

**RULES OF PROCEDURES**

**PARK RIDGE PLANNING & ZONING COMMISSION**

**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 Planning & Zoning Commission.
- Section 2. The office of the Commission 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 Commission if requested by the Commission, 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 Planning & Zoning Commission must: (a) disclose the interest, (b) not vote on the matter, and (c) be excluded from the Commission as a participant during any part of the meeting under which the matter is under consideration.
- Section 5. Each member of the Commission must attend all regularly and special scheduled meetings of the Commission 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 Commission 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 Commission consist of the Chairperson and a Vice-Chairperson. In addition, the Commission 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 Commission. A Secretary will be designated by the City Clerk, and the Secretary shall attend all meetings of the Commission.

- Section 3. The Chairperson supervises the affairs of the Commission and establishes its agenda. The Chairperson will preside at all meetings of the Commission, appoint committees and subcommittees as may be necessary to carry out the purposes of the Commission, and administer or direct that the oath be administered to all witnesses to come before the Commission 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 Commission'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 Commission; marking for identification all exhibits presented to the Commission; and recording the names and addresses of all persons appearing before the Commission. Upon the request of the Commission 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 Commission. 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 Planning & Zoning Commission, will assist and advise members of the public and applicants, will handle all correspondence of the Commission in cooperation with the Chairperson, will publish notices of Public Hearings before the Planning & Zoning Commission, will consult the Attorney for the City when necessary, will provide the Commission with any information and documentation it reasonably requests, and will report to the Commission at each meeting the status of current and pending business of Commission interest.

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

- Section 1. Regular meetings of the Planning & Zoning Commission are scheduled for the second and fourth Tuesdays 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 Planning & Zoning Commission members then in office is deemed to be a quorum.
- Section 5. A quorum is necessary to transact any commission business, including any decision, determination, or official action of the Commission at any regular or special meeting of the Commission.
- 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 Planning & Zoning Commission will generally follow Robert's Rules of Order, but the Chairperson may make rulings based on the convenience of the Planning & Zoning Commission and those appearing before it and subject to a motion to reverse the decision of the Chairperson.
- Section 8. All regular meetings of the Commission will proceed substantially in the following order of business:
- A. Call to Order
  - B. Approval of Minutes
  - C. Public Comment
  - D. Public Hearings
  - E. Pre-Application Meetings
  - F. Chairperson's Report
  - G. Staff Report
  - H. Other Business
  - I. 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 Planning & Zoning Commission. 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 Commission 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 Commission, 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 Commission 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 Commission should allow the applicant to make this presentation without interruption except that members of the Commission 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 Commission 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 Commission; and
3. The cross-examination relates to the factors to be considered by the Commission in making its recommendation.

In all instances, the Chairperson may specify which issues are considered relevant to the factors the Commission 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 Commission 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 Commission acknowledges the rights of parties to cross-examine witnesses and City staff, but parties wishing to do so must accept that the Commission is not a court of law and the normal rules of evidence that would otherwise exist in those settings are not applicable in the Commission's proceedings. In order for the Commission 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 Commission;
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 Commission is under oath.

Each person will be permitted to speak one time only, unless the Chairperson determines that allowing a speaker to address the Commission 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 Commission. 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 Commission 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 Planning & Zoning Commission 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 Commission to dismiss the case for the applicant's failure to appear and present the application. In the absence of a motion by the Commission, 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 Commission.
  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 Commission 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. Planning & Zoning Commission Deliberations and Decisions.**

- Section 1. During the Commission's discussion and deliberation, members of the Commission 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 Commission during this portion of the meeting without the consent of the Chairperson.
- Section 2. City staff is authorized to answer questions from Planning & Zoning Commission members and to provide additional information, interpretations, and support to the Planning & Zoning Commission during the Planning & Zoning Commission's discussion and deliberations.
- Section 3. All deliberations of the Commission must be conducted and all of its decisions must be made at a meeting that is open to the public. The

Commission may choose to adjourn into closed session when permitted by law. At the conclusion of its deliberations, the Planning & Zoning Commission will close the public hearing.

- Section 4. Final decisions or recommendations must be made within 90 days from the conclusion of the public hearing.
- Section 5. All decisions of the Commission 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 Commission is necessary to make any recommendation to the corporate authorities. If conditions are imposed by the Planning & Zoning Commission 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 Commission.
- Section 7. Notice of the decision of the Commission 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 Planning & Zoning Commission 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 PLANNING & ZONING COMMISSION**

**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 Commission; and
3. The cross-examination relates to the factors to be considered by the Commission in making its recommendation.

Requesters are expected to familiarize themselves with the City of Park Ridge's Planning & Zoning Commission's 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 Commission. 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).