



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB1449

by Rep. Thomas M. Bennett

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-12009.5

Amends the Zoning Division of the Counties Code. Provides that a county board may, by majority vote (rather than by ordinance) and without a further public hearing, deny, grant, or grant subject to conditions a proposed special use on receiving the report from the board of appeals (rather than the board may adopt a proposed special use on receiving the report or it may refer the proposal back to the board of appeals for further consideration). Effective immediately.

LRB101 07859 AWJ 52913 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 Counties Code is amended by changing Section
5 5-12009.5 as follows:

6 (55 ILCS 5/5-12009.5)

7 Sec. 5-12009.5. Special uses.

8 (a) The county board may, by an ordinance passed under this
9 Division, provide for the classification of special uses. Those
10 uses may include, but are not limited to, public and
11 quasi-public uses affecting the public interest; uses that have
12 a unique, special, or unusual impact upon the use or enjoyment
13 of neighboring property; and uses that affect planned
14 development. A use may be permitted in one or more zoning
15 districts and may be a special use in one or more other zoning
16 districts.

17 (b) A special use may be granted only after a public
18 hearing conducted by the board of appeals. There must be at
19 least 15 days' notice before the hearing. The notice must
20 include the time, place, and date of the hearing and must be
21 published in a newspaper published in the township or road
22 district where the property is located. If there is no
23 newspaper published in the township or road district where the

1 property is located, the notice must be published in a
2 newspaper of general circulation in the county. The notice must
3 also contain (i) the particular location of the property for
4 which the special use is requested by legal description and by
5 street address, or if there is no street address, by locating
6 the property with reference to any well-known landmark,
7 highway, road, thoroughfare, or intersection; (ii) whether the
8 petitioner or applicant is acting for himself or herself or as
9 an agent, alter ego, or representative of a principal and the
10 name and address of the principal; (iii) whether the petitioner
11 or applicant is a corporation, and if so, the correct names and
12 addresses of all officers and directors of the corporation and
13 of all stockholders or shareholders owning any interest in
14 excess of 20% of all of the outstanding stock or shares of the
15 corporation; (iv) whether the petitioner or applicant, or his
16 or her principal, is a business or entity doing business under
17 an assumed name, and if so, the name and residence of all
18 actual owners of the business or entity; (v) whether the
19 petitioner or applicant, or his or her principal, is a
20 partnership, joint venture, syndicate, or an unincorporated
21 voluntary association, and if so, the names and addresses of
22 all partners or members of the partnership, joint venture,
23 syndicate, or unincorporated voluntary association; and (vi) a
24 brief statement of the proposed special use.

25 In addition to any other notice required by this Section,
26 the board of appeals must give at least 15 days' notice before

1 the hearing to (i) any municipality whose boundaries are within
2 1-1/2 miles of any part of the property proposed as a special
3 use and (ii) the owner or owners of any land adjacent to or
4 immediately across any street, alley, or public right-of-way
5 from the property proposed as a special use.

6 The petitioner or applicant must pay the cost of the
7 publication of the notice required by this Section.

8 (c) A special use may be granted only upon evidence that
9 the special use meets the standards established for that
10 classification in the ordinance. The special use may be subject
11 to conditions reasonably necessary to meet those standards.

12 (d) The board of appeals shall report to the county board a
13 finding of fact and a recommendation as to whether the county
14 board should deny, grant, or grant subject to conditions the
15 special use. The county board may, by majority vote by
16 ~~ordinance~~ and without a further public hearing, deny, grant, or
17 grant subject to conditions the ~~adopt any~~ proposed special use
18 on receiving the report ~~or it may refer the proposal back to~~
19 ~~the board of appeals for further consideration.~~

20 (e) The county board may, by ordinance, delegate to the
21 board of appeals the authority to grant special uses subject to
22 the restrictions and requirements of this Section. The
23 ordinance may delegate the authority to grant all special uses
24 or to grant only certain classes of special uses while
25 reserving to the county board the authority to grant other
26 classes of special uses. If the county board enacts an

1 ordinance delegating its authority, the board of appeals must,
2 after conducting the required public hearing, issue a finding
3 of fact and final decision in writing on the proposed special
4 use.

5 (Source: P.A. 90-175, eff. 1-1-98; 91-334, eff. 7-29-99.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.