



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2881

Introduced 1/24/2024, by Sen. Laura Fine

SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-13-25

65 ILCS 5/11-15.1-1

65 ILCS 5/11-15.1-2

from Ch. 24, par. 11-15.1-1

from Ch. 24, par. 11-15.1-2

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) and that principles of substantive and procedural process that apply in all states of the decision-making and review of zoning decisions include protection against arbitrary or capricious action and protection against disregard of the decision-making body's own ordinances or regulations. Amends the Annexation Agreement Division of the Illinois Municipal Code. Provides that the corporate authorities of any municipality may enter into an annexation agreement with one or more of the owners of record of land in contiguous unincorporated territory (adding that the territory must be contiguous). Removes provisions allowing an annexation agreement to include language relating to continuation in effect of any ordinance relating to subdivision controls, zoning, official plan, or building, housing, and related restrictions; contributions of either land or monies, or both, to any municipality and to other units of local government having jurisdiction over all or part of land that is the subject matter of any annexation agreement under specified circumstances; or abatement of property taxes. Provides that an annexation agreement may not include any of the following: (1) requiring property to be rezoned after the agreement is approved; (2) forbidding action by a city council or corporate authorities of a municipality after the agreement is approved; or (3) agreements for nonspecific, future projects or actions for any party to the agreement.

LRB103 34661 AWJ 64504 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 11-13-25, 11-15.1-1, and 11-15.1-2 as
6 follows:

7 (65 ILCS 5/11-13-25)

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

10 (a) Any decision by the corporate authorities of any
11 municipality, home rule or non-home rule, in regard to any
12 petition or application for a special use, variance, rezoning,
13 or other amendment to a zoning ordinance shall be subject to ~~de~~
14 ~~novo~~ judicial review ~~as a legislative decision, regardless of~~
15 ~~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
18 later than 90 days after the date of the decision.

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

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

2 (65 ILCS 5/11-15.1-1) (from Ch. 24, par. 11-15.1-1)

3 Sec. 11-15.1-1. The corporate authorities of any
4 municipality may enter into an annexation agreement with one
5 or more of the owners of record of land in contiguous
6 unincorporated territory. That land may be annexed to the
7 municipality in the manner provided in Article 7 at the time
8 the land is or becomes contiguous to the municipality. The
9 agreement shall be valid and binding for a period of not to
10 exceed 20 years from the date of its execution.

11 ~~Lack of contiguity to the municipality of property that is~~
12 ~~the subject of an annexation agreement does not affect the~~
13 ~~validity of the agreement whether approved by the corporate~~
14 ~~authorities before or after the effective date of this~~
15 ~~amendatory Act of 1990.~~

16 Changes made to the first paragraph of this Section by
17 Public Act 86-1169 are ~~This amendatory Act of 1990 is~~
18 declarative of existing law and do ~~does~~ not change the
19 substantive operation of this Section.

20 (Source: P.A. 86-1169; 87-1137.)

21 (65 ILCS 5/11-15.1-2) (from Ch. 24, par. 11-15.1-2)

22 Sec. 11-15.1-2. Any such agreement may provide for the
23 following as it relates to the land which is the subject of the
24 agreement:

1 (a) The annexation of such territory to the
2 municipality, subject to the provisions of Article 7.

3 (b) (Blank). ~~The continuation in effect, or amendment,~~
4 ~~or continuation in effect as amended, of any ordinance~~
5 ~~relating to subdivision controls, zoning, official plan,~~
6 ~~and building, housing and related restrictions; provided,~~
7 ~~however, that any public hearing required by law to be~~
8 ~~held before the adoption of any ordinance amendment~~
9 ~~provided in such agreement shall be held prior to the~~
10 ~~execution of the agreement, and all ordinance amendments~~
11 ~~provided in such agreement shall be enacted according to~~
12 ~~law.~~

13 (c) A limitation upon increases in permit fees
14 required by the municipality.

15 (d) (Blank). ~~Contributions of either land or monies,~~
16 ~~or both, to any municipality and to other units of local~~
17 ~~government having jurisdiction over all or part of land~~
18 ~~that is the subject matter of any annexation agreement~~
19 ~~entered into under the provisions of this Section shall be~~
20 ~~deemed valid when made and shall survive the expiration~~
21 ~~date of any such annexation agreement with respect to all~~
22 ~~or any part of the land that was the subject matter of the~~
23 ~~annexation agreement.~~

24 (e) The granting of utility franchises for such land.

25 (e-5) (Blank). ~~The abatement of property taxes.~~

26 (f) Any other matter not inconsistent with the

1 provisions of this Code, nor forbidden by law.

2 Any action taken by the corporate authorities during the
3 period such agreement is in effect, which, if it applied to the
4 land which is the subject of the agreement, would be a breach
5 of such agreement, shall not apply to such land without an
6 amendment of such agreement.

7 After the effective term of any annexation agreement and
8 unless otherwise provided for within the annexation agreement
9 or an amendment to the annexation agreement, the provisions of
10 any ordinance relating to the zoning of the land that is
11 provided for within the agreement or an amendment to the
12 agreement, shall remain in effect unless modified in
13 accordance with law. This amendatory Act of 1995 is
14 declarative of existing law and shall apply to all annexation
15 agreements.

16 An agreement may not include any of the following:

17 (1) requiring property to be rezoned after the
18 agreement is approved;

19 (2) forbidding action by a city council or corporate
20 authorities of a municipality after the agreement is
21 approved; or

22 (3) agreements for nonspecific, future projects or
23 actions for any party to the agreement.

24 (Source: P.A. 89-432, eff. 6-1-96; 89-537, eff. 1-1-97; 90-14,
25 eff. 7-1-97.)