

RESOLUTION NO. 2020-03

VILLAGE OF LISLE PLANNING AND ZONING COMMISSION

A RESOLUTION APPROVING LISLE PLANNING AND ZONING COMMISSION BY-LAWS

WHEREAS, Title 2, Chapter 1, Section 4 of the Lisle Village Code directs the Planning and Zoning Commission to adopt its own rules of procedure; and

WHEREAS, the Planning and Zoning Commission approved Planning and Zoning Commission By-Laws on November 20, 2019 (Planning and Zoning Commission Resolution 2019-02); and

WHEREAS, the Planning and Zoning Commission has determined it necessary to revise the Planning and Zoning Commission By-Laws to incorporate policies and procedures relating to State Disaster Declarations.

NOW, THEREFORE, BE IT RESOLVED by the Planning and Zoning Commission of the Village of Lisle, DuPage County, Illinois as follows:

Section 1: The Lisle Planning and Zoning Commission By-Laws attached hereto as Exhibit 1 are hereby approved.

BE IT FURTHER RESOLVED that this resolution shall be entered upon the journals of the Planning and Zoning Commission of the Village of Lisle.

PASSED AND APPROVED THIS 18TH DAY OF NOVEMBER, 2020.



Planning and Zoning Commission Chairman

VOTES

AYES Biederstadt, Zajdel, Trussell, Nakamura, Bauer, Bielat

NAYS:

ABSENT: Rogers

ABSTAIN: None

LISLE PLANNING AND ZONING COMMISSION BY-LAWS

ARTICLE I

OFFICERS

Section 1. Selection

- A. Pursuant to Section 2-1-2 of the Lisle Village Code, the Chairman of the Planning and Zoning Commission (hereinafter also referenced as "Commission") is appointed by the Mayor, subject to the confirmation of the Board of Trustees.
- B. A Vice-Chairman shall be elected annually by the Commission.
- C. A secretary may be elected annually by the Commission.

Section 2. Tenure

- A. Commission terms of office shall be in accordance with Section 2-1-3 of the Lisle Village Code.
- B. The Chairman shall take office immediately following their selection by the Mayor and Board of Trustees. The Chairman shall hold office until a successor is appointed and assumes office or until his or her term is expired, whichever occurs first.
- C. The Vice-Chairman and Secretary shall take office immediately following their selection and shall hold office until their successors are selected and assume office, or until their terms are expired, whichever occurs first.

Section 3. Duties

- A. The Chairman shall preside at all hearings or meetings, shall appoint such committees as may be necessary to carry out the purposes of the Commission, shall appoint committee chairmen, shall provide for oaths to be administered to all witnesses at public hearings, shall prepare or direct the preparation of all reports of recommendation or official action for the Village Board, shall perform such other duties as may be ordered by the Commission, and shall perform such other duties necessary to carry out the purpose of the Commission.
- B. The Vice-Chairman shall perform all the duties and exercise all of the powers of the Chairman in the case of absence or disability of the Chairman. In the event of death, removal for cause, resignation, or inability of the Chairman to serve, the Vice-Chairman shall serve as Acting Chairman with all the powers and duties of the Chairman until a successor is appointed. The Vice-Chairman shall perform such other duties as directed by the Chairman.

- C. The Secretary, if this office is created by the Commission, shall call the roll, call public speakers, direct the preparation of the minutes of all meetings and public hearings, execute documents in the name of the Commission, conduct correspondence of the Commission subject to the instructions of the Commission and Chairman, and perform such other duties as the Commission may determine. In case of absence or temporary disability of the Secretary, the Chairman may appoint an Acting Secretary to carry out the functions of the Secretary's office until the Secretary returns to his or her post, or until a successor is selected.
- D. A recording secretary (hereinafter "Recording Secretary") supplied by the Development Services Department shall oversee recording of the Commission proceedings and shall prepare the minutes of the commission meetings showing the vote of the Commission, recording all official actions of the Commission and summarizing accurately the testimony of those appearing before the Commission.
- E. In the absence of both Chairman and Vice-Chairman, an Acting Chairman designated by the Chairman, or by the Mayor if the Chairman is unavailable, shall preside.
- F. Commission members shall not accept compensation and / or benefits related to their service as a Commission member.
- G. Commission members shall recuse themselves when a conflict exists that may influence their decision or vote.

ARTICLE II

MEETINGS

Section 1. General Provisions

- A. All meetings and notices of Commission meetings shall comply with the Illinois Open Meeting Act, 5 ILCS 120/1 et.seq. Unless closed in compliance with the Illinois Open Meetings Act, all meetings of the Commission shall be open to the public. No final action shall be taken except at a public meeting.
- B. There are seven (7) members of the Commission. Four (4) members of the Commission shall constitute a quorum for the transaction of business and the taking of official action. A continuance of a public hearing to the next regularly scheduled Commission meeting due to a lack of quorum shall not be considered transaction of business.
- C. All documents and communications to be brought to the Commission's attention are to be filed with the Recording Secretary of the Commission the Thursday preceding a meeting to assure that the Commission will have adequate time to consider the document or communication prior to the meeting. Said documents and communications shall be made part of the case packet and posted on the Village's website if possible. At the Chairman's discretion, documents and communications may be filed after this date and time; however, the Chairman may choose to continue the hearing, in whole or in part, based upon the late submission of materials.

- D. A record of proceedings shall be maintained for all meetings of the Commission in accordance with applicable laws and shall at a minimum include the date, location of the meeting, Commission members present, and a record of any action taken by the Commission.
- E. Members of the public who wish to comment or testify at a public hearing to be conducted by the Commission shall comply with the provisions of Article IV of these By-laws. Any member of the public who wishes to address the Commission for any other purpose may notify the Recording Secretary of his or her intent to speak during public forum; see Article V for additional information.

Section 2. Regular Business Meeting

- A. The Regular Business Meeting of the Commission shall be held on the third Wednesday of each month at 7:00 p.m.; provided, the Commission may adopt another hour and date of holding its meetings by majority vote.
- B. All regular meetings of the Commission shall conclude at ten (10:00) p.m. unless extended to a time certain by a simple majority of Commission members present.
- C. Public hearings shall be scheduled by the Development Services Director or by the Village Planner, and shall occur during the Commission's Regular Business Meeting. The Development Services Department shall publish proper notice for all public hearings in the newspaper of general circulation as required by law. The Development Services Department shall be responsible to provide all other notices as may be required by the Lisle Village Code.
- D. The record of proceedings for all hearings shall include documentation that notices required by the Lisle Village Code have been given.

Section 3. Special Meeting

The Commission may schedule Special Meetings for the purpose of training, consideration of reports, planning discussions, and other matters related to the scope of the Commission's activities as defined by Section 2-1-9 of the Lisle Village Code. Such meetings may be scheduled on the call of the Chairman or at the written request of three members of the Commission, provided that at least 48 hours' notice of any such meeting is posted by the Village and given by mail, email or telephone to each member. The notice of the special meeting shall state the purpose and time of the meeting and comply with the Illinois Open Meetings Act.

Section 4. Legal Holidays

Any meeting that falls on a Village observed holiday shall be held on such other date as may be selected by the Director of Development Services with consent of the majority of the Commission.

ARTICLE III
RULES OF ORDER

Section 1. Agenda

The Recording Secretary shall prepare the agenda for approval by the Chairman for each meeting of the Commission. The Director of Development Services or Village Planner, in consultation with the Chairman, shall endeavor to manage the agenda for the Commission so as to ensure that fair and full consideration is given to each item on the agenda. The Chairman may modify the order of consideration of any item on the agenda with the concurrence of the Commission.

Section 2. Regular Business Meetings

- A. Order of Business: The order of business at regular business meetings shall be as follows:
- i. Call to Order
 - ii. Roll Call
 - iii. Approval of Minutes
 - iv. Public Comment
 - v. Continued Public Hearings
 - vi. Public Hearings
 - vii. New Business
 - viii. Old Business
 - ix. Adjournment
- B. Change of Agenda Item Order: The Chairman may, at his or her discretion, or at the request of a Commissioner, change the order of an item or items on the agenda with the consent of the Commission.
- C. Item(s) Not on Agenda: The failure to specifically list a matter on the agenda shall not preclude discussion of any matter that is germane to a general topic listed on an agenda or meeting notice, but no final action may be taken with respect thereto.
- D. Conduct of Members:
- a. When two (2) or more Commission members seek recognition at the same time, the Chairman shall name the member who speaks first.
 - b. Commission members shall always demonstrate respect for the opinions of each other, members of the staff, and members of the audience.
 - c. While business of the Commission is being transacted, no Commission member shall leave the meeting without first informing the Chairman.

Section 3. Electronic Attendance

- A. Electronic Attendance: A member of the Commission wishing to attend a Commission meeting by telephonic or video means shall notify the Recording Secretary as soon as possible, but not less than twenty-four (24) hours before the meeting unless advance notice is impractical. Attendance by telephonic or video means is only permitted in cases of: 1) personal illness or disability; 2) employment purposes or other public business; or 3) a family or other emergency.
 - a. No more than two Commission members may attend a meeting by telephonic or video means.
- B. Physical quorum present: A majority of the Commission must be physically present at a meeting in order to achieve a quorum.
- C. Procedure:
 - a. The Chairman will announce the name of any Commissioner attending by telephonic or video means at the beginning of the meeting.
 - b. After a roll call establishing that a quorum is physically present, any member physically present may make a motion to permit another member to participate by telephonic or video means. Such motion shall include the reason for the absence. All members physically present are permitted to vote on whether such participation will be allowed and the motion must be approved by a vote of a majority of those members physically present.
 - c. Commission members participating by telephonic or video means shall preface their comments and their votes by first stating their last name.
- D. State Disaster Declaration
 - a. Pursuant to Section 7(e) of the Open Meetings Act (OMA) (5 ILCS 120/7), an open or closed meeting subject to OMA may be conducted by audio or video conference, without the physical presence of a quorum of the members, so long as the Governor or the Director of the Illinois Department of Public Health has issued a disaster declaration related to public health concerns because of a disaster as defined in Section 4 of the Illinois Emergency Management Agency Act, and all or part of the jurisdiction of the public body is covered by the disaster area.
 - b. In the event of a State Disaster Declaration as defined above in Section 3-D-a, the Chairman is authorized to determine that an in-person meeting is not practical or prudent because of a disaster. In making this determination, the Chairman is further authorized to establish meeting policies and procedures that are otherwise compliant with the OMA.
 - i. Agendas, mailed notifications, and publications shall identify the methods for public participation.

Section 4. Motions

- A. Motions shall be seconded by a voting member of the Commission before a vote is taken. The name of the individual making the motion and the name of the individual seconding the motion shall be recorded. A motion is not before the Commission until it has been seconded.
- B. All motions are debatable except the motion to adjourn and the motion to close debate and call the question.
- C. A motion may be amended or a motion to substitute may be made. A motion to substitute takes the place of the main motion and only one vote is needed.

Section 5. Voting

- A. Voting on final recommendations of the Planning and Zoning Commission shall be by roll call. Other voting shall be by voice vote unless a roll call is requested by the Chairman or another member of the Commission. Motions shall be made in the affirmative; a majority of members present shall vote in the affirmative in order to constitute a majority recommendation of approval. A tie vote shall result in a majority recommendation of denial.
- B. In the event that majority recommendation of approval is not achieved by the Commission on any item under consideration, the Chairman shall note that fact and the Recording Secretary shall provide a summary of each Commissioner's comments.

Section 6. Rules of Order

The following rules of order shall govern all Commission proceedings:

- A. Robert's Rules of Order shall govern Commission proceedings.
- B. Chairman to Preside: The Chairman shall preside at all Regular Business Meetings and Special Meetings of the Planning and Zoning Commission provided that in the absence of the Chairman the Vice Chairman shall preside. In the absence of both the Chairman and the Vice-Chairman, an Acting Chairman designated by the Chairman, or by the Mayor if the Chairman is unavailable, shall preside.
- C. The Chairman shall preserve order and decorum and shall decide on all questions of order. The rulings of the Chairman shall be appealable to the Planning and Zoning Commission and shall be decided by a majority vote of those present, including the Chairman, without debate.
- D. Precedence of Motions:
 - i. Motion to adjourn to a date certain.
 - ii. Motion to adjourn.
 - iii. Motion to recess the meeting to a time certain.
 - iv. Motion to close debate and call the question. When a motion is made to "close debate and call the question" a vote on the main motion shall be taken without further debate unless either a motion to adjourn is made or unless the motion is objected to. If the motion to close debate and call the question is contested by an objection to the motion, the Chairman will ask for a roll call on the motion to close debate and call the question, which shall pass if approved by a majority of the

Commission. A motion to close debate and call the question does not require a second.

- v. Motion to substitute (takes the place of the main motion and only one vote is required).
- vi. Motion to amend.
- vii. Motion to table to a date certain.
- viii. Main motion
- ix. Motion to reconsider at the same meeting. A motion to reconsider a decision made at the same meeting the original vote was taken may be made by any member of the Commission, if that member voted with the prevailing side. If the motion to reconsider is made before another item has been discussed, and if the motion is seconded and passed by a two-thirds (2/3) vote of the Commission, the item may be reconsidered at that meeting.
- x. Motion to change a vote. A member has a right to change his or her vote up to the time that the result is announced; after that, he or she can make the change only by the unanimous consent of the assembly granted without debate.
- xi. Motion to suspend the rules. Planning and Zoning Commission procedural rules may be temporarily suspended for only the matter under consideration at any time by a vote of two-thirds (2/3) of the Commission. . However, rules relating to issues governed by State statute shall not be so suspended.
- xii. Motion to remove an item from the agenda. This motion is appropriate when the Commission chooses to take no action on an item (i.e., when the petitioner has withdrawn the request).
- xiii. Motion to rescind: Motions approved by the Commission shall remain stayed for a period of seven (7) calendar days during which a member of the Commission may request that a motion to rescind be considered by the Commission. The motion to rescind shall be considered by the Commission at the next regularly scheduled meeting; the applicant shall be notified in writing of the contemplated motion to rescind, and the motion to rescind shall be posted in accordance with the Open Meetings Act.

ARTICLE IV

PUBLIC COMMENT FORUM

Section 1. Public Comment Forum

The Illinois Open Meetings Act provides that members of the public must be given an opportunity to address public officials at open meetings and provides that public comment maybe subject to the rules established and recorded by the public body. The purpose of the public comment forum is to allow members of the public an opportunity to address the Commission on issues of concern to them which are not part of the agenda.

Section 2. Conduct of Public Comment Forum

- A. All individuals participating in the public comment forum shall conduct themselves in a courteous and civil manner. No applause, cheering, or other distractions shall be permitted. The Chairman shall take such actions as needed to maintain an orderly and civil hearing.
- B. Speakers shall address the Commission from the podium and shall state their name for the record before beginning their remarks.

- C. Speakers shall limit their remarks to no more than three (3) minutes unless additional time is granted by the Chairman or by majority vote of the Commission.
- D. A timer may be used to notify speakers when the allotted time has expired. Speakers will be informed when their allotted time has expired. Upon the expiration of the allotted time, speakers shall stop speaking and leave the podium unless additional time is granted or unless there are questions directed to the speaker from the Commission.
- E. Public participation during the public comment forum shall be limited to no more than thirty (30) minutes in total unless extended for a time certain by the Chairman or by a majority vote of the Commission. If there are more speakers signed up to address the Commission than time will allow, public forum shall be bifurcated and continued to the end of the agenda, prior to new business.

ARTICLE V

PUBLIC HEARINGS

Section 1. Public Hearing Conduct

All individuals participating or attending a public hearing shall conduct themselves in a courteous and civil manner. No applause, cheering, or other distractions shall be permitted. The Chairman shall take such actions as needed to maintain an orderly and civil hearing.

Section 2. Notice Confirmation

Prior to commencement of the hearing, Village staff shall confirm that proper notice of the hearing was given in accordance with state statutes and the Lisle Village Code, and that documentation of such notice is included in the case file for the Petition.

Section 3. Introduction by the Chairman

- A. The Chairman will begin each public hearing by announcing the name of the petitioner (hereinafter "Petitioner") and the nature of the request.
- B. An oath will be administered to all persons intending to testify during the course of the public hearing.

Section 4. Order of Business

The order of business for a public hearing shall be as follows:

- i. Village Staff Presentation
- ii. Petitioner Presentation
- iii. Interested Party Presentation
- iv. Cross Examination of Petitioner
- v. Cross Examination of Interested Party
- vi. Public Comment
- vii. Petitioner Response
- viii. Commission Discussion and Public Hearing Closure

Section 5. Village Staff Presentation

- A. Village staff will provide a presentation summarizing the nature of the Petitioner's request, basic facts of the case, the staff recommendation, and any additional information that is relevant to the Planning and Zoning Commission's consideration of the case.
- B. Staff shall also be present to respond to inquiries by the Planning and Zoning Commission, Petitioner, and public regarding the facts of the case and the provisions of the Village Code.

Section 6. Petitioner's Presentation

- A. The Petitioner shall be allocated time to present the Petition including testimony of witnesses and other evidence as are relevant to the case. The Chairman shall allow the Petitioner reasonable time to make this presentation without interruption; provided, however, that questions by the Chairman or other members of the Commission may be permitted if necessary to aid the Commission or public in understanding a particular aspect of the presentation.
 - a. The provisions of Section 7 (Evidence) shall apply to the Petitioner's presentation.

Section 7. Interested Party Presentation

- A. The Chairman will begin the interested party presentation forum by advising all interested parties of the following:
 - a. The amount of time permitted for interested party testimony, comment, and general questions;
 - b. that all speakers state their names and addresses before addressing the Commission;
 - c. that interested parties are to avoid repetitive comments, testimony, and general questions;
 - d. that interested parties are to appoint a person to speak on behalf of a group; and
 - e. that all information presented to the Commission is under oath.
- B. Interested Party Defined. An interested party is defined as a person who received a personal notice addressed to them as required under the Zoning Ordinance about the public hearing.
 - a. A person wishing to exercise this right must be prepared to demonstrate to the satisfaction of the Commission that they are the person to whom the notice was addressed or that they reside at the address on the notice.
- C. An interested party may present testimony of witnesses and other evidence regarding the petition. The Commission should allow persons to make this presentation without

interruption, except for those questions allowed by the Chairman that may be immediately necessary to aid the Commission or the public in understanding a particular aspect of the presentation.

- D. All interested parties will be collectively allowed an equal amount of time as was provided to the petitioner for its full presentation.
- E. An interested party is allowed to speak one time, unless the Chairman determines that allowing an interested party to address the Commission an additional time will contribute new testimony or other evidence.
- F. School District Right: Pursuant to 65 ILCS 5/11-13-20 any school district within which the property in issue, or any part thereof, is located shall have the right to appear and present evidence.

Section 8. Cross Examination Rights

- A. Interested Parties. An interested party has the right to cross-examine petitioners and petitioners' witnesses.
- B. Petitioners. A petitioner has the right to cross-examine any witness offered in opposition to their petition.
- C. School District. 65 ILCS 5/11-13-20 any school district within which the property in issue, or any part thereof, is located shall have the right to cross examine the petitioners and their witnesses.
- D. General Public. Any other party who does not otherwise have a right to cross-examination under these rules must file a formal request to do so at least one (1) days in advance of the scheduled public hearing date or continuation thereof. The request must be made in writing and be submitted to the Development Services Director. The Commission shall determine whether their request to cross-examine witnesses has been granted or denied at the public hearing. No such request will be unreasonably denied.

Section 9. Cross Examination Content Requirements

- A. Matters that are subject to cross-examination must be factual and not merely matters of taste or personal opinion.
- B. The cross-examination must help simplify otherwise complex issues before the Commission.
- C. The cross-examination must relate to the factors to be considered by the Commission in making its recommendation.

Section 10. Cross Examination – Chairman Authority

- A. The Chairman may restrict the scope of cross-examination to the testimony offered.

- B. The Chairman may specify which issues are considered relevant to the factors the Commission must use to make its recommendation and limit cross examination accordingly.
- C. The Chairman shall determine whether a party conducting a cross examination is eliciting relevant information and may direct a cross-examiner to adjust questions accordingly.
- D. Cross-examination designed to elicit extraneous, irrelevant, or repetitive testimony may be ruled out of order by the Chairman and may result in disqualification of the person from further cross-examination of the witness.

Section 11. Public Comment

- A. Members of the public who are interested in the subject matter of the Petition shall be allocated time to speak.
 - a. Any individual providing public comment shall address the Commission from the podium and state their name for the record.
 - b. Individuals providing public comment shall avoid repetitive comments, testimony and questions.
 - c. Individuals speaking on the same issue should coordinate testimony to the extent possible in order to promote an efficient hearing, including selection of a representative to speak on behalf of a group where appropriate.

Section 12. Petitioner Response

The Chairman shall allow the petitioner a reasonable time to respond to the testimony and comments presented.

Section 13. Commission Discussion

- A. During the Commission's discussion, members of the Commission may direct additional questions to the petitioner, witnesses for the petitioner, or members of the public who testified. The petitioner, witnesses for the petitioner, or members of the public or their attorneys may not address the Commission during this portion of the meeting without the consent of the Chairman.
- B. Based on the discussions, the Commission may:
 - a. request the petitioner, a member of the public, Village staff, and/or the Village Attorney to provide new or additional information and continue the hearing to a date certain; or
 - b. continue the hearing to a date certain for any reason deemed appropriate by the Commission; or
 - c. motion to move to the regular meeting and close the public hearing.

Section 14. Subpoena of Witnesses

- A. There is no automatic right to request the issuance of a subpoena for any witness.
 - a. The Chairman may, in accordance with state law, compel the attendance of a witness if the following exists:
 - i. a proper showing that the testimony to be elicited is relevant to the factors under consideration by the Commission;
 - ii. an allegation of some special interest beyond that of the general public; and
 - iii. that the evidence to be elicited from the subpoenaed witness cannot be obtained through some other document or testimony.
 - b. Any person who satisfies the requirements for issuance of a subpoena will be completely responsible for presenting the witness before the Commission, including, without limitation all costs, attorney fees, and enforcement of the subpoena.
 - c. A subpoena may not be issued to obtain documents or other non-testimonial evidence.
 - d. Failure of a subpoenaed witness to appear shall not result in a delay of the proceedings before the Commission.

Section 15. Evidence

- A. The Commission is not bound by strict rules of evidence. The Chairman shall rule on all questions related to the admissibility of evidence presented by the Petitioner or any Interested Party, provided that the Chairman's ruling may be overruled by a majority of the Commission members present.
- B. Submission of written documentation of any kind which is relevant to the Petition shall be governed by the provisions of Article II, Section 1(c) above.
- C. An individual presenting information to the Commission as an expert witness shall provide the Commission with his or her name, the Village, county and state (if other than Illinois) where he or she resides, the address of the business which he or she represents, and a description of the area of knowledge or expertise of such witness. It is preferred that such witness register with the Recording Secretary in advance of the meeting and provide the Recording Secretary with a business card and/or curriculum vitae. Such witness shall be allowed to testify subject to the conditions set forth herein or as may be reasonably imposed by the Chairman.

ARTICLE VI

MISCELLANEOUS

Section 1. Suspension of the Rules

The Commission may suspend any of these rules by a vote of two-thirds vote of total membership of the Commission.

Section 2. Amendments

These By-laws may be amended at any regular or special meeting by a two-thirds vote of total membership of the Commission if amendment of the By-laws is included on the Commission Agenda. Any proposed amendment must be presented in writing before the vote on the amendment is taken.

Section 3. Conflicting Provisions

These By-laws are intended to abrogate any provision of Title 2, Chapter 1, of the Lisle Village Code. In the event conflicting provisions exist, the Lisle Village Code and Illinois State Statute shall prevail.