



Sen. Susan Garrett

Filed: 3/20/2007

09500SB0382sam001

LRB095 06569 HLH 34142 a

1 AMENDMENT TO SENATE BILL 382

2 AMENDMENT NO. _____. Amend Senate Bill 382 by replacing
3 everything after the enacting clause with the following:

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. To the end that adequate light, pure air, and
8 safety from fire and other dangers may be secured, that the
9 taxable value of land and buildings throughout the municipality
10 may be conserved, that congestion in the public streets may be
11 lessened or avoided, that the hazards to persons and damage to
12 property resulting from the accumulation or runoff of storm or
13 flood waters may be lessened or avoided, and that the public
14 health, safety, comfort, morals, and welfare may otherwise be
15 promoted, and to insure and facilitate the preservation of
16 sites, areas, and structures of historical, architectural and

1 aesthetic importance; the corporate authorities in each
2 municipality have the following powers:

3 (1) To regulate and limit the height and bulk of
4 buildings hereafter to be erected; (2) to establish,
5 regulate and limit, subject to the provisions of Division
6 14 of this Article 11, the building or set-back lines on or
7 along any street, traffic-way, drive, parkway or storm or
8 floodwater runoff channel or basin; (3) to regulate and
9 limit the intensity of the use of lot areas, and to
10 regulate and determine the area of open spaces, within and
11 surrounding such buildings; (4) to classify, regulate and
12 restrict the location of trades and industries and the
13 location of buildings designed for specified industrial,
14 business, residential, and other uses; (5) to divide the
15 entire municipality into districts of such number, shape,
16 area, and of such different classes (according to use of
17 land and buildings, height and bulk of buildings, intensity
18 of the use of lot area, area of open spaces, or other
19 classification) as may be deemed best suited to carry out
20 the purposes of this Division 13; (6) to fix standards to
21 which buildings or structures therein shall conform; (7) to
22 prohibit uses, buildings, or structures incompatible with
23 the character of such districts; (8) to prevent additions
24 to and alteration or remodeling of existing buildings or
25 structures in such a way as to avoid the restrictions and
26 limitations lawfully imposed under this Division 13; (9) to

1 classify, to regulate and restrict the use of property on
2 the basis of family relationship, which family
3 relationship may be defined as one or more persons each
4 related to the other by blood, marriage or adoption and
5 maintaining a common household; (10) to regulate or forbid
6 any structure or activity which may hinder access to solar
7 energy necessary for the proper functioning of a solar
8 energy system, as defined in Section 1.2 of The
9 Comprehensive Solar Energy Act of 1977; ~~and~~ (11) to require
10 the creation and preservation of affordable housing,
11 including the power to provide increased density or other
12 zoning incentives to developers who are creating,
13 establishing, or preserving affordable housing; and (12)
14 to establish local standards solely for the review of the
15 exterior design of buildings and structures, excluding
16 utility facilities and outdoor off-premises advertising
17 signs, and designate a board or commission to implement the
18 review process.

19 The powers enumerated may be exercised within the corporate
20 limits or within contiguous territory not more than one and
21 one-half miles beyond the corporate limits and not included
22 within any municipality. However, if any municipality adopts a
23 plan pursuant to Division 12 of Article 11 which plan includes
24 in its provisions a provision that the plan applies to such
25 contiguous territory not more than one and one-half miles
26 beyond the corporate limits and not included in any

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

1 with respect to a facility of a telecommunications carrier
2 defined in Section 5-12001.1 of the Counties Code.

3 Notwithstanding any other provision of law to the contrary,
4 at least 30 days prior to commencing construction of a new
5 telecommunications facility within 1.5 miles of a
6 municipality, the telecommunications carrier constructing the
7 facility shall provide written notice of its intent to
8 construct the facility. The notice shall include, but not be
9 limited to, the following information: (i) the name, address,
10 and telephone number of the company responsible for the
11 construction of the facility and (ii) the address and telephone
12 number of the governmental entity that issued the building
13 permit for the telecommunications facility. The notice shall be
14 provided in person, by overnight private courier, or by
15 certified mail to all owners of property within 250 feet of the
16 parcel in which the telecommunications carrier has a leasehold
17 or ownership interest. For the purposes of this notice
18 requirement, "owners" means those persons or entities
19 identified from the authentic tax records of the county in
20 which the telecommunications facility is to be located. If,
21 after a bona fide effort by the telecommunications carrier to
22 determine the owner and his or her address, the owner of the
23 property on whom the notice must be served cannot be found at
24 the owner's last known address, or if the mailed notice is
25 returned because the owner cannot be found at the last known
26 address, the notice requirement of this paragraph is deemed

1 satisfied. For the purposes of this paragraph, "facility" means
2 that term as it is defined in Section 5-12001.1 of the Counties
3 Code.

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

17 In all ordinances passed under the authority of this
18 Division 13, due allowance shall be made for existing
19 conditions, the conservation of property values, the direction
20 of building development to the best advantage of the entire
21 municipality and the uses to which the property is devoted at
22 the time of the enactment of such an ordinance. The powers
23 conferred by this Division 13 shall not be exercised so as to
24 deprive the owner of any existing property of its use or
25 maintenance for the purpose to which it is then lawfully
26 devoted, but provisions may be made for the gradual elimination

1 of uses, buildings and structures which are incompatible with
2 the character of the districts in which they are made or
3 located, including, without being limited thereto, provisions
4 (a) for the elimination of such uses of unimproved lands or lot
5 areas when the existing rights of the persons in possession
6 thereof are terminated or when the uses to which they are
7 devoted are discontinued; (b) for the elimination of uses to
8 which such buildings and structures are devoted, if they are
9 adaptable for permitted uses; and (c) for the elimination of
10 such buildings and structures when they are destroyed or
11 damaged in major part, or when they have reached the age fixed
12 by the corporate authorities of the municipality as the normal
13 useful life of such buildings or structures.

14 This amendatory Act of 1971 does not apply to any
15 municipality which is a home rule unit.

16 (Source: P.A. 93-698, eff. 7-9-04; 94-303, eff. 7-21-05.)".