



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB6421

by Rep. Carol Sente

SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-13-21 new
105 ILCS 5/10-22.13a

Amends the Illinois Municipal Code. Provides that municipalities may regulate land owned or leased by school districts within their zoning jurisdiction. Provides that municipalities shall not deny or attach unreasonable conditions to a zoning permit that would frustrate a school board's ability to provide educational services and shall defer to the school district on aesthetic and exterior design matters. Contains provisions concerning the zoning application and review process. Requires that a majority of corporate authorities shall make a final administrative decision within 90 days of filing an initial zoning application and that written notice shall be provided to the school board. Provides that if the municipality fails to reach a final decision within 90 days, the zoning application shall be deemed approved. Provides that the 90-day requirement shall not apply to municipalities that require a super-majority to act on zoning-related matters. Provides that the municipality and school board may mutually agree to extend the time period beyond 90 days. Preempts home rule. Amends the School Code. Makes conforming changes. Effective immediately.

LRB099 19159 MJP 43548 b

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

2 WHEREAS, The development and implementation of a zoning
3 plan is an important tool for municipalities to ensure a
4 comprehensive system of land use that reflects the character of
5 the local community and promotes public health, safety, and the
6 general welfare; and

7 WHEREAS, The ability to build, purchase, and lease
8 buildings, structures, and sites; and to make additions to,
9 alterations of, and remodel existing buildings, structures and
10 sites for educational purposes is a critical tool for school
11 boards to provide high quality and diverse public educational
12 services and programs for their students; and

13 WHEREAS, School boards are unique local property owners, in
14 that land use needs are guided by their educational mission and
15 purpose to provide a free, high quality public education for
16 all students, construction projects are governed by a student
17 academic calendar, and facility needs must take into
18 consideration student transportation, district boundaries,
19 efficient use of public resources and overall district need;
20 and

21 WHEREAS, When a school board's desired use of district
22 property is in conflict with a municipalities' local zoning
23 plan, it is to the benefit of all affected stakeholders that
24 the municipality and school district work collaboratively to
25 resolve such conflict; and

26 WHEREAS, One important way to ensure school districts and

1 municipalities work collaboratively for the benefit of all
2 stakeholders is to clearly identify those accommodations
3 necessary for school boards throughout the zoning application
4 and review process; therefore

5 **Be it enacted by the People of the State of Illinois,**
6 **represented in the General Assembly:**

7 Section 5. The Illinois Municipal Code is amended by adding
8 Section 11-13-21 as follows:

9 (65 ILCS 5/11-13-21 new)

10 Sec. 11-13-21. School Buildings, Structures and Sites.
11 Subject to Section 10-22.13a and Section 2-3.12 of the School
12 Code and other applicable provisions of law:

13 (a) A municipality may regulate land owned or leased by
14 school districts within its zoning jurisdiction.

15 (b) Notwithstanding subsection (a), the corporate
16 authorities of the municipality shall not deny or attach
17 inappropriate or unreasonable conditions to a zoning permit
18 that would frustrate a school board's ability to provide
19 educational services and programs for its students. In the
20 event that the corporate authorities of the municipality take
21 such action, the school board may pursue the remedy set forth
22 in Section 10-22.13a of the School Code, in addition to any
23 other available remedy.

1 (c) Notwithstanding subsection (a), the municipality shall
2 defer to the school district on aesthetic and exterior design
3 intentions for the building, structure, or site.

4 (d) The municipality shall make every effort to streamline
5 the zoning application and review process for the school board
6 and minimize the administrative burdens involved in the
7 municipal review process, including, but not limited to,
8 exempting fees and other costs associated with the project to
9 the greatest extent practicable, limiting the number of times
10 the school district must amend its site plans and reducing the
11 number of copies of site plans and any other documents required
12 to be submitted by the municipality.

13 (e) For zoning applications submitted under this Section, a
14 final administrative decision shall be made by the corporate
15 authorities of the municipality within 90 days of the initial
16 filing of the zoning application. Upon such decision, the
17 corporate authorities of the municipality shall provide the
18 school board with written notice of its decision. In the event
19 that the corporate authorities of the municipality fail to make
20 a final determination on the zoning application within 90 days
21 from the initial filing of the zoning application with the
22 municipality, the zoning application shall be deemed approved.
23 In the event that a municipality has passed an ordinance that
24 requires zoning-related matters to be approved by a
25 super-majority, such a requirement shall not apply to this
26 Section.

1 (f) If mutually agreed by the corporate authorities of the
2 municipality and the school board, the time periods in
3 subsection (e) may be extended.

4 (g) A home rule unit may not regulate school district
5 property in a manner inconsistent with this Section. This
6 Section is a limitation under subsection (i) of Section 6 of
7 Article VII of the Illinois Constitution on the concurrent
8 exercise by home rule units of powers and functions exercised
9 by the State.

10 Section 10. The School Code is amended by changing Section
11 10-22.13a as follows:

12 (105 ILCS 5/10-22.13a)

13 Sec. 10-22.13a. Local zoning regulations; compliance and
14 review ~~Zoning changes, variations, and special uses for school~~
15 ~~district property. To seek zoning changes, variations, or~~
16 ~~special uses for property held or controlled by the school~~
17 ~~district.~~

18 (a) Except as may be otherwise provided for by law, school
19 boards are subject to and shall comply with all applicable and
20 valid zoning ordinances of the municipality in which the
21 pertinent part of the building, structure, or site is situated.

22 (b) Notwithstanding subsection (a), any buildings,
23 structures, and sites that constitute a lawful prior
24 non-conforming use and are not proposed for development as of

1 the effective date of this Section shall not be subject to the
2 provisions of this Section. In the event that a school board
3 seeks to make an addition to, alteration of, or remodel any
4 such building, structure, or site, subsection (a) shall apply
5 only to that portion of the building, structure, or site that
6 is to be modified.

7 (c) In the event that any zoning application is denied, or
8 allowed under such conditions that the school board believes to
9 be unreasonable or inappropriate, the school board, in addition
10 to any other available remedies, may seek review under the
11 Administrative Review Law once a final administrative
12 decisions has been made if such denial or conditions frustrate
13 the school district's ability to provide educational services
14 and programs for its students. If the court determines that the
15 action unduly interferes with the school board's ability to
16 provide educational services and programs for its students, the
17 zoning ordinance in question shall not be applicable to the use
18 of the property sought by the school district.

19 (Source: P.A. 90-566, eff. 1-2-98.)

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