RULES OF PROCEDURE FOR THE ST. CHARLES PLAN COMMISSION

City of St. Charles, Illinois
(as modified through May 22, 2012)

ARTICLE I: PREAMBLE

These rules shall govern the conduct of business by the St. Charles Plan Commission, hereinafter referred to as the Commission. The Commission's powers are granted by Chapter 2.28, Title 16 and Title 17 of the *St. Charles Municipal Code*, and *Illinois Compiled Statutes*, 65 ILCS 5/11-12-4 et seq., 65 ILCS 5/11-13-1 et seq., and 765 ILCS 205/01 et seq.

ARTICLE II: POWERS

The Plan Commission shall have the following powers:

A. To prepare and recommend to the corporate authorities a comprehensive Plan for the present and future development or redevelopment of the City. Such Plan may be adopted in whole or in separate geographical or functional parts, each of which, when adopted, shall be the official comprehensive Plan, or part thereof, of the City. This Plan may include reasonable requirements with reference to streets, alleys, public grounds, and other improvements hereinafter specified. The Plan, as recommended by the Plan Commission and as thereafter adopted, may be made applicable, by the terms thereof, to land situated within the corporate limits and contiguous territory not more than one and one-half miles beyond the corporate limits and not included in any municipality. Such plan may be implemented by ordinances to implement the following provisions:

1. Establishing reasonable standards of design for subdivisions and for resubdivisions of unimproved land and of areas subject to redevelopment in respect to public improvements as herein defined,

2. Establishing reasonable requirements governing the location, width, course, and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, stormwater drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment, and

3. May designate land suitable for annexation to the municipality and the recommended zoning classification, for such land upon annexation.

B. To recommend changes, from time to time, in the official comprehensive Plan;

C. To prepare and recommend to the corporate authorities, from time to time, Plans for specific improvements in pursuance of the official comprehensive Plan;

D. To give aid to the municipal officials charged with the direction of projects for improvements embraced within the official Plan, to further the making of these projects, and, generally, to promote the realization of the official comprehensive Plan;

E. To exercise such other powers as may be conferred by the City Council, including:

1. To hold public hearings and make recommendations on zoning matters including amendments to the Zoning Ordinance, map amendments (rezoning), special uses, and planned unit developments, as provided in Title 17, "Zoning", of the St. Charles Municipal Code.

2. To review and make recommendations on subdivision matters including preliminary plans and final plats as provided in Title 16, "Subdivisions and Land Improvements" of the St. Charles Municipal Code.

ARTICLE III: SEPARABILITY

Should any section or provision of these procedures be declared by any court of competent jurisdiction to be invalid, such decision shall not affect the validity of the procedures as a whole or any part thereof other than the part so declared invalid.

Should any section or provision of these procedures be incorrectly followed, such action shall not affect the validity of the Commission's action or the procedures as a whole or any part thereof.

ARTICLE IV: MEMBERSHIP AND OFFICERS

The Commission shall consist of the nine (9) members appointed by the Mayor with the advice and consent of the City Council. The Mayor of St. Charles shall be an ex officio member with voice but without vote. The following persons shall be Auditory Members, with voice but without vote:

A. The Superintendent of St. Charles Community Unit District 303, or his designated representative, as appointed by the District 303 Board of Education

B. The Executive Director of the St. Charles Park District, or his designated representative, as appointed by the Park District Board of Commissioners.

The following officers of the Commission are elected by the Commission itself from among those Commission members seated at the time of election, which is to be held the first meeting of May of each year, or as soon thereafter as may be practicable.

A. A Chairman, who shall supervise the affairs of the Commission. The Chairman shall preside at all meetings of the Commission and shall appoint such committees to carry out the purposes of the Commission as necessary. The Chairman shall be an ex-officio member of all committees so appointed.

B. A Vice Chairman, who shall perform such duties as may be delegated by the Chairman. In the absence or disability of the Chairman, the Vice-Chairman shall perform all the duties and exercise all the powers of the Chairman.

All records of the Commission shall be maintained and kept at the St. Charles Community Development Department and shall be available to the public in accordance with the Freedom of Information Act.

In the absence of the Chairman and Vice Chairman, an acting chairman shall be appointed by the majority of those present.

ARTICLE V: MEETINGS

The Commission shall typically meet twice a month, on the Tuesdays following the first and third Mondays of the month in accordance with applicable provisions of the *Illinois Compiled Statutes* and the *St. Charles Municipal Code.*

All meetings will start at 7:00 p.m. in the Council Chambers of the Municipal Center, or other location as determined by the Chairman. No agenda item shall begin to be addressed after 10:30 p.m. except for the purpose of continuation of a public hearing or tabling of an agenda item, unless a majority of the quorum agrees to proceed.

The conduct of the meeting shall be governed by *Robert's Rules of Order Newly Revised (10th Edition)*, except where it conflicts with state statute, municipal code, or these Rules of Procedure.

Any person may record the proceedings at any Plan Commission meeting by tape, film, or other means (5 ILCS 120/2.05), subject to the following requirements:

A. The right to record a meeting shall not include the right to any specific seat or location within the room in which the meeting is held.

B. No person may record the proceedings in such a way that obstructs the ability of any other person to view or hear the proceedings, or otherwise disrupt the proceedings. For purposes of these rules, the use of artificial illumination for photo or video purposes shall be considered a disruption.

C. If anyone refuses to testify because his or her comments will be broadcast or televised, or if motion pictures are to be taken of the witness, the recording of said comments is hereby prohibited in accordance with Section 2.05 of the Illinois Open Meetings Act (5 ILCS 120/1 et seq.) and Section 5/8-701 of the Illinois Code of Civil Procedure.

Special meetings may be called by the Mayor, the Chairman, or by any two (2) members of the Commission in accordance with applicable provisions of the *Illinois Compiled Statutes* and the *St. Charles Municipal Code*. (Municipal Code Title 2)

A simple majority of the seated members of the Plan Commission shall constitute a quorum. Final action shall be taken upon measures before the Plan Commission with a concurrence of a simple majority of the members present provided a quorum is present. (Municipal Code Title 2)

Plan Commission members are expected to attend all meetings to assure that they are well-informed before voting on recommendations to the City Council. If a member will not be able to attend a meeting, the member should notify the Planning Office a soon as possible. If the Planning Office determines that a quorum may not be present, the Planning Office will inform the Chairman, who may cancel the meeting.

If a member fails to notify the Planning Office of non-attendance at three (3) consecutive meetings, the Chairman should contact the member to determine the cause and to assess the member's willingness to continue as a Commission member. If for some reason the member is unwilling or unable to compete his term in office, a written letter of resignation to the Mayor is in order.

ARTICLE VI: ORDER OF BUSINESS

The order of business at regular meetings shall be:

I. Call to order

II. Roll call

III. Omnibus vote*

IV. Approval of Minutes

V. Public hearings

VI. Meeting
   a. Concept Plan Applications (applicant presentation limited to ten minutes)
   b. Old business
   c. New business
   d. Reports and memoranda
   e. Additional business
   f. Meeting announcements

VII. Adjournment

*Omnibus Vote:

The staff may, with the consent of the Chairman, place certain agenda items on an "Omnibus Vote." This shall consist of items where Commission action is considered routine, discussion and debate is projected to be minimal, and unanimous approval of the motion (as drafted by the staff) is anticipated . Omnibus Vote items shall be clearly identified on the meeting agenda.

Prior to the Omnibus Vote, any Commission member may remove any item from the omnibus vote. Prior to the Omnibus vote, the Chairman will ask if anyone in the audience wishes to speak to an item on the omnibus vote. If anyone other than a Commission member requests the removal of any item from the Omnibus vote, such items may be removed by vote of the majority of the quorum. Once removed, the item will be addressed at its normal point on the agenda.

ARTICLE VII: REVIEW OF APPLICATIONS

The Commission considers the following types of applications:
General Zoning Amendment - Text change; a request for change in the Zoning Ordinance (*St. Charles Zoning Ordinance* 17.04.320)

Map Amendment - a request for change in the zoning district classification of a specific land parcel (*St. Charles Zoning Ordinance* 17.04.320)

Special Use Application - a request for a special use within a zoning district as set forth in the Zoning Ordinance (*St. Charles Zoning Ordinance* 17.04.330)

Planned Unit Development Application - a particular type of special use which allows for flexibility and creativity. The land is developed as a unified parcel under the zoning and subdivision regulations (*St. Charles Zoning Ordinance* 17.04.400)

Subdivision Application - a process for dividing a parcel of land into two or more lots (*St. Charles Subdivision and Land Improvement, City Code Title 16*).

The time needed to review and make a recommendation on each application will be determined by the completeness and substance of the application, the complexity of the application, and the length of the Commission agendas, within any statutory limits.

ARTICLE VIII: CONDUCT OF PUBLIC HEARINGS

Public hearings will be conducted at regularly scheduled meetings of the Commission, or at other such times as decided by the Chairman with the approval of a majority of the Commission. The hearings will start at 7:00 p.m.

The Chairman, with approval of the Commission, may change or continue the regular public hearing date and time.

Any interested parties may appear for themselves or be represented by a person of their choosing. Written statements will be accepted prior to the hearing to be entered into the public hearing record.

All witnesses to material facts shall testify under oath, to be administered by the Chair.

The Chairman, with consent of a 2/3 majority of the Commission, may limit testimony to a specific amount of time to provide a reasonable opportunity for all interested persons to testify.

The Commission is not bound by the strict rules of evidence, but the Chairman may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony or evidence.

A complete transcript for each public hearing will be distributed with the agenda for the next regular Commission meeting.

The procedure for all public hearing matters considered by the Commission shall be as follows:

a. Call to order and roll call.

b. The Chairman opens the public hearing for the application(s).

c. The Chairman presents a brief explanation of the public hearing procedure and swears in those wishing to give testimony.

d. The Vice Chairman presents the application before the Commission.
   i) The Vice Chairman enters the application into the record by describing each accompanying exhibit with its title and number.
   ii) The Vice Chairman reads any part of the application or exhibits as deemed necessary or as requested by a Commission member or audience member.

e. Applicant presents testimony regarding the petition and associated applications. The initial oral presentation by the applicant shall be limited to 10 minutes for simple applications, and 30 minutes for complex applications. The Chairman may permit an extension of time if he determines that the allotted time does not provide sufficient opportunity to fairly present the application.

f. Questions directed to applicant
   i) From Commission members
   ii) From Attendees

g. Presentation of testimony from others regarding the petition and associated applications.

h. Rebuttals.

i. Plan Commission follow-up questions.

j. Plan Commission discussion of evidence gathered relative to findings of fact.

k. Hearing closed or continued by the approval of a motion of the Commission.

If the public hearing is closed, the Commission shall not accept any comment regarding the petition from anyone outside the Commission, except:

a. A staff report based on the evidence presented at the public hearing.

b. Any person presenting information in response to a specific question from the Commission.

c. Any person presenting testimony that directly rebuts sworn testimony presented at the hearing.

ARTICLE IX: FINAL DISPOSITION

The final disposition of any application will be a recommendation setting forth the findings and determinations of the Commission, together with any modifications, conditions, or limitations made as allowed by ordinance or statute. The Commission's recommendations will be in the form of a motion clearly stating the findings and determinations.

All Commission members present, including the Chairman or anyone acting as Chairman, shall be permitted to vote on all issues that come before the Commission.

ARTICLE X: COMMITTEES

Standing Committees

A. Special Review Committee
This Committee shall meet at the call of its Chairman or by a simple majority vote of the Commission. The membership of this Committee shall consist of all members of the Commission. The Committee shall make in-depth examinations of planning issues as determined by the Commission. The Special Review Committee shall be chaired by the Vice Chairman of the Commission.

B. Development Review Committee
This Committee will meet at the call of its Chairman or by a three-fourths (3/4) majority vote of the Commission. The Development Review Committee shall be chaired by the Vice Chairman of the Commission. This Committee shall conduct a review of recent land development for the purpose of:

1. Checking on compliance with approved plans and ordinances;

2. Acquiring a practical knowledge of the results of prior Plan Commission/City Council land use decisions that can be applied to future decisions.

3. Visiting development projects in other communities as examples of designs or processes that could improve the quality of development in St. Charles.

Ad Hoc Committees

The Chairman or the Commission by a simple majority may create such ad hoc committees as necessary to carryout the duties of the Commission. The Committee and members will be appointed by the Chairman with the approval of the Commission.

ARTICLE XI: CONFLICT OF INTEREST

No member of the Commission shall participate in any case in which he has a personal or pecuniary interest in the property or action concerned, or will be directly affected by the decision, or has or believes he has any other conflict of interest as defined by Illinois Revised Statutes.

ARTICLE XII: AMENDMENTS

Amendments to these Rules of Procedure may be made by the Commission at any regular or special meeting upon the affirmative vote of a majority of the members of the Commission, prior to which the proposed rules or amendments have been distributed to all members of the Commission four (4) days in advance of said meeting; in any case, distribution of proposed rules or amendments with the Friday meeting agenda packet shall be deemed adequate notice.

The forgoing rules and regulations are hereby adopted by the St. Charles Plan Commission on this 22nd day of May, 2012.

Todd Wallace, Chairman
St. Charles Plan Commission

Tim Kessler, Vice Chairman
St. Charles Plan Commission