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Section Two: That Article IV of Chapter 34 of the City Code shall be and hereby is repealed in its entirety; and further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

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<tr>
<th>ALDERMAN</th>
<th>Vote</th>
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<tr>
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<td>Alderman Jenkins, At Large</td>
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<td>Alderman O’Connor, At Large</td>
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ATTEST:

[Signatures]

City Clerk

Mayor
ARTICLE II. - PLANNING AND ZONING COMMISSION

Sec. 34-16. - Creation.

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

(Ord. No. 014-026, §1, 6-10-14)

Sec. 34-16.5 - Definitions.

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

Commission means the planning and zoning commission of the city;

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

Sec. 34-17. - Purpose.

The planning commission shall advise 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. It shall review and decide appeals of zoning matters and determinations as prescribed in the zoning ordinance.

(Ord. No. 014-026, §1, 6-10-14)

Sec. 34-18. - Membership.

The planning commission shall be comprised of:

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

2. The planning commission members shall at all times include one (1) representative from each of the following six seven (6-7) taxing entities: School District 129, School District 131, School District 204, School District 308, Fox Metro Sanitary District, Fox Valley Park District and Aurora Township. The other seven-six (6-7) members of the planning commission shall be citizens at large, and shall have no
special interest in any of the six-seventy (67) taxing entities
listed in this section.

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

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

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

(Ord. No. 014-026, § 1, 6-10-14) __

Sec. 34-19. - Chairman.

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

(Ord. No. 014-026, § 1, 6-10-14) __

Sec. 34-20. - Terms of members.

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

(Ord. No. 014-026, § 1, 6-10-14) __

Sec. 34-21. - Successors.

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

(Ord. No. 014-026, § 1, 6-10-14) __

Sec. 34-22. - Vacancies in office.

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

(Ord. No. 014-026, § 1, 6-10-14)

Sec. 34-23. - Powers.

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

(Ord. No. 014-026, § 1, 6-10-14)

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

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

(Ord. No. 014-026, § 1, 6-10-14)

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

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

(Ord. No. 014-026, § 1, 6-10-14)
Sec. 34-26. - Functions.

The planning commission shall:

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

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

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

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

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

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

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

(Ord. No. 014-026, § 1, 6-10-14) ___

Sec. 34-27. - Meetings.

The commission shall conduct its regular meetings as directed by the mayor or city council in accordance with the Open Meetings Act. Regular meetings shall generally be held twice a month on the first and third Wednesdays following the first committee of the whole meeting of the month, and shall comply with the Open Meetings Act. Special meetings may
be called at any time by the chairman or any member that submits
a request in writing to the chairman, and held at such place as
fixed in the call. Meeting notices shall be pursuant to applicable
state and local requirements. The planning commission shall keep
minutes of its proceedings, showing the vote of each member upon
each question, or if absent or failing to vote, indicating such
fact, and shall also keep records of its hearings and other
official actions. A copy of every rule or regulation, every
appearance, variation and every recommendation, order,
requirement, decision or determination of the planning commission
shall be filed immediately in the office the commission’s executive
secretary of the planning and zoning division and shall be a public
record. All hearings shall be open to the public.

(Ord. No. 014-026, § 1, 6-10-14)

Sec. 34-28. - Quorum.

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

(Ord. No. 014-026, § 1, 6-10-14)

Sec. 34-29. - Attendance.

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

(Ord. No. 014-026, § 1, 6-10-14)

Sec. 34-30. - Procedural Rules Committees.
There shall be three (3) standing committees of the planning and zoning commission: amendment, grant and award research, and comprehensive plan. There may be such other committees as deemed necessary by the planning and zoning commission. Appointment to the committees shall be by the chairman on an as needed basis for one (1) year terms.

(Ord. No. 014-026, § 1, 6-10-14)

Sec. 34-30.1 - Rules and regulations.

The planning commission shall adopt and promulgate such rules and regulations as may be necessary and proper to govern the conduct of the its meetings and the transaction of business that are not inconsistent with the provisions of this article or any other provision of this code, including rules necessary to implement provisions of the Open Meetings Act to be performed subject to approval by the city council. The rules may provide for the establishment of such committees as the commission may find efficient to carry out its duties under the law and this code.

(Ord. No. 014-026, § 1, 6-10-14)

Sec. 34-30.2 - Finality of decision.

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