

1 AN ACT concerning counties.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Counties Code is amended by changing
5 Section 5-12001 as follows:

6 (55 ILCS 5/5-12001) (from Ch. 34, par. 5-12001)

7 Sec. 5-12001. Authority to regulate and restrict
8 location and use of structures.

9 For the purpose of promoting the public health, safety,
10 morals, comfort and general welfare, conserving the values of
11 property throughout the county, lessening or avoiding
12 congestion in the public streets and highways, and lessening
13 or avoiding the hazards to persons and damage to property
14 resulting from the accumulation or runoff of storm or flood
15 waters, the county board or board of county commissioners, as
16 the case may be, of each county, has ~~shall~~-have the power to
17 regulate and restrict the location and use of buildings,
18 structures and land for trade, industry, residence and other
19 uses which may be specified by such board, to regulate and
20 restrict the intensity of such uses, to establish building or
21 setback lines on or along any street, trafficway, drive,
22 parkway or storm or floodwater runoff channel or basin
23 outside the limits of cities, villages and incorporated towns
24 which have in effect municipal zoning ordinances; to divide
25 the entire county outside the limits of such cities, villages
26 and incorporated towns into districts of such number, shape,
27 area and of such different classes, according to the use of
28 land and buildings, the intensity of such use (including
29 height of buildings and structures and surrounding open
30 space) and other classification as may be deemed best suited
31 to carry out the purposes of this Division; to prohibit uses,

1 buildings or structures incompatible with the character of
2 such districts respectively; and to prevent additions to and
3 alteration or remodeling of existing buildings or structures
4 in such a way as to avoid the restrictions and limitations
5 lawfully imposed hereunder: Provided, that permits with
6 respect to the erection, maintenance, repair, alteration,
7 remodeling or extension of buildings or structures used or to
8 be used for agricultural purposes shall be issued free of any
9 charge. The corporate authorities of the county may by
10 ordinance require the construction of fences around or
11 protective covers over previously constructed artificial
12 basins of water dug in the ground and used for swimming or
13 wading, which are located on private residential property and
14 intended for the use of the owner and guests. In all
15 ordinances or resolutions passed under the authority of this
16 Division, due allowance shall be made for existing
17 conditions, the conservation of property values, the
18 directions of building development to the best advantage of
19 the entire county, and the uses to which property is devoted
20 at the time of the enactment of any such ordinance or
21 resolution.

22 The powers by this Division given shall not be exercised
23 so as to deprive the owner of any existing property of its
24 use or maintenance for the purpose to which it is then
25 lawfully devoted, but provisions may be made for (i) the
26 gradual elimination of the uses of unimproved lands or lot
27 areas when the existing rights of the persons in possession
28 are terminated or when the uses to which they are devoted are
29 discontinued, (ii) the gradual elimination of uses to which
30 the buildings and structures are devoted if they are
31 adaptable to permitted uses, and (iii) the gradual
32 elimination of the buildings and structures when they are
33 destroyed or damaged in major part; nor shall they be
34 exercised so as to impose regulations, eliminate uses,

1 buildings, or structures, or require permits with respect to
2 land used for agricultural purposes, which includes the
3 growing of farm crops, truck garden crops, animal and poultry
4 husbandry, apiculture, aquaculture, dairying, floriculture,
5 horticulture, nurseries, tree farms, sod farms, pasturage,
6 viticulture, and wholesale greenhouses when such
7 agricultural purposes constitute the principal activity on
8 the land, other than parcels of land consisting of less than
9 5 acres from which \$1,000 or less of agricultural products
10 were sold in any calendar year in counties with a population
11 between 300,000 and 400,000 or in counties contiguous to a
12 county with a population between 300,000 and 400,000, and
13 other than parcels of land consisting of less than 5 acres in
14 counties with a population in excess of 400,000, or with
15 respect to the erection, maintenance, repair, alteration,
16 remodeling or extension of buildings or structures used or to
17 be used for agricultural purposes upon such land except that
18 such buildings or structures for agricultural purposes may be
19 required to conform to building or set back lines and
20 counties may establish a minimum lot size for residences on
21 land used for agricultural purposes; nor shall any such
22 powers be so exercised as to prohibit the temporary use of
23 land for the installation, maintenance and operation of
24 facilities used by contractors in the ordinary course of
25 construction activities, except that such facilities may be
26 required to be located not less than 1,000 feet from any
27 building used for residential purposes, and except that the
28 period of such temporary use shall not exceed the duration of
29 the construction contract; nor shall any such powers include
30 the right to specify or regulate the type or location of any
31 poles, towers, wires, cables, conduits, vaults, laterals or
32 any other similar distributing equipment of a public utility
33 as defined in the Public Utilities Act, if the public utility
34 is subject to the Messages Tax Act, the Gas Revenue Tax Act

1 or the Public Utilities Revenue Act, or if such facilities or
2 equipment are located on any rights of way and are used for
3 railroad purposes, nor shall any such powers be exercised
4 with respect to uses, buildings, or structures of a public
5 utility as defined in the Public Utilities Act, nor shall any
6 such powers be exercised in any respect as to the facilities,
7 as defined in Section 5-12001.1, of a telecommunications
8 carrier, as also defined therein, except to the extent and in
9 the manner set forth in Section 5-12001.1. As used in this
10 Act, "agricultural purposes" do not include the extraction of
11 sand, gravel or limestone, and such activities may be
12 regulated by county zoning ordinance even when such
13 activities are related to an agricultural purpose.

14 Nothing in this Division shall be construed to restrict
15 the powers granted by statute to cities, villages and
16 incorporated towns as to territory contiguous to but outside
17 of the limits of such cities, villages and incorporated
18 towns. Any zoning ordinance enacted by a city, village or
19 incorporated town shall supersede, with respect to territory
20 within the corporate limits of the municipality, any county
21 zoning plan otherwise applicable. The powers granted to
22 counties by this Division shall be treated as in addition to
23 powers conferred by statute to control or approve maps, plats
24 or subdivisions. In this Division, "agricultural purposes"
25 include, without limitation, the growing, developing,
26 processing, conditioning, or selling of hybrid seed corn,
27 seed beans, seed oats, or other farm seeds.

28 Nothing in this Division shall be construed to prohibit
29 the corporate authorities of a county from adopting an
30 ordinance that exempts pleasure driveways or park districts,
31 as defined in the Park District Code, with a population of
32 greater than 100,000, from the exercise of the county's
33 powers under this Division.

34 (Source: P.A. 89-654, eff. 8-14-96; 90-261, eff. 1-1-98;

1 90-522, eff. 1-1-98; 90-655, eff. 7-30-98; 90-661, eff.
2 7-30-98.)