



Advancing Wind Power in Illinois Conference 2011

Jim Griffin

Schain, Burney, Banks & Kenny

**City & County Zoning Perspectives Including
Impact of Municipal Zoning Radius**

Breakout Session

Friday, July 22, 2011, 11:15 AM

Illinois Wind Working Group Conference - July 22, 2011

Municipal and County Statutory Zoning Authority For Wind Energy Projects

Presented by:
James R. Griffin

SCHAIN, BURNEY, BANKS & KENNY, LTD.
Chicago, Illinois
312-345-5700
jgriffin@sbbklaw.com
www.sbbklaw.com

GENERAL MUNICIPAL ZONING JURISDICTION

- ◆ 65 ILCS 5/11-13-1:
A municipality has zoning jurisdiction within its corporate limits and within one and one-half miles outside of its corporate limits if the county has not enacted its own zoning ordinance.

GENERAL COUNTY ZONING JURISDICTION

- ◆ 55 ILCS 5/5-12001
A county has zoning jurisdiction within unincorporated areas of the county and within incorporated areas if the municipality has not adopted a zoning ordinance.

MUNICIPAL STATUTE ON WIND ENERGY

- ◆ 65 ILCS 5/11-13-26:
"A municipality may regulate wind farms and electric-generating wind devices within its zoning jurisdiction and within the 1.5 mile radius surrounding its zoning jurisdiction."

COUNTY STATUTE ON WIND ENERGY

- ◆ 55 ILCS 5/5-12020:
"A county may establish standards for wind farms and electric-generating wind devices...A county may also regulate the siting of wind farms and electric generating wind devices in unincorporated areas of the county outside of the zoning jurisdiction of a municipality and the 1.5 mile radius surrounding the zoning jurisdiction of a municipality."

POTENTIAL ISSUES

- ◆ What if a municipality has no zoning?
- ◆ What if municipality has zoning, but does not regulate wind energy?
- ◆ What does "regulate" mean?
- ◆ Can both a county and municipality have control? Neither?

**Illinois Wind Working Group
Conference - July 22, 2011**

**Municipal and County Statutory Zoning
Authority For Wind Energy Projects**

**Presented by:
James R. Griffin**

SCHAIN, BURNEY, BANKS & KENNY, LTD.
Chicago, Illinois
312-345-5700
jgriffin@sbbklaw.com
www.sbbklaw.com