



Rep. Thomas M. Bennett

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10100HB1449ham002

LRB101 07859 AWJ 57157 a

1 AMENDMENT TO HOUSE BILL 1449

2 AMENDMENT NO. _____. Amend House Bill 1449 by replacing
3 everything after the enacting clause with the following:

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 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.

1 (b) A special use may be granted only after a public
2 hearing conducted by the board of appeals. There must be at
3 least 15 days' notice before the hearing. The notice must
4 include the time, place, and date of the hearing and must be
5 published in a newspaper published in the township or road
6 district where the property is located. If there is no
7 newspaper published in the township or road district where the
8 property is located, the notice must be published in a
9 newspaper of general circulation in the county. The notice must
10 also contain (i) the particular location of the property for
11 which the special use is requested by legal description and by
12 street address, or if there is no street address, by locating
13 the property with reference to any well-known landmark,
14 highway, road, thoroughfare, or intersection; (ii) whether the
15 petitioner or applicant is acting for himself or herself or as
16 an agent, alter ego, or representative of a principal and the
17 name and address of the principal; (iii) whether the petitioner
18 or applicant is a corporation, and if so, the correct names and
19 addresses of all officers and directors of the corporation and
20 of all stockholders or shareholders owning any interest in
21 excess of 20% of all of the outstanding stock or shares of the
22 corporation; (iv) whether the petitioner or applicant, or his
23 or her principal, is a business or entity doing business under
24 an assumed name, and if so, the name and residence of all
25 actual owners of the business or entity; (v) whether the
26 petitioner or applicant, or his or her principal, is a

1 partnership, joint venture, syndicate, or an unincorporated
2 voluntary association, and if so, the names and addresses of
3 all partners or members of the partnership, joint venture,
4 syndicate, or unincorporated voluntary association; and (vi) a
5 brief statement of the proposed special use.

6 In addition to any other notice required by this Section,
7 the board of appeals must give at least 15 days' notice before
8 the hearing to (i) any municipality whose boundaries are within
9 1-1/2 miles of any part of the property proposed as a special
10 use and (ii) the owner or owners of any land adjacent to or
11 immediately across any street, alley, or public right-of-way
12 from the property proposed as a special use.

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

15 (c) A special use may be granted only upon evidence that
16 the special use meets the standards established for that
17 classification in the ordinance. The special use may be subject
18 to conditions reasonably necessary to meet those standards.

19 (d) The board of appeals shall report to the county board a
20 finding of fact and a recommendation as to whether the county
21 board should deny, grant, or grant subject to conditions the
22 special use. The county board may, by ordinance and without a
23 further public hearing, adopt any proposed special use on
24 receiving the report or it may refer the proposal back to the
25 board of appeals for further consideration. The county board
26 may, by majority vote and without further public hearing, deny

1 a proposed special use by citing specific reasons from the
2 record established by the board of appeals; such denial cannot
3 be arbitrary.

4 If the county board cannot cite specific reasons from the
5 record established by the board of appeals to deny the proposed
6 special use, the county board may then approve the special use
7 by ordinance, refer the proposal back to the board of appeals
8 for further consideration, or hold a special public hearing
9 before the county board following notice requirements in
10 subsection (b) of this Section. After the special public
11 hearing, the county board may then approve the special use, by
12 ordinance, or deny the special use, by majority vote, citing
13 specific reasons for the denial from the record of the special
14 public hearing.

15 (e) The county board may, by ordinance, delegate to the
16 board of appeals the authority to grant special uses subject to
17 the restrictions and requirements of this Section. The
18 ordinance may delegate the authority to grant all special uses
19 or to grant only certain classes of special uses while
20 reserving to the county board the authority to grant other
21 classes of special uses. If the county board enacts an
22 ordinance delegating its authority, the board of appeals must,
23 after conducting the required public hearing, issue a finding
24 of fact and final decision in writing on the proposed special
25 use.

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.".