



Sen. Terry Link

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1 AMENDMENT TO SENATE BILL 1576

2 AMENDMENT NO. _____. Amend Senate Bill 1576 by replacing
3 everything after the enacting clause with the following:

4
5 "Section 5. The Illinois Municipal Code is amended by
6 changing Section 11-13-1 as follows:

7 (65 ILCS 5/11-13-1) (from Ch. 24, par. 11-13-1)

8 Sec. 11-13-1. To the end that adequate light, pure air, and
9 safety from fire and other dangers may be secured, that the
10 taxable value of land and buildings throughout the municipality
11 may be 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; (2) to establish,
22 regulate and limit, subject to the provisions of Division
23 14 of this Article 11, the building or set-back lines on or
24 along any street, traffic-way, drive, parkway or storm or
25 floodwater runoff channel or basin; (3) to regulate and

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

28 The powers enumerated may be exercised within the corporate
29 limits or within contiguous territory not more than one and
30 one-half miles beyond the corporate limits and not included
31 within any municipality. However, if any municipality adopts a
32 plan pursuant to Division 12 of Article 11 which plan includes
33 in its provisions a provision that the plan applies to such
34 contiguous territory not more than one and one-half miles

1 beyond the corporate limits and not included in any
2 municipality, then no other municipality shall adopt a plan
3 that shall apply to any territory included within the territory
4 provided in the plan first so adopted by another municipality.
5 No municipality shall exercise any power set forth in this
6 Division 13 outside the corporate limits thereof, if the county
7 in which such municipality is situated has adopted "An Act in
8 relation to county zoning", approved June 12, 1935, as amended.
9 Nothing in this Section prevents a municipality of more than
10 112,000 population located in a county of less than 185,000
11 population that has adopted a zoning ordinance and the county
12 that adopted the zoning ordinance from entering into an
13 intergovernmental agreement that allows the municipality to
14 exercise its zoning powers beyond its territorial limits;
15 provided, however, that the intergovernmental agreement must
16 be limited to the territory within the municipality's planning
17 jurisdiction as defined by law or any existing boundary
18 agreement. The county and the municipality must amend their
19 individual zoning maps in the same manner as other zoning
20 changes are incorporated into revised zoning maps. No such
21 intergovernmental agreement may authorize a municipality to
22 exercise its zoning powers, other than powers that a county may
23 exercise under Section 5-12001 of the Counties Code, with
24 respect to land used for agricultural purposes. This amendatory
25 Act of the 92nd General Assembly is declarative of existing
26 law. No municipality may exercise any power set forth in this
27 Division 13 outside the corporate limits of the municipality
28 with respect to a facility of a telecommunications carrier
29 defined in Section 5-12001.1 of the Counties Code.

30 Notwithstanding any other provision of law to the contrary,
31 at least 30 days prior to commencing construction of a new
32 telecommunications facility within 1.5 miles of a
33 municipality, the telecommunications carrier constructing the
34 facility shall provide written notice of its intent to

1 construct the facility. The notice shall include, but not be
2 limited to, the following information: (i) the name, address,
3 and telephone number of the company responsible for the
4 construction of the facility and (ii) the address and telephone
5 number of the governmental entity that issued the building
6 permit for the telecommunications facility. The notice shall be
7 provided in person, by overnight private courier, or by
8 certified mail to all owners of property within 250 feet of the
9 parcel in which the telecommunications carrier has a leasehold
10 or ownership interest. For the purposes of this notice
11 requirement, "owners" means those persons or entities
12 identified from the authentic tax records of the county in
13 which the telecommunications facility is to be located. If,
14 after a bona fide effort by the telecommunications carrier to
15 determine the owner and his or her address, the owner of the
16 property on whom the notice must be served cannot be found at
17 the owner's last known address, or if the mailed notice is
18 returned because the owner cannot be found at the last known
19 address, the notice requirement of this paragraph is deemed
20 satisfied. For the purposes of this paragraph, "facility" means
21 that term as it is defined in Section 5-12001.1 of the Counties
22 Code.

23 If a municipality adopts a zoning plan covering an area
24 outside its corporate limits, the plan adopted shall be
25 reasonable with respect to the area outside the corporate
26 limits so that future development will not be hindered or
27 impaired; it is reasonable for a municipality to regulate or
28 prohibit the extraction of sand, gravel, or limestone even when
29 those activities are related to an agricultural purpose. If all
30 or any part of the area outside the corporate limits of a
31 municipality which has been zoned in accordance with the
32 provisions of this Division 13 is annexed to another
33 municipality or municipalities, the annexing unit shall
34 thereafter exercise all zoning powers and regulations over the

1 annexed area.

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

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

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

28 Section 99. Effective date. This Act takes effect upon
29 becoming law."