PLAN COMMISSION AGENDA
Village of Deerfield
2nd Floor Franz Council Chambers
March 12, 2026 at 6:30 PM
Workshop Meeting

Public Comment on a Non-Agenda Item

WORKSHOP MEETING

1. Update on Proposed BUILD Legislation – HB5626

DOCUMENT APPROVAL

1. Gloss Nail Bar Text Amendment and Special Use Recommendation
2. February 26, 2026 Plan Commission Minutes

Items from the Commission
Items from the Staff
Designation of Representative for the next Board of Trustees Meeting
Adjournment

MEMORANDUM

VILLAGE OF DEERFIELD

TO: Plan Commission

FROM: Jeff Ryckaert, Principal Planner and Dan Nakahara, Planner II

DATE: March 6, 2026

RE: Governor Pritzker's Proposed BUILD Legislation – HB5626

Attached are client alerts from Elrod Friedman, a copy of the HB5626, and background information regarding the Governor's BUILD package of legislation that would end single-family zoning, reduce local control and significantly change the character of these neighborhoods. Village Attorney Ben Schuster will be at the meeting to brief the Plan Commission on this legislation.

February 20, 2026

CLIENT ALERT

Governor Pritzker Introduces Building Up Illinois Developments (BUILD) Legislative Agenda

By Stewart J. Weiss

During his annual State of the State Address this week, Governor JB Pritzker announced a broad and ambitious legislative agenda focused on reducing the cost of living for Illinois residents. The centerpiece of this agenda is the Building Up Illinois Developments (BUILD) initiative, a series of bills intended to confront Illinois' high housing costs by stimulating new housing construction.

Increasing the Housing Supply – A Common Goal Among Several States

Housing costs have increased in America by more than 50 percent since 2019 and continue to grow at a rate ahead of inflation. The key driver of high costs is a widespread housing shortage estimated to be between 2.8 and 4 million homes nationwide. In Illinois specifically, the Governor's office cited a statewide housing shortage of 142,000 units, with an additional 83,000 units needed to meet projected housing demand in the next five years.

Recently, states across the country and the political spectrum, including Montana and California, have adopted legislation to promote increased housing density, reduce construction costs, and shorten development approval timelines. Just across the state line, the Indiana General Assembly is considering HB 1001, a bill that would allow development of duplexes and accessory dwelling units (ADUs) in any zoning district where single-family homes are permitted by right and significantly restrict minimum parking requirements local governments can impose.

An Ambitious Proposal

During Wednesday's address, Governor Pritzker touted the BUILD agenda as key to the financial well-being of the state and its residents through expanded access to affordable housing. This agenda consists of a mixture of statewide zoning regulation, construction process standardization, and grants for housing and infrastructure construction.

Immediately after the Governor's address, Representative Kam Buckner filed House Bill 5626, which significantly amends the Illinois Municipal Code with the goal of increasing both the amount and variety of housing construction in Illinois. To that end, ***HB 5626 includes the largest***

preemption and restriction of local zoning and land use regulatory authority considered since the establishment of home rule authority in Illinois in the 1970 Constitution. If the bill becomes law as introduced, local governments would be stripped of almost all regulatory control over residential developments with eight or fewer units.

This Elrod Friedman Alert provides a broad overview of HB 5626 as introduced on February 18, 2026.[1] We expect that this bill, and its counterparts in the Senate, will be amended as they work their way through committees. However, given the potential impact on local authority, it is important to understand the ambitious scope, scale, and potentially disruptive nature of this legislation. Elrod Friedman will provide more in-depth analysis of specific areas of the BUILD legislation in the coming days through additional alerts.

Key Elements of the Bill

With over 40 pages of new legislative text, HB 5626 significantly amends both the Illinois Municipal Code and the Counties Code to introduce new statewide standards on zoning, subdivisions, building codes, plan reviews and inspections, and impact mitigation fees.

Curtailing Local Residential Land Use Authority over Housing

HB 5626 includes numerous amendments to Article 11 of the Illinois Municipal Code governing local authority over zoning and subdivisions. The bill defines a new class of residential structures – "Middle Housing" – which encompasses multi-unit buildings with up to eight separate dwellings (including duplexes, triplexes, fourplexes, townhouses, attached courtyard housing, and stacked-flat plexes[2]) as well as "cottage clusters" of detached single-unit buildings arranged together on a single lot.

If enacted, HB 5626 would require local governments to allow the construction of Middle Housing in any district where single-family housing is allowed by right. Further, local governments would be required to apply the same zoning and subdivision standards to Middle Housing that govern single-family houses. To accomplish this goal, HB 5626 restricts almost every aspect of local land use regulation governing residentially zoned properties and imposes new statewide standards on density, parking, and bulk, height, lot size, and other traditional subdivision standards.

Density – Under HB 5626, local governments would be required to allow the construction of additional housing density in every residential zoning district where single-family homes are allowed by right. This includes:

- Allowing ADUs on any lot with an existing single-family home.
- Allowing multi-unit Middle Housing buildings to be constructed by right on any residential lot larger than 2,500 square feet, with increasing density determined by lot size.
- Prohibiting minimum lot size requirements of less than 2,500 square feet in any residential zoning district that allows single-family detached dwellings.[3]

Parking – In addition to allowing significantly higher housing density in residentially zoned districts, HB 5626 imposes strict limits on how much off-street parking a local government may

require residential developers to provide. Following the precedent set by the recently adopted People Over Parking Act, the bill would also eliminate minimum off-street parking requirements for certain forms of residential development altogether.

Bulk, Height, and Lot Standards – Local governments would also be prohibited from imposing traditional zoning and lot standards for any residentially zoned property more stringent than new state mandated requirements. The statewide limits would govern setbacks, permitted height, lot coverage, floor area ratio, and building separation. Further, the bill would remove local governments' ability to require Middle Housing projects to undergo a discretionary zoning approval process (i.e. special permits or planned developments) in locations where single-family homes are allowed by right.

Subdivisions – Under HB 5626, local governments would also be required to approve various forms of land division for Middle Housing buildings, including subdivisions, condo-alternatives, or attached-dwelling plats, to allow residents to hold fee-simple ownership of their dwelling units. The bill does not amend or refer to the Plat Act (765 ILCS 205/0.01), but the proposed instruments of division likely would be required to conform to all state laws governing subdivisions. Further, local governments will be prohibited from denying subdivisions for Middle Housing based on minimum lot-size or excessive density.

Building Code Standardization; Plan Review and Development Inspection

HB 5626 also includes significant changes to local authority over housing construction, including:

- Authorizing construction of multi-family residential buildings with a single stairway as an exit for all units so long as certain fire safety conditions are met.

- Imposing strict timelines on local plan review and inspection of residential *and* commercial developments. Failure to meet these deadlines will entitle permit holders to retain a private plan reviewer or inspector to complete the review or inspection. Local governments would be required to accept the conclusions of certified private plan reviewers and inspectors.

State Controlled Impact Fees

HB 5626 would also require local governments to adopt uniform formulas for calculating impact fees for schools, park districts, transportation, public safety, as well as stormwater and other public facilities. These formulas would be set by the state Department of Commerce and Economic Opportunity (DCEO). The Department would be tasked with providing communities with standardized demand multipliers, baseline capital cost tables, and model worksheets and formula templates on an annual basis. All governments desiring to impose impact fees would be required to repeal any existing impact fee ordinances and adopt a model ordinance provided by DCEO.

Practical Impacts

Every provision of HB 5626 is paired with clear home rule preemption language declaring that the state has concurrent authority to regulate on these matters. By asserting its concurrent

authority to regulate, the state would allow local governments to be more permissive in their regulation of housing, but not more restrictive than the proposed uniform standards.

The text of HB 5626 does not include a specific effective date, so if adopted during the Spring legislative session, the bill would go into effect on January 1, 2027. Certain provisions of the bill would become effective immediately on that date including:

- The prohibition on minimum off-street parking standards for small residential developments and within one half mile of public transit.

- Allowing the construction of single-stair exit multi-family buildings.

Local governments, both home rule and non-home rule, would be required to amend their zoning and subdivision ordinances to incorporate minimum state standards no later than eight months after the effective date, which could be as early as August 1, 2027. In the interim, existing zoning and subdivision ordinances would remain in place and enforceable.

However, if a local government fails to amend its zoning code and subdivision ordinances by the eight-month deadline, the community will be required to disregard its own ordinances and apply the state-imposed zoning and subdivision standards.

Alarmingly, HB 5626 creates a private right of action for any person aggrieved by a local government's failure to apply the new state standards which would allow the aggrieved person to go to court and obtain declaratory or injunctive relief and, if they prevail, be awarded attorney's fees.

With regard to the standardization of local impact fees, DCEO would be given 18 months from the effective date of the law to create new standards and guidelines, and communities would have an additional 12 months to adopt the DCEO standards and guidelines. Until that time, communities would be allowed to continue applying their existing local impact fee ordinances and calculations.

Looking Forward

It is clear that Governor Pritzker and supporters of the BUILD agenda in the General Assembly believe that removing local regulatory barriers to the approval and construction of housing is key to solving Illinois' affordability crisis. HB 5626 and its companion bills in the Senate constitute an ambitious initiative to make housing easier and faster to build.

However, this legislation also threatens to deprive local governments of some of their most effective and long-held tools to make local policy decisions on important land use matters, preserve community character, and protect the public health, safety, and welfare. Communities in Illinois have spent countless hours soliciting community feedback, developing comprehensive plans, and fine-tuning their zoning codes and maps and parking requirements to balance the competing needs of residents, businesses, and visitors. If adopted in its current form, HB 5626 would be the largest single change to land use regulation in Illinois in decades.

In the coming days Elrod Friedman will publish additional alerts providing a deeper dive on different aspects of the BUILD agenda summarized in this alert. We will also closely track the debates and amendments that are likely to follow.

[1] On Thursday, February 19, 2026, Senate Bills 4060 (Middle Housing), 4061 (Single Stair Construction), 4062 (Impact Fees), 4063 (Third Party Plan Review & Inspections), and 4064 (Parking Reform) were filed by a group of Senators. Collectively, the Senate Bills mirror the contents of HB 5626. For the purpose of this alert, we will solely be referring to the language of HB 5626.

[2] Defined as a building "containing between 2 and 8 dwelling units, where units are arranged in vertical tiers and accessed by shared or individual entrances, and the overall building is designed to be similar in scale and massing to a detached single-family house."

[3] For reference, the standard 125' X 25' "Chicago lot" contains 3,125 square feet.

February 23, 2026

CLIENT ALERT

Building Blocks of the BUILD Agenda
Part 1: A New Framework for Accessory Dwelling Units

By Kelsea N. Nolot

As the first installment of our ongoing series analyzing the legislative components of Governor Pritzker's proposed housing agenda, the Building Up Illinois Developments ("***BUILD***") initiative, this alert focuses on the proposed mandates and restrictions on Accessory Dwelling Units ("***ADUs***") included in House Bill 5626, introduced in the Illinois House by Representative Kam Buckner on February 19, 2026. If approved as presented, this legislation will significantly curtail the authority of Illinois municipalities to regulate or restrict ADU developments in residential zoning districts, including coach houses, granny flats, or backyard cottages, and apartment units constructed in garages, attics, and basements.

Importantly, the legislation would preempt home rule authority, preventing all municipalities from adopting or enforcing rules regulating ADUs inconsistent with these standards, marking a significant shift in local control over residential density.

Defining the Accessory Dwelling Unit

The proposed legislation defines an ADU as a residential living unit located on the same lot as a single-family dwelling that provides independent living facilities for sleeping, eating, cooking, and sanitation. The bill specifies that ADUs may be either attached to the primary dwelling or a separate structure.

Prohibited Local Restrictions

The bill explicitly deprives municipalities of the power to curb ADU development through alternative regulatory mechanisms:

- **Universal Zoning Review**. Municipalities must permit at least one ADU on any property zoned for single-family homes and may not impose additional zoning controls on ADUs that are more stringent than what is required for a single-family home, including, but not

limited to, lot size, setbacks, aesthetic requirements, design review requirements, frontages, space limitations, or other zoning controls. If a property owner adds an ADU while maintaining compliance with the underlying zoning district requirements, the ADU must be permitted by right.

- **Parking Obligations:** Municipalities cannot require additional off-street parking for properties with ADUs that exceeds parking requirements for a single-family home.
- **Familial Occupancy:** Municipalities are prohibited from requiring a familial relationship between the occupants of the primary house and the ADU.
- **Unit Size or Bedrooms:** Municipalities may not establish minimum or maximum limits on the square footage or the number of bedrooms in an ADU.
- **Impact Fee Exemptions:** Municipalities authorized to levy fees for schools, parks, utility infrastructure, or transportation may not impose impact fees for the addition of an ADU to a single-family property, even though a new dwelling unit is being added to the property.
- **Mandatory Authorization and Zoning Requirements**
- Beginning January 1, 2027[1], every municipality in Illinois must review and amend its local zoning ordinance, as appropriate, in accordance with the Act:
- **Mandatory Allowance of Accessory Dwelling Units:** Municipalities must permit at least one ADU on each lot in any zoning district where single-family dwellings are allowed.
- **Parity of Regulation:** Municipalities must remove any additional requirements on ADUs related to lot size, setbacks, aesthetic standards, frontage, or space limitations on ADUs that would prevent ADU development more stringently than ordinarily required for a single-family dwelling unit.
- **Construction Flexibility:** ADU development must be permitted as new construction or as a conversion from an existing structure, such as attached or detached garages, basements, attics, or backyard cottages. Further, property owners must be allowed to construct an ADU concurrent with the principal dwelling unit.

Impact of ADU Mandates on Maxed-Out Lots

The bill is ambiguous regarding whether an ADU must comply with the underlying zoning and bulk regulations that already apply to a single-family zoning lot. While the bill prohibits municipalities from imposing regulations that effectively prevent ADU development, there is uncertainty regarding single-family lots that are already "maxed out." For instance, where a lot has already met the maximum floor area ratio ("***FAR***"), the maximum number of accessory structures, impervious surface limits, or utility capacity, these underlying zoning regulations may still limit or prevent the development of an ADU. Municipalities will also retain authority to enforce building safety, construction codes, and generally applicable zoning standards.

As the legislative session progresses, this proposed legislation will likely continue to evolve through ongoing review and negotiation. We will continue to monitor developments and keep our municipal clients apprised of changes to the bill and the potential impact on their

communities. In the meantime, please contact Kelsea Neal Nolot or any other Elrod Friedman attorney for additional guidance on ADUs or other components of the BUILD legislation.

[1] It is important to note that other provisions of HB 5626 include preemptions of local zoning authority with a delayed effective date of eight months after the effective date of the entire bill. The ADU provisions of HB 5626 are not included in that delay, and would become effective as early as January 1, 2027, if the General Assembly approves HB 5626 during the spring legislative session and Gov. Pritzker promptly signs it into law.

February 24, 2026

CLIENT ALERT

Building Blocks of the BUILD Agenda
Part 2: Initiative Imposes Minimum Parking Requirements

By Peter Friedman and Marcus Martinez

As the second installment of our ongoing series analyzing the legislative components of Governor Pritzker's proposed housing agenda, the Building Up Illinois Developments (BUILD) initiative, this alert focuses on the proposed mandates and restrictions related to parking. The initiative's parking reform component is Senate Bill 4064, filed by Senator Cervantes on February 19, 2025, which amends the Illinois Municipal Code to limit municipal authority to require minimum parking restrictions for specified residential and nonresidential spaces.

If enacted, SB 4064 would bar home rule and non-home rule municipalities from requiring developers to provide more than 0.5 parking spaces per multifamily dwelling unit or more than one parking space per single-family home. The bill would also prohibit municipalities from imposing minimum parking requirements for:

- residential dwellings under 1,500 square feet;
- affordable housing projects under the Illinois Affordable Housing Act;
- assisted living facilities;
- ground level nonresidential spaces in mixed use buildings; and
- buildings being converted from a nonresidential use to a residential use.

The bill follows the precedent set by the recently adopted People Over Parking Act, which similarly prohibited home rule and non-home rule municipalities from imposing parking requirements for new developments located near transit stations and high-frequency bus routes. As with the People over Parking Act, SB 4064 provides exemptions from these municipal parking limitations for spaces designated for people with disabilities and for parking requirements that were contractually agreed to or officially approved on or before the law's effective date.

Should it become law, Senate Bill 4064 would significantly curtail municipal control over off-street parking requirements statewide, establishing uniform caps and eliminating minimum parking mandates for several common development types. By limiting the number of spaces municipalities can require and prohibiting parking minimums altogether for smaller units, affordable housing, adaptive reuse projects, and certain mixed-use developments, the legislation aims to reduce development costs and remove a barrier to housing production.

Consistent with the transit-oriented reforms adopted under the People Over Parking Act, SB 4064 would represent a significant statewide shift away from local control over parking and specifically away from mandatory parking minimums and toward a more top-down, state-wide approach. Under the legislation in its current form, municipalities will need to revisit existing zoning ordinances, development review processes, and long-term planning strategies to ensure consistency with the new state mandate.

As the legislative session progresses, this proposed legislation will likely continue to evolve through ongoing review and negotiation. We will continue to monitor developments and keep our clients apprised of changes to the bill and the potential impact on local development controls. In the meantime, please contact Peter Friedman, Marcus Martinez, or any other Elrod Friedman attorney for additional guidance on parking requirements or other components of the BUILD initiative.

February 26, 2026

CLIENT ALERT

Building Blocks of the BUILD Agenda
Part 3: Building Code Authority Amended to Allow "Single-Stairway Exception" for Multi-Unit Residential Buildings

By Kelley A. Gandurski and Jamie T. Porter

As the third installment of our ongoing series analyzing the legislative components of Governor Pritzker's proposed housing agenda, the Building Up Illinois Developments (BUILD) initiative, this alert focuses on amendments to county and municipal building code authority included in Senate Bill 4061 (***"SB 4061"***), introduced by Senator Sara Feigenholtz on February 19, 2026.[1]

SB 4061, as currently drafted, would limit counties and municipalities from adopting and enforcing building codes that prohibit any residential building from having a single stairway serving as an exit for all units so long as the building has: (1) no more than six stories above grade; (2) an automatic fire sprinkler in the interior exit stairway; (3) all dwelling unit doors serving as exits equipped with self-closing devices; (4) smoke detection throughout all common areas and individual dwelling units; (5) at least one emergency escape and rescue opening for each individual dwelling unit; and (6) not more than four individual dwelling units on a floor. If the residential building meets all of these six standards, Illinois counties and municipalities could not prohibit the residential building from having a single stairway that serves as an exit for all units in the building. These prohibitions would preempt home rule authority, and these requirements would take effect on January 1, 2027, with no grace period.

SB 4061 is part of a larger initiative from Springfield aimed at creating more available housing and easing restrictions on density. This proposed amendment broadly defines "building code" as "…any ordinance, resolution, law, housing or building code, or zoning ordinance that establishes construction related activities applicable to structures in a county [or municipality]." Many municipal building codes throughout the state require that most multifamily buildings be constructed with two internal stairways as a fire safety measure. For multifamily residential buildings located on smaller lots, the two-stair requirement limits the amount of space available for dwelling units.

The debate over single-exit stairways is not confined to Illinois; it has evolved into a rapidly growing reform movement across the United States. As of November 2025, 14 states have passed legislation to allow single stairways.[2] According to the National Fire Protection

Association (***"NFPA"***),[3] proponents assert that the single stairway offers several benefits, including increased housing affordability by allowing the construction of single-stair buildings to promote denser construction on smaller lots, improved design and livability in residential apartments including more natural sunlight, and more efficient land use. Opponents cite several risks with single stairways, including negative impacts on firefighter rescue operations, residents having no means of escape if the single stairway becomes compromised by fire or smoke, and "counterflow" where firefighters and evacuating residents collide. The NFPA reports that several national organizations have come out against the single stairway, including the International Association of Fire Fighters, the Metro Chiefs, the National Association of State Fire Marshals, the National Fire Chiefs Council, the National Fallen Firefighters Foundation, and the International Association of Fire Chiefs.

If SB 4061 becomes law, counties and municipalities will have to identify both existing buildings in their jurisdiction that fall within the "single stairway exception" and any existing building codes that conflict with the amendments. Furthermore, counties and municipalities will have to consider other safety measures, aside from those identified in SB 4061, that would protect community members whose buildings or units fall within the "single stairway exception." For example, the exception applies in part where there is at least one emergency escape and rescue opening for an individual dwelling unit. While SB 4061 does not define what an emergency escape and rescue opening is, this likely means that a window, even on the top floor of a six-story building, may serve as an emergency escape. Under SB 4061, local governments will want to consider adopting further regulations such as requiring landlords to provide each dwelling unit with emergency escape ladders. Consultation with local fire officials on additional safety regulations should also be considered and encouraged.

As the legislative session progresses, SB 4061 will likely continue to evolve through ongoing review and negotiation. We will continue to monitor developments and keep our clients apprised of changes to the bill and the potential impact on local development controls. In the meantime, please contact Kelley Gandurski, Jamie Porter, or any other Elrod Friedman attorney for additional guidance on building codes or other components of the BUILD initiative.

[1] Parallel provisions to SB 4061 are included in Rep. Kam Buckner's House Bill 5626. Elrod Friedman will be tracking both bills throughout the spring legislative session.

[2] Pew released a report on single-stairway reforms across the United States, which can be accessed here: States Advance Single-Stairway Reforms to Expand Housing | The Pew Charitable Trusts.

[3] The NFPA has published several resources discussing the single stairway including (1) Single Stair, Many Questions and (2) NFPA Report | Single Exit Stair Symposium Report.

February 27, 2026

CLIENT ALERT

Building Blocks of the BUILD Agenda
Part 4: Initiative Attempts to Address the "Missing Middle"

By Jeffrey Butcher and Brooke Lenneman

As the fourth installment of our ongoing series analyzing the legislative components of Governor Pritzker's proposed housing agenda, the Building Up Illinois Developments (BUILD) initiative, this alert focuses on the proposed mandates and restrictions related to "middle housing" developments.

The initiative's middle housing reform component is Senate Bill 4060, filed by Senator Mattie Hunter on February 19, 2026. The provisions of SB 4060 track the middle housing provisions of House Bill 5626 that we highlighted in a prior alert. This legislation would amend the Illinois Municipal Code to establish uniform statewide administrative and zoning regulations to allow the construction of mid-sized, multi-unit residential developments in areas currently restricted to single-family zoning districts.

If enacted, SB 4060 would require non-home rule and home rule municipalities to allow up to eight-unit developments by right in all residential districts, subject to certain lot size and bulk restrictions. SB 4060 would effectively eliminate single-family zoning districts as we currently know them.

Defining Middle Housing

SB 4060 defines "middle housing" as a class of residential housing comprising the following development types:

- duplexes;
- triplexes;
- fourplexes;
- cottage clusters (defined as three or more detached or semi-detached dwelling units on a shared lot, arranged around a common open space);

- townhouses;
- attached courtyard housing;
- detached courtyard housing; and
- stacked-flat plexes (defined as buildings containing two to eight vertically arranged units that are designed to resemble a single-family home).

Unit Allowances Based on Lot Size

If adopted, SB 4060 would require municipalities to allow the construction of middle housing units in any zoning district where single-family homes are allowed by right. Density would be determined by lot size as follows:

Lot Size (in square feet)	Units Permitted as of Right
2,500 ≥ [X]	One detached single-family home
2,500 < [X] ≤ 5,000	Up to four dwelling units
5,000 < [X] ≤ 7,500	Up to six dwelling units
7,500 < [X]	Up to eight dwelling units, including cottage clusters

SB 4060 would prohibit municipalities from requiring a minimum lot area of more than 2,500 square feet for detached single-family homes. For reference, this is significantly smaller than the traditional 25' x 125' "Chicago Lot," which is 3,125 square feet.

Conversion of Existing Structures

Under the legislation, Municipalities would be required to allow existing residential structures to be divided into middle housing units, with the permitted unit density based on lot size as described above, provided that the structure's floor area is not increased by more than 50 percent or 1,200 square feet, whichever is greater. Converting an existing residential structure into middle-housing units would be permitted without triggering new construction standards or requiring any existing nonconformities to be corrected. For example, an existing large single-family home on a lot exceeding 7,500 square feet (approximately 0.17 acres) could be converted into eight middle-housing units by right, without triggering new construction standards or requiring that existing nonconformities be corrected.

Limits on Local Zoning Authority

SB 4060 provides that all regulations pertaining to the allowance, siting, and bulk of middle housing units must be "clear and objective," cannot delay or discourage the development of middle housing, and must be applied equally to single-family, middle housing, and multi-family developments. To meet the "clear and objective" standard, municipalities would be prohibited from requiring any type of approval that involves discretionary judgment, such as special use permits and planned developments (although historic preservation review related to the proposed demolition of a structure designated as historic would be permitted), unless that same discretionary review also applies equally to single-family homes. On an administrative level, municipalities would be required to process middle housing applications within the same timeframe as applications for detached single-family dwellings.

In addition to the density mandates summarized above, SB 4060 provides specific default design and bulk standards for middle housing units, including yards, setbacks, building height, parking, floor-area ratio, lot coverage, vehicular and pedestrian access, unit size, and building separations. Municipalities would be prohibited from imposing standards inconsistent with the default standards set by the state. Notably, the default standards proposed in SB 4060 are significantly more permissive than many of the standards currently in place in most municipalities. For example, the bill proposes the following mandated standards:

- **Setbacks**. The minimum setbacks for dwellings cannot exceed 10 feet from the front of the dwelling, five feet from either side of the dwelling, 10 feet from the rear of the dwelling, or 10 feet from the corner-lot street.
- **Building Height**. Municipalities may not impose a maximum building height of less than 35 feet, or require any additional height reductions based on building form, articulation, roof type, or architectural style.
- **Lot Coverage**. The maximum permitted lot-coverage must be at least 70%.
- **Floor-area Ratio**. The maximum FAR must be at least 1.5.
- **Building Separation**. The minimum required separation between structures on the same lot cannot exceed six feet, except as required by the State Fire Code.
- **Parking.** Municipalities may not require parking for residential dwellings of less than 1,500 square feet or for any lot within a half-mile from public transit; and may not require more than 0.5 parking spaces per multi-family unit or one parking space per single-family home.
- **Design Standards.** Design standards must be limited to: one primary entrance facing the street except for cottage clusters; roof-drainage compliance with State law and stormwater codes; at least 20% transparency on street-facing facades; materials permitted under the State building code; no standards based on subjective criteria such as compatibility or character are permitted;
- **Cottage Cluster-Specific Criteria.** Units must be at least 150 square feet; common open space of at least 150 square feet per unit must be provided; consolidated parking must be permitted; and pedestrian paths must be permitted as needed for fire and life safety.
- **Townhome-Specific Design Standards**. Minimum setbacks cannot exceed 10 feet, except that lots with rear alley access shall not be required to have minimum rear setbacks.

SB 4060 would provide municipalities with a grace period to adjust to these state mandates. Within eight months of its effective date,[1] SB 4060 would require every municipality to review and amend its local zoning regulations as necessary to authorize middle housing in conformance with the mandated density, "clear and objective," design, and bulk standards. Municipalities can continue to review middle housing permit applications under existing local standards until the expiration of this eight-month period. Thereafter, any municipal ordinance that conflicts with the statewide density, review, and bulk standards would be void and unenforceable, and the default regulations set forth in the bill would govern.

Big picture – out of all the component Senate bills, the middle housing legislation has the potential to change the face of suburban communities most significantly. The impact should not be understated. The 2,500-square-foot ceiling on minimum lot size alone could allow a wave of large lot subdivisions. Allowing eight dwelling units on 7,500-square-foot lots in districts previously limited to single-family homes would be a huge change to suburban areas with larger lot sizes.

As the legislative session progresses, this proposed legislation will likely continue to evolve through ongoing review and negotiation. We will continue to monitor developments and keep our clients apprised of changes to the bill and the potential impact on local development controls. In the meantime, please contact Jeffrey Butcher, Brooke Lenneman, or any other Elrod Friedman attorney for additional guidance on middle housing or other components of the BUILD initiative.

[1] As with House Bill 5626, which includes identical language, SB 4060 does not include a specific effective date. If adopted during the spring legislative session, the earliest that SB 4060 would take effect is January 1, 2027. Therefore, municipalities would be required to adopt conforming amendments to their local codes by September 1, 2027.

February 27, 2026

CLIENT ALERT

Building Blocks of the BUILD Agenda
Part 5: Impact Mitigation Fees

By Gregory T. Smith and Caitlyn R. Culbertson

As the fifth installment of our ongoing series analyzing the legislative components of Governor Pritzker's proposed housing agenda, the Building Up Illinois Developments ("***BUILD***") initiative, this alert focuses on the proposed changes to municipal impact fees included in House Bill 5626, introduced in the Illinois House by Representative Kam Buckner on February 19, 2026. Identical language related to impact fees is also included in the companion Illinois Senate Bill 4062, introduced by Senator Cristina Castro on February 19, 2026.

If approved as presented, this legislation will require local governments that want to collect impact mitigation fees for residential development to adopt uniform state-mandated impact fee formulas for schools, park districts, transportation, public safety, as well as stormwater and other public facilities. The bill would eliminate the "patchwork quilt" of residential impact fees imposed by municipalities and counties across the state, replacing it with a singular procedure and set of standards, at the expense of local decision-making about how such fees are best structured and implemented.

Importantly, the legislation would preempt home rule authority over impact fees, preventing any municipality from adopting or imposing fees inconsistent with the proposed statewide standards and procedures. This preemption represents a significant shift in power to address financial impacts of new developments on local taxing bodies.[1] Municipalities would still be allowed to implement lower impact fees than the formula-derived levels imposed by the State, but would be prohibited from exceeding the formula-based maximums. Further, the proposed legislation only restricts existing municipal authority to levy impact fees – it does not confer any new authority to impose impact fees upon non-home rule municipalities.

Background and Current State of the Law Regarding Impact Fees

Municipal authority to impose fees to mitigate the financial impact of new residential development on various governmental services is found in the Illinois Constitution, for home rule units, and in state law, for both home rule and non-home rule units. Home rule units have broad authority to impose impact fees. *Krughoff v. City of Naperville,* 41 Ill.App.3d 334, 354 (2d Dist. 1976), *aff'd,* 68 Ill.2d 352 (1977).

Statutory authority for transportation impact fees is the Road Improvement Impact Fee Law, 605 ILCS 5/5-901, *et seq.,* which grants authority to home rule municipalities and counties with populations greater than 400,000 to impose transportation impact fees on new residential developments. Similarly, for school impact fees, Section 11-12-5 of the Illinois Municipal Code, 65 ILCS 5/11-12-5, grants authority to municipalities to require donations of land or fees for school grounds. In the case of annexations, municipalities may impose impact fees contractually through an annexation agreement. 65 ILCS 5/11-15.1-2(d). Other portions of the Illinois Municipal Code touch on other types of dedications and related fees including for parks, playgrounds, and public infrastructure. *See e.g.* 65 ILCS 5/11-12-5(1); 11-12-61, and 11-12-12.

Regardless of the constitutional or statutory basis for imposing the fee, impact fees must be "specifically and uniquely attributable to the development" to pass constitutional muster. *Northern Illinois Home Builders Ass'n v. County of DuPage,* 165 Ill.2d 25 (1995).

BUILD's Mandatory Statewide Formula

Under the new legislation, municipalities authorized to levy impact fees would be required to calculate their fees using a uniform statewide formula devised by the Department of Commerce and Economic Opportunity ("***DCEO***"), which would be used to measure impacts on schools, parks and open space, transportation, public safety, and stormwater and other public facilities.

The DCEO would be required to issue, update annually, and make publicly available the data and formulae used to calculate standardized impact fees. This information will include multipliers estimating service demand by housing type; statewide per-capita or per-unit capital cost estimates for schools, parks, transportation, public safety, and stormwater facilities; and statewide adjustment factors permitting controlled variation.

Municipalities would, in turn, be required to use the DCEO-issued model worksheet or digital calculator to generate their local impact fee schedules. No alternative calculation method could be utilized. Further, middle housing would receive impact fee adjustments based on state-established multipliers reflecting the lower average household size and lower per-unit service demand those units would be expected to generate.

The bill also fully exempts certain types of developments from impact fees, including units affordable to households with income of 60% or less than the area median income, permanent supportive housing, transitional housing, and accessory dwelling units (ADUs)[2]. Municipalities would also be authorized to grant reductions for middle housing; transit-oriented development; redevelopment of vacant, underutilized, or brownfield parcels; and any building undergoing a change of use from a nonnon-residential a residential use.

Adopting Ordinance, Public Fee Schedule, and Reporting Requirements

To facilitate the rollout of uniform impact fee procedures, the DCEO would be tasked with preparing and distributing a model impact fee ordinance. Municipalities would be required to repeal their existing impact fee ordinances and adopt the language of the state-mandated ordinance *verbatim* or only with technical deviations to fit within their local codes.

Additionally, the bill requires that each municipality authorized to levy impact fees must, before imposing any fee, publish a schedule identifying:

1) The formula-generated maximum fee per unit type;
2) The State-issued multipliers and assumptions used;
3) Any allowable municipal adjustment factors applied; and
4) Any municipal reductions adopted.

Finally, the legislation would require each municipality imposing impact fees to annually report to the DCEO the amount of impact fees collected, fund expenditures, fund balances, number and type of housing units approved, and any use of adjustment factors. The DCEO will then publish these reports online.

Impact on Land Dedication Requirements

Under the proposed legislation, any land dedication requirement without a cash alternative is superseded. A pre-existing land dedication requirement may continue only if (1) it existed prior to the effective date of the legislation, and (2) a formula-based cash alternative using the State worksheets is available.

Implementation and Transition

The bill requires that the DCEO publish initial formulas, multipliers, worksheets, and the required model ordinance no later than 18 months after the effective date of the legislation. A municipality wishing to impose impact fees must then adopt the model ordinance and fee schedule no later than 12 months after the DCEO publishes the initial formulas and model ordinance. Until a municipality is required to adopt the model ordinance, it may continue to impose impact fees under its existing ordinances. Further, an application for residential development that is completed before the municipality adopts the model ordinance will be subject to the impact fee requirements in effect at the time the application was deemed complete.

Beginning 30 months after the effective date of the legislation, any impact fee imposed on residential development must be calculated in accordance with the state law.

As the legislative session progresses, this proposed legislation is anticipated to evolve through ongoing review and negotiation. We will continue to monitor developments and keep our clients apprised of changes to the bill and the potential impact on local development controls. In the meantime, please contact Gregory T. Smith, Caitlyn R. Culbertson, or any other Elrod Friedman attorney for additional guidance on impact fees or other components of the BUILD initiative.

[1] The language in the current draft of the legislation states in the impact fees section that "[a] home rule unit may not regulate ***plan reviews or building inspections*** in a manner inconsistent with this Division." 65 ILCS 5/11-12.2-65 (emphasis added). The reference here to "plan reviews or building inspections" appears to be an oversight that will presumably be corrected as the bill moves through the legislature.

March 3, 2026

CLIENT ALERT

Building Blocks of the BUILD Agenda: Part 6: Senate Bill 4063 and the Third-Party Plan Review and Inspection Framework

By Hart M. Passman and Hannah R. Saed

As the last installment of our series analyzing the legislative components of Governor Pritzker's proposed housing agenda, the Building Up Illinois Developments (BUILD) initiative, this alert focuses on Senate Bill 4063, introduced by Senator Laura Ellman on February 19, 2026. Identical language is included in the omnibus BUILD legislation, filed on the same day as House Bill 5626 in the Illinois House by Representative Kam Buckner.

SB 4063 amends the Illinois Municipal Code to impose mandatory timelines on municipal plan review and building inspections, and to create a statewide framework authorizing applicants to retain qualified third-party plan reviewers and inspectors when municipalities fail to meet the new deadlines. Like its companion bill in the House, SB 4063 expressly limits home rule authority, applying to all municipalities, including home rule units.

Key Elements of SB 4063

SB 4063 adds a new Division 31.2 (Building Inspections) to Article 11 of the Illinois Municipal Code, establishing uniform statewide requirements governing local plan review and inspection timelines, third-party review rights, fee obligations, and conflict-of-interest rules.

Mandatory Plan Review Timelines

Under SB 4063, municipalities must complete initial plan review within the following deadlines after receipt of a complete application:

- 15 business days for one-family or two-family residential projects.
- 30 business days for any multifamily, mixed-use, or commercial project.
- 10 business days for any subsequent review cycle after the applicant submits revisions in response to the initial comments.

  Municipalities must issue "written comments or approval" within the applicable deadline. Failure to meet any of these deadlines triggers the applicant's right to retain a qualified third-party plan reviewer.

Mandatory Inspection Timelines

Municipalities must conduct any required inspection within two business days after receiving a request to inspect. Failure to do so triggers the applicant's right to retain a qualified third-party inspector.

Third-Party Plan Review and Inspection Framework

When a municipality misses any of the new deadlines, the applicant will have the right to engage a “qualified third-party plan reviewer” or “qualified third-party inspector,” defined as a licensed Illinois architect or engineer who holds a current certification from the International Code Council, the National Fire Protection Association, or the International Association of Plumbing and Mechanical Officials, or their successors. If the applicant exercises this right, the municipality must then abide by the following additional obligations:

- If the third-party reviewer finds that the application satisfies the applicable building codes, the municipality must accept the third-party plan review.
- The municipality must then issue the requested permit within two business days after receiving a compliant third-party plan review, and may not impose additional review cycles, comments, or delays.
- If the third-party inspector finds that the property is compliant with applicable codes, the municipality must accept the third-party inspection report, and must issue any required approval, certificate, or authorization within one business day.
- Municipalities may require reasonable documentation confirming that a third-party reviewer or inspector holds current and active licensure and certification.

Retained Municipal Authority

SB 4063 preserves limited municipal oversight authority. Municipalities retain the right to define what constitutes a “complete application” for a building permit, under their own local codes and regulations. Municipalities also retain the ability to audit any third-party plan review or inspection for code compliance, and retain authority to issue stop-work orders, withhold certificates of occupancy, and pursue enforcement actions for noncompliance, even after accepting a third-party review. However, a local audit may not delay permit issuance or authorization. If a municipality identifies material noncompliance, it may pursue enforcement actions and report findings to the Department of Financial and Professional Regulation or the relevant credentialing organization.

Fee Limitations

SB 4063 imposes meaningful restrictions on fee collection by municipalities when third-party review or inspection is used. Municipalities may not charge plan review or inspection fees for any portion of the process performed by a third party. If an applicant uses third-party review for only a portion of the process, the municipality must proportionally reduce its own fees.

Conflict-of-Interest Rules

The bill includes specific conflict-of-interest disqualifications for third-party reviewers and inspectors. A third-party plan reviewer may not review plans if the reviewer, or the reviewer's

employer, was involved in preparing the plans, or if the plans relate to property owned by the reviewer or the reviewer's employer. Similarly, a third-party inspector may not inspect work that the inspector, or the inspector's employer, planned, performed, or owns. All third-party professionals must disclose any potential conflict of interest to both the applicant and the municipality before accepting an engagement.

Practical Impacts for Municipalities

If enacted as introduced, SB 4063 would represent a significant change to the way municipalities manage their building permit and inspection functions. A municipality experiencing staffing shortages or high application volumes may struggle to consistently meet these deadlines, placing it at risk of being effectively bypassed by third-party reviewers.

The prohibition on collecting fees for any portion of the review performed by a third party, combined with the requirement to reduce fees proportionally, could create revenue shortfalls for municipalities, particularly if a significant share of reviews is completed by third parties due to missed deadlines.

The current version of the legislation does not specify an effective date. Under the Illinois Effective Date of Laws Act, if the legislation is passed during the Spring 2026 Legislative Session (before June 1), it would take effect on January 1, 2027. To prepare for this proposed set of new rules, municipalities should begin assessing their current plan review and inspection workflows, including average processing times by project type, staffing capacity, and fee structures, to identify potential compliance gaps before the law takes effect. The combination of mandatory timelines, loss of supplemental review authority once a deadline is missed, and fee limitations will require municipalities to rethink how they staff and fund their permitting operations.

As the legislative session progresses, this proposed legislation will likely continue to evolve through ongoing review and negotiation. We will continue to monitor developments and keep our clients apprised of changes to the bill and the potential impact on local development controls. In the meantime, please contact Hart Passman, Hannah Saed, or any other Elrod Friedman attorney for additional guidance on third-party plan review or other components of the BUILD initiative.

HB5626

LRB10420877RTM34540b

104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5626

Introduced 2/19/2026, by Rep. Kam Buckner

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Municipal Code. Provides that, 8 months after the effective date of the amendatory Act, a municipality shall, on any lot located in a residential zoning district that permits single-family dwellings, allow (1) on an area of not more than 2,500 square feet, at least one detached single-family dwelling unit; (2) on any lot with an area of more than 2,500 square feet and not more than 5,000 square feet, up to 4 dwelling units; (3) on any lot with an area of more than 5,000 square feet and not more than 7,500 square feet, up to 6 dwelling units; and (4) on any lot with an area of more than 7,500 square feet, up to 8 dwelling units, including cottage clusters. Provides that each municipality shall permit accessory dwelling units in all zoning districts that permit single-family dwellings without additional requirements for lot size, setbacks, aesthetic requirements, design review requirements, frontage, space limitations, or other controls beyond those required for single-family dwelling units without an accessory dwelling unit. Provides that, if a municipality fails to complete its plan review within the deadlines established under the provisions, then the applicant may retain a qualified third-party plan reviewer. Provides that, if a municipality fails to conduct a required inspection within 2 business days, then the applicant may retain a qualified third-party inspector. Provides that municipalities authorized to levy impact fees must calculate fees using the statewide formula structure issued by the Department of Commerce and Economic Opportunity. Provides that, beginning January 1, 2027, the corporate authorities of a municipality shall not establish minimum automobile parking requirements for (A) residential dwellings of less than 1,500 square feet; (B) affordable housing projects under the Illinois Affordable Housing Act; (C) assisted living establishments; (D) ground level nonresidential spaces in mixed-use buildings; or (E) buildings undergoing a change of use from nonresidential to residential. Amends the Counties Code. Provides that, beginning January 1, 2027, no building code adopted by a county or municipality may prohibit residential buildings from having a single stairway serving as an exit for all units if the building satisfies specified requirements. Limits home rule powers. Makes other changes.

LRB104 20877 RTM 34540 b

A BILL FOR

AN ACT concerning local government.

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

Section 5. The Counties Code is amended by adding Section 5-1063.3 as follows:

(55 ILCS 5/5-1063.3 new)

Sec. 5-1063.3. Building codes; stairs.

(a) As used in this Section, "building code" means any ordinance, resolution, law, housing or building code, or zoning ordinance that establishes construction related activities applicable to structures in the county.

(b) Beginning January 1, 2027, no building code adopted by a county may prohibit residential buildings from having a single stairway serving as an exit for all units if the building:

(1) has not more than 6 stories above grade plane;

(2) is equipped with an automatic sprinkler system in the interior exit stairway;

(3) has all dwelling unit doors serving as an exit equipped with self-closing devices;

(4) is equipped with smoke detection throughout all common areas and individual dwelling units;

(5) has at least one emergency escape and rescue

opening for each individual dwelling unit; and

(6) has not more than 4 individual dwelling units on a floor.

(c) A home rule unit may not regulate buildings in a manner inconsistent with this Section. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

Section 10. The Illinois Municipal Code is amended by adding Sections 1-2-3.2, Division 12.2, 11-13-30, 11-13-31, Division 13.1, and Division 31.2 as follows:

(65 ILCS 5/1-2-3.2 new)

Sec. 1-2-3.2. Building codes; stairs.

(a) As used in this Section, "building code" means any ordinance, resolution, law, housing or building code, or zoning ordinance that establishes construction related activities applicable to structures in the municipality.

(b) Beginning January 1, 2027, no building code adopted by a municipality may prohibit residential buildings from having a single stairway serving as an exit for all units if the building:

(1) has not more than 6 stories above grade plane;

(2) is equipped with an automatic sprinkler system in the interior exit stairway;

(3) has all dwelling unit doors serving as an exit equipped with self-closing devices;

(4) is equipped with smoke detection throughout all common areas and individual dwelling units;

(5) has at least one emergency escape and rescue opening for each individual dwelling unit; and

(6) has not more than 4 individual dwelling units on a floor.

(c) A home rule municipality may not regulate buildings in a manner inconsistent with this Section. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(65 ILCS 5/Art. 11 Div. 12.2 heading new)

DIVISION 12.2. IMPACT MITIGATION FEES

(65 ILCS 5/11-12.2-1 new)

Sec. 11-12.2-1. Legislative findings and purpose.

(a) The General Assembly finds that:

(1) Illinois communities require predictable, evidence-based standards to ensure that new development contributes fairly to public services, infrastructure, schools, parks, and other essential facilities.

(2) Existing State laws authorize land dedication or fees instead of land dedication but lack uniform,

transparent formulas that reflect the true impacts of residential development.

(3) The absence of standardized methodologies results in inconsistent practices, prolonged negotiations, and uncertainty for developers and units of local governments.

(4) Establishing statewide formulas for calculating impact mitigation fees will create fairness, increase certainty, and streamline housing production statewide.

(b) The purpose of this Division is to ensure that impact fees imposed by municipalities in this State are predictable, proportionate, transparent, and supportive of housing production, including missing middle housing. This Act establishes statewide model impact-fee formulas and demographic multipliers and requires municipal use of these formulas when imposing impact fees on residential development.

(65 ILCS 5/11-12.2-5 new)

Sec. 11-12.2-5. Definitions. As used in this Division:

"Residential development" means construction, conversion, or placement of new housing units, including single-family homes, multifamily dwellings, and middle housing.

"Standardized impact mitigation fee" means a fee calculated using the formulas established under this Division to mitigate the measurable impacts of residential development.

(65 ILCS 5/11-12.2-10 new)

Sec. 11-12.2-10. Applicability.

(a) The formulas established in this Division apply only to municipalities authorized to levy impact fees.

(b) Municipalities may not impose impact fees based on any methodology other than the formulas in this Division, unless expressly allowed in Section 11-12.2-40.

(c) Municipalities may adopt fees lower than the formula-derived levels but may not exceed formula-based maximums.

(d) Nothing in this Division confers new authority upon non-home rule municipalities.

(65 ILCS 5/11-12.2-15 new)

Sec. 11-12.2-15. Mandatory statewide formulas.

(a) Municipalities authorized to levy impact fees must calculate fees using the statewide formula structure issued by the Department of Commerce and Economic Opportunity, which shall cover:

(1) school impact mitigation;

(2) parks and open space;

(3) transportation;

(4) public safety; and

(5) stormwater and other public facilities.

(b) The formulas shall incorporate the State-issued components under Section 11-12.2-20, including:

(1) standardized demand multipliers;

(2) baseline capital cost tables;

(3) model worksheets and formula templates;

(4) allowable adjustment factors; and

(5) model ordinance requirements.

(c) Municipalities must use the State-issued model worksheet or digital calculator to generate their fee schedules. No alternative calculation method may be used.

(d) Middle housing must receive fee adjustments based on State-established multipliers that reflect lower average household size and lower per-unit service demand.

(65 ILCS 5/11-12.2-20 new)

Sec. 11-12.2-20. State-issued formula components. The Department of Commerce and Economic Opportunity shall issue, update annually, and make publicly available the following mandatory information to be used in the calculation of standardized impact mitigation fees:

(1) Multipliers estimating service demand by housing type, including, but not limited to:

(A) student-generation rates;

(B) household population multipliers;

(C) peak-hour trip generation;

(D) public safety service load factors; and

(E) stormwater or utility demand coefficients.

The multipliers under this paragraph replace all municipal multipliers unless the Department of Commerce

and Economic Opportunity authorizes a documented variation.

(2) Statewide per-capita or per-unit capital cost estimates for schools, parks, transportation, public safety, and stormwater facilities. The Department of Commerce and Economic Opportunity shall define permissible deviations, including allowable ranges for:

(A) land acquisition costs;

(B) construction and capital costs; and

(C) capacity expansion costs.

(3) The Department of Commerce and Economic Opportunity must provide downloadable spreadsheets or web-based calculators embedding all formulas, multipliers, and cost tables. Municipalities authorized to levy impact fees must use these worksheets to produce their fee schedules. Worksheets must automatically generate a public-facing fee schedule for municipal adoption.

(4) The Department of Commerce and Economic Opportunity shall issue statewide adjustment factors permitting controlled variation, including:

(A) land-value cost adjustments within State-defined bands;

(B) infill or redevelopment discount factors;

(C) documented higher-cost construction market adjustments; and

(D) middle-housing elasticity adjustments.

Adjustment factors under this paragraph may not exceed State-defined maximums or minimums.

(5) The Department of Commerce and Economic Opportunity shall issue a model impact fee ordinance that municipalities authorized to levy impact fees must adopt verbatim or with only technical deviations. The model ordinance must include:

(A) definitions;

(B) applicability;

(C) formula structure;

(D) exemptions;

(E) reporting;

(F) annual fee recalibration process; and

(G) appeal procedures conforming to constitutional nexus standards.

(65 ILCS 5/11-12.2-30 new)

Sec. 11-12.2-30. Public fee schedule.

(a) Each municipality authorized to levy impact fees must, before imposing any fee, publish a schedule identifying:

(1) the formula-generated maximum fee per unit type;

(2) the State-issued multipliers and assumptions used;

(3) any allowable municipal adjustment factors applied; and

(4) any municipal reductions adopted.

(b) Only fees produced through the State worksheet may be

imposed.

(65 ILCS 5/11-12.2-40 new)

Sec. 11-12.2-40. Interaction with land dedication requirements.

(a) If the laws of this State authorize land dedication or fees instead of land dedication, then a standardized impact mitigation fee is a fee instead of land dedication unless a municipal ordinance expressly requires both a fee and land dedication.

(b) A pre-existing land dedication requirement may continue only if:

(1) it existed prior to the effective date of this amendatory Act of the 104th General Assembly; and

(2) a formula-based cash alternative using the State worksheets is available.

(c) Any land dedication requirement without a cash alternative is superseded.

(65 ILCS 5/11-12.2-45 new)

Sec. 11-12.2-45. Exemptions and reductions.

(a) Mandatory exemptions shall include:

(1) units affordable to households equals 60% AMI;

(2) permanent supportive housing;

(3) transitional housing; and

(4) accessory dwelling units.

(b) Municipalities may grant additional reductions for:

(1) middle housing;

(2) transit-oriented development;

(3) redevelopment of vacant, underutilized, or brownfield parcels; and

(4) a building undergoing a change of use from a nonresidential to a residential use.

(65 ILCS 5/11-12.2-50 new)

Sec. 11-12.2-50. Report requirements.

(a) Municipalities authorized to levy impact fees must annually report to the Department of Commerce and Economic Opportunity:

(1) fees collected;

(2) fund expenditures;

(3) fund balances;

(4) number and type of housing units approved; and

(5) any use of adjustment factors.

(b) The Department of Commerce and Economic Opportunity shall publish online the reports that municipalities submit under subsection (a).

(65 ILCS 5/11-12.2-55 new)

Sec. 11-12.2-55. Rulemaking.

(a) The Department of Commerce and Economic Opportunity shall adopt rules necessary to implement this Division,

including:

(1) formula methodologies;

(2) multipliers;

(3) capital cost tables;

(4) allowable adjustment ranges;

(5) worksheets and calculators; and

(6) model ordinances.

(b) The Department of Commerce and Economic Opportunity shall update multipliers, capital cost tables, and worksheets no less frequently than once every 12 months.

(65 ILCS 5/11-12.2-60 new)

Sec. 11-12.2-60. Implementation and transition.

(a) The Department of Commerce and Economic Opportunity shall adopt initial formulas, multipliers, worksheets, and the model ordinance required under this Division no later than 18 months after the effective date of this amendatory Act of the 104th General Assembly.

(b) A municipality authorized to levy impact fees shall adopt the model ordinance and fee schedule consistent with this Division no later than 12 months after the Department of Commerce and Economic Opportunity adopts the initial formulas and model ordinance.

(c) Until a municipality adopts the model ordinance required under this Division, it may continue to impose impact fees under its existing ordinances.

(d) Beginning 30 months after the effective date of this amendatory Act of the 104th General Assembly, any impact fee imposed on residential development must be calculated in accordance with this Division and rules adopted under this Division.

(e) An application for residential development that is complete under the laws of the municipality before the municipality adopts the model ordinance shall be subject to the impact fee requirements in effect at the time the application was deemed complete.

(f) Nothing in this Division shall be construed to authorize municipality to levy impact fees if it lacked the authority to prior to levy impact fees the effective date of this amendatory Act of the 104th General Assembly.

(65 ILCS 5/11-12.2-65 new)

Sec. 11-12.2-65. Home rule preemption. A home rule unit may not regulate plan reviews or building inspections in a manner inconsistent with this Division. This Division is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(65 ILCS 5/11-13-30 new)

Sec. 11-13-30. Accessory dwelling units.

(a) As used in this Section, "accessory dwelling unit"

means a residential living unit that is located on a lot containing a single-family dwelling that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation, on the same parcel of land as the principal dwelling unit it accompanies. "Accessory dwelling unit" includes a structure that is (i) separate from the primary dwelling unit or (ii) attached to the primary dwelling unit.

(b) Notwithstanding any law to the contrary, beginning January 1, 2027, each municipality shall, by ordinance, authorize the development of accessory dwelling units in compliance with this Section.

(1) Each municipality shall permit accessory dwelling units in all zoning districts that permit single-family dwellings without additional requirements for lot size, setbacks, aesthetic requirements, design review requirements, frontage, space limitations, or other controls beyond those required for single-family dwelling units without an accessory dwelling unit. An accessory dwelling unit may be constructed as a new structure or from an existing structure, including but not limited to attached or detached garages, attics, basements, and backyard cottages.

(2) A municipality is not required to allow more than one accessory dwelling unit for any single-family dwelling.

(3) Accessory dwelling units may be constructed at the same time as the principal dwelling unit.

(4) No municipality shall:

(A) require additional automobile parking spaces for a property with an accessory dwelling unit beyond the requirements for a single-family dwelling unit without an accessory dwelling unit;

(B) require the establishment of a familial relationship between the occupants of an accessory dwelling unit and the occupants of a principal dwelling unit; or

(C) establish a minimum or maximum limit on (i) square footage of an accessory dwelling unit or (ii) the number of bedrooms of an accessory dwelling unit.

(c) A home rule municipality may not regulate accessory dwelling units in a manner inconsistent with this Section. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(65 ILCS 5/11-13-31 new)

Sec. 11-13-31. Automobile parking requirements for residential developments.

(a) Beginning January 1, 2027, the corporate authorities of a municipality shall not:

(1) require more than 0.5 automobile parking spaces per multifamily dwelling unit or more than one automobile parking space per single-family home; or

(2) establish minimum automobile parking requirements for:

(A) residential dwellings of less than 1,500 square feet;

(B) affordable housing projects under the Illinois Affordable Housing Act;

(C) assisted living establishments, as defined by the Assisted Living and Shared Housing Act;

(D) ground level nonresidential spaces in mixed-use buildings; or

(E) buildings undergoing a change of use from nonresidential to residential.

(b) This Section does not apply:

(1) to requirements for automobile parking spaces permanently marked for the exclusive use of individuals with disabilities in compliance with the American with Disabilities Act; or

(2) if the requirements of this Section conflict with a developer's contractual agreement or approved site plan with the corporate authorities of a municipality that was executed or approved on or before the effective date of this amendatory Act of the 104th General Assembly.

(c) Nothing in this Section prevents a municipality from

enacting or enforcing an ordinance or resolution that establishes a maximum automobile parking requirement that is more stringent than or equal to the automobile parking requirements of this Section.

(d) Nothing in this Section prohibits a developer from constructing additional automobile parking that is not available to the public.

(e) A home rule unit may not regulate automobile parking in a manner inconsistent with this Section. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(65 ILCS 5/Art. 11 Div. 13.1 heading new)

Division 13.1. MIDDLE HOUSING

(65 ILCS 5/11-13.1-1 new)

Sec. 11-13.1-1. Purpose. The purpose of this Division is to expand housing choice, increase the supply of attainable housing, and establish uniform statewide standards for middle housing production while preserving reasonable, non-exclusionary municipal design and siting authority.

(65 ILCS 5/11-13.1-5 new)

Sec. 11-13.1-5. Definitions. As used in this Division:

"Attached courtyard housing" means a form of middle

housing consisting of 2 or more attached dwelling units arranged to face a shared common courtyard, where each unit has a primary entrance oriented toward the courtyard and the courtyard provides pedestrian access, light, air, and shared open space for the dwelling units.

"Clear and objective standard" means a standard that does not require discretionary judgment in its interpretation or application and that applies uniformly to all applicants.

"Common courtyard" means a landscaped or hardscaped area accessible to multiple dwelling units that provides pedestrian access and passive or active recreation.

"Cottage cluster" means a grouping of 3 or more detached or semi-detached dwelling units on a shared lot or parcel, arranged around common open space, and served by shared pedestrian or vehicular access.

"Detached courtyard housing" means a form of middle housing consisting of 2 or more detached dwelling units located on a shared lot or parcel and arranged to face a shared common courtyard, where each unit has a primary entrance oriented toward the courtyard and the courtyard provides pedestrian access, light, air, and shared open space for the dwelling units.

"Discretionary review" means any land-use or development approval that requires the exercise of subjective judgment by a legislative body, planning commission, zoning board of appeals, architectural review board, or similar body,

including, but not limited to, special uses, conditional uses, variances, planned unit developments, or non-objective design review. "Discretionary review" does not include:

(1) ministerial building permit review for compliance with clear and objective standards;

(2) historic preservation review required solely for the demolition of a structure designated as a local, State, or national historic landmark; or

(3) environmental or safety review required by State or federal law.

"Middle housing" means:

(1) duplexes;

(2) triplexes;

(3) fourplexes;

(4) cottage clusters;

(5) townhouses;

(6) attached courtyard housing;

(7) detached courtyard housing; and

(8) stacked-flat plexes

"Middle housing land division" means the division of land containing middle housing to allow fee-simple ownership of one or more dwelling units consistent with Section 11-13.1-40.

"Pedestrian path" means a walkway connecting at least one building entrance to a public or private street that complies with the provisions of the Americans with Disabilities Act of 1990 and its implementing regulations.

"Public transit" means fixed-route bus, commuter rail, light rail, rapid transit, or other publicly operated or publicly subsidized transit with regularly scheduled service.

"Residential zoning district" means any municipal zoning district in which detached single-family dwellings are a permitted use.

"Stacked-flat plex" means a middle-housing building type containing between 2 and 8 dwelling units, where units are arranged in vertical tiers and accessed by shared or individual entrances, and the overall building is designed to be similar in scale and massing to a detached single-family house.

(65 ILCS 5/11-13.1-10 new)

Sec. 11-13.1-10. Statewide middle-housing entitlements.

(a) This Section applies to every residential zoning district in every municipality with zoning authority under this Code.

(b) A municipality shall provide for at least one residential zoning district in which detached single-family dwellings are permitted on lots with an area of not more than 2,500 square feet. A municipality may not require a minimum lot area of more than 2,500 square feet for detached single-family dwellings in any residential zoning district that permits detached single-family dwellings.

(c) The following residential unit allowances are

permitted on any lot located in a residential zoning district that permits detached single-family dwellings:

(1) On any lot with an area of not more than 2,500 square feet, at least one detached single-family dwelling unit shall be permitted as of right.

(2) Up to 4 dwelling units are permitted as of right on any lot with an area of more than 2,500 square feet and not more than 5,000 square feet.

(3) Up to 6 dwelling units are permitted as of right on any lot with an area of more than 5,000 square feet and not more than 7,500 square feet.

(4) Up to 8 dwelling units, including cottage clusters, are permitted as of right on any lot with an area of more than 7,500 square feet. Each individual cottage counts as a dwelling unit for purposes of this paragraph (4).

(d) Municipalities may authorize unit counts or densities that exceed the allowances established in this Section but may not reduce them.

(e) For the first 8 months after the effective date of this amendatory Act of the 104th General Assembly, municipalities may continue to review middle-housing permit applications under existing local standards. During this period, municipalities may not adopt new standards that reduce the minimum dwelling-unit entitlements set forth in subsection (b). Beginning immediately after the 8-month period, any

municipal ordinance that conflicts with subsection (b) is void and unenforceable to the extent of the conflict. After the transition period:

(1) if a municipality has adopted conforming zoning amendments under Section 11-13.1-45, then permit applications shall be reviewed under the municipality's updated zoning code; and

(2) if a municipality has not adopted conforming amendments within 8 months after the effective date of this amendatory Act of the 104th General Assembly, then permit applications shall be reviewed under the default clear-and-objective standards in Section 11-13.1-35.

(f) Any residential zoning district that permits detached single-family dwellings shall also permit the dwelling unit allowance required under this Section, regardless of zoning classification or district name.

(65 ILCS 5/11-13.1-15 new)

Sec. 11-13.1-15. Conversion of existing residential structures.

(a) A municipality must allow an existing principal residential structure to be converted to any middle-housing type up to the maximum units permitted under Section 11-13.1-10 if:

(1) the structure is not expanded by more than 50% of its existing floor area or more than 1,200 square feet,

whichever is greater; and

(2) the conversion complies with applicable building codes and preservation or landmark laws.

(b) A compliant conversion shall not be subject to site-development standards that apply only to new construction.

(65 ILCS 5/11-13.1-20 new)

Sec. 11-13.1-20. Local development and design standards.

(a) Municipal standards for bulk, lot area, yards, height, automobile parking, density, floor-area ratio, lot coverage, access, unit size, building separation, and design are enforceable only if the standards:

(1) are clear and objective; and

(2) do not, individually or cumulatively, preclude or materially discourage the development of middle housing on typical lots in the zoning district, or unreasonably delay development of the minimum dwelling-unit allowances established under Section 11-13.1-10.

(b) Municipalities may not adopt or enforce standards for bulk, lot area, yards, height, automobile parking, density, floor-area ratio, lot coverage, access, unit size, building separation, and design that:

(1) impose requirements on middle housing that are more restrictive than those applicable to detached single-family dwellings;

(2) require automobile parking mandates for residential dwellings of less than 1,500 square feet and require automobile parking mandates no greater than:

(A) 0.5 automobile parking spaces per multifamily dwelling unit; or

(B) more than one automobile parking space per single family home; and

(3) require any form of discretionary review, including, but not limited to, special use permits, planned unit developments, public hearings, or discretionary design review, unless the same review is required for detached single-family dwellings.

(65 ILCS 5/11-13.1-25 new)

Sec. 11-13.1-25. Administrative processing. Middle-housing applications that comply with clear and objective standards must be processed:

(1) as a permitted use;

(2) without discretionary review; and

(3) within the same timeframe applied to detached single-family dwellings.

Nothing in this Section shall be construed to prohibit demolition review required under an adopted historic preservation ordinance for a locally, State, or nationally designated historic resource.

(65 ILCS 5/11-13.1-30 new)

Sec. 11-13.1-30. Default clear and objective standards.

(a) This Section applies in any municipality that:

(1) fails to adopt conforming zoning amendments within 8 months after the effective date of this amendatory Act of the 104th General Assembly; or

(2) has adopted zoning provisions that conflict with this Division.

If this Section applies to a municipality, then the standards under this Section apply in all residential zoning districts in the municipality and the permit applications in residential zoning districts within the municipality shall be reviewed solely under this Division.

(b) A municipality's minimum setbacks for dwellings shall not exceed 10 feet from the front of the dwelling; 5 feet from either side of the dwelling; 10 feet from the rear of the dwelling; or 10 feet from the corner of the corner-lot street. Municipalities may not impose a maximum building height of less than 35 feet. Any additional height reductions based on building form, articulation, roof type, or architectural style are invalid. The maximum lot-coverage limit shall not be less than 70%. The maximum floor-area-ratio limit shall not be less than 1.5. The minimum separation between structures on the same lot shall not exceed 6 feet, except as required by the State Fire Code.

(c) The maximum number of required automobile parking

spaces is 0.5 spaces per multifamily dwelling unit. No automobile parking may be required for any lot located within one-half mile of public transit. Municipal automobile parking design standards are limited to surfacing, emergency-access, and drainage requirements under State law.

(d) Access to a dwelling via an alley or shared driveway must be permitted. The municipality's maximum driveway widths must not exceed (i) 10 feet for one-way access or (ii) 18 feet for 2-way access. No minimum street-frontage applies if access exists via an easement or alley. No more than one driveway may be required per development.

(e) Design standards are applicable to all residential development, including middle housing. Design standards are limited to:

(1) at least one primary entrance facing the street, except for cottage clusters;

(2) roof-drainage compliance with State plumbing codes and stormwater codes;

(3) at least 20% transparency on street-facing facades;

(4) materials permitted under the State building code; and

(5) no standards based on subjective criteria, including, but not limited to, compatibility, character, and context.

(f) Design standards for middle-housing include the

following standards:

(1) Design standards for cottage clusters include the following standards:

(A) The minimum unit size shall be at least 150 square feet.

(B) Cottage clusters shall contain a common open space of at least 150 square feet per unit.

(C) Automobile parking in cottage clusters may be consolidated.

(D) Cottage clusters shall contain pedestrian paths required, as needed, for fire safety and life safety.

(2) Complexes of between 2 and 8 units may occupy the same building envelope allowed for a detached single-family dwelling under this Section. Municipalities may not require complexes of between 2 and 8 units to have design differentiation from single-family structures.

(3) The design standards for a townhomes may not require minimum rear setbacks greater than 10 feet, except that lots with rear alley access shall not be required to have minimum rear setbacks greater than 0 feet. The design standards for a townhomes shall include minimum setbacks at a common wall property line of greater than 0 feet.

(4) Existing buildings may be converted to up to 8 units of middle housing without triggering standards applicable only to new construction, other than

life-safety codes. A building's existing nonconformities need not be corrected.

(g) Municipalities shall approve land subdivisions, condo-alternatives, or attached-dwelling plats that enable fee-simple ownership. Lot-size, dimension, and frontage requirements shall not preclude the divisions. Shared areas may be governed by easements, covenants, or owners' associations.

(65 ILCS 5/11-13.1-35 new)

Sec. 11-13.1-35. Middle-housing land divisions. Municipalities shall approve a middle-housing land division if the application demonstrates that:

(1) each dwelling unit has separate utility connections or easements;

(2) private and common areas, access ways, and shared facilities are protected by recorded easements or agreements;

(3) the proposed middle-housing land division does not conflict with the municipality's building safety codes; and

(4) the middle-housing land division preserves the ability to meet applicable standards under this Division.

A middle-housing land division shall not be denied based on minimum lot-size, density, or similar standards.

(65 ILCS 5/11-13.1-40 new)

Sec. 11-13.1-40. Municipality requirements.

(a) Each municipality must amend its zoning ordinance to conform to this Division within 8 months after the effective date of this amendatory Act of the 104th General Assembly.

(b) If a municipality fails to adopt conforming amendments within 8 months after the effective date of this amendatory Act of the 104th General Assembly, then the default clear-and-objective standards in Section 11-13.1-30 shall automatically apply.

(c) Any municipal ordinance that conflicts with this Division is void and unenforceable to the extent of the conflict 8 months after the effective date of this amendatory Act of the 104th General Assembly.

(d) During the first 8 months after the effective date of this amendatory Act of the 104th General Assembly, municipalities may continue to review middle-housing permit applications under existing local standards. No municipality may adopt new standards during this period that reduce the minimum dwelling-unit entitlements in subsection (c) of Section 11-13.1-10.

(e) Any person or entity aggrieved by a municipality's action or inaction alleged to violate this Division may bring an action for declaratory or injunctive relief in a court of competent jurisdiction. If the court finds that a municipality has violated this Division, then the court shall award

reasonable attorney's fees and costs to the prevailing plaintiff. Nothing in this subsection shall be construed to limit any other remedies available at law or in equity.

(65 ILCS 5/11-13.1-45 new)

Sec. 11-13.1-45. Conflict. In case of any conflict between the provisions of this Division and Division 11-13, the provisions of this Division shall prevail and control.

(65 ILCS 5/11-13.1-50 new)

Sec. 11-13.1-50. Home rule. A home rule unit may not regulate middle housing in a manner inconsistent with this Division. This Division is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(65 ILCS 5/Art. 11 Div. 31.2 heading new)

DIVISION 31.2. BUILDING INSPECTIONS

(65 ILCS 5/11-31.2-1 new)

Sec. 11-31.2-1. Findings and purpose.

(a) The General Assembly finds and declares that:

(1) uncertain and lengthy building permit review and inspection timelines add costs, delay community investment, and make it harder to deliver housing across

the State;

(2) ensuring predictable, efficient, and transparent review processes is a matter of statewide concern affecting housing supply, public safety, and economic competitiveness;

(3) several states, including Florida, Arizona, Tennessee, Texas, and New Hampshire, have adopted third-party plan review and inspection systems that accelerate development timelines while maintaining safety and code compliance; and

(4) By setting statewide expectations and offering qualified third-party review options when local deadlines are exceeded, Illinois can reduce avoidable delays and help advance needed housing and commercial development in communities large and small.

(b) It is the purpose of this Division to create a statewide third-party plan review and inspection framework, to establish uniform municipal deadlines, and to ensure that all applicants may obtain timely approvals necessary to advance construction while maintaining public safety and building-code standards.

(65 ILCS 5/11-31.2-2 new)

Sec. 11-31.2-2. Definitions. As used in this Act:

"Business day" means any day other than a Saturday, Sunday, or State-recognized holiday.

"Complete application" means an application that includes all forms, fees, documents, site plans, and other materials required by local ordinance.

"Qualified third-party plan reviewer" means a person who:

(1) is a licensed architect or engineer under the laws of this State; and

(2) holds a current and active certification issued by the International Code Council, the National Fire Protection Association, or the International Association of Plumbing and Mechanical Officials, or one of their successor organizations.

"Qualified third-party inspector" means a person who:

(1) is a licensed architect or engineer; and

(2) holds a current and active certification issued by the International Code Council, the National Fire Protection Association, or the International Association of Plumbing and Mechanical Officials, or one of their successor organizations.

(65 ILCS 5/11-31.2-5 new)

Sec. 11-31.2-5. Applicability. This Division applies to all municipalities, including home-rule units.

(65 ILCS 5/11-31.2-10 new)

Sec. 11-31.2-10. Municipal plan review timelines.

(a) A municipality shall complete its initial plan review

within:

(1) 15 business days after receipt of a complete application for a one-family residential project or 2-family residential project; or

(2) 30 business days after receipt of a complete application for any multifamily, mixed-use, or commercial project.

(b) A municipality shall issue written comments or approval within the applicable deadline.

(c) For any subsequent review cycle after the applicant submits revisions responding to comments, the municipality shall complete review within 10 business days.

(d) Failure to meet any deadline under this Section triggers the applicant's right to use a qualified third-party plan reviewer under Section 11-31.2-20.

(65 ILCS 5/11-31.2-15 new)

Sec. 11-31.2-15. Inspection timelines.

(a) A municipality shall conduct any required inspection within 2 business days after receipt of a request.

(b) Failure to conduct the inspection within the required period triggers the applicant's right to use a qualified third-party inspector under Section 11-31.2-25.

(65 ILCS 5/11-31.2-20 new)

Sec. 11-31.2-20. Use of qualified third-party plan

reviewers upon missed deadline.

(a) If a municipality fails to complete its plan review within the deadlines established under Section 11-31.2-10, then the applicant may retain a qualified third-party plan reviewer.

(b) A municipality shall accept any plan review submitted by a qualified third-party plan reviewer as meeting the municipality's requirements if the review demonstrates compliance with the applicable building codes.

(c) A municipality shall issue the permit within 2 business days after receiving a compliant third-party plan review.

(d) A municipality may not require a second review, impose additional comments, or delay issuance once a qualified review has been submitted, except as permitted under Section 11-31.2-30.

(65 ILCS 5/11-31.2-25 new)

Sec. 11-31.2-25. Use of qualified third-party inspectors upon missed deadline.

(a) If a municipality fails to conduct a required inspection within 2 business days, then the applicant may retain a qualified third-party inspector.

(b) Municipalities shall accept inspection reports submitted under this Section as satisfying local inspection requirements if the report demonstrates compliance with the

building code.

(c) A municipality shall issue any required approval, certificate, or authorization within one business day after receiving a compliant inspection report.

(65 ILCS 5/11-31.2-30 new)

Sec. 11-31.2-30. Municipal audit authority.

(a) A municipality retains full authority to audit any third-party plan review or inspection for compliance with applicable codes. Nothing in this Division limits a municipality's authority to issue stop-work orders, withhold certificates of occupancy, or pursue enforcement actions for noncompliance.

(b) An audit may not delay issuance of a permit or authorization submitted under Section 11-31.2-20 or 11-31.2-25.

(c) If a municipality identifies material noncompliance, then it may pursue enforcement actions available under its code authority and report the findings to the Department of Financial and Professional Regulation or applicable credentialing organization.

(d) A municipality may require reasonable documentation demonstrating that a qualified third-party plan reviewer or qualified third-party inspector meets the qualification requirements of this Division, including proof that the qualified third-party plan reviewer's or qualified third-party

inspector's licensure or certification is current and active.

(e) Nothing in this Division shall be construed to transfer liability for code compliance or construction defects from the owner, design professional, or contractor.

(65 ILCS 5/11-31.2-40 new)

Sec. 11-31.2-40. Fees; fee parity.

(a) A municipality may not charge plan review or inspection fees for any portion of the review process or inspection process performed by a qualified third-party plan reviewer or qualified third-party inspector.

(b) Fees charged by a qualified third-party plan reviewer may not exceed the municipality's standard fees for the same service.

(c) A municipality shall reduce its fees proportionally when an applicant uses third-party review for only one portion of the process.

(65 ILCS 5/11-31.2-45 new)

Sec. 11-31.2-45. Conflicts of interest.

(a) A qualified third-party plan reviewer may not review plans if:

(1) the qualified third-party plan reviewer, an employee of the qualified third-party plan reviewer, or qualified third-party plan reviewer's employer was involved in making the plans; or

(2) the plans are for work to be performed on property owned by the qualified third-party plan reviewer, an employee of the qualified third-party plan reviewer, or qualified third-party plan reviewer's employer.

(b) A qualified third-party inspector may not inspect work if the qualified third-party inspector, an employee of the qualified third-party inspector, or qualified third-party inspector's employer:

(1) performed any of the work;

(2) planned any of the work; or

(3) is the owner of the property on which the work was performed.

(c) A qualified third-party plan reviewer or qualified third-party inspector shall disclose any potential conflict of interest to the applicant and the municipality before accepting an engagement.

(65 ILCS 5/11-31.2-50 new)

Sec. 11-31.2-50. Home rule preemption. A home rule unit may not regulate plan reviews or building inspections in a manner inconsistent with this Division. This Division is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(65 ILCS 5/11-31.2-97 new)

Sec. 11-31.2-97. Severability. The provisions of this Division are severable under Section 1.31 of the Statute on Statutes.

INDEX

Statutes amended in order of appearance

65 ILCS 5/11-13.1-15 new
65 ILCS 5/11-13.1-20 new
65 ILCS 5/11-13.1-25 new
65 ILCS 5/11-13.1-30 new
65 ILCS 5/11-13.1-35 new
65 ILCS 5/11-13.1-40 new
65 ILCS 5/11-13.1-45 new
65 ILCS 5/11-13.1-50 new
65 ILCS 5/Art. 11 Div.
31.2 heading new
65 ILCS 5/11-31.2-1 new
65 ILCS 5/11-31.2-2 new
65 ILCS 5/11-31.2-5 new
65 ILCS 5/11-31.2-10 new
65 ILCS 5/11-31.2-15 new
65 ILCS 5/11-31.2-20 new
65 ILCS 5/11-31.2-25 new
65 ILCS 5/11-31.2-30 new
65 ILCS 5/11-31.2-40 new
65 ILCS 5/11-31.2-45 new
65 ILCS 5/11-31.2-50 new
65 ILCS 5/11-31.2-97 new

PROPOSED BUILD LEGISLATION (HB5626)

BACKGROUND INFORMATION

FACT SHEET:
Building Up Illinois Developments (BUILD)

Gov. Pritzker's Affordability Agenda Proposes Suite of Housing Solutions to Cut Red Tape, Increase Supply, and Lower Costs

Working families are struggling to buy or rent a home because the United States, including Illinois, is facing a housing crisis. Illinois is short about 142,000 housing units and will need to build over 225,000 units in five years to keep up with growing demand. With few housing options to choose from, Illinoisans are spending more of their income on housing – oftentimes in inadequate spaces for their families.

Developer demand to build is high, but red tape gets in the way. A patchwork of different local building restrictions makes it harder for developers to get permits to build, driving up the costs of building new housing. In the past five years alone, the number of home listings has dropped 64 percent and new construction permits have dipped to 13 percent.

As part of Governor Pritzker's Affordability Agenda, Illinois is proposing a comprehensive approach to expand housing for working families by accelerating homebuilding through a holistic, coordinated strategy that combines legislative reform, targeted capital investment, and innovative financial tools.

Unlock existing housing potential in communities across Illinois:

- Legalize a wider range of family friendly housing types (duplexes, triplexes, four-flats, etc.) statewide, expanding access to homes families can afford.
- Allow homeowners to boost their income and increase housing supply by allowing them to add Accessory Dwelling Units (ADUs, like granny flats, backyard cottages, or above-garage apartments) to existing property.
- Let developers build more housing with fewer and more sensible parking space requirements.

Cut red tape to build housing faster and more economical:

- Streamline the permitting process to give developers clear, predictable timelines for housing permit reviews and inspections
- Allow developers to use a qualified third-party who follows all applicable local and state standards to sign off on permits when local delays occur – relieving pressure for local governments.
- Standardize impact fee practices, which increase predictability for developers while preserving local decision-making.
- Modernize outdated building codes to maintain resident safety, free up space for more housing, and drive down costs

$250 Million in capital investment and grants to spur development and support homeownership:

- $**150 million administered by the Illinois Housing Development Authority (IHDA):**
  - **$100 million:** Capital funding to support middle housing construction.
  - **$50 million:** Down payment assistance for first-time homebuyers.
- **$100 million administered by the Illinois Department of Commerce and Economic Opportunity (DCEO):** Capital grant funding for municipalities to remove upfront infrastructure barriers that hinder viable housing projects, for example, funding for stormwater improvements, sewer, and site access improvements.

DATE: **February 18, 2026**

TO: **All Municipal Officials**

CC: **IML Board of Directors**
Regional Councils of Government

FROM: **Brad Cole, Chief Executive Officer**
Illinois Municipal League

RE: **Governor's State of the State Address and State Budget Address**

Today, Governor JB Pritzker unveiled his proposed State Fiscal Year (SFY) 2027 State Budget (available via this link). For SFY 2027, the Governor is proposing $56.032 billion in state spending with projected revenue of $56.055 billion.

Linked below are items for your review, from today's speech; additional details and documents are provided as links at the conclusion of this message:

- The Governor's prepared remarks and press release
- The Governor's "Budget in Brief" presentation
- The Governor's "State Capital Budget: State Fiscal Year 2027" proposal
- The Governor's "State Operating Budget: State Fiscal Year 2027" proposal

Our main priorities in the budget are first, ensuring all state shared revenues are fully funded; and, second, opposing preemptions, unfunded mandates and new fees on municipalities.

Governor Pritzker is proposing a reduction in the Local Government Distributive Fund (LGDF) formula, from 6.47% to 6.28% of individual income taxes, which would eliminate any natural growth in LGDF revenues based on the SFY 2027 budget projections. The Governor's proposal suggests that the actual dollar amount of LGDF distributions would essentially remain flat; however, this is the same manner in which previous cuts were implemented and that have had decades of negative impact on municipalities. Any such reduction in the LGDF formula rate is unacceptable. Other state shared revenues appear to remain flat. My statement on LGDF cuts is available via this link. Our LGDF fact sheet is available via this link.

Today, Governor Pritzker detailed a significant housing initiative that is a broad preemption of local authority for land use and zoning. The Governor's housing proposal includes legislative, regulatory and capital components. The proposal references statewide zoning standards, including minimum lot sizes, increased residential density allowances, legalization of accessory dwelling units, limitations on minimum parking requirements, authorization of third-party building inspectors and the creation of a statewide formula related to impact fees. The capital funding proposed to support housing includes $100 million for municipal infrastructure grants, $100 million for innovative financing packages for mixed density projects and $50 million for down payment assistance programs.

To the extent there are concerns, rightfully, with the cost or availability of housing, the issue is not caused by comprehensive planning and local zoning. Our Comprehensive Plan fact sheet is available via this link. Our fact sheet about impact fees is available via this link.

The Illinois Municipal League (IML) released a statement on preserving local authority to implement housing programs, available via this link. IML met yesterday with the Governor's Office about their housing proposals and we will continue to provide municipal input as details emerge. The regulatory preemptions of this proposal represent a substantial shift in longstanding local zoning and land use authority.

For the state's budget process, IML will remain in contact with the Governor's Office and members of the General Assembly as we move forward in the legislative session, to ensure municipal interests are represented.

The 2026 Spring Legislative Session is scheduled to adjourn on Sunday, May 31. IML maintains a strong daily presence at the State Capitol and we are proud to be the voice of Illinois' 1,294 cities, villages and towns. We will continue to provide our weekly *Statehouse Briefing* to ensure local officials have the most up-to-date information during the legislative session. If you do not already receive this e-newsletter, you may subscribe via this link.

As always, please feel welcome to contact me if you have any comments or questions regarding this or any other issue. I may be reached by email at bcole@iml.org or by phone at (217) 525-1220. Thanks.

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Pritzker to propose statewide zoning laws to spur homebuilding, limit local control

‘BUILD’ plan would allow more multi-unit housing, legalize granny flats

by Brenden Moore

February 18, 2026

in Government, Infrastructure

A A

Gov. JB Pritzker enters the House chamber for his 2025 budget address. (Capitol News Illinois file photo by Andrew Adams)

Article Summary

- JB Pritzker will propose a plan during his State of the State address to drastically limit local governments’ authority to restrict the types of structures that can be built on property zoned residential.
- Accessory dwelling units — attached or detached secondary residences such as granny flats, backyard cottages and above-garage apartments — would be legalized on all properties zoned for residential use.
- It would establish statewide timelines for inspections and reviews and allow third-party inspectors if municipalities miss deadlines.

- It includes $250 million combined for site preparation grants, middle housing development, and first-time homebuyer assistance.

This summary was written by the reporters and editors who worked on this story.

Editor's note: This story was updated at 10 a.m. Wednesday, Feb. 18, with more information about the governor's tiered "middle housing" plan.

SPRINGFIELD — Gov. JB Pritzker will propose a statewide zoning law in his State of the State address on Wednesday, drastically limiting the authority local governments have to control what types of housing structures can be built on land that's zoned residential.

Pritzker's office says the measure will call for relaxed restrictions on the development of multi-unit housing, allowing homeowners to build "granny flats" and cutting other forms of red tape that have slowed homebuilding in recent years.

He's also asking lawmakers to approve $250 million in capital funding for infrastructure grants aimed at knocking out "below ground costs" at sites eyed for residential development, programs to build out "middle" housing and down payment assistance for first-time homebuyers.

Middle housing describes multi-unit buildings that fall between single-family homes and larger apartment complexes. They take various forms, such as two-flats, townhomes, fourplexes and courtyard buildings.

A study published last year by the University of Illinois found that the state is about 142,000 units of housing short and would need to build 227,000 over the next five years to keep up with demand. That equals about 45,000 new homes a year — nearly double the five-year average of about 19,000 built annually between 2019 and 2024.
As a result, home prices have spiked 37% over five years while active home listings decreased 64%. At the same time, new construction permits are down 13%.

Pritzker's plan, dubbed Building Up Illinois Developments, or BUILD, comes as Democrats in Springfield turn their focus this election year to affordability.

But unlike the last time Pritzker was on the ballot in 2022, when lawmakers approved a series of one-time tax relief measures amid sky-high inflation and surging state revenues, this proposal seeks to tackle systemic issues driving increases in the largest cost most state residents face: housing.

“All these things work together in a way that is designed to shift the narrative around whether or not Illinois is a good place to build housing,” a senior Pritzker administration official told Capitol News Illinois of the plan. “And the answer right now is ‘no,’ and we would like the answer to be ‘yes,’ and that is what we’re doing here.”

More middle housing

Pritzker’s office says the plan includes a tiered framework to permit multi-unit housing by right in all but the smallest lots zoned for residential use. Local zoning boards would no longer be allowed to prohibit property owners from building multi-unit housing on residential lots exceeding 2,500 square feet.

It would be on a sliding scale, with lots smaller than 2,500 square feet limited by right to single-unit housing. Lots between 2,500 and 5,000 square feet could hold up to four units; those between 5,000 and 7,500 square feet up to six units; and lots larger than 7,500 square feet up to eight units. The plan would also bar municipalities from requiring minimum lot sizes greater than 2,500 square feet for detached single-family homes.

However, Pritzker will need approval from the General Assembly. And the governor’s office said specific lot-size thresholds and units allowed within them will ultimately be subject to negotiations with the state legislature.

More straightforward, accessory dwelling units — attached or detached secondary residences such as granny flats, backyard cottages and above-garage apartments — would be legalized on all properties zoned for residential use. The city of Chicago moved last year to relax its 60-year ban on granny flats. And legislation was filed in Springfield last year to ban local governments from prohibiting the units. But it has not moved.

Property owners would still have to meet permitting and building inspection requirements. And local governing bodies would retain control of overall zoning classifications.

Still, the effort is likely to be met with stiff pushback from municipalities, townships and counties over its preemption of more exclusionary residential zoning requirements.

Cutting red tape

Pritzker's office says the plan will also include yet-to-be-specified statewide timelines for housing permit reviews and inspections.

If local governments do not complete an inspection or review within a certain number of days, the applicant would be able to use a qualified third-party firm to do it. All state and local requirements would still apply.

Impact fee practices would be standardized and building codes "modernized" under the plan. And it would prohibit minimum parking requirements on middle housing and exempt affordable developments from municipal parking requirements.

Pritzker administration officials say this "patchwork of local barriers" impedes the development of housing and has driven up costs statewide, and a statewide solution is needed to spur development.

"We have municipalities that are going above and beyond now, but if it's one out of hundreds, it's not attracting the capital, and they're unable to get housing built there because it's such a piecemeal approach," the Pritzker administration official said. "So that's really the point of the statewide approach here."

$250 million in funding

Pritzker is also proposing putting state money toward the effort — pulling from infrastructure-related revenue sources rather than the cash-strapped General Revenue Fund.

On the capital side, $100 million would be set aside through an Illinois Department of Commerce and Economic Development grant program for sewer, stormwater, utility and other site prep work. Pritzker officials said this infrastructure work is often difficult for developers to finance and often sinks projects before they even launch. It is modeled after a DCEO site readiness program for land eyed for industrial development.

Another $100 million through the Illinois Housing Development Authority is earmarked for middle housing development. The funds will be made available to private and nonprofit affordable housing developers.

And $50 million would be split between the existing Opening Doors program, which provides $6,000 loans for down payment and closing cost assistance to those who have historically faced institutional barriers to home ownership; and the SmartBuy program, which helps people overcome student loan debt barriers to home ownership. The programs have served 12,000 and 1,100 homebuyers, respectively, since 2020.

Housing long an issue

In 2024, an ad-hoc committee convened by Pritzker concluded in a report that the state needed to take a coordinated, multi-pronged approach to address the shortage of housing for middle-income households. Many of the proposed solutions are part of the package.

Later that year, Pritzker signed an executive order directing state agencies to explore ways Illinois could accelerate plans to expand supply and access to housing.

The proposal, both statutory changes and capital spending, will require legislative approval.

RECOMMENDATION

VILLAGE OF DEERFIELD

TO: Mayor and Board of Trustees

FROM: Plan Commission

DATE: February 26, 2026

RE: Request for a Text Amendment to the Deerfield Zoning Ordinance to Allow a Nail Salon over 2,100 SF as a Special Use in the C-2 Outlying Commercial District and Approval of a Special Use for a Gloss Nail Bar at 92 S. Waukegan Road in the Deerbrook Shopping Center

Application History

Prefiling Conference Meeting Date: January 22, 2026
Public Hearing Publication Date: February 5, 2026
Public Hearing Date: February 26, 2026

Zoning Actions

The Deerfield Plan Commission conducted a public hearing to consider a request for a Text Amendment to the Deerfield Zoning Ordinance to allow a Nail Salon over 2,100 SF as a Special Use in the C-2 Outlying Commercial District and approval of a Special Use for a Gloss Nail Bar at 92 S. Waukegan Road in the Deerbrook Shopping Center.

We transmit for your consideration a recommendation adopted by the Plan Commission of the Village of Deerfield on the request of the petitioners for a Text Amendment to the Deerfield Zoning Ordinance for a nail salon over 2,100 square feet in the C-2 Outlying Commercial District and approval of a Special Use for a Gloss Nail Bar at 92 S. Waukegan Road in the Deerbrook Shopping Center. The Plan Commission held a public hearing on February 26, 2026. At that public hearing, the petitioners presented testimony and documentary evidence in support of the request. A copy of the public hearing and workshop minutes are attached.

Subject Property

The subject property consists of Deerbrook Shopping Center, which is 47.45 acres in size. The subject property is zoned C-2 Outlying Commercial District and is a Commercial Planned Unit Development.

Recent approvals to the shopping center include: In 2023, the petitioner was granted approval of a Special Use for a 57,732 square feet Floor & Decor store in the former Bed Bath and Beyond, Men's Warehouse and Carters tenant spaces. Floor & Decor is a specialty retailer of hard surface flooring and flooring accessories. In 2024, the petitioner was granted approval of a Special Use for a 40,850 square feet indoor playground and trampoline park for Sky Zone. Also in 2024, Continental Properties was granted approval of a 254-home multifamily development consisting of 8-three story residential buildings offering both surface off-street parking and garage spaces including a community clubhouse and leasing center, swimming pool, fitness center, pet playground, and outdoor activity areas. In all, the residential apartment development occupies the rear 10.79 acres of the Deerbrook Shopping Center.

Other pertinent approvals include: In 2017, the petitioners were granted approval of major renovations to the middle portion of the shopping center between the vacant Hobby Lobby space and the vacant Art Van Furniture space (now Sky Zone); a Special Use for a Stein Mart store (now Marshalls) and renovations to the pylon signs along with new signage criteria for the shopping center.

Surrounding Land Use and Zoning (for entire Deerfield Square PUD)

North (across Lake Cook Road): C-2 Outlying Commercial District - Shell Gas Station, Luna, and other retail uses

South: C-2 Outlying Commercial District – Super 8 by Wyndham Motel, Northwestern Memorial Hospital medical offices and Prairie Point Shopping Center

East: (across Waukegan Road): C-2 Outlying Commercial District and unincorporated Cook County – Endeavor Health medical offices, Chick-Fil-A,

and other uses, and Glenbrook Countryside Estates subdivision (single family residential)

West: C-2 Outlying Commercial District – Deerfield Park Plaza

Proposed Use

The petitioners are proposing to establish a 6,858 square foot Gloss Nail Bar, a luxury nail salon and spa in the vacant retail space at 92 S. Waukegan Road. The vacant tenant space is located between Marshalls and Jewel Osco in the Deerbrook Shopping Center and is approximately 21 feet wide at the entrance by 220 feet deep. Services would include pedicure, manicure, and nail related services. All services will be done inside the salon. Gloss Nail Bar will offer appointments, walk-in clients, as well as offer private rooms for birthdays, parties, and events. The building floor plan will include a reception and polish station, manicure area, pedicure area, waxing room, customer lounge, bathrooms, and utility room. The typical hours of operations are Monday – Friday: 9:00AM-7:00PM, Saturday: 9:00AM-6:00PM, and Sunday: 10:00AM-5:00PM. On the average during weekdays, the nail salon would staff 8-12 employees at one time and during the weekend and holidays, there would be 12-16 employees working at one time. The petitioner anticipates using 20 parking spaces during slow periods and a maximum of 40 parking spaces at peak summer times and during Holidays.

No changes will be made to the exterior façade of the tenant space (other than proposed signage), landscaping on the property, the existing rooftop mechanical equipment, parking lot lighting or parking lot. The petitioner's material indicates their business will have more clients during nice weather and holidays and less clients during bad weather. At the prefiling conference meeting, the petitioner asked for a waiver of the parking and traffic study. The Plan Commission did not have an issue with waiving the parking and traffic study.

Zoning Conformance

The petitioners are seeking a Text Amendment to allow a nail salon of 7,000 square feet (rounded up from 6,858 proposed space) in the C-2 Outlying

Commercial District as a Special Use. At the present time, a nail salon of not more than 2,100 square feet is a Special Use in the C-2 Outlying Commercial District. Therefore, a nail salon of over 2,100 square feet is not currently allowed. The Board of Trustees placed the 2,100 square foot maximum restriction on nail salons in 2015 in the C-2 Outlying Commercial District when a previous nail salon use was approved in the C-2 district, due to concerns about non-sales tax space and the trends for nails salon uses at that time.

In order to allow the proposed use in the C-2 Outlying Commercial District, a Text Amendment would have to be made to the Zoning Ordinance to change the allowable square footage of a nail salon to be allowed as a Special Use in the C-2 Outlying Commercial District. The Plan Commission shall not recommend the adoption of a proposed Text Amendment unless it finds that the adoption of such a text amendment is in the public interest and is not solely in the interest of the applicant.

In addition to the Text Amendment to allow a larger nail salon in the C-2 district, the petitioners are also seeking approval of a Special Use for a nail salon of 6,858 square feet for a Gloss Nail Bar to be located at 92 S. Waukegan Road in the Deerbrook Shopping Center. The Special Use standards are attached.

At the January 22, 2026 Prefiling Conference meeting, the Plan Commission suggested the Text Amendment to be limited to a specific percentage of the building; possibly 3 percent of the building area. The Text Amendment would apply to all properties in the C-2 District. The Plan Commission asked staff to further explore the matter of limiting the size of a nail salon. Staff reviewed four shopping centers in the C-2 Outlying Commercial District varying in size from 11,296 square feet to 454,536 square feet and what a nail salon tenant size would be at 1%, 2%, 3% of the total building square footage. Table 1 illustrates the results.

Table 1

Shopping Center Property	Building Size* Square Feet	3% of Building Size	2% of Building Size	1% of Building Size
Ifergan	11,296	339	226	113
Cadwells Corners	79,774	2,393	1,595	798
DF Park Plaza	201,141	6,034	4,023	2011
Deerbrook	454,536	13,636	9,091	4545
*Village Files				

Reviewing the 1%, 2%, and 3% thresholds as applied to total building square footage indicates that a minimum allowable square footage is necessary to ensure nail salons can operate in smaller properties. As can be seen in the chart, the small properties such as Ifergan would not be allowed adequate square footage for a nail salon. The Plan Commission considered a Text Amendment that would:

- Establish a minimum allowable nail salon size of 2,100 square feet to take into account the smaller buildings in the C-2 District and which is consistent with the nail salon size currently allowed in the C-2 Outlying Commercial District; and
- Allow the maximum permitted size nail salon to be 2% of the gross building square footage, capped at 7,000 square feet.

The proposed minimum allowable nail salon would permit a 2,100 square foot nail salon size regardless of building size, while the maximum allowable nail salon would be 2% of the gross building area up to a maximum of 7,000 square feet.

Text Amendment

Staff is recommending that the Plan Commission consider the current nail salon Special Use, 5.02-C.2.,m be amended as follows:

Existing Text to be Replaced:

m. ~~Nail salons of not more than 2,100 square feet of gross floor area providing manicures and pedicures, which may include ancillary service such as massage and waxing service.~~

And amend/replace with the following language:

m. Nail salons, the square footage of which shall not exceed the greater of (i) 2,100 square feet or (ii) 2% of the total building square footage, provided that with respect to clause (ii), in no event shall the total square feet exceed 7,000 square feet. Nail salon services include manicure and pedicure services and may include ancillary services such as massage and waxing services.

Examples with proposed text amendment:

Ifergan – 2% of the building area is 226 square feet. A nail salon of up to 2,100 square feet would be allowed as a Special Use.

Cadwells Corners – 2% of the building area is 1,595 square feet. A nail salon of up to 2,100 square would be allowed as a Special Use.

Deerfield Park Plaza – 2% of the building area is 4,023 square feet. A nail salon of up to 4,023 square feet would be allowed as a Special Use.

Deerbrook – 2% of the building area is 9,091 square feet. A nail salon of up to 7,000 square feet would be allowed as a Special Use.

Parking for Deerbrook Shopping Center PUD

Required Parking for Deerbrook Shopping Center:

In 2001, Ordinance O-01-39, approving the renovations to Deerbrook Shopping Center granted a parking variation for Deerbrook (3,814 spaces were required when calculated on a use-by-use basis, and 2,804 spaces were provided according to Village records, a 26% reduction). In 2001, the Plan Commission (and Board of Trustees) believed the parking variation was warranted. The Village believed that the shared parking for Deerbrook had merit as the demand for parking will vary throughout the day based on the mix of businesses at the shopping center (e.g. retail busier during the day and restaurants busier in the evening). The Village

believed that if all the uses were the same type so that their peak hours (busiest times) of operation coincided, then the maximum number of parking spaces would be needed, but that was not the case. Since the different uses in Deerbrook have varying peak parking demand times, the Village believed that the maximum amount of parking required by the Zoning Ordinance was not necessary. In 2005, the Village granted a further parking variation to Deerbrook to accommodate the vehicular cross access interconnection plan with Deerfield Park Plaza (which was the only part of the 2005 plan that was implemented).

Based on the square footage of the proposed nail salon use, a total of 46 (4,758/150 = 45.72) parking spaces would be required for the proposed use based on the requirement of one (1) parking space for each 150 square feet of gross floor area.

The current uses at Deerbrook Shopping Center require a total of 2,263 spaces when calculated on a use-by-use basis based, including the proposed Gloss Nail Bar, based on the square footage and the uses shown on the chart on the following page based on Village records.

Deerbrook Parking Based on Removal of Rear 10.79 Acres of Continental Properties Residential Development

Uses:	Square Feet:	Parking Calculation: 1 Space/Square Feet	Required Parking
Grocery Store			
Jewel	61,867	175	353.53
Restaurants		60/120*	224.88
Starbucks	2,110		
Vacant	2,200		
Subway	1,200		
Noodles&Company	2,800		
Retail E (Panera)	4,000		
Retail F (City BQ)	4,000		
Retail			
Marshalls (Former Steinmart)	33,637	200	168.19
Vacant (Former Hobby Lobby)	51,350	200	256.75
Sleep Number	2,550	200	12.75
Ulta (Not Built/Future Retail)	10,570	200	52.85
Sky Zone	41,926	200	229.00
Floor & Décor (Former Carters)	6,267	200	31.34
Floor & Décor (Former Mens Warehouse)	5,875	200	29.38
Floor & Décor (Former Bed Bath & Beyond)	47,000	200	235.00
Mattress Firm	4,000	200	20.00
Vacant (Former Vitamin Shoppe)	3,500	200	17.50
Vacant (Former T-Mobile)	1,700	200	8.50
The Dump	135,855	1/1000; 1/300**	451.00
Retail A (Not Built/Future Retail)	9,350	200	46.75
Office Depot	15,000	200	75.00
Total Parking Provided* ** (excludes parking in rear 10.79 acres of Deerbrook property)			2,032
Total Parking Required (excludes rear 10.79 acres of Deerbrook property)			2,212
Parking Exception			9%

Year	**2,025**	**2013**	**2001**
Parking Provided	2,032	2,786	2,804
Parking Required	2,212	3,327	3,814
Parking Exception	9%	16%	26%

* Calculated at 50% sit-down or 1 space per 60sf and 50% take-out or 1 space per 120 sf.
**Furniture Store Parking Calculation
*** 2,918 parking spaces minus 886 space (rear 10.79 acres of Deerbrook property) = 2,032 spaces Per Approved 2017 Site Plan

Proposed Parking at Deerbrook:

A total of 2,032 parking spaces are currently provided at the Deerbrook Shopping Center (including the handicapped spaces on the site and the underground spaces below The Dump (former Great Indoors and Wonder stores). Although the parking requirements for all of the uses in the shopping center (including the proposed Gloss Nail Bar) is greater than the total provided parking for the shopping center, the current parking exception of 11% is still less than the 26% parking reduction that was approved in Ordinance O-01-39 in 2001. Most PUDs are approved with shared parking where the parking demand varies throughout the day depending on the uses.

Signage

Wall Signage

Wall signage is proposed for the building exterior and a shopping center pylon signs. The petitioner has a sign plan illustrating two (east and north elevation) wall signs for the tenant space as well as Pylon 5 along Lake Cook Road. The proposed wall signs are composed of internally illuminated, front-lit channel letters centered vertically and horizontally within the sign bands. The signs will have black faces and black returns. The east elevation will have a 48-inch diameter logo with black and gold translucent overlay with black returns. The east elevation wall sign is slightly off center over the tenant space in order to center the sign within the sign band.

Deerbrook Mall Sign Criteria (attached) restricts businesses of less than 10,000 square feet to a 28- inch letter height. In the past, the Appearance Review Commission (ARC) has sometimes restricted the entire sign height, including the logo, to this dimension. Sleep Number was required to reduce their logo to 28 inches, but Starbucks Coffee was approved with a 48-inch logo on their south and east elevations. Gloss Nail Bar is requesting a 48-inch logo and 2 lines of text totaling 38 inches, while maintaining the 28-inch letter height. Gloss Nail Bar feels that visibility is difficult in their proposed location, and the sign band is too narrow to allow for unstacked lettering. The proposed east and north wall signs

would require an exception to the Deerbrook Mall Sign Criteria for a letter height greater than 28 inches. The sign allowances for the wall signs follow.

East (Front) Elevation Wall Sign

	ALLOWED	PROPOSED
Sign Area:	8% of the wall area = 38.24 SF (or 80 SF, whichever is greater)	52 SF
Sign Height:	Below roof deck (21'-10") or 30' above curb, whichever is lower.	Below roof deck
Letter Depth:	6 inches maximum	3 inches
Letter Height:	28 inches maximum for businesses less than 10,000 SF	38-inch stacked letter height & 48-inch logo height (Requires exception to Deerbrook Mall Sign Criteria)
Illumination:	Light source fixed and concealed	Internally illuminated

North (Side) Wall Sign

	ALLOWED	PROPOSED
Sign Area:	4% of the wall area = 13.53 SF (or 40 SF, whichever is greater)	30.35 SF
Sign Height:	Below roof deck (21'-10") or 30' above curb, whichever is lower.	Below roof deck
Letter Depth:	6 inches maximum	3 inches
Letter Height:	28 inches maximum for businesses less than 10,000 SF	38-inch stacked letter height (Requires exception to Deerbrook Mall Sign Criteria)
Illumination:	Light source fixed and concealed	Internally illuminated

Pylon Signage

The petitioner is requesting two (2) half size sign panels to be added to Pylon 5 along Lake Cook. Proposed are aluminum sign faces with push-through graphics. The panels are to be painted Greyshank suede satin finish, as required by the sign criteria and the letter faces will be white (the same as the Floor & Decor face color). The minimum 4" margin around the text has been provided. The proposed sign meets the Deerbrook Mall sign criteria and the Deerfield Zoning Ordinance.

Appearance Review Commission

The Appearance Review Commission (ARC) will have to approve the exterior wall signs, and pylon sign. The petitioner presented their sign plan at the February 23, 2026 ARC meeting. A summary of the February 23, 2026 ARC meeting follows.

The ARC discussed the two (2) wall signs for Gloss Nail Bar with the letter heights (total sign heights) greater than 28 inches. The Commissioners felt larger signs

would give better visibility to the tenant space being tucked in the corner between large retail spaces. They were also in favor of the east wall sign being off center, but within the tenant lease line, in order to center the sign within the sign band. The ARC is in favor of approving an exception to the Deerbrook Mall Sign Criteria to allow a letter height greater than 28 inches for a retail space of less than 10,000 SF.

The Plan Commission was in favor of the proposed half sized panels on Pylon 5 with the white faces matching the white faces of Floor & Decor. They suggested the spacing between "Nail" and "Bar" be brought together slightly and the signs recentered on the panels. The spacing should be carried through to the wall signs as well.

The ARC voted 5-0 in favor of the Gloss Nail Bar signage with the letter spacing adjusted on all drawings, pending Board approval. The petitioner will submit a revised drawing set to be approved by Village Staff and the ARC Chairperson.

CONCLUSIONS

Request for Approval of a Text Amendment to Allow a 7,000 Square Foot Nail Salon in the C-2 Outlying Commercial District.

The Plan Commission is in favor of amending the C-2 Outlying Commercial District to allow a 7,000 square foot nail salon as a Special Use in this district. The Plan Commission finds it will be a benefit in the C-2 Outlying Commercial District. Currently, the C-2 District allows nail salons of not more than 2,100 square feet as a Special Use. The Plan Commission explored limiting the size of a nail salon to be in proportionate to the overall building size. The Plan Commission also wanted to make sure there was a minimum allowable square footage to ensure a nail salon can operate in smaller properties. The Plan Commission finds a maximum permitted size not to exceed the greater of: 2% of the gross building square footage or 2,100 square, and limited to a maximum size of 7,000 square feet would be appropriate for the C-2 District. The Plan Commission finds the proposed text amendment is in the public interest.

Request for Approval of a Special Use to Allow a Nail Salon for Gloss Nail Bar at 92 S. Waukegan Road.

Compatible with Existing Development

The Plan Commission finds that the proposed nail salon at 92 S. Waukegan Road is planned so that it will be compatible with existing development in the area and will not impede the normal and orderly development and improvement of surrounding properties. The Plan Commission finds the proposed nail salon will be compatible with the Deerbrook Shopping Center planned unit development and that it will have minimal impact on other surrounding properties. The Plan Commission finds that the proposed layout of the store is well planned. The Plan Commission finds the proposed nail salon is a good use to locate on this property in this long and narrow tenant space and that it will be an asset to the shopping center and to the Village as a whole.

Lot of Sufficient Size

The Plan Commission finds the lot is of sufficient size for the proposed nail salon use. The petitioners are not proposing to expand the size of the building but instead using a space that is approximately 21 feet wide at the entrance by 220 feet deep which is not conducive tenant space for many commercial retailers. The Plan Commission finds the property is suitable for the proposed use and will not create a negative impact on surrounding properties.

Traffic

The Plan Commission finds the proposed nail salon should not create traffic problems on the subject property and should not have an adverse impact on surrounding properties. The proposed use should not significantly increase traffic volumes in the area. The petitioners have indicated that the proposed use will typically staff 8-12 employees at one time and during the weekend and holidays, there would be 12-16 employees.

Parking and Access

The Plan Commission finds the parking will be adequate and the nail salon will not have an adverse impact on parking in the area. The Plan Commission finds the intensity of the proposed use on the subject property will not adversely impact parking on the subject property and will not create a parking problem. There is adequate parking in the area to accommodate the proposed use. There is a large amount of parking in front of the store supplying plenty of parking for the store and other stores in the shopping center. The access points to this development will not be changed as a result of the proposed use.

Effect on the Neighborhood

The Plan Commission finds the proposed use should not be significantly or materially detrimental to the health, safety, or welfare of the public or injurious to the other property or improvements in the neighborhood nor should it diminish or impair property values in the surrounding area. The Plan Commission finds the proposed use will not have an adverse impact on the area and will fit nicely in the Deerbrook Shopping Center. The Plan Commission finds that the use will not cause adverse impacts on the property or surrounding properties. They find the use will work well at this location.

The Plan Commission finds the requested signage exceptions to the established Deerbrook Sign Criteria as outlined in this recommendation are acceptable. They find it is reasonable for the two wall signs for Gloss Nail Bar with the letter heights to be greater than 28 inches. The Commission was also in favor of the proposed half sized panels on Pylon 5 with the white faces matching the white faces of Floor & Decor.

Adequate Facilities

Adequate facilities (utilities, access roads, drainage) are already being provided for this site.

Adequate Buffering

The Plan Commission finds the existing buffering on the subject property is adequate. No new landscaping is proposed for the tenant space.

RECOMMENDATION

Text Amendment

Accordingly, it is the recommendation of the Plan Commission that Gloss Nail Bar's request for approval of Text Amendment to the C-2 Outlying Commercial District for the proposed nail salon, be approved.

Ayes: (5) Crist, Keefe, Rauen, Schulman, Lubezny
Nays: (0) None

Special Use

Accordingly, it is the recommendation of the Plan Commission that Gloss Nail Bar's request for approval of a Special Use, including an exception to the Deerbrook Sign Criteria, be approved.

Ayes: (5) Crist, Keefe, Rauen, Schulman, Lubezny
Nays: (0) None

Respectfully submitted,
Sara Lubezny, Chair Pro Tem

PLAN COMMISSION
VILLAGE OF DEERFIELD
February 26, 2026
Minutes

The Plan Commission of the Village of Deerfield called to order a meeting at 7:30 P.M. on February 26, 2026, at Deerfield Village Hall.

Present were:	Sara Lubezny, Chair ProTem Lisa Crist Bill Keefe David Rauen Blake Schulman
Absent:	Al Bromberg, Chair Ken Stolman
Also Present:	Jeff Ryckaert, Principal Planner Dan Nakahara, Planner II

In the absence of Chair Bromberg, Commissioner Schulman moved to appoint Commissioner Lubezny as Chair Pro Tem. Commissioner Rauen seconded the motion. The motion passed by the following vote:

AYES: Crist, Keefe, Lubezny, Rauen, Schulman (5)
NAYS: None (0)

Chair Pro Tem Lubezny swore in those who plan to testify before the Commission.

Public Comment on a Non-Agenda Item

There were no comments from the public on a non-agenda item.

PUBLIC HEARING

1) Public Hearing on the Request for a Text Amendment to the Deerfield Zoning Ordinance to Allow a Nail Salon Over 2,100 SF as a Special Use in the C-2 Outlying Commercial District, and Approval of a Special Use for a Gloss Nail Bar at 92 S. Waukegan Road in the Deerbrook Shopping Center

Thinh To presented the certified mailing and Mr. Ryckaert presented proof of publication of the legal notice in the Deerfield Review.

Thinh To, Owner and General Contractor for Gloss Nail Bar, explained he wants to open a Gloss Nail Bar in Deerbrook. Chairperson Pro Tem Lubezny confirmed nothing changed since the pre-filling conference.

Mr. Nakahara noted the petitioner appeared before the ARC on Monday. The ARC approved the signage including an exception to the sign criteria for the letters to be 38” high instead of maximum 28” and the logo at 48” high.

Mr. Ryckaert summarized the prefiling conference where the Plan Commission was in favor of the nail salon at this location in Deerbrook as they believed the location is appropriate, and indicated it would be difficult to lease a 20-foot wide and very deep space. He explained that under the current code a nail salon is restricted to 2,100 square feet and that restriction was put in place about 10 years ago due to concerns with a nail salon taking up too much retail space. At the prefiling conference, the Plan Commission suggested limiting nail salons to a percentage of the building area. Mr. Ryckaert explained that staff reviewed four shopping centers in the C-2 District of varying sizes from about 12,000 square feet to Deerbrook at 450,000 square feet. The results were put into a chart at 1%, 2% and 3% of the area of the buildings. As can be seen from the chart, a nail salon would not be allowed much square footage on the smaller commercial properties and therefore consideration should be given to allowing a 2,100 square feet nail salon which is what is allowed now. Mr. Ryckaert asked the commission to consider a maximum permitted nail salon size at 2% of the gross building area and have the maximum square footage capped at 7,000 square feet, whichever is less. Therefore, a 7,000 square foot nail salon could not go into a small commercial property. Chairperson Pro Tem Lubezny thought that the language could be clearer and asked if the smaller buildings could have a nail salon less than 2,100 square feet and it was confirmed they could. Commissioner Schulman suggested changing the language to clarify the square footages. He suggest the language read: Nail salons, the square footage of which shall not exceed the greater of (i) 2,100 square feet or (ii) 2 percent of the total building square footage, provided that with respect to clause (ii), in no event shall the total square footage exceed 7,000 square feet. The commissioners agreed.

The public testimony of the hearing was concluded. The Plan Commission held a workshop. The commissioners did not have any additional comments or concerns.

Mr. To explained he would take a smaller space, but was not given that option.

Commissioner Keefe did not have any other comments on the signage, and agreed with the ARC recommendation.

Commissioner Keefe moved, seconded by Commissioner Schulman, to approve the Text Amendment based on the updated text provided by Commissioner Schulman. The motion passed by the following vote:

The motion passed by the following vote:

AYES: Crist, Keefe, Lubezny, Rauen, Schulman, (5)
NAYS: None

Commissioner Schulman moved, seconded by Commissioner Rauen, to approve a Special Use for Gloss Nail Bar at 92 S. Waukegan Road. The motion passed by the following vote:

AYES: Crist, Keefe, Lubezny, Rauen, Schulman, (5)
NAYS: None

This petition will go to the Village Board on April 6, 2026.

DOCUMENT APPROVAL

Commissioner Crist moved to approve the minutes from the February 12, 2026 Plan Commission meeting. Commissioner Rauen seconded the motion. The motion passed unanimously on a voice vote.

Items from the Staff

Mr. Ryckaert provided an update. Next meeting there will be no agenda items except document approval and Village Attorney Ben Schuster will update the Plan Commission on proposed State of Illinois regarding housing supply. Mr. Nakahara will poll the commissioners by email for an earlier meeting time.

Designation of Representative for the next Board of Trustees Meeting

Mr. Ryckaert noted the 2026 Zoning Map will be discussed, but no one from the Plan Commission needs to attend.

Adjournment

There being no further discussion, Commissioner Keefe moved, seconded by Commissioner Rauen, to adjourn the meeting at 7:52 P.M. The motion passed with a unanimous voice vote.

Respectfully Submitted,
Jeri Cotton,
Secretary