

1 AN ACT concerning counties.

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
5 Section 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
9 this Division, provide for the classification of special
10 uses. Those uses may include, but are not limited to, public
11 and quasi-public uses affecting the public interest; uses
12 that have a unique, special, or unusual impact upon the use
13 or enjoyment of neighboring property; and uses that affect
14 planned development. A use may be permitted in one or more
15 zoning districts and may be a special use in one or more
16 other zoning 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
24 the property is located, the notice must be published in a
25 newspaper of general circulation in the county. The notice
26 must also contain (i) the particular location of the property
27 for which the special use is requested by legal description
28 and by street address, or if there is no street address, by
29 locating the property with reference to any well-known
30 landmark, highway, road, thoroughfare, or intersection; (ii)
31 whether the petitioner or applicant is acting for himself or

1 herself or as an agent, alter ego, or representative of a
2 principal and the name and address of the principal; (iii)
3 whether the petitioner or applicant is a corporation, and if
4 so, the correct names and addresses of all officers and
5 directors of the corporation and of all stockholders or
6 shareholders owning any interest in excess of 20% of all of
7 the outstanding stock or shares of the corporation; (iv)
8 whether the petitioner or applicant, or his or her principal,
9 is a business or entity doing business under an assumed name,
10 and if so, the name and residence of all actual owners of the
11 business or entity; (v) whether the petitioner or applicant,
12 or his or her principal, is a partnership, joint venture,
13 syndicate, or an unincorporated voluntary association, and if
14 so, the names and addresses of all partners or members of the
15 partnership, joint venture, syndicate, or unincorporated
16 voluntary association; and (vi) a brief statement of the
17 proposed special use.

18 In addition to any other notice required by this Section,
19 the board of appeals must give at least 15 days' notice
20 before the hearing to (i) any municipality whose boundaries
21 are within 1-1/2 miles of any part of the property proposed
22 as a special use and (ii) the owner or owners of any land
23 adjacent to or immediately across any street, alley, or
24 public right-of-way from the property proposed as a special
25 use.

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

28 (c) A special use may be granted only upon evidence that
29 the special use meets the standards established for that
30 classification in the ordinance. The special use may be
31 subject to conditions reasonably necessary to meet those
32 standards.

33 (d) The board of appeals shall report to the county
34 board a finding of fact and a recommendation as to whether

1 the county board should deny, grant, or grant subject to
2 conditions the special use. The county board may, by
3 ordinance and without a further public hearing, adopt any
4 proposed special use on receiving the report or it may refer
5 the proposal back to the board of appeals for further
6 consideration.

7 (e) The county board may, by ordinance, delegate to the
8 board of appeals the authority to grant special uses subject
9 to the restrictions and requirements of this Section. The
10 ordinance may delegate the authority to grant all special
11 uses or to grant only certain classes of special uses while
12 reserving to the county board the authority to grant other
13 classes of special uses. If the county board enacts an
14 ordinance delegating its authority, the board of appeals
15 must, after conducting the required public hearing, issue a
16 finding of fact and final decision in writing on the proposed
17 special use.

18 (f) If a township located within a county with a
19 population of less than 800,000 or more than 3,000,000 has a
20 plan commission, and the plan commission objects to a special
21 use classification that affects unincorporated areas of the
22 township, the township board of trustees, within 15 days
23 after the public hearing before the board of appeals on the
24 special use classification, may submit its written objections
25 to the county board of the county where the unincorporated
26 areas of the township are located. If the written objection
27 is filed, the county board may not approve the special use
28 classification except by the favorable vote of 3/4 of all
29 members of the county board.

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

31 Section 99. Effective date. This Act takes effect upon
32 becoming law.