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In the Zone Current Trends in Land Use Law

Summer 2015

Welcome to **Ancel Glink's *In the Zone***. Our e-newsletter includes articles on lively land use topics designed to inform local government officials about current trends in land use law and provide useful resources to promote planning and zoning practice throughout the state.

In the Zone is a publication of Ancel Glink's Zoning and Land Use Group. For more than 80 years, Ancel Glink has counseled municipalities and private clients in zoning, land use, and other municipal matters.

Upcoming Presentations

Upcoming ABA Land Use Institute in Chicago!

The ABA's Section of State and Local Government is sponsoring this year's Land Use Institute on July 30, 2015 at the Westin River North in Chicago. The program will address and analyze the state-of-the-art efforts by government to manage land use and development, and will present key issues faced by property owners and developers in obtaining necessary governmental approvals. Ancel Glink attorney Julie Tappendorf will be speaking on three panels at the program, and Ancel Glink attorneys David Silverman and Dan Bolin will be participating in the urban agriculture panel.

To find out more about the program, see the brochure, and register on the ABA website, click [here](#).

Upcoming Webcast on USSCT Sign Case

The Planning and Law Division of the American Planning Association will be presenting a webcast called *A Sign Regulation Apocalypse? Understanding the U.S. Supreme Court's Decision In Reed v. Town of Gilbert* on July 21st from 12:00 to 1:30 PM Central. You may recall that the Supreme Court recently struck down Gilbert, Arizona's temporary sign regulations as unconstitutional. This case could have wide-ranging impact on municipal sign regulations, so this webcast should be of interest to government officials and employees.

For more information or to register, click [here](#)!

Upcoming Webcast on USSCT decision on Housing and Takings cases

On Tuesday, August 4, 2015 the Planning and Law Division of the American Planning Association will be hosting a webcast called *Housing and Takings: A Look at the U.S. Supreme Court's Inclusive Communities Project and Horne Decisions*. This webcast will look at the *Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.*, case in which the USSCT held that local governments will have an increased level of scrutiny in zoning and regulatory policies if that local government receives HUD grants. In *Horne v. Department of Agriculture*, the USSCT expanded takings law, which may compel local governments to return private property to increase market participation.

For more information and to register, click [here](#)!

American Planning Association State Conference

Ancel Glink's David Silverman, Greg Jones, and Dan Bolin will present "Law & Order: Zoning Victims Unit" at the [2015 APA-IL State Conference](#) on October 8, 2015. Conference attendees will interrogate the authors of "Land Use Law: Zoning in the 21st Century" about the book's mind-blowing topics, including climate change, fracking, wind energy, adult uses, and more. [Register today!](#)

Cases to Know

Supreme Court's Sign Case May Require Sign Code Amendments

The USSCT issued a ruling in the sign case involving a local church's challenge to the Town of Gilbert, Arizona's sign regulation. [Reed v. Town of Gilbert, Arizona \(USSCT, June 18, 2015\)](#). In this case, the USSCT held that the Town's sign code was content-based regulation and could not survive strict scrutiny under the First Amendment. Looking forward, this case has the potential to impact how local governments regulate signs in their communities and may require many communities to review and revise their sign regulations to adhere to the USSCT's decision.

To view a more detailed analysis of this case click [here](#)!

TRO Against City's Ban on Charity Collection Boxes Upheld

The Sixth Circuit Court of Appeals recently upheld the district court's issuance of a temporary restraining order against the City of St. John, Michigan relating to its ban on charity collection bins. [Planet Aid v. City of St. Johns \(6th Cir. April 6, 2015\)](#). This case involved the City of St. Johns passing a ban on offsite donation boxes to reduce blight, which ban off-site donation boxes. After the ban passed the City removed two bins placed by Planet Aid. Subsequently, Planet Aid filed a lawsuit challenging the city's ban.

For more information on this case, click [here!](#)

Luxury Tree House Spurs Municipalities and Owners to Review Regulations for Tree Houses and Short-Term Rentals

In Schaumburg, a tree house was listed for rent on Airbnb. This listing gained a lot of media attention in part due to the zoning laws governing setbacks, size, location, and height of tree houses in a rear yard. This tree house put other communities on notice to review and potentially revise their zoning ordinances if other citizens wanted to offer short-term rentals in their own tree houses. Further, there are tax implications of providing a short-term rental to a tree house, such as commercial property tax, Illinois Hotel Operators Occupation Tax, and leasing and renting taxes. As Airbnb increases in popularity, local governments will need to develop strategies to ensure they are recovering the hotel taxes that are due.

For more information on this case, click [here!](#)

Legislation

[HB 2744 - Boundary Line Contract](#)

This bill is currently at the Governor's desk awaiting approval. This bill states that there is no "conflict" when a municipality enters into a jurisdictional boundary line agreement where it gives up property within its jurisdiction to another municipality. The bill also states that the boundary agreement will not impact any boundary line agreement with another party.

[HB3556 - Business District Development](#)

This bill has been sent to the Governor. This bill allows municipalities to utilize revenues from one business district for costs in another business district, so long as the business district is contiguous to the business district from which revenues are received, separated only by a public right of way from the business district from which the revenues are received, or separated only by forest preserve property from the business district from which the revenues are received if the closest boundaries of the business districts that are separated by the forest preserves are less than one mile apart.

[HB 3840 - Economic Redlining Task Force](#)

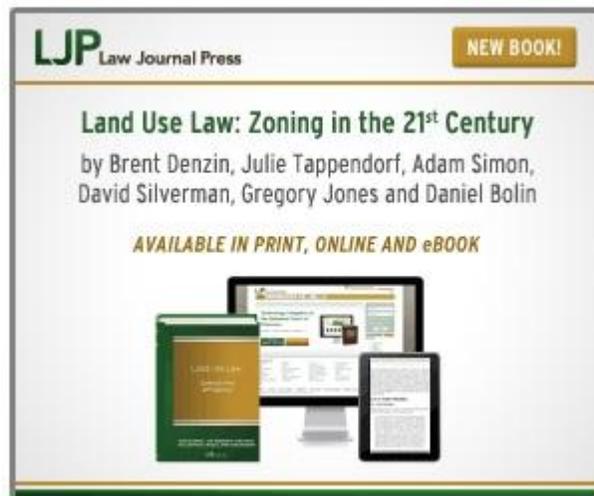
This bill has been sent to the Governor. This bill creates an Equal Economic Opportunity Task Force to examine problems in economic development and aid in curbing residential and economic redlining.

[SB 369 - Annexation](#)

Public Act 99-0063 provides that municipalities may annex a parcel under one acre that is separated from the annexing municipality only by a forest preserve that creates an artificial barrier to annexation.

Recent Publications

Be sure to check out the zoning book authored by Ancel Glink's land use group, *Land Use Law: Zoning in the 21st Century*, published by Law Journal Press.



This book provides land use professionals with practical advice on zoning issues and up-to-date analysis of the legal issues they are likely to encounter.

ABOUT ANCEL GLINK

Visit Ancel Glink's web-site at www.ancelglink.com or email us at atinthezone@ancelglink.com.

For current information about new and pending legislation, recent cases, and other topics of interest to local governments, you can visit our blog [Municipal Minute](#), follow the Land Use Group on Twitter [@AncelGlinkLand](#), or like [Ancel Glink: Land Use](#) on Facebook.

Other Ancel Glink publications on land use and related issues are available on Ancel Glink's website (www.ancelglink.com) for public use and download:

[Zoning Administration Tools of the Trade](#)

[Zoning Administration Handbook](#)

[Economic Development Toolbox for Municipal Officials](#)

[Municipal Annexation Handbook](#)

Editors: David S. Silverman and Julie A. Tappendorf

Contributors: Julie A. Tappendorf, Daniel J. Bolin, and Douglas E. Spale.

David S. Silverman is a partner at Ancel Glink, concentrating in local government, land use, economic development, and real estate law. Mr. Silverman is a member of the American Institute of Certified Planners and has written and spoken extensively on a wide variety of land use and development topics. David is also a member of the honorary land economics fraternity, Lambda Alpha International - Ely Chapter. dsilverman@ancelglink.com

Julie A. Tappendorf is a partner at Ancel Glink, concentrating in the areas of local government, economic development, land use, and litigation. Ms. Tappendorf has published on a wide-range of land use and related issues and currently serves on the faculty of ABA's Land Use Institute and is an officer in the Planning and Law Division and a member of the Amicus Committee of the American Planning Association. She is the author and moderator of the Municipal Minute blog. jtappendorf@ancelglink.com

Daniel J. Bolin is an attorney at Ancel Glink, representing public entities and property owners in land use, zoning litigation, real estate, property maintenance and many other local government matters. dbolin@ancelglink.com.

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Ancel, Glink, Diamond, Bush, DiCianni & Krafthefer, P.C.

"Serving Illinois with offices in Chicago, Vernon Hills, Naperville, Crystal Lake and Bloomington"

140 S. Dearborn St. Suite 600, Chicago, IL 60603 | 312-782-7606 | www.ancelglink.com

Contact our Zoning and Land Use Group