

1 AN ACT in relation to zoning.

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. 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
17 aesthetic importance; the corporate authorities in each
18 municipality have the following powers:

19 (1) To regulate and limit the height and bulk of
20 buildings hereafter to be erected; (2) to establish,
21 regulate and limit, subject to the provisions of Division
22 14 of this Article 11, the building or set-back lines on or
23 along any street, traffic-way, drive, parkway or storm or
24 floodwater runoff channel or basin; (3) to regulate and
25 limit the intensity of the use of lot areas, and to
26 regulate and determine the area of open spaces, within and
27 surrounding such buildings; (4) to classify, regulate and
28 restrict the location of trades and industries and the
29 location of buildings designed for specified industrial,
30 business, residential, and other uses; (5) to divide the
31 entire municipality into districts of such number, shape,
32 area, and of such different classes (according to use of

1 land and buildings, height and bulk of buildings, intensity
2 of the use of lot area, area of open spaces, or other
3 classification) as may be deemed best suited to carry out
4 the purposes of this Division 13; (6) to fix standards to
5 which buildings or structures therein shall conform; (7) to
6 prohibit uses, buildings, or structures incompatible with
7 the character of such districts; (8) to prevent additions
8 to and alteration or remodeling of existing buildings or
9 structures in such a way as to avoid the restrictions and
10 limitations lawfully imposed under this Division 13; (9) to
11 classify, to regulate and restrict the use of property on
12 the basis of family relationship, which family
13 relationship may be defined as one or more persons each
14 related to the other by blood, marriage or adoption and
15 maintaining a common household; and (10) to regulate or
16 forbid any structure or activity which may hinder access to
17 solar energy necessary for the proper functioning of a
18 solar energy system, as defined in Section 1.2 of The
19 Comprehensive Solar Energy Act of 1977.

20 The powers enumerated may be exercised within the corporate
21 limits or within contiguous territory not more than one and
22 one-half miles beyond the corporate limits and not included
23 within any municipality. However, if any municipality adopts a
24 plan pursuant to Division 12 of Article 11 which plan includes
25 in its provisions a provision that the plan applies to such
26 contiguous territory not more than one and one-half miles
27 beyond the corporate limits and not included in any
28 municipality, then no other municipality shall adopt a plan
29 that shall apply to any territory included within the territory
30 provided in the plan first so adopted by another municipality.
31 No municipality shall exercise any power set forth in this
32 Division 13 outside the corporate limits thereof, if the county
33 in which such municipality is situated has adopted "An Act in
34 relation to county zoning", approved June 12, 1935, as amended.
35 Nothing in this Section prevents a municipality of more than
36 112,000 population located in a county of less than 185,000

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

20 Notwithstanding any other provision of law to the contrary,
21 at least 30 days prior to commencing construction of a new
22 telecommunications facility within 1.5 miles of a
23 municipality, the telecommunications carrier constructing the
24 facility shall provide written notice of its intent to
25 construct the facility. The notice shall include, but not be
26 limited to, the following information: (i) the name, address,
27 and telephone number of the company responsible for the
28 construction of the facility and (ii) the address and telephone
29 number of the governmental entity that issued the building
30 permit for the telecommunications facility. The notice shall be
31 provided in person, by overnight private courier, or by
32 certified mail to all owners of property within 250 feet of the
33 parcel in which the telecommunications carrier has a leasehold
34 or ownership interest. For the purposes of this notice
35 requirement, "owners" means those persons or entities
36 identified from the authentic tax records of the county in

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

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

24 In all ordinances passed under the authority of this
25 Division 13, due allowance shall be made for existing
26 conditions, the conservation of property values, the direction
27 of building development to the best advantage of the entire
28 municipality and the uses to which the property is devoted at
29 the time of the enactment of such an ordinance. The powers
30 conferred by this Division 13 shall not be exercised so as to
31 deprive the owner of any existing property of its use or
32 maintenance for the purpose to which it is then lawfully
33 devoted, but provisions may be made for the gradual elimination
34 of uses, buildings and structures which are incompatible with
35 the character of the districts in which they are made or
36 located, including, without being limited thereto, provisions

1 (a) for the elimination of such uses of unimproved lands or lot
2 areas when the existing rights of the persons in possession
3 thereof are terminated or when the uses to which they are
4 devoted are discontinued; (b) for the elimination of uses to
5 which such buildings and structures are devoted, if they are
6 adaptable for permitted uses; and (c) for the elimination of
7 such buildings and structures when they are destroyed or
8 damaged in major part, or when they have reached the age fixed
9 by the corporate authorities of the municipality as the normal
10 useful life of such buildings or structures.

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

13 (Source: P.A. 92-509, eff. 1-1-02.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.