

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 located in a county that has adopted  
6 a zoning ordinance and the county that adopted the zoning  
7 ordinance from entering into an intergovernmental agreement  
8 that allows the municipality to exercise its zoning powers  
9 beyond its territorial limits; provided, however, that the  
10 intergovernmental agreement must be limited to the territory  
11 within the municipality's planning jurisdiction as defined by  
12 law or any existing boundary agreement. No such  
13 intergovernmental agreement may authorize a municipality to  
14 exercise its zoning powers, other than powers that a  
15 municipality may exercise under Section 5-12001 of the  
16 Counties Code, with respect to land used for agricultural  
17 purposes. This amendatory Act of the 92nd General Assembly  
18 is declarative of existing law. No municipality may exercise  
19 any power set forth in this Division 13 outside the corporate  
20 limits of the municipality with respect to a facility of a  
21 telecommunications carrier defined in Section 5-12001.1 of  
22 the Counties Code. If a municipality adopts a zoning plan  
23 covering an area outside its corporate limits, the plan  
24 adopted shall be reasonable with respect to the area outside  
25 the corporate limits so that future development will not be  
26 hindered or impaired; it is reasonable for a municipality to  
27 regulate or prohibit the extraction of sand, gravel, or  
28 limestone even when those activities are related to an  
29 agricultural purpose. If all or any part of the area outside  
30 the corporate limits of a municipality which has been zoned  
31 in accordance with the provisions of this Division 13 is  
32 annexed to another municipality or municipalities, the  
33 annexing unit shall thereafter exercise all zoning powers and  
34 regulations over the annexed area.

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

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

27           (Source: P.A. 90-522, eff. 1-1-98.)