

Bond Case Briefs

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ZONING & PLANNING - ILLINOIS

Sullivan v. Village of Glenview

Appellate Court of Illinois - November 4, 2020 - N.E.3d - 2020 IL App (1st) 200142 - 2020 WL 6483137

After commercial developer applied for permits to rezone and construct commercial buildings on property adjacent to homeowners' properties, homeowners brought action against city, seeking declaratory judgment invalidating the municipal ordinance purportedly allowing the property to be rezoned.

The Circuit Court dismissed action as untimely. Homeowners appealed.

The Appellate Court held that:

- To constitute a "decision" triggering the limitations period for challenges to municipal zoning actions, an ordinance must make change to subject property, and
- Ordinance had no effect on zoning classification of property, and thus was not a "decision" that triggered limitations period.

To constitute a "decision" triggering the running of the limitations period for challenges to municipal zoning actions, a municipal ordinance must actually make some sort of change with respect to the zoning classification of the subject property.

Municipal ordinance did not effect zoning classification of landowner's property, and, thus, was not a "decision" within meaning of municipal code, as was required to trigger running of 90-day limitations period applicable to challenges to municipal zoning actions; even though ordinance contemplated rezoning of property, ordinance conditionally required landowner to begin entirely new application process before property could actually be rezoned, thereby placing landowner in precisely same position as before ordinance was passed.