

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, provided that the notice  
12 includes: (i) the common street address or addresses and (ii)  
13 the property index number ("PIN") or numbers of all the parcels  
14 of real property contained in the territory to be annexed.

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

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

23 (e) If a State charitable institution is situated upon a  
24 tract or tracts of land that lie partly within and partly  
25 without the corporate limits of any municipality, the corporate  
26 authorities of the municipality may by resolution without any

1 petition or proceedings required by this Article but with the  
2 written consent of the Director of the State Department having  
3 jurisdiction of the institution, annex any part or all of the  
4 tracts lying without the corporate limits.

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

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

16 (65 ILCS 5/11-13-1.1) (from Ch. 24, par. 11-13-1.1)

17 Sec. 11-13-1.1. The corporate authorities of any  
18 municipality may in its ordinances passed under the authority  
19 of this Division 13 provide for the classification of special  
20 uses. Such uses may include but are not limited to public and  
21 quasi-public uses affected with the public interest, uses which  
22 may have a unique, special or unusual impact upon the use or  
23 enjoyment of neighboring property, and planned developments. A  
24 use may be a permitted use in one or more zoning districts, and  
25 a special use in one or more other zoning districts. A special

1 use shall be permitted only after a public hearing before some  
2 commission or committee designated by the corporate  
3 authorities, with prior notice thereof given in the manner as  
4 provided in Section 11-13-6 and 11-13-7. Any notice required by  
5 this Section need not include a metes and bounds legal  
6 description of the area classified for special uses, provided  
7 that the notice includes: (i) the common street address or  
8 addresses and (ii) the property index number ("PIN") or numbers  
9 of all the parcels of real property contained in the area  
10 classified for special uses. A special use shall be permitted  
11 only upon evidence that such use meets standards established  
12 for such classification in the ordinances, and the granting of  
13 permission therefor may be subject to conditions reasonably  
14 necessary to meet such standards. In addition, any proposed  
15 special use which fails to receive the approval of the  
16 commission or committee designated by the corporate  
17 authorities to hold the public hearing shall not be approved by  
18 the corporate authorities except by a favorable majority vote  
19 of all aldermen, commissioners or trustees of the municipality  
20 then holding office; however, the corporate authorities may by  
21 ordinance increase the vote requirement to two-thirds of all  
22 aldermen, commissioners or trustees of the municipality then  
23 holding office.

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

25 (65 ILCS 5/11-13-6) (from Ch. 24, par. 11-13-6)

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

21           (Source: P.A. 80-452.)

22           (65 ILCS 5/11-13-7) (from Ch. 24, par. 11-13-7)

23           Sec. 11-13-7. In addition to the notice requirements  
24 otherwise provided for in this Division 13, in municipalities  
25 of 500,000 or more population, an applicant for variation or

1 special use shall, not more than 30 days before filing an  
2 application for variation or special use with the board of  
3 appeals, serve written notice, either in person or by  
4 registered mail, return receipt requested, on the owners, as  
5 recorded in the office of the recorder of deeds or the  
6 registrar of titles of the county in which the property is  
7 located and as appears from the authentic tax records of such  
8 county, of all property within 250 feet in each direction of  
9 the location for which the variation or special use is  
10 requested; provided, the number of feet occupied by all public  
11 roads, streets, alleys and other public ways shall be excluded  
12 in computing the 250 feet requirement. The notice herein  
13 required shall contain the address of the location for which  
14 the variation or special use is requested, a brief statement of  
15 the nature of the requested variation or special use, the name  
16 and address of the legal and beneficial owner of the property  
17 for which the variation or special use is requested, a  
18 statement that the applicant intends to file an application for  
19 variation or special use and the approximate date on which the  
20 application will be filed. If, after a bona fide effort to  
21 determine such address by the applicant for variation or  
22 special use, the owner of the property on which the notice is  
23 served cannot be found at his or her last known address, or the  
24 mailed notice is returned because the owner cannot be found at  
25 the last known address, the notice requirements of this  
26 sub-section shall be deemed satisfied. In addition to serving

1 the notice herein required, at the time of filing application  
2 for variation or special use, the applicant shall furnish to  
3 the board of appeals a complete list containing the names and  
4 last known addresses of the owners of the property required to  
5 be served, the method of service and the names and last known  
6 addresses of the owners of the service and the names and  
7 addresses of the persons so served. The applicant shall also  
8 furnish a written statement certifying that he or she has  
9 complied with the requirements of this subsection. The board of  
10 appeals shall hear no application for variation or special use  
11 unless the applicant for variation or special use furnishes the  
12 list and certificate herein required. The board of appeals  
13 shall, not more than 30 days nor less than 15 days before the  
14 hearing at which the application for variation or special use  
15 is to be considered, send written notice to the persons  
16 appearing on the list furnished by the applicant, which notice  
17 shall contain the time and place of the hearing, the address of  
18 the location for which the variation or special use is  
19 requested and the name and address of the applicant for  
20 variation or special use and a brief statement of the nature of  
21 the variation or special use requested. Any notice required  
22 herein need not include a metes and bounds legal description of  
23 the property for which the variation or special use is  
24 requested, provided that the notice includes: (i) the common  
25 street address or addresses and (ii) the property index number  
26 ("PIN") or numbers of all the parcels of real property



1 contained in the area for which the variation or special use is  
2 requested.

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

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

20 (65 ILCS 5/11-13-14) (from Ch. 24, par. 11-13-14)

21 Sec. 11-13-14. The regulations imposed and the districts  
22 created under the authority of this Division 13 may be amended  
23 from time to time by ordinance after the ordinance establishing  
24 them has gone into effect, but no such amendments shall be made  
25 without a hearing before some commission or committee

1 designated by the corporate authorities. Notice shall be given  
2 of the time and place of the hearing, not more than 30 nor less  
3 than 15 days before the hearing, by publishing a notice thereof  
4 at least once in one or more newspapers published in the  
5 municipality, or, if no newspaper is published therein, then in  
6 one or more newspapers with a general circulation within the  
7 municipality. In municipalities with less than 500 population  
8 in which no newspaper is published, publication may be made  
9 instead by posting a notice in 3 prominent places within  
10 municipality. In case of a written protest against any proposed  
11 amendment of the regulations or districts, signed and  
12 acknowledged by the owners of 20% of the frontage proposed to  
13 be altered, or by the owners of 20% of the frontage immediately  
14 adjoining or across an alley therefrom, or by the owners of the  
15 20% of the frontage directly opposite the frontage proposed to  
16 be altered, is filed with the clerk of the municipality, the  
17 amendment shall not be passed except by a favorable vote of  
18 two-thirds of the aldermen or trustees of the municipality then  
19 holding office. In such cases, a copy of the written protest  
20 shall be served by the protestor or protestors on the applicant  
21 for the proposed amendments and a copy upon the applicant's  
22 attorney, if any, by certified mail at the address of such  
23 applicant and attorney shown in the application for the  
24 proposed amendment. Any notice required by this Section need  
25 not include a metes and bounds legal description, provided that  
26 the notice includes: (i) the common street address or addresses

1 and (ii) the property index number ("PIN") or numbers of all  
2 the parcels of real property contained in the affected area.

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

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.