

# SB1738



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1738

Introduced 2/26/2021, by Sen. Emil Jones, III

### SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-12007

from Ch. 34, par. 5-12007

Amends the Counties Code. Removes language that provides that: if a township located within a county with a population of less than 600,000 has a plan commission and the plan commission objects to the proposed zoning of property in the unincorporated areas of the township, the township board of trustees may submit its written objections to the county board within 30 days after the submission of a proposed zoning ordinance or resolution by the County Zoning Commission to the county board; and, in such case, the county board shall not adopt zoning provisions which affect the unincorporated areas of the township, except by the favorable vote of 3/4 of all the members of the county board.

LRB102 17036 AWJ 22463 b

A BILL FOR

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 Counties Code is amended by changing  
5 Section 5-12007 as follows:

6 (55 ILCS 5/5-12007) (from Ch. 34, par. 5-12007)

7 Sec. 5-12007. Zoning commission; proposed ordinance. The  
8 county board in counties which desire to exercise the powers  
9 conferred by this Division shall provide for a zoning  
10 commission of not less than 3 nor more than 9 members whose  
11 duty it shall be to recommend the boundaries of districts and  
12 appropriate regulations to be enforced therein, such  
13 commission to be appointed by the chairman or president of the  
14 county board, subject to confirmation by the county board. The  
15 members of the zoning commission shall be compensated on a per  
16 diem basis with a mileage allowance for travel, the amounts to  
17 be determined by the county board. Such commission shall  
18 prepare a tentative report and a proposed zoning ordinance or  
19 resolution for the entire county outside the limits of cities,  
20 villages and incorporated towns which have in effect municipal  
21 zoning ordinances. After the preparation of such tentative  
22 report and ordinance or resolution, the commission shall hold  
23 hearings thereon and shall afford persons interested an

1 opportunity to be heard. A hearing shall be held in each  
2 township or road district affected by the terms of such  
3 proposed ordinance or resolution. Notice of each hearing shall  
4 be published at least 15 days in advance thereof in a newspaper  
5 of general circulation published in the township or road  
6 district in which such property is located. If no newspaper is  
7 published in such township or road district, then such notice  
8 shall be published in a newspaper of general circulation  
9 published in the county and having circulation where such  
10 property is located. Such notice shall state the time and  
11 place of the hearing and the place where copies of the proposed  
12 ordinance or resolution will be accessible for examination by  
13 interested parties. Such hearings may be adjourned from time  
14 to time. If any municipality having a zoning ordinance wishes  
15 to protest the proposed county zoning provisions for the area  
16 within one and one-half miles of its corporate limits, it  
17 shall appear at a hearing and submit in writing specific  
18 proposals to the commission for zoning such territory. If the  
19 Board of Trustees of any township located in a county with a  
20 population of less than 1,000,000 wishes to protest the  
21 proposed zoning of property in the unincorporated area of the  
22 township, it shall appear at a hearing and submit in writing  
23 specific proposals to the commission for zoning such  
24 territory. If the commission approves of such proposals they  
25 shall be incorporated within the report of the commission and  
26 its proposed ordinance.

1           Within 30 days after the final adjournment of such  
2 hearings the commission shall make a final report and submit a  
3 proposed ordinance or resolution to the county board. The  
4 county board may enact the ordinance or resolution with or  
5 without change, or may refer it back to the commission for  
6 further consideration. ~~If a township located within a county~~  
7 ~~with a population of less than 600,000 has a plan commission~~  
8 ~~and the plan commission objects to the proposed zoning of~~  
9 ~~property in the unincorporated areas of the township, the~~  
10 ~~township board of trustees may submit its written objections~~  
11 ~~to the county board within 30 days after the submission of a~~  
12 ~~proposed zoning ordinance or resolution by the County Zoning~~  
13 ~~Commission to the county board. In such case, the county board~~  
14 ~~shall not adopt zoning provisions which affect the~~  
15 ~~unincorporated areas of the township, except by the favorable~~  
16 ~~vote of 3/4 of all the members of the county board.~~ If the  
17 proposals made by a municipality as provided above in this  
18 Section are not incorporated in their entirety into the  
19 ordinance proposed to be enacted by the county board, the  
20 county board shall not enact the proposed zoning of such area  
21 within one and one-half miles of such municipality except by a  
22 three-fourths vote of all members. The zoning commission shall  
23 cease to exist, upon the adoption of a zoning ordinance or  
24 resolution for such county.

25           In the preparation of its report and proposed zoning  
26 ordinance or resolution the commission may incur such

1 expenditures as shall be authorized by the county board. The  
2 provisions of the amendatory Act of 1963 (Laws 1963, p. 297)  
3 shall apply only to the initial and original proposed county  
4 zoning ordinance and shall not apply to any subsequent  
5 amendments or revisions of such county zoning ordinance once  
6 adopted or to the supplanting of such county zoning ordinance  
7 with an entirely new zoning ordinance; provided, that any  
8 zoning ordinance or resolution heretofore enacted which  
9 excludes municipalities subject to regulation shall be amended  
10 or modified, in the manner hereinabove prescribed for original  
11 enactment, to make provision to include any such municipality.

12 Appeals from final zoning decisions of the County Board  
13 must be filed within one year unless a shorter filing period is  
14 required by another law.

15 (Source: P.A. 89-272, eff. 8-10-95.)