



Sen. Bill Cunningham

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10000SB0418sam001

LRB100 05037 AWJ 21837 a

1 AMENDMENT TO SENATE BILL 418

2 AMENDMENT NO. _____. Amend Senate Bill 418 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 and by adding Section 5-12007.5 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 and
12 except as provided for under Article 110 of the Township Code,
13 the 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 (d) In choosing a location for a facility, a
18 telecommunications carrier or AM broadcast station shall
19 consider the following:

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

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

25 (3) A residentially zoned lot that is 2 acres or more
26 in size and is used for residential purposes is the third

1 most desirable location.

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

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

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

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

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

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

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

25 (5) Existing trees more than 3 inches in diameter
26 should be preserved if reasonably feasible during

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

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

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

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

24 (f) The following provisions shall apply to all facilities
25 established in any county jurisdiction area (i) after the
26 effective date of the amendatory Act of 1997 with respect to

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

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

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

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

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

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

1 shall apply to a facility.

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

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

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

21 (9) Any decision regarding a facility by the county
22 board or a county agency or official shall be supported by
23 written findings of fact. The circuit court shall have
24 jurisdiction to review the reasonableness of any adverse
25 decision and the plaintiff shall bear the burden of proof,
26 but there shall be no presumption of the validity of the

1 decision.

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

21 (g) The following provisions shall apply to all facilities
22 established (i) after the effective date of this amendatory Act
23 of 1997 with respect to telecommunications carriers and (ii)
24 after the effective date of this amendatory Act of the 94th
25 General Assembly with respect to AM broadcast stations in the
26 county jurisdiction area of any county with a population of

1 less than 180,000:

2 (1) A facility is permitted if its supporting structure
3 is a qualifying structure or if both of the following
4 conditions are met:

5 (A) the height of the facility shall not exceed 200
6 feet, except that if a facility is located more than
7 one and one-half miles from the corporate limits of any
8 municipality with a population of 25,000 or more the
9 height of the facility shall not exceed 350 feet; and

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

22 (2) Unless a facility is permitted under paragraph (1)
23 of this subsection (g), a facility can be established only
24 after the county board gives its approval following
25 consideration of the provisions of paragraph (3) of this
26 subsection (g). The county board may give its approval

1 after one public hearing on the proposal, but only by the
2 favorable vote of a majority of the members present at a
3 meeting held no later than 75 days after submission of a
4 complete application by the telecommunications carrier. If
5 the county board fails to act on the application within 75
6 days after its submission, the application shall be deemed
7 to have been approved. No more than one public hearing
8 shall be required.

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

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

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

19 (C) the benefits to be derived by the users of the
20 services to be provided or enhanced by the facility and
21 whether public safety and emergency response
22 capabilities would benefit by the establishment of the
23 facility;

24 (D) the existing uses on adjacent and nearby
25 properties; and

26 (E) the extent to which the design of the proposed

1 facility reflects compliance with subsection (e) of
2 this Section.

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

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

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

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

25 (3) The improvements and equipment of the facility
26 shall be placed to comply with the requirements of this

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

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

26 (A) whether, but for the granting of a variation,

1 the service that the telecommunications carrier seeks
2 to enhance or provide with the proposed facility will
3 be less available, impaired, or diminished in quality,
4 quantity, or scope of coverage;

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

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

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

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

23 No more than one public hearing shall be required.

24 (5) On judicial review of an adverse decision, the
25 issue shall be the reasonableness of the county board's
26 decision in light of the evidence presented and the

1 well-reasoned recommendations of any other body that
2 conducted the public hearing.

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

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

10 (Source: P.A. 96-696, eff. 1-1-10; 97-242, eff. 8-4-11; 97-496,
11 eff. 8-22-11; 97-813, eff. 7-13-12.)

12 (55 ILCS 5/5-12007.5 new)

13 Sec. 5-12007.5. Township zoning ordinances.
14 Notwithstanding any other provision of this Division, counties
15 do not have authority over the zoning of any township that has
16 zoning authority under Article 110 of the Township Code.

17 Section 10. The Township Code is amended by changing
18 Sections 110-5, 110-10, 110-15, 110-20, 110-25, 110-30,
19 110-35, 110-40, 110-45, 110-50, 110-55, and 110-60 and by
20 adding Section 110-7 as follows:

21 (60 ILCS 1/110-5)

22 Sec. 110-5. Application of Article.

23 (a) This Article applies only in those townships (i) in

1 which the electors of the township, at an annual or special
2 township meeting, on or before the effective date of this
3 amendatory Act of the 100th General Assembly, authorized
4 ~~authorize~~ the township board to exercise the powers conferred
5 by this Article; and (ii) which authorized, after the effective
6 date of this amendatory Act of the 100th General Assembly, the
7 township board to exercise the powers conferred under Section
8 110-7.

9 (b) (Blank). ~~This Article does not apply in any county in~~
10 ~~which a county zoning ordinance or resolution is in effect. A~~
11 ~~county zoning ordinance or resolution adopted after the~~
12 ~~adoption of a township zoning ordinance or resolution under~~
13 ~~this Article supersedes the township zoning ordinance or~~
14 ~~resolution.~~

15 (c) Regulations adopted under this Article after the
16 effective date of this amendatory Act of the 100th General
17 Assembly do not apply to any area inside the corporate limits
18 of a municipality, except that the powers exercised by
19 townships under part (i) of subsection (a) within the corporate
20 limits of a municipality that did not have a zoning ordinance
21 continue within the corporate limits of the municipality until
22 the municipality adopts a zoning ordinance or the township
23 relinquishes those powers within the corporate limits of the
24 municipality that is governed by a municipal zoning ordinance.

25 (d) (Blank). ~~This Article does not apply to the facilities~~
26 ~~of a telecommunications carrier defined in Section 5-12001.1 of~~

1 ~~the Counties Code.~~

2 (Source: P.A. 90-522, eff. 1-1-98.)

3 (60 ILCS 1/110-7 new)

4 Sec. 110-7. Township zoning authority by referendum.

5 (a) A township may exercise the powers conferred by this
6 Article by ordinance of the township board and referendum of
7 the electors or by a petition of 15 or more township electors
8 residing outside of the corporate limits of any municipality
9 and referendum of the electors.

10 (b) Upon the adoption of an ordinance or the filling of a
11 petition under subsection (a) with the township board, a
12 referendum, subject to the requirements of 16-7 of the Election
13 Code, shall be placed on the ballot for all electors residing
14 outside of the corporate limits of any municipality at the next
15 general election in substantially the following form:

16 Shall Township exercise control over building
17 and zoning regulations outside of the corporate limits of
18 any municipality and levy a tax on all taxable real
19 property outside of the corporate limits of any
20 municipality in an amount not to exceed 0.05% of the
21 equalized assessed value of the property to provide for a
22 building and zoning department?

23 The votes shall be recorded as "Yes" or "No".

24 If a majority of the electors in the township, but outside
25 of the corporate limits of any municipality, vote in favor of

1 the referendum, then, not sooner than 180 days following the
2 date the election results are certified, the township shall
3 exercise control over building and zoning regulation and may
4 levy the tax.

5 (60 ILCS 1/110-10)

6 Sec. 110-10. Township board powers.

7 (a) For the purpose of promoting the public health, safety,
8 morals, comfort, and general welfare, conserving the values of
9 property throughout the township, and lessening or avoiding the
10 hazards to persons and damage to property resulting from the
11 accumulation or runoff of storm or flood waters, the township
12 board may do any of the following:

13 (1) Regulate and restrict the location, height, bulk,
14 and use of buildings, structures, lots, open spaces, and
15 land for trade, industry, residence, and other uses that
16 may be specified by the board.

17 (2) Regulate and restrict the intensity of those uses
18 under paragraph (1).

19 (3) Establish building or setback lines on or along any
20 street, trafficway, drive, parkway, or storm or floodwater
21 runoff channel or basin located within the township but
22 outside the corporate limits of any municipality ~~outside~~
23 ~~the area that is subject to a municipal zoning ordinance.~~

24 (4) Divide the township into districts (i) of a number,
25 shape, and area and (ii) of different classes according to

1 the use of land and buildings, the intensity of that use
2 (including height of buildings and structures and
3 surrounding open space), and any other classification, all
4 as deemed best suited to carry out the purposes of this
5 Article.

6 (5) Prohibit uses, buildings, or structures
7 incompatible with the character of those districts
8 respectively.

9 (6) Prevent additions to and alteration or remodeling
10 of existing buildings or structures in a way to avoid the
11 restrictions and limitations lawfully imposed under this
12 Article.

13 (7) (Blank). ~~Submit written objections to the county~~
14 ~~board concerning a proposed county zoning ordinance,~~
15 ~~resolution, or variation as provided in Sections 5-12007~~
16 ~~and 5-12009 of the Counties Code.~~

17 (8) Classify, regulate, and restrict the location of
18 trades and industries and the location of buildings
19 designed for industrial, business, residential, and other
20 uses.

21 (9) Establish standards to which buildings or
22 structures shall conform.

23 (10) Classify, regulate, and restrict the use of
24 property on the basis of family relationship. As used in
25 this paragraph (10), "family relationship" means whether
26 one or more persons are related by blood, marriage, or

1 adoption and are maintaining a common household.

2 (11) Regulate, restrict, and prohibit any structure or
3 activity that may hinder access to solar energy necessary
4 for the proper functioning of a solar energy system, as
5 defined in Section 1.2 of the Comprehensive Solar Energy
6 Act of 1977.

7 (12) Requiring the creation and preservation of
8 affordable housing, including the power to provide
9 increased density or other zoning incentives to developers
10 that are creating, establishing, or preserving affordable
11 housing.

12 (13) Establish standards for the review of the exterior
13 design of buildings and structures and designate a board or
14 commission to implement the review process.

15 (14) Exercise any powers not expressly stated in this
16 Article that a county could have over township property
17 under Division 5-12 of Article 5 of the Counties Code.

18 (b) In all ordinances or resolutions passed under this
19 Article, due allowance shall be made for existing conditions,
20 the conservation of property values, the directions of building
21 development to the best advantage of the entire township
22 ~~county~~, and the uses to which property is devoted at the time
23 of the enactment of the ordinance or resolution.

24 (Source: P.A. 82-783; 88-62.)

1 Sec. 110-15. Limitations on exercise ~~Exercise~~ of powers.

2 (a) The powers given by this Article shall not be exercised
3 to deprive the owner of any existing property of its use or
4 maintenance for the purpose to which it is then lawfully
5 devoted.

6 (b) (Blank). ~~The powers given by this Article shall not be~~
7 ~~exercised to impose regulations or require permits with respect~~
8 ~~to land used or to be used for agricultural purposes or with~~
9 ~~respect to the erection, maintenance, repair, alteration,~~
10 ~~remodeling, or extension of buildings or structures used or to~~
11 ~~be used for agricultural purposes upon that land, except that~~
12 ~~buildings or structures for agricultural purposes may be~~
13 ~~required to conform to building or set back lines.~~
14 ~~"Agricultural purposes" include, without limitation, the~~
15 ~~growing, developing, processing, conditioning, or selling of~~
16 ~~hybrid seed corn, seed beans, seed oats, or other farm seeds.~~

17 (c) The powers given by this Article do not include the
18 right to specify or regulate the type or location of any poles,
19 towers, wires, cables, conduit, vaults, laterals, pipes,
20 mains, valves, or any other similar distributing equipment of a
21 public utility as defined in the Public Utilities Act.

22 (d) The powers given by this Article do not include the
23 regulation of the exterior design of utility facilities or the
24 design of outdoor off-premises advertising signs.

25 (e) The powers given by this Article do not include the
26 prohibition of the display of outdoor political campaign signs

1 on residential property. This subsection (e) does not restrict
2 the ability of a township to establish reasonable restrictions
3 as to the size of outdoor political campaign signs on
4 residential property.

5 (Source: P.A. 86-188; 88-62.)

6 (60 ILCS 1/110-20)

7 Sec. 110-20. Zoning commission; appointment. The township
8 board, when authorized by referendum of the electors ~~at an~~
9 ~~annual or special township meeting~~ to exercise the powers
10 conferred by this Article, shall appoint a zoning commission of
11 5 members. The commission shall recommend the boundaries of
12 districts and appropriate regulations to be enforced in those
13 districts.

14 (Source: P.A. 82-783; 88-62.)

15 (60 ILCS 1/110-25)

16 Sec. 110-25. Proposed zoning ordinance or resolution;
17 hearing; cessation of commission.

18 (a) The zoning commission shall prepare a tentative report
19 and a proposed zoning ordinance or resolution for the entire
20 township outside the area regulated by any municipal zoning
21 ordinance.

22 (b) After preparing the tentative report and ordinance or
23 resolution, the commission shall hold a hearing on the report
24 and proposal and shall afford persons interested an opportunity

1 to be heard. Notice of the hearing shall be published at least
2 15 days before the hearing in a newspaper of general
3 circulation in the township ~~and shall also be posted at least~~
4 ~~15 days before the hearing in 4 conspicuous places within the~~
5 ~~township~~. The notice shall state the time and place of the
6 hearing and the place where copies of the proposed ordinance or
7 resolution will be accessible for examination by interested
8 parties. The hearing may be adjourned from time to time.

9 (c) Within 30 days after the final adjournment of the
10 hearing, the commission shall make a final report and submit a
11 proposed ordinance or resolution to the township board. The
12 township board may adopt the ordinance or resolution with or
13 without change or may refer it back to the commission for
14 further consideration.

15 (d) The zoning commission shall cease to exist upon the
16 adoption of a zoning ordinance or resolution for the township.

17 (Source: P.A. 82-783; 88-62.)

18 (60 ILCS 1/110-30)

19 Sec. 110-30. Enforcement of ordinance or resolution. All
20 ordinances or resolutions adopted under this Article shall be
21 enforced by an officer or officers of the township designated
22 by ordinance or resolution. The ordinance or resolution may
23 require that for any class or classes of districts created by
24 it, applications be made for permits to erect buildings or
25 structures or to alter or remodel existing buildings or

1 structures. The ordinance or resolution may vest in the officer
2 designated to enforce it the power to make orders,
3 requirements, decisions, and determinations with respect to
4 the enforcement of the terms of the ordinance or resolution.

5 (Source: Laws 1967, p. 3481; P.A. 88-62.)

6 (60 ILCS 1/110-35)

7 Sec. 110-35. Variations.

8 (a) The regulations authorized by this Article may provide
9 that a board of appeals may determine and vary their
10 application in harmony with their general purpose and intent
11 and in accordance with general or specific rules contained in
12 the regulations in cases where there are practical difficulties
13 or there is particular hardship in carrying out the strict
14 letter of regulations relating to the use, construction, or
15 alteration of buildings or structures or the use of land.
16 Alternatively, the regulations may provide that the township
17 board may by ordinance or resolution determine and vary their
18 application in harmony with their general purpose and intent
19 and in accordance with general or specific rules contained in
20 the regulations in cases where there are practical difficulties
21 or there is particular hardship in carrying out the strict
22 letter of regulations relating to the use, construction, or
23 alteration of buildings or structures or the use of land.

24 (b) No variation shall be made by the township board
25 without a hearing before the board of appeals. No variation

1 shall be made by ordinance, resolution, or otherwise except in
2 a specific case and after a public hearing before a board of
3 appeals. There shall be at least 15 days notice of the time and
4 place of the hearing, published in a newspaper of general
5 circulation in the township. The notice shall contain the
6 particular location for which the variation is requested as
7 well as a brief statement of the proposed variation.

8 (c) Where a variation is to be made by ordinance or
9 resolution, upon the report of the board of appeals, the
10 township board may by ordinance or resolution and without
11 further public hearing adopt any proposed variation or may
12 refer it back to the board of appeals for further
13 consideration. Any proposed variation that fails to receive the
14 approval of the board of appeals shall not be passed except by
15 the favorable vote of four-fifths ~~three-fourths~~ of all the
16 members of the township board. Every variation, whether made by
17 the board of appeals directly or by ordinance or resolution
18 after a hearing before a board of appeals, shall be accompanied
19 by a finding of fact specifying the reason for making the
20 variation.

21 (Source: P.A. 82-783; 88-62.)

22 (60 ILCS 1/110-40)

23 Sec. 110-40. Board of appeals; membership; meetings.

24 (a) The township board shall provide for the appointment of
25 a board of appeals of 7 ~~5~~ members to serve respectively for the

1 following terms: One for one year, one for 2 years, one for 3
2 years, 2 ~~one~~ for 4 years, and 2 ~~one~~ for 5 years. The successor
3 to each member shall serve for a term of 5 years.

4 (b) One of the members shall be named chairman at the time
5 of his or her appointment. If there is a vacancy, the
6 appointing power shall designate a chairman.

7 (c) The appointing authority may remove any member of the
8 board for cause after a public hearing. Vacancies shall be
9 filled by the appointing authority for the unexpired term of
10 any member whose place has become vacant.

11 (d) All meetings of the board of appeals shall be held at
12 the call of the chairman and at times and places within the
13 township ~~county~~ determined by the board. The chairman (or in
14 his absence the acting chairman) may administer oaths and
15 compel the attendance of witnesses. All meetings of the board
16 shall be open to the public. The board shall keep minutes of
17 its proceedings showing the vote of each member upon every
18 question (or, if a member is absent or fails to vote,
19 indicating that fact) and shall also keep records of its
20 examinations and other official actions. Every rule,
21 regulation, every amendment or repeal of a rule or regulation,
22 and every order, requirement, decision, or determination of the
23 board shall immediately be filed with the township clerk and
24 shall be a public record.

25 (Source: P.A. 82-783; 88-62.)

1 (60 ILCS 1/110-45)

2 Sec. 110-45. Appeals; stay of proceedings.

3 (a) The board of appeals shall hear and decide appeals from
4 and review any order, requirement, decision, or determination
5 made by an administrative official charged with the enforcement
6 of any ordinance or resolution adopted under this Article. The
7 board of appeals shall also hear and decide all matters
8 referred to it or upon which it is required to pass under any
9 ordinance or resolution or under the terms of this Article.

10 (b) The concurring vote of 6 4 members of the board of
11 appeals is necessary (i) to reverse any order, requirement,
12 decision, or determination of an administrative official, (ii)
13 to decide in favor of the applicant any matter upon which it is
14 required to pass under an ordinance or resolution, (iii) to
15 effect any variation in an ordinance or resolution, or (iv) to
16 recommend any variation or modification in an ordinance or
17 resolution ~~or (iv)~~ to the township board.

18 (c) An appeal may be taken by any person aggrieved or by
19 any officer, department, board, or bureau of the township
20 ~~county~~. An appeal shall be taken within the time prescribed by
21 the board of appeals by general rule by filing with the officer
22 from whom the appeal is taken and with the board of appeals a
23 notice of appeal specifying the grounds of the appeal. The
24 officer from whom the appeal is taken shall promptly transmit
25 to the board all the papers constituting the record upon which
26 the action appealed from was taken.

1 (d) An appeal stays all proceedings in furtherance of the
2 action appealed from unless the officer from whom the appeal is
3 taken certifies to the board of appeals, after the notice of
4 appeal has been filed with him or her, that, due to facts
5 stated in the certificate, a stay would, in his opinion, cause
6 imminent peril to life or property. If the officer makes a
7 certification under this subsection, proceedings shall not be
8 stayed otherwise than by a restraining order granted by the
9 board of appeals or by the circuit court on application, on
10 notice to the officer from whom the appeal is taken, and on due
11 cause shown.

12 (Source: P.A. 82-783; 88-62.)

13 (60 ILCS 1/110-50)

14 Sec. 110-50. Hearing and decision on appeal; judicial
15 review.

16 (a) The board of appeals shall fix a reasonable time for
17 the hearing of the appeal and give due notice of the time to
18 the parties. The board shall decide the hearing within 30 days
19 after the hearing ~~a reasonable time~~. At the hearing, any party
20 may appear in person or by agent or attorney. The board of
21 appeals may reverse or affirm, wholly or partly, or may modify
22 the order, requirement, decision, or determination as in its
23 opinion ought to be done, and to that end the board has all the
24 powers of the officer from whom the appeal is taken.

25 (b) All final administrative decisions of the board of

1 appeals are subject to judicial review under the Administrative
2 Review Law and the rules adopted under that Law.
3 "Administrative decision" is defined as in Section 3-101 of the
4 Code of Civil Procedure.

5 (Source: P.A. 82-783; 88-62.)

6 (60 ILCS 1/110-55)

7 Sec. 110-55. Compensation of board of appeals members. The
8 members of the board of appeals shall receive compensation
9 fixed by the township board ~~and approved by the electors at an~~
10 ~~annual or special township meeting.~~

11 (Source: P.A. 82-783; 88-62.)

12 (60 ILCS 1/110-60)

13 Sec. 110-60. Amendment of regulations; hearing. The
14 regulations imposed and the districts created under this
15 Article may be amended from time to time by the township board
16 by ordinance or resolution after the ordinance or resolution
17 establishing the regulation has gone into effect, but no
18 amendments shall be made without a hearing before the board of
19 appeals. At least 15 days notice of the time and place of the
20 hearing shall be published in an official paper or a paper of
21 general circulation in the township. If there is a written
22 protest against any proposed amendment, signed and
23 acknowledged (i) by the owners of 20% of the frontage proposed
24 to be altered, (ii) by the owners of 20% of the frontage

1 immediately adjoining or across an alley from the frontage
2 proposed to be altered, or (iii) by the owners of 20% of the
3 frontage directly opposite the frontage proposed to be altered,
4 the amendment shall not be passed except by the favorable vote
5 of four-fifths ~~three-fourths~~ of all the members of the township
6 board.

7 (Source: P.A. 82-783; 88-62.)

8 Section 15. The Illinois Municipal Code is amended by
9 changing Section 11-12-5 as follows:

10 (65 ILCS 5/11-12-5) (from Ch. 24, par. 11-12-5)

11 Sec. 11-12-5. Every plan commission and planning
12 department authorized by this Division 12 has the following
13 powers and whenever in this Division 12 the term plan
14 commission is used such term shall be deemed to include the
15 term planning department:

16 (1) To prepare and recommend to the corporate
17 authorities a comprehensive plan for the present and future
18 development or redevelopment of the municipality, except
19 that a municipality's plan may not extend beyond the
20 corporate limits of the municipality if a township
21 exercises zoning powers as provided in Article 110 of the
22 Township Code. Such plan may be adopted in whole or in
23 separate geographical or functional parts, each of which,
24 when adopted, shall be the official comprehensive plan, or

1 part thereof, of that municipality. This plan may include
2 reasonable requirements with reference to streets, alleys,
3 public grounds, and other improvements hereinafter
4 specified. The plan, as recommended by the plan commission
5 and as thereafter adopted in any municipality in this
6 state, may be made applicable, by the terms thereof, to
7 land situated within the corporate limits and contiguous
8 territory not more than one and one-half miles beyond the
9 corporate limits and not included in any municipality. Such
10 plan may be implemented by ordinances (a) establishing
11 reasonable standards of design for subdivisions and for
12 resubdivisions of unimproved land and of areas subject to
13 redevelopment in respect to public improvements as herein
14 defined; (b) establishing reasonable requirements
15 governing the location, width, course, and surfacing of
16 public streets and highways, alleys, ways for public
17 service facilities, curbs, gutters, sidewalks, street
18 lights, parks, playgrounds, school grounds, size of lots to
19 be used for residential purposes, storm water drainage,
20 water supply and distribution, sanitary sewers, and sewage
21 collection and treatment; and (c) may designate land
22 suitable for annexation to the municipality and the
23 recommended zoning classification for such land upon
24 annexation.

25 (2) To recommend changes, from time to time, in the
26 official comprehensive plan.

1 (3) To prepare and recommend to the corporate
2 authorities, from time to time, plans for specific
3 improvements in pursuance of the official comprehensive
4 plan.

5 (4) To give aid to the municipal officials charged with
6 the direction of projects for improvements embraced within
7 the official plan, to further the making of these projects,
8 and, generally, to promote the realization of the official
9 comprehensive plan.

10 (5) To prepare and recommend to the corporate
11 authorities schemes for regulating or forbidding
12 structures or activities which may hinder access to solar
13 energy necessary for the proper functioning of solar energy
14 systems, as defined in Section 1.2 of The Comprehensive
15 Solar Energy Act of 1977, or to recommend changes in such
16 schemes.

17 (6) To exercise such other powers germane to the powers
18 granted by this article as may be conferred by the
19 corporate authorities.

20 For purposes of implementing ordinances regarding
21 developer donations or impact fees, and specifically for
22 expenditures thereof, "school grounds" is defined as including
23 land or site improvements, which include school buildings or
24 other infrastructure, including technological infrastructure,
25 necessitated and specifically and uniquely attributed to the
26 development or subdivision in question. This amendatory Act of

1 the 93rd General Assembly applies to all impact fees or
2 developer donations paid into a school district or held in a
3 separate account or escrow fund by any school district or
4 municipality for a school district.

5 (Source: P.A. 98-741, eff. 1-1-15; 99-78, eff. 7-20-15.)".