



PLAN COMMISSION

RULES OF PROCEDURE

As amended September 25, 2003

TABLE OF CONTENTS

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
I.	General Provisions	3
II.	Officers and Duties	3
III.	Meetings	4
IV.	Order of Business	5
V.	Continuances	5
VI.	Failures of Appellant or Applicant to Appear	5
VII.	Procedure for Special-Use Permits	6
VIII.	Procedure for Amendments to Zoning Ordinance	7
IX.	Notices for Hearings	8
X.	Rules of Procedure for Public Hearings	8
XI.	Decisions	11
XII.	Records	12
XIII.	Amendments	12

ARTICLE I

GENERAL PROVISIONS

Section 1.1 These rules are formulated and adopted in conjunction with and as supplementary to, the provisions of applicable Illinois Statutes and The Oak Park Zoning Ordinance as those provisions relate to procedures of the Oak Park Plan Commission.

Section 1.2 Any Commission member who has a proprietary interest, or other conflict of interest, in any matter before the Commission shall not vote thereon and shall remove himself or herself from any meeting or hearing at which said matter is under consideration..

Section 1.3 Nothing herein shall be construed to give or grant to the Commission the power or authority to amend the Zoning Ordinance, including both the text and the zoning map, or the Comprehensive Plan. Such power and authority is reserved to the President and Board of Trustees of the Village of Oak Park.

Section 1.4 The Office of the Commission shall be in Village Hall of the Village of Oak Park.

Section 1.5 The Commission shall hold its hearings in the Village Hall in Oak Park, Illinois unless, in a particular case, the Oak Park Zoning Ordinance or the applicable statutes of Illinois require a hearing or hearings of the Commission to be held in another location, or unless the Commission directs that a particular hearing or hearings to be held elsewhere.

ARTICLE II

OFFICERS AND DUTIES

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

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

Section 2.3 The Chairperson shall supervise the affairs of the Commission, preside at all hearings or meetings of the Commission, appoint such committees and subcommittees as may be necessary to carry out the purposes of the Commission, and administer or authorize the administration of oaths. The Chairperson shall be an ex-officio member of all committees and subcommittees appointed.

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

Section 2.5 The Secretary shall:

- (a) Record or cause to be recorded, the minutes of the Commission's proceedings and actions, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact.
- (b) Keep a record of the Commission's official actions.
- (c) Act as custodian of the minutes and records of the Commission, which shall be maintained in the office of the Commission.
- (d) Record the names and addresses of persons appearing before the Commission.
- (e) Keep a brief record of the testimony of those appearing before the Commission, or cause a verbatim transcript of all hearings to be kept; whenever possible, make a tape recording of public hearings and preserve the tape recording for sixty days from the date of final action by the President and Board of Trustees. If an appeal is taken, the Secretary may make a brief record from the tape recording.
- (f) Subject to the instructions of the Chairperson, conduct the correspondence of the Commission and provide and have published notices of public hearings as required by law and these rules of procedure.
- (g) Receive, on behalf of the Commission, applications for zoning amendments and special-use permits, as well as other proposals to be considered by the Commission.

It is not the duty of, nor is it proper for, the Secretary or his/her staff to complete any application on behalf of an applicant, but the Secretary shall inform the applicant of the rules and practices of the Commission in order that complete presentations be made to the Commission.

Section 2.6 In the case of the absence or temporary disability of the Secretary, the person who is the Secretary's designee is authorized to carry out the functions of the Secretary's office until a successor is appointed.

ARTICLE III

MEETINGS

Section 3.1 Regular meetings, designated as public hearings, shall be held on the third Thursday of each month at 7:30 p.m. or at such other times as the Chairperson or any members of the Commission may direct.

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

Section 3.3 The Commission may hold special meetings at the call of the Chairperson or at the written request of 5 members of the Commission, provided at least 48 hours' notice of any such meeting is given in person or by mail to each member.

Section 3.4 All meetings of the Commission shall be open to the public, and no official action shall be taken except in public.

Section 3.5 No public hearing shall be held or official action taken unless a quorum is present. A quorum shall consist of 5 members of the Commission.

ARTICLE IV

ORDER OF BUSINESS

Section 4.1 The order of business for public hearings, unless otherwise set by the Chairperson, shall be as follows:

- (a) Roll call and declaration of quorum.
- (b) Call of cases on agenda and hearing of requests for continuances.
- (c) Hearings of applications for amendments to the Zoning Ordinance, special-use permits, and amendments to the Comprehensive Plan.
- (d) Approval of minutes of previous meeting(s).
- (e) Any other business presented by members of the Commission.
- (f) Adjournment.

ARTICLE V

CONTINUANCES

Section 5.1 Continuances of public hearings may be granted at the discretion of the Commission and only upon good cause shown. It is recognized that, where notice of a hearing has been published, considerable inconvenience may result too many interested persons in the event continuances are freely granted. Except in extreme circumstances, once a hearing is commenced, every effort shall be made to take all evidence and close testimony on the night the hearing is set.

ARTICLE VI

FAILURE OF APPELLANT OR APPLICANT TO APPEAR

Section 6.1 Whenever an applicant or his/her representative fails to appear, the Commission may choose to dismiss the case for want of prosecution.

Section 6.2 In cases which are dismissed for want of prosecution, the applicant shall be furnished written notice by the Secretary of the Commission.

Section 6.3 Dismissal for want of prosecution is not a determination on the merits and shall not of itself bar the filing of a new application.

ARTICLE VII

PROCEDURE FOR SPECIAL-USE PERMITS

Section 7.1 Applications for special-use permits may be filed alone or as an alternative to other zoning relief sought by the applicant.

Section 7.2 Any person having a proprietary interest in the property in question may file an application for a special-use permit with the Zoning Officer, or may file an application for a planned development with the Director of Planning, who shall forward a copy of the same to the President and Board of Trustees without delay. Said completed application shall set forth grounds which, if proven, would satisfy all standards set forth in the Zoning Ordinance.

Section 7.3 The President and Board of Trustees may refer the application to the Plan Commission, sitting as a Zoning Commission, for the purpose of holding a public hearing on the application. The Commission may request at any time a written recommendation from the Village Director of Planning and other Village departments.

Section 7.4 The Commission shall, in formulating its recommendation to the President and Board of Trustees, consider the Standards for special uses as set forth in Article 2, Section 2.2.3(D), of the Zoning Ordinance, to wit:

- (a) The proposed building or use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of the public convenience and will contribute to the general welfare of the neighborhood or community; and
- (b) The proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matters affecting the public health, safety and general welfare; and
- (c) The proposed building or use will be designed, arranged and operated so as to permit the development and use of the neighboring property in accordance with the applicable district regulations; and
- (d) The proposed building or use complies with the more specific standards and criteria established for the particular building or use in question by Article 4, Section 4.5 and Article 3, Section 3.9.1 of the Zoning Ordinance, and
- (e) The proposed building or use has been considered in relation to the goals and objectives of the comprehensive Plan of the Village of Oak Park, and
- (f) There shall be reasonable assurance that the proposed building or use will be completed and maintained in a timely manner, if authorized.

The Commission shall also consider any additional Standards set forth in Article 4, Section 4.5 of the Zoning Ordinance pertaining to individual special uses, and in the case of a planned development, Article 3, Section 3.9(H).

Section 7.5 Following the hearing, the Commission shall transmit to the President and Board of Trustees a written report giving its findings as to compliance of the proposed special use with the

applicable standards governing the particular special use, and giving its recommendations for action to be taken by the President and Board of Trustees.

ARTICLE VIII

PROCEDURE FOR AMENDMENTS TO THE ZONING ORDINANCE

Section 8.1 Applications for amendments to the Zoning Ordinance may be filed alone or as an alternative to other zoning relief sought by the applicant.

Section 8.2 Amendments to the Zoning Ordinance may be proposed in writing by the President and Board of Trustees, by the Plan Commission, by the Zoning Board of Appeals, by the Director of Building and Property Standards, the Zoning Officer, the Director of Planning, the Director of Community Services, or by any person having a proprietary interest in property in the Village.

Section 8.3 An application for an amendment shall be filed with the Zoning Officer who shall forward a copy of same to the President and Board of Trustees without delay. The application shall be filed in conformity with the requirements set forth in the Zoning Ordinance.

Section 8.4 The President and Board of Trustees may refer the application to the Plan Commission, sitting as a Zoning Commission, for the purpose of holding a public hearing on the application. The Commission may request at any time a written recommendation from the Village Director of Planning or other Village departments.

Section 8.5 The Commission shall consider the factors in its consideration of a request for a zoning amendment, which are set forth in Article 2, Section 2.2.2(D) of the Zoning Ordinance.

- (a) The character of the neighborhood;
- (b) The extent to which property values are diminished by the particular zoning restrictions;
- (c) The extent to which the removal of the existing limitations would depreciate the value of other property in the area;
- (d) The suitability of the property for the zoned purposes;
- (e) The existing uses and zoning of nearby property;
- (f) The length of time under the existing zoning that the property has remained unimproved, considered in the context of land development in the area;
- (g) The relative gain to the public as compared to the hardship imposed on the individual property owner;
- (h) The extent to which the ordinance promotes the health, safety, morals or general welfare of the public;
- (i) Where applicable, the goals, objectives, and policies presented in the Comprehensive Plan.

Section 8.6 Following such hearing, the Commission shall transmit to the President and Board of Trustees a written report giving its findings and recommendations for action to be taken by the President and Board of Trustees.

ARTICLE IX

NOTICES FOR HEARINGS

Section 9.1 In the case of applications for special-use permits and amendments to the Zoning Ordinance, and in the case of public hearings regarding the Comprehensive Plan, legal notice shall be published not more than 30 days, nor less than 15 days, before the date set for the public hearing, in a newspaper of general circulation within the Village of Oak Park. Not less than 15 days' notice of the time and place of hearing shall be given in person or by mail to the applicant. The Secretary shall follow the stated procedures established in Article 2, Section 2.2.7(B) of the Zoning Ordinance.

ARTICLE X

RULES OF PROCEDURES FOR PUBLIC HEARINGS

Section 10.1 Open Meetings Act

All hearings shall be subject to the Illinois Open Meetings Act.

Section 10.2 Registration of Public Participants

Anyone who wishes to testify in a public hearing must sign-in at the public hearing. There will be three Sign-up Sheets available:

1. Those wishing to testify in favor of the proposal. Each individual shall have five minutes to present his/her testimony.
2. Those wishing to testify in opposition of the proposal. Each individual shall have five minutes to present his/her testimony.
3. Those wishing to testify neither in favor or opposition to the proposal. Each individual shall have five minutes to present his/her testimony.

If a person is unable to complete his/her testimony in five minutes, he/she may submit testimony in written form or, if time allows and at the discretion of the Chairperson, may present it orally (in five minute increments) after others have had an opportunity to testify.

Those property owners within the 500 foot notice area and those persons with a special interest beyond that of the general public ("Interested Parties") wishing to cross-examine witnesses must complete and file an appearance with the Village Clerk not later than 5:00 PM on the business day preceding the public hearing.

Section 10.3 Limitations on Evidence or Testimony

The Chairperson may impose reasonable limitations on evidence or testimony presented by persons and parties, such as additional time limits and barring repetitious, irrelevant or immaterial testimony. The Commission shall not be bound by strict rules of evidence; however, irrelevant, immaterial, or unduly repetitious evidence shall not be admissible. The Chairperson shall rule on all questions related to the admissibility or materiality of evidence which ruling may be overruled by a majority of the Commission members present. The Chairperson may impose reasonable conditions on the hearing process based on the following factors:

1. The complexity of the issue;
2. Whether the witness possesses special expertise;
3. Whether the testimony reflects a matter of taste or personal opinion or concerns a disputed issue of fact;
4. The degree to which the witness's testimony relates to the factors to be considered in approving or denying the proposal; and
5. Such other factors appropriate for the hearing.

Section 10.4 Pre-hearing Consultation

The Chairperson and the Commission shall conduct a pre-hearing consultation (lasting approximately the first fifteen minutes of the public hearing) with the applicant, interested parties, and all others in attendance, to discuss the conduct of the hearing and to determine the length of the proceedings.

Section 10.5 Hearing Conduct

The Chairperson may take such actions as are required to maintain an orderly and civil hearing. Discourtesy or disorderly conduct shall be deemed a breach of order, and such misconduct shall deal with such misconduct as appropriate.

Section 10.6 Proof of Notice

Proof of lawful notice shall be introduced into evidence before the public body.

Section 10.7 Record of Proceedings

A record of proceedings shall be made as directed by the public body.

Section 10.8 Applicant Appearance

At a public hearing, an Applicant may appear on his or her own behalf or may be represented by an attorney.

Section 10.9 Village Participation

The Village shall be a party in every proceeding, and need not appear.

Section 10.10 Testimony under Oath

All persons offering testimony at a hearing shall testify under oath. An attorney shall be sworn if he or she offers testimony but not if he or she is questioning witnesses, summarizing testimony of witnesses, or addressing the Commission.

Section 10.11 Testimony by Others

In addition to the Applicant, any person may appear and present testimony at the hearing.

Section 10.12 Identification of Participants

People participating shall identify themselves for the record, giving their name and address, either orally or in writing, and indicate if an attorney represents them.

Section 10.13 Questioner Limitation

The examination of a witness shall not be used by the questioner to offer testimony or evidence of the questioner.

Section 10.14 Order of Presentation

The order of presentation of evidence at a public hearing shall generally be as follows, but may be modified as determined appropriate by the Chairperson:

1. Identification of Applicant.
2. Statement of the Secretary regarding the nature of the case, relief sought, and submittal of proof of notice.
3. Testimony and other evidence by the Applicant.
4. Commissioners' examination of Applicant's witnesses and other evidence.
5. Cross-examination of Applicant's witnesses and other evidence by Interested Persons who have filed a timely appearance with the Village Clerk.
6. Testimony and other evidence by others in favor of the application.
7. Testimony and other evidence by objectors, if any.
8. Commissioners' examination of objectors' witnesses and other evidence.
9. Cross-examination of objectors' witnesses and other evidence by the Applicant.
10. In some cases re-examination may be allowed.
11. Testimony and other evidence by persons who are neither in favor nor opposed to the application.
12. Report by staff, if any.
13. Summary/Closing by Applicant.
14. Summary/Closing by Objectors.
15. Rebuttal/Closing by Applicant.

At any point in the proceedings, the Commissioners may call upon witnesses who have not previously testified, such as Village staff and Village consultants. The Commissioners may ask questions at any time during the hearing.

Section 10.15 Commission Deliberation

At the conclusion of an evidentiary portion of the public hearing, the Commission may, among other actions, move to deliberate on the evidence presented, or continue the hearing to a date, time and location certain.

Section 10.16 Commission Recommendations

A written report shall be prepared which shall include findings of fact and the Commissioner's recommendation or decision based upon the record.

ARTICLE XI

DECISIONS

Section 11.1 Final decisions or recommendations shall be made within a reasonable time after the date of the closing of a public hearing. Any applicant may withdraw his/her application at any time prior to the decision thereon by the Commission.

Section 11.2 The Commission shall conduct its deliberations and vote in a public session. The Commission may vote on any matter before it at the same meeting at which evidence as to such matter is concluded or, if the Commission considers additional time deliberation necessary, then the Commission may defer its vote to a subsequent public session.

Section 11.3 Members of the Commission who are absent for one or more hearing sessions, but who affirm that they have either listened to the audio tape or read the transcript of the absented session(s), shall be eligible to vote.

Section 11.4 The concurring vote of five (5) members shall be necessary for any recommendation in favor of a special-use permit, zoning amendment, or change in the Comprehensive Plan. If the motion fails to receive five (5) votes in favor of the application, a motion-denying the application shall be formally entered on the record. However, if the votes of the absent but eligible members, when added to the number voting in favor of the applicant, would total five (5) or more, the matter shall be postponed to the next meeting of the Commission. If the motion to approve an application fails to receive five (5) affirmative votes at the next regular meeting, a motion denying the application shall be formally entered on to the record.

Section 11.5 If a summary record (as opposed to a verbatim transcript) of any hearing is made, such summary record shall be approved as to accuracy by the members of the Commission and shall be kept as a part of the public record on the office of the Commission.

Section 11.6 As soon as practicable after a written report is adopted, notice thereof shall be given to the applicant, and to such other parties of record as have requested such advice.

ARTICLE XII

RECORDS

Section 12.1 A file of applications and recommendations relating to each case shall be kept by the Secretary in the office of the Commission as a part of the public records of the Commission.

Section 12.2 All records of the Commission pertaining to special-use permits, zoning amendments and amendments to the Comprehensive Plan shall be public record.

ARTICLE XIII

AMENDMENTS

Section 13.1 These rules of procedure may be amended by the affirmative majority vote of all members of the Commission.

Section 13.2 The suspension of any rule of procedure in any specific case may be authorized at any meeting of the Commission by a majority vote of those members present, provided such suspension is not in conflict with applicable Illinois statutes or the Zoning Ordinance of the Village of Oak Park.