

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 Section 11-13-1 as follows:

6 (65 ILCS 5/11-13-1) (from Ch. 24, par. 11-13-1)

7 Sec. 11-13-1. Zoning powers.

8 (a) To the end that adequate light, pure air, and safety
9 from fire and other dangers may be secured, that the taxable
10 value of land and buildings throughout the municipality may be
11 conserved, that congestion in the public streets may be
12 lessened or avoided, that the hazards to persons and damage to
13 property resulting from the accumulation or runoff of storm or
14 flood waters may be lessened or avoided, and that the public
15 health, safety, comfort, morals, and welfare may otherwise be
16 promoted, and to insure and facilitate the preservation of
17 sites, areas, and structures of historical, architectural and
18 aesthetic importance; the corporate authorities in each
19 municipality have the following powers:

20 (1) to regulate and limit the height and bulk of
21 buildings hereafter to be erected;

22 (2) to establish, regulate and limit, subject to the
23 provisions of Division 14 of this Article 11, the building

1 or set-back lines on or along any street, traffic-way,
2 drive, parkway or storm or floodwater runoff channel or
3 basin;

4 (3) to regulate and limit the intensity of the use of
5 lot areas, and to regulate and determine the area of open
6 spaces, within and surrounding such buildings;

7 (4) to classify, regulate, and restrict the location
8 of trades and industries and the location of buildings
9 designed for specified industrial, business, residential,
10 and other uses;

11 (5) to divide the entire municipality into districts
12 of such number, shape, area, and of such different classes
13 (according to use of land and buildings, height and bulk
14 of buildings, intensity of the use of lot area, area of
15 open spaces, or other classification) as may be deemed
16 best suited to carry out the purposes of this Division 13;

17 (6) to fix standards to which buildings or structures
18 therein shall conform;

19 (7) to prohibit uses, buildings, or structures
20 incompatible with the character of such districts;

21 (8) to prevent additions to and alteration or
22 remodeling of existing buildings or structures in such a
23 way as to avoid the restrictions and limitations lawfully
24 imposed under this Division 13;

25 (9) except as provided in paragraph (2) of subsection
26 (c), to classify, ~~to~~ regulate, and restrict the use of

1 property on the basis of family relationship, which family
2 relationship may be defined as one or more persons each
3 related to the other by blood, marriage or adoption and
4 maintaining a common household;

5 (10) to regulate or forbid any structure or activity
6 which may hinder access to solar energy necessary for the
7 proper functioning of a solar energy system, as defined in
8 Section 1.2 of the Comprehensive Solar Energy Act of 1977;

9 (11) to require the creation and preservation of
10 affordable housing, including the power to provide
11 increased density or other zoning incentives to developers
12 who are creating, establishing, or preserving affordable
13 housing; and

14 (12) to establish local standards solely for the
15 review of the exterior design of buildings and structures,
16 excluding utility facilities and outdoor off-premises
17 advertising signs, and designate a board or commission to
18 implement the review process; except that, other than
19 reasonable restrictions as to size, no home rule or
20 non-home rule municipality may prohibit the display of
21 outdoor political campaign signs on residential property
22 during any period of time, ~~the regulation of these signs~~
23 ~~being a power and function of the State and, therefor,~~
24 ~~this item (12) is a denial and limitation of concurrent~~
25 ~~home rule powers and functions under subsection (i) of~~
26 ~~Section 6 of Article VII of the Illinois Constitution.~~

1 (b) The powers enumerated in this Section may not be used
2 in any way that violates or otherwise contradicts any other
3 applicable State or federal law, including the federal Fair
4 Housing Act and the Americans with Disabilities Act.

5 (c) A municipality may not adopt zoning regulations that
6 prohibit:

7 (1) the creation of a community-integrated living
8 arrangement or housing for a community-integrated living
9 arrangement; or

10 (2) notwithstanding paragraph (9) of subsection (a), 2
11 or more individuals, who are not related by blood, from
12 living together in a community-integrated living
13 arrangement or housing for a community-integrated living
14 arrangement.

15 (d) The powers enumerated may be exercised within the
16 corporate limits or within contiguous territory not more than
17 one and one-half miles beyond the corporate limits and not
18 included within any municipality. However, if any municipality
19 adopts a plan pursuant to Division 12 of Article 11 which plan
20 includes in its provisions a provision that the plan applies
21 to such contiguous territory not more than one and one-half
22 miles beyond the corporate limits and not included in any
23 municipality, then no other municipality shall adopt a plan
24 that shall apply to any territory included within the
25 territory provided in the plan first so adopted by another
26 municipality. No municipality shall exercise any power set

1 forth in this Division 13 outside the corporate limits
2 thereof, if the county in which such municipality is situated
3 has adopted "An Act in relation to county zoning", approved
4 June 12, 1935, as amended. Nothing in this Section prevents a
5 municipality of more than 112,000 population located in a
6 county of less than 185,000 population that has adopted a
7 zoning ordinance and the county that adopted the zoning
8 ordinance from entering into an intergovernmental agreement
9 that allows the municipality to exercise its zoning powers
10 beyond its territorial limits; provided, however, that the
11 intergovernmental agreement must be limited to the territory
12 within the municipality's planning jurisdiction as defined by
13 law or any existing boundary agreement. The county and the
14 municipality must amend their individual zoning maps in the
15 same manner as other zoning changes are incorporated into
16 revised zoning maps. No such intergovernmental agreement may
17 authorize a municipality to exercise its zoning powers, other
18 than powers that a county may exercise under Section 5-12001
19 of the Counties Code, with respect to land used for
20 agricultural purposes. This amendatory Act of the 92nd General
21 Assembly is declarative of existing law. No municipality may
22 exercise any power set forth in this Division 13 outside the
23 corporate limits of the municipality with respect to a
24 facility of a telecommunications carrier defined in Section
25 5-12001.1 of the Counties Code.

26 (e) Notwithstanding any other provision of law to the

1 contrary, 30 days prior to the issuance of any permits for a
2 new telecommunications facility within 1.5 miles of a
3 municipality, the telecommunications carrier constructing the
4 facility shall provide written notice of its intent to
5 construct the facility. The notice shall include, but not be
6 limited to, the following information: (i) the name, address,
7 and telephone number of the company responsible for the
8 construction of the facility, (ii) the address and telephone
9 number of the governmental entity that is to issue the
10 building permit for the telecommunications facility, (iii) a
11 site plan and site map of sufficient specificity to indicate
12 both the location of the parcel where the telecommunications
13 facility is to be constructed and the location of all the
14 telecommunications facilities within that parcel, and (iv) the
15 property index number and common address of the parcel where
16 the telecommunications facility is to be located. The notice
17 shall not contain any material that appears to be an
18 advertisement for the telecommunications carrier or any
19 services provided by the telecommunications carrier. The
20 notice shall be provided in person, by overnight private
21 courier, or by certified mail to all owners of property within
22 250 feet of the parcel in which the telecommunications carrier
23 has a leasehold or ownership interest. For the purposes of
24 this notice requirement, "owners" means those persons or
25 entities identified from the authentic tax records of the
26 county in which the telecommunications facility is to be

1 located. If, after a bona fide effort by the
2 telecommunications carrier to determine the owner and his or
3 her address, the owner of the property on whom the notice must
4 be served cannot be found at the owner's last known address, or
5 if the mailed notice is returned because the owner cannot be
6 found at the last known address, the notice requirement of
7 this paragraph is deemed satisfied. For the purposes of this
8 paragraph, "facility" means that term as it is defined in
9 Section 5-12001.1 of the Counties Code.

10 (f) If a municipality adopts a zoning plan covering an
11 area outside its corporate limits, the plan adopted shall be
12 reasonable with respect to the area outside the corporate
13 limits so that future development will not be hindered or
14 impaired; it is reasonable for a municipality to regulate or
15 prohibit the extraction of sand, gravel, or limestone even
16 when those activities are related to an agricultural purpose.
17 If all or any part of the area outside the corporate limits of
18 a municipality which has been zoned in accordance with the
19 provisions of this Division 13 is annexed to another
20 municipality or municipalities, the annexing unit shall
21 thereafter exercise all zoning powers and regulations over the
22 annexed area.

23 (g) In all ordinances passed under the authority of this
24 Division 13, due allowance shall be made for existing
25 conditions, the conservation of property values, the direction
26 of building development to the best advantage of the entire

1 municipality and the uses to which the property is devoted at
2 the time of the enactment of such an ordinance. The powers
3 conferred by this Division 13 shall not be exercised so as to
4 deprive the owner of any existing property of its use or
5 maintenance for the purpose to which it is then lawfully
6 devoted, but provisions may be made for the gradual
7 elimination of uses, buildings and structures which are
8 incompatible with the character of the districts in which they
9 are made or located, including, without being limited thereto,
10 provisions (a) for the elimination of such uses of unimproved
11 lands or lot areas when the existing rights of the persons in
12 possession thereof are terminated or when the uses to which
13 they are devoted are discontinued; (b) for the elimination of
14 uses to which such buildings and structures are devoted, if
15 they are adaptable for permitted uses; and (c) for the
16 elimination of such buildings and structures when they are
17 destroyed or damaged in major part, or when they have reached
18 the age fixed by the corporate authorities of the municipality
19 as the normal useful life of such buildings or structures.

20 (h) This Section ~~amendatory Act of 1971~~ does not apply to
21 any municipality which is a home rule unit, except that
22 subsections (b) and (c) and paragraph (12) of subsection (a)
23 apply to home rule municipalities as provided in item (12). A
24 home rule unit may not exercise the zoning and other powers
25 described in subsections (b) and (c) and paragraph (12) of
26 subsection (a) in a manner that is inconsistent with the

1 regulation by the State of those powers under those
2 provisions. This subsection (h) is a limitation under
3 subsection (i) of Section 6 of Article VII of the Illinois
4 Constitution on the concurrent exercise by home rule units of
5 powers and functions exercised by the State.

6 (Source: P.A. 96-904, eff. 1-1-11; 97-496, eff. 8-22-11.)