



PLANNING & ZONING DEPARTMENT

Troy Krup, Planning & Zoning Officer

Phone: (815) 319-4375 ▪ Fax: (815) 319-4351

Administration Building ▪ 404 Elm Street ▪ Room 403 ▪ Rockford, Illinois 61101

LEGAL PROTEST FORM

*** Please read the following notice regarding legal protests carefully.**

If you have any questions, please contact the Planning & Zoning Department. This notification does not relieve the protestor of any responsibility for correctly sending notice, nor does the County assume any liability for protests wrongly served. As with any legal action, you may wish to consult an attorney.

PROCEDURE FOR FILING LEGAL PROTESTS

1. Review the frequently asked questions regarding legal protests on page 2 to ensure that you are eligible to file.
2. Fill out the protest form on page 3 in its entirety. ***Incomplete forms will not be considered valid.** If you need assistance obtaining any of the information required, contact the Planning & Zoning Department.
3. File the completed form with the County Clerk's Office with an accompanying fee of \$1.00.
4. Serve a copy of the written protest on the applicant for the proposed change and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment. Required by Section 55 ILCS 5/5-12014(b) of the Illinois Compiled Statutes.
5. Submit evidence that step number 4 has been completed to the Planning & Zoning Department. For example, a copy of the return receipt indicating that the notification has been mailed and received. ***Legal protests will not be considered valid until such evidence is provided.**

FREQUENTLY ASKED QUESTIONS REGARDING LEGAL PROTESTS

What type of petition can legal protests be filed against?

Legal protests can be filed against proposed text amendments and map amendments. Legal protests have no bearing on Special Use Permits and Variations. To speak in opposition to a Special Use permit or a Variation, a representative should attend the public hearing where the petition will be heard to voice their objection on the record.

The only time a legal protest is allowed for a Variation is when the Township in which the unincorporated property lies files it. However, the Township must have a Planning Commission and submit its written objection to the County Board within 15 days of the Zoning Board of Appeals public hearing.

What is a text amendment?

A text amendment means an alteration to the text of a zoning ordinance which affects the whole county.

What is a map amendment?

A map amendment means an alteration to the map of a zoning ordinance, which affects an individual parcel or parcels of land.

Why file a legal protest?

Normally, a simple majority vote of the County Board (15 out of 28 members) is required to approve a petition. If properly filed, legal protests can require a supermajority vote of the County Board (21 out of 28 members) to approve a petition.

Who can file legal protests?

For amendments of regulations and districts, Section 55 ILCS 5/5 12014 of the Illinois Compiled Statutes allows the following entities to file written objection with the County Clerk:

- Any landowner in Winnebago County may file a legal protest against a **Text Amendment**. However, 5% of all the landowners in the County must file in order to require a supermajority vote from the County Board to approve the petition.
- The owner or owners of at least 20% of the property to be rezoned may file a legal protest to a **Map Amendment**. Such protest would require a supermajority vote from the County Board to approve the petition in question.
- The owner or owners of land immediately touching, or immediately across a street, alley, or public right-of-way of the property may file legal protests against a **Map Amendment**. If such landowners border at least 20% of the property in question, a supermajority vote is required from the County Board to approve the petition in question.
- Any incorporated municipality within 1½ miles of the property in question may file a legal protest against a **Map Amendments** by form of a Resolution; furthermore, any incorporated municipality within Winnebago County may file a legal protest against a **Text Amendment**. If any municipality files a legal protest, a supermajority vote is required from the County Board to approve the petition in question.

Any Township with a Planning Commission in which the unincorporated property lies may file legal protests against **Map & Text Amendments** within 30 days after the Zoning Board of Appeals public hearing. If any township files a legal protest, a supermajority vote is required from the County Board to approve the petition in question.



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When and where can a legal protest be filed?

Legal protests for proposed text amendments or map amendments must be filed either by hand or by mail delivery, not by facsimile machine, with the County Clerk’s Office prior to the County Board meeting where action will be taken on the petition in question.

PROTEST FORM

TO: County Board
County of Winnebago, State of Illinois
404 Elm Street, Room 504
Rockford, IL 61101

The undersigned hereby protest(s) and object(s) to the zoning application filed with the Winnebago County Zoning Board of Appeals by:

Name of Zoning Applicant: _____

Petition Number: _____
(i.e. Z-00-00)

My address is: _____

My P.I.N. # _____
(10-digit property identification number located on tax bill)

My property is located (direction) _____ of the subject property of the zoning application.

My property: (Check appropriate relationship and fill in the blank)

- Immediately touches the perimeter of the subject property of the zoning application for a distance of _____ feet.
- Is immediately across a street, alley, or public right-of-way from the perimeter of the subject property of the zoning application. My property runs parallel to the subject premises for a distance of _____ feet.
- Neither of the above.

The undersigned is an owner* of the following described property, located in Winnebago County, Illinois: (write legal description below, or attach separate sheet)

Signed: _____ Date: _____

Print Name: _____ Date: _____

***Note:** If you are not the recorded titleholder in the Recorder’s Office, please furnish documentation of your ownership interest in the property.