
EVANSTON PLAN COMMISSION

**ADMINISTRATIVE
RULES & PROCEDURES**

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EVANSTON PLAN COMMISSION ADMINISTRATIVE RULES & PROCEDURES

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THE PLAN COMMISSION
OF THE CITY OF EVANSTON, ILLINOIS

ADMINISTRATIVE PROCEDURES AND REGULATIONS FOR MEETINGS AND PUBLIC HEARINGS

ARTICLE I NAME OF THE COMMISSION

The name of this organization shall be "The Plan Commission of the City of Evanston, Illinois", hereafter referred to as the "Commission".

ARTICLE II AUTHORIZATION

The establishment of this Commission is provided for in Title 2, Chapter 7 of the City Code, and Section 3-1-5 of the Zoning Ordinance, Title 6 of the City Code.

These rules are to be read in conjunction with 65 ILCS, Sections 5/11-13-1, *et seq.* "Zoning" and 5 ILCS, Sections 120/1, *et seq.* "Open Meetings" and Ordinance 15-0-78, "Requiring Disclosure of Ownership Interests of Entities Seeking City Council Approval on Real Estate Matters".

Nothing contained herein shall be construed to give or grant the Plan Commission the power or authority to amend or change the Zoning Ordinance, which authority is reserved to the City Council.

ARTICLE III POWERS AND DUTIES

The Commission shall have the following powers and duties:

- (A) To formulate basic policy for a Comprehensive General Plan, to work with the Planning and Zoning Division in its preparation, and to recommend such Comprehensive General Plan, or changes therein, to the City Council for adoption.

- (B) To initiate studies, reports and make recommendations to the City Council, City Manager, or officials of other local governmental bodies on matters concerning the present or future development of the City. All studies, reports and recommendations to the City Council, City Manager, or officials of other local governmental bodies on matters concerning the present or future public development or development of the City, which will be acted upon by the City Council, shall first be presented to the Plan Commission to provide them a reasonable opportunity for review and comment.

- (C) To study, review and prepare recommendations on plans and proposals of other departments of the City government which relate to the implementation of the Comprehensive General Plan.

- (D) To review, hold hearings and make recommendations to the City Council on any zoning matters that involve planning considerations, including, but not limited to, an amendment, planned development and unique use.

- (E) To review the Zoning Ordinance from time to time and make recommendations to the City Council for such changes to the Ordinance as the Commission may determine are appropriate.

- (F) None of the above, without prior approval by the City Council, shall include the power to obligate the City for compensation to any person or organization.
- (G) To carry out the above duties, the Commission shall have the following powers:
 1. To invite the advice and assistance of persons having special knowledge, experience or interest in the needs or problems which are receiving consideration by the Commission. Such advisors may include, among others, officials of an adjoining municipality or of other local governments or other persons not living in the City.
 2. To conduct such public hearings as provided for in the Code, as amended, and as it deems necessary to gather information and ideas needed for thorough review of the Comprehensive General Plan or other matters before the Commission for consideration.
 3. To promote the realization of the Comprehensive General Plan and the community objectives it incorporates through public education and other means.
 4. To request from the Planning Division such staff time as may be required to assist the Commission in carrying out its duties.
 5. To request from the City Council such funds as may be necessary for the employment of consulting services or temporary employees deemed necessary for carrying out the duties required by this Chapter.
- (H) The Chair or his/her designee(s) shall act as the spokesperson or representative of the Commission before City Council, City Council committees, and other public meetings.
- (I) The Commission has the authority to adopt such other rules of procedure deemed necessary to conduct meetings and public hearings and to carry out its duties, following Roberts' Rules of Order in situations not covered by adopted rules.

ARTICLE IV MEMBERSHIP

- (A) The Mayor shall appoint nine (9) Evanston citizens to serve as regular members of the Commission, subject to confirmation by the City Council. The Mayor and the manager of the Planning and Zoning Division shall be ex-officio members of the Commission but shall have no vote.
- (B) Each regular member of the Commission shall be entitled to one (1) vote.
- (C) All appointed members of the Commission shall serve as such without compensation.
- (D) Appointments of regular members shall be for three (3) years, and they may be reappointed for one additional term. When a vacancy is created by the resignation of a member prior to expiration of that member's term, the member appointed to fill this

vacancy shall be appointed to a full term unless otherwise provided by City Ordinance or State Statute.

- (E) The chair shall notify the Mayor when a member of the Commission has failed to attend meetings during a consecutive three (3) months, or six (6) times during a consecutive twelve (12) months, unless the chair shall determine that the failure to attend was for a good cause.

ARTICLE V GENERAL PROVISIONS

- (A) Commission members shall abide by the City's Code of Ethics set forth in Section 1-10-4 of the Municipal Code, as amended.
- (B) Information concerning any pending matter may be obtained from the Secretary of the Commission consistent with the Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*), as amended

ARTICLE VI OFFICERS

- (A) The officers of the Commission shall consist of the Chair and one Vice-Chair.
- (B) At its December meeting, the Commission shall select a Chair and one Vice- Chair from among its members to serve for the following calendar year with eligibility for re-election.
- (C) The Chair shall supervise the affairs of the Commission, shall preside at all Commission meetings and hearings, shall provide for the oath to be administered when required to all witnesses in matters before the Commission, and shall conduct the hearings and meetings of the Commission in an appropriate and expeditious manner.
- (D) The Vice-Chair, in the absence or disability of the Chair, shall perform all duties and exercise all powers of the Chair. In the event that the Chair be unable to complete his/her term, the Vice-Chair shall be named Chair for the remainder of the unexpired term. At the beginning of such an interim period, the Commission shall also elect a new Vice-Chair.
- (E) The Community Development Director shall serve as Secretary of the Commission. The Secretary of the Commission may perform his/her duties through a designee noticed in writing to the Chair of the Commission.

The Secretary shall:

1. Be custodian of the active files of the Commission, and keep all records.
2. Conduct the correspondence of the Commission.
3. In the case of zoning matters, inform petitioners when their petition is to be heard, and notify each petitioner to be present at the hearing.
4. Have public notice of public hearings published in a local newspaper as

required by law for zoning matters and amendments to the Comprehensive General Plan, and provide such notice as otherwise required hereby.

5. Promptly deliver copies of said public notice to residents in the vicinity of the property in question as required by ordinance. Failure to do so shall not prejudice the hearing.
6. Furnish a copy of said notice and a copy of each petition and other material information or documents submitted to the Secretary to commissioners.
7. Promptly prepare an agenda, in consultation with the Chair. The agenda shall be reviewed regularly and monitored to ensure consistency with the policies and priorities of the City Council.
8. Record the names and addresses of all persons appearing before the Commission if they have willingly provided their names and/or addresses to the Commission.
9. Keep records of the Commission's official actions, video recording and minutes of all public hearings on matters relating to zoning or the Comprehensive General Plan. Keep records and minutes of all meetings of Commission committees or subcommittees.
10. Record the vote of the Commission upon every question.
11. Promptly prepare a prehearing report setting forth a description of any proposed changes, background, alternatives, expected ramifications and staff recommendations on zoning proposals or proposed changes to the Comprehensive General Plan.
12. Be responsible for interpretations of these Rules of Procedures which may be overruled by the Commission by a majority vote.
13. Maintain a website making available to the public commission agendas, packets for members and such other information as the Chair, Secretary or Commission determine should be available on the website. Because web access is not universal, the Secretary or his/her designee shall also provide access to the above described material for viewing by members of the public in either paper or electronic form at the office of the Commission.
14. Perform such additional duties as may be requested by the Commission.

- (F) Should the Chair and Vice-Chair both be absent from a meeting of the Commission, or be otherwise ineligible to act upon a matter before the Commission, the remaining regular members of the Commission constituting a quorum shall elect from among their number an interim Chair to preside over the Commission for the duration of such absence or ineligibility.

ARTICLE VII MEETINGS

- (A) The office of the Commission shall be located in the office of the Community

Development Department, Lorraine H. Morton Civic Center, 2100 Ridge Avenue, Evanston, Illinois; and the documents pertaining to any matters may be examined at this location by any interested party.

- (B) Except as provided below, regularly scheduled meetings shall be held on the second Wednesday of each month at 7:00 P.M., in the Civic Center, 2100 Ridge Avenue, unless such day shall be a legal holiday observed by the City, in which case the regular meeting shall be held on the following Wednesday, or at such other times as the Commission shall decide. Meetings shall end by 11:00 P.M. unless a majority of Commissioners vote to continue the meeting
- (C) Prior to the first meeting of each calendar year, the Commission shall adopt a schedule for regularly scheduled meetings during the forthcoming year. All meetings must be properly noticed and are subject to change in date and location.
- (D) In addition to the regularly scheduled meetings, the Commission shall schedule additional meetings when necessary to comply with the time limitations contained in Article XIII (N) of these Rules to complete hearings and make recommendations. To comply with the time limits, hearings shall be continued to the subsequent special or regular meetings and the time of each subsequent meeting shall be announced at the end of the prior meeting so that hearings are continued to a time certain.
- (E) Regular meetings may be canceled by the Chair when there are no matters pending.
- (F) Special meetings may be called at the discretion of the Chair, or upon request of two (2) or more members, provided that notice of said meeting is published as required by law. The Commission shall attempt to schedule meetings and hearings whenever urgent matters cannot be heard at the next regular meeting.
- (G) A recording shall be prepared for all Commission public hearings. Minutes shall be prepared for all Commission, committee, and subcommittee meetings. Each such record shall become a part of the permanent record for each meeting.
- (H) All meetings and hearings of the Commission and any committees or subcommittees of the commission shall be open to the public and subject to the applicable public notice requirements of the Illinois Open Meetings Act (5 ILCS 120/1 *et seq.*), as amended.
- (I) A quorum of the Commission is required for the transaction of any business. A quorum shall consist of a majority of the currently appointed members of the Commission. The quorum for committee or sub-committees shall consist of a majority of the members of the committee or sub-committee. In the absence of a quorum, the members present may discuss rescheduling matters and available dates and may also act to continue matters previously scheduled for the meeting at which no quorum is present.
- (J) In the event the applicant is not present at a meeting for which notice has been published, his/her matter(s) scheduled for that meeting shall be continued to the next regularly scheduled meeting.
- (K) No member of the Commission who has a financial interest in the property or the affairs of a petitioner or affected owner, or who believes he/she has some other direct conflict of interest, shall participate in discussion, questioning or voting as a Commission

member in the matter involving such property or person.

- (L) All meetings and hearings open to the public shall provide time for public comment. To allow for all public comments to be voiced, the following time allotments will be followed:
 - 1. The comments of individual citizens shall not exceed two (2) minutes;
 - 2. The comments of a group of citizens, such as a neighborhood group, organization, association or similar assemblage of individuals shall not exceed five (5) minutes.
 - 3. All time limits may be modified at the discretion of the Chair. Reasonable adjustments may be made on a case by case basis to accommodate the requirements of extraordinary situations.

ARTICLE VIII COMMITTEES AND SUBCOMMITTEES

- (A) The Commission may establish committees and subcommittees as it deems appropriate.
- (B) Each voting member of the Commission shall, at a minimum, serve on one committee or act as a liaison to another board, committee, or commission per year.
- (C) Committees and subcommittees shall operate in a manner consistent with the Illinois Open Meetings Act (5 ILCS 120/1 *et seq.*), as amended, and the Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*), as amended. Each committee or subcommittee shall maintain minutes and records of their activities. The Secretary to the Commission shall keep records of the actions taken by each committee or subcommittee and shall arrange for the publication of any notice of meetings or hearings required by law or by Commission rule.

ARTICLE IX ORDER OF BUSINESS – Commission Meetings

All meetings of the Commission shall ordinarily proceed as follows, except that when the provisions of this Article conflict with the provisions of Article XIII – Public Hearing Procedures – in which the provisions of Article XIII shall control.

- (A) Declaration of a quorum, introductory statements, consideration of minutes, communications, announcements and review of new business.
- (B) Call by the Chair for announcements by members present if they must abstain from consideration of any particular matter on the agenda due to a possible conflict of interest. If such abstention(s) results in the loss of a quorum on any matter, the matter shall be postponed to the next regular meeting date.
- (C) Requests for withdrawal or continuances or change in order of matters being considered:
 - 1. Any matter may be withdrawn at any time prior to the Commission reaching a recommendation.

2. A request for a continuance will be considered from any petitioner, his/her representative, the City Council or any interested party, and may be granted by the Commission upon showing that he/she will be unable to proceed with his/her evidence at the hearing for good cause. In determining whether to grant a continuance after the first hearing, the Commission shall consider the time limitations contained in Article XIII (N) of these Rules, together with all other relevant information.
3. Request to change the order of matters on the agenda shall be considered, but shall only be granted for good cause.

- (D) Hearing of further testimony and/or discussion on continued matters.
- (E) Hearing of new matters.
- (F) Other unfinished business.
- (G) Committee Reports.
- (H) Other new business.
- (I) Public Comment.
- (J) Discussion of next agenda.
- (K) Adjournment.

ARTICLE X FILING PROCEDURES FOR AMENDMENTS, PLANNED DEVELOPMENTS AND UNIQUE USES

- (A) The Commission shall consider text or map amendments, unique uses or planned developments when a petition has been properly proposed. Proposed petitions will be initiated by,
 1. Written petitions requesting that the Commission and the City Council consider such application on behalf of (a) any governmental agency; or (b) any person, firm, corporation or organization; or
 2. A reference from the Evanston City Council.
- (B) In cases where an Application must be presented to both the Commission and the Zoning Board of Appeals, an Applicant may request a joint meeting pursuant to Municipal Code Section 6-3-4-8, as amended.
- (C) A petition shall be in the form set forth in Appendix D of the Zoning Ordinance. If the reclassification of property is proposed, the petition shall be accompanied by a "Disclosure of Ownership Interests" statement as required by City Code Section 1-18-1.
- (D) If a specific development proposal is contemplated, a zoning analysis shall be obtained to determine any and all zoning relief necessary. Said zoning analysis shall be completed by city staff in no more than thirty (30) days from the submission of a perfected application.

Prospective petitioners are encouraged to have a pre-petition conference with Planning and Zoning Division staff prior to submitting the petition for final review and scheduling, in order to improve the likelihood that the petition, if acted upon favorably, would achieve the desired objective, and to become familiar with the procedures that will be followed.

The petitioner shall provide any other information that may be required by the Commission to aid it in making its recommendation.

- (E) The Secretary shall prepare, within thirty (30) days, a pre-hearing report and place the matter on the agenda for the next available hearing, unless otherwise directed by the Commission. Petitions normally will be assigned for hearing in the order in which they are perfected, unless the Chair of the Commission directs otherwise in order to comply with priorities established by the City Council. Petitions will normally be scheduled for the next available hearing following completion of the pre-hearing report. The agenda shall be established by the Chair, or in consultation with the members, from those matters which have been properly submitted or are pending.
- (F) The Secretary shall assign a case number when a complete application on the matter is filed. The case number shall be numbered serially from each January 1, the beginning of the calendar year of the City, and shall indicate the number and year.

ARTICLE XI EX PARTE COMMUNICATIONS

Ex parte communications are communications with any party which has petitioned the Commission for relief or is supporting or opposing a petition before the Commission when the hearing is not in session. In addition, any communications with interested, or even relatively disinterested, members of the community regarding something that is before the board are also ex parte communications.

Because the actions of the Commission are administrative decisions that are supposed to be based on the record, ex parte communications may violate Constitutional due process requirements, statutes governing zoning and administrative decisions, and notions of fairness. In addition, ex parte communications often lead to the public's perception that commissioners are subject to special influence or are acting unfairly.

For these reasons, ex parte communications between any interested party and a member of the Commission are not permitted. While members of the Commission should visit sites that are the subject of their hearings, they should not have conversations with others about matters that are before the Commission prior to the Commission's decision. This should not be interpreted to prevent a member of the Commission from attending a community meeting. However, because a Commission decision shall be based on all the evidence and comments during deliberation, it is improper for a Commission member to express any opinion expressing a view as to the proper Commission decision prior to the time such a decision or recommendation has been made by the Commission.

ARTICLE XII NOTICE REQUIREMENTS FOR PUBLIC HEARINGS

The Secretary of the Commission shall give due notice of the time, place and subject of every meeting to consider proposed map and text amendments, planned developments, unique uses or changes to the Comprehensive General Plan, not more than thirty (30) days nor less than fifteen (15) days before the meeting by publishing a notice thereof at least once in one or more newspapers published in the

City; or if no newspaper is published therein, then in one or more newspapers having a general circulation within the City. Mailed Notices shall be consistent with the requirements in Sections 6-3-4-6, 6-3-6-8, 6-3-7-5 and 6-3-6-12 of the Municipal Code, as amended.

The notice shall provide the City's website where information about the Plan Commission's meetings and Rules is available. A majority of members of the Commission may determine that a matter to be considered for public hearing is of such importance as to require extraordinary notice.

In addition to other pertinent information, any notice of a public hearing shall state, "The public hearing may be adjourned (continued) from time to time to dates certain without additional notice."

Extraordinary notice may consist of one or more of the following items to be determined by the Commission with direction given to staff:

1. A press release to the community affairs editors of all local newspapers.
2. Notice to each alderman with a request to notify community groups in their wards.
3. Notice to local access cable television.

ARTICLE XIII PUBLIC HEARING PROCEDURES

(A) Public hearings shall generally be conducted in the order set forth below. Reasonable adjustments may be made on a case by case basis to accommodate the requirements of extraordinary situations. All time limits may be modified at the discretion of the Chair. At any point in the proceedings Commission members may ask questions of any individual that may clarify material presented or relief requested.

(B) Introduction by the Chair: The Chair shall begin each public hearing by identifying the matter before the Commission, explaining the ability of eligible property owners to request a continuance, and explaining the procedures for the conduct of the public hearing, including time limits, rules governing public comment, and the requirement that repetition should be avoided and that all comments or testimony must be relevant to the matter before the Commission.

An oath shall be administered to all persons intending to testify or who may be called to testify during the course of the public hearing. In a hearing that was continued from a previous meeting, the Chair shall remind those that were previously sworn that they remain under oath.

(C) City Staff's Summary of the Petition and Relief Sought: Staff shall summarize the proposal, describe all material received from the petitioner, public and other interested entities, and explain any recommendations and the standards to be met.

(D) Petitioner's Presentation: The petitioner will present testimony of witnesses and other evidence. In general, the Commission shall allow the petitioner to make this presentation without interruption, except for questions allowed by the Chair that may be immediately necessary to aid the Commission or public in understanding the presentation. If the matter is a reference from the City Council or city staff, the appropriate staff member shall explain the proposal. Materials submitted to the Secretary prior to the hearing by the Petitioner shall be part of the record and do not

need to be the subject of additional testimony provided the submitters of such material are available to answer questions from the commissioners during or at the close of the petitioner's case. The time limit for petitioner's case, exclusive of questions to witnesses from Commission members, is 20 minutes.

- (E) Cross-Examination of the Petitioner by the Commission: Commission members may address questions to the petitioner and petitioner's witnesses concerning their testimony. No statements will be allowed at this time.

All cross-examination is limited to questions relevant to the standards and shall be confined to points raised during the testimony of the person being cross-examined. The Chair shall determine the relevance of any question and has the responsibility to limit questions to matters presented to the Commission during the hearing relevant to the applicable standards. In making this determination, the Chair may ask those conducting cross-examination to explain the relevance of their question to the standards and to the testimony of the person being cross-examined. The Chair may exclude any question which is argumentative.

- (F) Cross-Examination of the Petitioner by the Public and Public Testimony and Comment: Individuals or members of groups may address questions to the petitioner and petitioner's witnesses concerning their testimony.(following the above stated rules). Those wishing to comment or present testimony to the commission may do so after the close of the petitioner's case and the cross-examination of the Petitioner by the Commission. Prior to the start of public questions, testimony or comment, the Chair shall remind the public of time limits and rules governing cross-examination (listed above) and public comment, including the requirement that repetition should be avoided and that all comments or testimony must be relevant to the issues before the Commission. At the conclusion of the Chair's recitation of the rules governing public comment, the Secretary shall describe all material submitted prior to the hearing by organizations or persons other than the petitioner.

Comments or testimony from organizations shall be taken by the Commission prior to comments from individuals. The time limit for statements from organizations regarding the proposal under consideration shall be no more than 5 minutes. Comments or testimony from others shall be no more than 2 minutes in length. A person may not testify both as a member of a group and as an individual. This section of the public hearing shall end by 10:30 P.M.

In the event that a request for continuance has been submitted and approved, the Commission may permit comments or testimony from individuals who know they will not be in attendance at the continued hearing. Should an individual comment at this time, they will not be permitted to provide comments at the continued hearing.

- (G) Requests for Continuance: At the close of Petitioner's case and following cross-examination of the Petitioner by the Commission, the Chair shall inform those present of the following: Persons or groups with an ownership interest in property within one thousand feet (1,000') in the case of unique uses and planned developments, in each direction of the subject property, inclusive of public roads, streets, alleys and other public ways, who wish to object shall, upon request, be granted one continuance for the purpose of presenting evidence to rebut testimony given by the Applicant. Such request shall state what portions of the applicant's testimony for which rebuttal evidence will be presented. Such continuance shall be by public announcement to a date certain. Such request shall be made following presentation of the petitioner's case.

If a request for continuance in proper form is received pursuant to the above provisions

by a person who has disclosed his or her name and address to the Commission, the meeting shall be continued to a date certain and the continued hearing will begin with the taking of testimony by those requesting the continuance and proceed according to these procedures.

- (H) Cross-Examination: After the close of public comment and testimony, Commission members and the petitioner may cross-examine members of the public who have testified. Cross-examination will be conducted as provided in section (F) above.
- (I) Response by the Petitioner: The Chair shall allow the petitioner a reasonable time to respond to the public testimony and comments presented.
- (J) Optional Closing Statement by Staff.
- (K) Questions by the Commission: The Commission members may ask questions of any individual that may clarify material presented or relief requested. Such questions shall not be argumentative. At the conclusion of the questions from commissioners, the public hearing will be closed.
- (L) Commission Discussion and Deliberation: During the Commission's discussion, Commission members may direct additional questions to the petitioner or any witnesses or members of the public who testified. The Petitioner, witnesses or members of the public may not address the commission during this part of the meeting without the Chair's consent.
- (M) Commission Action. Based on its discussion, the Commission may: (a) require the petitioner, the city staff and/or city attorney to provide new or additional information and continue the hearing to a date certain; or (b) take action (vote) on the petition and make its recommendation to the City Council, which recommendation may include conditions.

The Commission's decision shall be made by roll call vote. The decision shall be reported in writing and contain its recommendation based upon the record. The decision shall be accompanied by a finding of fact relating to relevant standards.
- (N) The Plan Commission shall issue a recommendation within 120 days of the first presentation by the petitioner to the Plan Commission. The Commission shall hold additional meetings during the 120 day period to meet the 120 day requirement. The Commission, by a 2/3 majority vote, may extend the recommendation period up to thirty (30) additional calendar days to accommodate extraordinary issues that may arise during the hearing process.
- (O) Each person addressing the Commission shall testify under oath. Except as provided below, each person addressing the Commission may state his or her name and address for the record. Persons who wish to be heard but who do not wish to provide their name and address shall be permitted to testify under oath. However, by refusing to provide their name and address, they waive any rights arising from the location of their property or residence in relation to the subject property. Witnesses shall testify from the designated lectern area.
- (P) Statements made by an attorney for any party shall not be considered as evidence unless the facts set forth by the attorney are verified under oath by another witness or unless the attorney is testifying as a witness.
- (Q) A person may not testify on behalf of another person. However, written statements

may be submitted to the Secretary four (4) business days prior to a Commission meeting, and will be made part of the permanent record. Written statements or letters must have the writer's signature, address and contact phone number. Such statements shall be construed as the writer's opinion about the proposal but not as factual testimony.

- (R) General: Any materials to be presented by the Applicant or other persons planning to address the Commission, parties in opposition, their witnesses, Attorneys, expert witnesses, shall be provided to the Secretary four (4) business days prior to a Plan Commission meeting where such material is discussed or considered. Materials that are intended to be included in the packet for the Plan Commission meeting must be submitted at least six (6) business days prior to the Plan Commission meeting. This allows all materials to be distributed to Commission members prior to the meeting during which they might be discussed. This includes all presentations, plans, sketches, pictures, charts and data or compilations and other similar exhibits, letters, and any other materials supplementing oral testimony. All submissions should be in an Adobe PDF digital format, however, if a PDF cannot be provided, the party submitting materials shall provide no fewer than twelve (12) copies to City staff. The Secretary shall promptly deliver copies of such material to Commission members and cause copies to be posted to the Commission website.

Any factual material to be presented by the petitioner or objectors prior to the meeting shall be certified or sworn under oath. The makers of any such material shall be made available for questions from the Commission at the appropriate time in the hearing process. Submission of sworn factual or expert testimony prior to the hearing when such material might be discussed allows interested parties to submit more extensive testimony than would otherwise be possible in light of the applicable time limits.

- (S) A petitioner or objector or his or her agent or Attorney may submit a petition favoring or opposing the proposal. Such petition shall contain only a brief statement of the position of the persons favoring or opposing the proposal, their printed names, addresses and signatures. No petition will be admitted into evidence unless the submitter certifies that he or she collected all signatures on the petition and that each person signing the petition did so in the presence of the person submitting the petition.

- (T) The Chair may impose reasonable limitations on the taking of evidence, testimony, or any examination of witnesses, taking into consideration:

1. The nature of the case.
2. The complexity of the issues.
3. Whether the person who wishes to cross-examine has some special interest beyond that of the general public.
4. Whether the witness possesses special expertise.
5. Whether the testimony reflects a matter of taste or personal opinion or concerns a disputed issue of fact.
6. The degree to which the witness' testimony relates to the factors to be considered in approving or denying the proposal.
7. Such other factors appropriate for the hearing.

- (U) The Chair may disallow any testimony in accordance with the Rules. However, any ruling disallowing testimony may be overruled by a majority of the Commission present and voting.
- (V) The Commission shall allow items to be placed on a consent agenda, upon receipt by the Secretary of a written request by the applicant pursuant to the following conditions:
 1. Staff recommendation of approval;
 2. Applicant agreement with staff report conditions; and
 3. There is no one present at the time of the hearing who wants to speak or introduce evidence in opposition to a proposal.

Any item shall be removed from the consent agenda if any commissioner wishes to speak in more detail about said item.
- (W) Only speakers recognized by the Chair may speak. All persons in attendance shall refrain from making remarks, unless recognized by the Chair. All groups or individuals in the audience shall refrain from creating an atmosphere detrimental, or disturbing, to the conduct of the meeting at the risk of being asked to leave by the Chair. The Chair shall have the right to cause removal from the hearing of any person who is disorderly or contemptuous.
- (X) The City shall be an interested party in every public hearing, but need not appear. The city staff and city attorney shall not be subject to cross-examination unless they have testified in favor of a proposal originating with the city staff or City Council.
- (Y) Any member absent from all or a part of a public hearing who certifies that he or she has read the minutes and watched recordings of the hearing for any given matter may vote upon any question before the Commission with respect to such matter.
- (Z) If there is not a majority of the Commission present in agreement, then the case passes from the Commission to the Planning and Development Committee without a recommendation. A case shall not be continued to allow absent members to vote.
- (AA) Whenever a hearing is continued to a date certain, no additional notice or publication of notice shall be required providing that the notice of the initial hearing met all legal requirements.

ARTICLE XIV DISMISSALS OF ZONING PETITIONS

- (A) If a petition is dismissed, the Secretary shall furnish the petitioner written notice of the dismissal.
- (B) The petitioner shall have seven (7) working days from the date of notice of dismissal to apply for reinstatement of the matter. In such cases, the petitioner must file a written request with the Secretary for reinstatement. Reinstatement shall be at the discretion of the Chair for good cause shown and upon payment of the fee designated by Ordinance.
- (C) In all matters reinstated in the above described manner, the matter will be docketed and republished.

ARTICLE XV RECOMMENDATIONS ON AMENDMENTS, UNIQUE USES, AND PLANNED DEVELOPMENTS

- (A) All deliberations of the Commission shall be conducted, and all motions, votes, actions, decisions or recommendations shall be made, at a meeting open to the public.
- (B) All decisions or recommendations shall be by a motion, made and seconded, and recorded with a roll call vote. If conditions are imposed such conditions shall be included in the motion. A recommendation to grant or deny any petition shall be supported by findings of fact specifying the reasons therefor.
- (C) A concurring vote of a majority of commissioners present shall be necessary to make a recommendation in any matter before the Commission.
- (D) Only members who have a conflict of interest or those who were not present for part or all of the testimony may abstain from voting.
- (E) Minority reports may be prepared by Commission regular members not in agreement with a majority vote on matters decided by the Plan Commission with the following guidelines:
 - 1. The regular member(s) voting in the minority shall notify the Chair and the Secretary of their intent to submit a minority report within five (5) calendar days following the close of the hearing.
 - 2. The minority report shall be completed and submitted to the Chair and the Secretary within fifteen (15) calendar days after the close of the hearing. The minority report shall be submitted to the City Council along with the full report of the Plan Commission's action regarding the case in question.
- (F) The Commission's report of the recommendation shall be provided to the petitioner, members of the Plan Commission, and the City Council promptly.

ARTICLE XVI COMPREHENSIVE GENERAL PLAN

Provisions regarding the Comprehensive General Plan are contained in Title 2, Chapter 7, and Section 2-7-8 of the Municipal Code, as amended.

Petitions for amending the Comprehensive General Plan may be initiated by the Commission, by reference from the City Council, by staff, or by members of the public.

ARTICLE XVII AMENDMENTS OF RULES

These rules may be amended by an affirmative vote of six (6) members of the Commission, or by vote of a majority of commissioners present if the proposed amendment has been provided to all commissioners at least two weeks prior to the meeting at which the amendment will be considered. These rules may be temporarily waived, suspended, or adjusted by an affirmative vote of two-thirds of commissioners present to meet the particular needs of the public hearing process consistent with Constitutional and statutory requirements for due process.