

CITY OF URBANA

**PLAN COMMISSION BY-LAWS
(ADOPTED 2-22-01)
(Revised June 4, 2004)**

Article I. Purpose

It is the purpose of these bylaws to establish a guide for the operation of the Urbana Plan Commission. These bylaws are supplemental to the provisions of Section XI-2 of the Zoning Ordinance, which states the Plan Commission 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 Urbana Plan Commission shall have the powers and duties outlined in Sec. XI-2 of the Urbana Zoning Ordinance.

Article III. Membership, Officers and Their Duties

1. The membership, officers, their terms and responsibilities are governed by Chapter 18, Article II, Sec. 18-17 of the Urbana Code of Ordinances.
2. When the Chairperson is absent, the Commission shall elect an Acting Chairperson from among the members present.
3. When a member of the Urbana Plan Commission 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 Commission who notifies the Chairperson or Secretary of the Commission 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 Plan Commission in accordance with the Urbana Zoning Ordinance (Section XI-2.B.8).

Article IV. Meetings

1. Regular meetings shall be held on Thursdays following the first and third Mondays of each month at 7:30 p.m. in the Urbana City Council Chambers, 400 S. Vine Street, Urbana, Illinois or at an alternative location announced at a prior regular meeting of the Commission.

If a regular meeting date is a City recognized holiday, the Commission 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).

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-2.B, Section XI-10).

~~Additionally, when~~ When a meeting is cancelled, a staff representative ~~and the Chairperson or an acting Chairperson~~ 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 Plan Commission to be present and give such notice. Additionally, and place a 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 Plan Commission.

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).

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 Commission, 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

Commission may vote on a matter for which he/she was not present to hear all evidence.

6. The Secretary of the Plan Commission 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 Plan Commission shall review the Plan Commission by-laws at least once annually at a regular meeting the Chairperson designates.

Article V. Order of Business

1. All meetings of the Commission shall proceed as follows unless a majority of the Plan Commission members present vote to alter the order of business:

- 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 Commission, 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 Commission 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 Commission, 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 Chairperson 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 ~~Chairperson and/or~~ 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 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 Commission will furnish the petitioner written notice of said dismissal 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 Commission 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 Plan Commission 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.

Article VI. Procedure for Hearings

The Plan Commission 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 Plan Commission's authority regarding the case and whether or not the Commission 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 Plan Commission.
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 Commission may be directed at anytime to the applicant, staff or public to clarify evidence presented in the hearing.
13. The Commission shall not be bound by strict rules of evidence. The Commission 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 Commissioners 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 Commission until the close of the public hearing.

18. The Chairperson shall close the public hearing only after the Plan Commission has taken action on the case. The public hearing may be reopened at the same meeting prior to the Commission's action on the request at the discretion of the Chairperson or on a motion approved by the majority of the Commissioners present and voting.

Article VII. Determinations

1. The Commission shall conduct its votes in public session.

2. All determinations of the Commission 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 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 Commissioner 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 Commission. If conditions are imposed in the recommendation for a special use or development waiver, such conditions shall be explicitly included in the motion.

4. An abstention vote shall be recorded as "abstained" and shall be recorded as such and not counted as either an "aye" or "nay". The Chairperson shall not rule that the abstention vote be recorded with the majority or minority.

5. 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 Commission. Said records shall be kept at the office of the Commission 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 Plan Commission minutes shall be kept as part of the official records of the Plan Commission and approved by an affirmative vote of the majority of the Plan Commission.

3. All records of the Commission 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 members of the Commission. 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 Commissioners present.

Article X. General Provisions

1. Any member of the Plan Commission who has a conflict of interest in a matter before the Commission shall not participate in the discussion or vote thereon. If it is determined that a Plan Commissioner has a conflict of interest, they must state so and remove themselves from the discussion and from the table while the matter is resolved. In such cases, the Plan Commissioner's vote will be counted as an abstention and shall not be counted as either an aye or a nay vote, and the member abstaining shall not be counted in determining the total to which the percentage of votes required is applied in determining the number of votes for approval of a matter before the commission, any statute, ordinance or rule of parliamentary procedure to the contrary notwithstanding. and the member shall not count towards the quorum for that case (see by-law VII-4).
2. A Commissioner 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 Commission shall constitute a conflict of interest. In this event, the Commissioner shall indicate a conflict of interest as described in Article X.1 above and shall recuse themselves from participating in that case.
3. 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 Commission. If the Commission or staff is uncertain whether or not a conflict of interest exists, the Secretary shall seek an opinion from the City Attorney. The City Attorney's opinion shall determine conflict of interest.
2. The City Attorney shall be consulted in cases where there are questions regarding powers of the Commission.
3. The office of the Commission shall be located in the office of the Urbana City Planner.
4. *Robert's Rules of Order* shall be the official rules of the Commission except when they conflict with the officially adopted by-laws, in which case, the by-laws shall govern.
5. Commissioners shall not communicate with other

commissioners outside of Plan Commission meetings for the purpose of influencing such commissioners to adopt a position on a matter then pending, or reasonably expected to come before the Commission.

{Revised ~~February 22, 2001~~ June 4, 2004}

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