

ORDINANCE NO. 01 - 05

**ORDINANCE CREATING A
PLANNING AND ZONING COMMISSION
FOR THE VILLAGE OF EAST DUNDEE**

WHEREAS, the corporate authorities of the Village have determined that it is advisable, necessary and in the public interest that the Village approve the creation of a combined Planning and Zoning Commission for the Village of East Dundee.

NOW THEREFORE BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:

Section One. That the Village of East Dundee Zoning Ordinance, Article XII, **Administration and Enforcement**, Section C., **The Zoning Board of Appeals**, 1. **Membership**, is hereby deleted in its entirety. In its place the following language shall be substituted:

1. **Membership.**

A Zoning Board of Appeals is hereby established and its membership shall be as set forth in Chapter 21, **Planning and Zoning Commission.**

Section Two. That the Municipal Code of the Village of East Dundee, Chapter 21, **Village Planning**, Section 21.01, **Plan Commission Creation**, is hereby deleted in its entirety, and in its place the following shall be substituted:

Section 21.01:

The Plan Commission the Village of East Dundee is hereby established and its membership shall be as set forth in Chapter 21, **Planning and Zoning Commission.**

Section Three. That the Municipal Code of the Village of East Dundee, Chapter 39, **Historical District**, Section 39.03, **Historic Commission**, subsections (a) through and including subsection (e) are hereby deleted in their entirety. Subsections (f) and (g) are hereby re-designated subsections (b) and (c). Subsection (a), **Creation**, is hereby amended to read as follows:

- (a) **Creation.** That the Village of East Dundee Historic Commission is hereby created and its membership shall consist of the members of the Planning and Zoning Commission as set forth in Chapter 21, **Planning and Zoning Commission**.

Section Four. That the following be adopted as Chapter 21, **Planning and Zoning Commission for the Village of East Dundee** as follows:

Chapter 21

SECTION:

21-1-1:	Organization
21-1-2:	Plan Commission, Zoning Board of Appeals References
21-1-3:	Duties of the Commission
21-1-4:	Special Zoning Commission
21-1-5:	Meetings

21-1-1: 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 and those duties assigned by Village ordinance to the Historic Commission. When used in this Chapter 21, "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 chairman and eight (8) members to be appointed by the President with the advice and consent of the Village Board. The Chairman shall be appointed annually from the members of the Commission by the President with the advice and consent of the Board of Trustee. Annually, the Commissioners shall elect one of its own to serve as vice chairman.

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: **Three (3)** for two years; **Two (2)** for three years; and **Four (4)** for four years. Successors to each member so appointed shall serve four (4) 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.

F. Compensation. Commissioners shall receive compensation at the rate as set forth by the Village Board from time to time.

21-1-2: 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 and/or the Historic Commission shall mean the Planning and Zoning Commission.

21-1-3: 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 East Dundee. 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 1½ 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 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 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 perform those duties and functions assigned by Chapter 39 of the Municipal Code to the Historic Commission.
5. 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.

6. To hear appeals from any order, requirement, decision, or determination of the Building Commissioner or Village Administrator, relating to the East Dundee Zoning Ordinance 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 triplicate, specifying the grounds thereof, in the office of the Village Clerk, who shall transmit forthwith one copy to the Building Commissioner, one copy to the Village Administrator, and one copy to the Chairman of the Commission. The Village Administrator shall forthwith transmit to the Chairman of the Commission 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 Commission or Village Administrator 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 Village Administrator 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 Village Administrator.

7. To recommend to the Village Board after holding a public hearing on application for variations from the strict enforcement of any provisions of the East Dundee Zoning Ordinance in accordance with the rules and standards set forth therein.
8. To recommend to the Village Board, after holding a public hearing, on applications for special uses listed in each of the several zoning districts.
9. 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 East Dundee Zoning Ordinance.
10. To recommend to the Village Board, after holding a public hearing, on petitions for amendment of the provisions of the East Dundee Zoning Ordinance and the boundary lines of zoning districts established therein.

11. 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 fact 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.
12. To file immediately in the office of the Village Clerk every rule, order, requirements, decision, or determination of the Commission after any meeting or hearing, which shall be a public record.
13. Nothing contained herein shall be construed to authorize the Commission to change any of the provisions of the East Dundee Zoning Ordinance or district boundary lines established hereby. The concurring vote of four (4) members shall be necessary to reverse any order, requirement, decision, or determination of the Village Administrator or to decide in favor of the applicant any matter upon which the Commission is authorized to act.
14. Additional duties of the Commission are also outlined in the East Dundee Zoning Ordinance, Subdivision Ordinance, Historical District Ordinance, this Code, and the Illinois Municipal Code.

21-1-4: SPECIAL ZONING COMMISSION

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

21-1-5: MEETINGS

All meetings of the Commission shall be held at the call of the Chairman and at such other times as the Commission and/or Village Board may determine. The presence of a majority of the members then holding office shall be necessary for a quorum. All meetings shall be open to the public. The Chairman or Acting Chairman 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.

Section Five. Severability. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

Section Six. Repeal. All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section Seven. Publication. This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

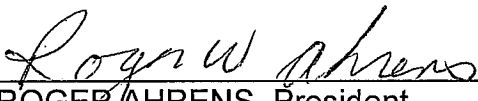
Adopted this 4th day of June 2001, pursuant to a roll call vote as follows:

AYES: Szalla, Zaeske, Arnone, Ruffulo, Bartels, Schock.

NAYES: None.

ABSENT: None.

Approved by me this 4th day of June, 2001.



ROGER AHRENS, President

Published in pamphlet form this 7th day of June 2001, under the authority of the President and Board of Trustees.

ATTEST:


JANE THEIS, Village Clerk

Recorded in the Village Records on June

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