



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1622

Introduced 2/22/2007, by Rep. Mark H. Beaubien, Jr.

SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-12-5	from Ch. 24, par. 11-12-5
65 ILCS 5/11-12-6	from Ch. 24, par. 11-12-6
65 ILCS 5/11-12-11	from Ch. 24, par. 11-12-11

Amends the Municipal Code. Provides that a municipal ordinance designating an official map must state the size of residential lots. Provides that territory subject to an official plan or map and a municipal planning ordinance (instead of only an official plan or map) shall be exempt from any less restrictive county rules or regulations (now, the territory is only exempt from rules and regulations under a specific provision of the Counties Code relating to maps, plats, and subdivisions in counties with a population of less than 500,000 that are served by the Northeastern Illinois Planning Commission). Effective immediately.

LRB095 04281 HLH 24322 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by
5 changing Sections 11-12-5, 11-12-6, and 11-12-11 as follows:

6 (65 ILCS 5/11-12-5) (from Ch. 24, par. 11-12-5)

7 Sec. 11-12-5. Every plan commission and planning
8 department authorized by this division 12 has the following
9 planning powers and whenever in this division 12 the term plan
10 commission is used such term shall be deemed to include the
11 term planning department:

12 (1) To prepare and recommend to the corporate authorities a
13 comprehensive plan for the present and future development or
14 redevelopment of the municipality. Such plan may be adopted in
15 whole or in separate geographical or functional parts, each of
16 which, when adopted, shall be the official comprehensive plan,
17 or part thereof, of that municipality. This plan may include
18 reasonable requirements with reference to streets, alleys,
19 public grounds, and other improvements hereinafter specified.
20 The plan, as recommended by the plan commission and as
21 thereafter adopted in any municipality in this state, may be
22 made applicable, by the terms thereof, to land situated within
23 the corporate limits and contiguous territory not more than one

1 and one-half miles beyond the corporate limits and not included
2 in any municipality. Such plan may be implemented by ordinances
3 (a) establishing reasonable standards of design for
4 subdivisions and for resubdivisions of unimproved land and of
5 areas subject to redevelopment in respect to public
6 improvements as herein defined; (b) establishing reasonable
7 requirements governing the location, width, course, and
8 surfacing of public streets and highways, alleys, ways for
9 public service facilities, curbs, gutters, sidewalks, street
10 lights, parks, playgrounds, school grounds, size of lots to be
11 used for residential purposes, storm water drainage, water
12 supply and distribution, sanitary sewers, and sewage
13 collection and treatment; and (c) may designate land suitable
14 for annexation to the municipality and the recommended zoning
15 classification for such land upon annexation.

16 (2) To recommend changes, from time to time, in the
17 official comprehensive plan.

18 (3) To prepare and recommend to the corporate authorities,
19 from time to time, plans for specific improvements in pursuance
20 of the official comprehensive plan.

21 (4) To give aid to the municipal officials charged with the
22 direction of projects for improvements embraced within the
23 official plan, to further the making of these projects, and,
24 generally, to promote the realization of the official
25 comprehensive plan.

26 (5) To prepare and recommend to the corporate authorities

1 schemes for regulating or forbidding structures or activities
2 which may hinder access to solar energy necessary for the
3 proper functioning of solar energy systems, as defined in
4 Section 1.2 of The Comprehensive Solar Energy Act of 1977, or
5 to recommend changes in such schemes.

6 (6) To exercise such other powers germane to the powers
7 granted by this article as may be conferred by the corporate
8 authorities.

9 (7) For purposes of implementing ordinances regarding
10 developer donations or impact fees, and specifically for
11 expenditures thereof, "school grounds" is defined as including
12 land or site improvements, which include school buildings or
13 other infrastructure necessitated and specifically and
14 uniquely attributed to the development or subdivision in
15 question. This amendatory Act of the 93rd General Assembly
16 applies to all impact fees or developer donations paid into a
17 school district or held in a separate account or escrow fund by
18 any school district or municipality for a school district.

19 (Source: P.A. 93-330, eff. 7-24-03.)

20 (65 ILCS 5/11-12-6) (from Ch. 24, par. 11-12-6)

21 Sec. 11-12-6. An official comprehensive plan, or any
22 amendment thereof, or addition thereto, proposed by a plan
23 commission shall be effective in the municipality and
24 contiguous area herein prescribed only after its formal
25 adoption by the corporate authorities. Such plan shall be

1 advisory and in and of itself shall not be construed to
2 regulate or control the use of private property in any way,
3 except as to such part thereof as has been implemented by
4 ordinances duly enacted by the corporate authorities. At any
5 time or times, before or after the adoption of the official
6 comprehensive plan by the corporate authorities, such
7 corporate authorities may designate by ordinance an official
8 map, which map may consist of the whole area included within
9 the official comprehensive plan or one or more separate
10 geographical or functional parts, and may include all or any
11 part of the contiguous unincorporated area within one and
12 one-half miles from the corporate limits of the municipality.
13 Such map or maps shall be made a part of the ordinance, which
14 ordinance shall specifically state standard requirements of
15 the municipality relating to size of streets, alleys, public
16 ways, parks, playgrounds, school sites, other public grounds,
17 the size of lots for residential purposes, and ways for public
18 service facilities; the kind and quantity of materials which
19 shall be used in the construction of streets, and alleys; and
20 the kind and quality of materials for public service facilities
21 as may be consistent with Illinois Commerce Commission or
22 industry standards, and shall contain the standards required
23 for drainage and sanitary sewers and collection and treatment
24 of sewage. The map shall be drawn to scale, shall be reasonably
25 accurate, and shall show north point, section lines and
26 numbers, and streams.

1 Said official comprehensive plan and the ordinance or
2 ordinances including the official map shall be placed on file
3 with the Municipal Clerk and shall be available at all times
4 during business hours for public inspection. Copies of said
5 plan, all ordinances implementing the same and including the
6 official map, shall be made available to all interested parties
7 upon payment of such sum as the corporate authorities shall
8 determine to be adequate to reimburse the general fund of the
9 municipality for the cost of printing and distributing the
10 same.

11 (Source: Laws 1961, p. 2757.)

12 (65 ILCS 5/11-12-11) (from Ch. 24, par. 11-12-11)

13 Sec. 11-12-11. If a municipality has adopted an official
14 plan or map pursuant to the authority granted by this Division
15 12, the territory subject to that plan and any municipal
16 ordinance adopted pursuant to this Division 12 shall be exempt
17 from the application of any less restrictive rules or
18 regulations adopted by a County Board including, but not
19 limited to, ~~under~~ the provisions of Section 5-1042 of the
20 Counties Code.

21 (Source: P.A. 86-1475.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.