

CITY OF O'FALLON, ILLINOIS
RESOLUTION NO. 2005-107

**A RESOLUTION APPROVING THE BYLAWS OF THE CITY OF O'FALLON
PLANNING COMMISSION**

WHEREAS, the Planning Commission of the City of O'Fallon has expressed a desire to be guided by a uniform set of rules, procedures, and guidelines; and

WHEREAS, a proposed draft set of bylaws has been reviewed and approved with amendments by the Planning Commission during its November 22, 2005; and

WHEREAS, The Community Development Committee of the City Council reviewed and recommended approval of the Bylaws during their November 28, 2005, meeting.

**NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL
OF THE CITY OF O'FALLON, ILLINOIS THAT:**

- 1) Approval. The proposed Bylaws of the O'Fallon Planning Commission, a copy of which is attached and made an integral and continuing part of this resolution, be accepted and approved; and
- 2) Resolution Recorded with Clerk. The City Clerk is hereby directed to file and maintain a copy of this resolution in the Office of the City Clerk; and
- 3) Effective Date. This resolution shall be come effective immediately upon its adoption by the City Council.

Resolved by the Mayor and City Council of the City of O'Fallon this 5th day of December 2005.

Approved:

Gary L. Graham, Mayor

Attest:

Philip A. Goodwin, City Clerk

O'FALLON,IL
PLANNING COMMISSION
BYLAWS

Adopted by the O'Fallon Planning Commission
November 22, 2005

Adopted by O'Fallon City Council
December 5, 2005
Resolution Number 2005-107

**BYLAWS for the
CITY OF O’FALLON PLANNING COMMISSION**

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CITY OF O'FALLON PLANNING COMMISSION CHARTER/BY LAWS

ARTICLE I

Purpose

The objective and purposes of the Planning Commission of O'Fallon are those set forth in the Comprehensive Plan, Zoning Ordinance, and the Subdivision Regulation and amendments and supplements thereto, and those powers and duties delegated to the Planning Commission by the City Council of O'Fallon by Ordinance # 632 of March 2, 1970, and as amended. The O'Fallon Planning Commission will review all staff reports all proposed developments, zoning changes, and special use and use variances to the appropriate committee of the City Council. The Planning Commission is the city's principle steward for maintaining the Comprehensive Plan of the City of O'Fallon and will recommend to the City Council those changes necessary to maintain the plan as a viable tool to support the present and future development or redevelopment of the city.

ARTICLE II

Membership

The Planning Commission shall consist of eleven members. The members must be residents of the city of O'Fallon. As much as possible the members should be distributed evenly among the seven Wards to provide even representation for all parts of the city. Aldermen are encouraged to nominate members from their wards that are suited for, and desire to be a member of the Planning Commission. When a position becomes vacant, the chairperson of the Planning Commission will notify the Mayor and City Council of the vacancy and will request that action be initiated to fill the position.

2.1. Term of Office: The members shall be appointed by the Mayor and approved by the City Council for a term of three years. All members shall be eligible for reappointment. All members shall serve without compensation.

ARTICLE III

Officers and Duties

The officers shall be a Chairperson, a Vice-Chairperson, and Secretary. The Chairman shall be appointed by the Mayor. The Vice-Chairman and Secretary shall be elected from among the appointed members. Nominations shall be presented to the Planning Commission and the officers shall be elected at the first regular meeting of the Planning Commission in the month of

each year. The officers shall hold office for one year. All officers shall be eligible for re-election. In the event of death or resignation of any officer, a successor shall be elected at the next regular meeting of the Commission, or at a special meeting called for that purpose.

A. Chairperson: The Chairperson shall supervise the affairs of the Planning Commission. The Chairperson shall preside at all meetings of the Commission and shall appoint those standing and special committees necessary to carry out the purpose of the Planning Commission. The Chairperson shall be an ex-officio member of all committees so appointed.

B. Vice-Chairperson: The Vice-Chairperson shall perform such duties delegated by the Chairperson. In the absence or disability of the Chairperson, the Vice-Chairperson shall perform the duties and exercise the powers of the chairman.

C. Secretary: The Secretary will work with the Planning Director to determine the amount of and secretarial services and professional memberships required by the Planning Commission, and work with the Director of Planning and Zoning ensure that these items are in the City Budget and insure that they are procured in a timely fashion. The secretary shall be responsible for insuring that permanent minutes of the meeting of the Planning Commission are recorded and maintained. These minutes shall be a public record. The Secretary shall insure that a record of attendance of Planning Commission members is maintained.

3.0. DUTIES AND RESPONSIBILITIES: The Planning Commission is an advisory body to the City Council and its subordinate decision making bodies. The Planning Commission will hold public hearings as required by city ordinances. The Commission will maintain the Comprehensive Plan and from time to time recommend changes and improvements to the plan to maintain its viability.

3.1. Committees: The Chairman of the Planning Commission may create certain Committees and refer certain research or other necessary tasks to these Committees. These Committees may include but not necessarily be limited to the following:

- A. Subdivision Committee:** The Subdivision Committee may review proposals to develop/subdivide land within the city limits, including those properties within one and one half miles beyond the corporate limits of the City of O'Fallon.
- B. Zoning Committee:** The Zoning Committee may review all proposals to change the zoning as reflected in the current Zone District Map and the City's Comprehensive Plan. When these proposals are made in conjunction with the establishment of a subdivision the two committees will work together. If requested by the City Council, the Zoning Committee may review annexation proposals for zoning implications.
- C. Special Use/Use Variance/Regulatory Review Committee:** The Special Use/Use Variance/Regulatory Review Committee may review proposals to establish a special use or to vary from a permitted use and on proposed changes to the City's zoning ordinance. The Committee will review the Planning Commission by-laws annually and propose those changes necessary to keep the document current.
- D. Comprehensive Plan Committee:** The Comprehensive Plan Committee continuously reviews the plan in light of the constantly changing environment and proposes changes to keep the plan a viable tool to support the present and future development or redevelopment of the city.

3.2. Committee Process. The Planning Commission can direct business and research to a standing committee. For each matter referred to the committee for action the committee will:

- A. Review planning and zoning projects and processes to ensure that petitioners are well served by the City.
- B. Review staff reports in detail and ask for additional information if required prior to the Planning Commission meeting/ Public Hearing.

3.3 Planning and Zoning Staff Reports. The staff report must include all applicable facts and pertinent information required by the decision making body to make a decision on the matter under consideration. The report as much as possible should be a stand-alone document. The information to be included can be divided into three main parts:

A. General Provisions. This section should include documentation of the application and the current condition or situation. At a minimum, it should include:

- 1. A copy of the application,
- 2. A copy of that portion of the current Zone District Map that applies.
- 3. A copy of the Plat Map if available or pertinent.
- 4. A copy of the legal description of the property involved..

B. City Ordinance/Comprehensive Plan. This section should reference the applicable ordinances pertaining to the application as well as the position of the Comprehensive Plan. It should include:

- 1. References to the appropriate and applicable ordinances.
- 2. Reference to the Comprehensive Plan. If the Comprehensive Plan does not address the issue under consideration, a statement to this effect should be made.

C. Staff Recommendations. This is the section where staff recommends courses of action to the Planning Commission. This section should include:

- 1. Development Requirements Checklist
- 2. Pertinent discussion points, meeting notes, and other items important for the Planning Commission's deliberations.

3.4. Comprehensive Plan: Duties of the Planning Commission relative to the City's Comprehensive Plan are to:

- A. Propose/recommend to the City Council those changes necessary to maintain the plan as a viable tool to support the city's present and future development or redevelopment.
- B. Purpose/recommend changes to the official map, designated by ordinance.

C. Cooperate with municipal or regional planning commissions and other agencies or groups to further the local planning program and to assure harmonious and integrated planning for the area, subject to approval of the City Council.

D. Give aid to the officials of the City of O'Fallon charged with the direction of projects for improvements embraced within the official plan, or parts thereof, to further the making of such improvements and generally to promote the realization of the official comprehensive plan.

3.5. Public Hearings: The Planning Commission will hold public hearings as required by City ordinance. The Planning Director shall provide for a public notice for each hearing to be published at least once in a newspaper published in the municipality not more than thirty days nor less than fifteen days before the hearing; the notice shall state the time and place of the hearing, the location of the property for which the petition is made as well as a statement of the nature of the petition. At the time of the hearing, the applicant may appear on his own behalf or be represented by counsel or agent. The following procedures will govern conduct of the public hearings before the Planning Commission:

A. Unless otherwise required by law, the Planning Commission shall not be bound by the strict rules of evidence, it may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony or other evidence.

B. The Planning Commission shall strive to make comments and recommendations on the facts of the matter under consideration.

C. The Chairperson shall rule on all questions relating to the admissibility of evidence, which may be overruled by a majority of the Commission.

D. An applicant or objector, or his agent or attorney, may submit a list of the persons favoring or opposing the application. Such list will be accepted as an exhibit if it contains nothing more than a brief statement of the position of the persons favoring or opposing the appeal or application, together with the signature of the persons subscribing to such statement.

E. In the event that objectors retain counsel to represent them at a hearing before the Commission, the counsel shall notify the appellant or applicant, or his agent or attorney, that he has been retained and will be present to object. Such notice shall be delivered to the officers of the Commission and to the appellant or applicant, or his agent or attorney, at least fifteen days prior to the scheduled hearing date, if such notice is not given by counsel retained by the objectors, the appellant or applicant, or his agent or attorney, shall have the option of continuing the hearing to the next regular meeting of the Commission.

F. Prior to opening the Public Hearing, the Chairperson will explain the process to those in attendance.

G. All witnesses will testify under oath. Commission members may ask questions to clarify testimony, statements, exhibits and issues at any time during the public hearing.

H. The Chairperson will declare the Public Hearing open.

- I. The Planning Staff will present its report on the issue, omitting the recommendation. The report will outline the petitioner's request and provide a common basis for discussion.
- J. The Chairperson will declare open the public comment portion of the hearing.
- K. The applicant or designated representative may make a statement outlining the nature of the request and provides and presents evidence supporting the petition.
- L. Testimony in support of the petition may be presented.
- M. Objectors present evidence.
- N. Rebuttal by applicant.
- O. Rebuttal by objectors.
- P. The Chairperson shall declare the Public comment portion of the public Hearing closed after sufficient opportunity has been given to all parties for input into the hearing.
- Q. The report recommendations will be read. The Planning Commission and staff will discuss the issue and take a roll call vote to adopt the report and its recommendation or to act on a motion to amend the recommendation.
- R. The Chairperson will declare the public hearing closed.
- S. The Planning Commission will recommend that the minutes of the public hearing along with the Planning Commission's recommendations be forwarded to the appropriate body, the City Council or to the Zoning Hearing Officer, as the case may be.

ARTICLE IV

Meetings

4.0. Meetings: Regular meetings shall be held on the second and fourth Tuesday of each month at 6:00 p.m. in the City hall, unless otherwise decided by the Planning Commission no later than one week prior to the scheduled date. Special meetings may be called by the Chairperson, or by any three members, with no less than twenty-four hour notice to each member. All meetings or portions of meetings shall be open to the general public, except those that may be closed per statute. Public attending regular and special meetings of the Commission shall be allowed to address the Commission on any matter appearing on the agenda or any other business of the Commission. The chairman has the authority to limit the discussion of any individual person addressing the Commission.

4.1. Quorum: A quorum shall consist of a majority of the appointed members for any regular or special meeting. Any member missing three consecutive meetings without due cause shall relinquish their seat on the Planning Commission. Absence from a regular or special meeting that has not been reported to the Chairperson, Vice Chairperson, or Secretary-Treasurer will normally be considered an absence without due cause.

4.2 Meeting Procedures: All meetings of the City of O'Fallon Planning Commission shall be conducted as follows:

A. All meetings of the Planning Commission shall begin with the pledge of allegiance immediately after the meeting is called to order.

B. All members shall have equal voting rights and the vote of each member shall be counted as one. A tie vote will be judged to be a negative action by the Planning Commission.

C. Any member who has any interest in a matter before the Commission shall not vote thereon and shall not participate, as a commission member, in any discussions or deliberations on the matter. (Review Behavior and Ethics Section).

D. Parliamentary procedure. Unless governed otherwise by provisions which are part of these bylaws, Roberts Rules of Parliamentary Procedure shall govern the conduct of Commission meetings and hearings. This is will be to facilitate/ transact business in an orderly manner.

E. Any member not agreeing to a Planning Commission action shall be given the opportunity to voice a dissenting opinion. The dissenting member shall also be given the opportunity to file a dissenting opinion written report and is required to advise the Chairperson and the Planning Director of such intent within 48 hours after the official Planning Commission vote on the issue. The written report will be forwarded to the City Council or the Zoning Board of Appeals along with the majority report. Copies of the minority report will be distributed to the members of the Planning Commission.

F. The Director of Planning and Planning Staff shall be responsible for establishment of agendas and posting of applicable notice for all meetings to ensure full compliance with Open Meetings Act and other requirements.

4.3 Voting: Unless otherwise provided by law applicable to a specific vote or action, a vote on a motion either for or against an application by a majority of all of the Commissioners present shall constitute the recommendation or action of the Commission. If such motion fails to receive a majority vote, the Commission may entertain a new motion. A tie vote, or the failure to obtain a majority vote on any motion to approve or recommend action shall constitute a denial or "failure to recommend" as may be applicable.

ARTICLE V

Order of Business

5.0 The following shall normally be the order of business for meetings of the Commission:

1. Call to order.
2. Pledge of Allegiance.
3. Roll Call.

4. Establish Quorum
5. Reading and approval (with corrections and additions if any) of the minutes of previous meetings.
6. Public hearing (if any).
7. Reports of Standing and Special committees.
8. Unfinished business.
9. New business.
10. Reports and communications.
11. Adjournment.

ARTICLE VI

Amendments

6.0: These by-laws may be amended by the City Council at any of its regular or special meetings after a review by the Planning Commission of any proposed amendment. The Planning Commission's Regulatory Review Committee shall review these by-laws annually and recommend any necessary changes to the City Council.

ARTICLE VII

Behavior and Ethics

7.0. The following ethical standards and requirements apply to the members of the Planning Commission:

Section 1. Members of the Commission are appointed by the Mayor and City Council. Membership on the Commission shall be accepted as a public service.

Section 2. Commission members shall serve without pay.

Section 3. On all matters in which a Commission member has a direct financial interest and/or on matters involving property owned either in part or in total by a member, that member shall abstain from discussion and voting on the matter. Members abstaining shall disclose, except where it violates a confidence, the general nature of the conflict, and the minutes shall so record the conflict and abstention.

On other matters which could involve a conflict of interest, members shall disclose all pertinent facts relating to the potential conflict, except where it violates a confidence, which facts shall be included in the minutes of the proceedings. The member may then abstain from discussion and voting on the matter.

If a question is raised under this section at any Commission meeting concerning the eligibility of a member of the Commission to vote on any matter, such questions shall be finally determined by the concurring vote of at least five members of the Commission, not including the member with the potential conflict.

Section 4. A Commission member shall not appear before or participate in a meeting with the Commission as a petitioner or as a representative of a petitioner during the member's term of office. Nothing herein shall preclude a Commission member from submitting a petition to the Commission, provided that no presentation is made by the member on his or her own behalf and full disclosure of the conflict is made as required herein.

Section 5. A Commission member, when speaking to individuals, groups or organizations, shall indicate representation of the Commission. When speaking for personal purposes, the Commission member shall indicate that the stated opinions and beliefs are not necessarily the opinions and beliefs of the Commission as a whole.

Section 6. Commission or its individual members shall not intrude into the management of the City Planning and Zoning Department or into those matters which are best handled administratively within the City Hall.

Section 7. Commission members shall not engage in any employment or endeavor, or in any business transaction, wherein the membership on the Commission would be a qualification for such employment or endeavor, or a significant reason for the business transaction.

Section 8. Commission members shall not accept gifts or other favors from applicants, their representatives, or other persons and institutions concerned with matters which have been, are now, or which might come before the Commission.

Section 9. Commission members shall conduct themselves at Commission meetings in a fair, courteous, and respectful manner.

Section 10. Regarding meetings at which official minutes are taken, Commission members should not miss more than three consecutive meetings, nor four or more meetings in any 16-meeting period. If either situation should occur, the Commission officers may discuss it with the affected Commission member. If sufficient improvement in attendance does not occur within a reasonable time, the Chair may recommend to the Mayor and City Council that the affected Commission member be removed from office.

Commission members are encouraged to call or e-mail the Planning and Zoning Department and Commission Chair prior to any meeting at which they expect to be absent or tardy. The Planning Department shall keep attendance records and report to the Chair if an attendance problem appears to have developed.