

Index of Documents:
T-3-10 proposed Text Amendments to the DuPage County Zoning Ordinance
Relative to Places of Assembly

1. **Exhibit 1- T-3-10** proposed Text Amendments to the DuPage County Zoning Ordinance Relative to Places of Assembly. (Memo dated 8-26-2010 from Paul Hoss)
2. **Exhibit 2 Minutes of County Development Committee on July 20, 2010** directing Staff to proceed to public hearing before the DuPage County Zoning Board of Appeals on T-3-10 Text Amendments to the Zoning Ordinance Relative to Places of Assembly.
3. **Exhibit 3 Public Hearing Notice in Daily Herald.**
4. **Exhibit 4 Notice list to agencies** (e.g.: municipalities, townships, fire prevention districts, school and park districts, Mayors and Managers Conference, etc.), all unincorporated religious, social, civic, cultural, fraternal organization and list of interested parties assimilated from sign up sheets part of past proposals by the County relative to Place of Assembly and religions institution land use text amendments.
5. **Exhibit 5 Public Hearing transcripts from several place of assembly zoning petitions.**
 - A. 5187-05 St. Thomas United Methodist Church Public Hearing Transcript
 - B. Z08-037 Church of the Resurrection Public Hearing Transcript
 - C. Z09-029 Society of Christ - June 11, 2009 Public Hearing Transcript
 - D. Z09-073 Hindu Society of Metropolitan Chicago - Public Hearing Transcript
 - E. Z09-086 Society of Christ - April 22, 2010 Public Hearing Transcript
 - F. ZP 4346 Moose Lodge Public Hearing Transcript
 - G. ZP 4452 Wheaton VFW Post Public Hearing Transcript
 - H. ZP 5094 S & K Development (Elks Club Public Hearing Transcript
 - I. ZP 4128 Baker Fountain of Life Public Hearing Transcript
 - J. ZP 4011 Praise Fellowship Public Hearing Transcript
6. **Exhibit 6 Traffic Data:**
 - A. DuPage County Division of Transportation {DUDOT}, Chicago Metropolitan Agency for Planning {CMAP} and the Institute of Transportation Engineers Trip Generation Manual {ITE}).
 - B. ZP 4346 Moose Lodge Traffic Report
 - C. Z09-086 Society of Christ - Metro Traffic Study
 - D. 2000 Wheaton Bible Traffic Report
 - E. 2008 Society of Christ Traffic Report
 - F. 2009 Church of Res. Traffic Report
 - G. ZP 4455 Wheaton VFW Post Traffic Report

7. Exhibit 7 DuPage County Zoning Map Data: Group of 8

- A. DuPage County Zoning Map;
- B. Data sheet depicting land percentages from DuPage County Zoning Map;
- C. DuPage County Zoning Map minus government owned properties;
- D. Data sheet depicting land percentages from DuPage County Zoning Map minus government owned properties;
- E. Map depicting all existing Place of Assembly Land Uses;
- F. Data sheet depicting all places of assembly land use lot area and averages;
- G. DuPage County Zoning Map minus government owned properties and properties less than 4 acres in size.
- H. Data sheet depicting DuPage County Zoning Map minus government owned properties and properties less than 4 acres in size.

8. Exhibit 8 Regulatory Agency Memos relative to Place of Assembly: (Group of 5)

- A. Memo from DuPage County Regulatory Service Manager relative to Building Code requirements for Place of Assembly Uses;
- B. Memo From DuPage County Health Department relative to Health Department Regulations for Place of Assembly Uses;
- C. Memo from DuPage County Township Highway Commissioners relative to Township Roads and operations thereto;
- D. Memo from the DuPage County Department of Public Works relative to Sewer and Water availability in Unincorporated area of DuPage County;
- E. Memo from DuPage County Schools Superintendent relative to Public Schools.

9. Exhibit 9 Bill of Rights and 14th Amendment to the United States Constitution.

10. Exhibit 10 Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. §§ 2000cc.

11. Exhibit 11 Religious Freedom Restoration Act. (775 ILCS 35/) (Illinois).

12. Exhibit 12 -List of Cases:

- A. Village of Euclid, Ohio v. Ambler Realty Co., 272 U.S. 365
- B. Sherbert v. Verner, 374 U.S. 398 (1963)
- C. Employment Division, Department of Human Resources of Oregon v. Smith, 494 U.S. 872 (1990)
- D. Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah, 508 U.S. 520(1993)
- E. City of Bourne v. Flores, 521 U.S. 507 (1997)
- F. Wisconsin v. Yoder, 406 U.S. 205 (1972)
- G. Cottonwood Christian Center v. Cypress Redevelopment Agency, 218 F.Supp.2d 1203 (C.D. Cal. 2002)
- H. DiLaura v. Ann Arbor Charter Township 30 Fed.Appx. 501 (6th Cir. 2002)

- I. Grace United Methodist Church v. City of Cheyenne, 235 F. Supp. 2d 1186 (D. Wyoming 2002) 10th Circuit appeal decision – 451 F.3d 643.
- J. Westchester Day School v. Village of Mamaronek, 250 F. Supp. 2d 230 (SDNY 2003)
- K. Murphy v. Zoning Commission of the Town of New Milford, 148 F. Supp. 2d 173 (D. Conn. 2001)
- L. Omnipoint Communications v. City of White Plains, 202 F.R.D. 402 (S.D. N.Y. 2001)
- M. Vineyard Christian Fellowship of Evanston, Inc., v. City of Evanston, 250 F. Supp. 2d 961 (N. Dist. Ill. 2003)
- N. Petra Presbyterian Church v. Village of Northbrook, 2003 U.S. Dist. LEXIS 15105 (N.D. Ill. August 28, 2003)
- O. Civil Liberties for Urban Believers v. City of Chicago, 342 F. 3d 752 (7th Cir. 2003)
- P. Shepherd Montessori Center Milan v. Ann Arbor Charter Township, 259 Mich. App. 315 (2003)
- Q. Konikov v. Orange County, 2004 WL 213179 (M.D. Fla. 2004)
- R. Christ Universal Mission Church v. City of Chicago, 2002 U.S. Dist. LEXIS 22917 (September 11, 2002)
- S. The City of Chicago Heights v. Living Word Outreach Full Gospel Church And Ministries, Inc. Supreme Court of Illinois 196 Ill. 2d 1; 749 N.E.2d 916; 2001 Ill. LEXIS 243; 255 Ill. Dec. 434
- T. Cohen v City of Des Plains, 8 F.3d 484/62 USLW 2283 United States Court of Appeals, Seventh Circuit. Argued (May 12, 1993)
- U. Christian Gospel Church, Inc. v. City and County of San Francisco, et al., 896 F.2d 1221 United States Court of Appeals, Ninth Circuit (2-27-1990)
- V. River of Life Kingdom Ministries V Village of Hazel Crest Illinois. No. 08-2819. Argued Feb. 24, 2010. -- July 02, 2010
- W. World Outreach Conference Center v. City of Chicago, 591 F.3d 531, 537-38 (7th Cir.2009) and
- X. Trinity Evangelical Lutheran Church v. City of Peoria, 591 F.3d 531, 537-38 (7th Cir.2009)
- Y. Primeria Iglesia Bautista Hispana of Boca Raton, Inc. v. Broward County, 450 F.3d 1295 (11th Cir. 2006)

13. Exhibit 13 -Reports:

- A. *U.S. Department of Justice Civil Division: A guide to Federal Religious Land Use Protections*
- B. *Zoning: a Reply to the Critics*, Karkkainen, Bradley C. 1994
- C. *Summary of Land Use Case Law Under Religious Land Use and Institutionalized Persons Act*, Giaimo, Michael
- D. *Fredrick County Maryland Place of Assembly Workgroup and Draft Place of Assembly Text Amendment*, Soter, Eric, Director, Division of Panning 2009
- E. *Ten Years of RLUIPA: Have Local Governments Learned to Level the Playing Field*, Local Government Insurance Trust NEED SITE,

- F. *Residential Religious Nuisance, RLUPA, and the Sic Utere Tou Ut Alienum Non Laedas: "Like a Pig in the Parlor"*, Sutter, Mathew
- G. *The Intersection of Zoning Regulations, Religious House Meetings, and the Constitution*, Green, Samuel 2008
- H. *The Religious Land Use and Institutionalized Person Act of 2000: A Constitutional Response to Unconstitutional Zoning Practices*, Storzer, Roman and Picarello, Anthony Jr., 2001
- I. *Religious Institutions and Local Land Use Control*, Pinellas Planning Council, 1999