

**VILLAGE OF MAPLE PARK**

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**ORDINANCE NO. 2021-12**

**AN ORDINANCE AMENDING TITLE 3, "BOARDS AND  
COMMISSIONS," OF THE MAPLE PARK VILLAGE  
CODE**

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**ADOPTED BY  
THE BOARD OF TRUSTEES  
OF THE  
VILLAGE OF MAPLE PARK**

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Published in pamphlet form by authority of the Board of Trustees of the Village of Maple Park,  
Kane and DeKalb Counties, Illinois, this 1st day of June, 2021.

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**ORDINANCE NO. 2021-12**

**AN ORDINANCE AMENDING TITLE 3, "BOARDS AND COMMISSIONS," OF THE MAPLE PARK VILLAGE CODE**

**WHEREAS**, the Village of Maple Park, DeKalb and Kane Counties, Illinois is a duly organized and existing municipality created under the provisions of the laws of the State of Illinois; and,

**WHEREAS**, the President and Board of Trustees of the Village of Maple Park believe it is in the best interest of the health, safety, and welfare of its citizenry to amend the text of the Municipal Code of the Village to combine the Plan Commission and the Zoning Board of Appeals.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Trustees of the Village of Maple Park as follows:

**SECTION 1.** That Title 3 of the Maple Park Village Code shall be deleted in its entirety and replaced with the following:

**TITLE 3  
BOARDS AND COMMISSIONS**

**CHAPTER 1  
PLANNING AND ZONING COMMISSION**

**SECTION:**

**3-1-1: Commission Established**

**3-1-2: Membership**

**3-1-3: Terms of Office**

**3-1-4: Vacancies**

**3-1-5: Compensation**

**3-1-6: Meetings; Organization**

**3-1-7: Duties**

**3-1-1: COMMISSION ESTABLISHED:**

A combined Planning and Zoning Commission is hereby created for the Village of Maple Park to carry out the duties of a plan commission and zoning board of appeals, under the authority of the Illinois Municipal Code, 65 ILCS 5/11-14-4 *et seq.* Any ordinance, code, or regulation of the Village or State statutes that reference the plan commission and/or zoning board of appeals shall mean the combined Planning and Zoning Commission.

### **3-1-2: MEMBERSHIP:**

A. Composition: The Planning and Zoning Commission shall consist of seven (7) members, one of whom shall be the chairman.

B. Appointment: Members of the Planning and Zoning Commission shall be appointed by the Village President, subject to the approval of the Board of Trustees.

C. Residency: Members of the Planning and Zoning Commission shall reside within the Village or within territory contiguous to the Village, not more than one and one-half (1<sup>1</sup>/<sub>2</sub>) miles beyond the corporate limits and not included within any other municipality.

### **3-1-3: TERMS OF OFFICE:**

Of the seven (7) appointed members, three (3) shall serve for a period of five (5) years, three (3) for a period of four (4) years, and one for a period of three (3) years. Thereafter, the members of the Planning and Zoning Commission shall serve for a term of five (5) years, provided that the terms shall be staggered as provided by statute.

### **3-1-4: VACANCIES:**

All vacancies occurring in the Planning and Zoning Commission shall be filled by appointment of the Village President, subject to confirmation of the Board of Trustees, for the remainder of the unexpired term in the same manner as original appointments.

### **3-1-5: COMPENSATION:**

All members of the commission shall serve without compensation except that, if the Board of Trustees deems it advisable, the secretary may receive such compensation as may be fixed from time to time by said Board of Trustees, and provided for in the appropriation ordinance.

### **3-1-6: MEETINGS; ORGANIZATION:**

A. Immediately following their appointment, the members of the Planning and Zoning Commission shall meet, organize, elect such officers as it may deem necessary, and adopt and later change or alter, rules and regulations of organization and procedure consistent with Village ordinances and State laws.

B. Four (4) members of the Planning and Zoning Commission shall be required to establish a quorum.

C. The chairman of the Planning and Zoning Commission shall have the right to vote.

### **3-1-7: DUTIES:**

A. The Planning and Zoning Commission shall keep written records of its proceedings, which shall be open at all times to public inspections.

B. The Planning and Zoning Commission shall also file an annual report with the Village President and Board of Trustees setting forth its transactions and recommendations.

C. Meetings:

1. It shall be the duty of the Planning and Zoning Commission to hear and decide any appeal of any decision, order or interpretation by the officer whose duty it is to enforce this zoning ordinance, and it shall have such other powers and duties as may be delegated to it by statute or ordinance. Provided that it shall have the power to reverse any decision of such officer on a concurring vote of four (4) members.
2. All meetings of the Planning and Zoning Commission shall be held at the call of the chairman and at such other times as the Planning and Zoning Commission may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Planning and Zoning Commission shall be open to the public. The Planning and Zoning Commission shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the board shall immediately be filed in the office of the Planning and Zoning Commission and shall be a public record.
3. An appeal to the Planning and Zoning Commission may be brought by any person, firm, or corporation, or by an officer, department, board, or bureau of the Village of Maple Park affected by a decision of the zoning code official. Such appeal shall be taken within such time as shall be prescribed by the Planning and Zoning Commission by general rule, by filing with the Planning and Zoning Commission a notice of appeal and specifying the grounds thereof. The Board of Trustees shall forthwith transmit to the Planning and Zoning Commission all the papers constituting the record upon which the action appealed from was taken.
4. An appeal stays all proceedings in furtherance of the action appealed from, unless the board of trustees certifies to the Planning and Zoning Commission after the notice of appeal has been filed with them that by reason of facts stated in the certificate a stay would in their opinion cause imminent peril to life or property in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Planning and Zoning Commission, or by a court of record on application upon notice to the Zoning Code Official and on due cause shown.

The Planning and Zoning Commission shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon the hearing, any party may appear in person, or by agent or by attorney.

D. Jurisdiction: The Planning and Zoning Commission shall not have the power to change the classification of property as shown on the "zoning district map", nor to make any changes in the regulations of this title, but shall have the following powers only:

1. To accept from time to time such rules and regulations as may be deemed necessary to carry into effect the powers given the Planning and Zoning Commission pursuant to the provisions of this title;
2. To interpret the provisions of this title and to hear appeals and make recommendations where it is alleged there is an error in any order, requirement, decision, or determination made by the zoning code official in the enforcement of this title;

3. To recommend varying the provisions of this title in specific cases in such a way as to carry out the intent and purpose of the plan as shown upon the map fixing the several districts accompanying and made a part of this title when the street layout actually on the ground varies from the street layout as shown on the map aforesaid;
4. To recommend upon appeal, whenever a property owner can show that a strict application of the terms of this title relating to the use, construction or alteration of buildings or structures or the use of land will impose upon him unusual and practical difficulties or particular hardship, such variations of the strict application of the terms of this title as are in harmony with its general purposes and intent, but only when the Planning and Zoning Commission is satisfied that granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variation from the regulations and criteria as established by this title, and at the same time the surrounding property will be properly protected;
5. To recommend permitting public utility and public service uses and structures in any district when found to be necessary for the public health, convenience, or welfare.
6. To hear applications for amendments, variations and special uses and thereafter submit reports of findings and recommendations thereon to the board of trustees in the manner prescribed in this chapter for amendments and special uses;
7. To initiate, direct and review from time to time, studies of the provisions of this title, and to make reports of its recommendations to the board of trustees not less frequently than once each year; and
8. To hear and decide all matters upon which it is required to pass under the Zoning Code.

**SECTION 2. Severability.** If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

**SECTION 3. Effective Date.** This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

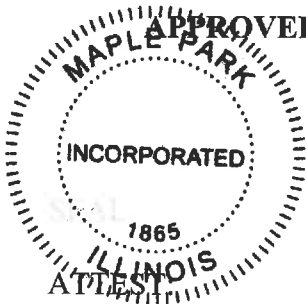
**PASSED** this 1st day of June, 2021, pursuant to roll call vote as follows:

AYES: Groezinger, Peloso, Simon, Speare, and Ward

NAYS: \_\_\_\_\_

ABSENT: Rebone

**APPROVED** this 1st day of June, 2021.



*Suzanne Fahnestock*  
Suzanne Fahnestock, Village President

*Cheryl Aldridge*  
Cheryl Aldridge, Deputy Village Clerk

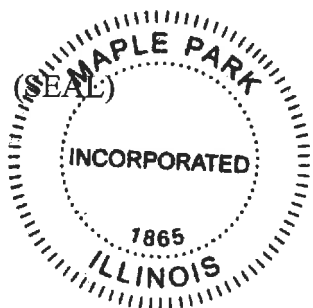
**CLERK'S CERTIFICATE**

STATE OF ILLINOIS )  
 ) SS  
COUNTIES OF DEKALB AND KANE )

I, Cheryl Aldridge, certify that I am the duly appointed and acting municipal deputy clerk of Maple Park, DeKalb and Kane County, Illinois.

I further certify that on the 1st day of June, 2021, the Board of Trustees of the Village of Maple Park passed and approved **AN ORDINANCE AMENDING TITLE 3, "BOARDS AND COMMISSIONS," OF THE MAPLE PARK VILLAGE CODE.**

Dated at Maple Park, Illinois, this 1st day of June, 2021.



*Cheryl Aldridge*  
Cheryl Aldridge, Deputy Village Clerk