



## 97TH GENERAL ASSEMBLY

### State of Illinois

### 2011 and 2012

#### HB3102

Introduced 2/23/2011, by Rep. Michael W. Tryon

#### SYNOPSIS AS INTRODUCED:

65 ILCS 5/7-1-2	from Ch. 24, par. 7-1-2
65 ILCS 5/11-13-1.1	from Ch. 24, par. 11-13-1.1
65 ILCS 5/11-13-6	from Ch. 24, par. 11-13-6
65 ILCS 5/11-13-7	from Ch. 24, par. 11-13-7
65 ILCS 5/11-13-14	from Ch. 24, par. 11-13-14

Amends the Illinois Municipal Code. Provides that a notice concerning annexation, special uses, variations, or specified zoning hearings need not include a metes and bounds legal description of the property affected. Effective immediately.

LRB097 08907 KMW 49039 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 7-1-2, 11-13-1.1, 11-13-6, 11-13-7, and  
6 11-13-14 as follows:

7 (65 ILCS 5/7-1-2) (from Ch. 24, par. 7-1-2)

8 Sec. 7-1-2. (a) A written petition signed by a majority of  
9 the owners of record of land in the territory and also by a  
10 majority of the electors, if any, residing in the territory  
11 shall be filed with the circuit court clerk of the county in  
12 which the territory is located, or the corporate authorities of  
13 a municipality may initiate the proceedings by enacting an  
14 ordinance expressing their desire to annex the described  
15 territory. A person owning land underlying a highway shall not  
16 be considered an owner of record for purposes of this petition  
17 unless that person owns some land not underlying a highway  
18 proposed to be annexed in the petition for annexation. No tract  
19 of land in excess of 10 acres in area may be included in the  
20 ordinances of a municipality initiating the proceedings,  
21 however, without the express consent of the owner of the tract  
22 unless the tract (i) is subdivided into lots or blocks or (ii)  
23 is bounded on at least 3 sides by lands subdivided into lots or

1 blocks. A tract of land shall be deemed so bounded if it is  
2 actually separated from the subdivision only by the  
3 right-of-way of a railroad or other public utility or at a  
4 public highway. The petition or ordinance, as the case may be,  
5 shall request the annexation of the territory to a specified  
6 municipality and also shall request that the circuit court of  
7 the specified county submit the question of the annexation to  
8 the corporate authorities of the annexing municipality or to  
9 the electors of the unincorporated territory, as the case may  
10 be. The circuit court shall enter an order fixing the time for  
11 the hearing upon the petition, and the day for the hearing  
12 shall be not less than 20 nor more than 30 days after the  
13 filing of the petition or ordinance, as the case may be.

14 (b) The petitioners or corporate authorities, as the case  
15 may be, shall give notice of the annexation petition or  
16 ordinance, as the case may be, not more than 30 nor less than  
17 15 days before the date fixed for the hearing. This notice  
18 shall state that a petition for annexation or ordinance, as the  
19 case may be, has been filed and shall give the substance of the  
20 petition, including a description of the territory to be  
21 annexed, the name of the annexing municipality, and the date  
22 fixed for the hearing. This notice shall be given by publishing  
23 a notice at least once in one or more newspapers published in  
24 the annexing municipality or, if no newspaper is published in  
25 the annexing municipality, in one or more newspapers with a  
26 general circulation within the annexing municipality and

1 territory. A copy of this notice shall be filed with the clerk  
2 of the annexing municipality and the municipal clerk shall  
3 send, by registered mail, an additional copy to the highway  
4 commissioner of each road district within which the territory  
5 proposed to be annexed is situated. If a municipal clerk fails  
6 to send the notice to a highway commissioner as required by  
7 this subsection, the municipality shall reimburse the road  
8 district served by that highway commissioner for any loss or  
9 liability caused by that failure. Any notice required by this  
10 Section need not include a metes and bounds legal description  
11 of the territory to be annexed.

12 (c) The petitioners or corporate authorities, as the case  
13 may be, shall pay to the clerk of the circuit court \$10 as a  
14 filing and service fee, and no petition or ordinance, as the  
15 case may be, shall be filed until this fee is paid.

16 (d) No petitioner may withdraw from this petition except by  
17 consent of the majority of the other petitioners, or where it  
18 is shown to the satisfaction of the court that the signature of  
19 the petitioner was obtained by fraud or misrepresentation.

20 (e) If a State charitable institution is situated upon a  
21 tract or tracts of land that lie partly within and partly  
22 without the corporate limits of any municipality, the corporate  
23 authorities of the municipality may by resolution without any  
24 petition or proceedings required by this Article but with the  
25 written consent of the Director of the State Department having  
26 jurisdiction of the institution, annex any part or all of the

1 tracts lying without the corporate limits.

2 (f) If real estate owned by the State of Illinois or any  
3 board, agency, or commission of the State is situated in  
4 unincorporated territory adjacent to a municipality, the  
5 corporate authorities of the municipality may annex any part or  
6 all of the real estate only with the written consent of the  
7 Governor or the governing authority of the board, agency, or  
8 commission, without any petition or proceedings required by  
9 this Article by resolution of the corporate authorities. This  
10 requirement does not apply, however, to State highways located  
11 within territory to be annexed under this Article.

12 (Source: P.A. 87-533; 88-355.)

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

14 Sec. 11-13-1.1. The corporate authorities of any  
15 municipality may in its ordinances passed under the authority  
16 of this Division 13 provide for the classification of special  
17 uses. Such uses may include but are not limited to public and  
18 quasi-public uses affected with the public interest, uses which  
19 may have a unique, special or unusual impact upon the use or  
20 enjoyment of neighboring property, and planned developments. A  
21 use may be a permitted use in one or more zoning districts, and  
22 a special use in one or more other zoning districts. A special  
23 use shall be permitted only after a public hearing before some  
24 commission or committee designated by the corporate  
25 authorities, with prior notice thereof given in the manner as

1 provided in Section 11-13-6 and 11-13-7. Any notice required by  
2 this Section need not include a metes and bounds legal  
3 description of 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 to  
9 receive the approval of the commission or committee designated  
10 by the corporate authorities to hold the public hearing shall  
11 not be approved by the corporate authorities except by a  
12 favorable majority vote of all aldermen, commissioners or  
13 trustees of the municipality then holding office; however, the  
14 corporate authorities may by ordinance increase the vote  
15 requirement to two-thirds of all aldermen, commissioners or  
16 trustees of the municipality then holding office.

17 (Source: P.A. 86-330.)

18 (65 ILCS 5/11-13-6) (from Ch. 24, par. 11-13-6)

19 Sec. 11-13-6. No variation shall be made by the board of  
20 appeals in municipalities of 500,000 or more population or by  
21 ordinance in municipalities of lesser population except in a  
22 specific case and after a public hearing before the board of  
23 appeals of which there shall be a notice of the time and place  
24 of the hearing published at least once, not more than 30 nor  
25 less than 15 days before the hearing, in one or more newspapers

1 published in the municipality, or, if no newspaper is published  
2 therein, then in one or more newspapers with a general  
3 circulation within the municipality which is published in the  
4 county where the municipality is located. This notice shall  
5 contain the particular location for which the variation is  
6 requested as well as a brief statement of what the proposed  
7 variation consists. Any notice required by this Section need  
8 not include a metes and bounds legal description of the  
9 location for which the variation is requested.

10 (Source: P.A. 80-452.)

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

12 Sec. 11-13-7. In addition to the notice requirements  
13 otherwise provided for in this Division 13, in municipalities  
14 of 500,000 or more population, an applicant for variation or  
15 special use shall, not more than 30 days before filing an  
16 application for variation or special use with the board of  
17 appeals, serve written notice, either in person or by  
18 registered mail, return receipt requested, on the owners, as  
19 recorded in the office of the recorder of deeds or the  
20 registrar of titles of the county in which the property is  
21 located and as appears from the authentic tax records of such  
22 county, of all property within 250 feet in each direction of  
23 the location for which the variation or special use is  
24 requested; provided, the number of feet occupied by all public  
25 roads, streets, alleys and other public ways shall be excluded

1 in computing the 250 feet requirement. The notice herein  
2 required shall contain the address of the location for which  
3 the variation or special use is requested, a brief statement of  
4 the nature of the requested variation or special use, the name  
5 and address of the legal and beneficial owner of the property  
6 for which the variation or special use is requested, a  
7 statement that the applicant intends to file an application for  
8 variation or special use and the approximate date on which the  
9 application will be filed. If, after a bona fide effort to  
10 determine such address by the applicant for variation or  
11 special use, the owner of the property on which the notice is  
12 served cannot be found at his or her last known address, or the  
13 mailed notice is returned because the owner cannot be found at  
14 the last known address, the notice requirements of this  
15 sub-section shall be deemed satisfied. In addition to serving  
16 the notice herein required, at the time of filing application  
17 for variation or special use, the applicant shall furnish to  
18 the board of appeals a complete list containing the names and  
19 last known addresses of the owners of the property required to  
20 be served, the method of service and the names and last known  
21 addresses of the owners of the service and the names and  
22 addresses of the persons so served. The applicant shall also  
23 furnish a written statement certifying that he or she has  
24 complied with the requirements of this subsection. The board of  
25 appeals shall hear no application for variation or special use  
26 unless the applicant for variation or special use furnishes the



1 list and certificate herein required. The board of appeals  
2 shall, not more than 30 days nor less than 15 days before the  
3 hearing at which the application for variation or special use  
4 is to be considered, send written notice to the persons  
5 appearing on the list furnished by the applicant, which notice  
6 shall contain the time and place of the hearing, the address of  
7 the location for which the variation or special use is  
8 requested and the name and address of the applicant for  
9 variation or special use and a brief statement of the nature of  
10 the variation or special use requested. Any notice required  
11 herein need not include a metes and bounds legal description of  
12 the property for which the variation or special use is  
13 requested.

14 Any property owner within the above stated 250 feet notice  
15 requirement, who entered his or her appearance and objected at  
16 the board of appeals hearing, and who shows that his or her  
17 property will be substantially affected by the outcome of the  
18 decision of the board may, without proof of any specific,  
19 special, or unique damages to himself or herself or his or her  
20 property or any adverse effect upon his property from the  
21 proposed variation or special use, seek judicial relief from  
22 any order or decision of the board of appeals under the  
23 Administrative Review Law, and all amendments and  
24 modifications thereof, and the rules adopted pursuant thereto.  
25 If the board of appeals determines that the property of any  
26 such owner will not be substantially affected by the outcome of

1 the decision of the board, such owner may initiate or join in  
2 judicial review under the Administrative Review Law, as  
3 provided in this Section.

4 (Source: P.A. 84-452.)

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

6 Sec. 11-13-14. The regulations imposed and the districts  
7 created under the authority of this Division 13 may be amended  
8 from time to time by ordinance after the ordinance establishing  
9 them has gone into effect, but no such amendments shall be made  
10 without a hearing before some commission or committee  
11 designated by the corporate authorities. Notice shall be given  
12 of the time and place of the hearing, not more than 30 nor less  
13 than 15 days before the hearing, by publishing a notice thereof  
14 at least once in one or more newspapers published in the  
15 municipality, or, if no newspaper is published therein, then in  
16 one or more newspapers with a general circulation within the  
17 municipality. In municipalities with less than 500 population  
18 in which no newspaper is published, publication may be made  
19 instead by posting a notice in 3 prominent places within  
20 municipality. In case of a written protest against any proposed  
21 amendment of the regulations or districts, signed and  
22 acknowledged by the owners of 20% of the frontage proposed to  
23 be altered, or by the owners of 20% of the frontage immediately  
24 adjoining or across an alley therefrom, or by the owners of the  
25 20% of the frontage directly opposite the frontage proposed to

1 be altered, is filed with the clerk of the municipality, the  
2 amendment shall not be passed except by a favorable vote of  
3 two-thirds of the aldermen or trustees of the municipality then  
4 holding office. In such cases, a copy of the written protest  
5 shall be served by the protestor or protestors on the applicant  
6 for the proposed amendments and a copy upon the applicant's  
7 attorney, if any, by certified mail at the address of such  
8 applicant and attorney shown in the application for the  
9 proposed amendment. Any notice required by this Section need  
10 not include a metes and bounds legal description.

11 (Source: P.A. 81-705.)

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.