

104TH GENERAL ASSEMBLY**State of Illinois****2025 and 2026****HB2754**

Introduced 2/6/2025, by Rep. Nicolle Grasse

SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-13-1.1	from Ch. 24, par. 11-13-1.1
65 ILCS 5/11-13-3.1	from Ch. 24, par. 11-13-3.1
65 ILCS 5/11-13-10	from Ch. 24, par. 11-13-10
65 ILCS 5/11-13-14	from Ch. 24, par. 11-13-14
65 ILCS 5/11-13-14.1	from Ch. 24, par. 11-13-14.1
65 ILCS 5/11-13-30 new	

Amends the Zoning Division of the Illinois Municipal Code. Provides that all municipal executives, including mayors, village presidents, and chief executive officers, shall have the right to vote in all council or board decisions affecting the zoning of the municipality. In certain provisions concerning voting on zoning regulations, provides that adopting or changing a zoning ordinance requires the approval of a simple majority (rather than a two thirds majority) of the municipal executives, alderpersons, trustees, or board members.

LRB104 12031 RTM 22126 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 11-13-1.1, 11-13-3.1, 11-13-10, 11-13-14,
6 and 11-13-14.1 and by adding Section 11-13-30 as follows:

7 (65 ILCS 5/11-13-1.1) (from Ch. 24, par. 11-13-1.1)

8 Sec. 11-13-1.1. The corporate authorities of any
9 municipality may in its ordinances passed under the authority
10 of this Division 13 provide for the classification of special
11 uses. Such uses may include but are not limited to public and
12 quasi-public uses affected with the public interest, uses
13 which may have a unique, special or unusual impact upon the use
14 or enjoyment of neighboring property, and planned
15 developments. A use may be a permitted use in one or more
16 zoning districts, and a special use in one or more other zoning
17 districts. A special use shall be permitted only after a
18 public hearing before some commission or committee designated
19 by the corporate authorities, with prior notice thereof given
20 in the manner as provided in Section 11-13-6 and 11-13-7. Any
21 notice required by this Section need not include a metes and
22 bounds legal description of the area classified for special
23 uses, provided that the notice includes: (i) the common street

1 address or addresses and (ii) the property index number
2 ("PIN") or numbers of all the parcels of real property
3 contained in the area classified for special uses. A special
4 use shall be permitted only upon evidence that such use meets
5 standards established for such classification in the
6 ordinances, and the granting of permission therefor may be
7 subject to conditions reasonably necessary to meet such
8 standards. In addition, any proposed special use which fails
9 to receive the approval of the commission or committee
10 designated by the corporate authorities to hold the public
11 hearing shall not be approved by the corporate authorities
12 except by a favorable majority vote of all municipal
13 executives, alderpersons, commissioners, or trustees of the
14 municipality then holding office; however, the corporate
15 authorities may by ordinance increase the vote requirement to
16 two thirds of all alderpersons, commissioners or trustees of
17 the municipality then holding office.

18 (Source: P.A. 102-15, eff. 6-17-21.)

19 (65 ILCS 5/11-13-3.1) (from Ch. 24, par. 11-13-3.1)

20 Sec. 11-13-3.1. In municipalities of less than 500,000
21 inhabitants, no change shall be made in the zoning ordinance
22 nor shall any zoning variation be granted within 6 months
23 after the date upon which an official plan is adopted by the
24 corporate authorities unless such change in the zoning
25 ordinance or such variation is approved by a simple majority

~~two thirds~~ vote of the corporate authorities or the zoning board of appeals then holding office, as the case may be.

(Source: Laws 1967, p. 3425)

(65 ILCS 5/11-13-10) (from Ch. 24, par. 11-13-10)

Sec. 11-13-10. In municipalities of less than 500,000 population, where a variation is to be made by ordinance, upon the report of the board of appeals, the corporate authorities, by ordinance, without further public hearing, may adopt any proposed variation or may refer it back to the board for further consideration, and any proposed variation which fails to receive the approval of the board of appeals shall not be passed except by the favorable simple majority vote of ~~two thirds~~ of all municipal executives, alderpersons, or trustees of the municipality.

(Source: P.A. 102-15, eff. 6-17-21.)

(65 ILCS 5/11-13-14) (from Ch. 24, par. 11-13-14)

Sec. 11-13-14. The regulations imposed and the districts created under the authority of this Division 13 may be amended from time to time by ordinance after the ordinance establishing them has gone into effect, but no such amendments shall be made without a hearing before some commission or committee designated by the corporate authorities. Notice shall be given of the time and place of the hearing, not more than 30 nor less than 15 days before the hearing, by publishing

1 a notice thereof at least once in one or more newspapers
2 published in the municipality, or, if no newspaper is
3 published therein, then in one or more newspapers with a
4 general circulation within the municipality. In municipalities
5 with less than 500 population in which no newspaper is
6 published, publication may be made instead by posting a notice
7 in 3 prominent places within the municipality. In case of a
8 written protest against any proposed amendment of the
9 regulations or districts, signed and acknowledged by the
10 owners of 20% of the frontage proposed to be altered, or by the
11 owners of 20% of the frontage immediately adjoining or across
12 an alley therefrom, or by the owners of the 20% of the frontage
13 directly opposite the frontage proposed to be altered, is
14 filed with the clerk of the municipality, the amendment shall
15 not be passed except by a favorable simple majority vote ~~of~~
16 ~~two thirds~~ of the municipal executives, alderpersons, or
17 trustees of the municipality then holding office. In such
18 cases, a copy of the written protest shall be served by the
19 protestor or protestors on the applicant for the proposed
20 amendments and a copy upon the applicant's attorney, if any,
21 by certified mail at the address of such applicant and
22 attorney shown in the application for the proposed amendment.
23 Any notice required by this Section need not include a metes
24 and bounds legal description, provided that the notice
25 includes: (i) the common street address or addresses and (ii)
26 the property index number ("PIN") or numbers of all the

1 parcels of real property contained in the affected area.

2 (Source: P.A. 102-15, eff. 6-17-21; 102-687, eff. 12-17-21.)

3 (65 ILCS 5/11-13-14.1) (from Ch. 24, par. 11-13-14.1)

4 Sec. 11-13-14.1. Notwithstanding any other provision to
5 the contrary in this Division 13:

6 (A) The corporate authorities of any municipality may by
7 ordinance establish the position of hearing officer and
8 delegate to a hearing officer the authority to: (i) conduct
9 any public hearing -- other than a public hearing provided for
10 in Section 11-13-2 -- required to be held under this Division
11 13 in connection with applications for any special use,
12 variation, amendment or other change or modification in any
13 ordinance of the municipality adopted pursuant to this
14 Division 13; and (ii) hear and decide appeals from and review
15 any order, requirement, decision or determination made by an
16 administrative official charged with the enforcement of any
17 ordinance adopted pursuant to this Division 13.

18 (B) When a hearing officer is designated to conduct a
19 public hearing in a matter otherwise required to be heard in
20 accordance with this Division 13 by some commission or
21 committee designated by the corporate authorities of the
22 municipality: (i) notice of such hearing shall be given in the
23 same time and manner as is provided by this Division 13 for the
24 giving of notice of hearing when any such matter is to be heard
25 by some commission or committee designated by the corporate

1 authorities; (ii) the hearing officer shall exercise and
2 perform the same powers and duties as such commission or
3 committee is required to exercise and perform when conducting
4 a public hearing in any such matter; and (iii) the hearing
5 officer shall render a written recommendation to the corporate
6 authorities within such time and in such manner and form as the
7 corporate authorities shall require.

8 (C) When a hearing officer is designated to conduct a
9 public hearing in a matter otherwise required to be heard in
10 accordance with this Division 13 by the board of appeals, or
11 when a hearing officer is designated to hear and decide
12 appeals from and review any order, requirement, decision or
13 determination made by an administrative official charged with
14 the enforcement of any ordinance adopted pursuant to this
15 Division 13: (i) notice of hearing shall be given in the same
16 time and manner as is provided by this Division 13 for the
17 giving of notice of hearing when any such matter is to be heard
18 by the board of appeals; (ii) the hearing officer in passing
19 upon and determining any matter otherwise within the
20 jurisdiction of the board of appeals shall be governed by all
21 of the standards, rules and conditions imposed by this
22 Division 13 to govern the board of appeals when it passes upon
23 and determines any such matter; and (iii) the hearing officer
24 shall exercise and perform all of the powers and duties of the
25 board of appeals in the same manner and to the same effect as
26 provided in this Division 13 with respect to the board of

1 appeals, provided that:

2 1. When the hearing officer is passing upon an application
3 for variation or special use and the power to determine and
4 approve such variation or special use is reserved to the
5 corporate authorities, then upon report of the hearing officer
6 the corporate authorities may by ordinance without further
7 public hearing adopt any proposed variation or special use or
8 may refer it back to the hearing officer for further
9 consideration, and any proposed variation or special use which
10 fails to receive the approval of the hearing officer shall not
11 be passed except by the favorable simple majority vote of ~~2/3~~
12 ~~of all municipal executives, alderpersons alderperson~~ or
13 trustees of the municipality;

14 2. When the hearing officer is passing upon an application
15 for variation or special use and the power to determine and
16 approve such variation or special use is not reserved to the
17 corporate authorities, or when the hearing officer is hearing
18 and deciding appeals from or reviewing any order, requirement,
19 decision or determination made by an administrative official
20 charged with the enforcement of any ordinance adopted pursuant
21 to this Division 13, the determination made by the hearing
22 officer with respect to any such matter shall constitute a
23 final administrative decision which is subject to judicial
24 review pursuant to the provisions of the "Administrative
25 Review Law", as now or hereafter amended.

26 (D) The corporate authorities of the municipality may

1 provide general or specific rules implementing but not
2 inconsistent with the provisions of this Section, including
3 rules relative to the time and manner in which hearing
4 officers are designated to conduct public hearings and rules
5 governing the manner in which such hearings are conducted and
6 matters heard therein passed upon and determined.

7 (E) Hearing officers shall be appointed on the basis of
8 training and experience which qualifies them to conduct
9 hearings, make recommendations or findings of fact and
10 conclusions on the matters heard and otherwise exercise and
11 perform the powers, duties and functions delegated in
12 accordance with this Section. Hearing officers shall receive
13 such compensation as the corporate authorities of the
14 municipality shall provide, and any municipality may establish
15 a schedule of fees to defray the costs of providing a hearing
16 officer.

17 (F) This Section is intended to furnish an alternative or
18 supplemental procedure which a municipality in its discretion
19 may provide for hearing, determining, reviewing and deciding
20 matters which arise under any ordinance adopted by the
21 municipality pursuant to this Division 13, but nothing in this
22 Section shall be deemed to limit or prevent the use of any
23 existing procedure available to a municipality under this
24 Division 13 for hearing, approving or denying applications for
25 a special use, variation, amendment or other change or
26 modification of any such ordinance, or for hearing and

1 deciding appeals from and reviewing any order, requirement,
2 decision or determination made by an administrative official
3 charged with the enforcement of any such ordinance.

4 (Source: P.A. 102-15, eff. 6-17-21.)

5 (65 ILCS 5/11-13-30 new)

6 Sec. 11-13-30. Municipal executives to participate in
7 zoning decisions. Notwithstanding any provision of this Act,
8 all municipal executives, including mayors, village
9 presidents, and chief executive officers, shall have the right
10 to vote in all council or board decisions affecting the zoning
11 of the municipality.