

# VILLAGE OF HOMEWOOD



## BOARD AGENDA MEMORANDUM

DATE OF MEETING: August 23, 2022

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**To:** Village President and Board of Trustees

**Through:** Napoleon Haney, Village Manager

**From:** Angela Mesaros, Director of Economic and Community Development

**Topic:** Amendment to Homewood Zoning Ordinance related to Places of Worship

### PURPOSE

In May 2021, the U.S. Department of Justice and the United States Attorney's Office initiated an inquiry into the Village of Homewood's zoning and land-use practices pursuant to the Religious Land Use and Institutionalized Person Act of 2000 (RLUIPA). The focus was on how the Village's zoning laws may treat secular areas of assembly differently than religious areas of assembly. The equal terms provision of RLUIPA requires that restrictions on land use be justified by the intent and purpose of that regulation and that similarly situated uses cannot be treated differently based on whether or not they are religious or non-religious uses.

### PROCESS

The last comprehensive update to the Homewood Zoning Ordinance was in 2002, and the Village is currently in the process of a complete rewrite of the Zoning Ordinance. This process takes up to 18 months. However, the places of worship and similar uses require more immediate action for clarification. The Village Attorney and the Village's zoning consultant, Houseal Lavigne, have provided guidance for amendments to the code.

The Village Attorney and Village Staff presented options for the amendment related to places of worship at public hearings before the Planning & Zoning Commission on December 3, 2020, and November 18, 2021. On November 18, 2021, the Homewood Planning & Zoning Commission unanimously recommended approval of the proposed zoning text amendments.

### OUTCOME

As currently written, the Homewood Zoning Ordinance classifies "places of worship" as a special use in every business and residential district. However, places of worship do not align with the stated purpose of the business districts, which focus on the preservation and maintenance of commercial development that generates tax revenue. In addition, other permitted uses in the zoning ordinance would also be interpreted as places of assembly.

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The proposed amendment would clarify the purposes of the business districts and revise the permitted and special uses within these districts. Places of worship and other similar assembly uses that do not generate sales tax would be allowed as special uses in the residential and the public land and open space districts, but would not be permitted in the business districts. Commercial assembly uses would be special uses in the business districts. All assembly uses would be special uses in the public land and open space districts. This would ensure that the zoning ordinance is in compliance with RLUIPA.

### FINANCIAL IMPACT

- **Funding Source:** No Financial Impact
- **Budgeted Amount:** N/A
- **Cost:** N/A

### LEGAL REVIEW

Completed

### RECOMMENDED BOARD ACTION

Approve an ordinance amending Chapter 44 of the Homewood Municipal Code clarifying the purposes of business districts within the village, and amending tables of permitted and special uses within residential and business districts.

### ATTACHMENT(S)

Ordinance