

CITY OF BATAVIA PLAN COMMISSION BYLAWS

Adopted June 6, 2012

I. ORGANIZATION AND RESPONSIBILITIES

A. Plan Commission

1. **Organization.** The Plan Commission consists of nine Commissioners appointed by the Mayor with the advice and consent of the City Council, including two ex-officio Commissioners representing the Batavia Park and School Districts.
2. **Responsibilities.** The Plan Commission shall have such powers and duties as enumerated in Zoning Code Section 5.103.C.

B. Officers

The Commission shall elect a Chair and Vice Chair every two years from among the Commissioners at the first meeting held after May 1st. The current Chair and Vice Chair will remain in office until the election.

1. The term of Chair and Vice Chair shall be two years, and no Commissioner serving as Chair or Vice Chair shall be eligible for re-election.
2. The Vice Chair shall act as Chair in the Chair's absence. In the absence of the Chair and Vice Chair, the senior Commissioner based upon years of Commissionership shall act as Chair.
3. Any vacancy for Chair or Vice Chair shall be filled from the Commissionership by majority vote of the Commission. The term shall be for the remainder of the unexpired term of office.
4. The Chair shall preside at all meetings and hearings of the Commission, decide all points of order and procedure, and perform any duties required by law, ordinance, or these bylaws. The Chair shall have the right to vote on all matters before the Commission, and shall also have the right to make motions or second motions in the absence of either.

C. Staff

City staff shall furnish professional and technical advice and recommendations to the Plan Commission.

II. MEETINGS

A. General Meeting Procedure

1. Meetings shall be held on the first and third Wednesday, following the first Monday of the month, at 7 PM. Meetings shall be held in the Council Chambers of City Hall, 100 North Island Avenue, Batavia IL unless otherwise advertised in the notices required by law. If necessary, meetings may be held at different times or at different locations.
2. Meetings of the Commission shall be open to the public and the minutes of the proceedings, showing the vote of each Commissioner and records of its examinations and other official actions, shall be approved and filed with the City Clerk and kept as a public record.
3. Commissioners are expected to attend all meetings. If a Commissioner cannot attend a meeting for whatever reason, that Commissioner shall give prior notice to the City staff of the inability to attend.
4. Whenever a Commissioner has a conflict of interest in the subject matter of a pending application, the Commissioner shall disclose the conflict, step away from the dais and refrain from any and all discussion of the matter. When a Commissioner steps away from the dais, the clerk shall record in the minutes that the Commissioner is absent. If the Commissioner returns to the dais after the vote, the clerk shall note in the minutes that the Commissioner returned to the meeting.
5. If for any reason a Commission meeting must be cancelled, staff shall post a notice in a conspicuous place that can be seen by any person attempting to attend the meeting that all matters on the posted agenda are being continued to a date, time and place certain. All posted agendas shall be revised accordingly.
6. Meeting agendas shall be generally limited to two public hearings and all other matters of business will be scheduled at the discretion of staff. Review of applications that do not require Public Hearings will be limited by staff to assure for appropriate time to discuss all agenda matters.

B. Meeting Materials

Agendas and supporting material for all meetings shall be delivered to Commissioners and posted on the City's website at least 48 hours before every meeting.

C. Quorum

A majority of Commissioners currently appointed shall constitute a quorum for transacting business at any meeting.

D. Withdrawal of Request

An applicant may withdraw an application by giving notice to the staff prior to the meeting or by presentation to the Commission at a meeting.

E. Site Visits

City staff or the Commission may schedule a site visit as an agenda item for a meeting to view a property that is the subject of an application. The purpose of the visit is to gather information relevant to an application. The minutes shall include a record of the site visit. Commissioners may individually visit property which is the subject of an application at any time other than a scheduled meeting, provided that a majority of a quorum of the Commission is not present at the property at the same time.

III. **ORDER OF BUSINESS**

A. Procedure

1. The Chair shall call the meeting to order and the minutes clerk shall record the Commissioners present or absent. The Chair shall declare if a quorum is present.
2. If a public hearing has been scheduled for a meeting at which a quorum is not present, the meeting and public hearing shall be continued to a specific date, time and place.
3. The Chair shall call each matter of business in the order of the approved agenda, unless the order of the order of business is changed by action of the Commission.
4. The Chair shall generally conduct meetings under Robert's Rules of Order, as modified herein. The formalities of Robert's Rules of Order shall be considered waived if any action taken deviates from those formalities without objection from the Commission. A Commissioner may object to any deviation in formalities of Robert's Rules of Order at the time the action is taken before the next agenda item is called. When any provision in Robert's Rules is raised by a Commissioner for consideration, such

provision may only be suspended or modified by majority vote of the Commission.

B. Applications Requiring a Public Hearing

1. Public Hearings shall be held when required by law to gather facts and information pertinent to the matter under consideration.
2. Multiple applications on the same project may be heard at a single Public Hearing. Each application shall be separately considered and voted upon by the Commission.
3. After opening the Public Hearing, the Chair shall, in the following order:
 - a. Request a staff report and provide an opportunity for Commissioners to question staff.
 - b. Invite the applicant to present the application, testimony and other information in support of the application that is relevant to the criteria the Commission must consider in making its determination.
 - c. Invite Commissioners and staff to ask questions of the applicant.
 - d. Invite all persons wishing to address the matter to:
 - i. Ask questions of the staff, the applicant and any other person testifying; and
 - ii. Present information and testimony that is relevant to the criteria the Commission must consider in making its determination.
4. All relevant evidence for consideration of the matter at hand shall be made part of the record. The Chair may exclude irrelevant or redundant testimony from the record.
5. The introduction of any new plans, facts or documentation by an applicant that was not submitted to staff for consideration prior to the hearing shall be grounds for continuation of the Public Hearing to allow the staff to review the material and to present an updated recommendation to the Commission.
6. If an applicant fails to appear, the Commission may conduct the hearing, continue the hearing to a date and time certain, or table the matter in the Commission's discretion, unless the applicant has submitted a request in writing at least 24 hours prior to the meeting that the Commission continue the hearing or conduct the hearing without the applicant being

present. If a Public Hearing is conducted at which the applicant fails to appear, the Commission may conduct the hearing and hear those persons requesting to speak to the application. The Commission may take action or continue the matter to a subsequent meeting.

7. Once the hearing has begun, all Commissioners must remain in the hearing room for the duration of the hearing. Commissioners shall request the Chair recess the hearing, and the hearing shall be recessed, before a Commissioner leaves the room. A Commissioner who is absent from any portion of a Public Hearing may not vote on the matter unless he or she has reviewed the minutes or the recording of any portion of the hearing from which he or she was absent. Prior to voting the Commissioner who was absent must state that he or she is familiar with the record before voting. The vote of a Commissioner who was absent for all or a portion of a hearing who has not stated the he or she is familiar with the record will be counted as an abstention.
8. Any interested persons may speak to the issue under consideration, after being recognized by the Chair, signing the speakers' roster, and stating their name and address, and if applicable, the names of persons on whose behalf they are appearing.
9. The Chair may limit testimony to avoid repetitious or irrelevant evidence.
10. By majority vote, the Commission may continue a hearing if it concludes that additional information or time for study is necessary. If a hearing is not continued to a date, time and place certain, or if it is tabled, the subject of the hearing shall not be considered again until new notice is published and given as required by law.
11. When the Commission determines that no additional information is necessary to reach a decision, and all persons wishing to speak have been heard, the Public Hearing shall be closed. A public hearing shall be closed by an approved motion.

C. Applications Not Requiring a Public Hearing

1. Multiple applications for a project may be heard simultaneously. Each application shall be separately considered and voted upon by the Commission.
2. After calling the agenda item, the Chair shall, in the following order:
 - a. Request a staff report and provide an opportunity for Commissioners to question staff.

- b. Invite the applicant to present the application, information in support of the application that is relevant to the criteria the Commission must consider in making its determination.
 - c. Invite Commissioners and staff to ask questions of the applicant.
 - d. At the Chair's discretion, persons in attendance may:
 - i. Ask questions of the staff, the applicant and any other persons speaking; and
 - ii. Present information that is relevant to the application under consideration.
3. All relevant information for consideration of the matter at hand shall be made part of the record. The Chair may exclude irrelevant or redundant information from the record.
 4. The introduction of any new plans, facts or documentation by an applicant that was not submitted to staff for consideration prior to the meeting shall be grounds for continuation of the matter to allow the staff to review the material and to present an updated recommendation to the Commission.
 5. If an applicant fails to appear, the Commission may call the agenda item, continue the item to a date and time certain, or table the matter, in the Commission's discretion, unless the applicant has submitted a request in writing at least 24 hours prior to the meeting that the Commission continue the matter or call the matter without the applicant being present. If a matter is reviewed at which the applicant fails to appear, the Commission may conduct the matter. The Commission may take action or continue the matter to a subsequent meeting.
 6. Any interested persons may speak to the issue under consideration after being recognized by the Chair and stating their name and address, and, if applicable, the names of persons on whose behalf they are appearing.
 7. The Chair may limit the presentation of information to avoid repetitious or irrelevant information.
 8. By majority vote, the Commission may continue the matter if it concludes that additional information or time for study is necessary. If a matter is not continued to a date, time and place certain, or if it is tabled, the subject of the matter shall not be considered again until new notice is published and given as required by the Zoning Code.

D. Deliberation & Voting on Applications

1. Commencement of deliberations:
 - a. Public Hearing. The Commission may begin deliberation before or after the public hearing is closed, at the Commission's discretion.
 - b. Other Matters. The Commission may begin deliberation at any time.
2. Prior to voting, the Commission may discuss and attempt to reach a consensus on each individual request.
3. Findings for Design Review and applications requiring Public Hearings:
 - a. If there is no consensus on the draft Findings, the Chair may call for a non-binding poll to enable staff to prepare revised Findings. The Commission shall continue the matter to be to a future meeting, with or without continuation of the public hearing, for preparation of revised Findings.
 - b. Prior to voting on the application, the Commission shall vote on all Findings necessary to meet the criteria for each request.
 - c. After the consideration of Findings, the Commission shall vote on the application. The Commission may include recommended conditions in the motion for action on an application before voting on the application itself.
 - d. The Commission may recommend approval, approval with conditions, or denial of each application.
4. Appeals: The Commission shall uphold, reverse, or modify the decision of the administrative official.
5. Any motion may be approved by a majority vote of those Commissioners present and voting. A tie vote on a motion shall be recorded as a denial or recommendation for denial.

E. Reconsideration

1. Before the next agenda item is called, a Commissioner who voted on the prevailing side of any action may make a motion for reconsideration of that action.

2. An applicant, appellant, or any Commissioner may request reconsideration of any action taken at the preceding meeting by notifying the Community Development Department in writing at least four working days prior to the next meeting.
3. In the case of a tie vote, any Commissioner may make a motion for reconsideration of that matter before the next agenda item is called. A successful motion to reconsider a tie vote will permit the matter to be discussed and acted upon at that time.
4. If a timely request for reconsideration is received, the reconsideration will be included on the agenda for the next meeting.
5. Only a Commissioner who voted with the majority may make a motion for reconsideration of any matter for which a prior motion resulted in something other than a tie vote.
6. Any Commissioner may second a motion for reconsideration, regardless of which side he or she voted on.
7. If a motion for reconsideration passes, the matter shall be considered undetermined until a new motion is made and vote is taken. The Commission may continue the discussion of the matter following approval of the motion for reconsideration or table it for future discussion. No action on the matter to be reconsidered shall be taken unless the matter is listed on an agenda for action and all required notification has taken place.
8. If new information is to be presented on a matter, for which public notice is required, and discussion on the matter has been concluded, new public notice must be given, as required by law.

F. Recommendation to City Council

The Community Development Director shall forward in writing to the Community Development Committee a complete and accurate summary of the Commission's recommendations and if required, Findings, for the Committee's recommendation to the City Council. The Director shall prepare a draft Ordinance, when necessary, incorporating the above Findings and recommendations.

IV. AMENDMENTS

These bylaws may be amended by majority vote at any meeting of the Commission, provided that intent to amend the bylaws has been listed on the agenda.