

1 AN ACT concerning zoning.

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

- 20 (1) To regulate and limit the height and bulk of
21 buildings hereafter to be erected; (2) to establish,
22 regulate and limit, subject to the provisions of Division
23 14 of this Article 11, the building or set-back lines on
24 or along any street, traffic-way, drive, parkway or storm
25 or floodwater runoff channel or basin; (3) to regulate
26 and limit the intensity of the use of lot areas, and to
27 regulate and determine the area of open spaces, within
28 and surrounding such buildings; (4) to classify, regulate
29 and restrict the location of trades and industries and
30 the location of buildings designed for specified
31 industrial, business, residential, and other uses; (5) to

1 divide the entire municipality into districts of such
2 number, shape, area, and of such different classes
3 (according to use of land and buildings, height and bulk
4 of buildings, intensity of the use of lot area, area of
5 open spaces, or other classification) as may be deemed
6 best suited to carry out the purposes of this Division
7 13; (6) to fix standards to which buildings or structures
8 therein shall conform; (7) to prohibit uses, buildings,
9 or structures incompatible with the character of such
10 districts; (8) to prevent additions to and alteration or
11 remodeling of existing buildings or structures in such a
12 way as to avoid the restrictions and limitations lawfully
13 imposed under this Division 13; (9) to classify, to
14 regulate and restrict the use of property on the basis of
15 family relationship, which family relationship may be
16 defined as one or more persons each related to the other
17 by blood, marriage or adoption and maintaining a common
18 household; and (10) to regulate or forbid any structure
19 or activity which may hinder access to solar energy
20 necessary for the proper functioning of a solar energy
21 system, as defined in Section 1.2 of The Comprehensive
22 Solar Energy Act of 1977.

23 The powers enumerated may be exercised within the
24 corporate limits or within contiguous territory not more than
25 one and one-half miles beyond the corporate limits and not
26 included within any municipality. However, if any
27 municipality adopts a plan pursuant to Division 12 of Article
28 11 which plan includes in its provisions a provision that the
29 plan applies to such contiguous territory not more than one
30 and one-half miles beyond the corporate limits and not
31 included in any municipality, then no other municipality
32 shall adopt a plan that shall apply to any territory included
33 within the territory provided in the plan first so adopted by
34 another municipality. No municipality shall exercise any

1 power set forth in this Division 13 outside the corporate
2 limits thereof, if the county in which such municipality is
3 situated has adopted "An Act in relation to county zoning",
4 approved June 12, 1935, as amended. Nothing in this Section
5 prevents a municipality ~~of more than 112,000 population~~
6 located in a county of greater than 150,000 population and
7 less than 185,000 population that has adopted a zoning
8 ordinance and the county that adopted the zoning ordinance
9 from entering into an intergovernmental agreement that allows
10 the municipality to exercise its zoning powers beyond its
11 territorial limits; provided, however, that the
12 intergovernmental agreement must be limited to the territory
13 within the municipality's planning jurisdiction as defined by
14 law or any existing boundary agreement. The county and the
15 municipality must amend their individual zoning maps in the
16 same manner as other zoning changes are incorporated into
17 revised zoning maps. No such intergovernmental agreement may
18 authorize a municipality to exercise its zoning powers, other
19 than powers that a county may exercise under Section 5-12001
20 of the Counties Code, with respect to land used for
21 agricultural purposes. This amendatory Act of the 92nd
22 General Assembly is declarative of existing law. No
23 municipality may exercise any power set forth in this
24 Division 13 outside the corporate limits of the municipality
25 with respect to a facility of a telecommunications carrier
26 defined in Section 5-12001.1 of the Counties Code. If a
27 municipality adopts a zoning plan covering an area outside
28 its corporate limits, the plan adopted shall be reasonable
29 with respect to the area outside the corporate limits so that
30 future development will not be hindered or impaired; it is
31 reasonable for a municipality to regulate or prohibit the
32 extraction of sand, gravel, or limestone even when those
33 activities are related to an agricultural purpose. If all or
34 any part of the area outside the corporate limits of a

1 municipality which has been zoned in accordance with the
2 provisions of this Division 13 is annexed to another
3 municipality or municipalities, the annexing unit shall
4 thereafter exercise all zoning powers and regulations over
5 the annexed area.

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

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

32 (Source: P.A. 92-509, eff. 1-1-02.)

33 Section 99. Effective date. This Act takes effect upon

1 becoming law.