



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB2559

Introduced 2/19/2021, by Rep. Deanne M. Mazzochi

SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-13-1

from Ch. 24, par. 11-13-1

Creates the End Aldermanic Privilege Law in the Illinois Municipal Code. Provides that, in the City of Chicago, a property owner, or a developer or contractor having the written permission of the property owner, shall not have any approvals denied because of an aldermanic hold, objection, extra-judicial or extra-legal request, or for any law or ordinance enacted or adopted after the date on which the property owner, developer, or contractor: (1) participated in a concept meeting for construction with representatives from the City of Chicago regarding the subject property; (2) filed a building permit application with the City of Chicago for the subject property; (3) presented a proposed development plan to a city council for the subject property; (4) substantially invested resources in the preparation of building plans, concept drawings, or securing building contracts for a preceding period of one year for the subject property; or (5) otherwise gave sufficient notice of an intent to develop to the pertinent regulatory authorities for the subject property. Allows suit against the State or the City of Chicago that seeks to enforce or impose a more restrictive law, regulation, ordinance, or resolution against the property owner, developer, or contractor and allows for a \$5,000 civil penalty and other damages if the property owner's, developer's, or contractor's claim is successful. Limits home rule powers.

LRB102 13611 AWJ 18961 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

1 AN ACT concerning local government.

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

4 Section 5. The Illinois Municipal Code is amended by
5 changing Section 11-13-1 as follows:

6 (65 ILCS 5/11-13-1) (from Ch. 24, par. 11-13-1)

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

1 or set-back lines on or along any street, traffic-way,
2 drive, parkway or storm or floodwater runoff channel or
3 basin;

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

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

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

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

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

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

25 (9) to classify, to regulate and restrict the use of
26 property on the basis of family relationship, which family

1 relationship may be defined as one or more persons each
2 related to the other by blood, marriage or adoption and
3 maintaining a common household;

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

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

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

26 The powers enumerated may be exercised within the

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

1 revised zoning maps. No such intergovernmental agreement may
2 authorize a municipality to exercise its zoning powers, other
3 than powers that a county may exercise under Section 5-12001
4 of the Counties Code, with respect to land used for
5 agricultural purposes. This amendatory Act of the 92nd General
6 Assembly is declarative of existing law. No municipality may
7 exercise any power set forth in this Division 13 outside the
8 corporate limits of the municipality with respect to a
9 facility of a telecommunications carrier defined in Section
10 5-12001.1 of the Counties Code.

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

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

21 (c) Notwithstanding any other provision of law to the
22 contrary, a property owner, or a developer or contractor
23 having the written permission of the property owner, shall not
24 have any approvals under this Division denied because of an
25 aldermanic hold, objection, extra-judicial or extra-legal
26 request, or for any law or ordinance enacted or adopted after

1 the date on which the property owner, developer, or
2 contractor:

3 (1) participated in a concept meeting for construction
4 with representatives from the City of Chicago regarding
5 the subject property;

6 (2) filed a building permit application with the City
7 of Chicago for the subject property;

8 (3) presented a proposed development plan to the city
9 council for the subject property;

10 (4) substantially invested resources in the
11 preparation of building plans, concept drawings, or
12 securing building contracts for a preceding period of one
13 year for the subject property; or

14 (5) otherwise gave sufficient notice of an intent to
15 develop to the pertinent regulatory authorities for the
16 subject property.

17 If item (1), (2), (3), (4), or (5) of this subsection has
18 occurred and the State or the City of Chicago seeks to enforce
19 or impose a more restrictive law, regulation, ordinance, or
20 resolution against the property owner, or a developer or
21 contractor with the written permission of the property owner,
22 or otherwise condition issuance of a building permit on
23 meeting requirements not in place at the occurrence of item
24 (1), (2), (3), (4), or (5) of this subsection, then the
25 property owner, developer, or contractor may file suit for
26 injunctive or declaratory relief, or both, including, but not

1 limited to, a quo warranto action or mandamus petition. If the
2 property owner's, developer's, or contractor's claim is
3 sustained by the court, the court shall impose upon the State
4 or the City of Chicago a civil penalty of not less than \$5,000
5 and nor more than the aggregate of: (i) the additional
6 carrying costs per day incurred by the property owner,
7 developer, or contractor, or any combination, for any delays
8 in issuance of a building permit; and (ii) reasonable
9 attorney's fees.

10 The City of Chicago shall not maintain or enforce an
11 ordinance or resolution in a manner inconsistent with this
12 subsection. This subsection is a limitation under subsection
13 (i) of Section 6 of Article VII of the Illinois Constitution on
14 the concurrent exercise by home rule units of powers and
15 functions exercised by the State.

16 This subsection applies only to the City of Chicago.

17 This subsection may be cited as the End Aldermanic
18 Privilege Law.

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

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

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

1 reached the age fixed by the corporate authorities of the
2 municipality as the normal useful life of such buildings or
3 structures.

4 (f) 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) of subsection (a).

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