



Sen. John M. Sullivan

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LRB097 06790 KMW 53008 a

1 AMENDMENT TO SENATE BILL 167

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 167 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 applies only to issues of siting, limited to  
2 the proposed location of wind farms and electric-generating  
3 wind devices. No further regulations may be imposed by the  
4 municipality without creating a zoning commission or adopting a  
5 zoning ordinance for the entire municipality. This subsection  
6 (c) applies to ordinances adopted before, on, or after the  
7 effective date of this amendatory Act of the 97th General  
8 Assembly by a municipality to regulate wind farms and  
9 electric-generating wind devices within 1.5 miles of the  
10 corporate boundaries of the municipality. No ordinance shall  
11 regulate wind farms that were permitted by a county with  
12 jurisdiction over the property prior to the effective date of  
13 the ordinance. In addition, any ordinance shall comply with the  
14 requirements of subsections (a) and (b) of Section 11-13-26.  
15 Except for permitted wind farms, any ordinance shall preempt  
16 county zoning regulations that might otherwise be applicable  
17 and no county siting approval shall be required within 1.5  
18 miles of the municipality.

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

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law."