

# City of Warrenville Zoning Board of Appeals Rules of Procedure

## ARTICLE I: Duties

The specific duties of the Warrenville Zoning Board of Appeals are set forth in the Ordinances of the City of Warrenville and the Illinois Revised Statutes. The Zoning Board of Appeals' general responsibilities include:

1. To hold public hearings regarding applications for appeals and variations from the Zoning and Sign Ordinances.
2. To make recommendations to the City Council on approval or denial of applications for appeals and variations, as provided in the Zoning and Sign Ordinances.
3. To review and to approve, approve with conditions, or disapprove, applications for Landscape Relief.
4. To file an annual report with the Mayor and City Council setting forth its transactions and recommendations.
5. To adopt by-laws and other procedural rules consistent with City ordinances and State statutes.

## ARTICLE II: Members

1. The Zoning Board of Appeals shall consist of seven (7) members, including a Chairman and Vice Chairman. All members and the Chairman shall be appointed by the Mayor with the advice and consent of the City Council. In the event of the resignation of any member, the Mayor shall appoint a replacement to fill the unexpired term of such member with the advice and consent of the City Council. The Vice Chairman shall be elected annually at the first meeting of each calendar year by the Zoning Board of Appeals.
2. The Chairman of the Zoning Board of Appeals shall:
  - a) Determine the order of business and preside at all meetings of the Zoning Board of Appeals.
  - b) Call special meetings as necessary.
  - c) Appoint committees as necessary.
  - d) Design official documents of the Zoning Board of Appeals.
  - e) Sign official documents of the Zoning Board of Appeals.
  - f) See that all actions of the Zoning Board of Appeals are properly taken.

3. The Vice-Chairman of the Zoning Board of Appeals shall perform all the duties and shall be subject to all the responsibilities of the Chairman during the absence, disability, or disqualification of the Chairman.
4. In the absence of the Chairman and Vice-Chairman, an acting Chairman shall be appointed by a majority of those present.

#### ARTICLE III: Meetings

1. The Zoning Board of Appeals' regular meetings shall be held at 7:00 p.m. on the Thursdays following the first and third Mondays of each month, in the City Council Chambers at the City Hall building or other location as determined by the Chairman, in accordance with the Illinois Revised Statutes and applicable Ordinances of the City of Warrenville.
2. Special meetings may be called by the Chairman, on his own initiative or at the request of the Mayor or any two members of the Zoning Board of Appeals.
3. All meetings of the Zoning Board of Appeals shall be subject to the requirements of the Illinois Open Meetings Act (5 ILCS 120/1 *et seq.*)
4. The Zoning Board of Appeals shall keep minutes of its proceedings. Such minutes shall show the vote, or absence or abstention, of every member upon every official action, and shall be a public record on file in the office of the City Clerk.

#### ARTICLE IV: Conduct of Business

1. No meeting shall be conducted in the absence of a quorum, which shall consist of four (4) members.
2. The Chairman shall determine the method and order of voting, whether by roll call, voice vote, or otherwise. However, the Recording Secretary, assigned by the Community Development Director, shall perform roll call and record the vote of each individual member as to each official action of the Zoning Board of Appeals in the minutes. For purposes of this section, official actions of the Zoning Board of Appeals shall include all decisions and recommendations required by City Ordinances and the Illinois Revised Statutes.

3. Any member of the Zoning Board of Appeals having a conflict of interest regarding any matter that is on the Zoning Board of Appeals agenda shall voluntarily excuse themselves, vacate their seat, and refrain from discussing and voting on said matter as a member of the Zoning Board of Appeals.
4. The Zoning Board of Appeals members shall not be permitted to participate electronically in a meeting.

#### ARTICLE V: Conduct of Formal Public Hearing

1. Opening, Conducting and Closing the Public Hearing:
  - a. The Chairman shall request a motion to open the public hearing.
  - b. If the public hearing is to be continued, a motion to continue the hearing to a date certain shall be made.
  - c. At the conclusion of the public hearing a motion to close the public hearing shall be made.
2. Proceedings:
  - a. Proof of lawful public hearing notice must be introduced into evidence after the public hearing has been initiated.
  - b. A record of the proceedings must be maintained in the form of minutes.
  - c. All persons offering testimony must be sworn in under oath, and shall be subject to cross examination.
  - d. The Chairman may impose reasonable limitations on evidence or testimony, such as time limits and barring repetitious, irrelevant or immaterial testimony. Time limits, if imposed, must be fair and equally administered.
  - e. The recommendation of the Zoning Board of Appeals shall be reduced to writing and voted upon by the members in open session. The written recommendation is forwarded to the City Council for final action.

#### ARTICLE VI: Rules of Procedure

1. Should any section of these rules of procedure be declared by any court of competent jurisdiction to be invalid, such decision shall not affect the validity of these rules of procedure except as to the section so declared invalid.
2. Should any section of these rules be incorrectly followed, such action shall not affect the validity of the Zoning Board of Appeals' action or of these rules of procedure.

3. These rules of procedure may be amended at any regular meeting of the Zoning Board of Appeals by a majority vote of the members then holding office.

Approved and adopted by the Warrenville Zoning Board of Appeals on the 20<sup>th</sup> day of March, 2014.

*John O. Davis*  
Chairman