



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB4060

Introduced 2/19/2026, by Sen. Mattie Hunter

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Municipal Code. Provides that 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. Provides that 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. 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 a municipality must allow an existing principal residential structure to be converted to any middle-housing type 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. Provides that 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 specified requirements; and (3) require any form of discretionary review, unless the same review is required for detached single-family dwellings. Limits home rule powers.

LRB104 20890 RTM 34564 b

1 AN ACT concerning local government.

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

4 Section 5. The Illinois Municipal Code is amended by
5 adding Division 13.1 as follows:

6 (65 ILCS 5/Art. 11 Div. 13.1 heading new)

7 Division 13.1. MIDDLE HOUSING

8 (65 ILCS 5/11-13.1-1 new)

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

14 (65 ILCS 5/11-13.1-5 new)

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

16 "Attached courtyard housing" means a form of middle
17 housing consisting of 2 or more attached dwelling units
18 arranged to face a shared common courtyard, where each unit
19 has a primary entrance oriented toward the courtyard and the
20 courtyard provides pedestrian access, light, air, and shared
21 open space for the dwelling units.

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

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

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

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

18 "Discretionary review" means any land-use or development
19 approval that requires the exercise of subjective judgment by
20 a legislative body, planning commission, zoning board of
21 appeals, architectural review board, or similar body,
22 including, but not limited to, special uses, conditional uses,
23 variances, planned unit developments, or non-objective design
24 review. "Discretionary review" does not include:

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

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

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

6 "Middle housing" means:

7 (1) duplexes;

8 (2) triplexes;

9 (3) fourplexes;

10 (4) cottage clusters;

11 (5) townhouses;

12 (6) attached courtyard housing;

13 (7) detached courtyard housing; and

14 (8) stacked-flat plexes

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

18 "Pedestrian path" means a walkway connecting at least one
19 building entrance to a public or private street that complies
20 with the provisions of the Americans with Disabilities Act of
21 1990 and its implementing regulations.

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

25 "Residential zoning district" means any municipal zoning
26 district in which detached single-family dwellings are a

1 permitted use.

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

8 (65 ILCS 5/11-13.1-10 new)

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

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

13 (b) A municipality shall provide for at least one
14 residential zoning district in which detached single-family
15 dwelling are permitted on lots with an area of not more than
16 2,500 square feet. A municipality may not require a minimum
17 lot area of more than 2,500 square feet for detached
18 single-family dwellings in any residential zoning district
19 that permits detached single-family dwellings.

20 (c) The following residential unit allowances are
21 permitted on any lot located in a residential zoning district
22 that permits detached single-family dwellings:

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

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

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

7 (4) Up to 8 dwelling units, including cottage
8 clusters, are permitted as of right on any lot with an area
9 of more than 7,500 square feet. Each individual cottage
10 counts as a dwelling unit for purposes of this paragraph
11 (4).

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

15 (e) For the first 8 months after the effective date of this
16 amendatory Act of the 104th General Assembly, municipalities
17 may continue to review middle-housing permit applications
18 under existing local standards. During this period,
19 municipalities may not adopt new standards that reduce the
20 minimum dwelling-unit entitlements set forth in subsection
21 (b). Beginning immediately after the 8-month period, any
22 municipal ordinance that conflicts with subsection (b) is void
23 and unenforceable to the extent of the conflict. After the
24 transition period:

25 (1) if a municipality has adopted conforming zoning
26 amendments under Section 11-13.1-45, then permit

1 applications shall be reviewed under the municipality's
2 updated zoning code; and

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

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

12 (65 ILCS 5/11-13.1-15 new)

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

15 (a) A municipality must allow an existing principal
16 residential structure to be converted to any middle-housing
17 type up to the maximum units permitted under Section
18 11-13.1-10 if:

19 (1) the structure is not expanded by more than 50% of
20 its existing floor area or more than 1,200 square feet,
21 whichever is greater; and

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

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

1 construction.

2 (65 ILCS 5/11-13.1-20 new)

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

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

8 (1) are clear and objective; and

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

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

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

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

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

1 (B) more than one automobile parking space per
2 single family home; and
3 (3) require any form of discretionary review,
4 including, but not limited to, special use permits,
5 planned unit developments, public hearings, or
6 discretionary design review, unless the same review is
7 required for detached single-family dwellings.

8 (65 ILCS 5/11-13.1-25 new)

9 Sec. 11-13.1-25. Administrative processing.

10 Middle-housing applications that comply with clear and
11 objective standards must be processed:

12 (1) as a permitted use;

13 (2) without discretionary review; and

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

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

20 (65 ILCS 5/11-13.1-30 new)

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

22 (a) This Section applies in any municipality that:

23 (1) fails to adopt conforming zoning amendments within
24 8 months after the effective date of this amendatory Act

1 of the 104th General Assembly; or

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

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

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

21 (c) The maximum number of required automobile parking
22 spaces is 0.5 spaces per multifamily dwelling unit. No
23 automobile parking may be required for any lot located within
24 one-half mile of public transit. Municipal automobile parking
25 design standards are limited to surfacing, emergency-access,
26 and drainage requirements under State law.

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

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

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

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

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

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

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

21 (f) Design standards for middle-housing include the
22 following standards:

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

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

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

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

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

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

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

19 (4) Existing buildings may be converted to up to 8
20 units of middle housing without triggering standards
21 applicable only to new construction, other than
22 life-safety codes. A building's existing nonconformities
23 need not be corrected.

24 (g) Municipalities shall approve land subdivisions,
25 condo-alternatives, or attached-dwelling plats that enable
26 fee-simple ownership. Lot-size, dimension, and frontage

1 requirements shall not preclude the divisions. Shared areas
2 may be governed by easements, covenants, or owners'
3 associations.

4 (65 ILCS 5/11-13.1-35 new)

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

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

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

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

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

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

20 (65 ILCS 5/11-13.1-40 new)

21 Sec. 11-13.1-40. Municipality requirements.

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

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

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

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

17 (e) Any person or entity aggrieved by a municipality's
18 action or inaction alleged to violate this Division may bring
19 an action for declaratory or injunctive relief in a court of
20 competent jurisdiction. If the court finds that a municipality
21 has violated this Division, then the court shall award
22 reasonable attorney's fees and costs to the prevailing
23 plaintiff. Nothing in this subsection shall be construed to
24 limit any other remedies available at law or in equity.

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

4 (65 ILCS 5/11-13.1-50 new)

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

1 INDEX

2 Statutes amended in order of appearance

3 65 ILCS 5/Art. 11 Div.

4 13.1 heading new

5 65 ILCS 5/11-13.1-1 new

6 65 ILCS 5/11-13.1-5 new

7 65 ILCS 5/11-13.1-10 new

8 65 ILCS 5/11-13.1-15 new

9 65 ILCS 5/11-13.1-20 new

10 65 ILCS 5/11-13.1-25 new

11 65 ILCS 5/11-13.1-30 new

12 65 ILCS 5/11-13.1-35 new

13 65 ILCS 5/11-13.1-40 new

14 65 ILCS 5/11-13.1-45 new

15 65 ILCS 5/11-13.1-50 new