



RULES OF PROCEDURES FOR THE PLANNING AND ZONING COMMISSION WHITESIDE COUNTY, ILLINOIS

2012

**Prepared by:
Whiteside County Planning and Zoning Office
Whiteside County Courthouse
200 East Knox Street
Morrison, IL 61270**

**RULES OF PROCEDURES FOR THE
PLANNING AND ZONING COMMISSION
WHITESIDE COUNTY, ILLINOIS**

Table of Contents

Article I.	General Provisions	1
Article II.	Officers and Duties	1
Article III.	Meetings	2
Article IV.	Order of Business	3
Article V.	Procedures on Hearings	3
Article VI.	Applicant's Failure to Appear	5
Article VII.	Procedures on Appeals of Planning and Zoning Administrator's Decision	6
Article VIII	Procedures on Variations	7
Article IX	Procedures on Re-Zoning Amendments	7
Article X	Procedures on Special Use	7
Article XI	Notices for Hearings	8
Article XII	Findings of Fact	8
Article XIII	Decisions	9
Article XIV	Amendment of Rules	9

Revised: 2005
Revised: 2008
Revised: 2011
Revised: 2012

RULES OF PROCEDURE FOR THE
PLANNING AND ZONING COMMISSION
WHITESIDE COUNTY, ILLINOIS

Article I. General Provisions

Section 1. Applicability.

These are rules of procedure for the Whiteside County Planning and Zoning Commission and are supplementary to the provisions of the Illinois Compiled Statutes and Whiteside County's zoning ordinances.

Section 2. Recusal.

Any member who has any direct or indirect financial interest in a matter before the Commission shall not vote thereon and shall remove him/herself from active participation in any meeting or hearings at which said matter is under consideration.

Section 3. Fees.

Fees for filing documents and providing copies shall be in accordance with the Illinois Compiled Statutes or Whiteside County Ordinances.

Section 4. States Attorney.

The State's Attorney shall be consulted in situations where the powers of the Commission are not clearly defined.

Section 5. Location of Offices.

The office of the Commission shall be located at the Whiteside County Courthouse, Development Office, 200 East Knox Street, Morrison, Illinois.

Article II. Officers and Duties

Section 1. Officers.

The officers of the Planning and Zoning Commission shall consist of a Chair, an Acting Chair when necessary, and a Secretary. The Planning and Zoning Administrator shall be the Secretary and shall appoint the Acting Chair when needed.

Section 2. Duties of Chair.

The Chair or, in his or her absence, Acting Chair shall supervise the affairs of the Planning and Zoning Commission. He/she shall preside at all meetings of the Commission, and, except when a "Hearing Facilitator" has been engaged as provided hereinafter, provide for the oath to be administered to all witnesses in cases before the Commission.

Section 3. Duties of Secretary.

The Secretary shall record and maintain permanent minutes of the Commission's proceedings, showing the vote of each member upon every question; shall keep records of its examinations and other official actions; shall summarize accurately the testimony of those appearing before the Commission and keep an original tape recording or a verbatim transcript of all hearings; shall prepare findings of fact for the

Commission; shall record the names and addresses of all persons appearing before the Commission; shall, subject to the Commission and Chair, conduct the correspondence of the Commission and cause to be published in a local newspaper public notices of meetings or hearings as required by law and these rules of procedures.

Article III. Meetings

Section 1. Time and Place of Regular Meetings.

Regular meetings shall be held on the third Thursday of each month at 7:00 p.m., in the large meeting room in the Law Enforcement Center, unless such day shall be a recognized holiday. In that event, the regular meeting shall be held on the third Wednesday of that month, or at such other time as the Chair or, in his or her absence, Acting Chair, may designate. Meetings shall be held in the appropriate road district, when requested by the petitioner.

Section 2. Cancellation of Regular Meetings.

Regular meetings may be cancelled by the Secretary when there is no business pending. Notification must be given to members, however, not less than 48 hours prior to the time set for such meeting.

Section 3. Call of Special Meetings.

Special meetings may be called by the Secretary, with approval of the Chair, or, in his or her absence, Acting Chair, or upon the request of two (2) or more members, provided that 48 hours notice is given each member.

Section 4. Open Meetings.

All meetings shall be open to the public. Notice of any meetings shall be posted in accordance with the "Open Meetings Act".

Section 5. Quorum.

A quorum shall consist of five (5) members for any regular or special meeting, and is required for any decision, determination, or official action by the Commission.

Section 6. Public Hearings- Less Than Quorum.

Public hearings may be held by less than a quorum of the Commission, at the discretion of the Chair, or, in his or her absence, Acting Chair, but no official action will be taken.

Article IV. Order of Business

All meetings of the Commission shall proceed as follows:

- a. Roll call and declaration of quorum.
- b. Reading and approval of minutes of previous meeting.
- c. Call of cases on agenda and hearings on requests for continuance.
- d. Hearing of cases on agenda.
- e. Unfinished business.
- f. New business.
- g. Adjournment.

Article V. Procedures on Hearings

Section 1. Responsibility for Progress and Conduct of Hearing.

The Chair or, in his or her absence, Acting Chair, or, instead, when so engaged as provided in Section 13, the Hearing Facilitator, shall be in charge of the progress and conduct of the Hearing.

Section 2. Appearance by Applicant.

At the time of the hearing, the Applicant may appear in his own behalf or be represented by counsel or agent.

Section 3. Counsel for Objector(s).

If there are any Objectors who retain counsel to represent them before the Commission, such counsel shall timely notify the Applicant or his counsel or agent and the Planning and Zoning Administrator, that he has been so retained and will be present. If such notice is not timely given by the Objectors' counsel, the Applicant or his agent may request of the Chair or, in his or her absence, Acting Chair, that the hearing be continued. In deciding upon such a request, he or she will take into account matters of fairness to each side.

Section 4. Continuances.

Continuances may be granted at the discretion of the Chair or, in his or her absence, Acting Chair, or, instead, when so engaged, the Hearing Facilitator as provided in Section 13, for good cause shown, in any case and to any party or entity as follows:

a. New cases

For cases that are appearing for the first time on agenda, continuances may be granted based on exceptional circumstances. No additional notice of the continued date shall be required.

b. Continued cases

All cases which have previously appeared on the agenda of this Commission constitute continued cases unless otherwise stated. Request for further continuance will be considered upon application therefore by the party or his representative at the time the case is called, and upon showing:

1. that the party has given reasonable notice in writing to all persons who appeared on the original hearing date and any such continued dates; and
2. that the party will be unable to proceed with his evidence at this hearing.

Section 5. Initial Statement by Commission.

At the start of the Hearing, the Chair or, in his or her absence, Acting Chair, or the Secretary or, instead, when so engaged as provided in Section 13, the Hearing Facilitator shall review the general procedures for the hearing and request an orderly proceeding. He or she will address each application published-stating the date of publication, and recite any other written communication(s) having a bearing on the matter being heard by the Commission. In so doing, he or she may announce and later enforce reasonable time limits for opening or closing remarks and direct and cross examination of lay and expert witnesses.

Section 6. Presentation of Proof of Compliance.

Initially, the Applicant or his agent shall, on request of the Chair or, in his or her absence, Acting Chair, or, instead, when so engaged, the Hearing Facilitator present any documents required, including but not limited to, the Certificate of Publication or proof of mailing of statutorily required notices. If said documents are not presented, the Chair or, in his or her absence, Acting Chair, will either instruct the Commission that the hearing may proceed, but will not be a legal hearing if said missing documents are not presented to the Secretary within a reasonable time set, or ask for a motion to postpone the hearing until a future meeting.

Section 7. Progress of Hearing.

The progress of the hearing should be as follows:

- a. The Chair or, in his or her absence, Acting Chair, or, instead, when so engaged, the Hearing Facilitator may give a restatement if the Applicant's, or his agent's, presentation needs clarification;
- b. The applicant or his agent may make opening remarks outlining the nature of the application prior to introducing evidence;
- c. Applicant presents evidence one witness or document at a time;
- d. Commission and/or Objectors cross-examine Applicant's witness;
- e. Objectors present evidence one witness or document at a time;
- f. Commission and/or Applicant cross-examine objector's witness;
- g. Rebuttal witnesses or documents presented by Applicant one at a time;
- h. Commission and/or Objectors cross-examine Applicant's rebuttal witness;
- i. Surrebuttal witnesses or documents presented by Objectors one at a time;
- j. Commission and/or Objectors cross-examine Objectors' surrebuttal witness;
- k. Evidence presented by Planning and Zoning Administrator;
- l. Cross examination of the Administrator by Applicant and Objectors if warranted;
- m. Applicant given opportunity for closing remarks;
- n. Objectors given opportunity for closing remarks.

Section 8. Witnesses to be Under Oath.

All witnesses shall testify under oath or affirmation, administered by the Chair or in his absence, the Acting Chair or, instead, when so engaged, the Hearing Facilitator. Cross-examination will be allowed by only one representative of each party or entity.

Section 9. Admissibility of Evidence, Recesses and Length of Proceedings.

- a. The Chair or, in his absence, the Acting Chair shall rule on all questions relating to the admissibility of evidence, which may be overruled by a majority of the Commission. When so

engaged, it will be the Hearing Facilitator's sole responsibility to rule on the admissibility of evidence.

In so ruling, there need not be strict adherence to the rules of judicial branch evidence. However, irrelevant, multiple level hearsay or unduly repetitious evidence may be excluded or truncated.

b. The Chair or in his absence, the Acting Chair or, instead, when so engaged, the Hearing Facilitator, may call for short recesses when appropriate. No Hearing segment shall last longer than two and one-half hours in length during any one day. Upon the time limit being reached, after the completion of the stage presently occurring, the Hearing should be continued to another date.

Section 10. Decorum and Civility.

There will be a requirement for civility and decorum from all in attendance at a Hearing, and the Chair or, in his or her absence, Acting Chair, or, instead, when so engaged, the Hearing Facilitator as provided in Section 13, may demand the removal of those who do not wish to abide by this behavior.

Section 11. Petitions as Evidence.

An Applicant or Objector, or his agent or attorney, may submit a petition of the persons favoring or opposing the Application. Such a petition may be accepted as an exhibit if it contains nothing more than a brief and succinct statement of position favoring or opposing the matter at issue, together with the true and correct original signatures of the persons subscribing to such statement.

Section 12. Copies of Documentary Evidence.

When presenting documents for consideration by the Planning and Zoning Commission, the presenter shall supply ten (10) copies of said documents, one of which shall go to the opposing party.

Section 13. Hearing Facilitator.

The Planning and Zoning Commission may engage the services of a Hearing Facilitator for any particular hearing or hearings to be held. The Hearing Facilitator shall be an independent contractor who shall conduct the public hearing in accordance with the roles described within these rules. Upon conclusion of the evidentiary and argumentation stages of the Hearing conducted by the Hearing Facilitator, the Commission will perform its duties by making its "Finding of Facts" and final recommendation to the County Board.

The Hearing Facilitator shall be an attorney, licensed to practice in the State of Illinois, to be jointly selected and compensation negotiated on behalf of the Planning and Zoning Commission by the States Attorney, the County Administrator and the Planning and Zoning Administrator. Upon completion of the Hearing, the applicant shall reimburse the County of Whiteside for the total fees charged by the facilitator.

Article VI. Applicant's Failure to Appear

Failure of the applicant/agent to appear for a hearing may be handled by the Commission alternatively as follows:

a. The Chair may entertain a motion from a Commissioner to dismiss the case for want of prosecution. In the absence of such a motion, the Chair shall rule on the disposition of the application; or

b. The Chair may entertain a motion from a Commissioner to table the hearing to its next regular hearing date and instruct the Secretary to contact the applicant to determine the status of his/her

interest in furthering their case. The Secretary will inform the Commission of his/her findings at the next Commission meeting.

c. In cases which are dismissed for want of prosecution:

1. the applicant will be furnished written notice of the dismissal by the Secretary of the Commission.
2. 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 a written request with the Secretary for reinstatement.
3. reinstatement shall be at the discretion of the Chair for good cause shown.

In all cases reinstated in above described manner, the case will be docketed and published in the manner prescribed for new cases.

Article VII. Procedures on Appeals of Planning and Zoning Administrator's Decision

Section 1. Form Used for Appeals.

An appeal from a decision of the Planning and Zoning Administrator shall be made on the form prescribed by him or her and filed with his or her office. An appeal will only be considered if the action taken by the Planning and Zoning administrator was within thirty (30) days prior to the filing of the appeal application form.

Section 2. Information Supplied on Appeal Form.

The applicant shall provide all the information required on the appeal application form as well as any additional information that may be required by the Commission to aid it in reaching a decision.

Section 3. Assignment of Appeals.

Upon receipt of the appeal application, the Secretary of the Commission shall place it on the calendar of the Commission on the next available hearing date. Applications for appeals shall be docketed in the order in which they are received. Said appeal application may be filed with an accompanying application for a request for variation.

Section 4. Stay of Proceedings- Appeal.

Filing of the appeals application form with the Planning and Zoning Administrator and the Commission shall stay all proceedings as to the subject matter of the appeal unless the Zoning Enforcement Officer certifies to the Commission that, by reason of facts stated in the appeal application, a stay would, in his opinion, cause imminent peril to life or property. In this event, proceedings cannot be stayed other than by a restraining order granted by the Commission for good cause shown or by a court of record

Article VIII. Procedures on Variations

Section 1. Filing Request for Variation- Application.

A request for a variation shall be considered only upon the filing of an application with the office of the Planning and Zoning Administrator.

Section 2. Information Required- Application for Variation.

The applicant shall provide all the information required on the application for variation as well as any additional information that may be required by the Commission to aid it in reaching a decision and making recommendation to the governing body.

Section 3. Assignment of Requests for Variation.

Upon receipt of the application for request for variation and receipt of fee, the Secretary of the Commission shall place it on the calendar of the Commission for hearing within thirty (30) days. Applications for requests for variations shall be docketed in the order in which they are received. Said application may be filed accompanying a request for an appeal.

Article IX. Procedures on Re-Zoning Amendments

Section 1. Request for Re-Zoning- Application and Fee.

A request for re-zoning shall be considered only upon the filing of an application with the office of the Planning and Zoning Administrator accompanied by the requisite fee.

Section 2. Information Required- Application for Re-Zoning.

The applicant shall provide all the information required on the amendment application as well as any additional information that may be required by the Commission to aid it in reaching and making recommendation to the governing body.

Section 3. Assignment of Application for Re-Zoning.

Upon receipt of the properly filed application for amendment and receipt of the aforementioned fee, the Secretary of the Commission shall place it on the calendar of the Commission for hearing at the next available date. Applications for amendments shall be docketed in the order in which they are received. Said application may be filed accompanying a request for an appeal.

Article X. Procedures on Special Use

Section 1. Requests for Special Use- Application and Fee.

A request for a special use shall be considered only upon the filing of an application with the office of the Planning and Zoning Administrator accompanied by the requisite fee.

Section 2. Information Required- Application for Special Use.

The applicant shall provide all the information required on the special use application as well as any additional information that may be required by the Commission to aid it in reaching a decision and making recommendation to the governing body.

Section 3. Assignment of Application of Special Use.

Upon receipt of the properly filed application for special use and receipt of the aforementioned fee, the Secretary of the Commission shall place it on the calendar of the Commission for hearing at the next available hearing date. Applications for requests for variations shall be docketed in the order in which they are received. Said application may be filed accompany a request for an appeal.

Article XI. Notices for Hearings

Section 1. Notice Required- Appeal, Re-Zoning, Variation, Amendment or Special Use.

The Secretary of the Commission shall cause the petitioner to give notice of the place and time for hearing of an appeal application, request for re-zoning, variation, amendment or special use, to the parties concerned by publication in a newspaper of general circulation in the area in which the property at issue is located and by registered mail, return receipt requested to the property owners designated by the Planning and Zoning Administrator, as recorded in the office of the County Supervisor of Assessments not less than fifteen (15) days and not more than thirty (30) days prior to the hearing.

Section 2. Hearing Venue- Re-Zoning, Special Use or Variation.

The hearing for a proposed re-zoning, special use or variance may, within the discretion of the Commission, be held in the township or road district most affected. If more than one township or road district is affected, consideration may be given to holding the hearing shall be held in the one containing the largest area of proposed change.

Article XII. Finding of Facts

Section 1. Adjournment to "Finding of Facts".

At the completion of receiving evidence at a hearing, the Planning and Zoning Commission will, upon motion and second by Commission members, adjourn the hearing to an open "Finding of Facts" meeting to determine their findings and to make a decision or recommendation.

Section 2. Adjournment of "Finding of Facts" to Another Place, Date or Time.

The "Finding of Facts" meeting may be adjourned to another place, date and time. When adjourning to a "Finding of Facts" meeting to another time, date or place, the motion will include the date of the meeting, the time of the meeting, and the place of the meeting.

Section 3. Notice of Adjourned "Finding of Facts" Meeting.

"Finding of Facts" meetings will be held in accordance with the "Open Meetings Act". Other than the motion being made, seconded and passed, no additional notices will be required for an adjourned "Finding of Facts" meeting.

Section 4. "Finding of Facts" Meeting- Purpose.

The "Finding of Facts" meeting is intended solely for a discussion and determination of the facts of a case by the members of the Planning and Zoning Commission and, as provided herein, to make a decision or recommendation, and no further testimony will be allowed except as provided in Section 6. It will be the duty of the Chair to maintain that focus.

Section 5. Re-Opening a Hearing- Procedure and Notice.

If further evidence is needed by the Commission or a question regarding testimony heard arises, the Commission may, by properly passed motion, re-open the hearing but, in so doing, must conform to any notice requirements herein, and, once the hearing again concludes, must adjourn once more by properly passed motion to continue the "Finding of Facts." If the hearing is re-opened interrupting a "Finding of Facts" meeting immediately following the conclusion of a hearing, the only notice necessary is a majority vote on a motion and second by Commission members to reconvene the hearing for a specifically stated purpose. If the hearing is re-opened interrupting a "Finding of Facts" meeting which did not immediately follow the conclusion of a hearing, then the notice requirements of Article XI, Section 1 should be met.

Section 6. Arriving at a "Finding of Fact" and Conditions for Special Use.

"Finding of Facts" will be determined by reviewing the appropriate standards involved in the case. In the instance of a special use, the Commission should also discuss and detail any conditions to be recommended to the County Board.

Section 7. "Preparation of "Finding of Facts".

Once determined by the Commission, the Secretary to the Planning and Zoning Commission will prepare the final written "Finding of Facts" and decision or, in cases of application for re-zoning or special use, a recommendation for presentation to the County Board.

Article XIII. Decisions

Section 1. Timeliness of Commission Actions.

Final decisions or recommendations shall be made within 30 days from the final adjournment of any hearing.

Section 2. Commission Decisions and Recommendations- Procedure.

All discussions and deliberations of the Commission shall be at an open meeting. Unless otherwise stated in these Rules, all decisions of the Commission shall be made at a public meeting by majority vote on motion made, seconded, and the Secretary polling the membership by a voice or roll call vote. The Chair or Acting Chair shall vote last on any issue.

Article XIV. Amendment of Rules

Any proposed amendments to these rules must be presented to the Commission in writing at a regular or special meeting. A vote on the proposed amendment shall be taken thereafter at the next regularly scheduled meeting or at a special meeting. Any amendments hereto will become effective immediately unless otherwise stated therein.