



Rep. Suzanne M. Ness

Filed: 4/8/2025

10400HB1843ham001

LRB104 11318 RTM 25063 a

1 AMENDMENT TO HOUSE BILL 1843

2 AMENDMENT NO. _____. Amend House Bill 1843 by replacing
3 everything after the enacting clause with the following:

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. Zoning powers.

8 (a) To the end that adequate light, pure air, and safety
9 from fire and other dangers may be secured, that the taxable
10 value of land and buildings throughout the municipality may be
11 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

1 sites, areas, and structures of historical, architectural and
2 aesthetic importance; the corporate authorities in each
3 municipality have the following powers:

4 (1) to regulate and limit the height and bulk of
5 buildings hereafter to be erected;

6 (2) to establish, regulate and limit, subject to the
7 provisions of Division 14 of this Article 11, the building
8 or set-back lines on or along any street, traffic-way,
9 drive, parkway or storm or floodwater runoff channel or
10 basin;

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

14 (4) to classify, regulate, and restrict the location
15 of trades and industries and the location of buildings
16 designed for specified industrial, business, residential,
17 and other uses;

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

24 (6) to fix standards to which buildings or structures
25 therein shall conform;

26 (7) to prohibit uses, buildings, or structures

1 incompatible with the character of such districts;

2 (8) to prevent additions to and alteration or
3 remodeling of existing buildings or structures in such a
4 way as to avoid the restrictions and limitations lawfully
5 imposed under this Division 13;

6 (9) except as provided in paragraph (2) of subsection
7 (c), to classify, ~~to~~ regulate, and restrict the use of
8 property on the basis of family relationship, which family
9 relationship may be defined as one or more persons each
10 related to the other by blood, marriage or adoption and
11 maintaining a common household;

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

16 (11) to require the creation and preservation of
17 affordable housing, including the power to provide
18 increased density or other zoning incentives to developers
19 who are creating, establishing, or preserving affordable
20 housing; and

21 (12) to establish local standards solely for the
22 review of the exterior design of buildings and structures,
23 excluding utility facilities and outdoor off-premises
24 advertising signs, and designate a board or commission to
25 implement the review process; except that, other than
26 reasonable restrictions as to size, no home rule or

1 non-home rule municipality may prohibit the display of
2 outdoor political campaign signs on residential property
3 during any period of time, ~~the regulation of these signs~~
4 ~~being a power and function of the State and, therefor,~~
5 ~~this item (12) is a denial and limitation of concurrent~~
6 ~~home rule powers and functions under subsection (i) of~~
7 ~~Section 6 of Article VII of the Illinois Constitution.~~

8 (b) The powers enumerated in this Section may not be used
9 in any way that violates or otherwise contradicts any other
10 applicable State or federal law, including the federal Fair
11 Housing Act and the Americans with Disabilities Act.

12 (c) A municipality may not adopt zoning regulations that
13 prohibit:

14 (1) the creation of a community-integrated living
15 arrangement or housing for a community-integrated living
16 arrangement; or

17 (2) notwithstanding paragraph (9) of subsection (a), 2
18 or more individuals, who are not related by blood, from
19 living together in a community-integrated living
20 arrangement or housing for a community-integrated living
21 arrangement.

22 (d) The powers enumerated may be exercised within the
23 corporate limits or within contiguous territory not more than
24 one and one-half miles beyond the corporate limits and not
25 included within any municipality. However, if any municipality
26 adopts a plan pursuant to Division 12 of Article 11 which plan

1 includes in its provisions a provision that the plan applies
2 to such contiguous territory not more than one and one-half
3 miles beyond the corporate limits and not included in any
4 municipality, then no other municipality shall adopt a plan
5 that shall apply to any territory included within the
6 territory provided in the plan first so adopted by another
7 municipality. No municipality shall exercise any power set
8 forth in this Division 13 outside the corporate limits
9 thereof, if the county in which such municipality is situated
10 has adopted "An Act in relation to county zoning", approved
11 June 12, 1935, as amended. Nothing in this Section prevents a
12 municipality of more than 112,000 population located in a
13 county of less than 185,000 population that has adopted a
14 zoning ordinance and the county that adopted the zoning
15 ordinance from entering into an intergovernmental agreement
16 that allows the municipality to exercise its zoning powers
17 beyond its territorial limits; provided, however, that the
18 intergovernmental agreement must be limited to the territory
19 within the municipality's planning jurisdiction as defined by
20 law or any existing boundary agreement. The county and the
21 municipality must amend their individual zoning maps in the
22 same manner as other zoning changes are incorporated into
23 revised zoning maps. No such intergovernmental agreement may
24 authorize a municipality to exercise its zoning powers, other
25 than powers that a county may exercise under Section 5-12001
26 of the Counties Code, with respect to land used for

1 agricultural purposes. This amendatory Act of the 92nd General
2 Assembly is declarative of existing law. No municipality may
3 exercise any power set forth in this Division 13 outside the
4 corporate limits of the municipality with respect to a
5 facility of a telecommunications carrier defined in Section
6 5-12001.1 of the Counties Code.

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

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

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

1 municipality or municipalities, the annexing unit shall
2 thereafter exercise all zoning powers and regulations over the
3 annexed area.

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

1 (h) This Section amendatory Act of 1971 does not apply to
2 any municipality which is a home rule unit, except that
3 subsections (b) and (c) and paragraph (12) of subsection (a)
4 apply to home rule municipalities as provided in item (12). A
5 home rule unit may not exercise the zoning and other powers
6 described in subsections (b) and (c) and paragraph (12) of
7 subsection (a) in a manner that is inconsistent with the
8 regulation by the State of those powers under those
9 provisions. This subsection (h) is a limitation under
10 subsection (i) of Section 6 of Article VII of the Illinois
11 Constitution on the concurrent exercise by home rule units of
12 powers and functions exercised by the State.

13 (Source: P.A. 96-904, eff. 1-1-11; 97-496, eff. 8-22-11.)".