



Sen. Pamela J. Althoff

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1 AMENDMENT TO HOUSE BILL 3785

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3785 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;

5 (2) to establish, regulate and limit, subject to the  
6 provisions of Division 14 of this Article 11, the building  
7 or set-back lines on or along any street, traffic-way,  
8 drive, parkway or storm or floodwater runoff channel or  
9 basin;

10 (3) to regulate and limit the intensity of the use of  
11 lot areas, and to regulate and determine the area of open  
12 spaces, within and surrounding such buildings;

13 (4) to classify, regulate and restrict the location of  
14 trades and industries and the location of buildings  
15 designed for specified industrial, business, residential,  
16 and other uses;

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

23 (6) to fix standards to which buildings or structures  
24 therein shall conform;

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

1           (8) to prevent additions to and alteration or  
2 remodeling of existing buildings or structures in such a  
3 way as to avoid the restrictions and limitations lawfully  
4 imposed under this Division 13;

5           (9) to classify, to regulate and restrict the use of  
6 property on the basis of family relationship, which family  
7 relationship may be defined as one or more persons each  
8 related to the other by blood, marriage or adoption and  
9 maintaining a common household;

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

14          (11) to require the creation and preservation of  
15 affordable housing, including the power to provide  
16 increased density or other zoning incentives to developers  
17 who are creating, establishing, or preserving affordable  
18 housing; and

19          (12) to establish local standards solely for the review  
20 of the exterior design of buildings and structures,  
21 excluding utility facilities and outdoor off-premises  
22 advertising signs, and designate a board or commission to  
23 implement the review process; except that, other than  
24 reasonable restrictions as to size, no home rule or  
25 non-home rule municipality may prohibit the display of  
26 outdoor political campaign signs on residential property

1        during any period of time, the regulation of these signs  
2        being a power and function of the State and, therefor, this  
3        item (12) is a denial and limitation of concurrent home  
4        rule powers and functions under subsection (i) of Section 6  
5        of Article VII of the Illinois Constitution.

6        The powers enumerated may be exercised within the corporate  
7        limits or within contiguous territory not more than one and  
8        one-half miles beyond the corporate limits and not included  
9        within any municipality. However, if any municipality adopts a  
10       plan pursuant to Division 12 of Article 11 which plan includes  
11       in its provisions a provision that the plan applies to such  
12       contiguous territory not more than one and one-half miles  
13       beyond the corporate limits and not included in any  
14       municipality, then no other municipality shall adopt a plan  
15       that shall apply to any territory included within the territory  
16       provided in the plan first so adopted by another municipality.  
17       No municipality shall exercise any power set forth in this  
18       Division 13 outside the corporate limits thereof, if the county  
19       in which such municipality is situated has adopted "An Act in  
20       relation to county zoning", approved June 12, 1935, as amended.  
21       Nothing in this Section prevents a municipality of more than  
22       112,000 population located in a county of less than 185,000  
23       population that has adopted a zoning ordinance and the county  
24       that adopted the zoning ordinance from entering into an  
25       intergovernmental agreement that allows the municipality to  
26       exercise its zoning powers beyond its territorial limits;

1 provided, however, that the intergovernmental agreement must  
2 be limited to the territory within the municipality's planning  
3 jurisdiction as defined by law or any existing boundary  
4 agreement. The county and the municipality must amend their  
5 individual zoning maps in the same manner as other zoning  
6 changes are incorporated into revised zoning maps. No such  
7 intergovernmental agreement may authorize a municipality to  
8 exercise its zoning powers, other than powers that a county may  
9 exercise under Section 5-12001 of the Counties Code, with  
10 respect to land used for agricultural purposes. This amendatory  
11 Act of the 92nd General Assembly is declarative of existing  
12 law. No municipality may exercise any power set forth in this  
13 Division 13 outside the corporate limits of the municipality  
14 with respect to a facility of a telecommunications carrier  
15 defined in Section 5-12001.1 of the Counties Code.

16 Notwithstanding any other provision of law to the contrary,  
17 at least 30 days prior to commencing construction of a new  
18 telecommunications facility within 1.5 miles of a  
19 municipality, the telecommunications carrier constructing the  
20 facility shall provide written notice of its intent to  
21 construct the facility. The notice shall include, but not be  
22 limited to, the following information: (i) the name, address,  
23 and telephone number of the company responsible for the  
24 construction of the facility and (ii) the address and telephone  
25 number of the governmental entity that issued the building  
26 permit for the telecommunications facility. The notice shall be

1 provided in person, by overnight private courier, or by  
2 certified mail to all owners of property within 250 feet of the  
3 parcel in which the telecommunications carrier has a leasehold  
4 or ownership interest. For the purposes of this notice  
5 requirement, "owners" means those persons or entities  
6 identified from the authentic tax records of the county in  
7 which the telecommunications facility is to be located. If,  
8 after a bona fide effort by the telecommunications carrier to  
9 determine the owner and his or her address, the owner of the  
10 property on whom the notice must be served cannot be found at  
11 the owner's last known address, or if the mailed notice is  
12 returned because the owner cannot be found at the last known  
13 address, the notice requirement of this paragraph is deemed  
14 satisfied. For the purposes of this paragraph, "facility" means  
15 that term as it is defined in Section 5-12001.1 of the Counties  
16 Code.

17 If a municipality adopts a zoning plan covering an area  
18 outside its corporate limits, the plan adopted shall be  
19 reasonable with respect to the area outside the corporate  
20 limits so that future development will not be hindered or  
21 impaired; it is reasonable for a municipality to regulate or  
22 prohibit the extraction of sand, gravel, or limestone even when  
23 those activities are related to an agricultural purpose. If all  
24 or any part of the area outside the corporate limits of a  
25 municipality which has been zoned in accordance with the  
26 provisions of this Division 13 is annexed to another

1 municipality or municipalities, the annexing unit shall  
2 thereafter exercise all zoning powers and regulations over the  
3 annexed area.

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

1           This amendatory Act of 1971 does not apply to any  
2           municipality which is a home rule unit, except as provided in  
3           item (12).

4           (Source: P.A. 94-303, eff. 7-21-05; 95-475, eff. 1-1-08.)".