

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 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  
17 ordinance for the entire municipality. After the preparation of  
18 such a tentative report and ordinance, the commission shall  
19 hold a hearing thereon and shall afford persons interested an  
20 opportunity to be heard. Notice of the hearing shall be  
21 published at least once, not more than 30 nor less than 15 days  
22 before the hearing, in one or more newspapers published in the  
23 municipality, or, if no newspaper is published therein, then in

1 one or more newspapers published in the county in which the  
2 municipality is located and having a general circulation within  
3 the municipality. The notice shall state the time and place of  
4 the hearing and the place where copies of the proposed  
5 ordinance will be accessible for examination by interested  
6 persons. The hearing may be adjourned from time to time.

7 Within 30 days after the final adjournment of the hearing  
8 the commission shall make a final report and submit a proposed  
9 ordinance for the entire municipality to the corporate  
10 authorities. The corporate authorities may enact the ordinance  
11 with or without change, or may refer it back to the commission  
12 for further consideration. The zoning commission shall cease to  
13 exist upon the adoption of a zoning ordinance for the entire  
14 municipality.

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

16 (65 ILCS 5/11-13-26)

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

18 (a) A municipality may regulate wind farms and  
19 electric-generating wind devices within its zoning  
20 jurisdiction and within the 1.5 mile radius surrounding its  
21 zoning jurisdiction. There shall be at least one public hearing  
22 not more than 30 days prior to a siting decision by the  
23 corporate authorities of a municipality. Notice of the hearing  
24 shall be published in a newspaper of general circulation in the  
25 municipality. A municipality may allow test wind towers to be

1     sited without formal approval by the corporate authorities of  
2     the municipality. Test wind towers must be dismantled within 3  
3     years of installation. For the purposes of this Section, "test  
4     wind towers" are wind towers that are designed solely to  
5     collect wind generation data.

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

16           (c) A municipality may regulate wind farms and  
17    electric-generating wind devices pursuant to the authority  
18    granted under this Section without creating a zoning commission  
19    or adopting a zoning ordinance for the entire municipality.  
20    This subsection applies only to issues of siting, limited to  
21    the proposed location of wind farms and electric-generating  
22    wind devices. No further regulations may be imposed by the  
23    municipality without creating a zoning commission or adopting a  
24    zoning ordinance for the entire municipality. This subsection  
25    (c) applies to ordinances adopted before, on, or after the  
26    effective date of this amendatory Act of the 97th General

1 Assembly by a municipality to regulate wind farms and  
2 electric-generating wind devices within 1.5 miles of the  
3 corporate boundaries of the municipality. No ordinance shall  
4 regulate wind farms that were permitted by a county with  
5 jurisdiction over the property prior to the effective date of  
6 the ordinance. In addition, any ordinance shall comply with the  
7 requirements of subsections (a) and (b) of Section 11-13-26.  
8 Except for permitted wind farms, any ordinance shall preempt  
9 county zoning regulations that might otherwise be applicable  
10 and no county siting approval shall be required within 1.5  
11 miles of the municipality.

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

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.