



Sen. David Koehler

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1 AMENDMENT TO SENATE BILL 2252

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2252 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by adding Section  
5 5-12009.6 as follows:

6 (55 ILCS 5/5-12009.6 new)

7 Sec. 5-12009.6. Municipal special use permits relating to  
8 facilities under the Livestock Management Facilities Act.

9 (a) If a municipality approves a special use permit for a  
10 facility regulated under the Livestock Management Facilities  
11 Act located within 1.5 miles of the border of the municipality,  
12 the parameters of the special use permit supersede the zoning  
13 powers of the county for that property. This subsection shall  
14 not be construed as to prevent a county from zoning property  
15 for any other agricultural use allowed under this Code.

16 (b) A home rule county may not regulate property in a

1 manner inconsistent with this Section. This Section is a  
2 limitation under subsection (i) of Section 6 of Article VII of  
3 the Illinois Constitution on the concurrent exercise by home  
4 rule units of powers and functions exercised by the State.

5 Section 10. The Illinois Municipal Code is amended by  
6 changing Sections 11-13-1 and 11-13-1.1 as follows:

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

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

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

22 (2) to establish, regulate and limit, subject to the  
23 provisions of Division 14 of this Article 11, the building  
24 or set-back lines on or along any street, traffic-way,

1 drive, parkway or storm or floodwater runoff channel or  
2 basin;

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

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

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

16 (6) to fix standards to which buildings or structures  
17 therein shall conform;

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

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

24 (9) to classify, to regulate and restrict the use of  
25 property on the basis of family relationship, which family  
26 relationship may be defined as one or more persons each

1 related to the other by blood, marriage or adoption and  
2 maintaining a common household;

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

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

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

25 The powers enumerated may be exercised within the corporate  
26 limits or within contiguous territory not more than one and

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

1 exercise its zoning powers, other than powers that a county may  
2 exercise under Section 5-12001 of the Counties Code, with  
3 respect to land used for agricultural purposes, except to allow  
4 special uses for facilities permitted under the Livestock  
5 Management Facilities Act as provided in Section 11-13-1.1 of  
6 this Code. This amendatory Act of the 92nd General Assembly is  
7 declarative of existing law. No municipality may exercise any  
8 power set forth in this Division 13 outside the corporate  
9 limits of the municipality with respect to a facility of a  
10 telecommunications carrier defined in Section 5-12001.1 of the  
11 Counties Code.

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

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

22 If a municipality adopts a zoning plan covering an area  
23 outside its corporate limits, the plan adopted shall be  
24 reasonable with respect to the area outside the corporate  
25 limits so that future development will not be hindered or  
26 impaired; it is reasonable for a municipality to regulate or

1 prohibit the extraction of sand, gravel, or limestone even when  
2 those activities are related to an agricultural purpose. If all  
3 or any part of the area outside the corporate limits of a  
4 municipality which has been zoned in accordance with the  
5 provisions of this Division 13 is annexed to another  
6 municipality or municipalities, the annexing unit shall  
7 thereafter exercise all zoning powers and regulations over the  
8 annexed area.

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



1 adaptable for permitted uses; and (c) for the elimination of  
2 such buildings and structures when they are destroyed or  
3 damaged in major part, or when they have reached the age fixed  
4 by the corporate authorities of the municipality as the normal  
5 useful life of such buildings or structures.

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

9 (Source: P.A. 96-904, eff. 1-1-11; 97-496, eff. 8-22-11.)

10 (65 ILCS 5/11-13-1.1) (from Ch. 24, par. 11-13-1.1)

11 Sec. 11-13-1.1. The corporate authorities of any  
12 municipality may in its ordinances passed under the authority  
13 of this Division 13 provide for the classification of special  
14 uses. Such uses may include but are not limited to public and  
15 quasi-public uses affected with the public interest,  
16 facilities permitted under the Livestock Management Facilities  
17 Act, uses which may have a unique, special or unusual impact  
18 upon the use or enjoyment of neighboring property, and planned  
19 developments. A use may be a permitted use in one or more  
20 zoning districts, and a special use in one or more other zoning  
21 districts. A special use shall be permitted only after a public  
22 hearing before some commission or committee designated by the  
23 corporate authorities, with prior notice thereof given in the  
24 manner as provided in Section 11-13-6 and 11-13-7. Any notice  
25 required by this Section need not include a metes and bounds

1 legal description of the area classified for special uses,  
2 provided that the notice includes: (i) the common street  
3 address or addresses and (ii) the property index number ("PIN")  
4 or numbers of all the parcels of real property contained in the  
5 area classified for special uses. A special use shall be  
6 permitted only upon evidence that such use meets standards  
7 established for such classification in the ordinances, and the  
8 granting of permission therefor may be subject to conditions  
9 reasonably necessary to meet such standards. In addition, any  
10 proposed special use which fails to receive the approval of the  
11 commission or committee designated by the corporate  
12 authorities to hold the public hearing shall not be approved by  
13 the corporate authorities except by a favorable majority vote  
14 of all aldermen, commissioners or trustees of the municipality  
15 then holding office; however, the corporate authorities may by  
16 ordinance increase the vote requirement to two-thirds of all  
17 aldermen, commissioners or trustees of the municipality then  
18 holding office.

19 (Source: P.A. 97-336, eff. 8-12-11.)".