

**Chapter 8**  
**BOARDS, SPECIAL COMMITTEES, COMMISSIONS and HEARING OFFICERS**  
*Amended, 726*

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**8.01 GENERAL PROVISIONS** *Amended, 411, 726*

A. **CREATION OF BOARDS, COMMITTEES AND COMMISSIONS:** The Village Board shall be empowered to create advisory boards, commissions, committees, hearing officers, and similar panels from time to time in order to further the public health, safety, comfort and welfare of the Village and its constituents by conducting research on and evaluating issues of public policy, and by making recommendations to the Village Board for further consideration. Boards, commissions, and hearing officers may be temporary (ad-hoc) or permanent in nature. All permanent boards, commissions, and hearing officers shall be created by ordinance and shall function in accordance with the provisions of this Chapter. Temporary committees may be created by the Village Board at any time for the consideration of any particular question or matter, and need not conform with all of the provisions of this Chapter except to comply with other appropriate State laws or Village ordinances, such as the Open Meetings Act. Members of temporary committees shall be filled by appointment by the President with the advice and consent of the Village Board. On the acceptance of a final report from such a special committee, said committee shall stand discharged without further vote or action by the Village Board unless otherwise provided for. All agendas, minutes, reports, communications, petitions, actions and other papers and transactions of all boards, commissions, committees, and hearing officers shall be filed with the Village and retained in accordance with Village ordinances and procedures as well as State law.

B. **STAFF AND OTHER LIAISONS:** The President shall designate the Village employee(s) who shall act as staff liaisons to boards, commissions, committees, and hearing officers. The President may also arrange for the attendance of other Village consultants or officials at meetings for technical advice and assistance as required. Such staff liaisons, consultants or other officials may attend and participate in the discussion, but shall not have a vote. The Village staff shall be responsible for arranging secretarial/clerical support and other resources for boards, committees, commissions, and hearing officers and their meetings, unless otherwise provided for in this Chapter.

C. **MEETINGS AND AGENDAS:** All meetings of boards, commissions, committees, and hearing officers shall be open to the public and shall be held in accordance with the Open Meetings Act and procedures of the Village, including but not limited to building access and use, meeting set-up and mail delivery. The chairperson or hearing officer, as the case may be, shall be responsible for the preparation of meeting agendas. Meetings may be convened on an as-called basis for boards, committees, commissions, and hearing officers that do not have a regular meeting schedule. Special meetings for boards, commissions, and hearing officers that have a regular schedule may be called as required, provided that proper notice of such meetings

is given and the meetings are held in accordance with the Open Meetings Act. A quorum of the members shall be required to conduct official business for boards, commissions, and committees. If a quorum is not available, a smaller number of members may convene and have discussion, but no formal action can occur nor recommendations be made except to set a new meeting date, time and place. Meetings may be canceled or rescheduled due to lack of a quorum or lack of business to discuss. The chairperson or hearing officer, as the case may be, shall be responsible to ensure that meetings are conducted with decorum, and in accordance with the principles of Robert's Rules of Order (except where other public hearing procedures are appropriate or required), although formalities may be waived. Minutes of each meeting of all boards, commissions, committees, and hearing officers shall be made and kept, which shall be a record of the proceedings, official acts and correspondence of said meeting.

D. COMPENSATION: Members and officers shall receive compensation at the per hearing rate as determined from time to time by the Village Board.

E. PURCHASES AND SPENDING RECOMMENDATIONS: Unless otherwise provided for in this Chapter, no board, commission, committee or hearing officer, or any of its members, may purchase, order, contract for or otherwise commit the Village to purchase a product or service. Only the Village Board or President may approve expenditures. Members and officers who violate this policy may be held personally liable by the Village for payment of unauthorized expenses. Boards, commissions, committees, and hearing officers may make budget and spending recommendations to the Village Board, but final decisions in relation to allocation, budgeting and spending of funds shall remain with the Village Board. The Village will bear the administrative expense of the functions of boards, commissions, committees, and hearing officers, and such expenditures should therefore be processed through Village staff to the greatest extent possible. However, miscellaneous expenses incurred by any members or officers in the performance of official duties will be reimbursable in accordance with Village financial policies and procedures.

F. VACANCIES AND SUCCESSORS: In the event of a vacancy due to the resignation, loss of qualification, death, inability to serve or removal of a member of a board, committee, commission, or hearing officer, said vacancy shall be filled by appointment as provided for in this Chapter. The successor of each member or officer so appointed shall serve for a full term, or for the remainder of any applicable remaining unexpired term, as the case may be.

G. ATTENDANCE POLICIES:

1. It is essential that individuals appointed to boards, commissions, committees, and as hearing officers regularly attend and participate in the meetings of their respective panels in order for the business of the Village to operate in an orderly and efficient manner. Wherever practical, members and officers should give advance notice of absences. An excused absence shall be considered to be any absence where the chairperson or staff liaison is notified at least 6 hours in advance of a meeting that the member is unable to attend said meeting. An unexcused absence shall be considered to be any absence where no communication is given to the chairperson or staff liaison prior to the meeting. Any board, commission or committee member or hearing officer who fails to attend 3 consecutive meetings of his/her respective panel due to unexcused absences or without a valid rea-

son, or fails to attend 75 percent of the total of all of the meetings of his/her panel that are scheduled or called during any 1 fiscal year of the Village, may be considered to have abandoned his/her appointment unless otherwise provided by law. Such person's office may be declared vacant and the member removed by the President with the advice and consent of the Trustees. If any member or officer shall accumulate more than 3 excused absences within any 1 fiscal year, that member may be required to appear before the Village Board to show cause as to why the position should not be declared vacant and the member removed by the President with the advice and consent of the Trustees.

2. Rules for Attendance at Meetings via Audio or Video Conference: In addition to holding meetings pursuant to the Open Meetings Act, 5 ILCS 120/1 *et seq.*, meetings held by any board, commission, or hearing officer of the Village shall be subject to the following rules:
  - a. A quorum of the board/commission shall be physically present at the location of an open or closed meeting.
  - b. Provided a quorum is present, a member may be allowed to attend the meeting by audio or video conferencing.
  - c. Any member who wishes to be considered present at a meeting by audio or video conference may make such a request to the board/commission by notifying the Clerk prior to the meeting, unless advance notice is impractical, that the member cannot physically attend the meeting for one of the following reasons:
    - I. Personal illness or disability;
    - II. Employment purposes or Village business; or
    - III. A family or other emergency.
3. An affirmative vote by a majority of the board/commission may allow the member to attend a meeting as provided above.
4. The secretary shall record in the minutes of every meeting the members physically present, absent and present by audio or video conference.

**8.02 ARCHITECTURAL REVIEW COMMISSION** *Amended, 482, 480*

A. INTENT AND PURPOSE: The Architectural Review Commission ("Commission" for purposes of this Section) is created to promote and maintain the high character of development in the Village; to preserve and protect the public health, safety, comfort and welfare by enhancing the value of the real estate within the Village from impairment or destruction of value, appearance and use; and to encourage the most appropriate use of land within the Village. The Commission shall encourage and promote accessibility, attractiveness and compatibility of new buildings and developments, and avoid excessive uniformity, dissimilarity, inappropriate-

ness or poor quality of design in the exterior appearances of buildings which tend to impair property values and the taxable value of real property in such areas, as well as other harmful effects.

The Commission shall review all proposed business, commercial, industrial, single and multiple family dwelling buildings, developments and additions, including decks, patios, fences and all other appurtenances, and also all proposed planned unit developments and proposed uses for open space and public lands, including schools, libraries, fire stations, park and other public uses of whatever nature.

B. MEMBERSHIP, QUALIFICATIONS AND TERMS OF OFFICE: The Commission shall consist of five commissioners appointed by the President with the advice and consent of the Village Board. At least one Commissioner shall have an architectural design background and at least one Commissioner shall be a local business owner/operator. All Commissioners shall serve staggered three-year terms. However, in the event of a vacancy, the position shall be filled only for the unexpired term of the membership so vacated. The term of each Commissioner shall expire April 30 of the year of the expiration of his/her respective term of office. The Village Board shall have the power to remove any Commissioner at any time for any reason or for no reason at all.

C. CHAIRPERSON: One of the commissioners shall be designated by the President, with the advice and consent of the Village Board, as chairperson of the Commission, and shall remain as chairperson until a successor is appointed. In the absence of the chairperson, the Commissioners in attendance shall designate an acting chairperson for that meeting.

D. MEETINGS AND NOTIFICATION OF ADJACENT PROPERTY OWNERS: All meetings of the Commission shall be special meetings held on a monthly basis on a day and time determined by the Commission. Notice of all meetings shall be provided in compliance with the Illinois Open Meetings Act (5 ILCS 120/1, et. seq.). A sign provided by Village staff, stating the date and time of the meeting shall also be posted on the subject property by the petitioner at least 48 hours prior to the meeting. *Amend, 599.*

E. PROCEDURAL RULES: The Commission shall have the authority to adopt procedural rules for the conduct of its meetings consistent with the provisions of this Code and Village ordinances.

F. POWERS AND DUTIES: The Commission shall have the following powers and duties and such other powers as the Village Board may direct from time to time:

1. Consult with and advise the Village Board regarding all matters within its jurisdiction.
2. Review and recommend for acceptance, modification or rejection of submitted proposed building and development plans that relate to the following, but not limited to the following: exterior architectural design, building arrangement, height and appearance, color and texture or the facilities, and similar matters, including aesthetic factors.
3. Make recommendations regarding advisable amendments to existing

codes, ordinances and regulations of the Village.

4. Review, recommend and accept any new and or modifications to owners or tenant association covenants regarding all matters within the Village.
5. Request from the Village Board such technical and professional assistance as may be desirable for the operation of this Commission.

G. **ARCHITECTURAL STANDARDS FOR REVIEW:** The Commission shall consider an application upon receipt of plans, drawings, site layout plans, specifications, architectural renderings or other similar documentation regarding a proposed building(s) or development(s) by which the same can be reasonably evaluated. Sufficient copies of all such documentation shall be required to be submitted by the applicant in order to comply with this provision. The Commission shall review any such application within 30 days from the date of referral, if possible. In review of applications as submitted, the Commission shall give consideration to the architectural review design criteria found in the Building Code.

H. **APPLICANT’S OPPORTUNITY FOR COMMENT:** Any applicant desiring to rebut or comment upon the findings and recommendations of the Commission may do so by submitting its rebuttal or comments in writing to the Commission for its consideration. After completing the internal appeal to the Commission, the decisions of the Commission may be appealed to the Village Board. Appeals to the Village Board must be requested by submitting rebuttal or comments in writing to the Village at least 10 days prior to the Village Board meeting at which the applicant wishes to be heard. Any such applicant may, in addition, submit any oral comments or rebuttal directly to the Village Board at the meeting.

I. **MINOR REVIEW:** If the chairperson determines that a proposed addition or modification to a building or structure is compatible with the surrounding area and that the architectural design is not substantially inferior or different so as to impact the marketability or property values of existing properties in the immediate area, then the chairperson may waive referral to the Commission. In such case, the chairperson is authorized to act on behalf of the Commission.

J. **CONFLICT OF INTEREST:** No commissioner shall participate in the review of any work of which he or she or any partner or professional associate is the author or in which she or he has any direct or indirect financial interest. If such an occasion arises, the other commissioners should proceed to determine the particular matter.

### **8.03 PLANNING AND ZONING COMMISSION** *Amended 726*

#### **A. ORGANIZATION:**

1. **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.

2. **Suspension of Commission:** The Commission and its duties shall be suspended at the direction and in the discretion of the Village Administrator or, in his absence, the Village President taking into consideration the complexity of the proposed agenda items and cost effectiveness for all parties involved. During any such suspension, all Commission duties shall be carried out by the hearing officer designated in Section 8.5 of this Code.
3. **Membership:** The Commission shall consist of a chairman and six members to be appointed by motion of the Village Board. The chairman shall be appointed annually by the Village Board. Annually, the Commissioners shall elect one of its own to serve as vice-chairman. The secretary of the Commission shall be designated by the Village Board.
4. **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 the annual meeting of the Village Board.
5. **Vacancy:** Any vacancy on the Commission shall be filled in the same manner as the original appointment.
6. **Removal:** The Village Board may remove any member of the Commission for cause after a public hearing.
7. **Compensation:** Commissioners shall receive compensation at the per diem rate determined from time to time by the Village Board, for services as a Commissioner.

**B. 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 (“Plan”) of the Village of Prairie Grove. Thereafter, from time to time, the Commission may recommend changes in the 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 Plan.

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 provide for streets, alleys and public grounds in conformity with the Plan.

2. To prepare and recommend to the Village Board from time to time plans for specific improvements in the pursuance of the Plan.
3. 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.
4. To exercise such other powers, germane to the powers granted by ordinances of the Village 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 Inspector, 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 one copy to the Building Inspector and one copy to the Chairman of the Commission. The Building Inspector 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 Inspector 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 Inspector 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 Inspector.

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 several 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 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.
13. Additional duties of the Commission are also outlined in the Zoning Code, Village ordinances and the Illinois Municipal Code.

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

D. MEETINGS: All meetings of the Commission shall be held at the call of the Chairman 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 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.

E. 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.



**8.04 ECONOMIC DEVELOPMENT COMMISSION** *Ord. 375, Amended, 431, 379*

A. ESTABLISHMENT; MEMBERSHIP: It is hereby established a citizens' advisory commission which shall be known as the Prairie Grove Economic Development Commission ("Commission").

The membership of the Commission shall be composed of 4 Commissioners; residency within 1½ miles of the Village shall be required for membership. The Commissioners shall be appointed by the President with the advice and consent of the Village Board for one year terms beginning on May 1. One of the Commissioners shall be appointed chairperson by the President with the advice and consent of the Village Board.

B. PURPOSE; DUTIES: The Commission is established for the purpose of structuring sound economic development programs in the Prairie Grove area with the following duties:

1. In general, to provide recommendations to the Village Board for expansion and enhancement of the business community within the Village;
2. To recommend goals and methods for the recruitment and retention of businesses within the Village;
3. To recommend general marketing efforts the Village may undertake to help promote the public retail, commercial and industrial businesses within the Village.
4. To recommend goals for and methods of enhancing the relationship between the Village and its business community;
5. To monitor the status of business growth within the Village;
6. To continue its role in special projects and coordination of subcommittees to meet project goals and deadlines; and
7. Make its findings and recommendations to the Village Board in the manner provided herein.

C. VOLUNTEERS: The Commission is authorized to enlist the volunteer services of such other members of the community who will assist in achieving the goals of sound economic growth recognizing broad community involvement will assure broad community support.

D. MEETINGS: In addition to the requirements in Section 8.01, General Provisions, of this Chapter, the Commission shall meet no less than 4 times per calendar year. The Commission may also hold additional special meetings, as necessary, as part of its business visitation program. Village staff shall supply the Commission with program status reports during those months when the Commission is not scheduled to meet. The Commission shall make periodic reports on its progress and shall make recommendations to the Village Board regularly, but in no case not less than once every 6 months.

E. COMPENSATION: Commissioners who are not members of the Village Board shall be compensated \$50 for each meeting attended. Compensation per fiscal year shall not exceed \$250 per Commissioner unless the compensation is reimbursed to the Village, such as through development proceedings as outlined in Chapter 19 of this Code.

## **8.5 HEARING OFFICER 726**

A. PURPOSE: This Section is intended to furnish an alternative or supplemental procedure for the Village, in its discretion, to provide for hearing, determining, reviewing, and deciding matters which arise under any provision of its Zoning Code, but nothing in this Section shall be deemed to limit or prevent the use of any existing procedure available to the Village under any provision of its Zoning Code for hearing, approving or denying applications for a special use, variation, amendment or other change or modification of any such ordinance, or for hearing and deciding appeals from and reviewing any order, requirement, decision or determination made by an administrative official charged with the enforcement of any provision of the Zoning Code of the Village.

### **B. ORGANIZATION:**

1. Creation: The corporate authorities of the Village hereby establish the office of Hearing Officer.
2. Appointment: The Hearing Officer shall be appointed by the Village Board. Hearing Officers shall be appointed on the basis of training and experience which qualifies them to conduct hearings, make recommendations or findings of fact and conclusions on the matters heard and otherwise exercise and perform the powers, duties, and functions delegated in accordance with this Section. The Hearing Officer may be the Village attorney or his designee.
3. Term of Office: The Hearing Officer shall serve a five-year term except that vacancies shall be filled for the unexpired term of the office vacated. The term of each Hearing Officer shall expire April 30 of the year of the expiration of his/her term of office. Thereafter, appointments shall be made at the annual meeting of the Village Board.
4. Vacancy: Any vacancy in the office of Hearing Officer shall be filled in the same manner as the original appointment.
5. Removal: The Village Board may remove any Hearing Officer for cause after a public hearing.
6. Compensation: Hearing Officers shall receive compensation at the per diem rate determined from time to time by the Village Board, for services as a Hearing Officer.

### **C. AUTHORITY: The Hearing Officer shall have the authority to:**

1. Conduct any public hearing required to be held in connection with applications for any special use, variation, amendment or other change or modification in any provision of the Zoning Code of the Village; and
2. Hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with the enforcement of any provision of the Zoning Code

D. DUTIES: When the Hearing Officer is designated to conduct a public hearing in a matter otherwise required to be heard in accordance with the Village's Zoning Code by the Planning and Zoning Commission:

1. notice of such hearing shall be given in the same time and manner as is provided by the provisions of the Zoning Code;
2. the Hearing Officer shall exercise and perform the same powers and duties as the Planning and Zoning Commission is required to exercise and perform when conducting a public hearing in any such matter;
3. the Hearing Officer shall render a written recommendation to the Village Board within such time and in such manner and form as the corporate authorities shall require;
4. the Hearing Officer in passing upon and determining any matter otherwise within the jurisdiction of the Planning and Zoning Commission shall be governed by all of the standards, rules and conditions imposed by statute; and
5. the Hearing Officer shall exercise and perform all of the powers and duties of the Planning and Zoning Commission in the same manner and to the same effect as provided by statute, provided that:
  - a. When the Hearing Officer is passing upon an application for variation or special use and the power to determine and approve such variation or special use is reserved to the corporate authorities, then upon report of the Hearing Officer the Village may by ordinance without further public hearing adopt any proposed variation or special use or may refer it back to the Hearing Officer for further consideration, and any proposed variation or special use which fails to receive the approval of the Hearing Officer shall not be passed except by the favorable vote of 2/3 of all Village Trustees;
  - b. When the Hearing Officer is passing upon an application for variation or special use and the power to determine and approve such variation or special use is not reserved to the corporate authorities, or when the Hearing Officer is hearing and deciding appeals from or reviewing any order, requirement, decision or determination made by an administrative official charged with the enforcement of any provision of the Zoning Code of the Village,

the determination made by the Hearing Officer with respect to any such matter shall constitute a final administrative decision which is subject to judicial review pursuant to the provisions of the “Administrative Review Law,” as now or hereafter amended.

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