
RULES OF PROCEDURE
ZONING BOARD OF APPEALS
CITY OF GALENA

To provide convenient and uniform answers to questions that may arise during the operations of the Zoning Board of Appeals, the following Rules of Procedure were adopted by the Board of Appeals at its meeting of October 12, 1977, and as amended as provided for herein.

The Zoning Board of Appeals shall follow the Rules of Procedure to hear appeals from the decisions of the Zoning Administrator or other boards or persons charged with the interpretation of the Zoning Ordinance, and to hear and recommend action on requests for variances, amendments to the zoning map and text, and permits for special uses.

The Zoning Board of Appeals reserves the right to waive the technicalities of these rules by a majority vote if the Board determines that strict adherence would cause unique difficulty in hearing the appeals or in the performance of its other functions.

Provision for the Zoning Board of Appeals to adopt its own Rules of Procedure and amend from time to time is found in Article 9, Section 154.902(B)(4) of the Zoning Ordinance.

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Article I: General Provisions

Section 1: *Rules of Procedure.* These rules are supplementary to the provisions of the Zoning Ordinance of the City of Galena and Illinois State Statute (65 ILCS 5/11-13) as the rules relate to procedures of the Board of Appeals.

Section 2: *Eligibility of Board Members to Vote.* Any Board member that was not present at the public hearing may vote on the ratification of the Findings of Fact and the Recommendation, provided that the Board member certifies that he or she has read the transcript of the proceedings of the hearing, the Findings of Fact and the Recommendation, and fully understands the issue at hand. In such instances, the member should support his or her individual vote with indications that he or she has indeed studied the record carefully.

Section 3: *Representation of Applicants or Appellants.* When a member of the Zoning Board has a business relationship with a zoning petitioner, that conflict of interest, in and of itself, does not prevent an impartial hearing before the Zoning Board.

However, the member of the Board with the conflict of interest must clearly state the conflict including an accurate

disclosure of the relationship of the member of the Board with the applicant, including, but not limited to, whether or not the Zoning Board member is being compensated by the applicant for services related to the matter before the Zoning Board, and the member of the Board must recuse himself from hearing the matter and physically leave the Zoning Board table.

Once the Zoning Board member has provided such full disclosure and recused himself, the Zoning Board member may testify or otherwise participate in the hearing.

Upon completion of the presentation and closing of the public hearing, the Zoning Board member must remain away from the Zoning Board table and must not participate in any manner, directly or indirectly, in the discussion, debate and vote on the issue.

This recusal and participation by a Zoning Board member in a public hearing of a matter before the Zoning Board ought to be a rare occurrence. Should a Zoning Board member regularly need to recuse himself from the Board table in order to participate in presentation of matters before the Zoning Board, the Zoning Board member ought to consider resignation from the Board to avoid any appearance of impropriety in Zoning Board proceedings.

Section 4: Conflict of Interest. Except as authorized in Section 3, no member of the Board shall participate as a member of the Board in discussion or voting in any case in which he/she has financial or personal interest in the property or action concerned, or will be directly affected by the decision, or has or believes he/she has any other conflict of interest as defined by applicable law.

However, the member of the Board with the conflict of interest must clearly state the conflict including an accurate disclosure of the relationship of the member of the Board with the applicant, including, but not limited to, whether or not the Zoning Board member is being compensated by the applicant for services related to the matter before the Zoning Board, and the member of the Board must recuse himself from hearing the matter and physically leave the Zoning Board table.

Once the Zoning Board member has provided such full disclosure and recused himself, the Zoning Board member may testify or otherwise participate in the hearing.

Upon completion of the presentation and closing of the public hearing, the Zoning Board member must remain away from the Zoning Board table and must not participate in any manner, directly or indirectly, in the discussion, debate and vote on the issue.

Section 5: Chairman to be Notified of Conflict. As soon as any board member, or staff member of any agency serving the Board, becomes aware of any potential conflict of interest in any case to come before the Board, he/she shall notify the chairperson or acting chairperson of the particulars. Where the chairperson finds that conflict clearly exists, he/she shall disqualify the board member from acting in the case and cause the secretary to enter the circumstances in the record.

Where the chairperson or acting chairperson has reasonable doubt as to whether the facts and applicable law indicate a degree of conflict justifying disqualification or excuse from service, he/she shall seek advice from counsel to the Board. If counsel advises that, under the circumstances reported and applicable law, conflict appears to exist, the chairperson shall proceed to disqualify or excuse as provided above. If counsel advises that there is reasonable doubt, the chairperson may call for a determination by a majority vote of the Board at a public meeting.

The record on any such determination by the Board shall be full and complete and shall indicate the reasons supporting the Board's decision.

Section 6: Disqualification on Grounds of Influence Outside Public Hearing. A member shall disqualify himself or herself from voting whenever any applicant or his/her agent, has sought to influence the vote of the member on his/her appeal or application, other than in the public hearing.

Section 7: Expression of Bias, Prejudice, or Individual Opinion Prior to Hearing and Final Determination. In accordance with the Open Meetings Act, Board members may seek information from other members, the secretary, counsel to the Board, or staff serving the Board, prior to the public hearing; but no member shall discuss the case with any other parties or express any bias, prejudice, or individual opinion on proper judgment of the case prior to its hearing and final determination.

Section 8: Authority of Governing Body. Nothing herein shall be construed to authorize the Board to alter or change the Zoning Ordinance or the Zoning Map, which authority is reserved to the governing body.

Section 9: Consultation of City Attorney. The City Attorney shall be consulted in cases where the powers of the Board are not clearly defined.

Article II: Officers and Duties

Section 1: Officers. The officers of the Zoning Board of Appeals shall be the Chair, the Acting Chair, and the Secretary.

Section 2: Designation of Officers. The appointing authority shall designate the Chair and the Secretary, the Chair shall appoint an Acting Chair, or in lieu of an appointment, the Board shall elect an Acting Chair.

Section 3: Duties of the Chair. The Chair shall supervise the affairs of the Zoning Board of Appeals. The Chair shall preside at all meetings of the Board, shall appoint such committees and sub-committees 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. The Chair shall be an ex-officio member of all committees and sub-committees so appointed.

Section 4: Duties of the Acting Chair. The Acting Chair, in the absence or disability of the Chair, shall perform all the duties and exercise all the powers of the Chair.

Section 5: Duties of the Secretary. The Secretary may be an employee of the City of Galena. The Secretary 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 actions; 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, subject to the Board and Chair, conduct the correspondence of the Board and have published in a local newspaper, public notices of meetings or hearings as required by law and these rules of procedure; shall file said minutes and records in the office of the Board, which minutes and records shall be public record; and shall be the custodian of the files and records of the Board.

Article III: Meetings

Section 1: Meeting Dates and Time. Regular meetings shall be held on the second (2nd) Wednesday of each month at 6:30 P.M., in the City Hall of the City of Galena, Illinois, unless such day shall be a recognized holiday. In that event, the regular meeting shall be held at such

other date and time as the Chair designates.

Section 2: Cancellation of Meetings. Regular meetings may be canceled by the Zoning Administrator when there are no cases pending.

Section 3: Special Meetings. Special meetings may be called at the Chair's discretion or upon the request of two (2) or more members of the Board, or by the Zoning Administrator. In such case, proper procedure shall be followed according to the Illinois Open Meetings Act and provided that at least forty-eight (48) hours notice is given to each member.

Section 4: Meetings to be Public. All meetings shall be public according to the provisions of the Illinois Open Meetings Act.

Section 5: Quorum of the Board. A quorum shall consist of four (4) members for any regular or special meeting.

Section 6: Notification of Absence. In cases where any member of the Board cannot attend a meeting, that member shall notify the Zoning Administrator

and the Chair at least forty-eight (48) hours prior to the meeting whenever possible.

Section 7: Public Comments. An opportunity will be provided at each meeting under Public Comments for members of the public to raise questions and make comments on matters of public policy. Public comments are not to exceed 15 minutes as an item and no more than 3 minutes per speaker. No testimony shall be given on zoning items where a public hearing has been conducted. Comments shall be limited to items included on the current meeting agenda. The Board may cut off comments that are irrelevant, repetitious, or disruptive.

Section 8: Electronic Participation.

A. Rule Statement. Any member may attend any meeting of the Zoning Board of Appeals via electronic means (such as by telephone, video, internet connection or other electronic tools) provided that such attendance is in compliance with this Section 8.

B. Prerequisites. A member may attend a meeting by electronic means if the following conditions are met:

- (1) A quorum is physically present throughout the meeting.

- (2) A majority of the members present throughout the meeting.
- (3) The member has notified the Secretary at least twenty-four (24) hours before the meeting, unless impractical, so that necessary communications equipment can be arranged. Inability to make the necessary technical arrangements will result in denial of a request for electronic attendance at the meeting by the member.
- (4) The member has identified one of the following three (3) reasons why he or she is unable to physically attend the meeting:
 - (a) The member cannot attend because of personal illness or disability; or
 - (b) The member cannot attend because of commitments to his or her employer or the business of the City of Galena do not allow attendance; or
 - (c) The member cannot attend because of a family or other emergency.

- (5) The Secretary, after receiving the electronic attendance request, shall inform the Chairperson and other members of the Board of the request for electronic attendance.

C. Voting Procedures. After roll call establishing that a quorum is physically present, the Chairperson shall call for a motion that a member may be permitted to attend the meeting electronically after specifying the reason entitling the absent member to attend electronically. The motion must be approved by a vote of a majority of the members present.

D. Adequate Equipment Required. The member participating electronically and other members must be able to communicate effectively, and members of the audience must be able to hear all communications at the meeting site. Before allowing electronic attendance at any meeting, the City shall provide equipment adequate to accomplish this objective at the meeting site.

E. Minutes. Any member attending electronically shall be considered an off-site attendee and counted as present electronically for that meeting. The meeting minutes shall also reflect and state specifically whether each member is physically present or present by electronic means.

F. Rights of Remote Member. A member permitted to attend electronically will be able to express his or her comments during the meeting and participate in the same capacity as those members physically present, subject to all general meeting guidelines and procedures previously adopted and adhered to. The member attending electronically shall be heard, considered, and counted as to any vote taken. Accordingly, the name of any member attending electronically shall be called during any vote taken, and his or her vote counted and recorded by the Secretary and placed in the minutes for the corresponding meeting. A member attending electronically may leave a meeting and return as in the case of any member, provided the member attending electronically shall announce his or her leaving and returning.

Article IV: Order of Business

Section 1: *Meeting Proceedings.* All meetings of the Board shall proceed as follows:

- a. Roll call and declaration of quorum.
- b. Approval of minutes of previous meeting
- c. Action on old or unfinished business
- d. Hearings and action on new business
- e. County Zoning Requests
- f. Worksession

- g. Other
- h. Reports of committees
- i. Communications
- j. Public Comments
- k. Adjournment

Section 2: Changing Order of Business.

The order of business outlined above may be changed due to exceptional circumstances upon a majority vote by the Board.

Article V: Procedure on Hearings

Section 1: Notice. The Secretary of the Board shall give due notice of the place and time for any hearing before the Board, whether said hearings are for requests for variations, amendments, special permits, or for appeals. Said notice shall be delivered not less than fifteen (15), nor more than thirty (30) days prior to the date of the hearing, and shall state the name and address of the applicant, the name and address of the owner of the property, the location of the property affected by the request, a common street address or other description so the property can be easily identified, and a statement of the request before the Board. Said notice shall be given in the following forms:

- a. Notice shall be delivered by hand or by certified U.S. mail, return receipt

requested, to the applicant and to the owner of the property;

- b. With the exception of text amendment applications, notice shall be mailed to all owners of property within two hundred and fifty feet (250'), excluding public streets, roads or alleys, of the property affected by the request before the Board. In addition, all interested parties shall qualify and register. Interested parties are the applicant and those owning property within 250 feet, excluding public streets, roads or alleys, of the property affected by the request before the Board.
- c. Notice shall be published at least once in a newspaper or other publication, which has local circulation and is published within the municipality.

It is the responsibility of the Applicant to provide the Secretary of the Board a complete list containing the names and mailing addresses of the persons required to be notified in the paragraph above, and said list shall be provided at the time the application is filed.

Section 2: Procedure. The following procedure shall be followed by the Board in all hearings held before the Board.

- a. At the time of the hearing, the applicant may appear, or may be represented by counsel or agent.

- b. All persons wishing to testify at the hearing, either in favor of the proposal or opposed, shall enter a written appearance at the time of the meeting at which the hearing is to be held. Said appearance shall be on a form provided by the Zoning Administrator, and shall state the name and address of the person who desires to testify.
- c. Lists, petitions, letters and other attempts at providing testimony in support of or objecting to an application will not be accepted as an exhibit.
- d. All witnesses and persons filing appearances shall testify under oath.
- e. The hearing shall take place in the following order:
 1. Applicant presents statement outlining the applicant's request, and any evidence in support of the request.
 2. Board questions applicant.
 3. Others in favor of the request present testimony and evidence regarding the request.
 4. Board questions others.
 5. Objectors to the request present testimony and evidence.
 6. Board questions objectors.
 7. Applicant questions objectors.
 8. Objectors question applicant and others in favor of the request.
 9. Evidence and statements concerning the request are presented by the Board.
 10. Rebuttal by applicant.
- f. The Zoning 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.
- g. The Zoning Board may place time limits on testimony in order to keep meetings at a reasonable length, provided that all testimony in relation to a particular case is subject to said time limit.

Section 3: Continuances. Continuances of hearings may be granted at the discretion of the Board, upon good cause shown by any person who has entered an appearance, or by any member of the Board. The Secretary of the Board shall provide notice of the date of

continuation to all persons originally notified of the hearing, and to all persons who have entered an appearance in the case.

Section 4: *Closing the Hearing.* After all parties, which have filed an appearance, have presented their evidence and testimony, and had equal chance at rebuttal, the hearing shall be closed by a motion and voice vote of the Board. No additional discussion shall occur until a motion is made and seconded.

Section 5: *Failure of Applicant to Appear.* If the applicant or agent thereof shall fail to appear at the hearing in which the applicant's request was to be heard, the Board may vote to dismiss the case for want of presentation.

In cases which are dismissed for want of presentation, the Zoning Administrator shall notify the applicant of the dismissal in writing by certified U.S. mail, return receipt requested. The applicant shall have seven (7) days from the receipt of the notice to request reinstatement of the case. The reinstatement shall be at the discretion of the Chair, and shall be allowed for good cause shown and upon payment of a reinstatement fee. If the case is reinstated, the case shall be rescheduled and public notice served as provided for in Article V, Section 1.

Article VI: Procedure on Appeals

Section 1: *Filing an Appeal.* Any person aggrieved by a ruling of the Zoning Administrator may take an appeal to the Zoning Board of Appeals, as may any officer, department, or board of the City concerning the interpretation of the Ordinance.

Such appeal must be filed in the office of the Zoning Administrator on a form provided for that purpose within forty-five (45) days of the decision made by the Zoning Administrator. Said appeal application must state the ruling that is in dispute and must provide any additional information that may aid the Board in reaching a decision.

Section 2: *Transmittal of Information.* The Zoning Administrator shall transmit to the Secretary of the Board the application for appeal and all other information filed with the appeal. The Zoning Administrator shall then transmit to the Secretary all records in the case or ruling which is being appealed. Upon receipt of the appeal application, the Secretary shall place the appeal on the agenda for hearing at the next Zoning Board meeting which allows sufficient time for the notice requirements in Article V, Section 1.

Section 3: *An Appeal Stays All Proceedings.* Filing of an appeal application shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board that, by reason of facts stated in the appeal, the stay would, in the Zoning Administrator's opinion, cause imminent peril to life or property. In this instance, proceedings cannot be stayed other than by an order granted by the Board or by a court of law.

Section 4: *The Appeal Hearing.* The Hearing on the appeal shall be in the same form as provided in Article V, except that the hearing shall begin by the Zoning Administrator outlining the reasons for the disputed decision. Then, the hearing shall proceed in the order outlined in Article V, Section 2, paragraph (e).

Section 5: *Powers of the Board.* Upon close of the Hearing, the Board shall make its determination in the case. The Board shall have all of the powers as the officer from whom the appeal was taken, and may reverse or affirm, wholly or in part, and may modify or amend the decision or determination appealed, to the extent and in the manner that the Board may decide to be most fitting and proper in the case.

Section 6: *Voting on Appeal.* A concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination made by the Zoning Administrator. Said vote shall be taken in the form of a roll call vote after a motion from a Board member is made. The motion should include the pertinent facts in the case and the reasons for the Board's decision.

Article VII: Procedure on Variations

Section 1: *Eligibility for Filing Variation Request.* A request for a variation from the regulations of the Zoning Ordinance may be taken by the Board from any aggrieved person where there may be practical difficulties or particular hardships under the strict letter of the Zoning Ordinance relating to the use, construction, or alteration of buildings, structures or land.

Section 2: *Applying for a Variation.* A request for a variance shall be considered only upon the filing of a request for a variance with the Zoning Administrator, on a form provided for that purpose. Said request shall outline the nature of the request and the particular hardship or need for the variation. Additionally, the

applicant shall provide all other information as may be necessary to aid the Board in making a decision and recommendation in regard to the request.

Section 3: Application Submitted to Board. Upon receipt of the properly filed and complete application, the Zoning Administrator shall place the request on the calendar of the Board for the next meeting which will allow enough time for the notice requirements in Article V.

Section 4: Public Hearing Required. The Board shall hold a hearing on the case in accordance with Article V. The hearing shall proceed in the order outlined in Section 2, paragraph (e).

Section 5: Board Shall Make Determination and Decision. Upon close of the hearing, the Board shall make its determination.

1. In order to deny a request for a variance, a simple majority vote is required.
2. In order to grant a request for a variance, the determination shall be in the form of a motion to draft Findings of Fact, which should include the pertinent facts in the case, the particular

hardship(s) involved, and the reasons for the Board's decision.

In its consideration of the standards of practical difficulties or particular hardship, the Board shall find that:

1. The property in question cannot yield a reasonable return if permitted to be used only under the current conditions allowed by the regulations in that zoning district;
2. The plight of the owner is due to unique circumstances; and
3. The variation if granted will not alter the essential character of the locality. (65 ILCS 5/11-13-5).

Upon a motion being made, the Chair shall request a roll call vote. A majority of Board members present shall be required to direct the Zoning Administrator to draft Findings of Fact for final consideration at the next Zoning Board meeting.

The Zoning Administrator shall then draft Findings of Fact in the case, which shall be ratified, denied, amended, or otherwise changed by the Board at the next meeting of the Board. A concurring vote by roll call of no fewer than four (4) members of the Board shall be necessary to ratify a Findings of Fact granting a variation to the Zoning Ordinance.

The Board's decision shall be the final ruling in the case unless an appeal is taken to the City Council, which shall be the last recourse prior to the courts.

In the event that such Findings of Fact granting a variation to the Zoning Ordinance does not receive the concurring vote of at least four (4) members of the Board, the Board shall have the following options:

1. Entertain a motion to deny the request.
2. Entertain a motion for Findings of Fact with an alternative Finding for consideration at the next meeting of the Board; or
3. Continue the entire matter to the next meeting of the Board.
4. Re-open the public hearing at the next meeting of the Board to receive additional evidence and follow the above outlined procedure in this article.

Article VIII: Procedure on Amendments

Section 1: Eligibility for Filing Amendment Request. A request for an amendment to the text of the Zoning Ordinance or the accompanying Zoning

Map may be made by any person with an interest in the matter, the City Council, and any Department, Board or Commission of the City. If the request originates with the Zoning Board of Appeals, the Chair of the Board shall notify the City Council prior to the request being filed.

Section 2: Applying for an Amendment.

A request for an amendment shall be considered only upon the filing of a request for an amendment with the Zoning Administrator, on a form provided for that purpose. Said request shall outline the nature of the request and the particular reason for the amendment. Additionally, the applicant shall provide all other information as may be necessary to aid the Board in making a decision and recommendation in regard to the request.

Section 3: Application Submitted to Board. Upon receipt of the properly filed and complete application, the Zoning Administrator shall place the request on the calendar of the Board for the next meeting which will allow enough time for the notice requirements in accordance with Article V.

Section 4: Public Hearing Required. The Board shall hold a hearing on the case in accordance with Article V. The

hearing shall proceed in the order outlined in Section 2, paragraph (e).

Section 5: Board Shall Make Determination. Upon close of the hearing, the Board shall make its determination.

1. In order to recommend to the City Council an amendment to the Zoning Ordinance or the Zoning Map, the determination shall be in the form of a motion, which should include the pertinent facts in the case and the reasons for the Board's recommendation. Upon a motion being made, the Chair shall request a roll call vote.

A concurring vote by roll call of no fewer than four (4) members of the Board shall be necessary to recommend to the City Council amending the Zoning Ordinance or Zoning Map. Such recommendation shall be forwarded to the City Council for final action.

2. A simple majority of the members present shall be required to forward a recommendation to the City Council to deny the request for such amendment.

Article IX: Procedures on Special Use Permits

Section 1: Eligibility for Filing Special Use Permit Request. A request for a special use permit may be made by any person with a legal interest in the property in question.

Section 2: Applying for a Special Use Permit. A request for a special use shall be considered only upon the filing of a request for a special use permit with the Zoning Administrator on a form provided for that purpose. Said request shall outline the nature of the request and the particular reason for the special use, including the public benefit that will be provided. Additionally, the applicant shall provide all other information as may be necessary to aid the Board in making a decision and recommendation in regard to the request.

Section 3: Application Submitted to Board. Upon receipt of the properly filed and complete application, the Zoning Administrator shall place the request on the calendar of the Board for the next meeting, which will allow enough time for the notice requirements in Article V.

Section 4: Public Hearing Required. The Board shall hold a hearing on the case in accordance with Article V. The hearing shall proceed in the order outlined in Section 2, paragraph (e).

Section 5: Board Shall Make Determination and Decision. Upon close of the hearing, the Board shall make its determination.

1. In order to deny a request for a special use, a simple majority vote is required.
2. In order to grant the special use requested, the determination shall be in the form of a motion to draft Findings of Fact, which should include: the pertinent facts in the case; the reasons for the Board's decision; and, any conditions or restrictions that the Board feels is reasonable and necessary to further the public interest or to protect the neighborhood of the property in question. A majority of Board members present shall be required to direct the Zoning Administrator to draft such Findings of Fact for final consideration at the next Zoning Board meeting.

The Zoning Administrator shall then draft Findings of Fact in the case, which may be ratified, denied, amended, or otherwise changed by the Board at the next meeting of the Board. A concurring vote by roll call of no fewer than four (4) members of the Board shall be necessary to ratify a Findings of Fact granting a special use. The Board's decision shall be the final ruling in the case unless an appeal is taken to the City Council,

which shall be the last recourse prior to the courts.

In the event that such Findings of Fact granting a special use do not receive the concurring vote of at least four (4) members of the Board, the Board shall have the following options:

1. Entertain a motion to deny the request.
2. Entertain a motion for Findings of Fact with an alternative Finding for consideration at the next meeting of the Board; or
3. Continue the entire matter to the next meeting of the Board.
4. Re-open the public hearing at the next meeting of the Board to receive additional evidence and follow the above outlined procedure in this article.

Article X: Procedures on Planned Unit Developments (PUD)

Section 1: Eligibility for Filing for a Planned Unit Development (PUD). A request for approval for a Planned Unit Development may be made by any person with a legal interest in the property in question.

Section 2: Applying for a PUD Map Amendment. A request for a PUD Map Amendment shall be considered only upon the filing of a request for a PUD map amendment with the Zoning Administrator, on a form provided for that purpose. Said request shall outline the nature of the request and include a Preliminary Plan for the proposed development. Additionally, the applicant shall provide all other information as may be necessary to aid the Board in making a decision and recommendation in regard to the request.

Section 3: Application Submitted to Board. Upon receipt of the properly filed and completed application and Preliminary Plan, the Zoning Administrator shall place the request on the calendar of the Board for the next meeting which will allow enough time for the notice requirements in Article V.

Section 4: Public Hearing Required. The Board shall hold a hearing on the case in accordance with Article V. The hearing shall proceed in the order outlined in Section 2, paragraph (e).

Section 5: Board Shall Make Determination. Upon close of the hearing, the Board shall make its determination.

1. In order to recommend to the City Council a Planned Unit Development Map Amendment and Preliminary Plan,

the determination shall be in the form of a motion, which should include: the pertinent facts in the case; the reasons for the Board's decision; and, any conditions or restrictions that the Board feels is reasonable and necessary to further the public interest or to protect the neighborhood of the property in question.

2. Upon a motion being made, the Chair shall request a roll call vote. A concurring vote, by roll call, of no fewer than four (4) members of the Board shall be necessary to recommend approval of a Planned Unit Development map amendment and Preliminary Plan to the City Council. Such recommendation shall be forwarded to the City Council for final action.

3. A simple majority of members present shall be required to forward a recommendation to the City Council to deny the request for such PUD Map Amendment and Preliminary Plan.

Article XI: Amendments to the County Zoning Map

Section 1: Notification for Filing an Amendment to the County Zoning Map. The County Zoning Administrator shall notify the City Zoning Administrator of any requests for Map Amendment to the County Zoning Map within the one and

one-half extra-territorial jurisdiction of the city limits of Galena.

Section 2: Application Submitted to the Board. Upon receipt of the application, the Zoning Administrator shall place the application on the calendar of the Board for its next meeting.

Section 3: Board shall Make Recommendation. The Board shall not hold a public hearing on the application but shall review the application and supporting documentation. After sufficient discussion and review of the Comprehensive Plan and Proposed Land Use Map, the Board shall instruct the Zoning Administrator to prepare a written recommendation to the City Council whether to object or not object to the proposed Map Amendment. The Zoning Board may request to the County Zoning Administration for one (1) thirty (30) day continuation of the request if the Board determines that the materials received do not contain sufficient information for the Board to make a valid recommendation to the City Council.

Section 4: Board Recommendation to the City Council. The Zoning Administrator shall transmit the recommendation to the City Council no later than the Council's next meeting following the close of the Zoning Board meeting.

Section 5: City Recommendation to the County. The Zoning Administrator shall transmit the City Council's determination to object or not object to the County Map Amendment application to the County Zoning Administrator immediately after the City Council makes its determination.

Article XII: Determinations

Section 1: Time Frame for Decision Making by Board. Final determinations shall be made by the Board no later than sixty (60) days after the final closing of the public hearing.

Section 2: Public Meeting Required. The Board shall conduct all business and take all votes in public session, except for that business which, by virtue of the Illinois Open Meetings Act, may take place in executive session.

Section 3: Recording Votes. All decisions of the Board shall be in a public meeting by motion made, seconded, and the Chair requesting a roll call vote, unless provided for otherwise in these rules.

Section 4: Transmittal of Recommendation to City Council.

Notice of the recommendation of the Board shall be transmitted to the City Council by the Zoning Administrator at the soonest possible meeting of the City Council.

Article XIII: Amendment of the Rules of Procedure

Section 1: Number of Votes Needed to Amend Rules. These rules may be amended as necessary from time to time by an affirmative vote of at least four (4) members of the Board.

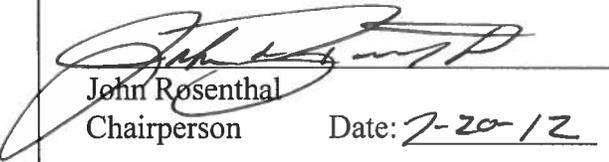
Section 2: Presentation of Amendment. The proposed amendment must be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken.

The foregoing rules of procedure, as amended, are hereby adopted by the Zoning Board of Appeals of the City of Galena on this 11th day of July 2012.



Deb Price
Secretary

Date: 7-20-2012


John Rosenthal
Chairperson

Date: 7-20-12