



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 020-036
DATE OF PASSAGE June 23, 2020

An Ordinance amending Article II and repealing Article IV of Chapter 34 of the Code of Ordinances of the City of Aurora pertaining to the Planning Commission and the Zoning Board of Appeals

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the Planning Commission is a regularly scheduled advisory body to the City Council, on short and long range growth and development of the City, through maintenance and implementation of the plans and regulations formally adopted by the City Council; and

WHEREAS, the Zoning of Board of Appeals is an appeal board that reviews zoning issues as prescribed in the Aurora Zoning Ordinance, including proposed variations from the zoning code, and appeals of decisions made by the Zoning Administrator; and

WHEREAS, in furtherance of its home rule powers, it is necessary and desirable for the City of Aurora to amend the establishing ordinance for the Planning Commission, repeal the Ordinance creating the Zoning Board of Appeals; and create the new Planning and Zoning Commission in order to carry out the intended purpose as further set forth herein; and

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NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows:

Section One: That the provisions of Article II of Chapter 34 of the Code of Ordinances of the City of Aurora (hereinafter "City Code") shall be and hereby are amended as set forth in Exhibit "A"

Section Two: That Article IV of Chapter 34 of the City Code shall be and hereby is repealed in its entirety; and further

Section Three: That all references to the Planning Commission or to the Zoning Board of Appeals in the City Code or Illinois law shall be construed to refer to the Planning and Zoning Commission; and further

Section Four: That all any provision of any ordinance or resolution conflicting with this Ordinance shall be and hereby is repealed; and further

Section Five: That nothing in this ordinance shall be construed to alter the terms of members of the Planning Commission duly appointed and serving pursuant to Article II of Chapter 34 of the Code.

ORDINANCE NO. 020-036

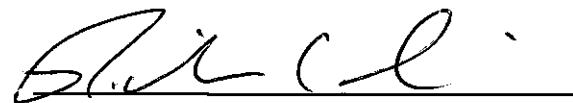
PASSED AND APPROVED ON June 23, 2020

AYES 12 NAYS 0 NOT VOTING 0 ABSENT 0

ALDERMAN	Vote
Alderman Llamas, Ward 1	yes
Alderman Garza, Ward 2	yes
Alderman Mesiacos, Ward 3	yes
Alderman Donnell, Ward 4	yes
Alderman Franco, Ward 5	yes
Alderman Saville, Ward 6	yes
Alderman Hart-Burns, Ward 7	yes
Alderman Smith, Ward 8	yes
Alderman Bugg, Ward 9	yes
Alderman Lofchie, Ward 10	yes
Alderman Jenkins, At Large	yes
Alderman O'Connor, At Large	yes

ATTEST:


City Clerk


Mayor

1 ARTICLE II. - PLANNING AND ZONING COMMISSION⁽²⁾

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) ____

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 ~~planning~~ commission shall advise ~~be an advisory body to the~~
15 city council, on short and long range growth and development of
16 the city, through maintenance and implementation of the plans and
17 regulations formally adopted by the city council. It shall review
18 and decide appeals of zoning matters and determinations as
19 prescribed in the zoning ordinance.

20 (Ord. No. 014-026, § 1, 6-10-14) ____

21 Sec. 34-18. - Membership.

22 The ~~planning~~ commission shall be comprised of:

23 (1) ~~The mayor of the city as ex-officio member, a~~ A chairman
24 and twelve (12) additional members to be appointed by the
25 mayor subject to the approval of the city council.

26 (2) The ~~planning~~ commission members shall at all times include
27 one (1) representative from each of the following ~~six~~ seven
28 (~~6~~7) taxing entities: School District 129, School District
29 131, School District 204, School District 308, Fox Metro
30 Sanitary District, Fox Valley Park District and Aurora
31 Township. The other ~~seven~~ six (~~6~~7) members of the ~~planning~~
32 commission shall be citizens at large, and shall have no

1 special interest in any of the ~~six~~seven (~~6~~7) taxing entities
2 listed in this section.

3 (3) All members of the ~~planning~~ commission shall reside within
4 the ~~city~~City of Aurora.

5 (4) No officer, alderman, or employee of the city may serve as
6 member of the commission during his or her term of office or
7 employment~~City of Aurora elected officials shall not be~~
8 ~~permitted membership during their time in office.~~

9 ~~(5) City of Aurora staff shall not be permitted membership~~
10 ~~during their time of employment.~~

11 (Ord. No. 014-026, § 1, 6-10-14) ____

12 Sec. 34-19. - Chairman.

13 The chairman of the ~~planning~~ commission shall be designated
14 ~~appointed~~ by the mayor for a period of one (1) year or until
15 his/her successor has been duly ~~appointed~~named.

16 (Ord. No. 014-026, § 1, 6-10-14) ____

17 Sec. 34-20. - Terms of members.

18 The thirteen (13) members of the ~~planning~~ commission shall be
19 appointed for the following terms: five (5) members for a term of
20 one (1) year, four (4) members for a term of two (2) years, and
21 four (4) members for a term of three (3) years from the time of
22 their appointment and each and every year thereafter.

23 (Ord. No. 014-026, § 1, 6-10-14) ____

24 Sec. 34-21. - Successors.

25 All persons appointed as members of the ~~planning~~ commission
26 shall serve in their official capacities, respectively, until
27 their successors have been appointed and qualified as provided in
28 this article.

29 (Ord. No. 014-026, § 1, 6-10-14) ____

30 Sec. 34-22. - Vacancies in office.

31 In the event of the death, resignation, removal or incapacity
32 of any member of the ~~planning and zoning~~ commission, or if a

1 vacancy occurs for any reason, a new member shall be appointed in
2 the same manner to fill the unexpired term.

3 (Ord. No. 014-026, § 1, 6-10-14) __

4 Sec. 34-23. - Powers.

5 The ~~planning~~ commission shall have all of those powers vested
6 in plan commissions and zoning boards of appeals by the Illinois
7 Municipal Code, subject to the provisions of the zoning ordinance
8 as well as those powers conferred by any other provision of this
9 code set forth in article 11, division 12 of The of the Illinois
10 Municipal Code [Ill. Rev. Stat. Ch. 24, 11-12-1 et seq.], as amended
11 from time to time, and Ordinance Number 3100, being the Aurora
12 Zoning Ordinance, as amended from time to time.

13 (Ord. No. 014-026, § 1, 6-10-14) __

14 Sec. 34-24. - Certain acts and doings ratified.

15 All acts and doings of the planning and zoning commission since
16 the resolution of the city council dated September 17, 1968, which
17 reorganized the planning commission are approved, ratified and
18 confirmed, and the appointments made therein are approved,
19 ratified and confirmed.

20 (Ord. No. 014-026, § 1, 6-10-14) __

21 Sec. 34-25. -- Executive secretary; records~~Executive secretary;~~
22 ~~ex-officio member.~~

23 The ~~City of Aurora's~~ planning and zoning director and/or
24 ~~designee~~ shall serve as executive secretary to the ~~be considered~~
25 ~~ex-officio member with non-voting authority on all issues, and~~
26 ~~shall be executive secretary of the planning commission.~~ The
27 ~~executive secretary~~ shall make a permanent record of all the acts
28 and doings of the ~~planning~~ commission and keep the same in his/her
29 custody and control. The ~~planning and zoning and planning~~ director
30 and his or her staff shall provide support to the ~~planning~~
31 commission as needed.

32 (Ord. No. 014-026, § 1, 6-10-14) __

1 Sec. 34-26. - Functions.

2 The ~~planning~~ commission shall:

3 (1) Hear and report findings and recommendations to the mayor
4 and city council on all applications for amendments and
5 special use permits in the manner prescribed by standards
6 and other regulations set forth in the ~~Aurora Zoning~~
7 ~~Ordinance~~ zoning ordinance.

8 (2) Initiate, direct and review, from time to time, studies of
9 the provisions of the ~~Aurora Zoning Ordinance~~ zoning
10 ordinance, and to make reports of its recommendations to the
11 mayor and city council.

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

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

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

19 (6) In all official proceedings, the chairman, or in his/her
20 absence, the acting chairman of the planning and zoning
21 commission, shall have the power to administer oaths and
22 compel by subpoena the attendance and testimony of witnesses
23 and the production of books and papers.

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

26 (Ord. No. 014-026, § 1, 6-10-14) ____

27 Sec. 34-27. - Meetings.

28 The commission shall conduct its regular meetings as directed
29 by the mayor or city council in accordance ~~Regular meetings shall~~
30 ~~generally be held twice a month on the first and third Wednesdays~~
31 ~~following the first committee of the whole meeting of the month,~~
32 ~~and shall comply~~ with the Open Meetings Act. Special meetings may

1 be called at any time by the chairman or any member that submits
2 a request in writing to the chairman, and held at such place as
3 fixed in the call. Meeting notices shall be pursuant to applicable
4 state and local requirements. The ~~planning~~ commission shall keep
5 minutes of its proceedings, showing the vote of each member upon
6 each question, or if absent or failing to vote, indicating such
7 fact, and shall also keep records of its hearings and other
8 official actions. A copy of every rule or regulation, every
9 appearance, variation and every recommendation, order,
10 requirement, decision or determination of the ~~planning~~ commission
11 shall be filed immediately in the office the commission's executive
12 secretary of the planning and zoning division and shall be a public
13 record. All hearings shall be open to the public.

14 (Ord. No. 014-026, § 1, 6-10-14) ____

15 Sec. 34-28. - Quorum.

16 Seven (7) members of the ~~planning~~ commission shall be necessary
17 to constitute a quorum. No official business of the ~~planning~~
18 commission shall transpire without a meeting that has a quorum.

19 (Ord. No. 014-026, § 1, 6-10-14)

20 Sec. 34-29. - Attendance.

21 Commission members shall attend all regularly scheduled
22 meetings. Planning commission members are required to attend the
23 meetings referenced in section 34-27 above. If a member is absent
24 from three (3) successive regular meetings without notification,
25 the city council may presume that the member has resigned and
26 declare a vacancy in the office as provided by law it shall be
27 considered a voluntary resignation. A simple majority vote of the
28 planning commission may declare the position vacant and request
29 that the mayor appoint a new member to fill the term.

30 (Ord. No. 014-026, § 1, 6-10-14)

31 Sec. 34-30. - Procedural Rules Committees.

1 ~~There shall be three (3) standing committees of the planning~~
2 ~~and zoning commission: amendment; grant and award research; and~~
3 ~~comprehensive plan. There may be such other committees as deemed~~
4 ~~necessary by the planning and zoning commission. Appointment to~~
5 ~~the committees shall be by the chairman on an as needed basis for~~
6 ~~one (1) year terms.~~

7 ~~(Ord. No. 014-026, § 1, 6-10-14)~~

8 ~~Sec. 34-30.1. Rules and regulations.~~

9 The ~~planning~~ commission shall adopt and promulgate such rules
10 and regulations as may be necessary and proper to govern the
11 conduct of ~~the~~ its meetings and the transaction of business that
12 are not inconsistent with the provisions of this article or any
13 other provision of this code, including rules necessary to
14 implement provisions of the Open Meetings Act to be performed
15 subject to approval by the city council. The rules may provide for
16 the 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)

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.