

RULES OF PROCEDURE
Zoning Board of Appeals
Lee County, Illinois

Article I. General Provisions

- Section 1: This Zoning Board of Appeals shall hereinafter be referred to herein as the Board. Likewise the Chairperson of the Zoning Board of Appeals shall hereinafter be referred to as the Chair or the Board Chair.
- Section 2: These rules are supplementary to the provisions of the Zoning Ordinance of the County of Lee as they relate to procedures of the Board of Appeals.
- Section 3: Any member who has any interest in a matter before the Board shall not vote thereon and shall remove himself from any meeting or hearing at which said matter is under consideration.
- Section 4: Nothing herein shall be construed to give or grant to the Board the power or authority to alter or change the zoning ordinance including the zoning map, which authority is reserved to the County Board.
- Section 5: The State's Attorney shall be consulted in cases where the powers of the Board are not clearly defined.
- Section 6: The office of the Board shall be located at the Executive Office, suite 300, in the Lee County Courthouse, 112 E. Second Street, Dixon, Illinois.

Article II. Officers and Duties

- Section 1: The Board shall consist of a 5 member panel including a Chair and Vice-Chair. Two alternate members may also be appointed by the County Board Chairman, consistent with the Zoning Board of Appeals section 10-2B-1: A6 of the County Code.
- Section 2: The Chairman of the County Board shall designate the Board Chair. The Zoning Administrator shall be a non-voting ex officio member of the Board. In the event of death, removal for cause by the County Board Chair, or resignation, successor(s) shall be named by the County Board Chairman.
- Section 3: The Board Chair shall supervise the affairs of the Board. The chair shall preside at all meetings of the Board, shall appoint such committees and subcommittees as may be necessary to carry out the purposes of the Board, and shall provide for the oath to be administered to all witnesses in cases before the Board.
- Section 4: The Vice Chair, in the absence or disability of the Chair, shall perform all the duties and exercise all of the powers of the Chair.
- Section 5: The Zoning Administrator shall record and maintain permanent minutes of the Board's proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact; shall keep records of its

examinations and other official action; shall summarize accurately the testimony of those appearing before the Board or keep a verbatim transcript of all hearings; shall record the names and addresses of all persons appearing before the Board; shall conduct the correspondence of the Board and have published in a local newspaper, such public notices of hearings as required by law at the Petitioner's expense. The Zoning Administrator shall enforce the procedural rules at all Board meetings and hearings.

Article III. Meetings

- Section 1: Regular meetings shall be held on the first Thursday of each month at 7:00 P.M. in the Lee County Courthouse, unless such day shall be a recognized holiday. In that event, the regular meeting shall be held at such other time as the Board Chair may designate. Supplemental meeting dates shall be scheduled as necessary to fulfill the duties of the Board.
- Section 2: Regular meetings may be cancelled by the Chair when there are no cases pending.
- Section 3: Special meetings may be called by the Chair at his discretion, or upon the request of three (3) or more members, provided that 48 hours notice is given each member and all requirements of the Illinois Open Meetings Act are complied with.
- Section 4: All meetings shall be open to the public. All meetings shall include a period set aside for public comment or presentation, consistent with Article V, Section 2 through 8, inclusively.
- Section 5: A quorum shall consist of three (3) members for any regular or special meeting, and is required for any decision, determination, or official action by the Board.
- Section 6: Public hearings may be held by less than a quorum of the Board. However, no precipitous Board action shall be taken without a quorum.

Article IV. Order of Business

- Section 1: All meetings of the Board shall proceed as follows:
- A. Roll Call and declaration of quorum.
 - B. Approval of minutes of previous meeting.
 - C. Reports of Committees.
 - D. Call of cases on agenda and hearing of requests for continuance.
 - E. Hearing of cases on agenda.
 - F. Unfinished business.
 - G. New Business.
 - H. Adjournment.
- Section 2: Continuances may be granted at the discretion of the Board in any case for good cause shown and to any interested party who has entered his appearance as follows:

- A. New cases (first time on agenda). Continuances may be granted upon request of the applicant.
- B. Continued cases (all cases which have previously appeared on the agenda of this Board constitute continuing cases). Request for further continuance will be considered upon application therefore by the party or his representative at the time the case is called, and upon showing:
 - 1. That reasonable notice in writing has been given to all persons who have filed and appearance in the matter; and,
 - 2. That the applicant will be unable to proceed with his evidence at this hearing.

Section 3: In the event that an applicant fails to appear:

- A. The Chair may entertain a motion from the Board to dismiss the case for want of prosecution. In the absence of a motion by the Board, the Chair shall rule.
- B. In cases which are dismissed for want of prosecution, the applicant will be furnished written notice by the Zoning Administrator.
- C. The applicant shall have seven (7) days from date of notice of dismissal to apply for reinstatement of the case. In such cases, applicant must file written request with the Zoning Administrator for reinstatement. Reinstatement shall be at the discretion of the Chair for good cause shown, and payment of any additional publication fees.
- D. In all cases reinstated in above described manner, the case will be docketed, noticed and republished in the usual manner prescribed for new cases.

Section 4: Except as otherwise prescribed by these rules, the meetings of the Board may be conducted in accordance with Robert's Rules of Order. If any question arises as to procedure, the ruling of the Chair shall be final unless reversed by a vote of at least three members of the Board.

Article V. Procedures on Hearings

Section 1: At the time of the hearing, the applicant may appear in his own behalf or be represented by counsel or agent.

Section 2: Anyone intending to speak shall sign into the Board's registry, their respective names, addresses and telephone numbers prior to the commencement of the meeting. All witnesses expecting to present evidence shall testify under oath.

Section 3: Evidence shall be presented in the following order:

- A. The Board shall state the purpose of the hearing, acknowledge publication, posting of property and written notifications; acknowledge comments received from the County departments and other public agencies.
- B. Presentation of evidence by the applicant or designated representative(s).
 - 1. Opening statements.
 - 2. Testimony by applicant's witness(s).
 - 3. Questioning/cross-examination of each witness by the members of the Board.
 - 4. Close of applicant's evidence.
- C. Presentation of evidence by any and all of the objectors or their representative(s).
 - 1. Opening statements.
 - 2. Testimony by objector's witness(s).
 - 3. Questioning/cross-examination of each witness by the members of the Board.
 - 4. Close of petitioner's evidence.
- D. Presentation of statements and comments by any person attending the hearing who has signed in per Article V, section 2.
- E. Closing statements and rebuttal by the petitioner or designated representative, if desired.
- F. Closing statements and rebuttal by the objectors or designated representative, if desired.
- G. Closing of public testimony and comments.
- H. Finding of fact by the Board, shall be completed in writing within ten (10) working days by the Zoning Administrator and appended to the recommendation or decision.
- I. Recommendation or decision (where the Board's action constitutes a final administrative decision by the Board).

Section 5: Time Constraints:

- A. Each applicant personally or by his agent or attorney shall be allowed up to 1 hour to make an oral presentation to the Board. Each applicant may submit a written presentation of any reasonable length upon the filing of the Petitioner but in no way shall such written presentation be submitted less than 10 working days prior to the date of the hearing of the petition unless the Board Chair grants the Administrator an extension of time.
- B. The length of time for each member of the public to make comment shall not exceed 5 minutes unless more time is approved by the Board.

C. The length of Board meetings including comments from the public shall be 2 hours. If however the issues before the Board have brought a considerable number of persons desiring to make input, then the Chair may extend the time of meeting to accommodate comments by the public, but in no way shall such period of public comment itself exceed 2 hours. In the event that the presentation consideration and comment by the public is not completed in the time prescribed herein, then the remaining issues shall be revisited at the next regularly scheduled Board meeting.

Section 6: The Board shall not be bound by the strict rules of evidence, but it may exclude irrelevant, immaterial, incompetent or unduly repetitious testimony or other evidence. The Board Chair shall promptly rule to exclude such testimony.

Section 7: Any person in attendance at a public hearing who has complied with Article V, section 2, shall have an opportunity to be heard. However, any person who also wishes to appear as an "interested party" with rights to question/cross-examine others at the hearing must complete and file an appearance form with the Zoning Administrator at the County Board Chair's office, the Old Lee County Courthouse, suite 300, Dixon, Illinois 61021, no later than five (5) business days before the date of the hearings. The Board Chair shall promptly rule to exclude such testimony and comments.

Section 8: All persons required to appear and sign in may do so either in writing or electronically (by email) sent to the Zoning Administrator.

Section 9: The Chair shall rule on all questions relating to the admissibility of evidence, which may be overruled by a majority of the Board.

Article VI. Decisions

Section 1: The Board shall conduct its findings of fact and vote in public session at the meeting in which evidence testimony is concluded, unless the Board considers additional time for deliberation necessary.

Section 2: Final decisions or recommendations shall be made within a reasonable time from the date of the hearing.

Section 3: All decisions of the Board shall be made at a public meeting by motion made, seconded and the Chair polling the membership by a roll call vote. The motion which decides the issue shall be in the form of findings of fact and shall state the reasons for the findings by the Board. If conditions are imposed on the granting of a variation, or in the recommending of the granting of a Special Use by the Board, such conditions shall be included in the motion.

Section 4: A concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decisions or determination of the Zoning Administrator and to grant any variation in the ordinance.

Section 5: The minutes of the case shall be acknowledged as to accuracy by the Chair and the Zoning Administrator and shall be a part of the public record of the Board.

Section 6: Notice of the decision of the Board shall be given to the applicant, and other interested parties as soon as possible after the decision is reached.

Article VII. Records

Section 1: A file of materials and decisions relating to each case shall be kept by the Zoning Administrator as part of the records of the Board.

Section 2: All records of the Board shall be a public record.

Section 3: Tapes or other recordings of Board meetings shall be retained by the Zoning Administrator for not less than 2 years.

Article VIII. Amendment of Rules

Section 1: These rules may be amended by an affirmative majority vote of all members of the Board.

Section 2: The proposed amendment must be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken.

The foregoing rules and regulations are hereby adopted by the Zoning Board of Appeals of Lee County, Illinois on June 2, 2011.

Ron Conderman, Zoning Board of Appeals Chairman