

1 Chapter 34, Planning and Development

2 ARTICLE II PLANNING AND ZONING COMMISSION

3 Sec 34-201 Duties And Powers

4 The commission shall:

- 5 (1) Advise the city council on short- and long-range growth
6 and development in the city through maintenance and
7 implementation of the plans and regulations formally adopted
8 by the city council;
- 9 (2) Hear and report findings and recommendations to the
10 mayor and city council on all applications for amendments to
11 the zoning ordinance and conditional uses in the manner set
12 forth in this code;
- 13 (3) Initiate, direct, and review, from time-to-time, studies
14 of the provisions of the zoning ordinance and make reports of
15 its recommendations to the mayor and city council;
- 16 (4) Hear, decide, or make recommendations upon all matters
17 which this code vests the commission with jurisdiction over;
- 18 (5) Require sworn testimony in official proceedings and to
19 compel by subpoena the attendance or testimony of witnesses
20 and the production of books and papers relevant to matters
21 within its jurisdiction. The chairperson, or a member
22 presiding in the chairperson's stead, shall have the
23 authority to administer oaths, and with the approval of the
24 commission, direct the issuance of subpoenas;
- 25 (6) Except as limited by this code, perform the duties of
26 plan commissions and zoning boards of appeal as set forth in
27 law;
- 28 (7) Adopt and promulgate such rules and regulations as may
29 be necessary and proper to govern the conduct of its meetings
30 and transaction of its business that are not inconsistent
31 with any provision of law or ordinance;
- 32 (8) Establish such committees as it may find efficient to
33 carry out its duties;
- 34 (9) Perform and exercise any additional function or power
35 vested in the commission by ordinance or resolution; and
- 36 (10) Perform any other duty or exercise any other power
37 essential to the performance or of necessarily inferred from
38 the duties and powers set forth in this code.

39 Sec 34-202 Composition

- 40 (a) The commission shall consist of nine (9) members. ~~appointed~~
41 ~~by the mayor with the advice and consent of the city council.~~

~~(1) The mayor shall designate a member of the commission to serve as its chairperson for a period of one (1) year or until the mayor designates another member to serve as chairperson. The chairperson shall preside at all meetings of the commission.~~

~~(2)~~ (1) All members of the commission, at the time of their appointment and during their service, shall be qualified electors of the city.

~~(3)~~ (2) No elected official or employee of the city may serve as a member of the commission during his term of office or employment.

~~(4)~~ (3) In making appointments under this section, the mayor shall make reasonable efforts to ensure an appropriate geographic representation of the entire city. At least two (2), but no more than four (4) members of the commission shall be appointed from each of the following areas:

1. That portion of the city located in Kane County that is west of the Fox River;
2. That portion of the city located in Kane County that is east of the Fox River or in Kendall County; and
3. That portion of the city located in DuPage County or in Will County.

Sec 34-203 (Reserved) ~~Term Of Office~~

~~1. The mayor shall appoint each member of the commission to a term of three (3) years to commence on July 1 and until a successor has been appointed and qualified as provided under this article.~~

~~2. In the event of the death, resignation, removal, or incapacity of any member of the commission, or if a vacancy occurs for any reason, the mayor shall with the advice and consent of the city council appoint a successor to complete the unexpired term.~~

~~3. Commission members shall attend all regularly scheduled commission meetings. If a member is absent for three (3) successive meetings or a cumulative of three (3) meetings during any twelve (12) month period without notification or good cause, the mayor may determine that the members has constructively resigned from office and proceed to appoint some other person to complete the unexpired term as provided in paragraph (b) of this section.~~

~~4. Notwithstanding the provisions of paragraph (a) of this section, in 2021 the mayor shall appoint three (3) members for a term expiring on June 30, 2022, three (3) members for a term expiring on June 30, 2023, and three (3) members for a term expiring on June 30, 2024. The successors of each~~

~~member appointed under this paragraph shall serve terms in accordance with paragraph (a) of this section.~~

Sec 34 - 204 Executive Secretary; Records

1. The head of the planning division shall serve ex-officio as executive secretary to the commission.
2. The executive secretary shall make a permanent record of all the acts and doings of the commission and keep the same in his custody and control.
3. The executive secretary shall enlist the staff of the planning division to provide such as administrative support as the commission may require in the performance of its duties.
4. The executive secretary shall keep the minutes of all proceedings of the commission which shall reflect the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The executive secretary shall in a similar fashion maintain records of commission hearings and other official actions. A copy of every rule or regulation, every appearance, variation, and every recommendation, order, requirement, or determination of the commission shall be maintained by the executive secretary and shall constitute a public record.

Sec 34-205 (Reserved) Meetings

- ~~1. Regular Meetings. The commission shall conduct its regular meetings in accordance with the Open Meetings Act. Regular meetings shall occur on a schedule determined by the mayor or as directed by the city council.~~
- ~~2. Special Meetings. The chairperson, the executive secretary of the commission, or the mayor, may call a special meeting of the commission to be held at the date, time, and location specified in the call.~~
- ~~3. Applicability of the Open Meeting Act. The provisions of the Open Meetings Act shall apply to every meeting conducted and notice of every meeting issued by the commission.~~
 - ~~1. For the purposes of Sec. 2.06(g) of the Open Meetings Act, members of the public shall have the opportunity to address the commission under the rules established and recorded by the city council applicable to its own meetings, as if said rules were established by the commission itself. The commission may, but is not required to, adopt and record rules requiring members of the public to limit their remarks to subjects within the scope of the commission's jurisdiction, which shall broadly include all substantive and procedural zoning~~

1 ~~matters. Unless offered as sworn testimony submitted~~
2 ~~during a public hearing, public comment shall not be~~
3 ~~considered as part of any official record upon which the~~
4 ~~commission may be called to base a decision upon.~~

5 ~~2. For the purposes of Sec. 7(c) of the Open Meeting Act,~~
6 ~~the remote attendance rules applicable to the city~~
7 ~~council and its committees as set forth in section 2-80~~
8 ~~of this code shall be construed as to apply to the~~
9 ~~commission as if adopted by the commission itself.~~

10 ~~4. Quorum. A majority of the members appointed to the commission~~
11 ~~shall constitute quorum for any of its meetings. No meeting~~
12 ~~may occur nor business conducted without the establishment~~
13 ~~and maintenance of quorum.~~

14 Sec 34-206 Ratification Of Certain Acts And Doings Of The Former
15 Planning Commission

16 All acts and doings of the former city planning commission made
17 subsequent to a resolution of the city council dated September 17,
18 1968, which reorganized the planning commission are approved,
19 ratified, and confirmed, and the appointments previously made
20 therein are approved, ratified, and confirmed.

21 Sec 34-207 Finality Of Decisions

22 Unless otherwise specified in this code, decisions of the
23 commission in the course of considering an appeal from any
24 order, requirement, or determination made by a city officer,
25 including the zoning administrator, or an application for a
26 variation or from conditions opposed thereon, shall in all
27 instances be final administrative orders and subject to review
28 in accordance with the Administrative Review Law.