



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3473

Introduced 2/24/2011, by Rep. Marlow H. Colvin

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-12014	from Ch. 34, par. 5-12014
60 ILCS 1/110-60	
65 ILCS 5/11-13-14	from Ch. 24, par. 11-13-14

Amends the Counties Code, Township Code, and the Illinois Municipal Code. Provides that prior to any hearing concerning an amendment to a zoning ordinance, the zoning commission must serve written notice on the property owners of all property within 250 feet in each direction of the location for which the proposed ordinance will apply. Provides that the commission must also post the address of the property for site-specific proposals and notify individuals and interest groups with a known interest in a proposal.

LRB097 10569 KMW 50922 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 Counties Code is amended by changing Section
5 5-12014 as follows:

6 (55 ILCS 5/5-12014) (from Ch. 34, par. 5-12014)
7 Sec. 5-12014. Amendment of regulations and districts.

8 (a) For purposes of this Section, the term "text amendment"
9 means an amendment to the text of a zoning ordinance, which
10 affects the whole county, and the term "map amendment" means an
11 amendment to the map of a zoning ordinance, which affects an
12 individual parcel or parcels of land.

13 (b) The regulations imposed and the districts created under
14 the authority of this Division may be amended from time to time
15 by ordinance or resolution, after the ordinance or resolution
16 establishing same has gone into effect, but no such amendments
17 shall be made without a hearing before the board of appeals. At
18 least 15 days notice of the time and place of such hearing
19 shall be published in a newspaper of general circulation
20 published in such county. Prior to any hearing, the zoning
21 commission must serve written notice, either in person or by
22 registered mail, return receipt requested, on the owners, as
23 recorded in the office of the recorder of deeds or the

1 registrar of titles of the county in which the property is
2 located and as appears from the authentic tax records of that
3 county, of all property within 250 feet in each direction of
4 the location for which the proposed ordinance will apply. The
5 commission must also post the address of the property for
6 site-specific proposals and notify individuals and interest
7 groups with a known interest in a proposal. Hearings on text
8 amendments shall be held in the court house of the county or
9 other county building with more adequate facilities for such
10 hearings. Hearings on map amendments shall be held in the
11 township or road district affected by the terms of such
12 proposed amendment or in the court house, or other county
13 building with more adequate facilities for such hearings, of
14 the county in which the affected township or road district is
15 located. Provided, that if the owner of any property affected
16 by such proposed map amendment so requests in writing, such
17 hearing shall be held in the township or road district affected
18 by the terms of such proposed amendment. Except as provided in
19 subsection (c), text amendments may be passed at a county board
20 meeting by a simple majority of the elected county board
21 members, unless written protests against the proposed text
22 amendment are signed by 5% of the land owners of the county, in
23 which case such amendment shall not be passed except by the
24 favorable vote of 3/4 of all the members of the county board.
25 Except as provided in subsection (c), map amendments may be
26 passed at a county board meeting by a simple majority of the

1 elected county board members, except that in case of written
2 protest against any proposed map amendment that is either: (A)
3 signed by the owner or owners of at least 20% of the land to be
4 rezoned, or (B) signed by the owner or owners of land
5 immediately touching, or immediately across a street, alley, or
6 public right-of-way from, at least 20% of the perimeter of the
7 land to be rezoned, or in cases where the land affected lies
8 within 1 1/2 miles of the limits of a zoned municipality, or in
9 the case of a proposed text amendment to the Zoning Ordinance,
10 by resolution of the corporate authorities of the zoned
11 municipality with limits nearest adjacent, filed with the
12 county clerk, such amendment shall not be passed except by the
13 favorable vote of 3/4 of all the members of the county board,
14 but in counties in which the county board consists of 3 members
15 only a 2/3 vote is required. In such cases, a copy of the
16 written protest shall be served by the protestor or protestors
17 on the applicant for the proposed amendment and a copy upon the
18 applicant's attorney, if any, by certified mail at the address
19 of such applicant and attorney shown in the application for the
20 proposed amendment. Notwithstanding any other provision of
21 this Section, if a map amendment is proposed solely to correct
22 an error made by the county as a result of a comprehensive
23 rezoning by the county, the map amendments may be passed at a
24 county board meeting by a simple majority of the elected board.

25 (c) If a township located within a county with a population
26 of less than 600,000 has a plan commission and the plan

1 commission objects to a text amendment or a map amendment
2 affecting an unincorporated area of the township, then the
3 township board of trustees may submit its written objections to
4 the county board within 30 days after the hearing before the
5 board of appeals, in which case the county board may not adopt
6 the text amendment or the map amendment affecting an
7 unincorporated area of the township except by the favorable
8 vote of at least three-fourths of all the members of the county
9 board.

10 (Source: P.A. 89-272, eff. 8-10-95.)

11 Section 10. The Township Code is amended by changing
12 Section 110-60 as follows:

13 (60 ILCS 1/110-60)

14 Sec. 110-60. Amendment of regulations; hearing. The
15 regulations imposed and the districts created under this
16 Article may be amended from time to time by the township board
17 by ordinance or resolution after the ordinance or resolution
18 establishing the regulation has gone into effect, but no
19 amendments shall be made without a hearing before the board of
20 appeals. At least 15 days notice of the time and place of the
21 hearing shall be published in an official paper or a paper of
22 general circulation in the township. Prior to any hearing, the
23 zoning commission must serve written notice, either in person
24 or by registered mail, return receipt requested, on the owners,

1 as recorded in the office of the recorder of deeds or the
2 registrar of titles of the county in which the property is
3 located and as appears from the authentic tax records of that
4 county, of all property within 250 feet in each direction of
5 the location for which the proposed ordinance will apply. The
6 commission must also post the address of the property for
7 site-specific proposals and notify individuals and interest
8 groups with a known interest in a proposal. If there is a
9 written protest against any proposed amendment, signed and
10 acknowledged (i) by the owners of 20% of the frontage proposed
11 to be altered, (ii) by the owners of 20% of the frontage
12 immediately adjoining or across an alley from the frontage
13 proposed to be altered, or (iii) by the owners of 20% of the
14 frontage directly opposite the frontage proposed to be altered,
15 the amendment shall not be passed except by the favorable vote
16 of three-fourths of all the members of the township board.

17 (Source: P.A. 82-783; 88-62.)

18 Section 15. The Illinois Municipal Code is amended by
19 changing Section 11-13-14 as follows:

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

1 without a hearing before some commission or committee
2 designated by the corporate authorities. Notice shall be given
3 of the time and place of the hearing, not more than 30 nor less
4 than 15 days before the hearing, by publishing a notice thereof
5 at least once in one or more newspapers published in the
6 municipality, or, if no newspaper is published therein, then in
7 one or more newspapers with a general circulation within the
8 municipality. In municipalities with less than 500 population
9 in which no newspaper is published, publication may be made
10 instead by posting a notice in 3 prominent places within
11 municipality. Prior to any hearing, the zoning commission or
12 committee must serve written notice, either in person or by
13 registered mail, return receipt requested, on the owners, as
14 recorded in the office of the recorder of deeds or the
15 registrar of titles of the county in which the property is
16 located and as appears from the authentic tax records of that
17 county, of all property within 250 feet in each direction of
18 the location for which the proposed ordinance will apply. The
19 commission must also post the address of the property for
20 site-specific proposals and notify individuals and interest
21 groups with a known interest in a proposal. In case of a
22 written protest against any proposed amendment of the
23 regulations or districts, signed and acknowledged by the owners
24 of 20% of the frontage proposed to be altered, or by the owners
25 of 20% of the frontage immediately adjoining or across an alley
26 therefrom, or by the owners of the 20% of the frontage directly

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

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