

CHAPTER 21
PLANNING AND ZONING COMMISSION

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21.01 ORGANIZATION.

- A. **Creation:** A Planning and Zoning Commission is hereby created for the Village to carry out the duties of a plan commission and zoning board of appeals. Any ordinance, code, regulation or rule of the Village or state statute that references the Plan Commission and/or Zoning Board of Appeals shall mean the Planning and Zoning Commission. When used in this Section, “Commission” shall be construed to mean the Planning and Zoning Commission and “Commissioners” shall be construed to mean the members of the Commission.
- B. **Membership:** The Commission shall consist of a chairperson and six members to be appointed by motion of the Village Board. The chairperson shall be appointed annually by the President, subject to the confirmation of the Board of Trustees. Annually, the Commissioners shall elect one of its own to serve as vice-chairperson. The clerk of the Commission shall be designated by the chairperson.
- C. **Term of Office:** The first appointees shall serve for the following terms, or until their respective successors, in similar manner, have been appointed and qualified: one for one year, one for two years, one for three years, one for four years, one for five years, one for six years and one for seven years. Successors to each member so appointed shall serve five-year terms except that vacancies shall be filled for the unexpired term of the membership vacated. The term of each Commissioner shall expire April 30 of the year of the expiration of its respective term of office. Thereafter, the appointments shall be made at either the annual meeting of the Village Board or the first Village Board meeting in May.
- D. **Vacancy:** Any vacancy on the Commission shall be filled in the same manner as the original appointment.
- E. **Removal:** The Village Board may remove any member of the Commission for cause after a public hearing.

21.02 MEETINGS: All meetings of the Commission shall be held at the call of the Chairperson and at such other times as the Commission may determine. The presence of four members shall be necessary for a quorum. All meetings shall be open to the public and subject to the Open Meetings Act (5 ILCS 120/1 *et seq.*). The Commission shall keep minutes of its

proceedings, keep record of its examinations and other official actions, prepare findings of fact as may be required by law and record the individual votes upon every question. Expenses incurred by the Commission in the performance of official duties are to be itemized and shall be reimbursed by the Village.

21.03 DUTIES OF THE COMMISSION: The duties of the Commission are as follows:

- A. To prepare and recommend to the Village Board a comprehensive plan of public improvements looking to the present and future development of the Village. After its adoption by the Village Board this plan shall be known as the Official Comprehensive Plan (“Plan”) of the Village of Johnsburg. Thereafter, from time to time, the Commission may recommend changes in the Plan. This Plan may be further implemented by ordinance which includes reasonable requirements in accordance with 65 ILCS 5/11-12/___1 *et seq.*
- B. Following the adoption of the Plan no map or plat of any subdivision presented for record affecting land within the corporate limits of the Village or in contiguous territory outside of and not more than 1½ miles from those limits and not included in any other municipality, shall be entitled to record or shall be valid unless the subdivision thereon shall satisfy requirements of the Village as set forth in the Plan and the associated ordinances.
- C. To prepare and recommend to the Village Board from time to time plans for specific improvements in the pursuance of the Plan.
- D. To give aid to the Village officials charged with the direction of projects for improvements embraced within the Plan and to further the making of these projects, and generally promote the Plan.
- E. To exercise such other powers, germane to the powers granted by ordinances of the Village as may be conferred by the Village and which are granted a village under the Illinois Municipal Code.
- F. To recommend to the Village Board, after holding a public hearing on applications for variations from the strict enforcement of any provisions of the Zoning Code, in accordance with the rules and standards set forth therein.
- G. To recommend to the Village Board, after holding a public hearing on applications for conditional uses listed in each of the zoning districts, in accordance with the rules and standards set forth in the Zoning Code.
- H. To recommend to the Village Board, after holding a public hearing, on applications for planned developments referred to it by the Village Board and to hear and decide other matters referred to it or upon which it is required to pass under the provisions of the Zoning Code.

- I. To recommend to the Village Board, after holding a public hearing, on petitions for amendment of the provisions of the Zoning Code and the boundary lines of zoning districts established therein.
- J. To transmit to the Village Board, with every recommendation, findings of fact as may be required by law and to refer to any exhibits containing plans and specifications relating to its recommendation, which plans and specifications shall remain a part of the permanent records of the Commission. The findings of facts shall specify the reason or reasons for its recommendation. The terms of the relief recommended shall be specifically set forth in a conclusion or statement separate from the findings of fact of the Commission.
- K. To file immediately in the office of the Clerk every rule, order, requirement, decision or determination of the Commission after any meeting or hearing, which shall be a public record.
- L. Nothing contained herein shall be construed to authorize the Commission to change any of the provisions of the Zoning Code or district boundary lines established hereby. The concurring vote of four members shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector or to decide in favor of the applicant any matter upon which the Commission is authorized to act.
- M. Additional duties of the Commission are also outlined in the Zoning Code, Village ordinances and the Illinois Municipal Code.

21.04 SPECIAL ZONING COMMISSION: The Commission shall serve as a special zoning commission whenever a text amendment is proposed to the Zoning Code.

21.05 APPEALS: An appeal may be taken from any order, requirement, decision or determination of the Code Enforcement Officer, relating to the Zoning Code and Building Code by any person, firm or corporation aggrieved thereby, or by any officer, department, board or commission of the Village. The appeal shall be taken within 30 calendar days of the action complained of by filing a notice of appeal, in duplicate, specifying the grounds thereof, in the office of the Clerk who shall transmit forthwith one copy to the Code Enforcement Officer and one copy to the Commission chairperson. The Code Enforcement Officer shall forthwith transmit to the Commission chairperson all the papers constituting the record upon which the action appealed from was taken.

The Commission shall select a reasonable time and place for the hearing of the appeal, give due notice thereof to all interested parties and shall render a written decision on the appeal without unreasonable delay. Any person may appear at the hearing and present testimony in person or by a duly authorized agent or attorney. The Commission may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination of the Building Inspector.

21.06. PROCEDURAL RULES: The Commission shall have the authority to adopt procedural rules for the conduct of its meetings and hearings consistent with the provisions of the Zoning Code, Subdivision Code and other codes and ordinances of the Village.