a matter that is not related to the matter for which the Applicant is seeking relief before the PZB. If the Member is prohibited from disclosing the existence or nature of a representation pursuant to that Member's otherwise applicable professional ethical requirements, the Member shall recuse himself or herself without disclosure from any deliberation, discussion, or Official Action of the Board in compliance with the rules for recusal set forth in Section 8.03(d) of these Rules.
 - (ii) **Previous Representation of Applicant.** The Member has actual knowledge that the Member, or the Business Entity of which the Member is an Owner, officer, director, partner or employee, has previously represented within the past 12 months, but is not currently representing, the Applicant appearing before the PZB. If the Member, or the Business Entity of which the Member is an Owner, officer, director, partner or employee, ceased its representation of the Applicant more than 12 months prior, the Member is not required to disclose the representation. If the Member is prohibited from disclosing the existence or

nature of a representation pursuant to that Member's otherwise applicable professional ethical requirements, the Member shall recuse himself or herself without disclosure from any deliberation, discussion, or Official Action of the Board in compliance with the rules for recusal set forth in Section 8.03(d) of these Rules.

- (iii) Not-for-Profit Business Entity as Applicant – Indirect Relationship. The Applicant appearing before the PZB is a Not-for-Profit Business Entity with which the Member is affiliated, but not an Owner, officer, director, partner or employee, or (b) an Owner, officer, director, or employee of a Not-for-Profit Business Entity with which the Member is affiliated, but of which the Member is not an owner, officer, director, or employee. For purposes of this Article VIII, “affiliated” means (i) a volunteer for a not-for-profit, charitable or religious institution, (ii) a congregant of a religious institution, or (iii) any similar relationship to a Not-for-Profit Business Entity by which the Participating Member receives no remuneration.
 - (iv) Member’s Non-Immediate Relation as Applicant. The Applicant appearing before the PZB is related to the Member by blood, marriage or adoption but is not an Immediate Relation.
- (c) **Rules for Disclosure.** Where these Rules require disclosure of an Member’s interest, the Member shall make such disclosure as follows:
- (i) The Member shall state on the record (a) that he or she has an interest for which disclosure is required, and (b) the nature of that interest.
 - (ii) The Member’s statement shall be made at the hearing or meeting of the PZB from which the interest requiring disclosure has arisen.
 - (iii) The Member’s statement must be made prior to any deliberation, discussion, or Official Action taken by the PZB on matters involving such interest.
 - (iv) Upon making disclosure in compliance with this Subsection, the Member may participate in any deliberation, discussion, or Official Action related to the matter for which disclosure was required, unless recusal is also required, in which case the Member shall comply with the requirements of Section 8.03(d) of these Rules.
 - (v) Notwithstanding the provisions of Section 8.03(d) of these Rules, in the event that the Member is the Applicant appearing before the PZB, the Member may not cast a vote in connection with any proposed Official Action regarding the matter for which disclosure is required.
- (d) **Rules for Recusal.** Where these Rules require the recusal of an Member, the Member shall recuse himself or herself as follows:
- (i) The Member shall first disclose the interest for which recusal is required, in accordance with and pursuant to Section 8.03(c) of these Rules.
 - (ii) Following such disclosure, the Member shall depart the room in which the Board will conduct any proceedings related to the matter for which recusal is required. The Member shall not re-enter such room until such time as the Board concludes its deliberation, discussion or Official Action on such matter.

(iii) Following the disclosure required pursuant to Section 8.03(d)(i) of these Rules, and until the Board takes Official Action regarding the matter for which the Member has recused himself or herself, the Member shall not communicate in any manner regarding the matter for which the Member has recused himself or herself with (a) any other Member of the PZB, (b) any member of the City Council, or (c) any City employee who the Member knows or should know is familiar with the matter for which recusal was required.

(e) **Representations Before Other Commissions and City Staff.**

- (i) Representations Before Other Commissions. A Member may represent an Applicant before a Board or Commission other than that PZB, upon disclosure by the Member at a public meeting of the other Board or Commission before which the Member is representing the Applicant (1) of his or her status as an Member, and (2) that, prior to the disclosure, he or she has not communicated with any Member of the other Board or Commission before which the Member is representing the Applicant.
- (ii) Representations Before City Staff. A Member may not represent any person or Business Entity before City staff regarding the issuance of a permit or approval for a matter for which (1) the City has discretionary authority (for example, the approval of a zoning map amendment), and (2) the PZB has, or in the future may have, jurisdiction. A Member may represent any person or Business Entity before City staff regarding the issuance of a permit or approval for a matter for which the City does not have discretionary authority (for example, the issuance of a building permit).

Article IX. EFFECTIVE DATE

These Rules shall be effective upon:

- A. Approval of a majority vote of the Members of the entire PZB
- B. Review and approval by the City’s General Counsel; and
- C. Ratification by the City Council

ADOPTED BY THE PZB OF THE CITY OF DES PLAINES ON [*INSERT DATE*].

AYES:
NAYS:
ABSTAIN:
ABSENT:

ADOPTED BY THE CITY COUNCIL OF THE CITY OF DES PLAINES ON [*INSERT DATE*].

AYES:
NAYS:
ABSTAIN:
ABSENT:

**CITY OF DES PLAINES
PLANNING AND ZONING BOARD (PZB)
PUBLIC HEARING APPEARANCE FORM**

Any person who wishes to appear at a City of Des Plaines PZB public hearing as an "interested party" with the right to cross-examine others must complete and file this appearance form with the Chair of the PZB no later than five business days prior to the commencement of the hearing.

NOTE: IT IS NOT NECESSARY TO COMPLETE THIS FORM TO MAKE A GENERAL STATEMENT, OR OTHERWISE SPEAK AT THE PUBLIC HEARING WITHOUT CROSS EXAMINATION.

Please provide the following information:

NAME: _____

ADDRESS: _____

E-MAIL: _____

TELEPHONE NUMBER: _____

PZB DOCKET NUMBER: _____

PLEASE PROVIDE A BRIEF EXPLANATION OF YOUR SPECIAL INTEREST IN THE PUBLIC HEARING (such as, without limitation, your property is within 300 feet of the subject property, or your property shares facilities with the subject property that may be impacted):

PLEASE DESCRIBE THE NATURE OF THE TESTIMONY YOU INTEND TO PROVIDE AND THE QUESTIONS YOU DESIRE TO POSE AT THE PUBLIC HEARING:

PRIVACY NOTICE: The information provided on this form is required for the purposes of the public hearing before the PZB. These forms are subject to properly filed Freedom of Information Act requests, but will be redacted to protect "private information" as that term is defined in the Illinois Freedom of Information Act (5 ILCS 140).



Rules of Procedure
Zoning BoardZBA of Appeals
Adopted _____, 2021

I. General Provisions

A. These rules are supplementary to the provisions of the Village Code, the Zoning Ordinance, the Subdivision Ordinance of the Village of Kenilworth, and any ordinances, resolutions, or rules adopted by the Village Board as they relate to the Zoning Board of Appeals (“ZBA”).

B. The rules of procedures adopted herein (“Rules”) by the ZBA shall govern the ZBA; provided, however, that in the event a different procedure is required by law, or by a declaration of a federal, state, or local emergency, the different or more specific protocol or procedure shall govern and control.

II. Members and Duties

A. The Chair of the ZBA (“Chair”) is appointed by the Village President and Board of Trustees. The Chair shall preside at all meetings and hearings of the ZBA, shall administer oaths to witnesses, shall decide all points of order or procedure, and shall hold this office until their successor is appointed.

B. In the absence of the Chair for any meeting or hearing of the ZBA, the Chair of the Village of Kenilworth Plan Commission (“Plan Commission”) shall serve as the acting chair of the ZBA, but only if the Chair of the Plan Commission has been appointed as an *ex officio* member of the ZBA. In the absence of the Chair of the ZBA and the Chair of the Plan Commission, or if the Chair of the Plan Commission has not been appointed as an *ex officio* member of the ZBA, the members of the ZBA shall designate another ZBA member as the acting Chair for such meeting or hearing by a majority vote of those present.

C. The Administrative Official employed by the Village pursuant to Section 153.225 of the Village Code, or such other person as is appointed by the Village Manager, shall act as custodian of record for the ZBA, recording the minutes of each ZBA meeting or hearing and performing all pertinent activities relating to the ZBA, including, but not limited to, providing notice to residents of pending meetings or hearings of the ZBA, in accordance with the provisions of the Village Code and State law.

III. Meetings

A. Regular meetings of the ZBA will be held on the second Monday of every other month at 7:00 P.M., or such other days and/or times as determined by the ZBA, in the Village Hall or other advertised place, unless such day shall be a recognized holiday, for the purpose of holding public hearings and conducting other business. Any regular meeting may be cancelled by the ZBA if any case or matter is not ready to proceed, or if a quorum of the ZBA is not available for a regular meeting.

B. Special meetings of the ZBA may be called by the Chair, or upon the request of any three members of the ZBA, or upon the majority vote of the ZBA during a meeting, provided forty-eight

hour notice is given to each member of the ZBA and posted in accordance with the Open Meetings Act, 5 ILCS 120/1 *et seq* ("Open Meetings Act").

C. An agenda will be prepared by the Administrative Official, or other designated person, with the approval of the Chair, for each regular or special meeting of the ZBA and distributed to each member prior to the meeting. The Administrative Official or other designated person will also distribute such material as plats, surveys, petitions, copies of public notice, etc., as may pertain to the agenda.

D. A quorum shall consist of four members of the seven member ZBA.

E. All meetings of the ZBA shall comply with the Open Meetings Act.

F. Roberts Rules of Order shall be used as the Parliamentary authority in situations not covered by the Village Code, ordinances, resolutions, and rules adopted by the Village Board, these Rules, and state law.

G. The order of business for public meetings and hearings shall be determined by the Chair from time to time. The order of items on the agenda as distributed may be modified or rearranged by the Chair with the consent of the Board.

IV. Public Comment

The Rules for Public Comment adopted by the Village President and Board of Trustees on April 20, 2000 ("Rules for Public Comment"), ~~as and thereafter~~ amended, shall govern the ZBA.

V. Public Hearings

A. Notice of public hearings shall be given in accordance with the Village Code and State law.

B. The petitioner, or their authorized representative, must be present at the public hearing.

C. Public hearings will be conducted according to the following Code of Conduct. This Code is calculated to result in a just and lawful determination of the issues as promptly as possible and in an orderly fashion.

1. Each person speaking shall first be sworn in as a witness, and shall identify themselves and provide their address. If a speaker chooses, they may decline to provide their address.
2. All materials presented as evidence will be retained and filed by the ZBA.
3. Petitioners or objectors may present witnesses for direct questioning. The ZBA may limit the number of witnesses whose testimony is cumulative only or ~~if relevant to~~ not of a matter before the ZBA.
4. Cross-examination of witnesses shall be permitted; provided that the Chair may limit redundant questions and make other limitations based on relevancy.
5. The Chair may require a preliminary statement of the nature of the evidence proposed to be elicited from the witness.
6. All questions or statements from the floor must be directed to the ZBA. All others may be ruled out of order. The Chair shall determine the manner in which responses to questions or statements from the public will be handled. In general, following the conclusion of all public participation, the Chair shall direct the questions from the public to the applicant in an orderly and consolidated manner for response.

7. The Chair shall have the right to interrupt a speaker in order to enforce these Rules or other applicable rules.
8. Public comment and testimony will take place in accordance with the Rules for Public Comment.
9. The Chairperson shall allow the petitioner a reasonable time to respond to the public testimony and comments presented.
10. Following public testimony and comment and the petitioner's response, the ZBA may discuss, in an orderly fashion, the application and all material presented. No further public testimony or comment nor further applicant information may be presented without permission of the Chair. During this discussion, members of the ZBA may ask the Chair to direct additional questions to the petitioner, witnesses for the petitioner, or members of the public who testified. Witnesses for the petitioner or members of the public may not address the ZBA during this portion of the meeting without the consent of the Chair.

D. Based on the ZBA's discussions, the ZBA may: (i) act on a recommendation on the application; (ii) direct the petitioner, Village staff and/or Village Attorney to provide new or additional information in connection with the application; (iii) enter a final determination where the ZBA has final authority to act on an application; or (iv) take such other action as may be permitted by law.

E. Continuances:

1. All continuances shall be to a date certain; no further notification is required.
2. One continuance will be granted to a petitioner, if requested. Further continuances will be at the ZBA's discretion.
3. If after the presentation of the petitioner's proposal, other interested parties wish to have the hearing continued so that they might prepare evidence or testimony of their own concerning or in response to the petitioner's proposal, the ZBA may grant a continuance.

VI. Amendment to Rules

These Rules may be amended by a vote of four members of the ZBA at any regular meeting of the ZBA.

**VILLAGE OF LINCOLNWOOD
RULES OF PROCEDURE FOR THE
PLAN COMMISSION**

Adopted _____, 2022

ARTICLE I - General Provisions

Section 1: It is the purpose of these rules to establish a guide for the proceedings of the Lincolnwood Plan Commission (“**Plan Commission**”). These Rules of Procedure are adopted pursuant to Section 3-5-2 of the Municipal Code of Lincolnwood (“**Village Code**”), which provides that the Plan Commission shall adopt its own bylaws for its own guidance, and that are consistent with the provisions of the Village Code.

These rules are supplementary to the provisions of the Village Code, the Village of Lincolnwood Zoning Ordinance, the Village Subdivision Ordinance, and any ordinances, resolutions, or rules adopted by the Village Board as they relate to the Plan Commission.

Section 2: Any member of the Plan Commission who has any financial, personal, or other conflicting interest in a matter before the Plan Commission must recuse themselves and may not: (a) participate in any hearing or portion of a meeting at which the matter is under consideration; or (b) vote on any motion concerning the matter. Procedures related to Conflicts of Interest are further set forth in Article VII of these Rules of Procedure.

Section 3: The Village Attorney must be consulted in cases where the powers of the Plan Commission are not clearly defined, or where legal questions are at issue.

ARTICLE II - Officers and Duties

Section 1: The officers of the Plan Commission will be the Chair. If the Chair is absent from a Commission meeting, a temporary presiding officer, or Acting Chair, will be elected from among the members of the Plan Commission to preside over that meeting.

Section 2: The Chair will supervise the affairs of the Plan Commission. The Chair will preside at all meetings of the Plan Commission; will establish such committees and sub-committees as may be necessary to carry out the duties of the Plan Commission; and will provide the oath that must be administered to all witnesses in cases before the Plan Commission. The Chair will be an ex-officio member of all committees and sub-committees so appointed.

Section 3: The Acting Chair, in the absence or disability of the Chair, will perform all the duties and exercise all the powers of the Chair.

Section 4: The Zoning Officer will act as Secretary of the Plan Commission and shall provide clerical and technical assistance to the Plan Commission. The Secretary of the Plan Commission or his/her designee will:

1. Record and maintain permanent minutes of the Plan Commission's proceedings, in accordance with the requirements of the Illinois Open Meetings Act, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact.
2. Keep records of its hearings and other official actions.
3. Record the names and addresses of all persons appearing before the Plan Commission, and provide accurate summaries of their testimony.
4. Have published in a local public newspaper the notices of meetings or hearings as required by law.
5. File the minutes and records in the office of the Village Clerk, which minutes and records will be of public record.
6. Be the custodian of the files of the Plan Commission and keep all records.

ARTICLE III - Meetings

Section 1: Regular meetings of the Plan Commission will be held on the first Wednesday of each month at 7 P.M. or at other such time and day to be agreed upon from time to time by the Plan Commission. Meetings will be held at the Village Hall or other advertised place.

Section 2: All meetings will be open to the public, except for those meetings that may be closed in compliance with the Illinois Open Meetings Act.

Section 3: A quorum of any regular or special meeting will consist of four Plan Commission members of the seven Member Plan Commission. If a vacancy exists on the Plan Commission, then a quorum will consist of a majority of the appointed members. No decision may be made without a quorum present.

Section 5: Special meetings of the Plan Commission may be called by the Chair, or upon the request of three or more members, provided that forty-eight hour notice is given to each member of the Commission and posted in accordance with the Illinois Open Meetings Act.

Section 6: Robert's Rules of Order Newly Revised, current edition will be used as the parliamentary authority in situations not covered by the Village ordinances, resolution, rules adopted by the Village Board, these Rules of Procedure, or State law.

Section 7: The Plan Commission must review the Rules of Procedure at least biannually at a regular meeting the Chair designates.

ARTICLE IV - Order of Business

Section 1: Meetings of the Plan Commission will ordinarily proceed as follows:

1. Call to Order / Roll call and declaration of quorum
2. Pledge of Allegiance
3. Changes to the Agenda
4. Approval of Minutes of the previous meeting
5. Old Business
6. New Business
7. Adjournment

Section 2: Continuances. Continuances may be granted to a specific time and date, at the discretion of and with the approval of a simple majority of the Plan Commission, for good cause shown. Continuances may be considered at the request of staff, a Plan Commission member, or any interested party who has entered their appearance.

Section 3: Failure of Applicant to Appear.

The applicant must be present at the hearing and may be represented by an attorney. Appearance of an applicant via power of attorney will not be permitted. When the applicant is a legal entity other than a land trust, a representative of the applicant (e.g., an employee or officer) must be present at the hearing. The Plan Commission may postpone or continue any hearing if the applicant's representative does not have sufficient knowledge or authority with respect to the application. The Plan Commission will resume the hearing when the applicant provides a representative with such sufficient knowledge or authority.

In the event that the applicant fails to appear at the hearing, the Plan Commission, in its discretion, may dismiss, continue, or act upon the matter. The Plan Commission may consider factors such as extenuating circumstances associated with the absence, complexity of the case, and level of public interest in the case.

Procedures for dismissal due to failure of an applicant to appear are as follows:

1. The Chair may entertain a motion from a Plan Commission member to dismiss a case for failure of the applicant to appear if no request for a continuance is made prior to the hearing. Dismissal requires a simple majority vote of the Plan Commission.
2. In cases that are dismissed when the applicant does not appear, the applicant will be furnished with written notice by the Secretary of the Plan Commission, or his/her designee.
3. The applicant will have seven days from date of notice of dismissal to apply for reinstatement of the case. In such cases, the applicant must file a written request with the Secretary for reinstatement. Reinstatement will be at the discretion of the Chair for good cause shown, and upon payment of a fee in the same amount as that required for initial filing.
4. In all reinstated cases, the case will be docketed and re-advertised in the usual manner prescribed for new cases.

ARTICLE V – Public Hearings

Section 1: Unless otherwise directed by the Chair, the procedure at a hearing will be as follows:

1. Opening of hearing by Chair
2. Statement by Zoning Officer summarizing the application
3. Identification of Applicant
4. Swearing in of witnesses
5. Applicant makes statement and presents evidence
6. [Insert existing Lincolnwood procedures for cross-examination]
7. Report by staff
8. Public comment
9. Discussion by the Commission

The Chair, in their discretion, may alter the order of procedure as circumstances may require.

Section 2: Hearing Conduct. Hearings will be conducted according to the following standards of conduct. These standards are calculated to result in a just and lawful determination of the issues as promptly as possible and in an orderly fashion.

1. Other than attorneys, each person speaking must first be sworn in as a witness, and must identify themselves by indicating their name, title (if applicable), and address for the record.
2. Any member of the public who desires to make a statement will be recognized one time by the Chair. The Chair may refuse not to recognize any member of the public more than once.
3. All statements must be relevant to the subject matter of the public hearing or meeting. The Chair will rule out of order any person who makes statements which are not relevant. The Chair will be the judge of all relevance and materiality of evidence.
4. The Chair may impose a three-minute time limit for any particular hearing or for any individual's statement or testimony. Multiple individuals sharing a particular view are encouraged to make their feelings known through a single spokesperson; however, the spokesperson will be limited to the same time limits as all other speakers.
5. All materials presented as evidence will be retained and filed by the Plan Commission.
6. Applicants or objectors may present witnesses for direct questioning. The Commission may limit the number of witnesses whose testimony is cumulative only.
7. Cross-examination of witnesses will be permitted; provided that the Chair may limit redundant questions and make other limitations based on relevancy. *[Insert reference to existing Lincolnwood procedures for cross examination.]*
8. The Chair may require a preliminary statement of the nature of the evidence proposed to be elicited from the witness.
9. All questions or statements from the floor must be directed to the Chair. All others may be ruled out of order.

Section 3. Written Statements.

1. Anyone desiring to provide testimony may submit a statement in writing which will be included in the record. Written statements may be submitted to the Planning Commission via any of the following methods:
 - a. via email to [\[insert preferred Lincolnwood email address for submission of public comment\]](#) prior to the commencement of the meeting; or
 - b. by mail or personal delivery to Village Hall.
2. Written statements received before 11 A.M. on the Friday prior to the date of the public hearing will be included in the agenda packet distributed to the members of the Plan Commission and made available to the public on the Village website.
3. Written statements received after the agenda packet has been distributed will be distributed to the Commissioners and made available to the public in the following methods:
 - a. If the public hearing is conducted in person, written statements will be made available in hard copy for inspection by the public.
 - b. If the public hearing is conducted virtually, the Chair or the Chair's designee will read aloud any written statements into the record, provided that the Chair or the Chair's designee will not be obligated to read any written submissions for more than three minutes, or any written submissions provided by a person who has already provided oral testimony at the hearing

ARTICLE VI - Decisions

Section 1: The Plan Commission will conduct its vote in public session at the meeting in which evidence is concluded, unless the Plan Commission determines that additional time for deliberation is necessary.

Section 2: All recommendations of the Plan Commission will be made at a public meeting by motion made, seconded, and the Secretary polling the membership by for a vote. The motion which decides the issue will be in the form of fact and must state the reason(s) for the findings of the Plan Commission. If conditions are imposed in the granting of a variance or special use, such conditions must be included in the motion.

Article VII - Conflict of Interest

Section 1: Any member of the Plan Commission who has a conflict of interest in a matter before the Plan Commission may not participate in the discussion or vote thereon. Conflicts of interest may arise from various scenarios including, but not limited to, financial, ownership or property interests, conflicts with employment or appointments, or conflicts with a publicly-stated opinion on a pending application.

Section 2: If a Commission member has a conflict of interest, they must state so and remove themselves from the discussion while the matter is resolved. Such action will not affect the quorum established to conduct the meeting. The Commission member's recusal will be considered an abstention and will not be counted as either an aye or a nay vote. Further, the abstaining member will not be counted in determining the total number of votes required for approval of a matter before the Plan Commission, any statute, ordinance or rule of parliamentary procedure to the contrary notwithstanding.

Section 3: A Commission member that has publicly stated a position in the press, in a public forum or on a public petition in regards to a case prior to that case being voted on by the Plan Commission will be deemed to have a conflict of interest. In this event, the Plan Commission member must indicate such conflict of interest to the Chair and must recuse themselves from participating in that case.

ARTICLE VIII - Amendment of Rules

Section 1: These rules may be amended by [majority vote/a vote of five members] of the Plan Commission.

Section 2: A proposed amendment must be furnished to each member of the Plan Commission at least seven days before the regular or special meeting at which the amendment will be considered for adoption.



Plan Commission Discussion: Prioritization of Topics Awaiting Discussion

April 27, 2022

Background

Staff maintains a list of topics that could be the subject of potential policy discussions or public hearings. Topics are added to that list based on discussions with elected and appointed officials, or staff's own observations about aspects of the Zoning Code that warrant clarification or amendment to reflect Village policies. Given the backlog of topics staff is aware of, staff is seeking feedback from the Plan Commission regarding which topics should be prioritized for policy discussion and referral to the Village Board. To provide context for this task, the following summarizes items already in the public hearing process, or already referred to the Plan Commission and awaiting public hearing:

- On-going Public Hearing topics:
 - Potential amendments to Variation standards (hearing continued to May 4, 2022)
 - Potential amendments regarding the permissibility of short-term rentals (hearing continued to May 4, 2022)
 - Potential amendments regarding temporary structures (hearing continued to May 4, 2022)
- Topics referred to the Plan Commission and awaiting public hearing:
 - Potential amendments to fence regulations
 - Potential amendments regarding outdoor dining regulations and commercial signage
 - Potential amendments regarding permitted uses in certain districts

Potential Topics for Discussion

The following list includes topics that staff is aware of that have not yet been discussed by the Plan Commission or Village Board Committee of the Whole:

- Potential amendments to regulations related to transition yards between commercial and residential properties;
- Potential amendment related to the orientation of building entrances relative to the lot lines of the property and adjacency to other properties;
- Review of sign regulations based on legal determinations from higher courts;
- Regulations regarding the use of amateur radio antennas;
- Standards related to the installation of solar energy systems;
- The relocation of standards related to home occupations from the definitions section of the code to another section of the code; and
- Accessory dwelling units.

It is staff's expectation that over time, each of the items awaiting discussion will be addressed in some manner. However, prioritizing the issues will help ensure that amendments to the code are implemented in the most timely and effective manner possible. Based on the feedback of the Plan Commission and discussions with other staff, items will be brought forth to the Plan Commission for policy discussion and Village Board Committee of the Whole based on their respective level of priority.

Requested Action

Staff requests the each member of the Plan Commission identify his or her top three items in order of priority. During the April 27, 2022 workshop, staff will facilitate a discussion to determine if there is a consensus around certain topics.