



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2716

Introduced 1/10/2024, by Sen. Laura Fine

SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-13-25

Amends the Zoning Division of the Illinois Municipal Code. Provides that decisions by the corporate authorities of a municipality in regard to any petition or application for a special use, variance, rezoning, or other amendment to a zoning ordinance shall be subject to judicial review (rather than de novo judicial review as a legislative decision, regardless of whether the process in relation thereto is considered administrative for other purposes). Provides that principles of substantive and procedural process that apply in all states of the decision-making and review of zoning decisions includes protection against arbitrary or capricious action and protection against disregard of the decision-making body's own ordinances or regulations.

LRB103 34660 AWJ 64503 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 Section 11-13-25 as follows:

6 (65 ILCS 5/11-13-25)

7 Sec. 11-13-25. Actions subject to de novo review; due
8 process.

9 (a) Any decision by the corporate authorities of any
10 municipality, home rule or non-home rule, in regard to any
11 petition or application for a special use, variance, rezoning,
12 or other amendment to a zoning ordinance shall be subject to ~~de~~
13 ~~novo~~ judicial review ~~as a legislative decision, regardless of~~
14 ~~whether the process in relation thereto is considered~~
15 ~~administrative for other purposes.~~ Any action seeking the
16 judicial review of such a decision shall be commenced not
17 later than 90 days after the date of the decision.

18 (b) The principles of substantive and procedural due
19 process, including protection against arbitrary or capricious
20 action and protection against disregard of the decision-making
21 body's own ordinances or regulations, apply at all stages of
22 the decision-making and review of all zoning decisions.

23 (Source: P.A. 94-1027, eff. 7-14-06; 95-843, eff. 1-1-09.)