

## **RULES OF PROCEDURES**

### **PARK RIDGE ZONING BOARD OF APPEALS**

#### **ARTICLE I. General Provisions.**

- Section 1. These rules of procedures are supplemental to the provisions of the Statutes of the State of Illinois and of the Ordinances of the City of Park Ridge as they relate to the procedures of the Zoning Board of Appeals.
- Section 2. The office of the Board is located c/o: Office of the Director of Community Preservation and Development, 505 Butler Place, Park Ridge, IL 60068.
- Section 3. The Attorney for the City may be consulted on legal issues through the Director of Community Preservation & Development's office. The Attorney will attend meetings and public hearings of the Board if requested by the Board, the Director of Community Preservation & Development, or the City Manager.
- Section 4. Any member who has a conflict of interest in a matter before the Zoning Board of Appeals must: (a) disclose the interest, (b) not vote on the matter, and (c) be excluded from attendance during any meeting or hearing at which the matter is under consideration.
- Section 5. Each member of the Board must attend all regularly and special scheduled meetings of the Board or must contact the Chairperson prior to any meeting the member is unable to attend.
- Section 6. Each member is encouraged to make on-site inspections and have studied background data of any item of business to be considered at each Board meeting; provided that members should not engage in *ex parte* communications while inspecting or studying an application.

#### **ARTICLE II. Officers and Duties.**

- Section 1. The officers of the Board consist of the Chairperson. In addition, the Board will have the services of the Director of Community Preservation & Development and authorized designees.
- Section 2. The Chairperson is appointed by the Mayor with the advice and consent of the City Council. The Vice-Chairperson is elected from among the members of the Board. A Secretary will be designated by the City Clerk, and the Secretary shall attend all meetings of the Board.
- Section 3. The Chairperson supervises the affairs of the Board and establishes its agenda. The Chairperson will preside at all meetings of the Board, appoint committees and subcommittees as may be necessary to carry out the

purposes of the Board, and administer or direct that the oath be administered to all witnesses to come before the Board for purpose of a public hearing. The Chairperson will be an ex-officio, non-voting member of all committees and subcommittees the Chairperson appoints.

Section 4. In the absence of the Chairperson, the Vice-Chairperson will perform all duties and exercise all powers of the Chairperson.

Section 5. The Secretary will record and maintain permanent minutes of the Board's proceedings – showing the vote of each member upon every question or, if absent or failing to vote, indicating the fact; summarizing the testimony of those appearing before the Board; marking for identification all exhibits presented to the Board; and recording the names and addresses of all persons appearing before the Board. Upon the request of the Board or Community Preservation & Development Director, the Secretary will make, or cause to be made, complete written transcripts of selected public hearing proceedings. The Secretary will keep records of the official actions of the Board. The Secretary will file minutes, transcripts, exhibits, and records in the office of the Director of Community Preservation & Development, which minutes, transcripts, exhibits, and records will be public records.

Section 6. The Director of Community Preservation & Development, or designee, will maintain all current and permanent records of the Zoning Board of Appeals, will assist and advise members of the public and applicants, will handle all correspondence of the Board in cooperation with the Chairperson, will publish notices of Public Hearings before the Zoning Board of Appeals, will consult the Attorney for the City when necessary, will provide the Board with any information and documentation it reasonably requests, and will report to the Board at each meeting the status of current and pending business of Board interest.

### **ARTICLE III. Meetings.**

Section 1. Regular meetings of the Zoning Board of Appeals are scheduled for the fourth Thursday of each month at 7:00 p.m. in City Hall, 505 Butler Place, Park Ridge, Illinois.

Section 2. Regular meetings may be canceled by the Chairperson when there are no cases pending. Notification must be given to members with as much advance notice as possible prior to the time set for the canceled meeting.

Section 3. All meetings must comply with the Illinois Open Meetings Act.

Section 4. A majority of the Zoning Board of Appeals members then in office is deemed to be a quorum.

- Section 5. A quorum is necessary to transact any board business, including any decision, determination, or official action of the Board at any regular or special meeting of the Board.
- Section 6. A member absent from a public hearing may vote on matters related to the public hearing if present on the date of the continuance of the public hearing and if the member states that the member has read the minutes or transcript or watched a recording of the public hearing.
- Section 7. Unless stated otherwise in these Procedures, the Zoning Board of Appeals will generally follow Robert's Rules of Order, but the Chairperson may make rulings based on the convenience of the Zoning Board of Appeals and those appearing before it and subject to a motion to reverse the decision of the Chairperson.
- Section 8. All regular meetings of the Board will proceed substantially in the following order of business:
- A. Call to Order
  - B. Approval of Minutes
  - C. Public Hearings
  - D. Discussion Items / Updates
  - E. Citizens Wishing to be Heard on Non-Agenda Items
  - F. Other Items
  - G. Adjournment

**ARTICLE IV. Public Hearings.**

- Section 1. These hearing rules of procedure are designed to ensure a fair and thorough public hearing process and should be considered the general parameters governing public hearings before the Zoning Board of Appeals. These rules of procedure apply to all public hearing participants including the applicant, objectors, witnesses, and attorneys representing the applicant, objectors, and any witnesses. All participants are expected to conduct themselves according to these rules and in a respectful and professional manner. All testimony will be under oath. While the Board has the authority, if it deems necessary, to temporarily waive, suspend, or otherwise adjust these rules as circumstances warrant, failure by any participant in the public hearing process to follow these rules, as may be adjusted by the Board, may result in removal from the public hearing by the Chairperson.
- Section 2. The conduct of a public hearing will be substantially as follows:
- A. Introduction by the Chairperson.**

The Chairperson will begin each public hearing by explaining the procedures for the conduct of the public hearing. The Chairperson will remind those people previously sworn under oath from a continued public hearing that they remain under oath.

**B. City Staff's Summary of Petition.**

City staff will give a presentation to familiarize the Board and others of the applicant's request. In the event that the hearing is continued from a previous date, staff will be asked to provide any new, additional, or supplemental information.

**C. Applicant's Presentation.**

The applicant may appear on one's own behalf or by a representative. The applicant may make an initial statement outlining the nature of the request. Then, the applicant will then proceed with the presentation of sworn testimony from witnesses and other evidence. In general, the Board should allow the applicant to make this presentation without interruption except that members of the Board may reasonably question the applicant and the applicant's witnesses.

**D. Cross-Examination.**

Interested parties will have the right to cross-examine witnesses. Property owners, tenants, or occupants within 250 feet in each direction of the subject property have an automatic right to cross-examine applicants and applicants' witnesses. In addition, applicants have a right to cross-examine any witness offered in opposition to their petition. Finally, anyone else who desires to cross-examine the applicant or any other witness must file their request at least three days in advance of the scheduled public hearing date or continuation of the hearing, unless waived by the Chairperson. Any individual interested in cross-examining a witness must fill out a form approved by the Board and submitted to the Director of Community Preservation & Development.

Those individuals wishing to cross-examine witnesses must tailor their cross-examination in accordance with the following:

1. The matters that are subject to cross-examination are factual and not merely matters of taste or personal opinion;
2. The cross-examination will help simplify otherwise complex issues before the Board; and
3. The cross-examination relates to the factors to be considered by the Board in making its recommendation.

In all instances, the Chairperson may specify which issues are considered relevant to the factors the Board must use to make its recommendation and limit cross-examination accordingly. People wishing to cross-examine witnesses must be aware of the factors that guide the Board in its considerations of a given petition

and must tailor their cross-examination to these factors. Failure to do so may result in disqualification from cross-examination.

The Chairperson will determine whether a party conducting cross-examination is eliciting relevant information and may direct a cross-examiner to adjust the questioning accordingly. In addition, the Chairperson may restrict the scope of cross-examination to the testimony offered. Cross-examination designed to elicit extraneous, irrelevant, or repetitive testimony will be ruled out of order by the Chairperson and may result in disqualification of the person from further cross-examination of the witness.

The Board acknowledges the rights of parties to cross-examine witnesses and City staff, but parties wishing to do so must accept that the Board is not a court of law and the normal rules of evidence that would otherwise exist in those settings are not applicable in the Board's proceedings. In order for the Board to most effectively carry out its responsibilities, parties wishing to cross-examine witnesses must respect this fact and conduct themselves accordingly.

As a general rule, the amount of time spent in cross-examination of a particular witness should not exceed the amount of time that witness testified on direct examination. Organizations or other groups of individuals desiring to cross-examine a witness are expected to coordinate their efforts to maintain efficiency and the promptness of the proceedings and to stay within this general time parameter.

Finally, parties wishing to cross-examine witnesses offered by an applicant are expected to respect the right of the applicant to a prompt and efficient process. The use of cross-examination that deviates from these rules will be viewed as an abuse of process and infringement on the right of an applicant to a prompt and efficient process and result in immediate disqualification from further cross-examination or testimony.

**E. Public Testimony (Other Than Cross-Examination).**

At the start of the period for public comment, testimony, and general questions, the Chairperson will advise the public:

1. of the amount of time permitted for public testimony, comment, and general questions;
2. that all speakers state their names and addresses before addressing the Board;
3. to avoid repetitive comments, testimony, and general questions;
4. to appoint only one person to speak on behalf of a group; and
5. that all information presented to the Board is under oath.

Each person will be permitted to speak one time only, unless the Chairperson determines that allowing a speaker to address the Board again will contribute new testimony or other evidence. Unless more time is deemed necessary by the Chairperson, all comments from the public will be limited to no more than five minutes per person.

As a general rule, any organization or other group of individuals desiring to make a presentation will be collectively allowed an equal amount of time as was provided the petitioner for its full presentation. Multiple persons desiring to make a presentation are expected to coordinate their efforts to maintain efficiency and the promptness of the proceedings and to stay within this general time parameter.

**F. Response by the Applicant.**

The Chairperson will allow the applicant a reasonable time to respond to the public testimony and comments presented, but no more than half the time as was used by all other non-applicants.

**G. City Presentation of Evidence.**

After the applicant and members of the public have finished their presentations, City staff may present any evidence it deems pertinent to the issues being considered by the Board. Interested parties may be permitted to question City staff or witnesses presented by staff. The amount of time spent on questions of staff should not exceed the amount of time spent on staff's presentation.

**H. Final Statements by the Parties.**

The parties may be provided with a reasonable amount of time to present a closing statement, as determined by the Chairperson.

Section 3. Continuances of a public hearing may be granted at the discretion of the Board in the following circumstances:

1. When additional evidence is required of any party or when additional time for deliberation is necessary.
2. At the request of any party, the Zoning Board of Appeals may grant a continuance for good cause shown.

Section 4. Failure of an applicant to appear and present its application may result in the following actions:

1. The Chairperson may entertain a motion from the Board to dismiss the case for the applicant's failure to appear and present the application. In the absence of a motion by the Board, the Chairperson will make a ruling.

2. In cases that are dismissed for the applicant's failure to appear and present, the applicant will be furnished written notice by the Chairperson of the Board.
3. The applicant will have ten days from the date of notice of dismissal to apply for reinstatement of the case. In these cases, the applicant must file a written request with the Chairperson of the Board for reinstatement. Reinstatement will be at the discretion of the Chairperson for good cause shown. In all cases reinstated in the above described manner, the case will be docketed in the manner prescribed for new cases.

**ARTICLE V. Zoning Board of Appeals Deliberations and Decisions.**

- Section 1. During the Board's discussion and deliberation, members of the Board may direct additional questions to the applicant, witnesses for the applicant, or members of the public who testified. The applicant, witnesses for the applicant, or members of the public or their attorneys may not address the Board during this portion of the meeting without the consent of the Chairperson.
- Section 2. City staff is authorized to answer questions from Zoning Board of Appeals members and to provide additional information, interpretations, and support to the Zoning Board of Appeals during the Zoning Board of Appeals' discussion and deliberations.
- Section 3. All deliberations of the Board must be conducted and all of its decisions must be made at a meeting that is open to the public. The Board may choose to adjourn into closed session when permitted by law. At the conclusion of its deliberations, the Zoning Board of Appeals will close the public hearing.
- Section 4. Final decisions or recommendations must be made within 45 days from the conclusion of the public hearing.
- Section 5. All decisions of the Board must be by motion made and seconded and by the Chairperson polling the membership by a roll call vote. A concurring vote of a majority of a quorum of the Board is necessary to make any recommendation to the corporate authorities. If conditions are imposed by the Zoning Board of Appeals in recommending the granting of an applicant's petition, these conditions should be included in the motion.
- Section 6. Any transcripts prepared for a given case will be a part of the public record of the Board.

Section 7. Notice of the decision of the Board must be given to the applicant, and the Director of Community Preservation & Development as soon as possible after the decision is reached.

Section 8. After the Zoning Board of Appeals recommendation has been made, an applicant may decide not to pursue the request to the City Council. If an applicant does not withdraw the application/request, the matter will be promptly referred to the City Council.



**CITY OF PARK RIDGE ZONING BOARD OF APPEALS**

**PUBLIC HEARING REGISTRATION FORM FOR CROSS-EXAMINATION**

If you wish to cross-examine the applicant or any applicant witnesses you must register, using this form.

*\*All asterisked information is required.*

Date of hearing\*: \_\_\_\_\_

Hearing applicant\*: \_\_\_\_\_

Applicant's zoning relief (as provided in notice)\*: \_\_\_\_\_

Name of person making request\*: \_\_\_\_\_

Name of organization\* (if applicable): \_\_\_\_\_

Address\* (personal or organization): \_\_\_\_\_

Telephone (personal or organization): \_\_\_\_\_

E-mail: \_\_\_\_\_

**Representative Information:** (Only complete this section if you will be represented by an attorney or other representative who will be conducting cross-examination on your behalf)

Name\*: \_\_\_\_\_

Firm name\*: \_\_\_\_\_

Address\* (firm address): \_\_\_\_\_

Telephone\* (firm telephone): \_\_\_\_\_

E-mail: \_\_\_\_\_

All those conducting cross-examination are subject to the following rules:

1. Matters subject to cross-examination are factual and not merely matters of taste or personal opinion;
2. The cross-examination must help simplify otherwise complex issues before the Board; and
3. The cross-examination relates to the factors to be considered by the Board in making its recommendation.

Requesters are expected to familiarize themselves with the City of Park Ridge's Zoning Board of Appeals' Public Hearing Rules of Procedure, which have additional requirements for cross-examination. Copies of the Rules of Procedure are available from the Community Preservation & Development Department.

Privacy notice: The information provided on this form is required for the purposes of the public hearing before the Board. These forms are subject to properly filed Freedom of Information Act requests, but will be redacted as necessary to protect "private information" as that term is defined in the Illinois FOIA, 5 ILCS 140/2 (c-5).