



Sen. John M. Sullivan

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1 AMENDMENT TO SENATE BILL 597

2 AMENDMENT NO. _____. Amend Senate Bill 597 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 changing Sections 11-13-2 and 11-13-26 as follows:

6 (65 ILCS 5/11-13-2) (from Ch. 24, par. 11-13-2)

7 Sec. 11-13-2. Zoning commission. Except as provided in
8 Section 11-13-26, the ~~The~~ corporate authorities in each
9 municipality which desires to exercise the powers conferred by
10 this Division 13, or who have exercised such power and desire
11 to adopt a new ordinance, shall provide for a zoning commission
12 with the duty to recommend the boundaries of districts and
13 appropriate regulations to be enforced therein. The commission
14 shall be appointed by the mayor or president, subject to
15 confirmation by the corporate authorities. The commission
16 shall prepare a tentative report and a proposed zoning

1 ordinance for the entire municipality. After the preparation of
2 such a tentative report and ordinance, the commission shall
3 hold a hearing thereon and shall afford persons interested an
4 opportunity to be heard. Notice of the hearing shall be
5 published at least once, not more than 30 nor less than 15 days
6 before the hearing, in one or more newspapers published in the
7 municipality, or, if no newspaper is published therein, then in
8 one or more newspapers published in the county in which the
9 municipality is located and having a general circulation within
10 the municipality. The notice shall state the time and place of
11 the hearing and the place where copies of the proposed
12 ordinance will be accessible for examination by interested
13 persons. The hearing may be adjourned from time to time.

14 Within 30 days after the final adjournment of the hearing
15 the commission shall make a final report and submit a proposed
16 ordinance for the entire municipality to the corporate
17 authorities. The corporate authorities may enact the ordinance
18 with or without change, or may refer it back to the commission
19 for further consideration. The zoning commission shall cease to
20 exist upon the adoption of a zoning ordinance for the entire
21 municipality.

22 (Source: P.A. 80-452.)

23 (65 ILCS 5/11-13-26)

24 Sec. 11-13-26. Wind farms.

25 (a) A municipality may regulate wind farms and

1 electric-generating wind devices within its zoning
2 jurisdiction and within the 1.5 mile radius surrounding its
3 zoning jurisdiction. There shall be at least one public hearing
4 not more than 30 days prior to a siting decision by the
5 corporate authorities of a municipality. Notice of the hearing
6 shall be published in a newspaper of general circulation in the
7 municipality. A municipality may allow test wind towers to be
8 sited without formal approval by the corporate authorities of
9 the municipality. Test wind towers must be dismantled within 3
10 years of installation. For the purposes of this Section, "test
11 wind towers" are wind towers that are designed solely to
12 collect wind generation data.

13 (b) A municipality may not require a wind tower or other
14 renewable energy system that is used exclusively by an end user
15 to be setback more than 1.1 times the height of the renewable
16 energy system from the end user's property line. A setback
17 requirement imposed by a municipality on a renewable energy
18 system may not be more restrictive than as provided under this
19 subsection. This subsection is a limitation of home rule powers
20 and functions under subsection (i) of Section 6 of Article VII
21 of the Illinois Constitution on the concurrent exercise by home
22 rule units of powers and functions exercised by the State.

23 (c) A municipality may regulate wind farms and
24 electric-generating wind devices pursuant to the authority
25 granted under this Section without creating a zoning commission
26 or adopting a zoning ordinance for the entire municipality.

1 This subsection (c) applies to ordinances adopted before, on,
2 or after the effective date of this amendatory Act of the 96th
3 General Assembly by a municipality to regulate wind farms and
4 electric-generating wind devices within 1.5 miles of the
5 corporate boundaries of the municipality.

6 (Source: P.A. 95-203, eff. 8-16-07; 96-306, eff. 1-1-10.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law."