



Rep. Michael W. Tryon

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LRB097 08907 KMW 53002 a

1 AMENDMENT TO HOUSE BILL 3102

2 AMENDMENT NO. _____. Amend House Bill 3102 by replacing
3 everything after the enacting clause with the following:

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

1 unless that person owns some land not underlying a highway
2 proposed to be annexed in the petition for annexation. No tract
3 of land in excess of 10 acres in area may be included in the
4 ordinances of a municipality initiating the proceedings,
5 however, without the express consent of the owner of the tract
6 unless the tract (i) is subdivided into lots or blocks or (ii)
7 is bounded on at least 3 sides by lands subdivided into lots or
8 blocks. A tract of land shall be deemed so bounded if it is
9 actually separated from the subdivision only by the
10 right-of-way of a railroad or other public utility or at a
11 public highway. The petition or ordinance, as the case may be,
12 shall request the annexation of the territory to a specified
13 municipality and also shall request that the circuit court of
14 the specified county submit the question of the annexation to
15 the corporate authorities of the annexing municipality or to
16 the electors of the unincorporated territory, as the case may
17 be. The circuit court shall enter an order fixing the time for
18 the hearing upon the petition, and the day for the hearing
19 shall be not less than 20 nor more than 30 days after the
20 filing of the petition or ordinance, as the case may be.

21 (b) The petitioners or corporate authorities, as the case
22 may be, shall give notice of the annexation petition or
23 ordinance, as the case may be, not more than 30 nor less than
24 15 days before the date fixed for the hearing. This notice
25 shall state that a petition for annexation or ordinance, as the
26 case may be, has been filed and shall give the substance of the

1 petition, including a description of the territory to be
2 annexed, the name of the annexing municipality, and the date
3 fixed for the hearing. This notice shall be given by publishing
4 a notice at least once in one or more newspapers published in
5 the annexing municipality or, if no newspaper is published in
6 the annexing municipality, in one or more newspapers with a
7 general circulation within the annexing municipality and
8 territory. A copy of this notice shall be filed with the clerk
9 of the annexing municipality and the municipal clerk shall
10 send, by registered mail, an additional copy to the highway
11 commissioner of each road district within which the territory
12 proposed to be annexed is situated. If a municipal clerk fails
13 to send the notice to a highway commissioner as required by
14 this subsection, the municipality shall reimburse the road
15 district served by that highway commissioner for any loss or
16 liability caused by that failure. Any notice required by this
17 Section need not include a metes and bounds legal description
18 of the territory to be annexed, provided that the notice
19 includes: (i) the common street address or addresses and (ii)
20 the property index number ("PIN") or numbers of all the parcels
21 of real property contained in the territory to be annexed.

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

26 (d) No petitioner may withdraw from this petition except by

1 consent of the majority of the other petitioners, or where it
2 is shown to the satisfaction of the court that the signature of
3 the petitioner was obtained by fraud or misrepresentation.

4 (e) If a State charitable institution is situated upon a
5 tract or tracts of land that lie partly within and partly
6 without the corporate limits of any municipality, the corporate
7 authorities of the municipality may by resolution without any
8 petition or proceedings required by this Article but with the
9 written consent of the Director of the State Department having
10 jurisdiction of the institution, annex any part or all of the
11 tracts lying without the corporate limits.

12 (f) If real estate owned by the State of Illinois or any
13 board, agency, or commission of the State is situated in
14 unincorporated territory adjacent to a municipality, the
15 corporate authorities of the municipality may annex any part or
16 all of the real estate only with the written consent of the
17 Governor or the governing authority of the board, agency, or
18 commission, without any petition or proceedings required by
19 this Article by resolution of the corporate authorities. This
20 requirement does not apply, however, to State highways located
21 within territory to be annexed under this Article.

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

23 (65 ILCS 5/11-13-1.1) (from Ch. 24, par. 11-13-1.1)

24 Sec. 11-13-1.1. The corporate authorities of any
25 municipality may in its ordinances passed under the authority

1 of this Division 13 provide for the classification of special
2 uses. Such uses may include but are not limited to public and
3 quasi-public uses affected with the public interest, uses which
4 may have a unique, special or unusual impact upon the use or
5 enjoyment of neighboring property, and planned developments. A
6 use may be a permitted use in one or more zoning districts, and
7 a special use in one or more other zoning districts. A special
8 use shall be permitted only after a public hearing before some
9 commission or committee designated by the corporate
10 authorities, with prior notice thereof given in the manner as
11 provided in Section 11-13-6 and 11-13-7. Any notice required by
12 this Section need not include a metes and bounds legal
13 description of the area classified for special uses, provided
14 that the notice includes: (i) the common street address or
15 addresses and (ii) the property index number ("PIN") or numbers
16 of all the parcels of real property contained in the area
17 classified for special uses. A special use shall be permitted
18 only upon evidence that such use meets standards established
19 for such classification in the ordinances, and the granting of
20 permission therefor may be subject to conditions reasonably
21 necessary to meet such standards. In addition, any proposed
22 special use which fails to receive the approval of the
23 commission or committee designated by the corporate
24 authorities to hold the public hearing shall not be approved by
25 the corporate authorities except by a favorable majority vote
26 of all aldermen, commissioners or trustees of the municipality

1 then holding office; however, the corporate authorities may by
2 ordinance increase the vote requirement to two-thirds of all
3 aldermen, commissioners or trustees of the municipality then
4 holding office.

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

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

7 Sec. 11-13-6. No variation shall be made by the board of
8 appeals in municipalities of 500,000 or more population or by
9 ordinance in municipalities of lesser population except in a
10 specific case and after a public hearing before the board of
11 appeals of which there shall be a notice of the time and place
12 of the hearing published at least once, not more than 30 nor
13 less than 15 days before the hearing, in one or more newspapers
14 published in the municipality, or, if no newspaper is published
15 therein, then in one or more newspapers with a general
16 circulation within the municipality which is published in the
17 county where the municipality is located. This notice shall
18 contain the particular location for which the variation is
19 requested as well as a brief statement of what the proposed
20 variation consists. Any notice required by this Section need
21 not include a metes and bounds legal description of the
22 location for which the variation is requested, provided that
23 the notice includes: (i) the common street address or addresses
24 and (ii) the property index number ("PIN") or numbers of all
25 the parcels of real property contained in the area for which

1 the variation is requested.

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

3 (65 ILCS 5/11-13-7) (from Ch. 24, par. 11-13-7)

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

1 application will be filed. If, after a bona fide effort to
2 determine such address by the applicant for variation or
3 special use, the owner of the property on which the notice is
4 served cannot be found at his or her last known address, or the
5 mailed notice is returned because the owner cannot be found at
6 the last known address, the notice requirements of this
7 sub-section shall be deemed satisfied. In addition to serving
8 the notice herein required, at the time of filing application
9 for variation or special use, the applicant shall furnish to
10 the board of appeals a complete list containing the names and
11 last known addresses of the owners of the property required to
12 be served, the method of service and the names and last known
13 addresses of the owners of the service and the names and
14 addresses of the persons so served. The applicant shall also
15 furnish a written statement certifying that he or she has
16 complied with the requirements of this subsection. The board of
17 appeals shall hear no application for variation or special use
18 unless the applicant for variation or special use furnishes the
19 list and certificate herein required. The board of appeals
20 shall, not more than 30 days nor less than 15 days before the
21 hearing at which the application for variation or special use
22 is to be considered, send written notice to the persons
23 appearing on the list furnished by the applicant, which notice
24 shall contain the time and place of the hearing, the address of
25 the location for which the variation or special use is
26 requested and the name and address of the applicant for

1 variation or special use and a brief statement of the nature of
2 the variation or special use requested. Any notice required
3 herein need not include a metes and bounds legal description of
4 the property for which the variation or special use is
5 requested, provided that the notice includes: (i) the common
6 street address or addresses and (ii) the property index number
7 ("PIN") or numbers of all the parcels of real property
8 contained in the area for which the variation or special use is
9 requested.

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

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

1 (65 ILCS 5/11-13-14) (from Ch. 24, par. 11-13-14)

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

1 shall be served by the protestor or protestors on the applicant
2 for the proposed amendments and a copy upon the applicant's
3 attorney, if any, by certified mail at the address of such
4 applicant and attorney shown in the application for the
5 proposed amendment. Any notice required by this Section need
6 not include a metes and bounds legal description, provided that
7 the notice includes: (i) the common street address or addresses
8 and (ii) the property index number ("PIN") or numbers of all
9 the parcels of real property contained in the affected area.

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

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