

**CITY OF WAUKEGAN
RULES OF PROCEDURE FOR THE
PLANNING AND ZONING COMMISSION**

ARTICLE I - General Provisions

Section 1: It is the purpose of these rules to establish a guide for the operation of the Waukegan Planning and Zoning Commission. These rules are supplemental to the provisions of Section 16-31(g) of the Waukegan City Code, which state that the Commission shall adopt rules necessary to conduct its affairs, and that are consistent with the provisions of the Waukegan Zoning Ordinance.

Section 2: Any member who has any financial or personal interest in a matter before the Commission shall remove himself or herself from any consideration of that matter.

Section 3: The Commission's attorney shall be consulted in cases where the powers of the Commission are not clearly defined, or where legal questions are at issue.

ARTICLE II - Officers and Duties

Section 1: The officers shall be a Chair and an Acting Chair. The Mayor shall designate the Chair. An Acting Chair will be elected from among the members of the Commission at those meetings when the Chair is absent. The Director of the Planning & Zoning or his/her representative shall serve as Secretary to the Commission.

Section 2: The Chair shall supervise the affairs of the Commission. He/She shall preside at all meetings of the Commission; shall appoint such committees and sub-committees as may be necessary to carry out the duties of the Commission; and shall provide that an oath be administered to all witnesses in cases before the Commission. The Chair shall 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, shall perform all the duties and exercise all the powers of the Chair.

Section 4: The Secretary of the Commission or his/her designee shall:

1. Record and maintain permanent minutes of the Commission's proceedings, in accordance with the regulations of the 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 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 City Clerk. Such minutes and records shall be of public record.

6. Be the custodian of the files of this Commission and keep all records.
7. Notify the media in accordance with the Open Meetings Act.

ARTICLE III - Meetings

Section 1: Regular meetings shall be held at a time and day to be agreed upon from time to time by the Commission.

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

Section 3: No decision shall be made without a quorum present. A quorum of any regular or special meeting shall consist of a majority of the appointed members.

Section 4: Public hearings may not be held by less than a quorum of the Planning and Zoning Commission. And such public hearings shall be continued until a quorum is present, at which time a vote may be taken.

Section 5: Special meetings may be called by the Chair at his/her discretion, or upon the request of two (2) or more members, provided that public notice is given in accordance with the Open Meetings Act.

Section 6: Authorizations.

1. With the exception of the approval of the minutes, all decisions shall be made by a roll call vote and shall require at least a majority of the members present.
2. Conditional use permit requests may be recommended for approval to the City Council by a simple majority vote.
3. Variance requests may be recommended for approval to the City Council by a simple majority vote.
4. Map amendment requests may be recommended for approval to the City Council by a simple majority vote.
5. Appeals may be granted by a simple majority.

Section 7: Robert's Rules of Order shall be the official rules of the Planning and Zoning Commission except when they conflict with the officially adopted Rules of Procedure, in which case, the Rules of Procedure shall govern.

Section 8: The Planning and Zoning Commission shall review the Rules of Procedure at least bi-annually at a regular meeting the Chair designates.

Section 9: Any Commission member absent from three (3) or more meetings in any twelve (12)-month period may be recommended for dismissal. This shall be at the discretion of the Mayor and may include consideration of factors such as extenuating circumstances associated with the absence.

ARTICLE IV - Order of Business

Section 1: Meetings of the Commission shall ordinarily proceed as follows:

1. Roll call and declaration of quorum
2. Changes to the Agenda
3. Approval of Minutes of the previous meeting
4. Written Communications
5. Old Business
 - a. Staff Reports
 - b. Audience Participation
6. New Business
 - a. Staff Reports
 - b. Audience Participation
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 Planning and Zoning Commission, for good cause shown. Continuances may be considered at the request of staff, a Planning and Zoning Commission member, or any interested party who has entered his/her appearance. Continuances may be considered as follows:

1. A case may be continued by the Chair in the event of the lack of a quorum (does not require a vote).
2. New cases appearing for the first time on the agenda - continuances may be granted upon request.
3. Continued cases – All cases which have previously appeared on the agenda of the Commission, constitute continued cases. A request for further continuance will be considered upon application by the applicant and/or his/her representative at the time the case is called, and upon showing:
 - a) That he/she has given reasonable notice in writing to all persons who have filed an appearance in the matter of his/her intent to request a continuance; and
 - b) That he/she will be unable to proceed with his/her evidence at the scheduled meeting.

Section 3: Failure of Applicant to Appear.

The Planning and Zoning Commission may or may not act upon a case in the event that an applicant fails to appear. This shall be at the discretion of the Planning and Zoning Commission and may include consideration of 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 Planning and Zoning 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 shall require a simple majority vote of the Planning and Zoning 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 Commission, or his/her designee.
3. The applicant shall have seven (7) days from date of notice of dismissal to apply for reinstatement of the case. In such cases, applicant must file written request with the Secretary for reinstatement. Reinstatement shall 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 cases reinstated, the case will be docketed and re-advertised in the usual manner prescribed for new cases.

ARTICLE V - Procedures at Hearings

Section 1: Unless otherwise determined by the Chair, the procedure at a hearing shall be as specified herein.

Section 2: All witnesses shall testify under oath.

Section 3: The applicant may appear in his/her own behalf, and/or be represented by counsel or agent. The applicant or his/her representative may make a statement outlining the nature of his/her request prior to introducing evidence.

Section 4: Evidence shall be presented in the following order:

1. Applicant makes statement and presents evidence
2. Commission examines applicant
3. Proponents make statements
4. Commission questions proponents
5. Opponents make statements.
6. Commission questions opponents. Opponents shall be allowed a reasonable opportunity for relevant questioning (i.e. "cross-examination") of the applicant. If the applicant is unable or unwilling to respond to the relevant questions, the Chair shall direct the Recording Secretary to take note of such in the minutes of the Planning and Zoning Commission.
7. Rebuttal by applicant
8. Rebuttal by objector
9. Applicant makes final statement
10. Staff presents recommendation
11. Commission questions staff

Section 5: In cases where the issue for consideration by the Planning and Zoning Commission is revocation of an existing Conditional Use Permit (CUP), resulting from alleged violation(s) of conditions imposed when the CUP was originally granted, the following procedures will apply:

1. City staff/City attorney makes opening statement and either the CUP holder or his/her attorney follows with an opening statement, if desired.
2. City staff/City attorney presents evidence and witnesses to support evidence of violation of CUP conditions.
3. Planning and Zoning Commission may question City staff and/or witnesses for City.
4. CUP holder/their attorney may cross-examine witnesses for City, and City staff/attorney may ask re-direct questions of the City witnesses.

5. CUP holder/their attorney presents his/her case why the CUP should not be revoked, including witnesses, if desired.
6. Planning and Zoning Commission may question the CUP holder and any witnesses he/she has presented.
7. City staff/City attorney may cross-examine CUP holder and/or any witnesses for CUP holder, if desired.
8. Closing statements by City staff/City attorney and CUP holder/their attorney.

ARTICLE VI -- Decisions

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

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

Article VII – Conflict of Interest

Section 1: Any member of the Planning and Zoning Commission who has a conflict of interest in a matter before the Commission shall 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 it is determined that 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 shall not affect the quorum established to conduct the meeting. The Commission member's recusal will be considered an abstention and shall not be counted as either an aye or a nay vote. Further, the abstaining member shall not be counted in determining the total number of votes required for approval of a matter before the 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 Commission shall be deemed a conflict of interest. In this event, the Commission member shall indicate a conflict of interest as described herein and shall recuse themselves from participating in that case.

Section 4: The Chair, after consulting with the City Planner and the City Attorney, shall determine if a Rule of Procedure has been violated for the purposes of determining a conflict of interest. The determination of the Chair is subject to being over-ruled by the Commission.

ARTICLE VIII - Amendment of Rules

Section 1: These rules may be amended by majority vote of the Commission.

Section 2: A proposed amendment must be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken.

Passed and approved by the Planning and Zoning Commission on this 14th day of January, 2016.



Michael Rodriguez, Chairman
Planning and Zoning Commission

1. Amended on January 14, 2016 by adding a new Section 5 under Article V.