



Sen. Terry Link

Filed: 3/26/2012

09700SB2895sam002

LRB097 17641 KMW 68052 a

1 AMENDMENT TO SENATE BILL 2895

2 AMENDMENT NO. _____. Amend Senate Bill 2895, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

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

7 (55 ILCS 5/5-12001.1)

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

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

1 outside the corporate limits of cities, villages, and
2 incorporated towns that have municipal zoning ordinances in
3 effect. The power shall only be exercised to the extent and in
4 the manner set forth in this Section.

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

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

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

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

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

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

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

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

26 (7) "telecommunications carrier" means a

1 telecommunications carrier as defined in the Public
2 Utilities Act as of January 1, 1997;

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

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

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

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

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

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

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

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

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

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

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

26 (18) "horizontal separation distance" means the

1 distance measured from the center of the base of the
2 facility's supporting structure to the point where the
3 ground meets a vertical wall of a principal residential
4 building;

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

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

17 (21) "overlay zoning district" means a zoning district
18 that is designated under a county zoning ordinance and is
19 zoned predominantly for the location of new
20 telecommunications facilities and may include
21 unincorporated areas within a county.

22 (d) In choosing a location for a facility, a
23 telecommunications carrier or AM broadcast station shall
24 consider the following:

25 (1) A non-residentially zoned lot is the most desirable
26 location.

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

4 (3) A residentially zoned lot that is 2 acres or more
5 in size and is used for residential purposes is the third
6 most desirable location.

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

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

13 (e) In designing a facility, a telecommunications carrier
14 or AM broadcast station shall consider the following
15 guidelines:

16 (1) No building or tower that is part of a facility
17 should encroach onto any recorded easement prohibiting the
18 encroachment unless the grantees of the easement have given
19 their approval.

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

25 (3) No facility should encroach onto an existing septic
26 field.

1 (4) Any facility located in a special flood hazard area
2 or wetland should meet the legal requirements for those
3 lands.

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

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

21 (7) Fencing should be installed around a facility. The
22 height and materials of the fencing should be in accordance
23 with any county fence regulations of general
24 applicability.

25 (8) Any building that is part of a facility located
26 adjacent to a residentially zoned lot should be designed

1 with exterior materials and colors that are reasonably
2 compatible with the residential character of the area.

3 (f) The following provisions shall apply to all facilities
4 established in any county jurisdiction area (i) after the
5 effective date of the amendatory Act of 1997 with respect to
6 telecommunications carriers and (ii) after the effective date
7 of this amendatory Act of the 94th General Assembly with
8 respect to AM broadcast stations:

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

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

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

23 (4) No portion of a facility's supporting structure or
24 equipment housing shall be less than 15 feet from the front
25 lot line of the facility lot or less than 10 feet from any
26 other lot line.

1 (5) No bulk regulations or lot coverage, building
2 coverage, or floor area ratio limitations shall be applied
3 to a facility or to any existing use or structure
4 coincident with the establishment of a facility. Except as
5 provided in this Section, no height limits or restrictions
6 shall apply to a facility.

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

13 (7) The improvements and equipment comprising the
14 facility may be wholly or partly freestanding or wholly or
15 partly attached to, enclosed in, or installed in or on a
16 structure or structures.

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

26 (9) Any decision regarding a facility by the county

1 board or a county agency or official shall be supported by
2 written findings of fact. The circuit court shall have
3 jurisdiction to review the reasonableness of any adverse
4 decision and the plaintiff shall bear the burden of proof,
5 but there shall be no presumption of the validity of the
6 decision.

7 (10) Thirty days prior to the issuance of a building
8 permit for a facility necessitating the erection of a new
9 tower, the permit applicant shall provide written notice of
10 its intent to construct the facility to the State
11 Representative and the State Senator of the district in
12 which the subject facility is to be constructed and all
13 county board members for the county board district in the
14 county in which the subject facility is to be constructed.
15 This notice shall include, but not be limited to, the
16 following information: (i) the name, address, and
17 telephone number of the company responsible for the
18 construction of the facility; (ii) the name, address, and
19 telephone number of the governmental entity authorized to
20 issue the building permit; and (iii) the location of the
21 proposed facility. The applicant shall demonstrate
22 compliance with the notice requirements set forth in this
23 item (10) by submitting certified mail receipts or
24 equivalent mail service receipts at the same time that the
25 applicant submits the permit application.

26 (g) The following provisions shall apply to all facilities

1 established (i) after the effective date of this amendatory Act
2 of 1997 with respect to telecommunications carriers and (ii)
3 after the effective date of this amendatory Act of the 94th
4 General Assembly with respect to AM broadcast stations in the
5 county jurisdiction area of any county with a population of
6 less than 180,000:

7 (1) A facility is permitted if its supporting structure
8 is a qualifying structure or if both of the following
9 conditions are met:

10 (A) the height of the facility shall not exceed 200
11 feet, except that if a facility is located more than
12 one and one-half miles from the corporate limits of any
13 municipality with a population of 25,000 or more the
14 height of the facility shall not exceed 350 feet; and

15 (B) the horizontal separation distance to the
16 nearest principal residential building shall not be
17 less than the height of the supporting structure;
18 except that if the supporting structure exceeds 99 feet
19 in height, the horizontal separation distance to the
20 nearest principal residential building shall be at
21 least 100 feet or 80% of the height of the supporting
22 structure, whichever is greater. Compliance with this
23 paragraph shall only be evaluated as of the time that a
24 building permit application for the facility is
25 submitted. If the supporting structure is not an
26 antenna tower this paragraph is satisfied.

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

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

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

19 (B) whether a substantial adverse effect on public
20 safety will result from some aspect of the facility's
21 design or proposed construction, but only if that
22 aspect of design or construction is modifiable by the
23 applicant;

24 (C) the benefits to be derived by the users of the
25 services to be provided or enhanced by the facility and
26 whether public safety and emergency response

1 capabilities would benefit by the establishment of the
2 facility;

3 (D) the existing uses on adjacent and nearby
4 properties; and

5 (E) the extent to which the design of the proposed
6 facility reflects compliance with subsection (e) of
7 this Section.

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

13 (h) The following provisions shall apply to all facilities
14 established after the effective date of this amendatory Act of
15 1997 in the county jurisdiction area of any county with a
16 population of 180,000 or more. A facility is permitted in any
17 zoning district subject to the following:

18 (1) A facility shall not be located on a lot under
19 paragraph (4) of subsection (d) unless a variation is
20 granted by the county board under paragraph (4) of this
21 subsection (h) or pursuant to subsection (j).

22 (2) Except for a facility located in an overlay zoning
23 district, unless ~~Unless~~ a height variation is granted by
24 the county board, the height of a facility shall not exceed
25 75 feet if the facility will be located in a residential
26 zoning district or 200 feet if the facility will be located

1 in a non-residential zoning district. However, the height
2 of a facility may exceed the height limit in this
3 paragraph, and no height variation shall be required, if
4 the supporting structure is a qualifying structure.

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

19 (4) The county board may grant variations for any of
20 the regulations, conditions, and restrictions of this
21 subsection (h), after one public hearing on the proposed
22 variations held at a zoning or other appropriate committee
23 meeting with proper notice given as provided in this
24 Section, by a favorable vote of a majority of the members
25 present at a meeting held no later than 75 days after
26 submission of an application by the telecommunications

1 carrier. If the county board fails to act on the
2 application within 75 days after submission, the
3 application shall be deemed to have been approved. In its
4 consideration of an application for variations, the county
5 board, and any other body conducting the public hearing,
6 shall consider the following, and no other matters:

7 (A) whether, but for the granting of a variation,
8 the service that the telecommunications carrier seeks
9 to enhance or provide with the proposed facility will
10 be less available, impaired, or diminished in quality,
11 quantity, or scope of coverage;

12 (B) whether the conditions upon which the
13 application for variations is based are unique in some
14 respect or, if not, whether the strict application of
15 the regulations would result in a hardship on the
16 telecommunications carrier;

17 (C) whether a substantial adverse effect on public
18 safety will result from some aspect of the facility's
19 design or proposed construction, but only if that
20 aspect of design or construction is modifiable by the
21 applicant;

22 (D) whether there are benefits to be derived by the
23 users of the services to be provided or enhanced by the
24 facility and whether public safety and emergency
25 response capabilities would benefit by the
26 establishment of the facility; and

1 (E) the extent to which the design of the proposed
2 facility reflects compliance with subsection (e) of
3 this Section.

4 No more than one public hearing shall be required.

5 (5) On judicial review of an adverse decision, the
6 issue shall be the reasonableness of the county board's
7 decision in light of the evidence presented and the
8 well-reasoned recommendations of any other body that
9 conducted the public hearing.

10 (h-5) Notwithstanding any other provision of this Section,
11 modifications to existing facilities outside of an overlay
12 zoning district shall be permitted, subject to the requirements
13 of subsections (e), (f), and (h) of this Section.

14 (i) Notwithstanding any other provision of law to the
15 contrary, 30 days prior to the issuance of any permits for a
16 new telecommunications facility within a county, the
17 telecommunications carrier constructing the facility shall
18 provide written notice of its intent to construct the facility.
19 The notice shall include, but not be limited to, the following
20 information: (i) the name, address, and telephone number of the
21 company responsible for the construction of the facility, (ii)
22 the address and telephone number of the governmental entity
23 that is to issue the building permit for the telecommunications
24 facility, (iii) a site plan and site map of sufficient
25 specificity to indicate both the location of the parcel where
26 the telecommunications facility is to be constructed and the

1 location of all the telecommunications facilities within that
2 parcel, and (iv) the property index number and common address
3 of the parcel where the telecommunications facility is to be
4 located. The notice shall not contain any material that appears
5 to be an advertisement for the telecommunications carrier or
6 any services provided by the telecommunications carrier. The
7 notice shall be provided in person, by overnight private
8 courier, or by certified mail to all owners of property within
9 250 feet of the parcel in which the telecommunications carrier
10 has a leasehold or ownership interest. For the purposes of this
11 notice 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.

21 (j) The county board in a county with a population of
22 180,000 or more may establish an overlay zoning district to
23 confine the location of new facilities constructed after the
24 effective date of this amendatory Act of the 97th General
25 Assembly to that district. In establishing the boundaries of
26 the overlay zoning district, the county board may not

1 unreasonably discriminate among providers of functionally
2 equivalent services and may not prohibit the provision of
3 telecommunications services, as provided for in the
4 Telecommunications Act of 1996. In the event a
5 telecommunications carrier finds that, for service coverage
6 purposes, a facility is necessary in an area not designated as
7 part of the overlay zoning district, the carrier may petition
8 the county board to amend the overlay zoning district, pursuant
9 to Section 5-12014 of this Division, to incorporate the
10 facility parcel. Notwithstanding any other provisions of this
11 Section, the establishment of proposed new facilities and the
12 modification of existing facilities, including the addition of
13 new antennae, within the overlay zoning district shall be
14 subject to the following:

15 (1) The county may establish generally applicable
16 standards governing the height and setbacks of proposed
17 facilities and facility modifications in the overlay
18 zoning district.

19 (2) The county may require that proposed new facilities
20 be architecturally compatible with the surrounding
21 buildings and land uses within the overlay zoning district
22 or otherwise integrated, through coloring, location, and
23 design, to blend in with the existing characteristics of
24 the site.

25 (3) The county may establish standards for landscaping
26 to provide screening of proposed new facilities from

1 adjacent uses.

2 (4) In the event that the use of a facility has been
3 discontinued for a period of at least 90 consecutive days,
4 the county may deem the facility to be abandoned. In the
5 event of abandonment, the county may require that the
6 carrier remove the facility and restore the site. As part
7 of the permitting process for a proposed facility,
8 performance guarantees may be required to ensure the
9 facility removal and site restoration.

10 (5) Provided that the proposed new facility or facility
11 modification meets the requirements of this subsection
12 (j), the county may approve an application for a proposed
13 new facility or modification no later than 30 days after
14 submission of an application by the telecommunications
15 carrier. If a carrier's proposed facility or modification
16 does not meet the requirements of this subsection (j), then
17 the county may require the carrier to obtain a special use
18 permit pursuant to Section 5-12009.5 of this Division,
19 prior to the establishment of the new facility or facility
20 modification. In that case, the county's review and
21 decision on the application shall be completed within 120
22 days after the submission of an application. If the county
23 fails to act on an application within the required time
24 period, then the application shall be deemed to have been
25 approved.

26 (Source: P.A. 96-696, eff. 1-1-10; 97-242, eff. 8-4-11; 97-496,

1 eff. 8-22-11; revised 9-28-11.)

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

4 (65 ILCS 5/11-13-1) (from Ch. 24, par. 11-13-1)

5 Sec. 11-13-1. To the end that adequate light, pure air, and
6 safety from fire and other dangers may be secured, that the
7 taxable value of land and buildings throughout the municipality
8 may be conserved, that congestion in the public streets may be
9 lessened or avoided, that the hazards to persons and damage to
10 property resulting from the accumulation or runoff of storm or
11 flood waters may be lessened or avoided, and that the public
12 health, safety, comfort, morals, and welfare may otherwise be
13 promoted, and to insure and facilitate the preservation of
14 sites, areas, and structures of historical, architectural and
15 aesthetic importance; the corporate authorities in each
16 municipality have the following powers:

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

19 (2) to establish, regulate and limit, subject to the
20 provisions of Division 14 of this Article 11, the building
21 or set-back lines on or along any street, traffic-way,
22 drive, parkway or storm or floodwater runoff channel or
23 basin;

24 (3) to regulate and limit the intensity of the use of

1 lot areas, and to regulate and determine the area of open
2 spaces, within and surrounding such buildings;

3 (4) to classify, regulate and restrict the location of
4 trades and industries and the location of buildings
5 designed for specified industrial, business, residential,
6 and other uses;

7 (5) to divide the entire municipality into districts of
8 such number, shape, area, and of such different classes
9 (according to use of land and buildings, height and bulk of
10 buildings, intensity of the use of lot area, area of open
11 spaces, or other classification) as may be deemed best
12 suited to carry out the purposes of this Division 13;

13 (6) to fix standards to which buildings or structures
14 therein shall conform;

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

17 (8) to prevent additions to and alteration or
18 remodeling of existing buildings or structures in such a
19 way as to avoid the restrictions and limitations lawfully
20 imposed under this Division 13;

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

26 (10) to regulate or forbid any structure or activity

1 which may hinder access to solar energy necessary for the
2 proper functioning of a solar energy system, as defined in
3 Section 1.2 of the Comprehensive Solar Energy Act of 1977;

4 (11) to require the creation and preservation of
5 affordable housing, including the power to provide
6 increased density or other zoning incentives to developers
7 who are creating, establishing, or preserving affordable
8 housing; and

9 (12) to establish local standards solely for the review
10 of the exterior design of buildings and structures,
11 excluding utility facilities and outdoor off-premises
12 advertising signs, and designate a board or commission to
13 implement the review process; except that, other than
14 reasonable restrictions as to size, no home rule or
15 non-home rule municipality may prohibit the display of
16 outdoor political campaign signs on residential property
17 during any period of time, the regulation of these signs
18 being a power and function of the State and, therefor, this
19 item (12) is a denial and limitation of concurrent home
20 rule powers and functions under subsection (i) of Section 6
21 of Article VII of the Illinois Constitution.

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

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

1 Act of the 92nd General Assembly is declarative of existing
2 law. No municipality may exercise any power set forth in this
3 Division 13 outside the corporate limits of the municipality
4 with respect to a facility of a telecommunications carrier
5 defined in Section 5-12001.1 of the Counties Code.

6 The proposed addition of new antennae to an existing
7 telecommunications facility shall be permitted, and the
8 municipality's review and decision shall be completed within 60
9 days after submission of an application for the addition.

10 Notwithstanding any other provision of law to the contrary, 30
11 days prior to the issuance of any permits for a new
12 telecommunications facility within 1.5 miles of a
13 municipality, the telecommunications carrier constructing the
14 facility shall provide written notice of its intent to
15 construct the facility. The notice shall include, but not be
16 limited to, the following information: (i) the name, address,
17 and telephone number of the company responsible for the
18 construction of the facility, (ii) the address and telephone
19 number of the governmental entity that is to issue the building
20 permit for the telecommunications facility, (iii) a site plan
21 and site map of sufficient specificity to indicate both the
22 location of the parcel where the telecommunications facility is
23 to be constructed and the location of all the
24 telecommunications facilities within that parcel, and (iv) the
25 property index number and common address of the parcel where
26 the telecommunications facility is to be located. The notice

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

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. 96-904, eff. 1-1-11; 97-496, eff. 8-22-11.)".