

1 AN ACT in relation to 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 special use must first be established  
15 as a may-be permitted use as of right before it may be  
16 established as in-one-or-more-zoning-districts-and-may-be a  
17 special use in one or more other zoning districts.

18 (b) A special use may be granted only after a public  
19 hearing conducted by the board of appeals. There must be at  
20 least 15 days' notice before the hearing. The notice must  
21 include the time, place, and date of the hearing and must be  
22 published in a newspaper published in the township or road  
23 district where the property is located. If there is no  
24 newspaper published in the township or road district where  
25 the property is located, the notice must be published in a  
26 newspaper of general circulation in the county. The notice  
27 must also contain (i) the particular location of the property  
28 for which the special use is requested by legal description  
29 and by street address, or if there is no street address, by  
30 locating the property with reference to any well-known  
31 landmark, highway, road, thoroughfare, or intersection; (ii)

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

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

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

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

34 (d) The board of appeals shall report to the county

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

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

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

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law.