

Chapter 21

COMBINED PLANNING AND ZONING COMMISSION

Latest Revision: 1-10-11 (11-01)

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21.01 COMBINED PLANING AND ZONING COMMISSION. (11-01)

a) Creation. There is hereby created a Combined Planning and Zoning Commission to be known as the City of DeKalb Planning and Zoning Commission whose purpose it shall be to prepare a Comprehensive Plan for the guidance, development or redevelopment of the City of DeKalb and contiguous territory not more than one and one-half miles beyond the corporate limits and not included within any other municipality and to take action on certain appeals and variances, as provided for in Chapter 23, "Unified Development Ordinance," of this Municipal Code. (11-01)

b) Membership. The Planning and Zoning Commission shall consist of seven (7) members appointed by the Mayor, on the basis of their particular fitness for their duty on said Commission, and subject to the approval of the City Council. Members of the Planning and Zoning Commission shall reside within the municipality or within the territory contiguous to the municipality and not more than one and one-half miles beyond the corporate limits and not included within any other municipality. No more than one member at any particular time shall reside outside the corporate boundaries. The chairman shall be appointed by the Mayor with the advice and consent of the City Council for a term of two (2) years. (05-38, 06-41, 11-01)

c) Terms of Office. The terms of office for a member of the Planning and Zoning Commission shall be five (5) years with at least one (1), but not more than two (2) member's term expiring June 30 each year of a five (5) year consecutive period. No members shall serve for more than ten (10) consecutive years except when a vacancy has been created by the resignation or death of an appointed member of the Planning and Zoning Commission. In the event of the death or resignation of a duly appointed commissioner, an appointment of a new member shall be made. If the remainder of the unexpired term is two (2) years or less, the newly appointed commissioner shall be entitled to two (2) full consecutive five (5) year terms. Should the remainder of the unexpired term exceed two (2) years, then the remainder of the unexpired term, shall be considered as part of the first term of the newly appointed commissioner. No commissioner shall be allowed to serve more than twelve (12) consecutive years regardless of the circumstances of appointment. (88-92, 99-14, 06-41, 11-01)

d) Code of Ethics. Planning and Zoning Commission members shall abide by a code of ethics as follows: (03-18, 11-01)

1. Members shall exercise impartial and independent judgment in their roles as advisors to the City

Council.

2. Members shall be adequately prepared to render thorough and diligent service and to fairly apply facts and information to the decision at hand.

3. Members shall disclose all direct personal financial interest in any proposal, project or development before the Commission and indicate any personal financial benefit that could result from a decision made by the commission. When concerned that there is a potential appearance of a conflict of interest or a public perception of conflict of interest the Commissioner should recuse him/herself from the particular proposal. When in doubt, the Commissioner may seek advice, for example, from the City Attorney, Planning Staff, other Commission members, or others to determine if a conflict or public perception of conflict might exist.

4. Members shall not seek nor accept gifts or favors under circumstances in which it could be reasonably inferred that the gifts or favors could influence the Commissioner’s decisions or actions.

5. Members shall not use confidential information acquired in the course of their duties to further a personal financial interest and that any information available under the “FOIA,” Freedom of Information Act shall *not* be viewed as confidential.

6. Members shall refrain from deliberating and voting on any petition for annexation, rezoning, variance, special use permit, appeal of a zoning decision or subdivision plan in which the Commissioner has in the last 365 days participated in a personal capacity as an advisor, director, board member or paid advocate. This restriction shall not apply to a Commissioner’s participation in a City-sponsored Board or Committee charged with advising the Commission or City Council on a particular matter. (07-49, 11-01)

7. Members shall avoid discussions with parties having financial interest or their representatives regarding a specific request for an annexation, rezoning, variance, special use permit or subdivision approval that is either before the Commission, or is intended to be presented to the Commission, unless said discussions occur in a public meeting. This shall not apply to discussion with City Staff members. (07-49)

8. Members shall not make any statements of position (outside of Planning and Zoning Commission meetings) on matters before the Commission until after the item(s) has been presented to the Commission and a Commission recommendation has been made on the item. (07-49)

e) **Removal.** Planning and Zoning Commission members may be removed from appointed office under the provisions of 65 ILCS 5/3.1-35-10. (03-18, 11-01)

21.02 POWERS AND DUTIES.

The Planning and Zoning Commission shall have the following powers and duties:

a) To prepare and recommend to the Council a comprehensive plan for the present and future development or redevelopment of the City of DeKalb and contiguous unincorporated territory not more than one and one-half miles beyond the corporate limits of the City and not included in any other municipality. Such plan may be adopted in whole or in separate geographical or functional parts, each of which, when adopted shall be the official comprehensive plan or part thereof, of the City of DeKalb. Such plan shall be advisory except as to such part thereof as has been implemented by ordinances duly enacted by the Council. All requirements for public hearing, filing of notice of adoption with the County Recorder of Deeds and filing of the plan and ordinances with the City Clerk shall be complied with as provided for by law.

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To provide for the health, safety comfort and convenience of the inhabitants of the City of DeKalb and contiguous territory such plan or plans shall establish reasonable standards of design for subdivisions and for resubdivisions of unimproved land and of areas subject to redevelopment in respect to public improvement as herein defined and shall establish reasonable requirements governing the located, width, course and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, storm water drainage, water supply and distribution, sanitary sewers and sewage collection and treatment. The requirements specified herein shall become regulatory only when adopted by ordinance.

b) To designate land suitable for annexation to the City and the recommended zoning classification for such land upon annexation.

c) To recommend to the Council from time to time, such changes in the Comprehensive Plan or any part thereof, as may be deemed necessary.

d) To prepare and recommend to the Council, from time to time, plans and/or recommendations for specific improvements to improve the official Comprehensive Plan.

e) To give aid to the officials of the City charged with the direction of projects for improvement embraced within the official plan, or parts thereof; to further the making of such improvement and generally to promote the realization of the official Comprehensive Plan.

f) To arrange and conduct any form of publicity relative to its activities for the general purpose of public understanding.

g) To cooperate with municipal or regional planning commissions and other agencies or groups to further the local planning program and to assure harmonious and integrated planning for the area.

h) To take action on certain appeals and variances, as provided for in Chapter 23, “Unified Development Ordinance,” of this Municipal Code. (11-01)

i) To exercise such other powers germane to the powers granted under authority of the Illinois Municipal Code as may be conferred by the Council.

21.03 LAND SUBDIVISION OR RESUBDIVISION AND THE OFFICIAL MAP.

At any time or times, before or after the formal adoption of the official Comprehensive Plan by the Council, an official map may be designated by ordinance, which may consist of the whole area included within the official comprehensive plan, or one or more separate geographic or functional parts and may include all or any part of the contiguous or unincorporated area within one and one-half miles from the corporate limits of the City of DeKalb. All requirement for public hearing, filing of notice of adoption with the County Recorder of Deeds and filing of the plan and ordinances, including the official map, with the City Clerk shall be complied with as provided for by law. No map or plat of any subdivision or resubdivision presented for record affecting land within the corporate limits of the City of DeKalb or within contiguous territory which is not more than one and one-half miles beyond the corporate limits shall be entitled to record or shall be valid unless the subdivision shown thereon provides for standards of design and standards governing streets, alleys, public ways, ways for public service facilities, street lights, public grounds, size of lots to be used for residential purposes, storm and flood water runoff channels and basins, water supply and distribution, sanitary sewers, and sewage collection and treatment, in conformity with the applicable requirements of the ordinances, including the official map.

21.04 IMPROVEMENTS.

The City Clerk shall furnish the Planning and Zoning Commission, for its consideration, a copy of all ordinances, plans and data relative to public improvement of any nature. The Planning and Zoning Commission may report, in relation thereto, if it deems a report necessary or advisable, for the consideration of the City Council. (11-01)

21.05 APPEALS AND VARIANCES.

The Planning and Zoning Commission shall hear certain appeals and variances in accordance with the procedures set forth in Chapter 23, “Unified Development Ordinance,” Article 18, “Appeals and Variances.” No decision of the Commission on appeals and/or variances shall be subject to review, reversal or modification by the City Council, but shall be subject to judicial review, pursuant to the provisions of the Illinois Code of Civil Procedure concerning Administrative Review Law. (11-01)

21.06 COMMISSION EXPENDITURES.

The City Manager, or his designee, shall appoint such staff to provide support and secretarial services to the Commission as may be necessary from time to time. (11-01)

If the Plan Commission shall deem it advisable to secure technical advice or services, it may be done upon authority from the Council and appropriations by the Council therefor.