

1 AN ACT in relation to municipalities.

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. To the end that adequate light, pure air,
8 and safety from fire and other dangers may be secured, that
9 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
13 accumulation or runoff of storm or flood waters may be
14 lessened or avoided, and that the public health, safety,
15 comfort, morals, and welfare may otherwise be promoted, and
16 to insure and facilitate the preservation of sites, areas,
17 and structures of historical, architectural and aesthetic
18 importance; the corporate authorities in each municipality
19 have the following powers:

20 (1) To regulate and limit the height and bulk of
21 buildings hereafter to be erected; (2) to establish,
22 regulate and limit, subject to the provisions of Division
23 14 of this Article 11, the building or set-back lines on
24 or along any street, traffic-way, drive, parkway or storm
25 or floodwater runoff channel or basin; (3) to regulate
26 and limit the intensity of the use of lot areas, and to
27 regulate and determine the area of open spaces, within
28 and surrounding such buildings; (4) to classify, regulate
29 and restrict the location of trades and industries and
30 the location of buildings designed for specified
31 industrial, business, residential, and other uses; (5) to

1 divide the entire municipality into districts of such
2 number, shape, area, and of such different classes
3 (according to use of land and buildings, height and bulk
4 of buildings, intensity of the use of lot area, area of
5 open spaces, or other classification) as may be deemed
6 best suited to carry out the purposes of this Division
7 13; (6) to fix standards to which buildings or structures
8 therein shall conform; (7) to prohibit uses, buildings,
9 or structures incompatible with the character of such
10 districts; (8) to prevent additions to and alteration or
11 remodeling of existing buildings or structures in such a
12 way as to avoid the restrictions and limitations lawfully
13 imposed under this Division 13; (9) to classify, to
14 regulate and restrict the use of property on the basis of
15 family relationship, which family relationship may be
16 defined as one or more persons each related to the other
17 by blood, marriage or adoption and maintaining a common
18 household; and (10) to regulate or forbid any structure
19 or activity which may hinder access to solar energy
20 necessary for the proper functioning of a solar energy
21 system, as defined in Section 1.2 of The Comprehensive
22 Solar Energy Act of 1977.

23 The powers enumerated may be exercised within the
24 corporate limits or within contiguous territory not more than
25 one and one-half miles beyond the corporate limits and not
26 included within any municipality. However, if any
27 municipality adopts a plan pursuant to Division 12 of Article
28 11 which plan includes in its provisions a provision that the
29 plan applies to such contiguous territory not more than one
30 and one-half miles beyond the corporate limits and not
31 included in any municipality, then no other municipality
32 shall adopt a plan that shall apply to any territory included
33 within the territory provided in the plan first so adopted by
34 another municipality. No municipality shall exercise any

1 power set forth in this Division 13 outside the corporate
2 limits thereof, if the county in which such municipality is
3 situated has adopted "An Act in relation to county zoning",
4 approved June 12, 1935, as amended. Nothing in this Section
5 prevents a municipality ~~of more than 112,000 population~~
6 ~~located in a county of less than 185,000 population~~ that has
7 adopted a zoning ordinance and the county that adopted the
8 zoning ordinance from entering into an intergovernmental
9 agreement that allows the municipality to exercise its zoning
10 powers beyond its territorial limits; provided, however, that
11 the intergovernmental agreement must be limited to the
12 territory within the municipality's planning jurisdiction as
13 defined by law or any existing boundary agreement. The
14 county and the municipality must amend their individual
15 zoning maps in the same manner as other zoning changes are
16 incorporated into revised zoning maps. No such
17 intergovernmental agreement may authorize a municipality to
18 exercise its zoning powers, other than powers that a county
19 may exercise under Section 5-12001 of the Counties Code, with
20 respect to land used for agricultural purposes. This
21 amendatory Act of the 92nd General Assembly is declarative of
22 existing law. No municipality may exercise any power set
23 forth in this Division 13 outside the corporate limits of the
24 municipality with respect to a facility of a
25 telecommunications carrier defined in Section 5-12001.1 of
26 the Counties Code. If a municipality adopts a zoning plan
27 covering an area outside its corporate limits, the plan
28 adopted shall be reasonable with respect to the area outside
29 the corporate limits so that future development will not be
30 hindered or impaired; it is reasonable for a municipality to
31 regulate or prohibit the extraction of sand, gravel, or
32 limestone even when those activities are related to an
33 agricultural purpose. If all or any part of the area outside
34 the corporate limits of a municipality which has been zoned

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

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

29 This amendatory Act of 1971 does not apply to any
30 municipality which is a home rule unit.

31 (Source: P.A. 92-509, eff. 1-1-02.)

32 Section 99. Effective date. This Act takes effect on
33 January 1, 2004.