



Rep. Renée Kosel

Filed: 3/30/2011

09700HB2974ham002

LRB097 10838 KMW 53094 a

1 AMENDMENT TO HOUSE BILL 2974

2 AMENDMENT NO. _____. Amend House Bill 2974 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing
5 Section 5-12001.1 as follows:

6 (55 ILCS 5/5-12001.1)

7 Sec. 5-12001.1. Authority to regulate certain specified
8 facilities of a telecommunications carrier and to regulate,
9 pursuant to subsections (a) through (g), AM broadcast towers
10 and facilities.

11 (a) Notwithstanding any other Section in this Division, the
12 county board or board of county commissioners of any county
13 shall have the power to regulate the location of the
14 facilities, as defined in subsection (c), of a
15 telecommunications carrier or AM broadcast station established
16 outside the corporate limits of cities, villages, and

1 incorporated towns that have municipal zoning ordinances in
2 effect. The power shall only be exercised to the extent and in
3 the manner set forth in this Section.

4 (b) The provisions of this Section shall not abridge any
5 rights created by or authority confirmed in the federal
6 Telecommunications Act of 1996, P.L. 104-104.

7 (c) As used in this Section, unless the context otherwise
8 requires:

9 (1) "county jurisdiction area" means those portions of
10 a county that lie outside the corporate limits of cities,
11 villages, and incorporated towns that have municipal
12 zoning ordinances in effect;

13 (2) "county board" means the county board or board of
14 county commissioners of any county;

15 (3) "residential zoning district" means a zoning
16 district that is designated under a county zoning ordinance
17 and is zoned predominantly for residential uses;

18 (4) "non-residential zoning district" means the county
19 jurisdiction area of a county, except for those portions
20 within a residential zoning district;

21 (5) "residentially zoned lot" means a zoning lot in a
22 residential zoning district;

23 (6) "non-residentially zoned lot" means a zoning lot in
24 a non-residential zoning district;

25 (7) "telecommunications carrier" means a
26 telecommunications carrier as defined in the Public

1 Utilities Act as of January 1, 1997;

2 (8) "facility" means that part of the signal
3 distribution system used or operated by a
4 telecommunications carrier or AM broadcast station under a
5 license from the FCC consisting of a combination of
6 improvements and equipment including (i) one or more
7 antennas, (ii) a supporting structure and the hardware by
8 which antennas are attached; (iii) equipment housing; and
9 (iv) ancillary equipment such as signal transmission
10 cables and miscellaneous hardware;

11 (9) "FAA" means the Federal Aviation Administration of
12 the United States Department of Transportation;

13 (10) "FCC" means the Federal Communications
14 Commission;

15 (11) "antenna" means an antenna device by which radio
16 signals are transmitted, received, or both;

17 (12) "supporting structure" means a structure, whether
18 an antenna tower or another type of structure, that
19 supports one or more antennas as part of a facility;

20 (13) "qualifying structure" means a supporting
21 structure that is (i) an existing structure, if the height
22 of the facility, including the structure, is not more than
23 15 feet higher than the structure just before the facility
24 is installed, or (ii) a substantially similar,
25 substantially same-location replacement of an existing
26 structure, if the height of the facility, including the

1 replacement structure, is not more than 15 feet higher than
2 the height of the existing structure just before the
3 facility is installed;

4 (14) "equipment housing" means a combination of one or
5 more equipment buildings or enclosures housing equipment
6 that operates in conjunction with the antennas of a
7 facility, and the equipment itself;

8 (15) "height" of a facility means the total height of
9 the facility's supporting structure and any antennas that
10 will extend above the top of the supporting structure;
11 however, if the supporting structure's foundation extends
12 more than 3 feet above the uppermost ground level along the
13 perimeter of the foundation, then each full foot in excess
14 of 3 feet shall be counted as an additional foot of
15 facility height. The height of a facility's supporting
16 structure is to be measured from the highest point of the
17 supporting structure's foundation;

18 (16) "facility lot" means the zoning lot on which a
19 facility is or will be located;

20 (17) "principal residential building" has its common
21 meaning but shall not include any building under the same
22 ownership as the land of the facility lot. "Principal
23 residential building" shall not include any structure that
24 is not designed for human habitation;

25 (18) "horizontal separation distance" means the
26 distance measured from the center of the base of the

1 facility's supporting structure to the point where the
2 ground meets a vertical wall of a principal residential
3 building;

4 (19) "lot line set back distance" means the distance
5 measured from the center of the base of the facility's
6 supporting structure to the nearest point on the common lot
7 line between the facility lot and the nearest residentially
8 zoned lot. If there is no common lot line, the measurement
9 shall be made to the nearest point on the lot line of the
10 nearest residentially zoned lot without deducting the
11 width of any intervening right of way; ~~and~~

12 (20) "AM broadcast station" means a facility and one or
13 more towers for the purpose of transmitting communication
14 in the 540 kHz to 1700 kHz band for public reception
15 authorized by the FCC; and -

16 (21) "co-location" means a tower shared by 2 or more
17 wireless communications providers.

18 (d) In choosing a location for a facility, a
19 telecommunications carrier or AM broadcast station shall
20 consider the following:

21 (1) A non-residentially zoned lot is the most desirable
22 location.

23 (2) A residentially zoned lot that is not used for
24 residential purposes is the second most desirable
25 location.

26 (3) A residentially zoned lot that is 2 acres or more

1 in size and is used for residential purposes is the third
2 most desirable location.

3 (4) A residentially zoned lot that is less than 2 acres
4 in size and is used for residential purposes is the least
5 desirable location.

6 The size of a lot shall be the lot's gross area in square
7 feet without deduction of any unbuildable or unusable land, any
8 roadway, or any other easement.

9 (e) In designing a facility, a telecommunications carrier
10 or AM broadcast station shall consider the following
11 guidelines:

12 (1) No building or tower that is part of a facility
13 should encroach onto any recorded easement prohibiting the
14 encroachment unless the grantees of the easement have given
15 their approval.

16 (2) Lighting should be installed for security and
17 safety purposes only. Except with respect to lighting
18 required by the FCC or FAA, all lighting should be shielded
19 so that no glare extends substantially beyond the
20 boundaries of a facility.

21 (3) No facility should encroach onto an existing septic
22 field.

23 (4) Any facility located in a special flood hazard area
24 or wetland should meet the legal requirements for those
25 lands.

26 (5) Existing trees more than 3 inches in diameter

1 should be preserved if reasonably feasible during
2 construction. If any tree more than 3 inches in diameter is
3 removed during construction a tree 3 inches or more in
4 diameter of the same or a similar species shall be planted
5 as a replacement if reasonably feasible. Tree diameter
6 shall be measured at a point 3 feet above ground level.

7 (6) If any elevation of a facility faces an existing,
8 adjoining residential use within a residential zoning
9 district, low maintenance landscaping should be provided
10 on or near the facility lot to provide at least partial
11 screening of the facility. The quantity and type of that
12 landscaping should be in accordance with any county
13 landscaping regulations of general applicability, except
14 that paragraph (5) of this subsection (e) shall control
15 over any tree-related regulations imposing a greater
16 burden.

17 (7) Fencing should be installed around a facility. The
18 height and materials of the fencing should be in accordance
19 with any county fence regulations of general
20 applicability.

21 (8) Any building that is part of a facility located
22 adjacent to a residentially zoned lot should be designed
23 with exterior materials and colors that are reasonably
24 compatible with the residential character of the area.

25 (f) The following provisions shall apply to all facilities
26 established in any county jurisdiction area (i) after the

1 effective date of the amendatory Act of 1997 with respect to
2 telecommunications carriers and (ii) after the effective date
3 of this amendatory Act of the 94th General Assembly with
4 respect to AM broadcast stations:

5 (1) Except as provided in this Section, no yard or set
6 back regulations shall apply to or be required for a
7 facility.

8 (2) A facility may be located on the same zoning lot as
9 one or more other structures or uses without violating any
10 ordinance or regulation that prohibits or limits multiple
11 structures, buildings, or uses on a zoning lot.

12 (3) No minimum lot area, width, or depth shall be
13 required for a facility, and unless the facility is to be
14 manned on a regular, daily basis, no off-street parking
15 spaces shall be required for a facility. If the facility is
16 to be manned on a regular, daily basis, one off-street
17 parking space shall be provided for each employee regularly
18 at the facility. No loading facilities are required.

19 (4) No portion of a facility's supporting structure or
20 equipment housing shall be less than 15 feet from the front
21 lot line of the facility lot or less than 10 feet from any
22 other lot line.

23 (5) No bulk regulations or lot coverage, building
24 coverage, or floor area ratio limitations shall be applied
25 to a facility or to any existing use or structure
26 coincident with the establishment of a facility. Except as

1 provided in this Section, no height limits or restrictions
2 shall apply to a facility.

3 (6) A county's review of a building permit application
4 for a facility shall be completed within 30 days. If a
5 decision of the county board is required to permit the
6 establishment of a facility, the county's review of the
7 application shall be simultaneous with the process leading
8 to the county board's decision.

9 (7) The improvements and equipment comprising the
10 facility may be wholly or partly freestanding or wholly or
11 partly attached to, enclosed in, or installed in or on a
12 structure or structures.

13 (8) Any public hearing authorized under this Section
14 shall be conducted in a manner determined by the county
15 board. Notice of any such public hearing shall be published
16 at least 15 days before the hearing in a newspaper of
17 general circulation published in the county. Notice of any
18 such public hearing shall also be sent by certified mail at
19 least 15 days prior to the hearing to the owners of record
20 of all residential property that is adjacent to the lot
21 upon which the facility is proposed to be sited.

22 (9) Any decision regarding a facility by the county
23 board or a county agency or official shall be supported by
24 written findings of fact. The circuit court shall have
25 jurisdiction to review the reasonableness of any adverse
26 decision and the plaintiff shall bear the burden of proof,

1 but there shall be no presumption of the validity of the
2 decision.

3 (g) The following provisions shall apply to all facilities
4 established (i) after the effective date of this amendatory Act
5 of 1997 with respect to telecommunications carriers, ~~and~~ (ii)
6 after the effective date of this amendatory Act of the 94th
7 General Assembly with respect to AM broadcast stations in the
8 county jurisdiction area of any county with a population of
9 less than 180,000, and (iii) after the effective date of this
10 amendatory Act of the 97th General Assembly with respect to
11 regulation of support structures under item (5):

12 (1) A facility is permitted if its supporting structure
13 is a qualifying structure or if both of the following
14 conditions are met:

15 (A) the height of the facility shall not exceed 200
16 feet, except that if a facility is located more than
17 one and one-half miles from the corporate limits of any
18 municipality with a population of 25,000 or more the
19 height of the facility shall not exceed 350 feet; and

20 (B) the horizontal separation distance to the
21 nearest principal residential building shall not be
22 less than the height of the supporting structure;
23 except that if the supporting structure exceeds 99 feet
24 in height, the horizontal separation distance to the
25 nearest principal residential building shall be at
26 least 100 feet or 80% of the height of the supporting

1 structure, whichever is greater. Compliance with this
2 paragraph shall only be evaluated as of the time that a
3 building permit application for the facility is
4 submitted. If the supporting structure is not an
5 antenna tower this paragraph is satisfied.

6 (2) Unless a facility is permitted under paragraph (1)
7 of this subsection (g), a facility can be established only
8 after the county board gives its approval following
9 consideration of the provisions of paragraph (3) of this
10 subsection (g). The county board may give its approval
11 after one public hearing on the proposal, but only by the
12 favorable vote of a majority of the members present at a
13 meeting held no later than 75 days after submission of a
14 complete application by the telecommunications carrier. If
15 the county board fails to act on the application within 75
16 days after its submission, the application shall be deemed
17 to have been approved. No more than one public hearing
18 shall be required.

19 (3) For purposes of paragraph (2) of this subsection
20 (g), the following siting considerations, but no other
21 matter, shall be considered by the county board or any
22 other body conducting the public hearing:

23 (A) the criteria in subsection (d) of this Section;

24 (B) whether a substantial adverse effect on public
25 safety will result from some aspect of the facility's
26 design or proposed construction, but only if that

1 aspect of design or construction is modifiable by the
2 applicant;

3 (C) the benefits to be derived by the users of the
4 services to be provided or enhanced by the facility and
5 whether public safety and emergency response
6 capabilities would benefit by the establishment of the
7 facility;

8 (D) the existing uses on adjacent and nearby
9 properties; and

10 (E) the extent to which the design of the proposed
11 facility reflects compliance with subsection (e) of
12 this Section.

13 (4) On judicial review of an adverse decision, the
14 issue shall be the reasonableness of the county board's
15 decision in light of the evidence presented on the siting
16 considerations and the well-reasoned recommendations of
17 any other body that conducts the public hearing.

18 (5) When regulating the placement of a support
19 structure, a county may not:

20 (A) regulate the placement of an antenna or related
21 equipment for an existing support structure; except
22 that if the placement of an antenna on an existing
23 support structure requires an extension, the placement
24 may be regulated if the extension would require the
25 support structure to have lighting as required by
26 federal law; if a co-location occurs, the co-location

1 may not be considered an expansion, and the county may
2 not impose additional costs or operating restrictions
3 on the applicant for the co-location unless the support
4 structure is owned by the county;

5 (B) require the applicant to provide justification
6 for radio frequency need; or

7 (C) prohibit the provision of personal wireless
8 services.

9 (h) The following provisions shall apply to all facilities
10 established after the effective date of this amendatory Act of
11 1997 in the county jurisdiction area of any county with a
12 population of 180,000 or more. A facility is permitted in any
13 zoning district subject to the following:

14 (1) A facility shall not be located on a lot under
15 paragraph (4) of subsection (d) unless a variation is
16 granted by the county board under paragraph (4) of this
17 subsection (h).

18 (2) Unless a height variation is granted by the county
19 board, the height of a facility shall not exceed 75 feet if
20 the facility will be located in a residential zoning
21 district or 200 feet if the facility will be located in a
22 non-residential zoning district. However, the height of a
23 facility may exceed the height limit in this paragraph, and
24 no height variation shall be required, if the supporting
25 structure is a qualifying structure.

26 (3) The improvements and equipment of the facility

1 shall be placed to comply with the requirements of this
2 paragraph at the time a building permit application for the
3 facility is submitted. If the supporting structure is an
4 antenna tower other than a qualifying structure then (i) if
5 the facility will be located in a residential zoning
6 district the lot line set back distance to the nearest
7 residentially zoned lot shall be at least 50% of the height
8 of the facility's supporting structure or (ii) if the
9 facility will be located in a non-residential zoning
10 district the horizontal separation distance to the nearest
11 principal residential building shall be at least equal to
12 the height of the facility's supporting structure.

13 (4) The county board may grant variations for any of
14 the regulations, conditions, and restrictions of this
15 subsection (h), after one public hearing on the proposed
16 variations held at a zoning or other appropriate committee
17 meeting with proper notice given as provided in this
18 Section, by a favorable vote of a majority of the members
19 present at a meeting held no later than 75 days after
20 submission of an application by the telecommunications
21 carrier. If the county board fails to act on the
22 application within 75 days after submission, the
23 application shall be deemed to have been approved. In its
24 consideration of an application for variations, the county
25 board, and any other body conducting the public hearing,
26 shall consider the following, and no other matters:

1 (A) whether, but for the granting of a variation,
2 the service that the telecommunications carrier seeks
3 to enhance or provide with the proposed facility will
4 be less available, impaired, or diminished in quality,
5 quantity, or scope of coverage;

6 (B) whether the conditions upon which the
7 application for variations is based are unique in some
8 respect or, if not, whether the strict application of
9 the regulations would result in a hardship on the
10 telecommunications carrier;

11 (C) whether a substantial adverse effect on public
12 safety will result from some aspect of the facility's
13 design or proposed construction, but only if that
14 aspect of design or construction is modifiable by the
15 applicant;

16 (D) whether there are benefits to be derived by the
17 users of the services to be provided or enhanced by the
18 facility and whether public safety and emergency
19 response capabilities would benefit by the
20 establishment of the facility; and

21 (E) the extent to which the design of the proposed
22 facility reflects compliance with subsection (e) of
23 this Section.

24 No more than one public hearing shall be required.

25 (5) On judicial review of an adverse decision, the
26 issue shall be the reasonableness of the county board's

1 decision in light of the evidence presented and the
2 well-reasoned recommendations of any other body that
3 conducted the public hearing.

4 (i) Notwithstanding any other provision of law the
5 contrary, 30 days prior to the issuance of any permits for a
6 new telecommunications facility in any area under county zoning
7 jurisdiction, the telecommunications carrier constructing the
8 facility shall provide written notice of its intent to
9 construct the facility. The notice shall include, but not be
10 limited to, the following information: (i) the name, address,
11 and telephone number of the company responsible for the
12 construction of the facility, (ii) the address and telephone
13 number of the governmental entity that is to issue the building
14 permit for the telecommunications facility, (iii) a site plan
15 and site map of sufficient specificity to indicate both the
16 location of the parcel where the telecommunications facility is
17 to be constructed and the location of all the
18 telecommunications facilities within that parcel, and (iv) the
19 property index number and common address of the parcel where
20 the telecommunications facility is to be located. The notice
21 shall not contain any material that appears to be an
22 advertisement for the telecommunications carrier or any
23 services provided by the telecommunications carrier. The
24 notice shall be provided in person, by overnight private
25 courier, or by certified mail to all owners of property within
26 250 feet of the parcel in which the telecommunications carrier

1 has a leasehold or ownership interest. For the purposes of this
2 notice requirement, "owners" means those persons or entities
3 identified from the authentic tax records of the county in
4 which the telecommunications facility is to be located. If,
5 after a bona fide effort by the telecommunications carrier to
6 determine the owner and his or her address, the owner of the
7 property on whom the notice must be served cannot be found at
8 the owner's last known address, or if the mailed notice is
9 returned because the owner cannot be found at the last known
10 address, the notice requirement of this paragraph is deemed
11 satisfied.

12 (Source: P.A. 95-815, eff. 8-13-08; 96-696, eff. 1-1-10.)

13 Section 10. The Illinois Municipal Code is amended by
14 changing Section 11-13-1 as follows:

15 (65 ILCS 5/11-13-1) (from Ch. 24, par. 11-13-1)

16 Sec. 11-13-1. To the end that adequate light, pure air, and
17 safety from fire and other dangers may be secured, that the
18 taxable value of land and buildings throughout the municipality
19 may be conserved, that congestion in the public streets may be
20 lessened or avoided, that the hazards to persons and damage to
21 property resulting from the accumulation or runoff of storm or
22 flood waters may be lessened or avoided, and that the public
23 health, safety, comfort, morals, and welfare may otherwise be
24 promoted, and to insure and facilitate the preservation of

1 sites, areas, and structures of historical, architectural and
2 aesthetic importance; the corporate authorities in each
3 municipality have the following powers:

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

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

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

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

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

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

26 (7) to prohibit uses, buildings, or structures

1 incompatible with the character of such districts;

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

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

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

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

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

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

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

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

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

1 to issue ~~issued~~ the building permit for the telecommunications
2 facility, (iii) a site plan and site map of sufficient
3 specificity to indicate both the location of the parcel where
4 the telecommunications facility is to be constructed and the
5 location of all the telecommunications facilities within that
6 parcel, and (iv) the property index number and common address
7 of the parcel where the telecommunications facility is to be
8 located. The notice shall not contain any material that appears
9 to be an advertisement for the telecommunications carrier or
10 any services provided by the telecommunications carrier. The
11 notice shall be provided in person, by overnight private
12 courier, or by certified mail to all owners of property within
13 250 feet of the parcel in which the telecommunications carrier
14 has a leasehold or ownership interest. For the purposes of this
15 notice requirement, "owners" means those persons or entities
16 identified from the authentic tax records of the county in
17 which the telecommunications facility is to be located. If,
18 after a bona fide effort by the telecommunications carrier to
19 determine the owner and his or her address, the owner of the
20 property on whom the notice must be served cannot be found at
21 the owner's last known address, or if the mailed notice is
22 returned because the owner cannot be found at the last known
23 address, the notice requirement of this paragraph is deemed
24 satisfied. For the purposes of this paragraph, "facility" means
25 that term as it is defined in Section 5-12001.1 of the Counties
26 Code.

1 When regulating the placement of a telecommunications
2 support structure, a municipality may not:

3 (1) regulate the placement of an antenna or related
4 equipment for an existing support structure; except that if
5 the placement of an antenna on an existing support
6 structure requires an extension, the placement may be
7 regulated if the extension would require the support
8 structure to have lighting as required by federal law; if a
9 co-location occurs, the co-location may not be considered
10 an expansion, and the municipality may not impose
11 additional costs or operating restrictions on the
12 applicant for the co-location unless the support structure
13 is owned by the municipality;

14 (2) require the applicant to provide justification for
15 radio frequency need; or

16 (3) prohibit the provision of personal wireless
17 services.

18 For the purposes of this Section, "co-location" means a
19 tower shared by 2 or more wireless communications providers.

20 If a municipality adopts a zoning plan covering an area
21 outside its corporate limits, the plan adopted shall be
22 reasonable with respect to the area outside the corporate
23 limits so that future development will not be hindered or
24 impaired; it is reasonable for a municipality to regulate or
25 prohibit the extraction of sand, gravel, or limestone even when
26 those activities are related to an agricultural purpose. If all

1 or any part of the area outside the corporate limits of a
2 municipality which has been zoned in accordance with the
3 provisions of this Division 13 is annexed to another
4 municipality or municipalities, the annexing unit shall
5 thereafter exercise all zoning powers and regulations over the
6 annexed area.

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

1 damaged in major part, or when they have reached the age fixed
2 by the corporate authorities of the municipality as the normal
3 useful life of such buildings or structures.

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

7 (Source: P.A. 95-475, eff. 1-1-08; 96-904, eff. 1-1-11.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law."