

**PLAN COMMISSION
OF THE
VILLAGE OF PALOS PARK, ILLINOIS**



**VILLAGE OF
PALOS PARK**

RULES OF PROCEDURE

As adopted April 20, 2017

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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 Palos Park Zoning Ordinance as those provisions relate to procedures of the Palos Park Plan Commission.

(a) These Rules shall be construed according to, and applied in conjunction with and supplementary to, the provisions of applicable Illinois and Palos Park provisions, as those provisions relate to procedures of the Palos Park Plan Commission.

(b) Whenever there arises any conflict between the requirements or provisions of these Rules of Procedure and the Village of Palos Park Municipal Code or the Illinois Constitution and Municipal Code, the Village and/or Illinois provisions shall govern, as the case may be, only to the extent necessary to resolve the conflict.

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 the text and the zoning map, the Comprehensive Plan or any business district plan. Such power and authority is reserved to the Mayor and Commissioners of the Village of Palos Park.

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

Section 1.5 The Commission shall hold its hearings in the Village Hall in Palos Park, Illinois unless, in a particular case, the Palos 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.

Section 1.6 Unless a voting requirement is not otherwise specified or required in these rules or in applicable Village ordinances, a simple majority vote of the Commission members present at that meeting shall be sufficient to pass the motion. If the motion fails to receive at least a majority of present Commission members, or if any specific vote results in a tie, the Secretary shall enter the vote as "motion fails." After such a failed motion the Chair may choose to make a different motion, or ask the Commission Members for a different motion to be made.

Section 1.7 All terms in these Rules shall be construed according to applicable definitions and usage from the Illinois Constitution and Municipal Code, and then according to any terms specifically defined in the Village of Palos Park Municipal Code or Planning and Zoning Code. If there is no specific definition in any of the sources just mentioned, then the terms shall be construed according to their common meaning and current usage.

ARTICLE II
OFFICERS AND DUTIES

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

Section 2.2 The Chair shall be designated by the Mayor of the Village of Palos Park with the consent of the Village Council Commissioners. The Commission shall elect from among its members an Acting Chair to act whenever the Chair is absent. The Secretary shall be an employee of the Village, likely the Village Community Development Director or designee, 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 Chair 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 Chair shall be an ex-officio member of all committees and subcommittees appointed.

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

Section 2.5 The Secretary, though an “officer” of the Commission, is not a “member” of the Commission, whose presence at any meeting does not count toward total number of Commissioners or towards a quorum, and has no voting authority on any question before the Commission. 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 if provided the 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 an audio recording or video recording of public hearings and preserve the recording for sixty days from the date of final action by the Mayor and Commissioners. If an appeal is taken, the Secretary may make a brief record from the recording.
- (f) Subject to the instructions of the Chair, 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 staff designee 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 open public meetings, shall be held on the third Thursday of each month at 7:00 p.m. or at such other times as the Chair or any members of the Commission may direct.

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

Section 3.3 The Commission may hold special meetings at the direction of the Village Council, at the call of the Chair, or at the written request of at least four (4) members of the Commission, provided at least 48 hours' notice of any such meeting is given in person or by mail (including e-mail) to each member.

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

Section 3.5 No public hearing shall be held or official action taken unless a quorum is present. A quorum shall consist of four (4) members of the Commission.

ARTICLE IV **ORDER OF BUSINESS**

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

- (a) Roll call and declaration of quorum.
- (b) Approval of minutes of previous meeting(s).
- (c) Call of cases on agenda and hearing of requests for continuances.
- (d) Hearings of all applications to be heard in the following priority, unless moved for good cause by the Chair or the vote of at least four (4) members of the Commission:
 - i. amendments to the Zoning Ordinance,
 - ii. residential planned unit developments,
 - iii. commercial planned developments,

- iv. special-use permits,
 - v. landscaping and construction reviews,
 - vi. amendments to the Comprehensive Plan, and
 - vii. any other matter referred to the Commission by the Village Council.
- (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 upon the vote the Commission, and only then upon good cause shown. Where notice of a hearing has been published, many interested persons may be inconvenienced if continuances are freely granted. Except in unusual circumstances, once a hearing has 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 applicant's representative fails to appear before the Commission, the Commission may vote to dismiss the case for failure to appear.

Section 6.2 In cases dismissed pursuant to this Article, the Secretary shall issue a written notice by registered mail by to the applicant.

Section 6.3 Dismissal for failure to appear is not a determination on the merits, shall not be forwarded to the Village Council as either a positive or negative recommendation, but only short written notice memorializing the nature of the applicant's failure to appear and the Commission's vote on matter. Any dismissal pursuant to this Article shall not of itself bar the filing of a new application.

ARTICLE VII **CONSIDERATION OF APPLICATIONS BY THE COMMISSION**

Section 7.1 Applications for any zoning relief, any development or site review, or any other matters referred to the Commission by the Village Council, shall be considered by the Commission only so far as the mandate of the Village Council referral to the Commission allows.

Consideration of each application by the Commission shall be governed substantively by United States Constitution and statutes, the Illinois Constitution and statutes, (specifically the Illinois Municipal Code) and most closely to the Village of Palos Park Planning and Zoning Code, which sets forth the factors, elements, standards, procedural requirements and other issues to be considered by the Commission in each type of application before it.

Village Staff shall provide a summary of the application and the relevant legal standards for Commission consideration, prior to the public hearing on each such application. Village Staff may also provide written or oral opinions in public meetings regarding the wisdom or sufficiency of any application or other matter before the Commission.

Section 7.2 During the course of any application, case or other matter before it, the Plan Commission may request additional testimony or opinions from any applicant or their consultants, from an interested party or from a Village Staff member, if such request is reasonably related to the matter currently at issue before the Commission. The Commission shall not delay any proceedings unnecessarily by use of this authority, but instead the Commission shall ensure that it has a complete record of relevant facts and necessary expert/staff opinions prior to making a recommendation on any matter to the Village Council.

Section 7.3 Following the conclusion of any public hearing before it, and the subsequent discussion on the applicable legal standards and relevant facts presented, the Commission shall vote on each matter before it, which motion shall include a direction to the Secretary to have findings prepared in accordance with its vote and discussion. The Commission shall then transmit a written report to the Village Council, clearly describing its findings as to how the evidence at the public hearing met or failed to meet the applicable legal standards governing the particular application. The written report shall contain a section related to factual findings and another section regarding its recommendations to the Village Council. After the Commission transmits these findings, it shall cease to have any jurisdiction over the matter, except as it may request or reporting on outstanding matters from Village Staff or an applicant.

ARTICLE VIII **NOTICES FOR HEARINGS**

Section 8.1 The Secretary and applicant shall follow their respective duties regarding notice of public hearings for each type of application at issue. Each applicant shall learn the applicable notice provisions implicated by the application at issue, and meet all written notice, publication and posting requirements.

Section 8.2 The Commission may, at any time during the pendency of a matter before it, ask the Secretary or designee to investigate the status of notice for that matter. The Secretary shall then report to the Commission regarding the status and sufficiency of the notice provided by the Village and/or the applicant, depending on the requirement at issue.

Section 8.3 The Commission may vote to continue any proceeding, in order that sufficient notice is provided according to the Village Planning and Zoning Code, the Illinois Municipal Code, and any other applicable authority. The Commission is to use this authority to avoid undue repetition of effort, delay, and the time and effort of all parties involved in the public hearing.

ARTICLE IX
RULES OF PROCEDURES FOR PUBLIC HEARINGS

Section 9.1 Open Meetings Act

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

Section 9.2 Witness Sign-In

Anyone wanting to testify in a public hearing must sign-in at the public hearing. If a person is unable to complete the desired testimony in three minutes, he/she may submit testimony in written form or, if time allows and at the discretion of the Chair, may present it orally (in three minute increments) after others have had an opportunity to testify.

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

Section 9.3 Limitations on Testimony

The Chair 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, but irrelevant, immaterial, or unduly repetitious evidence shall not be admissible. The Chair 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 Chair 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 9.4 Pre-hearing Consultations

If it appears that a public hearing will be lengthy, the Chair 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 9.5 Conduct at the Public Hearing

The Chair 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, at such misconduct Chair shall take such reasonable actions as necessary to deal with the misconduct and ensure a calm and respectful hearing.

Section 9.6 Proof of Notice

Proof of lawful notice shall be introduced into evidence before the public body, including any reports or records provided to the Commission by the Secretary.

Section 9.7 Record of Proceedings

A record of proceedings shall be made for each matter coming before the Plan Commission. Applicants shall pay all costs associated with their application, as delineated in the Village Planning and Zoning Code.

Section 9.8 Applicant Appearance

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

Section 9.9 Village Participation

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

Section 9.10 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 9.11 Testimony by Others

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

Section 9.12 Identification of Participants

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

Section 9.13 Questioner Limitation

The examination of a witness shall not be used by the questioner to offer testimony or evidence of the questioner. Instead, the questioner shall issue short, non-compound questions that questioner designed to elicit relevant information from the witness.

Section 9.14 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 Chair:

1. Identification of Applicant.
2. Statement of the Secretary regarding the nature of the case, relief sought, and submittal of proof of notice.
3. Report by staff.
4. Testimony and other evidence by the Applicant.
5. Commissioners' examination of Applicant's witnesses and other evidence.
6. Cross-examination of Applicant's witnesses and other evidence by Interested Persons who have filed a timely appearance with the Village Clerk.
7. Commissioners' examination of objectors' witnesses and other evidence.
8. Cross-examination of objectors' witnesses and other evidence by the Applicant.
9. Re-examination of witnesses, if the Chair allows it.
10. Testimony and other evidence by members of the public.
11. Summary/Closing by Applicant.

12. Summary/Closing by Objectors.
13. Rebuttal/Closing by Applicant.

At any point in the proceedings, 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 9.15 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 9.16 Commission Recommendations

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

ARTICLE X **DECISIONS**

Section 10.1 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 by the Commission.

Section 10.2 The Commission shall conduct its deliberations and vote in an open 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 10.3 Members of the Commission who are absent for one or more hearing sessions, but who affirm that they have either listened to the audio recording, viewed the video recording or read the transcript of the absented session(s), shall be eligible to vote.

Section 10.4 The concurring vote of four (4) members shall be necessary for any positive recommendation in favor of any application for zoning or planning relief or for any final substantive matter before the Commission. If the motion fails to receive four (4) votes in favor of the application, a motion-denying the application shall be formally entered on the record. However, if the votes of any absent but eligible members, when added to the number voting in favor of the applicant, would total four (4) or more, the matter shall be continued to the date certain of the next meeting of the Commission. If the motion to approve an application fails to receive four (4) affirmative votes at the next regular meeting, a motion denying the application shall be formally entered on to the record.

Section 10.5 As soon as practicable after a written report is adopted at a public meeting, the Secretary shall send notice to the applicant and to such other parties of record who have requested such advice.

ARTICLE XI
RECORDS

Section 11.1 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 11.2 All records of the Commission pertaining to any matter before the Commission for whatever purpose shall be public record.

ARTICLE XII
AMENDMENTS

Section 12.1 These rules of procedure may be amended by the affirmative majority vote of all members then competently sitting on the Commission.

Section 12.2 The suspension of any rule of procedure in any specific case may be authorized at any meeting of the Commission by a consensus or a formal majority vote of those members present at the meeting, provided such suspension is not in conflict with applicable Illinois statutes or the Planning and Zoning Code of the Village of Palos Park.