



Sen. Linda Holmes

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LRB097 10838 KMW 54584 a

1 AMENDMENT TO HOUSE BILL 2974

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2974 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing  
5 Section 5-12001.1 as follows:

6 (55 ILCS 5/5-12001.1)

7 Sec. 5-12001.1. Authority to regulate certain specified  
8 facilities of a telecommunications carrier and to regulate,  
9 pursuant to subsections (a) through (g), AM broadcast towers  
10 and facilities.

11 (a) Notwithstanding any other Section in this Division, the  
12 county board or board of county commissioners of any county  
13 shall have the power to regulate the location of the  
14 facilities, as defined in subsection (c), of a  
15 telecommunications carrier or AM broadcast station established  
16 outside the corporate limits of cities, villages, and

1 incorporated towns that have municipal zoning ordinances in  
2 effect. The power shall only be exercised to the extent and in  
3 the manner set forth in this Section.

4 (b) The provisions of this Section shall not abridge any  
5 rights created by or authority confirmed in the federal  
6 Telecommunications Act of 1996, P.L. 104-104.

7 (c) As used in this Section, unless the context otherwise  
8 requires:

9 (1) "county jurisdiction area" means those portions of  
10 a county that lie outside the corporate limits of cities,  
11 villages, and incorporated towns that have municipal  
12 zoning ordinances in effect;

13 (2) "county board" means the county board or board of  
14 county commissioners of any county;

15 (3) "residential zoning district" means a zoning  
16 district that is designated under a county zoning ordinance  
17 and is zoned predominantly for residential uses;

18 (4) "non-residential zoning district" means the county  
19 jurisdiction area of a county, except for those portions  
20 within a residential zoning district;

21 (5) "residentially zoned lot" means a zoning lot in a  
22 residential zoning district;

23 (6) "non-residentially zoned lot" means a zoning lot in  
24 a non-residential zoning district;

25 (7) "telecommunications carrier" means a  
26 telecommunications carrier as defined in the Public

1 Utilities Act as of January 1, 1997;

2 (8) "facility" means that part of the signal  
3 distribution system used or operated by a  
4 telecommunications carrier or AM broadcast station under a  
5 license from the FCC consisting of a combination of  
6 improvements and equipment including (i) one or more  
7 antennas, (ii) a supporting structure and the hardware by  
8 which antennas are attached; (iii) equipment housing; and  
9 (iv) ancillary equipment such as signal transmission  
10 cables and miscellaneous hardware;

11 (9) "FAA" means the Federal Aviation Administration of  
12 the United States Department of Transportation;

13 (10) "FCC" means the Federal Communications  
14 Commission;

15 (11) "antenna" means an antenna device by which radio  
16 signals are transmitted, received, or both;

17 (12) "supporting structure" means a structure, whether  
18 an antenna tower or another type of structure, that  
19 supports one or more antennas as part of a facility;

20 (13) "qualifying structure" means a supporting  
21 structure that is (i) an existing structure, if the height  
22 of the facility, including the structure, is not more than  
23 15 feet higher than the structure just before the facility  
24 is installed, or (ii) a substantially similar,  
25 substantially same-location replacement of an existing  
26 structure, if the height of the facility, including the

1 replacement structure, is not more than 15 feet higher than  
2 the height of the existing structure just before the  
3 facility is installed;

4 (14) "equipment housing" means a combination of one or  
5 more equipment buildings or enclosures housing equipment  
6 that operates in conjunction with the antennas of a  
7 facility, and the equipment itself;

8 (15) "height" of a facility means the total height of  
9 the facility's supporting structure and any antennas that  
10 will extend above the top of the supporting structure;  
11 however, if the supporting structure's foundation extends  
12 more than 3 feet above the uppermost ground level along the  
13 perimeter of the foundation, then each full foot in excess  
14 of 3 feet shall be counted as an additional foot of  
15 facility height. The height of a facility's supporting  
16 structure is to be measured from the highest point of the  
17 supporting structure's foundation;

18 (16) "facility lot" means the zoning lot on which a  
19 facility is or will be located;

20 (17) "principal residential building" has its common  
21 meaning but shall not include any building under the same  
22 ownership as the land of the facility lot. "Principal  
23 residential building" shall not include any structure that  
24 is not designed for human habitation;

25 (18) "horizontal separation distance" means the  
26 distance measured from the center of the base of the

1 facility's supporting structure to the point where the  
2 ground meets a vertical wall of a principal residential  
3 building;

4 (19) "lot line set back distance" means the distance  
5 measured from the center of the base of the facility's  
6 supporting structure to the nearest point on the common lot  
7 line between the facility lot and the nearest residentially  
8 zoned lot. If there is no common lot line, the measurement  
9 shall be made to the nearest point on the lot line of the  
10 nearest residentially zoned lot without deducting the  
11 width of any intervening right of way; ~~and~~

12 (20) "AM broadcast station" means a facility and one or  
13 more towers for the purpose of transmitting communication  
14 in the 540 kHz to 1700 kHz band for public reception  
15 authorized by the FCC; and -

16 (21) "co-location" means a tower shared by 2 or more  
17 wireless communications providers.

18 (d) In choosing a location for a facility, a  
19 telecommunications carrier or AM broadcast station shall  
20 consider the following:

21 (1) A non-residentially zoned lot is the most desirable  
22 location.

23 (2) A residentially zoned lot that is not used for  
24 residential purposes is the second most desirable  
25 location.

26 (3) A residentially zoned lot that is 2 acres or more

1 in size and is used for residential purposes is the third  
2 most desirable location.

3 (4) A residentially zoned lot that is less than 2 acres  
4 in size and is used for residential purposes is the least  
5 desirable location.

6 The size of a lot shall be the lot's gross area in square  
7 feet without deduction of any unbuildable or unusable land, any  
8 roadway, or any other easement.

9 (e) In designing a facility, a telecommunications carrier  
10 or AM broadcast station shall consider the following  
11 guidelines:

12 (1) No building or tower that is part of a facility  
13 should encroach onto any recorded easement prohibiting the  
14 encroachment unless the grantees of the easement have given  
15 their approval.

16 (2) Lighting should be installed for security and  
17 safety purposes only. Except with respect to lighting  
18 required by the FCC or FAA, all lighting should be shielded  
19 so that no glare extends substantially beyond the  
20 boundaries of a facility.

21 (3) No facility should encroach onto an existing septic  
22 field.

23 (4) Any facility located in a special flood hazard area  
24 or wetland should meet the legal requirements for those  
25 lands.

26 (5) Existing trees more than 3 inches in diameter

1 should be preserved if reasonably feasible during  
2 construction. If any tree more than 3 inches in diameter is  
3 removed during construction a tree 3 inches or more in  
4 diameter of the same or a similar species shall be planted  
5 as a replacement if reasonably feasible. Tree diameter  
6 shall be measured at a point 3 feet above ground level.

7 (6) If any elevation of a facility faces an existing,  
8 adjoining residential use within a residential zoning  
9 district, low maintenance landscaping should be provided  
10 on or near the facility lot to provide at least partial  
11 screening of the facility. The quantity and type of that  
12 landscaping should be in accordance with any county  
13 landscaping regulations of general applicability, except  
14 that paragraph (5) of this subsection (e) shall control  
15 over any tree-related regulations imposing a greater  
16 burden.

17 (7) Fencing should be installed around a facility. The  
18 height and materials of the fencing should be in accordance  
19 with any county fence regulations of general  
20 applicability.

21 (8) Any building that is part of a facility located  
22 adjacent to a residentially zoned lot should be designed  
23 with exterior materials and colors that are reasonably  
24 compatible with the residential character of the area.

25 (f) The following provisions shall apply to all facilities  
26 established in any county jurisdiction area (i) after the

1 effective date of the amendatory Act of 1997 with respect to  
2 telecommunications carriers and (ii) after the effective date  
3 of this amendatory Act of the 94th General Assembly with  
4 respect to AM broadcast stations:

5 (1) Except as provided in this Section, no yard or set  
6 back regulations shall apply to or be required for a  
7 facility.

8 (2) A facility may be located on the same zoning lot as  
9 one or more other structures or uses without violating any  
10 ordinance or regulation that prohibits or limits multiple  
11 structures, buildings, or uses on a zoning lot.

12 (3) No minimum lot area, width, or depth shall be  
13 required for a facility, and unless the facility is to be  
14 manned on a regular, daily basis, no off-street parking  
15 spaces shall be required for a facility. If the facility is  
16 to be manned on a regular, daily basis, one off-street  
17 parking space shall be provided for each employee regularly  
18 at the facility. No loading facilities are required.

19 (4) No portion of a facility's supporting structure or  
20 equipment housing shall be less than 15 feet from the front  
21 lot line of the facility lot or less than 10 feet from any  
22 other lot line.

23 (5) No bulk regulations or lot coverage, building  
24 coverage, or floor area ratio limitations shall be applied  
25 to a facility or to any existing use or structure  
26 coincident with the establishment of a facility. Except as



1 provided in this Section, no height limits or restrictions  
2 shall apply to a facility.

3 (6) A county's review of a building permit application  
4 for a facility shall be completed within 30 days. If a  
5 decision of the county board is required to permit the  
6 establishment of a facility, the county's review of the  
7 application shall be simultaneous with the process leading  
8 to the county board's decision.

9 (7) The improvements and equipment comprising the  
10 facility may be wholly or partly freestanding or wholly or  
11 partly attached to, enclosed in, or installed in or on a  
12 structure or structures.

13 (8) Any public hearing authorized under this Section  
14 shall be conducted in a manner determined by the county  
15 board. Notice of any such public hearing shall be published  
16 at least 15 days before the hearing in a newspaper of  
17 general circulation published in the county. Notice of any  
18 such public hearing shall also be sent by certified mail at  
19 least 15 days prior to the hearing to the owners of record  
20 of all residential property that is adjacent to the lot  
21 upon which the facility is proposed to be sited.

22 (9) Any decision regarding a facility by the county  
23 board or a county agency or official shall be supported by  
24 written findings of fact. The circuit court shall have  
25 jurisdiction to review the reasonableness of any adverse  
26 decision and the plaintiff shall bear the burden of proof,

1 but there shall be no presumption of the validity of the  
2 decision.

3 (g) The following provisions shall apply to all facilities  
4 established (i) after the effective date of this amendatory Act  
5 of 1997 with respect to telecommunications carriers, ~~and~~ (ii)  
6 after the effective date of this amendatory Act of the 94th  
7 General Assembly with respect to AM broadcast stations in the  
8 county jurisdiction area of any county with a population of  
9 less than 180,000, and (iii) after the effective date of this  
10 amendatory Act of the 97th General Assembly with respect to  
11 regulation of support structures under item (5):

12 (1) A facility is permitted if its supporting structure  
13 is a qualifying structure or if both of the following  
14 conditions are met:

15 (A) the height of the facility shall not exceed 200  
16 feet, except that if a facility is located more than  
17 one and one-half miles from the corporate limits of any  
18 municipality with a population of 25,000 or more the  
19 height of the facility shall not exceed 350 feet; and

20 (B) the horizontal separation distance to the  
21 nearest principal residential building shall not be  
22 less than the height of the supporting structure;  
23 except that if the supporting structure exceeds 99 feet  
24 in height, the horizontal separation distance to the  
25 nearest principal residential building shall be at  
26 least 100 feet or 80% of the height of the supporting

1 structure, whichever is greater. Compliance with this  
2 paragraph shall only be evaluated as of the time that a  
3 building permit application for the facility is  
4 submitted. If the supporting structure is not an  
5 antenna tower this paragraph is satisfied.

6 (2) Unless a facility is permitted under paragraph (1)  
7 of this subsection (g), a facility can be established only  
8 after the county board gives its approval following  
9 consideration of the provisions of paragraph (3) of this  
10 subsection (g). The county board may give its approval  
11 after one public hearing on the proposal, but only by the  
12 favorable vote of a majority of the members present at a  
13 meeting held no later than 75 days after submission of a  
14 complete application by the telecommunications carrier. If  
15 the county board fails to act on the application within 75  
16 days after its submission, the application shall be deemed  
17 to have been approved. No more than one public hearing  
18 shall be required.

19 (3) For purposes of paragraph (2) of this subsection  
20 (g), the following siting considerations, but no other  
21 matter, shall be considered by the county board or any  
22 other body conducting the public hearing:

23 (A) the criteria in subsection (d) of this Section;

24 (B) whether a substantial adverse effect on public  
25 safety will result from some aspect of the facility's  
26 design or proposed construction, but only if that

1 aspect of design or construction is modifiable by the  
2 applicant;

3 (C) the benefits to be derived by the users of the  
4 services to be provided or enhanced by the facility and  
5 whether public safety and emergency response  
6 capabilities would benefit by the establishment of the  
7 facility;

8 (D) the existing uses on adjacent and nearby  
9 properties; and

10 (E) the extent to which the design of the proposed  
11 facility reflects compliance with subsection (e) of  
12 this Section.

13 (4) On judicial review of an adverse decision, the  
14 issue shall be the reasonableness of the county board's  
15 decision in light of the evidence presented on the siting  
16 considerations and the well-reasoned recommendations of  
17 any other body that conducts the public hearing.

18 (5) When regulating the placement of a support  
19 structure, a county may not:

20 (A) regulate the placement of an antenna or related  
21 equipment for an existing support structure; except  
22 that if the placement of an antenna on an existing  
23 support structure requires an extension, the placement  
24 may be regulated if the extension would require the  
25 support structure to have lighting as required by  
26 federal law; if a co-location occurs, the co-location

1           may not be considered an expansion, and the county may  
2           not impose additional costs or operating restrictions  
3           on the applicant for the co-location unless the support  
4           structure is owned by the county;

5           (B) require the applicant to provide justification  
6           for radio frequency need; or

7           (C) prohibit the provision of personal wireless  
8           services.

9           (h) The following provisions shall apply to all facilities  
10          established after the effective date of this amendatory Act of  
11          1997 in the county jurisdiction area of any county with a  
12          population of 180,000 or more. A facility is permitted in any  
13          zoning district subject to the following:

14               (1) A facility shall not be located on a lot under  
15               paragraph (4) of subsection (d) unless a variation is  
16               granted by the county board under paragraph (4) of this  
17               subsection (h).

18               (2) Unless a height variation is granted by the county  
19               board, the height of a facility shall not exceed 75 feet if  
20               the facility will be located in a residential zoning  
21               district or 200 feet if the facility will be located in a  
22               non-residential zoning district. However, the height of a  
23               facility may exceed the height limit in this paragraph, and  
24               no height variation shall be required, if the supporting  
25               structure is a qualifying structure.

26               (3) The improvements and equipment of the facility

1 shall be placed to comply with the requirements of this  
2 paragraph at the time a building permit application for the  
3 facility is submitted. If the supporting structure is an  
4 antenna tower other than a qualifying structure then (i) if  
5 the facility will be located in a residential zoning  
6 district the lot line set back distance to the nearest  
7 residentially zoned lot shall be at least 50% of the height  
8 of the facility's supporting structure or (ii) if the  
9 facility will be located in a non-residential zoning  
10 district the horizontal separation distance to the nearest  
11 principal residential building shall be at least equal to  
12 the height of the facility's supporting structure.

13 (4) The county board may grant variations for any of  
14 the regulations, conditions, and restrictions of this  
15 subsection (h), after one public hearing on the proposed  
16 variations held at a zoning or other appropriate committee  
17 meeting with proper notice given as provided in this  
18 Section, by a favorable vote of a majority of the members  
19 present at a meeting held no later than 75 days after  
20 submission of an application by the telecommunications  
21 carrier. If the county board fails to act on the  
22 application within 75 days after submission, the  
23 application shall be deemed to have been approved. In its  
24 consideration of an application for variations, the county  
25 board, and any other body conducting the public hearing,  
26 shall consider the following, and no other matters:

1           (A) whether, but for the granting of a variation,  
2           the service that the telecommunications carrier seeks  
3           to enhance or provide with the proposed facility will  
4           be less available, impaired, or diminished in quality,  
5           quantity, or scope of coverage;

6           (B) whether the conditions upon which the  
7           application for variations is based are unique in some  
8           respect or, if not, whether the strict application of  
9           the regulations would result in a hardship on the  
10          telecommunications carrier;

11          (C) whether a substantial adverse effect on public  
12          safety will result from some aspect of the facility's  
13          design or proposed construction, but only if that  
14          aspect of design or construction is modifiable by the  
15          applicant;

16          (D) whether there are benefits to be derived by the  
17          users of the services to be provided or enhanced by the  
18          facility and whether public safety and emergency  
19          response capabilities would benefit by the  
20          establishment of the facility; and

21          (E) the extent to which the design of the proposed  
22          facility reflects compliance with subsection (e) of  
23          this Section.

24          No more than one public hearing shall be required.

25          (5) On judicial review of an adverse decision, the  
26          issue shall be the reasonableness of the county board's

1 decision in light of the evidence presented and the  
2 well-reasoned recommendations of any other body that  
3 conducted the public hearing.

4 (Source: P.A. 95-815, eff. 8-13-08; 96-696, eff. 1-1-10.)

5 Section 10. The Illinois Municipal Code is amended by  
6 changing Section 11-13-1 as follows:

7 (65 ILCS 5/11-13-1) (from Ch. 24, par. 11-13-1)

8 Sec. 11-13-1. To the end that adequate light, pure air, and  
9 safety from fire and other dangers may be secured, that the  
10 taxable value of land and buildings throughout the municipality  
11 may be 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  
17 sites, areas, and structures of historical, architectural and  
18 aesthetic importance; the corporate authorities in each  
19 municipality have the following 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  
24 or set-back lines on or along any street, traffic-way,



1 drive, parkway or storm or floodwater runoff channel or  
2 basin;

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

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

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

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

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

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

24 (9) to classify, to regulate and restrict the use of  
25 property on the basis of family relationship, which family  
26 relationship may be defined as one or more persons each

1 related to the other by blood, marriage or adoption and  
2 maintaining a common household;

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

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

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

25 The powers enumerated may be exercised within the corporate  
26 limits or within contiguous territory not more than one and

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

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

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

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

19 When regulating the placement of a telecommunications  
20 support structure, a municipality may not:

21 (1) regulate the placement of an antenna or related  
22 equipment for an existing support structure; except that if  
23 the placement of an antenna on an existing support  
24 structure requires an extension, the placement may be  
25 regulated if the extension would require the support  
26 structure to have lighting as required by federal law; if a

1       co-location occurs, the co-location may not be considered  
2       an expansion, and the municipality may not impose  
3       additional costs or operating restrictions on the  
4       applicant for the co-location unless the support structure  
5       is owned by the municipality;

6           (2) require the applicant to provide justification for  
7       radio frequency need; or

8           (3) prohibit the provision of personal wireless  
9       services.

10       For the purposes of this Section, "co-location" means a  
11       tower shared by 2 or more wireless communications providers.

12       If a municipality adopts a zoning plan covering an area  
13       outside its corporate limits, the plan adopted shall be  
14       reasonable with respect to the area outside the corporate  
15       limits so that future development will not be hindered or  
16       impaired; it is reasonable for a municipality to regulate or  
17       prohibit the extraction of sand, gravel, or limestone even when  
18       those activities are related to an agricultural purpose. If all  
19       or any part of the area outside the corporate limits of a  
20       municipality which has been zoned in accordance with the  
21       provisions of this Division 13 is annexed to another  
22       municipality or municipalities, the annexing unit shall  
23       thereafter exercise all zoning powers and regulations over the  
24       annexed area.

25       In all ordinances passed under the authority of this  
26       Division 13, due allowance shall be made for existing

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

22 This amendatory Act of 1971 does not apply to any  
23 municipality which is a home rule unit, except as provided in  
24 item (12).

25 (Source: P.A. 95-475, eff. 1-1-08; 96-904, eff. 1-1-11.)

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.".