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American Islamic Center v. City of Des Plaines

United States District Court, N.D. Illinois, Eastern Division - March 24, 2014 - Not Reported in F.Supp.2d - 2014 WL 1243870

American Islamic Center (AIC) is a religious institution incorporated under the Illinois Not-For-Profit Corporation Act. On February 6, 2013, AIC contracted to buy certain property on the condition that Des Plaines would adopt a zoning map amendment that would allow AIC to use the property for religious and educational activities. On July 15, 2013, the five city council members named as defendants voted against the amendment, outvoting three other city council members who voted in favor of the amendment.

In this decision, the Court considered defendants' remaining arguments, namely that: 1) the city council members are entitled to absolute legislative immunity, 2) the Tort Immunity Act bars recovery under Count 6 (IRFRA), and 3) the Illinois statute that AIC cites in its state-law claim seeking review of the zoning decision, [65 ILCS 5/11-13-25](#), does not provide an independent basis for a cause of action.

The Court concluded that: 1) the city council members are entitled to absolute legislative immunity, 2) the Tort Immunity Act does not bar recovery under the Illinois Religious Freedom Restoration Act (IRFRA), and 3) AIC may challenge the city's zoning ordinance under Illinois law even if section 11-13-25 does not provide an independent cause of action.