

1 ARTICLE II. - PLANNING AND ZONING COMMISSION

2 Sec. 34-16. - Creation.

3 There is created the planning and zoning commission herein after
4 "planning and zoning commission."

5 (Ord. No. 014-026, § 1, 6-10-14; Ord. No. 020-036, § 1, 6-23-2020)

6 Sec. 34-16.5. - Definitions.

7 As used throughout this article the following terms are
8 defined as follows:

9 *Commission* means the planning and zoning commission of the
10 city;

11 *Zoning ordinance* means the comprehensive zoning ordinance
12 adopted by the city as may be amended from time to time.

13 Sec. 34-17. - Purpose.

14 The commission shall advise the city council on short and long
15 range growth and development of the city through maintenance and
16 implementation of the plans and regulations formally adopted by
17 the city council. It shall review and decide appeals of zoning
18 matters and determinations as prescribed in the zoning ordinance.

19 (Ord. No. 014-026, § 1, 6-10-14; Ord. No. 020-036, § 1, 6-23-2020)

20 Sec. 34-18. - Membership.

21 The commission shall be comprised of:

22 (1) A chairman and twelve (12) additional members to be
23 appointed by the mayor subject to the approval of the city
24 council.

25 (2) The commission members shall at all times include one (1)
26 representative from each of the following ~~seven-six~~ (76)
27 taxing entities: School District 129, School District 131,
28 School District 204, School District 308, Fox Metro Sanitary
29 District, Fox Valley Park District and Aurora Township. The
30 other ~~six-seven~~ (76) members of the commission shall be
31 citizens at large, and shall have no special interest in any
32 of the ~~seven-six~~ (67) taxing entities listed in this section.

1 (3) All members of the commission shall reside within the city.

2 (4) No officer, alderman, or employee of the city may serve as
3 member of the commission during his or her term of office or
4 employment.

5 (Ord. No. 014-026, § 1, 6-10-14; Ord. No. 020-036, § 1, 6-23-2020)
6 Sec. 34-19. - Chairman.

7 The chairman of the commission shall be designated by the mayor
8 for a period of one (1) year or until his/her successor has been
9 duly named.

10 (Ord. No. 014-026, § 1, 6-10-14; Ord. No. 020-036, § 1, 6-23-2020)
11 Sec. 34-20. - Terms of members.

12 The thirteen (13) members of the commission shall be appointed
13 for the following terms: five (5) members for a term of one (1)
14 year, four (4) members for a term of two (2) years, and four (4)
15 members for a term of three (3) years from the time of their
16 appointment and each and every year thereafter.

17 (Ord. No. 014-026, § 1, 6-10-14; Ord. No. 020-036, § 1, 6-23-2020)
18 Sec. 34-21. - Successors.

19 All persons appointed as members of the commission shall serve
20 in their official capacities, respectively, until their successors
21 have been appointed and qualified as provided in this article.

22 (Ord. No. 014-026, § 1, 6-10-14; Ord. No. 020-036, § 1, 6-23-2020)
23 Sec. 34-22. - Vacancies in office.

24 In the event of the death, resignation, removal or incapacity
25 of any member of the commission, or if a vacancy occurs for any
26 reason, a new member shall be appointed in the same manner to fill
27 the unexpired term.

28 (Ord. No. 014-026, § 1, 6-10-14; Ord. No. 020-036, § 1, 6-23-2020)
29

30 Sec. 34-23. - Powers.

31 The commission shall have all of those powers vested in plan
32 commissions and zoning boards of appeals by the Illinois Municipal

1 Code, subject to the provisions of the zoning ordinance as well as
2 those powers conferred by any other provision of this code.

3 (Ord. No. 014-026, § 1, 6-10-14; Ord. No. 020-036, § 1, 6-23-2020)
4 Sec. 34-24. - Certain acts and doings ratified.

5 All acts and doings of the ~~planning and zoning~~ commission since
6 the resolution of the city council dated September 17, 1968, which
7 reorganized the planning commission are approved, ratified and
8 confirmed, and the appointments made therein are approved,
9 ratified and confirmed.

10 (Ord. No. 014-026, § 1, 6-10-14; Ord. No. 020-036, § 1, 6-23-2020)
11 Sec. 34-25. - Executive secretary; records.

12 The planning and zoning director shall serve as executive
13 secretary to the commission. The secretary shall make a permanent
14 record of all the acts and doings of the commission and keep the
15 same in his/her custody and control. The zoning and planning
16 director and his or her staff shall provide support to the
17 commission as needed.

18 (Ord. No. 014-026, § 1, 6-10-14; Ord. No. 020-036, § 1, 6-23-2020)
19 Sec. 34-26. - Functions.

20 The commission shall:

21 (1) Hear and report findings and recommendations to the mayor
22 and city council on all applications for amendments and
23 special use permits in the manner prescribed by standards
24 and other regulations set forth in the zoning ordinance.

25 (2) Initiate, direct and review, from time to time, studies of
26 the provisions of the zoning ordinance, and to make reports
27 of its recommendations to the mayor and city council.

28 (3) Hear and decide all matters upon which it is required to
29 pass under the Aurora Zoning Ordinance.

30 (4) Hear and pass upon applications for variations from the
31 terms provided in the zoning ordinance.

1 (5) Hear and decide appeals from any order, requirement,
2 decision, or determination made by the zoning administrator
3 in accordance with the zoning ordinance.

4 (6) In all official proceedings, the chairman, or in his/her
5 absence, the acting chairman of the ~~planning and zoning~~
6 commission, shall have the power to administer oaths and
7 compel by subpoena the attendance and testimony of witnesses
8 and the production of books and papers.

9 (7) Perform and exercise any additional function or power
10 vested in the commission by ordinance.

11 (Ord. No. 014-026, § 1, 6-10-14; Ord. No. 020-036, § 1, 6-23-2020)
12 Sec. 34-27. - Meetings.

13 The commission shall conduct its regular meetings as directed
14 by the mayor or city council in accordance with the Open Meetings
15 Act. Special meetings may be called at any time by the chairman or
16 any member that submits a request in writing to the chairman, and
17 held at such place as fixed in the call. Meeting notices shall be
18 pursuant to applicable state and local requirements. The
19 commission shall keep minutes of its proceedings, showing the vote
20 of each member upon each question, or if absent or failing to vote,
21 indicating such fact, and shall also keep records of its hearings
22 and other official actions. A copy of every rule or regulation,
23 every appearance, variation and every recommendation, order,
24 requirement, decision or determination of the commission shall be
25 filed immediately in the office the commission's executive
26 secretary and shall be a public record. All hearings shall be open
27 to the public.

28 (Ord. No. 014-026, § 1, 6-10-14; Ord. No. 020-036, § 1, 6-23-2020)
29 Sec. 34-28. - Quorum.

30 ~~Seven (7)~~ A majority of members appointed to ~~of~~ the commission
31 shall be necessary to constitute a quorum. No official business of
32 the commission shall transpire without a meeting that has a quorum.

1 (Ord. No. 014-026, § 1, 6-10-14; Ord. No. 020-036, § 1, 6-23-2020)
2 Sec. 34-29. - Attendance.

3 Commission members shall attend all regularly scheduled
4 meetings. If a member is absent from three (3) successive regular
5 meetings without notification, the city council may presume that
6 the member has resigned and declare a vacancy in the office as
7 provided by law.

8 (Ord. No. 014-026, § 1, 6-10-14; Ord. No. 020-036, § 1, 6-23-2020)
9 Sec. 34-30. - Procedural Rules.

10 The commission shall adopt and promulgate such rules and
11 regulations as may be necessary and proper to govern the conduct
12 of its meetings and the transaction of business that are not
13 inconsistent with the provisions of this article or any other
14 provision of this code, including rules necessary to implement
15 provisions of the Open Meetings Act. The rules may provide for the
16 establishment of such committees as the commission may find
17 efficient to carry out its duties under the law and this code.

18 (Ord. No. 014-026, § 1, 6-10-14; Ord. No. 020-036, § 1, 6-23-2020)
19 Sec. 34-30.2 - Finality of decision.

20 All decisions and findings of the commission made in the
21 course of considering (a) an appeal from any order, requirement,
22 decision, or determination made by the zoning administrator or (b)
23 applications for variations from the terms provided following a
24 hearing, shall, in all instances be final administrative orders
25 and subject to review in accordance with the Administrative Review
26 Law.

27 (Ord. No. 020-036, § 1, 6-23-2020)