



Rep. Lindsey LaPointe

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10300HB0473ham001

LRB103 04043 AWJ 69848 a

1 AMENDMENT TO HOUSE BILL 473

2 AMENDMENT NO. _____. Amend House Bill 473 by replacing
3 everything after the enacting clause with the following:

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. Zoning powers.

8 (a) To the end that adequate light, pure air, and safety
9 from fire and other dangers may be secured, that the taxable
10 value of land and buildings throughout the municipality may be
11 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

1 sites, areas, and structures of historical, architectural and
2 aesthetic importance; the corporate authorities in each
3 municipality have the following powers:

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

6 (2) to establish, regulate and limit, subject to the
7 provisions of Division 14 of this Article 11, the building
8 or set-back lines on or along any street, traffic-way,
9 drive, parkway or storm or floodwater runoff channel or
10 basin;

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

14 (4) to classify, regulate and restrict the location of
15 trades and industries and the location of buildings
16 designed for specified industrial, business, residential,
17 and other uses;

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

24 (6) to fix standards to which buildings or structures
25 therein shall conform;

26 (7) to prohibit uses, buildings, or structures

1 incompatible with the character of such districts;

2 (8) to prevent additions to and alteration or
3 remodeling of existing buildings or structures in such a
4 way as to avoid the restrictions and limitations lawfully
5 imposed under this Division 13;

6 (9) (blank); ~~to classify, to regulate and restrict the~~
7 ~~use of property on the basis of family relationship, which~~
8 ~~family relationship may be defined as one or more persons~~
9 ~~each related to the other by blood, marriage or adoption~~
10 ~~and maintaining a common household;~~

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

15 (11) to require the creation and preservation of
16 affordable housing, including the power to provide
17 increased density or other zoning incentives to developers
18 who are creating, establishing, or preserving affordable
19 housing; and

20 (12) to establish local standards solely for the
21 review of the exterior design of buildings and structures,
22 excluding utility facilities and outdoor off-premises
23 advertising signs, and designate a board or commission to
24 implement the review process; except that, other than
25 reasonable restrictions as to size, no home rule or
26 non-home rule municipality may prohibit the display of

1 outdoor political campaign signs on residential property
2 during any period of time, the regulation of these signs
3 being a power and function of the State and, therefor,
4 this item (12) is a denial and limitation of concurrent
5 home rule powers and functions under subsection (i) of
6 Section 6 of Article VII of the Illinois Constitution.

7 (b) The powers enumerated in this Section may not be used
8 in any way that violates or otherwise contradicts any other
9 applicable State or federal law, including the federal Fair
10 Housing Act and the Americans with Disabilities Act.

11 (c) A municipality may not adopt zoning regulations that
12 prohibit 4 or more individuals who are not related by blood
13 from living together in the same residence.

14 (d) A municipality may not adopt zoning regulations that
15 prohibit the creation of a community-integrated living
16 arrangement or housing for a community-integrated living
17 arrangement; except that the municipality may regulate the
18 size of a community-integrated living arrangement's facilities
19 but, if a community-integrated living arrangement has multiple
20 buildings or there are multiple community-integrated living
21 arrangement facilities next to each other, the size of each
22 building must be measured individually and cannot be
23 aggregated. There is no restriction on a municipality's powers
24 to regulate housing for a community-integrated living
25 arrangement if the housing is not owned and operated by a
26 not-for-profit organization registered in the State of

1 Illinois or a not-for-profit organization operating the
2 housing does not provide on-site services and support for its
3 residents.

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

1 within the municipality's planning jurisdiction as defined by
2 law or any existing boundary agreement. The county and the
3 municipality must amend their individual zoning maps in the
4 same manner as other zoning changes are incorporated into
5 revised zoning maps. No such intergovernmental agreement may
6 authorize a municipality to exercise its zoning powers, other
7 than powers that a county may exercise under Section 5-12001
8 of the Counties Code, with respect to land used for
9 agricultural purposes. This amendatory Act of the 92nd General
10 Assembly is declarative of existing law. No municipality may
11 exercise any power set forth in this Division 13 outside the
12 corporate limits of the municipality with respect to a
13 facility of a telecommunications carrier defined in Section
14 5-12001.1 of the Counties Code.

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

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

25 (g) If a municipality adopts a zoning plan covering an
26 area outside its corporate limits, the plan adopted shall be

1 reasonable with respect to the area outside the corporate
2 limits so that future development will not be hindered or
3 impaired; it is reasonable for a municipality to regulate or
4 prohibit the extraction of sand, gravel, or limestone even
5 when those activities are related to an agricultural purpose.
6 If all or any part of the area outside the corporate limits of
7 a municipality which has been zoned in accordance with the
8 provisions of this Division 13 is annexed to another
9 municipality or municipalities, the annexing unit shall
10 thereafter exercise all zoning powers and regulations over the
11 annexed area.

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

1 possession thereof are terminated or when the uses to which
2 they are devoted are discontinued; (b) for the elimination of
3 uses to which such buildings and structures are devoted, if
4 they are adaptable for permitted uses; and (c) for the
5 elimination of such buildings and structures when they are
6 destroyed or damaged in major part, or when they have reached
7 the age fixed by the corporate authorities of the municipality
8 as the normal useful life of such buildings or structures.

9 (i) This amendatory Act of 1971 does not apply to any
10 municipality which is a home rule unit, except as provided in
11 item (12) of subsection (a).

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