

# CITY OF URBANA

## DESIGN REVIEW BOARD BYLAWS

*(Approved 11-01-2018)*

### **Article I. Purpose**

It is the purpose of these bylaws to establish a guide for the operation of the Urbana Design Review Board. These bylaws are supplemental to the provisions of Section XI-12 of the Zoning Ordinance, which states the Design Review Board shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of the Zoning Ordinance.

### **Article II. Powers and Duties**

The Board shall have the powers and duties outlined in Sec. XI-12 of the Zoning Ordinance.

### **Article III. Membership, Officers and Their Duties**

1. Board membership, terms and responsibilities are governed by Section XI-12 of the Zoning Ordinance.
2. Alternate members may participate, vote, and contribute to quorum only in the absence of or due to the recusal of any regular member. If an alternate member is participating in a meeting due to the absence or recusal of a regular member, then that alternate member will have the duties as a member as described by these bylaws.
3. The Board annually shall elect from its regular members a Chair and Vice-Chair, each of whom shall serve a one-year term and shall be eligible for re-election.
4. The Chair shall preside over meetings. In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair. If both the Chair and Vice Chair are absent, those members present shall elect a temporary Chair.
5. When a member or an alternate member who is needed to serve as a member to meet quorum has missed three consecutive regularly scheduled meetings without notifying the Secretary or Chair at least 24 hours in advance, the Chair should request that the Secretary prepare a letter for the Chair's signature notifying the Mayor of the member's absence. The Mayor may declare vacant the seat of any member who fails to attend three consecutive meetings without notification to the Secretary, or who fails to attend one-half of all meetings held during any 12 consecutive months. In such cases, as well as when a vacancy occurs by reason of resignation, incapacity, death, or any other reason, the Mayor shall appoint a successor with approval of the City Council.
6. A member who notifies the Secretary of his or her absence as outlined above shall be listed as "Excused" in the minutes of that meeting.
7. A representative of the Community Development Services Department shall serve as Secretary to the Board in accordance with the Zoning Ordinance (Section XI-12.D.3).

#### **Article IV. Meetings**

1. There will be one regular meeting held annually on the Thursday following the second Monday of January at 5:30 p.m. in the Urbana City Council Chambers, 400 S. Vine Street, Urbana, Illinois, or other public place designated by the Chair.
2. Special meetings may be called by the Chair at his or her discretion, or upon the request of two (2) or more members or alternate members, provided that public notice is given in accordance with the requirements of the Zoning Ordinance (Section XI-10) and the Open Meetings Act.
3. All meetings shall be open to the public.
4. Four members shall constitute a quorum. In cases where a quorum is not present, all meetings, including public hearings, shall be continued until a quorum is present. No case shall be decided without a quorum present. When a vote is taken, a member may vote on a matter for which he/she was not present to hear all evidence.
5. The Secretary shall be responsible for proper notification of public hearings as required in Section XI-10 of the Zoning Ordinance, and notification of all meetings must be in compliance with the Open Meetings Act.

#### **Article V. Order of Business**

1. All meetings shall proceed as follows unless a majority of the members present agree to alter the order of business. An item can be added to the agenda of any regular meeting by the Chair on his or her motion, or at the request of any 2 members or alternate members. However, the Board cannot take final action on any matter not listed on the posted meeting agenda at least 48 hours before the meeting.
  - A. Call to Order, Roll Call and Declaration of Quorum
  - B. Changes to the Agenda
  - C. Approval of Minutes of Previous Meeting(s)
  - D. Communications
  - E. Continued Public Hearings
  - F. Unfinished Business
  - G. New Public Hearings
  - H. New Business
  - I. Audience Participation
  - J. Staff Report
  - K. Study Session
  - L. Adjournment
2. Continuances may be granted to specific times and dates, as follows:
  - A. By the Chair in the event of the lack of a quorum.

- B. By the Chair for new cases appearing for the first time on the agenda, if requested by the applicant
  - C. Continued Cases: All cases which have previously appeared on the agenda constitute continued cases. Except as provided in Section V-3, a request for the further continuance of a case will be considered upon application by the applicant, the applicant's representative, a member, or staff, and upon a showing that:
    - 1. The applicant has given notice to the Secretary in writing of the request for a continuance; and
    - 2. The applicant will be unable to proceed with evidence at this hearing.
3. Failure of an applicant to appear:
- A. In cases where the applicant fails to appear, the Chair may entertain a motion to either continue the case to the next regularly scheduled meeting or dismiss the application. If the motion to dismiss carries, the application shall be dismissed.
  - B. When hearings are continued or applications are dismissed for failure of the applicant to appear, the Secretary will furnish the applicant with written notice of said action.
  - C. The applicant shall have seven (7) days from the date of the notice of a dismissal to apply for reinstatement of the case. In such cases, the applicant must file a written request with the Secretary for reinstatement. Reinstatement shall be at the discretion of the Chair for good cause shown, and upon payment of the cost of re-notification.
  - D. In all cases reinstated in the above described manner, the case will be docketed and re-notified in the usual manner prescribed for new cases.
4. No matter requiring a vote will be placed upon the regular meeting agenda unless the Secretary or his/her designee receives a complete application at least thirty (30) days prior to the regular meeting or unless the Secretary or his/her designee determines sufficient information has been submitted and there is good cause justifying the matter being placed on the agenda in fewer than thirty (30) days and that the requirements for public notice in Zoning Ordinance Section XI-10 can be met.
5. Any person addressing the Board during "Audience Participation" shall be allowed five (5) minutes to speak. It shall be the prerogative of the Chair to extend the five (5) minute time limit, unless objected to by the Board. If more than ten (10) individuals seek to provide public input during "Audience Participation," then the Chair shall have the authority to reduce the (5) minute time limit to three (3) minutes. No member of the Board is obligated to respond to any public input provided.

**Article VI. Procedure for Hearings**

The Board shall use the following procedure for public hearings.

1. The Chair shall declare the public hearing open. He/she shall state the case number and nature of the request. The Chair shall then outline the procedure to be followed, stating when the applicant may present evidence, when any objectors may present evidence, and the procedure for questioning the applicant. In addition, the Chair shall state the Board's authority regarding the case and whether or not the Board has final authority on the matter.
2. Staff presents a summary of the case.
3. The applicant or his/her representative may make a statement outlining the nature of his/her request prior to introducing evidence.
4. The applicant may present evidence additional to the application.
5. Other proponents of the request may present evidence and/or be heard.
6. Opponents of the request may present evidence and/or be heard. Opponents may include persons not in favor of the application as proposed, as determined by the Chair. Opponents shall be allowed a reasonable opportunity for relevant questioning (i.e., "cross-examination") of the applicant. If the applicant is unable or unwilling to respond to the relevant questions, the Secretary should take note of such in the minutes of the Board.
7. Others may present evidence and/or be heard.
8. Additional comments by the City Planner or staff may be allowed for clarification or in response to new evidence.
9. The applicant may rebut but not introduce new evidence.
10. The opponents may rebut but not introduce new evidence.
11. The applicant may present a summary of his/her application.
12. Questions from the Board may be directed at any time to the applicant, staff or public to clarify evidence presented in the hearing. However, members should limit their questions and comments at this point to ascertaining the facts.
13. The Board shall not be bound by strict rules of evidence. The Board may exclude irrelevant, immaterial, incompetent or repetitious testimony or other evidence. The Chair may so advise those speaking at the public hearing.
14. An applicant, opponent, or his or her agent or attorney may submit a list of persons favoring or opposing the application. Such a list will be accepted as an exhibit if it contains a brief statement of the position of the persons favoring or opposing the application, together with the signatures and addresses of the persons subscribing to such statement. Said list shall be admissible as evidence if it is received by the Secretary prior to or during the public hearing.

15. The Chair may require advance registration of opponents wishing to ask questions of the applicant, including identification of the opponents' area of interest in questioning and identification of which witnesses will be subject to the questioning. Advance registration may be by means of speaker cards to be submitted prior to or at the public hearing.
16. The Chair shall rule on all questions relating to the admissibility of evidence. The Chair's determination may, however, be overruled by a majority vote of the members present.
17. Applicants and opponents should present all evidence they possess concerning the request at the initial phase of the public hearing. Written material from the applicant, proponents, and opponents will be accepted by the Secretary for distribution to the Board until the close of the public hearing.
18. The Chair shall close the public hearing only after the Board has taken action on the case. The public hearing may be reopened at the same meeting at the discretion of the Chair or on a motion approved by the majority of the members present and voting.

#### **Article VII. Determinations**

1. The Board shall conduct its deliberations and voting in public session.
2. All determinations of the Board shall be made by motion made and seconded. The Chair shall then call for discussion on the motion. After discussion, the Chair shall call for the roll call vote, polled by the Secretary or his/her designee. Any Board Member may comment on his/her vote for incorporation into the minutes.
3. Motions should include explicitly, or by reference, the findings of fact and should state explicitly, or by reference, the reason for the findings of the Board. If conditions are imposed in the recommendation, such conditions should be explicitly included in the motion.
4. No matter shall be considered approved by the Board except upon a simple majority of the members of the Board present and not abstaining.
5. An abstention vote shall be recorded as "abstained" and shall not be counted as either an "aye" or "nay." The Chair shall not rule that the abstention vote be recorded with the majority or minority.
6. The Secretary shall notify the petitioner of the Board's determination in writing no more than five working days after the Board's decision.

#### **Article VIII. Records**

1. A file of materials and determinations relating to each case shall be kept by the Secretary as part of the records of the Board. Said records shall be kept at the office of the Board as designated in Article X of these bylaws.

2. The Secretary or his/her designee shall prepare minutes of every meeting. The Board minutes shall be kept as part of the official records of the Board and approved by an affirmative vote of the majority of the members present.
3. All records of the Board shall be public records subject to release in accordance with the Freedom of Information Act.

#### **Article IX. Amendment or Suspension of Rules**

These rules may be amended or suspended by an affirmative vote of the majority of the Board members present.

#### **Article X. General Provisions**

1. Any member who has a conflict of interest in a matter before the Board must not participate in the discussion or vote thereon. Conflicts of interest may arise from various situations including, but not limited to, financial, ownership or property interests, conflicts with employment or appointments, conflicts with a publicly stated opinion on a pending application, or other circumstance influencing a member's ability to be impartial.
2. If a member has a conflict of interest, he or she must state so and remove himself or herself from the discussion and the table while the matter is resolved. Such action shall not affect the quorum established to conduct the meeting. The member's recusal will be considered an abstention and shall not be counted as either an aye or a nay vote. Further, the abstaining member shall not be counted in determining the total number of votes required for approval of a matter before the Board, any statute, ordinance or rule of parliamentary procedure to the contrary notwithstanding. (see Section VII-4).
3. Members are cautioned that publicly stating a position in the media, in a public forum or on a public petition in regards to a case prior to that case being voted on by the Board could create a conflict of interest.
4. The City Attorney shall be consulted in cases where there are questions regarding powers of the Board.
5. The office of the Board shall be located in the Community Development Services Department.
6. Robert's Rules of Order shall be the official rules of the Board except when they conflict with the officially adopted bylaws, in which case, the bylaws shall govern.
7. Board Members shall not communicate with other members outside of Board meetings for the purpose of influencing such members to adopt a position on a matter then pending, or reasonably expected to come before the Board.