

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

19 (1) To regulate and limit the height and bulk of  
20 buildings hereafter to be erected; (2) to establish,  
21 regulate and limit, subject to the provisions of Division  
22 14 of this Article 11, the building or set-back lines on or  
23 along any street, traffic-way, drive, parkway or storm or

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

1 energy system, as defined in Section 1.2 of The  
2 Comprehensive Solar Energy Act of 1977; ~~and~~ (11) to require  
3 the creation and preservation of affordable housing,  
4 including the power to provide increased density or other  
5 zoning incentives to developers who are creating,  
6 establishing, or preserving affordable housing; and (12)  
7 to establish local standards solely for the review of the  
8 exterior design of buildings and structures, excluding  
9 utility facilities and outdoor off-premises advertising  
10 signs, and designate a board or commission to implement the  
11 review process.

12 The powers enumerated may be exercised within the corporate  
13 limits or within contiguous territory not more than one and  
14 one-half miles beyond the corporate limits and not included  
15 within any municipality. However, if any municipality adopts a  
16 plan pursuant to Division 12 of Article 11 which plan includes  
17 in its provisions a provision that the plan applies to such  
18 contiguous territory not more than one and one-half miles  
19 beyond the corporate limits and not included in any  
20 municipality, then no other municipality shall adopt a plan  
21 that shall apply to any territory included within the territory  
22 provided in the plan first so adopted by another municipality.  
23 No municipality shall exercise any power set forth in this  
24 Division 13 outside the corporate limits thereof, if the county  
25 in which such municipality is situated has adopted "An Act in  
26 relation to county zoning", approved June 12, 1935, as amended.

1 Nothing in this Section prevents a municipality of more than  
2 112,000 population located in a county of less than 185,000  
3 population that has adopted a zoning ordinance and the county  
4 that adopted the zoning ordinance from entering into an  
5 intergovernmental agreement that allows the municipality to  
6 exercise its zoning powers beyond its territorial limits;  
7 provided, however, that the intergovernmental agreement must  
8 be limited to the territory within the municipality's planning  
9 jurisdiction as defined by law or any existing boundary  
10 agreement. The county and the municipality must amend their  
11 individual zoning maps in the same manner as other zoning  
12 changes are incorporated into revised zoning maps. No such  
13 intergovernmental agreement may authorize a municipality to  
14 exercise its zoning powers, other than powers that a county may  
15 exercise under Section 5-12001 of the Counties Code, with  
16 respect to land used for agricultural purposes. This amendatory  
17 Act of the 92nd General Assembly is declarative of existing  
18 law. No municipality may exercise any power set forth in this  
19 Division 13 outside the corporate limits of the municipality  
20 with respect to a facility of a telecommunications carrier  
21 defined in Section 5-12001.1 of the Counties Code.

22 Notwithstanding any other provision of law to the contrary,  
23 at least 30 days prior to commencing construction of a new  
24 telecommunications facility within 1.5 miles of a  
25 municipality, the telecommunications carrier constructing the  
26 facility shall provide written notice of its intent to

1 construct the facility. The notice shall include, but not be  
2 limited to, the following information: (i) the name, address,  
3 and telephone number of the company responsible for the  
4 construction of the facility and (ii) the address and telephone  
5 number of the governmental entity that issued the building  
6 permit for the telecommunications facility. The notice shall be  
7 provided in person, by overnight private courier, or by  
8 certified mail to all owners of property within 250 feet of the  
9 parcel in which the telecommunications carrier has a leasehold  
10 or ownership interest. For the purposes of this notice  
11 requirement, "owners" means those persons or entities  
12 identified from the authentic tax records of the county in  
13 which the telecommunications facility is to be located. If,  
14 after a bona fide effort by the telecommunications carrier to  
15 determine the owner and his or her address, the owner of the  
16 property on whom the notice must be served cannot be found at  
17 the owner's last known address, or if the mailed notice is  
18 returned because the owner cannot be found at the last known  
19 address, the notice requirement of this paragraph is deemed  
20 satisfied. For the purposes of this paragraph, "facility" means  
21 that term as it is defined in Section 5-12001.1 of the Counties  
22 Code.

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

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

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

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

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

9 (Source: P.A. 93-698, eff. 7-9-04; 94-303, eff. 7-21-05.)