

ORDINANCE NO. 5018 - 2023

VILLAGE OF HOFFMAN ESTATES

AN ORDINANCE CREATING SECTION 9-1-18A AND AMENDING SECTIONS 9-1-18-I, 9-7-6-C, 9-8-2-C, 9-8-4-C, 9-8-5-C, AND 9-9-1-C OF THE MUNICIPAL CODE OF THE VILLAGE OF HOFFMAN ESTATES (TEMPORARY PLANNED DEVELOPMENT PROCESS AND SPECIAL USE STANDARDS)

WHEREAS, the Planning and Zoning Commission of the Village of Hoffman Estates, at a public hearing duly called and held according to law on March 15, 2023, considered a request to add Section 9-1-18A and amend Sections 9-1-18-I, 9-7-6-C, 9-8-2-C-1, 9-8-4-C-1, 9-8-5-C-1, and 9-9-1-C-2 of the Hoffman Estates Municipal Code to create a temporary Planned Development approval process as a Special Use and amend the standards of approval for all Special Uses within the Village.

WHEREAS, the Planning and Zoning Commission made certain Findings of Fact attached hereto and made a part hereof as Exhibit "A" and recommended approval of the text amendments to the Board of Trustees; and

WHEREAS, the Corporate Authorities have received and considered said recommendation of said Planning and Zoning Commission and find that the standards of Section 9-1-17 of the Zoning Code of the Hoffman Estates Municipal Code have been met.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Hoffman Estates, Cook County, Illinois, as follows:

Section 1: That Section 9-1-18A, Planned Developments, of Chapter 9, ZONING CODE, of the Hoffman Estates Municipal Code be and is hereby added to read as follows:

Sec. 9-1-18A. – Planned Developments.

- A. *Authority.* The Village Board may, in accordance with the procedures and standards set out in this section, and by ordinance duly adopted, grant special use authorizing the development of Planned Developments, but only in the districts where such developments are listed as an authorized special use.
- B. *Time for Applications:* It is the intent of the Village Board that the provisions within this section are to be valid for no more than 12 months from the date of adoption, or the enactment of a permanent Planned Development process. No application made pursuant to this section may be made later than 12 months from the date of adoption of this section unless this section has been extended by the Village Board. Upon adoption of a permanent Planned Development process, all applications must be made pursuant to that process and no applications may be made pursuant to this Section. Applications received prior to the expiration of this Section must be complete and include all of the requirements of subsections H and I below in order to be reviewed pursuant to the requirements of this limited-time process. Any incomplete applications received prior to the expiration of this Section shall proceed according to the permanent process.
- C. *Applications pending at the expiration of the temporary process.* Any complete application submitted prior to the expiration of this Section must complete all requirements necessary for submission to the Village Board for approval or denial no later than nine months after the date the application was submitted. Failure to complete the review process in this time period shall result in the application being reviewed pursuant to the requirements of the permanent process. Any change in ownership after the submission of an application shall result in the application being reviewed pursuant to the permanent process. Nothing in this Section shall prevent an applicant from electing to have an application that was reviewed prior to the expiration of this Section reviewed pursuant to the permanent process.

D. *Purpose.* Planned Developments are included in this section as a distinct category of special use. As such, they are authorized for the same general purposes as all other special uses. The Planned Development is intended to allow the flexible application of substantive requirements of Chapters 9 and 10 of the Municipal Code for developments that meet certain criteria as outlined in this section. This special regulatory approach is included in this Chapter in recognition of the fact that traditional regulations, which may be useful in protecting the character of substantially developed and stable areas, may impose inappropriate regulations and rigidities upon the development or redevelopment of parcels or areas that lend themselves to an individual, planned approach. Through the flexibility of the Planned Development process, the village seeks to achieve the following specific objectives:

1. Creation of a more desirable environment than would be possible through strict application of other Village land use regulations.
2. Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities.
3. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation, and geologic features, and the prevention of soil erosion.
4. Combination and coordination of architectural styles, building forms, and building relationships.
5. Provision for the preservation and beneficial use of open space.
6. Encouragement of land uses that promote the public health, safety, and general welfare.
7. Support the economic development goals of the Village, as conveyed through the Village's Comprehensive Plan, or other relevant adopted sub area or strategic plans.

E. *Authorized Districts.* A special use for a Planned Development will only be allowed in the following zoning districts:

1. B-2 Community Business District
2. B-3 Business District
3. B-4 Business District
4. O-5 Office District
5. M-1 Manufacturing District

F. *Authorized Uses.*

1. *Primary Uses*
 - a. Dwelling-Multiple.
2. *Accessory uses* including, but not limited to, the following:
 - a. Club houses, pools, patios, decks, gazebos, parks, sports courts, and other structures designed to provide support amenities for the multi-family use.
 - b. Home occupations.
 - c. Those uses listed as permitted uses within the B-1 Neighborhood Business District.

G. *Parties Entitled to Seek Planned Development Approval.* An application for a special use for a Planned Development may be filed by the owner of, or any person having a contractual interest in, the subject property.

H. *General Requirements for Planned Development.* The following are required for all Planned Developments:

1. *Unified Ownership Required.* A Planned Development shall be under single ownership or unified control to ensure that the entire property will be developed, constructed, and maintained as a unified whole. No

conveyance of any portion of the property within the Planned Development shall occur without approval of a minor amendment to the special use for a Planned Development as outlined in Section 9-1-18A-K-3.

2. *Minimum Area.* The minimum area for a proposed Planned Development is two-acres; provided, however, that the applicant shall have the burden of establishing that the property is of sufficient size and shape for the proposed Planned Development and to be planned and developed as a unified whole capable of meeting the objectives for which Planned Developments may be established pursuant to this section.
 3. *Covenants and Restrictions Required.* In the event of multiple parcels not under single ownership, unified control will be required in the form of covenants, deed restrictions, easements, and similar restrictions to be recorded in connection with the Planned Development to provide for maintenance of common areas, shared access, parking and other site operational requirements as applicable.
 4. *Public Open Space and Contributions.* Donations shall be provided in accordance with Section 10-9-1.
- I. *Procedure for Approval of Planned Development.* The procedure to be followed in considering applications for a special use for a Planned Development shall be as follows:
 1. *Special Use.* Applications for Planned Developments shall follow the process outlined in Section 9-1-18 to obtain a special use. No special use for a Planned Development shall be granted unless the standards found in Section 9-1-18-I are met. In conjunction with this application, all documents as outlined in Section 9-1-18A-J-2 shall be submitted as part of the application submittal.
 2. *Plat of Subdivision and/or Easement.* For all Planned Developments involving the subdivision of land or granting of easements, a plat of subdivision and/or easement shall be required in accordance with Section 10-6-3 of the Subdivision Code.
 3. *Building Permit.* Following approval of an ordinance granting a special use for a Planned Development, a building permit shall be required. Building permit applications shall be made in accordance with requirements of Chapter 11 of the Municipal Code and the requirements of Section 9-1-18A-J.

J. *Submission for Planned Development.*

1. *Staff Pre-Application Meeting.* A formal meeting to review the proposed Planned Development shall be held with Village staff for discussion of the proposed development relative to the requirements of this Chapter 9 and other sections of the Municipal Code. The petitioner, along with all consultants responsible for preparing plans, studies and documents for the Planned Development plan, shall be present at the pre-application meeting. Prior to this meeting, the applicant shall submit the following materials and any other items that may be required by Village staff to provide useful background for the review team:
 - a. A scaled drawing in sketch form showing the proposed location and extent of the land uses, major streets, lots, environmental areas, stormwater management facilities, and other features as needed to convey the proposed form of development.

- b. A general description of the proposed Planned Development, the planning objectives to be achieved by it, including the rationales and assumptions of the applicant supporting the proposed Planned Development, and the market it is intended to serve.

2. *Development Documents for Planned Development.* The following items are required for submission for approval of a Planned Development:

- a. Completion of an application in a form as determined by the Development Services Department.
- b. Legal description.
- c. Plat of Survey.
- d. Proof of ownership or interest in property, including current Title Report.
- e. A written statement addressing the following matters:
 - (1) A general description of the proposed Planned Development, the planning objectives to be achieved by it, including the rationales and assumptions of the applicant supporting the proposed Planned Development, and the market it is intended to serve.
 - (2) How the proposed Planned Development is to be designed, arranged, and operated so as not to adversely affect the development and use of neighboring property in accordance with applicable regulations of this title.
 - (3) A summary of existing natural and environmental resources and features on the subject property, including its topography, vegetation, soils, geology, and scenic view, and the impact of the proposed Planned Development on such resources and features, including proposals to preserve or protect such resources and features.
 - (4) Applicant's intent with respect to the ownership, sale and leasing of the various completed units, structures, spaces and areas within the proposed Planned Development.
 - (5) A development schedule for each and every stage of construction stating the approximate beginning and completion date, proportion of total public or common open space to be provided for each use and with each development stage.
 - (6) A summary of density of residential uses, including the number of dwelling units by type, the number of buildings by type and the number of bedrooms in each building and dwelling unit type.
 - (7) Information on the type and amount of primary and accessory uses, including the amount of open space.
 - (8) A detailed summary of existing bicycle, pedestrian, and transit improvements serving the site and what improvements will be made to enhance or maintain connectivity within the Planned Development and surrounding network.
 - (9) Economic impact summary addressing the economic impacts of the Planned Development on the community including sales tax, equalized assessed property values, transit ridership, employer housing and workforce, etc.
 - (10) A summary of areas proposed to be conveyed, dedicated or reserved for public uses including parks, playgrounds and open spaces.
- f. Site plan indicating:
 - (1) Property lines, lot dimensions, and total gross acreage.
 - (2) Public rights-of-way and easements, including street pavement widths.

- (3) Buildings, structures, and other constructed features (such as fences), with entry and exit points. Building areas, construction types, and heights shall be included.
 - (4) All paved surfaces (hardscape), including but not limited to pedestrian and vehicular travel areas.
 - (5) Parking areas, including delineated spaces, handicapped spaces, curbs, and planted islands.
 - (6) Landscaped areas.
 - (7) Natural site features such as water bodies, wetlands, streams, rock outcroppings, etc.
 - (8) Transformers and HVAC equipment.
 - (9) Conditions on adjacent properties such as buildings, streets, driveways, parking lots, fences and related improvements.
 - (10) Fire hydrants.
 - (11) Fire Department Connection (FDC).
 - (12) Fire lanes.
 - (13) Freestanding signs.
 - (14) Site lighting.
 - (15) Trash storage area and loading areas.
 - (16) Chart with all relevant zoning data such as FAR, building height, lot coverage, density, setbacks, parking ratios (by bedroom and unit), etc.
- g. Architectural floor plans.
- h. Building elevations.
- i. Colored renderings.
- j. Site lighting including locations, heights, types and specifications of all exterior fixtures, including, but not limited to, freestanding, wall mounted, ground mounted, security lighting fixtures, and decorative or accent lighting.
- k. Fire apparatus auto-turn exhibits, and location of Fire Department Connection (FDC).
- l. Preliminary landscape plan including, but not be limited to, the following information:
- (1) North arrow, scale, developer/owner name and address, name and address of landscape architect, and date of preparation.
 - (2) Locations of existing features and proposed improvements.
 - (3) A tree survey and preservation plan.
 - (4) Property lines.
 - (5) All buildings and other structures, paved areas, planted areas, utility poles, fire hydrants, sign locations, fences, underground and overhead utility lines, and any other existing or proposed permanent features.
 - (6) All streets, sidewalks, curbs and gutters, drainage ditches, and other improvements within and adjacent to the site.
 - (7) Locations, sizes, quantity and types (groundcover, shrubs, and ornamental, shade and evergreen trees) of all proposed plantings. Plant sizes shall be scaled to reflect sizes five years after planting.
 - (8) Location of existing natural site features (including, but not limited to, wetland areas, water bodies, streams, rock outcroppings). Locations of existing and proposed berms shall also be shown.
 - (9) Site drainage information, including existing and proposed contours (to verify that the proposed landscaping is compatible with site drainage patterns).
 - (10) Calculations of landscape area.
- m. Signage plan detailing a narrative and graphic explanation of the following:

- (1) Number, location, type and placement of signs on the subject property;
 - (2) Sign materials and methods of illumination;
 - (3) Height and size of signs and sign band areas.
- n. Preliminary engineering plan indicating storm sewer lines, sanitary sewer lines, water mains and storm water detention or retention facilities and proposed grading plans.
 - o. Preliminary stormwater report to meet the requirements of the Metropolitan Water Reclamation District (MWRD) Watershed Management Ordinance (WMO) and applicable portions of Municipal Code. The stormwater management design shall be incorporated into the preliminary plans and required calculations/reports shall be prepared and submitted concurrently with the preliminary engineering.
 - p. Draft of all proposed bylaws, covenants, easements, maintenance and other agreements, wherever applicable.
 - q. Traffic Impact Study and Parking Study.
 - r. Preliminary and Final Plat of Subdivision (if required) in accordance with the requirements of Section 10-6-3.
 - s. Ultimate population table per Section 10-9-1.
 - t. Fiscal Impact Analysis indicating the possible tax consequences the proposed Planned Development will have upon the Village and other affected taxing bodies.
 - u. Market Study.
 - v. Other information, documents or plans as may be determined necessary by the Department of Development Services to complete the evaluation of the request.
- K. *Building Permit for Planned Development.* No building permit shall be issued without prior Village Board approval of an ordinance for a special use for a Planned Development. The following items shall be required as part of a submittal for a building permit, in addition to all other permit requirements of Chapter 11 of the Municipal Code:
1. Final engineering plans and details for all utilities, stormwater retention and drainage, and grading.
 2. Final stormwater management report to meet the requirements of the Metropolitan Water Reclamation District (MWRD) Watershed Management Ordinance (WMO). The stormwater management design shall be incorporated into the final engineering plans and required calculations/reports shall be prepared and submitted concurrently with the final engineering.
 3. Professional engineer's estimate of probable cost for all public and project improvements. A line item cost estimate for all site improvements is required, including the following work categories, at a minimum:
 - a. Site Grading
 - b. Erosion Control
 - c. Sanitary Sewer
 - d. Storm Sewer (including stormwater detention, volume control)
 - e. Water Main
 - f. Pavement (roadway, parking lot, sidewalk, curb & gutter)
 - g. Site Restoration
 - h. Landscaping
 - i. Lighting
 4. Final construction staging plan, including a construction schedule.

5. Final, recorded copy of all bylaws covenants, easements, and maintenance agreements as requested by the Village.
6. Final lighting plan and specifications including the following:
 - a. A photometric plot, measured in footcandles. The plot shall include all existing and proposed fixtures on and adjacent to the subject site that affect the site.
 - b. Minimum illumination levels and uniformity ratios.
7. Final landscape plan in substantial conformance with the approved preliminary landscape plan. In addition to those items provided on the preliminary plan, the final landscape plan shall include the following information:
 - a. Species of all proposed plantings and a proposed material schedule (in tabular form), listing: botanical name; common name; size; and quantity. Shade, evergreen, and ornamental tree dimensions shall be scaled to reflect sizes five years after planting in lieu of size at full maturity.
 - b. A cost estimate for landscape materials under separate cover or on the landscape plan.
 - c. Proposed treatment of all ground surfaces; i.e., stone materials, bark, sod, seed and/or other.
 - d. Irrigation plan, including the location and type of system to be provided.
 - e. Building elevations, cross sections, renderings and/or photographs to show relationship of proposed plantings to buildings.
8. Other information, documents or plans as may be determined necessary by the Department of Development Services to complete building permit review.

L. *Amendments to Approved Planned Developments.* Amendments to approved Planned Developments shall be reviewed by the Director of Development Services, who shall determine whether the changes are "staff level", "administrative", "minor" or "major" and outlined below:

1. Staff level changes shall be reviewed by Department of Development Services staff for compliance with all code requirements and shall be limited to non-significant impact alterations to an approved Planned Development, such as a change in species of plant material, minor adjustment in building materials, the addition of outdoor seating at a restaurant where there is no negative impact on parking or pedestrian access, addition of a dumpster or utility screen, or other minimal changes that do not materially affect the operational impacts or aesthetics of an approved Planned Development. Such changes may be approved through the issuance of a building permit, where necessary.
2. Administrative amendments shall be limited to the addition of landscaping and other changes to the project that meet or exceed current code requirements where feasible in consideration of the existing improvements present on the site, and where a maximum increase to the gross building floor area would be not more than 20 percent of the existing gross floor area. An administrative Planned Development amendment may be granted if the above changes, on a long-term basis, will not substantially increase traffic to the location, the amount of noise, artificial light or other impacts. Such administrative Planned Development amendments may be approved by the Village Manager, following review procedures established by the Village.
3. Minor amendments to previously approved applications shall be acted upon by the Village Board, after review and recommendation by the Planning, Building and Zoning Committee, who shall receive a

recommendation from the Department of Development Services for consideration and final action on such amendments.

4. Major amendments to previously approved applications shall be conducted in accordance with the procedures and requirements for Planned Developments review (including public hearing before the Planning and Zoning Commission and final consideration by the Village Board) as specified in this Chapter. Major amendments shall also require an amendment to the special use for a Planned Development and shall be approved by Ordinance.

M. *Waiver of Submittal Documents.* The Director of Development Services may upon written request by the applicant, and in the discretion of the Director of Development Services, waive one or more of the required applications submittals set forth in Section 9-1-18A-J. Any request by an applicant for such a waiver must be submitted at the time of application and must include specific reasons why such a waiver is being sought.

N. *Site Design and Bulk Requirements.*

1. *Bulk Regulations.* To promote flexibility in design while meeting the purpose of this section, Planned Developments are not subject to the bulk regulations of the underlying zoning district. Instead, the following regulations shall apply:

Maximum Building Height – Residential Uses	125'
Maximum Building Height – All Other Uses	45ft
Maximum FAR	2.0

2. *Site Design Regulations.* Planned Developments shall comply with the all site design regulations of Chapter 10 of the Municipal Code (the Subdivision Code), with the exception of Article 1, Article 2 and Article 6 of Chapter 10. If there is a conflict between this section and the requirements of Chapter 10, the regulations within this section shall govern. Approval of a building permit for an approved Planned Development shall be considered equivalent to site plan approval as outlined in Section 10-1-2-A and 10-2-1-B. Under no circumstance will a development be required to receive both Planned Development and site plan approval.
3. *Off Street Parking Regulations.* The provisions of Section 9-3-2 and Section 10-5-2 shall apply. Proposed parking counts must be supported by evidence including but not limited to the most recent edition of the *ITE Parking Generation Manual* and actual demand data from existing developments similar in nature to that being proposed.
4. *Signage.* Signage shall be considered as part of the overall Planned Development, based upon plans submitted. Plans shall include detailed information about all proposed freestanding and wall signs, including the materials, exact dimensions, and proposed lighting. Signage requirements found within Section 9-3-8 shall not otherwise apply, with the exception of Section 9-3-8-A through Section 9-3-8-L.
5. *Exceptions from Regulations:* The Village Board may, at their sole discretion, approve exceptions from the bulk regulations for Planned Developments, or from any other pertinent requirements as found in Chapter 10, provided the applicant specifically identifies each such exception and demonstrates how each such exception would be

compatible with surrounding development; is in furtherance of the stated objectives of this section; and is necessary for proper development of the site.

- O. *Conditions on Planned Development Approvals.* The approval of Planned Development may be conditioned on such matters as the Village Board may find necessary to prevent or minimize any possible adverse effects of the proposed Planned Development; or to ensure its compatibility with surrounding uses and properties and its consistency with the general purposes, goals, and objectives of this Chapter, Chapter 10 of the Municipal Code, and the Comprehensive Plan, or other relevant sub area and strategic plans. Such conditions shall be expressly set forth in the ordinance granting the approval in question. Violation of any such condition or limitation shall be a violation of this Chapter, and shall constitute grounds for revocation of all approvals granted for the Planned Development as well as, as applicable, penalties as found in Section 9-1-20.
- P. *Fees.* All applications for Planned Development and amendments thereto shall pay fees equal to an equivalent site plan approval in addition to the required special use approval.
- Q. Any amendments made to any Planned Development approved pursuant to this time-limited process after the expiration of this process and enactment of a permanent Planned Development process shall be reviewed and subject to the requirements of the process in effect at the time of the requested amendment.

Section 2: That Section 9-1-18-I, Special Use Standards, of Chapter 9, ZONING CODE, of the Hoffman Estates Municipal Code be and is hereby amended to read as follows:

Sec. 9-1-18. Special uses.

- 1. *Standards.* No special use shall be recommended by the Planning and Zoning Commission unless said Planning and Zoning Commission shall find:
 - 1. That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
 - 2. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
 - 3. That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
 - 4. That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided;
 - 5. That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in public streets;
 - 6. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except in each instance as such regulations may be modified by the Village Board pursuant to the recommendation of the Planning and Zoning Commission; and
 - 7. That the special use shall support the economic development goals of the Village as conveyed through the Village's Comprehensive Plan, or other relevant adopted sub-area or strategic plans.

Section 3: That Section 9-7-6-C-1, O-5 Office District Special Uses, of Chapter 9, ZONING CODE, of the Hoffman Estates Municipal Code be and is hereby amended to read as follows:

Sec. 9-7-6. O-5 Office District

C. Special uses, as hereinafter enumerated, may be allowed in the O-5 Office District, subject to the issuance of special use permits in accordance with the provisions of Section 9-1-18.

1. The following special uses may be allowed in the O-5 Office District:
 - a. Drive-in and drive-through restaurants.
 - b. Financial institutions, where the use occupies a freestanding building or more than 50 percent of the floor area of a multi-tenant building. In addition to the special use standards in Section 9-1-18-I, it shall be demonstrated that the use will not have a detrimental effect on the mix of retail and non-retail uses in the immediate area, and that the building can be adapted for a different use in the future.
 - c. A helistop or helipad, but not a heliport.
 - d. Laboratories, offices and other facilities for research and development (including animal research), for full investigation of the merits of a product, including commercial viability. No product shall be produced on the premises primarily for sale either directly or indirectly, except such products which, by their character, require production within a research and development environment.
 - e. Light manufacturing, production, processing, assembly, fabricating, cleaning, servicing and repairing of materials, goods or products, except where adjoining or in any part abutting an existing residential development of one or more dwellings except when separated by a dedicated public right-of-way of 80 feet or greater.
 - f. Light wholesale and distribution facilities.
 - g. Nursery schools and day care centers.
 - h. Pilot plants in which processes planned for use in production elsewhere can be tested to the extent reasonably necessary for full investigation of the merits of a product or process including commercial viability and including the production of prototype products when limited to the scale reasonably necessary, based on standards of trade associated with the particular type of development. No product shall be produced on the premises in a pilot plant that is primarily for sale either directly or indirectly except with respect to such products which, by their character, require production within a research and development environment.
 - i. Planned Development in accordance with Section 9-1-18A.
 - j. Public utility and public service uses.
 - k. Personnel training centers, including those which have dormitory facilities that provide temporary residency for trainees.
 - l. All uses in Sections 9-8-4-B-2 and 9-8-4-C-1 and not heretofore cited in Section 9-7-6.

Section 4: That Section 9-8-2-C, B-2 Community Business District Special Uses, of Chapter 9, ZONING CODE, of the Hoffman Estates Municipal Code be and is hereby amended to read as follows:

Sec. 9-8-2. B-2 Community Business District.

C. *Special Uses.* Special uses, as hereinafter enumerated, may be allowed in the B-2 Community Business District subject to the issuance of special use permits in accordance with the provisions of Section 9-1-18. The following special uses may be allowed in the B-2 (Community Business) District:

1. Automobile service stations.
2. Game rooms, restaurant.
3. Game rooms, dart playing facility.
4. Motels and hotels.
5. Nursery schools or day care centers.

6. Public utility or public service uses.
7. Gun shops and the sale of guns in a permitted retail establishment.
8. Resale stores, or permitted retail establishments in which resale of goods accounts for more than ten percent of the floor space.
9. All other uses not heretofore cited in Sections 9-8-1-B (Permitted Uses in B-1); 9-8-1-C (Special Uses in B-1); 9-8-2-B (Permitted Uses in B-2); and 9-8-2-C.
10. Financial institutions, where the use occupies a freestanding building or more than 50 percent of the floor area of a multi-tenant building. In addition to the special use standards in Section 9-1-18-I, it shall be demonstrated that the use will not have a detrimental effect on the mix of retail and non-retail uses in the immediate area, and that the building can be adapted for a different use in the future.
11. Planned Development in accordance with Section 9-1-18A.

Section 5: That Section 9-8-4-C-1, B-3 Business District Special Uses, of Chapter 9, ZONING CODE, of the Hoffman Estates Municipal Code be and is hereby amended to read as follows:

Sec. 9-8-4. B-3 Business District.

C. *Special Uses.* Special Uses as hereinafter enumerated may be allowed in the B-3 Business District, subject to the issuance of a special use permit in accordance with the provisions of Section 9-1-18:

1. The following special uses may be allowed in the B-3 Business District:
 - a. Amphitheater, outdoor.
 - b. Motion picture theatre, outdoor.
 - c. Outdoor entertainment center, including miniature golf, paint ball, go carts, and other similar uses.
 - d. Outdoor sports venue.
 - e. Water Park, outdoor.
 - f. Any use listed in Section 9-7-6-B or 9-7-6-C, but not listed in Section 9-8-4-B.
 - g. All other similar uses not heretofore cited in Section 9-8-4-B and Section 9-8-4-C.
 - h. Planned Development in accordance with Section 9-1-18A.

Section 6: That Section 9-8-5-C-1, B-4 Business District Special Uses, of Chapter 9, ZONING CODE, of the Hoffman Estates Municipal Code be and is hereby amended to read as follows:

Sec. 9-8-5. B-4 Business District

C. *Special Uses.* Special uses, as hereinafter enumerated, may be allowed in the B-4 Business District, subject to the issuance of special use permits in accordance with the provisions of Section 9-1-18.

1. The following special uses may be allowed in the B-4 Business District:
 - a. Amphitheater, outdoor.
 - b. Motion picture theatre, outdoor.
 - c. Outdoor entertainment center, including miniature golf, paint ball, go carts, and other similar uses.
 - d. Outdoor sports venue.
 - e. Water Park, outdoor.
 - f. All other similar uses not heretofore cited in Section 9-8-5-B.
 - g. Planned Development in accordance with Section 9-1-18A.

Section 7: That Section 9-9-1-C-2, M-1 Manufacturing District Special Uses, of Chapter 9, ZONING CODE, of the Hoffman Estates Municipal Code be and is hereby amended to read as follows:

Sec. 9-9-1. M-1 Manufacturing District.

C. Special Uses.

1. Special uses as hereinafter enumerated, may be allowed in the M-1 Manufacturing District, subject to the issuance of special use permits in accordance with the provisions of Section 9-1-18.
2. The following special uses may be allowed in the M-1 Manufacturing District:
 - a. Building material sales and storage.
 - b. Light self-storage facilities with proprietary residential facility.
 - c. Rentals, truck and trailer, when operated in conjunction with a light self-storage facility.
 - d. Radio and television facilities.
 - e. Retail sales accessory to the permitted principal use limited to 15 percent or less of the total square footage.
 - f. Motels and hotels on sites of not less than three acres including subordinate auxiliary uses within or attached to the principal structures.
 - g. Public utility and public service uses, including municipal.
 - h. The following uses may be allowed as a special use where adjoining or in any part abutting an existing residential development of one or more dwellings:
 - (1) Printing and publishing facilities.
 - (2) Light manufacturing, production, processing, assembly, fabricating, cleaning, servicing and repairing of materials, goods and products.
 - (3) Light wholesale and distribution facilities.
 - (4) Wholesale florist or greenhouses.
 - i. Outdoor storage or operations, when accessory to a permitted or allowed special use.
 - j. Massage establishment.
 - k. Nonprofit food pantries that may include related outreach activities such as accessory training and educational resources. Food pantries shall not include on-site food service or preparation, thrift/resale shops, clothing, furniture or similar merchandise, exterior donation boxes, employment placement offices, or similar uses.
 - l. All other uses not heretofore cited.
 - m. Planned Development in accordance with Section 9-1-18A.

Section 8: The Village Clerk is hereby authorized to publish this Ordinance in pamphlet form.

Section 9: This Ordinance shall be in full force and effect immediately from and after its passage and approval.

PASSED THIS 17th day of April, 2023

VOTE	AYE	NAY	ABSENT	ABSTAIN
Trustee Karen V. Mills	<u>X</u>	_____	_____	_____
Trustee Anna Newell	<u>X</u>	_____	_____	_____
Trustee Gary J. Pilafas	<u>X</u>	_____	_____	_____
Trustee Gary G. Stanton	<u>X</u>	_____	_____	_____
Trustee Michael Gaeta	<u>X</u>	_____	_____	_____
Trustee Karen Arnet	<u>X</u>	_____	_____	_____
Mayor William D. McLeod	<u>X</u>	_____	_____	_____

APPROVED THIS 17th DAY OF April, 2023

William D. McLeod
 Village President

ATTEST:

Deborah Roman
 Village Clerk

Published in pamphlet form this 20th day of April, 2023.

EXHIBIT A



VILLAGE OF HOFFMAN ESTATES PLANNING AND ZONING COMMISSION FINDING OF FACT

PROJECT NUMBER: PLN23-0016
PROJECT NAME: TEMPORARY PLANNED DEVELOPMENT PROCESS & SPECIAL USE STANDARDS
ADDRESS/LOCATION: N/A
OWNER / PETITIONER: VILLAGE OF HOFFMAN ESTATES
REQUEST: TEXT AMENDMENTS (TEMPORARY PLANNED DEVELOPMENT PROCESS & SPECIAL USE STANDARDS)
ZONING / LAND USE: N/A
PZC MEETING DATE: MARCH 15, 2023
PZC RECOMMENDATION: APPROVAL (10 AYES, 0 NAY, 1 ABSENT)
VILLAGE BOARD MEETING DATE: APRIL 17, 2023
STAFF ASSIGNED: PHIL GREEN, AICP, TRANSPORTATION & LONG-RANGE PLANNER

MOTION

Request for Text Amendments adding Section 9-1-18A and amending Sections 9-1-18, 9-7-6, 9-8-2, 9-8-4, 9-8-5, and 9-9-1 of the Hoffman Estates Municipal Code (Temporary Planned Development Process and Special Use Standards).

FINDING

The Planning & Zoning Commission heard the request from Transportation & Long-Range Planner, Phil Green. He provided an overview of the Staff Report and the requested text amendments to the various sections of Village Code, as well as an explanation of Planned Developments and Special Uses.

Commissioner's questions included:

- Will the Commission review the Village's Comprehensive Plan?
 - Staff responded that the Village's Comprehensive Plan was approved in 2007 and is available on the Village's website.
- Commissioners asked when the Zoning Code Update website would next be updated.
 - Staff responded that it would likely be when the existing conditions memorandum is available for the public.
- Commissioners asked about specific sites being considered for multifamily development.
 - Staff provided a brief overview of proposals recently given courtesy reviews by the Planning, Building and Zoning Committee.
- What is the difference between primary uses and accessory uses?
 - The definition depends on the intensity and impact of the proposed use.

- How are amendments decided?
 - The Director of Development Services designates the level of amendment required based on plans submitted by applicants. The triggers are identical to those outlined in the current site plan approval process.
- A question was asked about the numbering of the proposed new subsection.
 - The numbering was proposed by the Village's consultant to show that Planned Developments are separate from, yet still a type of, special use.
- How can sustainability issues be addressed by the code?
 - Most sustainability issues would be tackled through the building code, but anything that can be addressed through zoning would be handled during the overall zoning code update rather than a temporary process such as this.
- Questions were asked regarding school and park donations.
 - Staff gave an overview of the current process followed by proposals seeking site plan approval. These requirements also apply to proposals seeking Planned Development approval. While the Village oversees this, the negotiations are between a developer and the respective district.
- Can the Village deny a special use ownership transfer?
 - Staff highlighted the need to make standards based decisions to provide clarity in the process.
- Questions were asked about what types of rent control the Village can enforce.
 - Rent control is outside of zoning requirements, and could be a Fair Housing Act violation.

STANDARDS

The Planning & Zoning Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the petitioner.

AUDIENCE COMMENTS

None

PLANNING AND ZONING COMMISSION VOTE

<u>Commissioner</u>	<u>Roll Call Vote</u>
Chairperson Eva Combs	Aye
Vice-Chairman Adam Bauske	Aye
Tom Burnitz	Aye
Lon Harner	Aye
Lenard Henderson	Aye
Patrick Kinnane	Aye
Daniel Lee	Aye
Minerva Milford	Aye
Nancy Trieb	Aye
Denise Wilson	Absent
John Wise	Aye
10 Ayes, 0 Nays, 1 Absent	MOTION APPROVED

ATTACHMENTS

The Planning and Zoning Commission Staff Report dated March 15, 2023 and all associated attachments are hereby made a part of this Finding.