



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB1198

by Rep. Joe Sosnowski

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-12009.5

Amends the Counties Code. Provides that a special use may be passed at a county board meeting by a simple majority of the elected county board members, unless requirements for a written protest against the proposed special use are met. Further provides that in those cases, a vote of three-fourths of all the members of the county board is required. Sets forth requirements concerning the written protest. Effective immediately.

LRB098 04042 OMW 34062 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 A special use may be passed at a county board meeting by a
7 simple majority of the elected county board members, except
8 that in case of a written protest against any proposed special
9 use that is either: (A) signed by the owner or owners of at
10 least 20% of the land to be rezoned, or (B) signed by the owner
11 or owners of land immediately touching, or immediately across a
12 street, alley, or public right-of-way from at least 20% of the
13 perimeter of the land to be rezoned, or in cases where the land
14 affected lies within 1.5 miles of the limits of a zoned
15 municipality, by resolution of the corporate authorities of the
16 zoned municipality with limits nearest adjacent, filed with the
17 county clerk, such special use shall not be passed except by
18 the favorable vote of three-fourths of all the members of the
19 county board, but in counties in which the county board
20 consists of 3 members, only a two-thirds vote is required. In
21 such cases, a copy of the written protest shall be served by
22 the protestor or protestors on the applicant for the proposed
23 amendment and a copy on the applicant's attorney, if any, by
24 certified mail at the address of such applicant and attorney
25 shown in the application for the proposed amendment.

26 The petitioner or applicant must pay the cost of the

1 publication of the notice required by this Section.

2 (c) A special use may be granted only upon evidence that
3 the special use meets the standards established for that
4 classification in the ordinance. The special use may be subject
5 to conditions reasonably necessary to meet those standards.

6 (d) The board of appeals shall report to the county board a
7 finding of fact and a recommendation as to whether the county
8 board should deny, grant, or grant subject to conditions the
9 special use. The county board may, by ordinance and without a
10 further public hearing, adopt any proposed special use on
11 receiving the report or it may refer the proposal back to the
12 board of appeals for further consideration.

13 (e) Except in the case of a written protest, the ~~The~~ county
14 board may, by ordinance, delegate to the board of appeals the
15 authority to grant special uses subject to the restrictions and
16 requirements of this Section. The ordinance may delegate the
17 authority to grant all special uses or to grant only certain
18 classes of special uses while reserving to the county board the
19 authority to grant other classes of special uses. If the county
20 board enacts an ordinance delegating its authority, the board
21 of appeals must, after conducting the required public hearing,
22 issue a finding of fact and final decision in writing on the
23 proposed special use. In the case of a written protest, the
24 county board may not delegate authority to grant the special
25 use to the board of appeals.

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

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.