

SB1605



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1605

Introduced 2/9/2017, by Sen. Chris Nybo

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-12012.1

Amends the Counties Code. Provides that a county board decision relating to a petition or application for a special use, variance, rezoning, or other amendment to a zoning ordinance is subject to de novo judicial review of the record of the proceeding. Provides that a decision on a procedural matter at any stage of the zoning decision-making and review process is subject to judicial review under the Administrative Review Law.

LRB100 08156 AWJ 18250 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 Section
5 5-12012.1 as follows:

6 (55 ILCS 5/5-12012.1)

7 Sec. 5-12012.1. Actions subject to administrative and de
8 novo judicial review; due process.

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

19 (b) A decision on a procedural matter at any stage of the
20 zoning decision-making and review process is subject to
21 judicial review under the Administrative Review Law.

22 (c) The principles of substantive and procedural due
23 process apply at all stages of the decision-making and review

1 of all zoning decisions.

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