

VILLAGE OF ELBURN
KANE COUNTY, ILLINOIS

ORDINANCE NO. 93-14

AN ORDINANCE AMENDING SECTION 15.3 AND 15.4 OF
THE VILLAGE OF ELBURN ZONING ORDINANCE

ADOPTED BY THE BOARD OF TRUSTEES
OF THE
VILLAGE OF ELBURN
THIS 6th DAY OF July, 1993

Published in Pamphlet Form
by Authority of the Board of Trustees
of the Village of Elburn,
Kane County, Illinois,
this 7th day of July, 1993

AN ORDINANCE AMENDING SECTION 15.3 AND 15.4 OF
THE VILLAGE OF ELBURN ZONING ORDINANCE

Be It Ordained by the President and Board of Trustees of the Village of Elburn, County of Kane, State of Illinois, that Sections 15.3 and 15.4 of the Village of Elburn Zoning Ordinance be amended in their entirety to hereinafter read as follows:

15.3 THE PLANNING COMMISSION:

A) CREATION- That a Planning Commission for the Village of Elburn be and the same is hereby created, to consist of a Chairman and six (6) additional members thereof to be appointed by the President of the Village Board subject to the approval of the Village Trustees, all pursuant to the provisions of 65 ILCS 5/11-12-4, et. seq.

1) Chairman - That the chairman of said Planning Commission shall be appointed by the President of the Board, as aforesaid, and shall serve for a period of four (4) years or until his successor shall have been duly appointed and qualified.

2) Terms of Office - That the six additional members of the Planning Commission shall be appointed for a term of four (4) years except that initially the six additional

members shall be appointed as follows: two members to serve a term of one year, two members to serve a term of two years, and two members to serve a term of four years.

3) Vacancy - That all persons appointed as members of the Planning Commission as herein provided shall serve in their official capacities, respectively, until their successors shall have been appointed and qualified as herein provided, and further, that in the event of the death, resignation, removal, incapacity of any member or if a vacancy occurs for any reason, a new member shall be appointed in the same manner as herein provided to fill the unexpired term.

4) Powers - That the Planning Commission shall have all of those powers set forth in 65 ILCS 5/11-12-4 et. seq. and as amended from time to time; to initiate, direct, and carry out a review of all planning matters before the Village.

5) Secretary, Records - The President of the Board of Trustees, subject to Village Board approval, may appoint an official Secretary for the Planning Commission who shall make and keep a permanent record of all acts and doings of the Planning Commission, including but not limited to minutes of all meetings of the Planning

Commission, and shall keep the same in his custody and under his control.

6) Rules - That the Planning Commission shall adopt such rules and regulations as may be necessary and proper to govern the conduct of the meetings and the business to be performed by said Commission.

7) Compensation - That the corporate authorities of the Village of Elburn may, in accordance with statute, appropriate funds to be used by the said Planning Commission for the purposes of compensation to the Chairman, members and clerical staff and for the payment of operating expenses.

8) Meetings - Meetings of the Commission shall be held at the call of the Chairman and at such times as the Commission may determine.

B) **JURISDICTION** - The Planning Commission is hereby vested with the following jurisdiction and authority with reference to this Zoning Ordinance:

1) To establish a time for, conduct public hearings on, and prepare written findings of fact and recommendations to the Village Board on the following matters:

a) Application for amendments to the Zoning District Map or the text of this Zoning Ordinance.

b) Special use permits

c) Special Use permits for planned developments, including any requests for exceptions from required standards of the Zoning Ordinance.

d) Zoning requests pertaining to newly annexed property, including review of all plats and plans in connection therewith.

e) Site plan review for development proposals in commercial, commercial manufacturing, and manufacturing districts, according to article XII, SITE DEVELOPMENT REQUIREMENTS, of this Zoning Ordinance.

f) Plats of subdivision, including review of such plats for conformance to the Comprehensive Land Use Plan, this Zoning Ordinance, and the Subdivision Regulations of the Village of Elburn, as may be amended from time to time.

2) To review the recommendations of the Zoning Enforcement Officer as to the effectiveness of this Zoning Ordinance, and report its conclusions and

recommendations to the Village Board, from time to time, but no less frequently than once each year.

3) To review the Zoning District Map for accuracy on an annual basis, so that the Zoning District map may be updated annually, and published in the manner required by the Illinois Revised Statutes.

4) To hear, decide, and consider all other matters referred by the Village Board, or upon which the Planning Commission is required to act pursuant to the provisions of this Zoning Ordinance, or as prescribed by applicable provisions of the Elburn Village Code or the Illinois Revised Statutes.

15.4 ZONING BOARD OF APPEALS:

A) CREATION AND MEMBERSHIP - A Board of Appeals is hereby authorized to be established. The word "Board" when used in this section shall be construed to mean Board of Appeals. Said Board shall consist of seven (7) members appointed by the President, by and with the consent of the Village Board. The members of the first Board shall serve respectively for the following terms (or until their respective successors are appointed and qualified): One for one year, one for two years, one for three years, one for four years, and one for

five years, one for six years and one for seven years, and five years each for each of those following the first appointment.

1) Chairman - One of the members shall be designated by the President, with the consent of the Village Board, as Chairman of said Board, and shall hold his office until a successor is appointed. Such Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. The President shall have the power to remove any member of said Board for cause and after a public hearing.

2) Vacancies - Upon said Board shall be filled for the unexpired term of the member whose place has become vacant, in the manner herein provided for the appointment of such member.

3) Meetings - All meetings of the Board shall be held at the call of the Chairman and at such times as the Board may determine. All hearings conducted by the Board shall be open to the public.

4) Records - The Board 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 keep written records of its hearings

and other official actions. Findings of fact shall be included in minutes of each case of a requested variation, the reasons for recommending or denying such variation shall also be specified. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board shall be filed immediately in the office of the Board and shall be public record.

5) By-Laws and Officers - The Board shall adopt its own rules of procedure not in conflict with this Ordinance or with the Illinois Statutes in such cases made and provided, and may select or appoint officers as it deems necessary.

B) JURISDICTION - The Zoning Board of Appeals is hereby vested with the following jurisdiction and authority with reference to this Zoning Ordinance:

1) To establish a time for, conduct public hearings on, and prepare written findings of fact and recommendations to the Village Board concerning applications for variations, in the manner prescribed by, and subject to, the standards established in this Zoning Ordinance.

2) To hear and decide appeals from any final order, requirements, decision or determination made by an

administrative official charged with the enforcement of this Zoning Ordinance.

3) To hear and decide all matters referred to it by the Village Board, or upon which the Zoning Board of Appeals is required to act under this Zoning Ordinance, or as prescribed by applicable provisions of the Illinois Compiled Statutes.

C) APPEALS

1) Initiation - An appeal may be taken to the Board by any person, firm or corporation, or by any officer, department, Board or Bureau affected by a decision of Zoning Officer relative to this Ordinance.

2) Action of the Zoning Officer - Such appeal shall be taken within thirty (30) days from the date of the decision appealed from by the filing with the Zoning Officer and with the Board a notice of appeal, specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF ELBURN,
ILLINOIS, this 6th day of July, 1993

AYES: Hare, Ekstrom, ~~Henderson~~, Ludwig, Hall, Peterson.

NAYES: Henderson

ABSENT: None

APPROVED:

S Michael Stoffa
Village President

DATE: 7-7-93



Barbara K. Horna
Clerk

PUBLICATION IN PAMPHLET FORM

STATE OF ILLINOIS)
)
COUNTY OF KANE) SS.
)
VILLAGE OF ELBURN)

I, Barbara K. Horna, certify that I am the Village Clerk of the Village of Elburn, Kane County, Illinois, and as such officer I am the keeper of the records, files and proceedings of the corporate authorities of said municipality.

I further certify that, as of the date hereof, Ordinance No. 93-14, adopted by the corporate authorities on July 6, 1993, entitled "AN ORDINANCE AMENDING SECTION 15.3 AND 15.4 OF THE VILLAGE OF ELBURN ZONING ORDINANCE" been duly published in pamphlet form in accordance with Section 1-2-4 of the Illinois Municipal Code.

IN WITNESS WHEREOF, I have hereunto affixed my official hand and the seal of the municipality this 6th day of July, 1993.



Barbara K. Horna
Village Clerk