



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 021-035
DATE OF PASSAGE July 13, 2021

An Ordinance amending Chapter 34 of the Code of Ordinances pertaining to planning and zoning procedures.

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 Council has determined that it is necessary and desirable to amend the Chapter 34 of the Code of Ordinances, in order to revise and improve certain Sections of said Ordinance to better carry out its purposes and intent; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, that the amendments to Chapter 34 of the Code of Ordinances as set forth in Exhibit A to this Ordinance shall be and hereby are approved; and further:

BE IT ORDAINED, that this Ordinance shall be in full force and effect, and shall be controlling, upon its passage and approval; and further

BE IT ORDAINED, that all ordinances or part of ordinances in conflict herewith are hereby repealed insofar as any conflict exists; and further

BE IT ORDAINED, that any section, phrase or paragraph of this Ordinance that is construed to be invalid, void or unconstitutional shall not affect the remaining sections, phrases or paragraphs of this Ordinance which shall remain in full force and effect.

ORDINANCE NO. 021-035

PASSED AND APPROVED ON July 13, 2021

AYES 11 NAYS 0 NOT VOTING 0 ABSENT 1

ALDERMAN	Vote
Alderman Llamas, Ward 1	yes
Alderwoman Garza, Ward 2	absent
Alderman Mesiacos, Ward 3	yes
Alderman Donnell, Ward 4	yes
Alderman Franco, Ward 5	yes
Alderman Saville, Ward 6	yes
Alderwoman Hart-Burns, Ward 7	yes
Alderwoman Smith, Ward 8	yes
Alderman Bugg, Ward 9	yes
Alderwoman Baid, Ward 10	yes
Alderman Woerman, At Large	yes
Alderman Jenkins, At Large	yes

ATTEST:


City Clerk


Mayor

21-0441

RECOMMENDATION

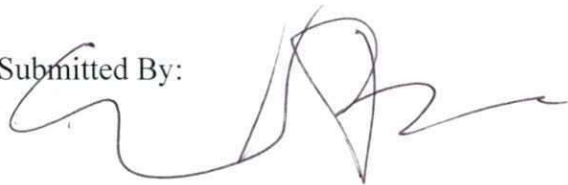
TO: THE COMMITTEE OF THE WHOLE

FROM: THE RULES, ADMINISTRATION AND PROCEDURES COMMITTEE

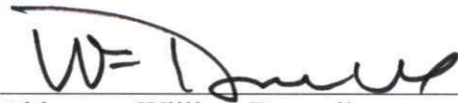
The Rules, Administration and Procedures Committee at the regular scheduled meeting on Tuesday, June 15, 2021 recommended APPROVAL of an Ordinance amending Chapter 34 of the Code of Ordinances pertaining to planning and zoning procedures.

VOTE: ⁴/₅-0

Submitted By:



Alderman Edward Bugg, Chairperson

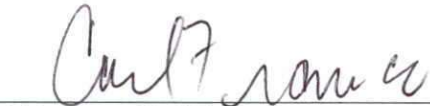


Alderman William Donnell



Alderman Ron Woerman, Vice Chairperson

Alderman Emmanuel Llamas



Alderman Carl Franco

Dated this 15th day of June, 2021

1 **Sec 34-403 Standards For The Approval Of A Variance**

2 ~~(a)~~ The zoning administrator or the commission, as the case
3 may be, shall approve a variance only upon specific evidence
4 supported by the record: That with respect to the property in
5 question:

6 ~~(1)~~ (a) The particular physical surroundings, shape or
7 topographical conditions of the property result in a
8 particular hardship to the owner, as distinguished from a
9 mere inconvenience, if a strict letter of regulations were
10 carried out; and

11 ~~(2)~~ (b) The unique conditions to the property for which
12 the variance is sought and are not applicable, generally,
13 to other property within the same zoning classification;
14 and

15 ~~(b)~~ (c) The alleged difficulty or hardship that is caused
16 by the ordinance and has not been created by any person
17 presently having an interest in the property; and

18 ~~(e)~~ (d) The requested variance in all other respects is in
19 conformance to the applicable regulations of the district in
20 which it is located, except as such regulations may in each
21 instance be modified by the city pursuant to the
22 recommendations of the commission; ~~and~~

23 ~~(d) The requested variance is, in all other respects, in~~
24 ~~conformance to the applicable regulations of the district in~~

1 ~~which it is located, except as such regulations may in each~~
2 ~~instance be modified by the city pursuant to the~~
3 ~~recommendations of the commission.~~

4 **Sec 34-504 City Council Action**

5 (a) For each ~~petition for a~~ conditional use, the commission
6 shall report to the city council its findings and
7 recommendations, including the stipulations of additional
8 limitations and guarantees that such conditions will be
9 complied with when they are deemed necessary for the
10 protection of the public interest.

11 (b) In deliberating upon a petition for a conditional use,
12 the city council shall consider the record made by the
13 commission, but shall not be bound by any findings of fact
14 made by the commission upon such record.

15 (c) ~~Except as provided in paragraph (b) of this section,~~
16 Approval of a petition for a conditional use shall require
17 the concurrence of a majority of the members elected to the
18 city council. Unless the city council determines otherwise,
19 approval of a conditional use consistent with the
20 commission's recommendations shall constitute the city
21 council's adoption of the commission's findings of fact as
22 its own.

23 (d) Reserved ~~In the event of written protest against any~~
24 ~~petitioned conditional use, signed and acknowledged by the~~

1 ~~owners of twenty (20) percent of the frontage adjacent~~
2 ~~thereto, or across an alley, or directly opposite there from,~~
3 ~~such conditional use shall not be granted except by the~~
4 ~~favorable vote of two-thirds of all the members of the city~~
5 ~~council.~~

6 (e) A denial of a petition for a conditional use is deemed
7 to have occurred if, and only if:

8 (1) The city council with the concurrence of a majority
9 of its members present votes affirmatively to approve a
10 motion rejecting the approval of the petition for a
11 conditional use and accompanies such motion with a
12 findings of fact based on the record of the commission
13 that articulates a basis for such denial; or

14 (2) The city council fails to approve a motion
15 authorizing the approval of a conditional use within six
16 (6) months of the last action on the petition taken by
17 the commission or has affirmatively voted to
18 indefinitely postpone such approval.

19 (f) No petition for a conditional use which has been denied
20 wholly or in part by the council shall be resubmitted for a
21 period of one (1) year from the date of a denial under
22 paragraph (e) ~~said order of denial~~, except on the grounds of
23 substantial new evidence or proof of changed conditions found
24 to be valid by the commission and the city council.

1 (g) The city council may reconsider any vote approving,
2 failing to approve, or denying a petition for a conditional
3 use so long as it confines any decision to the record created
4 by the commission.

5 **Sec 34-602 Petition Application Process**

6 (a) The petition ~~application~~ for establishment of a
7 conditional use planned development shall be filed with the
8 zoning administrator. No petition ~~application~~ shall be
9 accepted unless a preapplication review has been completed
10 with the zoning administrator unless the review is waived by
11 the zoning administrator ~~planning director or said review has~~
12 ~~been waived by the planning director~~. The preapplication
13 review must be arranged with the mutual agreement of the
14 zoning administrator. At the preapplication review, the
15 zoning administrator and prospective applicant shall review
16 the following as they relate to the petition ~~proposed~~
17 ~~application~~ for establishment of a planned development:

18 (1) The city's general plan and physical development
19 policies.

20 (2) Existing zoning and land use in the general area of
21 the property in question.

22 (3) The zoning history in the general area of the
23 property in question.

1 (b) After the completion of the required preapplication
2 review, a conditional use planned development petition may be
3 filed with the zoning administrator. The petition shall
4 include all plans and data as required by the zoning
5 administrator. Copies of such petition shall be submitted to
6 the commission with the request that the commission conduct
7 a public hearing.

8 (c) ~~(b)~~ The petition application filed with the zoning
9 administrator for the establishment of a conditional use
10 planned development as set forth above shall be forwarded to
11 the commission. The requirements of a public hearing by the
12 commission and the standards upon which the commission shall
13 make a recommendation to the city council shall be the same
14 as set forth in article v with respect to conditional uses.
15 The commission may further recommend limitations or
16 guarantees upon the approval of a conditional use for a
17 planned development in the manner and to the extent set forth
18 in sec. 34-505.

19 (d) ~~(c)~~ The city council shall consider and pass upon a
20 petition for a conditional use planned development in the
21 manner set forth in Sec. 34-504 of this code for approvals or
22 denials of petitions for conditional uses ~~may disapprove or~~
23 ~~grant a conditional use for planned development by ordinance,~~
24 ~~but such development shall not be approved except by three-~~

1 ~~fourths of the members present, when the commission~~
2 ~~recommends denial of the request for a conditional use permit~~
3 ~~for planned development.~~

4 (e) ~~(d)~~ The ordinance granting a petition for a conditional
5 use ~~for~~ planned developments shall set forth all the
6 requirements, special conditions and agreements made a part
7 of the planned development. The plans and other documents
8 required as part of the petitions for a conditional use for
9 a planned development ~~special use application~~ shall be
10 attached to and made a part of the ordinance granting the
11 permit for said planned development.

12 **Sec 34-909 Standards For Rezoning**

13 In considering a proposed amendment to the regulations imposed
14 and the districts created under chapter 49 (as a restatement of
15 the regulations set forth in Ordinance 3100 as amended from time-
16 to-time) or to the zoning map, the commission shall consider
17 whether the proposed amendment

18 (a) Is in accord with all applicable official physical
19 development policies and other related official plans and
20 policies of the city; and

21 (b) Represents the logical establishment and/or consistent
22 extension of the requested classification in consideration of
23 the existing land uses, existing zoning classifications, and

1 essential character of the general area of the property in
2 question; and

3 (c) Is consistent with desirable trend of development in the
4 general area of the property in question, occurring since the
5 property in question was placed in its present zoning
6 classification, desirability being defined as the trend's
7 consistency with applicable official physical development
8 policies and other related official plans and policies of the
9 city; and

10 (d) Will permit uses which are more suitable than uses
11 permitted under the existing zoning classification; and

12 (e) Is a consistent extension of the existing land uses,
13 existing zoning classifications, and essential character of
14 the general area; ~~and~~

15 ~~(f) Is consistent with desirable trend of development in the~~
16 ~~general area of the property in question, occurring since the~~
17 ~~property in question was placed in its present zoning~~
18 ~~classification, desirability being defined as the trend's~~
19 ~~consistency with applicable official physical development~~
20 ~~policies and other related official plans and policies of the~~
21 ~~city.~~