

CITY OF URBANA

**MOR** DEVELOPMENT REVIEW BOARD BY-LAWS  
(ADOPTED ~~October 12, 2004~~)

**Article I. Purpose**

It is the purpose of these bylaws to establish a guide for the operation of the Urbana Development Review Board. These bylaws are supplemental to the provisions of Section XI-12 of the Zoning Ordinance, which states the Development Review Board shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of the Urbana Zoning Ordinance.

**Article II. Powers and Duties**

The Development Review Board shall have the powers and duties outlined in Sec. XI-12 of the Urbana Zoning Ordinance.

**Article III. Membership, Officers and Their Duties**

1. The membership, their terms and responsibilities of the Board are governed by Section XI-12 of the Urbana Zoning Ordinance.
2. The Chair shall preside over meetings. In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair. If both the Chair and Vice Chair are absent, those members present shall elect a temporary Chair.
3. When a member of the Development Review Board has missed three consecutive regularly scheduled meetings without notifying the Secretary or Chairperson at least 24 hours in advance, the Chairperson will request staff to prepare a letter notifying the Mayor of the individual member's absence. The Mayor may then request the individual to resign. If the Mayor receives no response from the member prior to the meeting time of the next regularly scheduled meeting, the Mayor may remove the member for cause.
4. A member of the Board who notifies the Chairperson or Secretary of the Board of his or her absence as outlined above, shall be listed as a "Excused" in the minutes of that meeting.

5. The City Planner, or his/her representative, shall serve as Secretary to the Development Review Board in accordance with the Urbana Zoning Ordinance (Section XI-12.D.3).

#### **Article IV. Meetings**

1. Meetings shall be held ~~monthly~~ as needed. There will be one regular meeting held annually on the Thursday following the second Monday of ~~each month~~ January at 7:30 p.m. in the Urbana City Council Chambers, 400 S. Vine Street, Urbana, Illinois ~~or at an alternative time and location announced at a prior regular meeting of the Board.~~

If a regular meeting date is a City recognized holiday, the Board will not meet on that date. In such a case, the Chairperson may designate an alternative meeting date, provided that public notice is given in accordance with the requirements of the Urbana Zoning Ordinance (Section XI-2.B, Section XI-10) and the Open Meetings Act.

2. Regular meetings may be cancelled, postponed, continued or closed by the Chairperson, with notification given to all members in accordance with the requirements of the Urbana Zoning Ordinance (Section XI-10). When a meeting is cancelled, a staff representative shall be present at the date, time, and place of the cancelled meeting, and shall announce the date, time, and place of the continued meeting. The staff person is authorized on behalf of the Development Review Board to be present and give such notice. Additionally, notice of said information shall be posted in at least two (2) public places in or near the cancelled meeting site, and the Secretary shall execute an affidavit of such fact and enter the affidavit along with the notice of continuance in the records of the Development Review Board.
3. Special meetings may be called by the Chairperson at his or her discretion, or upon the request of two (2) or more members, provided that public notice is given in accordance with the requirements of the Urbana Zoning Ordinance (Section XI-2.B, Section XI-10) and the Open Meetings Act.
4. All meetings shall be open to the public, except for those meetings which may be closed in compliance with the Open Meetings Act.
5. Public hearings may be held by less than a quorum of the Board, however, such public hearings shall be continued until

a quorum is present. No case shall be decided without a quorum present. When a vote is taken, a member of the Board may vote on a matter for which he/she was not present to hear all evidence.

6. The Secretary of the Board shall be responsible for proper notification of a public hearing as required in Section XI-10 of the Urbana Zoning Ordinance, and notification of all meetings must be in compliance with the Open Meetings Act.
7. The Board shall review the Development Review Board By-laws at least once annually at a regular meeting the Chairperson designates.

#### **Article V. Order of Business**

1. All meetings of the Board shall proceed as follows unless a majority of the Board members present vote to alter the order of business. Changes to the agenda that include new business items shall not be added unless properly noticed per the Open Meetings Act:
  - A. Call to Order, Roll Call and Declaration of Quorum.
  - B. Changes to the Agenda
  - C. Approval of Minutes of Previous Meeting(s).
  - D. Communications
  - E. Continued Public Hearings
  - F. Old Business
  - G. New Public Hearings
  - H. New Business
  - I. Audience Participation
  - J. Staff Report
  - K. Study Session
  - L. Adjournment of Meeting

2. Continuance may be granted to a specific time and date, at the discretion of the Board, for good cause shown, at the request of staff or any interested party who has entered his/her appearance as follows:

A. New cases appearing for the first time on the agenda.

B. Continued Cases: All cases which have previously appeared on the agenda of the Board constitute continued cases. A request for the further continuance of a case will be considered upon application by the petitioner or the petitioner's representative at the time the case is called, and upon showing:

1. That the petitioner has given reasonable notice in writing to all persons who have filed an appearance in the matter; and

2. That the petitioner will be unable to proceed with his evidence at this hearing.

C. Continuance may be granted to a specific time and date, at the discretion of the Chairperson, for good cause shown, upon any case before the Board, if such request is made by staff or petitioner in advance of the meeting. If continuance of a case in advance of the hearing is determined by the Board to make the meeting unnecessary and if no other cases are on the agenda, the Chairperson may cancel the meeting. Staff may then notify all interested parties of the cancellation. If the meeting is cancelled after public notice of any case has been given, the staff shall appear at the designated meeting location at the scheduled time of the meeting to announce the continuance.

3. Failure of a petitioner to appear:

A. The Chairperson may entertain a motion to continue the case to the next regularly scheduled meeting or dismiss the case for failure of the petitioner to appear. If the motion to dismiss carries, the case shall be dismissed.

B. In cases which are continued or dismissed for failure of the petitioner to appear, the Secretary of the Board will furnish the petitioner written notice of said action.

C. The petitioner shall have seven (7) days from the date of the notice of a dismissal to apply for reinstatement of the

case. In such cases, the petitioner must file a written request with the Secretary for reinstatement.

Reinstatement shall be at the discretion of the Chairperson for good cause shown, and upon payment of the appropriate fee by the petitioner.

D. In all cases reinstated in the above described manner, the case will be docketed and re-advertised in the usual manner prescribed for new cases.

4. No matter requiring a vote will be placed upon the regular meeting agenda unless the Secretary or his/her designee receives it at least (20) days prior to the regular meeting or unless the Secretary or his/her designee determine sufficient information has been submitted and there is good cause justifying the matter being placed on the agenda in less than twenty (20) days. Items may be added to the agenda at a regular meeting upon the unanimous vote of the members of the Board who are present and voting. Any cases, however, which are subject to public notice published in a newspaper or other notice requirements of the Urbana Zoning Ordinance are subject to the requirements of the Ordinance rather than this section.
5. Any person addressing the Board during "Audience Participation" shall be allowed five (5) minutes to speak.

It shall be the prerogative of the Chairperson to extend the five (5) minute time limit or if the Chairperson does not enforce or extend the time limit, the extension shall be decided without debate by a motion approved by the majority vote of the members of the Commission present. If more than ten (10) individuals seek to provide public input during "Audience Participation," then the Chairperson shall have the authority to reduce the (5) minute time limit to three (3) minutes. All public input shall be limited to topics germane to those described on the agenda for that particular meeting. No member of the Board is obligated to respond to any public input provided.

## **Article VI. Procedure for Hearings**

The Board shall use the following procedure for Public Hearings.

1. The Chairperson shall declare the public hearing open. He/she shall state the case number and nature of the request. The Chairperson shall then outline the procedure to be followed,

stating when the petitioner may present evidence, when the objectors may present evidence, and the procedure for cross-examination. In addition, the Chairperson shall state the Board's authority regarding the case and whether or not the Board has final authority on the matter.

2. Staff presents summary of the case.
3. The petitioner or his/her representative may make a statement outlining the nature of his/her request prior to introducing evidence.
4. The petitioner shall present evidence.
5. Other Proponents of the request may be heard.
6. Opponents of the request shall present evidence. Opponents may include persons not in favor of the petition as proposed, as determined by the Chairperson. Opponents shall be allowed a reasonable opportunity for relevant questioning (i.e., "cross-examination") of the petitioner. If the petitioner is unable or unwilling to respond to the relevant questions, the chairperson shall direct the Recording Secretary to take note of such in the minutes of the Development Review Board.
7. Others may be heard.
8. Additional comments by City Planner or City staff may be allowed for clarification or in response to new evidence.
9. The petitioner may rebut but not introduce new evidence.
10. The opponents may rebut but not introduce new evidence.
11. The petitioner may present a summary of his/her petition.
12. Questions from the Board may be directed at anytime to the applicant, staff or public to clarify evidence presented in the hearing.
13. The Board shall not be bound by strict rules of evidence. The Board may exclude irrelevant, immaterial, incompetent or repetitious testimony or other evidence.
14. A petitioner or opponent, or their agent or attorney may submit a list of persons favoring or opposing the application. Such a list will be accepted as an exhibit if it contains a brief statement of the position of the persons favoring or

opposing the request together with the signatures and addresses of the persons subscribing to such statement. Said list shall be admissible as evidence if it is received by the Secretary prior to or during the public hearing on the request.

15. The Chairperson may require advance registration of opponents wishing to ask questions of the petitioner, including identification of the opponents' area of interest in questioning and identification of which witnesses will be subject to the questioning. Advance registration may be by means of speaker cards to be submitted prior to or at the public hearing.
16. The Chairperson shall rule on all questions relating to the admissibility of evidence. The Chairperson's determination may, however, be overruled by a majority vote of the Board Members present.
17. The petitioners and opponents should present all evidence they possess concerning the request at the initial phase of the public hearing. Written material from the petitioner or opponents will be accepted by the Secretary for distribution to the Board until the close of the public hearing.
18. The Chairperson shall close the public hearing only after the Development Review Board has taken action on the case. The public hearing may be reopened at the same meeting prior to the Board's action on the request at the discretion of the Chairperson or on a motion approved by the majority of the Board Members present and voting.

## **Article VII. Determinations**

1. The Board shall conduct its votes in public session.
2. All determinations of the Board shall be made at a public meeting by motion made and seconded. The Chairperson shall then call for discussion on the motion. After discussion, the Chairperson shall call for the roll call vote, polled by the Secretary or his/her designee. The roll call for votes shall be alternated at each meeting so that the first name called at one meeting will be the last name called at the next meeting. Any Board Member may comment on his/her vote for incorporation into the minutes.

3. Motions shall include explicitly, or by reference, the findings of fact and shall state explicitly, or by reference, the reason for the findings of the Board. If conditions are imposed in the recommendation for a special use or development waiver, such conditions shall be explicitly included in the motion.
4. No matter shall be considered approved by the Board except upon two-thirds vote by a majority of the members of the Board present and not abstaining.
5. An abstention vote shall be recorded as "abstained" and shall not be counted as either an "aye" or "nay". The Chairperson shall not rule that the abstention vote be recorded with the majority or minority.
6. The Secretary shall notify the petitioner of the Commission's determination in writing through the U.S. Mail.

#### **Article VIII. Records**

1. A file of materials and determinations relating to each case shall be kept by the Secretary as part of the records of the Board. Said records shall be kept at the office of the Board as designated in Article X of these by-laws.
2. The Secretary or his/her designee shall prepare minutes of every regular or special meeting. The Development Review Board minutes shall be kept as part of the official records of the Board and approved by an affirmative vote of the majority of the members of the Board present.
3. All records of the Board shall be public records subject to release in accordance with the process outlined by the Freedom of Information Act.

#### **Article IX. Amendment of Rules**

1. These rules may be amended by an affirmative vote of the majority of the members of the Board present. The proposed amendment must be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken.
2. These rules may be suspended for due cause upon the affirmative vote of a simple majority of the Board Members present.

## **Article X. General Provisions**

1. Any member of the Development Review Board who has a conflict of interest in a matter before the Commission shall not participate in the discussion or vote thereon. Conflicts of interest may arise from various scenarios including, but not limited to, financial, ownership or property interests, conflicts with employment or appointments, or conflicts with a publicly stated opinion on a pending application.
2. If it is determined that a Board Member has a conflict of interest, they must state so and remove themselves from the discussion and from the table while the matter is resolved. Such action shall not affect the quorum established to conduct the meeting. The Board Member's recusal will be considered an abstention and shall not be counted as either an aye or a nay vote. Further, the abstaining member shall not be counted in determining the total number of votes required for approval of a matter before the commission, any statute, ordinance or rule of parliamentary procedure to the contrary notwithstanding. (see by-law VII-4).
3. A Board Member that has publicly stated a position in the press, in a public forum or on a public petition in regards to a case prior to that case being voted on by the Board shall be deemed a conflict of interest. In this event, the Board Member shall indicate a conflict of interest as described in Article X.1 above and shall recuse themselves from participating in that case.
4. The Chairperson, after consulting with the City Planner and the City Attorney, shall determine if a by-law rule has been violated for the purposes of determining a conflict of interest. The determination of the Chairperson is subject to being over-ruled by the Board.
5. The City Attorney shall be consulted in cases where there are questions regarding powers of the Board.
6. The office of the Board shall be located in the office of the Urbana City Planner.
7. Robert's Rules of Order shall be the official rules of the Board except when they conflict with the officially adopted by-laws, in which case, the by-laws shall govern.
8. Board Members shall not communicate with other members outside of Development Review Board meetings for the purpose of

influencing such Board Members to adopt a position on a matter then pending, or reasonably expected to come before the Board.

{Adopted ~~October 12, 2004~~}