

VILLAGE OF ELBURN
ORDINANCE NO. 95-34

AN ORDINANCE AMENDING ORDINANCE 93-14,
AMENDING CHAPTER 15.3 OF THE
ZONING ORDINANCE

ADOPTED BY THE BOARD OF TRUSTEES
OF THE VILLAGE OF ELBURN THIS 17th
DAY OF July, 1995

Published in pamphlet form by the authority of the Board of
Trustees of the Village of Elburn, Kane County, Illinois this
20th day of July, 1995.

ORDINANCE NO. 95-34

**AN ORDINANCE AMENDING ORDINANCE 93-14,
AMENDING CHAPTER 15.3 OF THE
ZONING ORDINANCE**

WHEREAS, the Planning Commission of the Village of Elburn, has established rules and procedures, pursuant to State law, in order to review petitions as required by State law and Village Ordinances; and

WHEREAS, the Planning Commission has determined that an amendment to its rules is warranted to improve its ability to review petitions;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Elburn, Kane County, Illinois, as follows:

SECTION 1: That Ordinance 93-14 and Chapter 15.3 of the Zoning Ordinance is hereby repealed and rescinded in its entirety and replaced with the following:

15.3 PLANNING COMMISSION

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

- 1) Chairman - that the Chairman of the Commission shall be appointed by the Village President, subject to the approval of the Village Trustees 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 (6) additional members of the Planning Commission shall be appointed for a term of four (4) years, and said terms shall be overlapping. Members currently serving at the time of the adoption of this ordinance shall fill their terms, subject to the rules of this ordinance.
- 3) Appointments - members appointed shall have their primary residence within one and one-half (1 1/2) miles of the corporate limits of the Village, pursuant to State law. No more than two (2) members appointed shall reside outside of the corporate limits of the Village.
- 4) Vacancy - all persons appointed to the Commission shall serve in their official capacities until their successors shall have been appointed and qualified as provided for

herein, and further, in the event of the death, resignation, removal or 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 un-expired term.

- 5) Vice Chairman - a vice chairman may be appointed by the Chairman of the Planning Commission, with the consent of the members of the Planning Commission. The Vice Chairman shall be appointed for period of one (1) year. The Vice Chairman shall serve in the place of the Chairman during the absence of the Chairman and shall have all of the powers and responsibilities of the Chairman.
- 6) Secretary - the Village President may appoint a secretary to the Planning Commission, with the consent of the Village Trustees. The Secretary shall make and keep a permanent record of all acts and doings of the Commission, including but not limited to, all meetings of the Commission.
- 7) The Village President may, with the consent of the Village Trustees, appoint an ex-officio member to the Commission from the Kaneland School District 302. Said ex-officio member shall be a member of the Board of Education or the Superintendent of Education. The appointment shall be for a period of one (1) year.

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

- 1) Rules - the Commission may adopt such rules and regulations as may be necessary and proper to govern the conduct of the meetings and the business to be performed.
- 2) Compensation - the Village President and Board of Trustees may, in accordance with State law, appropriate monies to be used by the Commission for the purpose of compensation to the Chairman, Commissioners, Secretary or staff or for the payment of operating expenses.
- 3) Meetings - the Commission shall meet on the second and fourth Tuesday of each month and at such times as the Chairman may call a meeting.
- 4) 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) applications for amendments to the Zoning District Map or the text of this Zoning Ordinance;
 - b) applications for special use permits;

- c) applications for special use permits for planned developments, including any requests for exceptions from required standards of this Zoning Ordinance;
 - d) zoning requests pertaining to newly annexed property, including review of all plats and plans in connection therewith; and
 - e) requests for site plan review for development proposals in business, commercial-manufacturing and manufacturing districts, according to Article XII of the Zoning Ordinance.
- 5) To hold public hearings to review preliminary plats of subdivision for conformance to the Comprehensive Land Use Plan, this Zoning Ordinance and the Subdivision Control Ordinance, as may be amended from time to time. The Commission shall review final plats of subdivision and final improvement plans for conformance with approved preliminary plats and plans and acceptance. This need not be a public hearing.
 - 6) 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
 - 7) 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 State law.
 - 8) To hear, consider and decide all other matters referred by the Village Board, or upon which the Commission is required to act pursuant to the provisions of this Zoning Ordinance, or as described by applicable provisions of the Village Code or State law.

SECTION 2: That all ordinances and parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby repealed to the extent of any such conflict or inconsistency.

SECTION 3: That if any part of portion of this ordinance shall be declared invalid by a court of competent jurisdiction, such partial invalidity shall not affect the remainder of this ordinance.

SECTION 4: That this ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as is hereby authorized to be done by the President and Board of Trustees.

AYES: Trustees Ekstrom, Henderson, Ludwig, Peterson, Turpi, Willey

NAYS: None

ABSENT: None

PRESENTED to the Board of Trustees of the Village of Elburn, Kane County, Illinois this 17th day of July 1995.

PASSED by the Board of Trustees of the Village of Elburn, Kane County, Illinois this 17th day of July 1995.

Signed by the President of the Board of Trustees of the Village of Elburn, Kane County, Illinois this 20th day of July 1995.

Michael Stoffa
President of the Board of
Trustees of the Village of
Elburn, Kane County, Illinois

ATTEST:

Susan M. Klein
Village Clerk of the Village
of Elburn, Kane County, Illinois.



STATE OF ILLINOIS)
) SS.
COUNTY OF KANE)

CERTIFICATE

I, SUSAN GRABLIN, certify that I am the acting Village Clerk of the Village of Elburn, Kane County, Illinois.

I further certify that on July 17, 1995 the Corporate Authorities of said municipality passed, and approved Ordinance 95-34, entitled **AN ORDINANCE AMENDING ORDINANCE 93-14 AMENDING CHAPTER 15.3 OF THE ZONING ORDINANCE**, which provides by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance 95-34, including the ordinance and cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on July 20, 1995 and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

Dated at Elburn, Illinois this 20th day of July, 1995.



Susan M. Grablin
Village Clerk
Susan Grablin