

Chapter 18  
**PLANNING AND ZONING COMMISSION**

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**18.01 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. When used in this Chapter 18, "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 6 members to be appointed by the President with the advise and consent of the Village Board. The President shall be an ex-officio member of the Commission. The Chairperson shall be appointed annually by the President with the advice and consent of the Village Board. Annually, the Commissioners shall elect one of its own to serve as vice-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: 1 for 1 year, 1 for 2 years, 1 for 3 years, 1 for 4 years, 1 for 5 years, 1 for 6 years and 1 for 7 years. Successors to each member so appointed shall serve 5-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 the annual meeting of the Village Board.

D. Vacancy: Any vacancy on the Commission shall be filled in the same manner as the original appointment.

E. Removal: The President, with the approval of the Village Board, may remove any member of the Commission for cause after a public hearing.

F. Compensation: Commissioners shall receive compensation at the per diem rate found in Appendix B for services as a Commissioner.

**18.02 PLAN COMMISSION, ZONING BOARD OF APPEALS REFERENCES**

Any ordinance, code, regulation, etc., of the Village or state statute that references the Plan Commission and/or Zoning Board of Appeals shall mean the Planning and Zoning Commission.

**18.03 DUTIES OF THE COMMISSION**

The duties of the Commission are as follows:

1. 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 Plan of the Village of Algonquin. Thereafter, from time to time, the Commission may recommend changes in the Official Plan. This plan may include reasonable requirements with reference to the streets, alleys and public grounds in unsubdivided land situated within the corporate limits or in contiguous territory not more than 12 miles beyond the corporate limits and not included in any municipality. These requirements shall be effective whenever this unsubdivided land is subdivided after the adoption of the Official Plan.

Following the adoption of the Official 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 1 1/2 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 provide for streets, alleys and public grounds in conformity with the Official Plan.

2. To prepare and recommend to the Village Board from time to time plans for specific improvements in the pursuance of the Official Plan.
3. To give aid to the Village officials charged with the direction of projects for improvements embraced within the Official Plan and to further the making of these projects, and generally promote the Official Plan.
4. To exercise such other powers, germane to the powers granted by this Code as may be conferred by the Village and are granted a village under the Illinois Municipal Code (65 ILCS), including, but not limited to Sections 5/11-12-1 to 5/11-12-12.
5. To hear appeals from any order, requirement, decision or determination of the Building Commissioner, relating to the Zoning 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 45 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 1 copy to the Building Commissioner and 1 copy to the Commission Chairperson. The Building Commissioner shall forthwith transmit to the Commission Chairperson all the papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from unless the Building Commissioner certifies to the Commission that, by reason of facts stated in the certification, a stay would cause imminent peril to life or property. In such case, the proceedings shall not be stayed except by a restraining order issued by the Commission or a court of record after notice to the Building Commissioner and on due cause shown.

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 Commissioner.

6. To recommend to the Village Board after holding a public hearing on application for

variations from the strict enforcement of any provisions of the Zoning Code, in accordance with the rules and standards set forth therein.

7. To recommend to the Village Board, after holding a public hearing, on applications for special uses listed in each of the zoning districts.
8. 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.
9. 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.
10. To transmit to the Village Board, with every recommendation, findings of fact 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.
11. 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.
12. Nothing contained herein shall be construed to authorize the Commission to change any of the provisions of the Zoning Code or zoning district boundary. The concurring vote of 4 members shall be necessary to reverse any order, requirement, decision or determination of the Building Commissioner or to decide in favor of the applicant any matter upon which the Commission is authorized to act.
13. Additional duties of the Commission are also outlined in the Zoning Code and the Illinois Municipal Code.

#### **18.04 SPECIAL ZONING COMMISSION**

The Commission shall serve as a special zoning commission whenever a text amendment is proposed to the Zoning Code.

#### **18.05 MEETINGS**

All meetings of the Commission shall be held at the call of the Chairperson and at such other times as the Commission and/or Village Board may determine. The presence of 4 members shall be necessary for a quorum. All meetings shall be open to the public. The Chairperson or Acting Chairperson may administer oaths and compel the attendance of witnesses. The Commission shall keep minutes of its proceedings, keep record of its examinations and other official actions, prepare findings of fact 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 borne by the

Village.