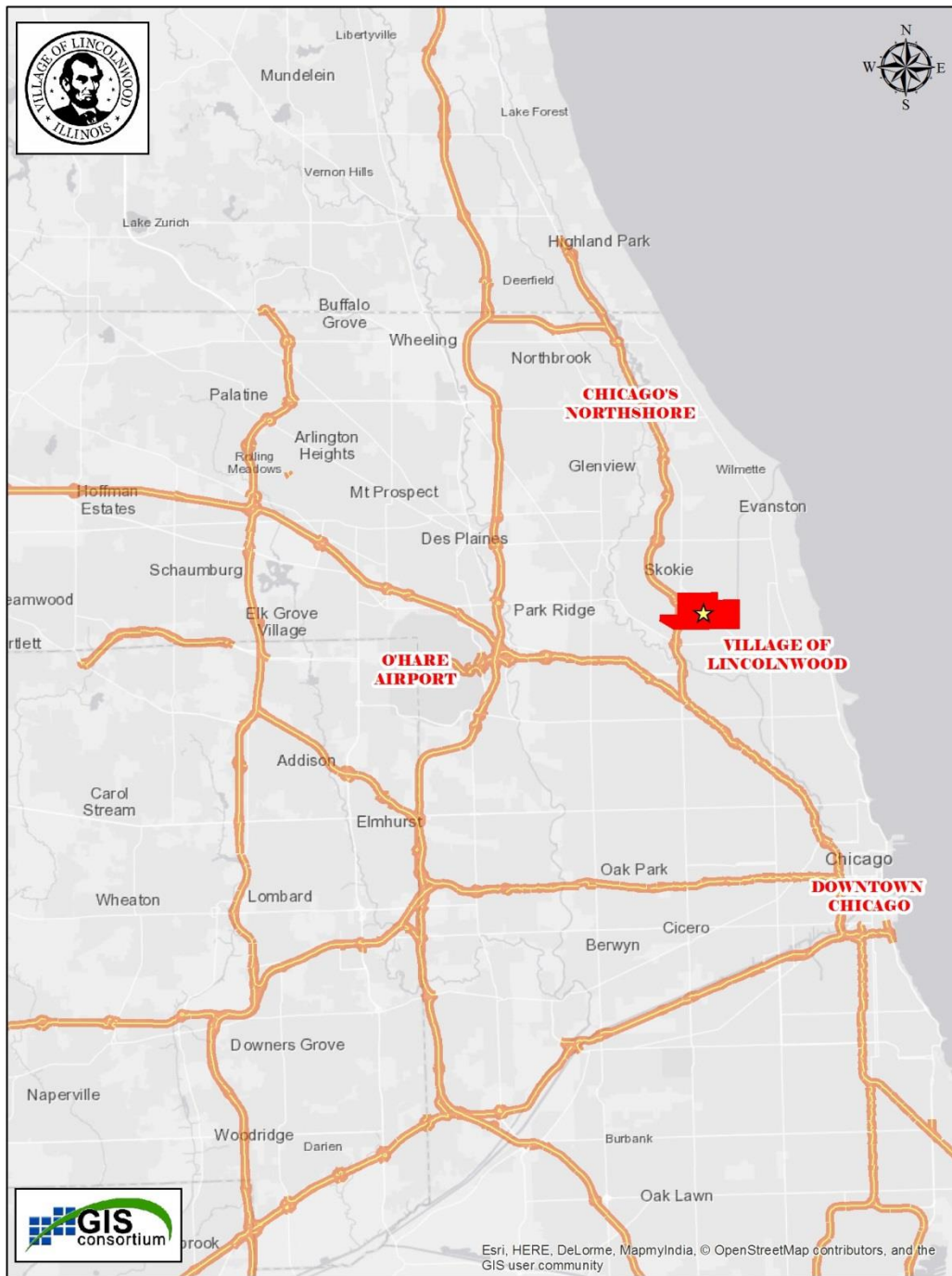


Village of Lincolnwood v. Shore Galleries

2018 ILCMA Winter Conference





3318 W. Devon Avenue



Background

- In 2012 Shore Galleries applied for a permit for a shooting range
 - Staff denied the permit, determined such a use was prohibited by our Zoning Code
- Shore appeals to the Zoning Board
 - Zoning Board upheld staff's denial
- Shore sued the Village in Cook County Circuit Court



Central Issue

- Shore argued Zoning Code's definition of "Health Club or Private Recreation" includes shooting ranges
- 2008 Code's definition: "..a building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, or other customary or usual recreational activities..."

Village's Argument in Court

- “Firearms Shooting Range” was not listed in the table of allowable uses
- A shooting range is not compatible with any other use permitted in the B2 Zoning District
- Shooting range is not included in the definition of “Health Club or Private Recreation”
- The legislative intent of the Village Board was not to allow shooting ranges in the B2 Zone
 - Shore had been denied in 1989

Shore's Argument in Court

- Reasoned that because the Olympics and the NCAA classify target shooting as a “sport” that shooting range must meet the definition of “sport”
- Quoting a dictionary's definition of “recreation” which included the term “amuse”; they linked shooting ranges as an amusement, and therefore it falls within allowable uses under “recreation”

Circuit Court Decision

- The Court upheld the Village's interpretation of "Health Club and Private Recreation" as not to permit a shooting range
- Shore appealed Circuit Court's decision

Appeals Court Decision

- Reversed Circuit Court and ruled in favor of Shore
- Ruled that the Village's definition of "Health Club or Private Recreation" was not ambiguous and...
 - "Shooting ranges for pistol and rifle shooting and target practice have been held to constitute a recreational activity..."
- Additionally: The B-2 District was established to provide for a wide variety of uses

Epilogue

- The Court ruled Shore had to comply with all other applicable Building/Zoning Codes
- They complied with parking regulations by removing a portion of their first floor and constructed indoor parking

Lessons Learned

- If you do not want to permit a specific use in a particular district, ensure your Zoning Code clearly indicates that
- We included a definition for shooting ranges and only allow them in our “M” zone

QUESTIONS?

Thank You

