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Amendment Report to the Board of Trustees

Project: 11/7/23 and 11/21/2023 Land Development Code Amendments**Prepared By:** Development Services Department

SUBSTANTIVE AMENDMENT: CHANGE PUBLIC HEARING NOTICE MAILING REQUIREMENTS

AMENDMENT SUMMARY

SECTION 5-101.G.2.b

Amend the language to eliminate the certified mail mandate for public hearing notifications and replace it with the use of first-class mail.

AMENDMENT EXPLANATION

The goal of this amendment is to change the notification requirements for public hearings to better inform property owners within 300' of a development change. The objective of changing this requirement is to reduce the time and cost burden on applicants who are sending out public hearing notices. Our current process is to have applicants send out certified mail to all property owners within 300' of a proposed development change and sign an affidavit prior to the public hearing for the case.

Due to the rising costs associated with certified mail, priced at \$8.10 per envelope, and that certified mail cards often go unsigned at the post office, we are proposing to change the process to require first class mail to be sent in place of certified mail. First class mail costs \$0.66 per envelope and does not require a signature from each property owner, meaning that less mail will end up unsigned at the post office and more neighbors will be notified of the proposed request.

In addition to sending out first class mail, the applicant will be required to obtain a certificate of mailing receipt from the post office. The certificate of mailing receipt proves that the notification letters were sent out in a timely manner in accordance with the Illinois State Statute for public hearing notices. The affidavit for the public hearing notice must still be signed and notarized prior to the Plan Commission meeting.

Finally, the applicant must provide a list of addresses located within the 300' notification radius. This step identifies the property owners obligated to receive a notification letter.

This amendment seeks to change public hearing notifications for property owners within a 300' radius of the proposed requests by transitioning from certified mail to first class mail with additional documentation. This change not only reduces financial and logistical burdens on applicants but also mitigates the risk of mail going unsigned at the post office. The additional requirement of a certificate of mailing receipt and an address list within the notification buffer further ensures a timely and effective notification process. The proposed amendment complies with the Illinois Statute for public hearing notifications.

PLAN COMMISSION RECOMMENDATION As presented.

PROPOSED AMENDMENT TEXT

SECTION 5-101.G.2.b Notification Requirements.

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2. It is the petitioner's/applicant's responsibility to send a copy of the notice by ~~certified~~ **first-class** mail ~~with return receipt requested~~ to each of the owners of record of adjacent properties and within 300 feet of any property upon which development is proposed. ~~The petitioner/ applicant must also retain the certified mail receipts for a period of no less than seven (7) years from the final Village Board action on the proposal.~~

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5. It is the petitioner's/applicant's responsibility to submit a notarized affidavit, **list of addressed to be notified, and a certificate of mailing from the United States Post Office** to staff prior to or at the Plan Commission meeting confirming that all requirements listed above have been met.

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SUBSTANTIVE AMENDMENT: REMOVE NET BUILDABLE ACRES FROM DENSITY CALCULATION

AMENDMENT SUMMARY

SECTION 2-102

Amend regulations to remove net buildable acres from the Land Development Code (LDC).

AMENDMENT EXPLANATION

The goal of this amendment is to change the calculation method for density with an objective of eliminating unnecessary obstacles to residential development.

Currently, density is calculated based on net buildable acres, which deducts certain areas like utility easements, parks, and wetlands from a subject site's overall density. This method makes it cumbersome for developers dealing with limited available land and additional land use restrictions to understand the development potential prior to spending thousands of dollars preparing a proposal package and petitioning the village for an entitlement approval.

This amendment is proposed because of an increase in rainfall data and MWRD requirements has resulted in stricter stormwater mitigation standards. Conceptual plans for developments, particularly those with stormwater management needs or on-site wetlands, are consistently rejected for being too dense after a significant amount of time and money have already been invested in a project.

Such plans would meet LDC standards if the density definition did not include the detention pond or wetland area in the density calculation. This change can help reduce the number of requested variances and modifications to our code in relating to setbacks and density.

The proposed shift to a gross density calculation involves considering the total land area of a subject site without deducting these elements, offering a practical and straightforward solution which also supports investment. This adjustment optimizes land use while adhering to code requirements and accommodating evolving housing preferences, such as an increasing demand for single-family attached homes.

PLAN COMMISSION RECOMMENDATION

As presented.

PROPOSED AMENDMENT TEXT

SECTION 2-102. DEFINITIONS

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Density is defined as the number of dwelling units per ~~Net Buildable Acres~~ **acre** on the **a subject** site. (Ord. 4096 – 12/5/05)

...

~~**Net Buildable Acres** means lands within one (1) site that are contiguous and accessible by the same local or internal road system. Net Buildable Acres shall be calculated by deducting the following from the Gross Acreage of Land: (Ord. 4096 – 12/5/05)~~

~~— 1. 50% of Com Ed easement if owned by the petitioner and the space serves as a public open space amenity;~~

~~— 2. 50% of land required for a Park or School dedication;~~

~~— 3. Perimeter road right-of-way dedication;~~

~~— 4. Floodplain that must be conserved;~~

~~— 5. Detention and retention areas up to the high water level; and (Ord. 4434 – 12/1/08)~~

~~— 6. Wetlands that must be conserved either by Federal, State or Local requirements. (Ord. 4434 – 12/1/08)~~

~~**Net Buildable Acreage** can include:~~

~~— 1. Private and common open space;~~

~~— 2. Internal roads, bikepaths and dedicated transitways;~~

~~— 3. Environmental and historic areas conserved that would otherwise be buildable; and~~

~~— 4. Underground utility easements that may be usable for yard space.~~

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SUBSTANTIVE AMENDMENT: CHANGE SOLAR PANEL REVIEW PROCESS

AMENDMENT SUMMARY

SECTION 6-314 ENVIRONMENTAL CLEAN TECHNOLOGY

Amend the Land Development Code (LDC) to remove Appearance Review requirements for single family residential rooftop solar panels.

AMENDMENT EXPLANATION

The goal is to revise the regulations for the Environmental Clean Technology (ECT) Appearance Review with an objective of simplifying the solar panel review process for both residents and staff. Initially, solar panels required Special Use Permits approved by the Village Board due to the uncertainty of the technology and potential impact on neighbors. However, the process was changed to a the review process because these concerns were unfounded, but there still were changes to the exterior of homes.

The proposed amendment eliminates the need for Appearance Reviews specifically for residential flush-mounted rooftop solar panels, which consistently adhere to all other LDC requirements. We are changing this now because virtually all solar panels are surface-mounted and parallel to the sloped roof surface.

This amendment is intended to streamline the review process, creating less paperwork for residents, and freeing up considerable staff time and resources, as all tasks associated with the Appearance Review are already addressed during the permit review for residential solar panels. This amendment will also enhance staff efficiency and enable more timely reviews of other permit applications and development petitions.

PLAN COMMISSION RECOMMENDATION

As presented.

PROPOSED AMENDMENT TEXT

SECTION 6-314.B. ENVIRONMENTAL CLEAN TECHNOLOGY REVIEW AND APPROVAL PROCESS.

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1. **Application.** Except for residential flush-mounted rooftop solar panels, All petitioners seeking to construct or install an ECT must submit a complete Appearance Review application to the Development Services Department concurrently with a building permit application. ECT projects accessory to buildings or structures in the Old Orland Historic District or an Orland Park Landmark shall submit a complete Certificate of Appropriateness (COA) application to the Development Services Department concurrently with a building permit application. All ECT projects shall be reviewed in accordance with the regulations of this Section.
2. **Administrative Review.** Per this subsection, The following ECT projects shall be reviewed and approved administratively via an Appearance Review by the Development Services Department, in accordance with Section [5-106](#) (Appearance Review):
 - a. Solar Energy Systems (SES).

- b. Geothermal Energy Systems (GES).

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SUBSTANTIVE AMENDMENTS: CAR DEALERSHIP PARKING AND STORAGE

AMENDMENT SUMMARY

SECTION 6-306

Clarify required number of parking spaces calculation for automobile sales and rental land uses.

AMENDMENT EXPLANATION

The goal of this amendment is to reduce automobile sales and rental use requests for a variance or special use permit due to the substantial number of cars in an on-site inventory, with an objective of removing automobile sales and rental inventory from the calculation of off-street parking requirements.

Currently, the Land Development Code (LDC) states that when an applicant requests more than a 20% increase to the required number allocated parking spaces, a variance or a special use modification is needed. Due to automobile sales and rental uses having substantial inventories, a variance or a special use permit is typically required.

This amendment removes a burden for the automobile sales and rental petitioners from making a universal request for modifications from the LDC to accommodate their off-street parking needs.

PLAN COMMISSION RECOMMENDATION

As presented.

PROPOSED AMENDMENT TEXT

SECTION 6-306.B REQUIRED NUMBER OF OFF-STREET PARKING SPACES.

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3. In the event that an applicant demonstrates that a new use, whether in an existing building or new construction, will require more parking spaces than the number allocated under Table 6-306(B), the Development Services Department may authorize up to a ~~twenty percent (20%)~~ increase in the total number of parking spaces permitted on the lot. **This calculation excludes the storage spaces for automobile inventory of vehicles for sale and/or lease by automobile sales and rental land uses.** Any request exceeding a ~~twenty percent (20%)~~ increase in the total number of parking spaces permitted on the lot shall be a variance or modification pursuant to a special use. The Development Services Department may issue such authorization only upon the request of the applicant and only upon determining that the new use will attract more vehicles than the parking lot could otherwise accommodate. (Ord. 2860 – 3/18/96; Amd. Ord. 4373 – 6/2/08; Amd. Ord. 4839 – 9/16/13; Amd. Ord. 5389 – 3/4/19)

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TECHNICAL AMENDMENT: LOADING SPACES

AMENDMENT SUMMARY

Section 6-306.J.

Adjust discrepancy between the requirements and table 6-306(L)a. to consistent information.

Table 6-306(L)a.

Clarify the heading of the schedule of loading requirements table.

AMENDMENT EXPLANATION

The goal of this amendment is to improve clarity and consistency throughout the Land Development Code (LDC), with an objective of correcting the discrepancy between the requirements in the code and the table 6-306(L)a.

Currently, the LDC vertical clearance requirements do not reflect the table specifying the minimum vertical clearance requirements set forth in the Schedule of Loading Requirements table. Additionally, the aforementioned table is labeled incorrectly.

Due to this inconsistency, the recommendation is to correct the loading requirements to a uniform 12' clearance and modify the table heading to 6-306(J), ensuring consistency and accuracy.

The development community, general public, and Village Staff will benefit from this change for clarity and technical correction.

PLAN COMMISSION RECOMMENDATION

As presented.

PROPOSED AMENDMENT TEXT

SECTION 6-306(J). NUMBER, SIZE AND LOCATION OF LOADING SPACES.

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5. Unless otherwise provided by these regulations, a required loading space shall be at least ~~twelve (12)~~ feet in width by at least ~~twenty-five (25)~~ feet in length, exclusive of aisles and maneuvering space, and shall have a vertical clearance ~~of at least fourteen (14) feet.~~ **dependent on the floor area of the establishment, as displayed in Table 6-306(J)a.**

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Table 6-306(~~L~~**J**)a
SCHEDULE OF LOADING REQUIREMENTS

Floor Area of Establishment (sq. ft.)	Required Number	Minimum Size (ft.)	Minimum Vertical Clearance (ft.)
0-10,000	1	12 x 25	12
10,001-25,000	2	12 x 25	12
25,001-40,000	3	12 x 25	15
40,001-100,000	4	12 x 25	15
over 100,000	5*	12 x 25	15

* plus one additional space for every 50,000 sq. ft. of floor area over 150,000.

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SUBSTANTIVE AMENDMENT: MODIFY THE ENTITLEMENT REVIEW PROCESS

AMENDMENT SUMMARY

SECTION 5-101.A.3 General Process

Change the entitlement review process to have final engineering and final landscape plans approved administratively after the Board of Trustees approves a project.

SECTION 5-101.A.3 Appearance Before the Committee of the Whole

Change language to allow for projects to proceed to the Board of Trustees prior to final plan review and preparation.

SECTION 5-101.C Public Meeting Sequence with a Public Hearing

Change language to allow for projects to proceed to the Board of Trustees prior to final plan review and preparation. Reorganize section in order of new process.

SECTION 5-101.K.4 Review by Development Services Department

Change language to new final approval method and clarify language associated with final engineering reviews.

CHART 5-101.A (A)

Remove chart at end of section as it will no longer correlate with proposed amendments.

AMENDMENT EXPLANATION

The goal of this amendment is to make the development review process more efficient and effective, with an objective of implementing a Lean Enterprise Institute (LEI) recommendation of modifying the timing of the final engineering and final landscaping stages within the entitlements process.

Currently, the Board of Trustees requires staff approval of final engineering and final landscaping before granting project approval. The proposed approach will enable applicants to initially present "80%" -complete plans to the Board of Trustees and subsequently address minor engineering and landscaping details administratively after project approval is granted and the ordinance is passed. This method streamlines the entitlements process, saving the development community time and money, and facilitating a more efficient project progression.

Due to the time and expense associated with preparing final plans without knowing the project will be formally approved by the BOT, staff recommends an approach that will ensure the final plans are in substantial conformance to the "80%" plans referenced in the ordinance. If the final engineering or final landscaping review results in substantial alterations to the Board-approved plans, the petitioner must restart the development review process by republishing for a public hearing and returning to the Plan Commission and Board of Trustees for revision approvals.

PLAN COMMISSION RECOMMENDATION

As presented.

PROPOSED AMENDMENT TEXT

SECTION 5-101.A. DUE PROCESS.

1. **Purpose.** The purpose of this section is to define and outline the development review procedures that petitioners, government agents, and elected and appointed officials follow for transparent review for development and redevelopment in the Village of Orland Park.

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3. **General Process.** There are three distinct development review processes which are ~~outlined in Chart 5-101.A (A) at the end of this section. The three processes are~~ summarized as follows:
 - a. Development Requiring Plan Commission and Board of Trustees Review:
 1. Pre-application Review with Village Staff;
 2. Filing of Application and Scheduling Plan Commission Public Hearing;
 3. Plan Commission Review and Recommendation;
 - ~~4. Committee of the Whole and/or Board of Trustees Review;~~
 - ~~5. Final Plan Preparation and Staff Review;~~
 4. ~~6.~~ Committee of the Whole Review (if applicable per Section 5.101.A.4);
 5. ~~7.~~ Board of Trustees Review and Decision;
 6. **Final Administrative Review and Approval.**

...

4. **Appearance ~~b~~Before Committee of the Whole.** In the case where a petition has received unanimous recommendation from the Plan Commission, and at the discretion of the Director of ~~the~~ Development Services, the requirement to appear before the Committee of the Whole ~~and the Board of Trustees prior to final plan preparation and staff review~~ may be waived, therefore permitting such project to proceed directly to **the Board of Trustees.** ~~final plan preparation and staff review.~~ In such cases where a petition has not received a unanimous recommendation for approval from the Plan Commission, the petition shall proceed from the Plan Commission to the Committee of the Whole. The Committee of the Whole shall then determine if the application should proceed to ~~final plan preparation and review, be forwarded to~~ the Board of Trustees, or be remanded to the Plan Commission for further consideration.

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SECTION 5-101.C. PUBLIC MEETING SEQUENCE WITH A PUBLIC HEARING

1. Public Meeting at Plan Commission with a Public Hearing.

- a. **Plan Commission.** The Plan Commission shall hold a public hearing in accordance with the provisions of Section 5-101.G below on applications identified in Section 5-101.B.2(a). The Plan Commission shall review the report and recommendation of the Development Services Department and testimony given at the public hearing and make a recommendation to the Board of Trustees for approval, approval with conditions, or disapproval. The Plan Commission may also choose to forward to the Board of Trustees without a recommendation.
- b. **The Committee of the Whole.** The Committee of the Whole, if required by Section 5-101.A.4, shall review the plans and documents, the Plan Commission recommendation, and the Development Services Department report and recommendation and shall recommend approval, approval with conditions, or disapproval to the Board of Trustees. If the Committee of the Whole recommends approval or approval with conditions, the Committee of the Whole shall authorize the applicant to proceed to **the Board of Trustees.** ~~final plan preparation and staff review as per paragraph 5-101.C.1c.~~ If the Committee of the Whole recommends denial, the petition will proceed directly to the Board of Trustees. If there are significant changes to the development application, the Committee of the Whole or the Board of Trustees may remand the application to the Plan Commission for further review and recommendation.
- c. **Board of Trustees.** Upon receipt and review of the recommendation of the Plan Commission or Committee of the Whole, the Board of Trustees shall grant, grant with conditions, or deny the petition.
- d. **Village Staff.** Upon receiving approval from the Board of Trustees and prior to the issuance of any permits or occupancies related to the entitlement, Village staff shall review final engineering, site, and landscaping plans, final plat of subdivision, outside agency approvals, engineer's estimate of cost, letter of credit, and payment of applicable fees.

~~c. **Final Plan Preparation and Staff Review.** Upon a positive and unanimous recommendation from the Plan Commission or as per Section 5-101.A.4, the applicant, working with the Development Services Department, shall proceed with preparation and review of final engineering and landscaping plans, final plat of subdivision, outside agency approvals, engineer's estimate of cost, letter of credit, and payment of applicable fees. Concurrently, the Development Services Department shall proceed with preparation of a draft development agreement or annexation agreement as may be applicable. The recommendation of the Plan Commission shall not be scheduled for review by the Committee of the Whole or the Board of Trustees until all final plans are approved by the Development Services Department and the applicable agreement is prepared in draft and is ready for review and approval by the Board of Trustees. (Amd. Ord. 5221 - 9/18/17)~~

~~d. **Committee of the Whole.** Upon staff preparation of applicable draft agreements and determination that the plans comply with applicable codes and prior direction from the Plan Commission, Committee of the Whole, or Board of Trustees, the development shall proceed to the Committee of the Whole. The Committee of the Whole shall review all pertinent information provided by the Director of Development Services, the Plan Commission, the petitioner, and the testimony and evidence from prior public meetings and hearings and provide a recommendation to the Board of Trustees for approval of the final ordinances and agreements.~~

~~e. **Board Action.** Upon receipt and review of the recommendation of the Committee of the Whole, the Board of Trustees shall grant, grant with conditions, or deny the petition.~~

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SECTION 5-101.K ROLE OF THE DEVELOPMENT SERVICES DEPARTMENT

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4. Review by Development Services Department

- a. **Application Review.** The Development Services Department shall review the complete application for development approval in accordance with these regulations and particularly with Section [5-105](#), if the development requires a special use permit, Section [5-108](#), if the development requires an amendment to the text of these regulations or the Zoning District Map, Section [5-109](#), if the development requires a variance, Section [5-112](#), for development requirements and subdivision review, and/or Section [5-110](#) and [6-209](#), if the development requires a Certificate of Appropriateness. (Amd. Ord. 4996 - 6/15/15)
- b. **Preliminary Plan Review Process.** The Development Services Department shall review the complete application for development, the preliminary plan, and coordinate the review of the engineering plans associated with the application for development. Preliminary engineering plans shall be approved prior to proceeding to the Plan Commission.
- ~~b. Preliminary Plan Review Process. The Development Services Department shall review the complete application for development and its preliminary plan before proceeding to Plan Commission.~~
- ~~c. Preliminary Engineering Review Process. The Development Services Department shall review the engineering plans associated with the application for development and confirm preliminary engineering acceptance prior to proceeding to the Plan Commission or hold the application from proceeding to Plan Commission until outstanding preliminary engineering items are met.~~
- c. **80% Plan Approval.** Following a recommendation from the Plan Commission or the Committee of the Whole, the Development Services Department will evaluate an 80% plan. An 80% plan is one that is deemed sufficient for Board of Trustees final decision, with no major changes expected. The Development Services Department will oversee the review of the engineering plans related to the development application. Site and engineering plans at the 80% completion stage must receive approval from both the Development Services Department and the Engineering Department before progressing to the Board of Trustees.
- ~~d. Final Plan Review Process. The Development Services Department may continue to review the complete application for development throughout the decision-making process to recommend corrections or amendments to plans pursuant to recommendations by the Plan Commission, the Committee of the Whole, and the Board of Trustees.~~
- d. **Ordinances and Agreements.** The Development Services Department shall coordinate the ordinances and agreements for final approval by the Board of Trustees.
- e. **Final Engineering Plan Review Process.** After approval from the Board of Trustees, the Development Services Department shall coordinate the review of the final engineering plans associated with the application for development to determine that the plans comply with applicable codes and prior direction from the Plan Commission, Committee of the Whole, or Board of Trustees, and as outlined in the final ordinance or agreement. ~~7. prior to consideration of the final ordinances or agreements by the Board of Trustees.~~
 1. If the final engineering review results in substantial alterations to the plans reviewed during the public hearing by the Plan Commission, and by the Committee of the Whole, approved by the Board of Trustees, then the applicant

a. Substantial alterations to a final plan shall include but not be limited to things such as:

- ## ~~GENERAL DEVELOPMENT PROCEDURES~~

Chart 3 (cont'd.)
General Development Review Procedures

This flow chart includes steps that are common to the development review and approval process. Refer to section 3-303 for a complete description of requirements.

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graph TD
    Start[pre-application meeting with staff] --> Policies[Policies and Plan Submittal]
    Policies --> DevReview[DEVELOPMENT REVIEWING PLANNING CONFORMANCE AND DESIGN OR PROCESS REVIEW]
    Policies --> AdminReview[DEVELOPMENT REVIEWING ADMINISTRATIVE REVIEW]
    Policies --> ConformanceReview[DEVELOPMENT REVIEWING CONFORMANCE REVIEW]
    
    DevReview --> StaffReview1[staff review and recommend]
    AdminReview --> StaffReview2[staff review]
    ConformanceReview --> StaffReview3[staff review]
    
    StaffReview1 --> StaffApproval1[staff approval]
    StaffReview2 --> StaffApproval2[staff approval]
    StaffReview3 --> StaffApproval3[staff approval]
    
    StaffApproval1 --> Committee[Committee of the Whole]
    StaffApproval2 --> Committee
    StaffApproval3 --> Committee
    
    Committee --> Board[Board of Trustees or Board of Community Development]
    Board --> End[ends review process]
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The flowchart is divided into three main review paths by a large red 'X' that crosses out the middle section. The paths are:

- Left Path (Planning/Design/Process Review):** Starts with 'DEVELOPMENT REVIEWING PLANNING CONFORMANCE AND DESIGN OR PROCESS REVIEW'. It involves 'staff review and recommend', 'staff review and comments provided to applicant', 'Plan reviewed by staff', 'Completion of Planning and Design Review', 'Plan Conformance Public Hearing', 'Staff recommendation', 'Plan Conformance Public hearing and recommendation', and 'Unanimous approval'.
- Middle Path (Administrative Review):** Starts with 'DEVELOPMENT REVIEWING ADMINISTRATIVE REVIEW'. It involves 'staff review', 'staff approval', and 'staff recommendation'.
- Right Path (Conformance Review):** Starts with 'DEVELOPMENT REVIEWING CONFORMANCE REVIEW'. It involves 'staff review', 'staff approval', and 'staff recommendation'.

All three paths converge at the 'Committee of the Whole', which then leads to the 'Board of Trustees or Board of Community Development'. The final outcome is 'ends review process'.

Amendment Report to the COTW NEW

SUBSTANTIVE AMENDMENTS: **MODIFY RESIDENTIAL BEST MANAGEMENT PRACTICES (BMPs)**

AMENDMENT SUMMARY

SECTION 6-201.F.	E-1 Estate Residential
SECTION 6-202.F.	R-1 Residential
SECTION 6-203.F.	R-2 Residential
SECTION 6-203.5.F.	R-2A Residential
SECTION 6-204.F.	R-3 Residential
SECTION 6-204.5.F.	R-3A Residential
SECTION 6-205.F.	R-4 Residential
SECTION 6-206.G.	RSB Residential and Supporting Business District

Revise maximum lot coverage by removing increased lot coverage allowances through BMPs.

SECTION 6-305.F.2.c. Single-Family Residential Naturalized Landscaping

Remove the Monitoring and Management Plan (M&M Plan) requirements for naturalized landscaping in single-family residential areas.

AMENDMENT EXPLANATION

The goal of these amendments is to mitigate stormwater runoff by establishing maximum lot coverage allowances that are more easily understood by the public and more easily enforced by Village staff, with an objective of setting a maximum coverage percentage and removing the provision of allowing additional lot coverage with the use of Best Management Practices (BMPs).

Per the Land Development Code (LDC), each zoning district has a base lot coverage which can be increased with the use of BMPs such as naturalized landscaping, permeable pavers, and rain barrels. When residents have met the base lot coverage for the zoning district in which they are located, residents opt to utilize BMPs to expand their impervious lot coverage. Tracking the installation and management of BMPs is time-consuming for Development Services staff and the maintenance of the BMPs is tedious for the homeowners. For the increased lot coverage completed without a permit, the Village has the daunting task of retroactively applying BMPs and/or informing the homeowner that some or all of their improvement project must be removed or modified.

Due to the policing and management needs to ensure the BMPs continue to control stormwater runoff, the recommendation is to remove the BMP allowances and establish one maximum lot coverage for each residential zoning district based on the average of the maximum ranges within each zoning district in the existing regulations.

PLAN COMMISSION RECOMMENDATION

As presented.

PROPOSED AMENDMENT TEXT

SECTION 6-305-F.2.c. SINGLE-FAMILY NATURALIZED LANDSCAPING. Single-family residential properties that include naturalized landscaping areas that exceed ~~twelve inches (12")~~ **12 inches** in height are exempt from the letter of credit requirements detailed in 6-305.E.3.e Letter of Credit, although a Landscape Plan ~~and an abridged Monitoring and Management Plan (M&M Plan) are~~ **is** still required. The following conditions apply to naturalized landscaping on single-family residential properties:

1. A property owner shall apply to the Development Services Department and receive a written approval of the landscape plan prior to the installation of the naturalized landscaping.

i. The application shall include a plat of survey and a site plan of the single-family lot drawn to scale on a sheet not less than ~~eight and one-half inches by eleven inches (8½" inches)~~ **by 11" inches**, which contains: the location of property lines; location of structures, fences, existing drainage patterns, and paved areas; location of each natural landscaping area; a list by scientific and common name of species intended to be planted and maintained within each area; and the setback distance of each naturalized landscape area that will be located near any property line. Any proposed soil amendments and levels of shade and sunlight should also be included on the plan.

~~2. An M&M Plan for the near- and long-term maintenance of the naturalized landscape area shall be submitted for review and approval.~~

~~i. The Village document, commonly referred to as "Monitoring and Management Plan for Naturalized Vegetation Areas on Single Family Residential Properties", as amended, shall be used as a template for the completion of a single-family residential naturalized landscape Monitoring and Management Plan. Minor edits to this template may be made by the petitioner; however, the final text of the M&M Plan shall be approved by the Development Services Department.~~

3. It shall be permitted to grow native plants that exceed ~~twelve inches (12")~~ **12 inches** in height within a natural landscaping area, including ferns, grasses, sedges, rushes, forbs, shrubs and trees, in lieu of turf grass lawn in designed and managed natural landscape areas.

4. Natural landscaping shall be permitted in rear or side yards only, and setback at a minimum of ~~three (3) feet~~ **3 feet** of any property line. No setback shall be required where the natural landscaping is separated from adjacent lots by fencing or continuous shrub of ~~three (3) feet~~ **3 feet** or more in height, or where the natural landscape area abuts permitted naturalized landscaping on an adjacent lot.

5. Naturalized landscaping may occupy a maximum of ~~thirty percent (30%)~~ **30 percent** of the total existing open space within the side or rear yards of a single-family residential property.

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8. Upon installation of a naturalized landscape area, the site shall be inspected by a Village inspector or designee to verify compliance with the approved landscape plan ~~and proper maintenance of the natural landscape area.~~ After a successful inspection, the property owner will be provided with a letter from the Village certifying that the naturalized landscape has been inspected and meets the criteria of this Section. ~~Subsequent inspections shall be performed annually by the Village or designee, or as determined by the Development Services Department.~~

9. Permission for single-family residential natural landscaping may be revoked with cause, such as failure of the owners to manage the areas or to respond to notices of creation of a nuisance or violation of the weed control ordinance.

SECTION 6-201. E-1 RESIDENTIAL DISTRICT.

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F. **Lot Coverage.** Lot coverage is the measure of impervious area on a property including the area of the building(s), pavement, stormwater storage, and other impervious surfaces. All areas not included in the impervious lot coverage shall be green space.

~~1. Residential lot coverage regulations are designed to provide a range of impervious lot coverage, when demonstrating compliance with performance criteria.~~

~~— a. The base lot coverage allowed by right is not to exceed twenty-five (25)~~ **30%** ~~for the principal structures, pavement, and accessory structures.~~

~~— b. Additional impervious lot coverage may be earned through permanent installation of Best Management Practices (BMP), as approved by Development Services. Total lot coverage shall not exceed thirty-five percent (35%).~~

~~— i. For each square foot of permeable pavers installed in lieu of impervious paving, earn an additional 0.5 sf of lot coverage.~~

~~— ii. For each square foot of naturalized landscaping installed in lieu of turf grass, earn an additional 1.0 sf of lot coverage.~~

~~— iii. For each gallon of water detained in a rain barrel, dry well, or rain garden earn an additional 1.5 sf of lot coverage.~~

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SECTION 6-202. R-1 RESIDENTIAL DISTRICT.

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F. **Lot Coverage.** Lot coverage is the measure of impervious area on a property including the area of the building(s), pavement, stormwater storage, and other impervious surfaces. All areas not included in the impervious lot coverage shall be green space.

1. ~~Residential lot coverage regulations are designed to provide a range of impervious lot coverage, when demonstrating compliance with performance criteria:~~

~~a.~~ The ~~base~~ lot coverage ~~allowed by right~~ is not to exceed ~~thirty-five percent (35%)~~ **40%** for the principal structures, pavement, and accessory structures.

~~b.~~ ~~Additional impervious lot coverage may be earned through permanent installation of Best Management Practices (BMP), as approved by Development Services. Total lot coverage shall not exceed forty-five percent (45%).~~

~~i.~~ For each square foot of permeable pavers installed in lieu of impervious paving, earn an additional 0.5 sf of lot coverage.

~~ii.~~ For each square foot of naturalized landscaping installed in lieu of turf grass, earn an additional 1.0 sf of lot coverage.

~~iii.~~ For each gallon of water detained in a rain barrel, dry well, or rain garden earn an additional 1.5 sf of lot coverage.

~~iv.~~ All BMP must meet the installation and performance requirements of the Code; must be documented on a site plan; and must be maintained by the property owner.

...

SECTION 6-203. R-2 RESIDENTIAL DISTRICT.

...

F. **Lot Coverage.** Lot coverage is the measure of impervious area on a property including the area of the building(s), pavement, stormwater storage, and other impervious surfaces. All areas not included in the impervious lot coverage shall be green space.

1. ~~Residential lot coverage regulations are designed to provide a range of impervious lot coverage, when demonstrating compliance with performance criteria.~~

~~a.~~ The ~~base~~ lot coverage ~~allowed by right~~ is not to exceed ~~thirty-five percent (35%)~~ **40%** for the principal structures, pavement, and accessory structures.

i. An additional ~~three percent (3%)~~ impervious lot coverage is allowed for single family homes with side-loaded garages.

~~b. Additional impervious lot coverage may be earned through permanent installation of Best Management Practices (BMP), as approved by Development Services. Total lot coverage shall not exceed forty-five percent (45%).~~

~~i. For each square foot of permeable pavers installed in lieu of impervious paving, earn an additional 0.5 sf of lot coverage.~~

~~ii. For each square foot of naturalized landscaping installed in lieu of turf grass, earn an additional 1.0 sf of lot coverage.~~

~~iii. For each gallon of water detained in a rain barrel, dry well, or rain garden earn an additional 1.5 sf of lot coverage.~~

~~iv. All BMP must meet the installation and performance requirements of the Code; must be documented on a site plan; and must be maintained by the property owner.~~

v. Non-residential land uses are allowed up to ~~seventy percent (70%)~~ impervious lot coverage by right.

...

SECTION 6-203.5.F. R-2A RESIDENTIAL DISTRICT.

...

F. **Lot Coverage.** Lot coverage is the measure of impervious area on a property including the area of the building(s), pavement, stormwater storage, and other impervious surfaces. All areas not included in the impervious lot coverage shall be green space.

1. ~~Residential lot coverage regulations are designed to provide a range of impervious lot coverage, when demonstrating compliance with performance criteria.~~

~~a.~~ The ~~base~~ lot coverage ~~allowed by right~~ is not to exceed ~~thirty-five percent (35%)~~ **40%** for the principal structures, pavement, and accessory structures.

i. An additional ~~three percent (3%)~~ impervious lot coverage is allowed for single family homes with side-loaded garages.

~~b.~~ ~~Additional impervious lot coverage may be earned through permanent installation of Best Management Practices (BMP), as approved by Development Services. Total lot coverage shall not exceed forty-five percent (45%).~~

~~i.~~ For each square foot of permeable pavers installed in lieu of impervious paving, earn an additional 0.5 sf of lot coverage.

~~ii.~~ For each square foot of naturalized landscaping installed in lieu of turf grass, earn an additional 1.0 sf of lot coverage.

~~iii.~~ For each gallon of water detained in a rain barrel, dry well, or rain garden earn an additional 1.5 sf of lot coverage.

~~iv.~~ All BMP must meet the installation and performance requirements of the Code; must be documented on a site plan; and must be maintained by the property owner.

...

SECTION 6-204.F. R-3 RESIDENTIAL DISTRICT.

...

F. **Lot Coverage.** Lot coverage is the measure of impervious area on a property including the area of the building(s), pavement, stormwater storage, and other impervious surfaces. All areas not included in the impervious lot coverage shall be green space.

1. ~~Residential lot coverage regulations are designed to provide a range of impervious lot coverage, when demonstrating compliance with performance criteria.~~

~~a.~~ The ~~base~~ lot coverage ~~allowed by right~~ is not to exceed ~~forty percent (40%)~~ **45%** for the principal structures, pavement, and accessory structures.

i. An additional ~~three percent (3%)~~ impervious lot coverage is allowed for single family homes with side-loaded garages.

~~b. Additional impervious lot coverage may be earned through permanent installation of Best Management Practices (BMP), as approved by Development Services. Total lot coverage shall not exceed fifty percent (50%).~~

~~i. For each square foot of permeable pavers installed in lieu of impervious paving, earn an additional 0.5 sf of lot coverage.~~

~~ii. For each square foot of naturalized landscaping installed in lieu of turf grass, earn an additional 1.0 sf of lot coverage.~~

~~iii. For each gallon of water detained in a rain barrel, dry well, or rain garden earn an additional 1.5 sf of lot coverage.~~

~~iv. All BMP must meet the installation and performance requirements of the Code; must be documented on a site plan; and must be maintained by the property owner.~~

...

SECTION 6-204.5.F. R-3A RESIDENTIAL DISTRICT.

...

F. **Lot Coverage.** Lot coverage is the measure of impervious area on a property including the area of the building(s), pavement, stormwater storage, and other impervious surfaces. All areas not included in the impervious lot coverage shall be green space.

1. ~~Residential lot coverage regulations are designed to provide a range of impervious lot coverage, when demonstrating compliance with performance criteria.~~

~~a.~~ The ~~base~~ lot coverage ~~allowed by right~~ is not to exceed ~~forty percent (40%)~~ **45%** for the principal structures, pavement, and accessory structures.

i. An additional ~~three percent (3%)~~ impervious lot coverage is allowed for single family homes with side-loaded garages.

~~b.~~ ~~Additional impervious lot coverage may be earned through permanent installation of Best Management Practices (BMP), as approved by Development Services. Total lot coverage shall not exceed fifty percent (50%).~~

~~i.~~ For each square foot of permeable pavers installed in lieu of impervious paving, earn an additional 0.5 sf of lot coverage.

~~ii.~~ For each square foot of naturalized landscaping installed in lieu of turf grass, earn an additional 1.0 sf of lot coverage.

~~iii.~~ For each gallon of water detained in a rain barrel, dry well, or rain garden earn an additional 1.5 sf of lot coverage.

~~iv.~~ All BMP must meet the installation and performance requirements of the Code; must be documented on a site plan; and must be maintained by the property owner.

...

SECTION 6-205.F. R-4 RESIDENTIAL DISTRICT.

...

F. **Lot Coverage.** Lot coverage is the measure of impervious area on a property including the area of the building(s), pavement, stormwater storage, and other impervious surfaces. All areas not included in the impervious lot coverage shall be green space.

1. ~~Residential lot coverage regulations are designed to provide a range of impervious lot coverage, when demonstrating compliance with performance criteria:~~

~~a.~~ The ~~base~~ lot coverage ~~allowed by right~~ is not to exceed ~~forty-five percent (45%)~~ **50%** for the principal structures, pavement, and accessory structures.

i. An additional ~~three percent (3%)~~ impervious lot coverage is allowed for single family homes with side-loaded garages.

ii. For single family attached and multi-family residential uses, ~~sixty percent (60%)~~ **60%** lot coverage is allowed by right.

~~b.~~ ~~Additional impervious lot coverage may be earned through permanent installation of Best Management Practices (BMP), as approved by Development Services. Total lot coverage shall not exceed fifty-five percent (55%).~~

~~i.~~ For each square foot of permeable pavers installed in lieu of impervious paving, earn an additional 0.5 sf of lot coverage.

~~ii.~~ For each square foot of naturalized landscaping installed in lieu of turf grass, earn an additional 1.0 sf of lot coverage.

~~iii.~~ For each gallon of water detained in a rain barrel, dry well, or rain garden earn an additional 1.5 sf of lot coverage.

~~iv.~~ All BMP must meet the installation and performance requirements of the Code; must be documented on a site plan; and must be maintained by the property owner.

...

SECTION 6-206.G. RSB RESIDENTIAL AND SUPPORTING BUSINESS DISTRICT.

...

F. **Lot Coverage.** Lot coverage is the measure of impervious area on a property including the area of the building(s), pavement, stormwater storage, and other impervious surfaces. All areas not included in the impervious lot coverage shall be green space.

1. ~~Residential lot coverage regulations are designed to provide a range of impervious lot coverage, when demonstrating compliance with performance criteria.~~

a.—The ~~base~~ lot coverage ~~allowed by right~~ is not to exceed ~~sixty-five percent (65%)~~ **70%** for the principal structures, pavement, and accessory structures.

b.—~~Additional impervious lot coverage may be earned through permanent installation of Best Management Practices (BMP), as approved by Development Services. Total lot coverage shall not exceed seventy-five percent (75%).~~

———i.—~~For each square foot of permeable pavers installed in lieu of impervious paving, earn an additional 0.5 sf of lot coverage.~~

———ii.—~~For each square foot of naturalized landscaping installed in lieu of turf grass, earn an additional 1.0 sf of lot coverage.~~

———iii.—~~For each gallon of water detained in a rain barrel, dry well, or rain garden earn an additional 1.5 sf of lot coverage.~~

———iv.—~~All BMP must meet the installation and performance requirements of the Code; must be documented on a site plan; and must be maintained by the property owner.~~

...

TECHNICAL AMENDMENTS: CLARIFY DRIVEWAY AND DRIVEWAY APRON REGULATIONS

AMENDMENT SUMMARY

Section 3-4-2-6

Clarify the construction requirements for driveways and driveway aprons.

Section 6-306.E.8

Clarify driveway and driveway apron dimensions to be consistent with the information regarding driveways and driveway aprons in the Village Code.

Section 6-406.B.6

Clarify driveway and driveway apron requirements by referencing the Village Code.

AMENDMENT EXPLANATION

The goal of these amendment is to ensure clear communication and consistent application of the driveway and driveway apron regulations, with an objective of describing the dimensions in the Land Development Code (LDC) and having other Village Code and LDC sections recognize other sections by reference.

This substantive amendment will not require existing driveways to change. The Village Code and the LDC have the similar dimensions; however, the Village Code requirements are more descriptive and have the potential to be interpreted differently than the LDC.

The proposed amendments will clarify the appropriate dimensions for the public and Village staff. The Village Code will retain the specifications such as base layers, pavement thickness, etc., while the LDC will retain the zoning-related dimensions such as driveway widths and setbacks.

Due to the inconsistent descriptions of driveway and driveway apron requirements, it is recommended to have one location for each regulation type with references in other sections of the code, as-needed.

Please note that this amendment includes a change in the Village Code regulations in addition to the LDC. In addition, a follow-up to these amendments may occur in the future after Engineering and Planning staff review the specifications in the Village Code and LDC, and consider increasing the maximum 2-car garage driveway width from 20' to 21'.

PLAN COMMISSION RECOMMENDATION

As presented.

PROPOSED AMENDMENT TEXT

SECTION 3-4-2-6 CONSTRUCTION SPECIFICATION AND REQUIREMENTS

...

Widths: ~~The maximum width for driveways for single family residences including circle drives shall be ten feet (10') at the sidewalk line and sixteen feet (16') at the curb; provided, that where a two-car or three-car garage is located within thirty feet (30') of the property line, the driveway shall not exceed twenty feet (20') at the sidewalk line or twenty-six feet (26') at the curb or thirty (30) feet at the sidewalk line and thirty-six (36) feet at the curb, respectively. No driveway shall encroach upon any portion of the parkway in front of the adjoining property. The maximum width for driveways for all other uses shall be as approved by the Board of Trustees upon recommendation by the Department of Engineering.~~ The maximum width shall be in accordance with Section 6-406.B.

...

Driveway Aprons: ~~Single family residential driveway aprons shall have a maximum width of ten (10) feet for one-car driveways, and a maximum width of twenty (20) feet for two-car driveways, and a maximum width of 30 feet for three car driveways, measured at the sidewalk and shall flare to a width three (3) feet greater at the curb line.~~ All residential aprons shall have a minimum concrete thickness of six ~~(6)~~ inches and a granular bedding base of two ~~(2)~~ inches. Multi-family development business, office research, and industrial district driveway aprons shall be constructed with ten ~~(10)~~ foot radius returns unless otherwise required by the Department of Engineering.

...

SECTION 6-306.E.8 OFF-STREET PARKING AND LOADING REQUIREMENTS

...

- a. Passenger Automobile parking is not permitted in any required side setback in a residential district. Passenger automobile parking is permitted in the driveway of the required corner side yard setback with a ~~twenty (20)~~ 20-foot minimum driveway length, excluding right-of-way and sidewalks. No open off-street parking serving a residential use in a non-required side setback shall be located nearer than ~~five (5)~~ 5 feet to a principal residential building. (Ord.2959-11/18/96)

...

SECTION 6-406.B. SIDEWALKS, DRIVEWAYS, AND PARKING LOTS

...

6. Widths and Lengths. ~~Single-family residential driveways and driveway aprons shall have a maximum width of twenty (20) feet for one (1) car garages, twenty-six (26) feet for two (2) car garages, and thirty-six (36) feet for three (3) car garages.~~ The maximum width for driveways for single family residences including circle drives shall be 10 feet at the sidewalk line and 16 feet at the curb; provided, that where a two-car or three-car garage is located within 30 feet of the property line, the driveway shall not exceed 20 feet at the sidewalk line or 26 feet at the curb, or 30 feet at the sidewalk line and 36 feet at the curb, respectively. No driveway shall encroach upon any portion of the parkway in front of the adjoining property. The maximum width of a driveway is applicable to the entire driveway length between the building line and sidewalk. Single family residential driveway aprons shall have a maximum width of ten feet 10 feet for one-car driveways, a maximum width of 20 feet for two-car driveways, and a maximum width of 30 feet for three car driveways, measured at the sidewalk and shall flare to a maximum width of 3 feet to either side at the curb line. The maximum width of a driveway apron is applicable to the entire driveway length between the sidewalk and the street. ~~The maximum width for driveway lane for single family residences shall be forty (40) percent of the lot width up to thirty-six (36) feet, applicable to the entire driveway length between the building line and curb line. The maximum width for circle driveway lane shall be twenty (20) feet, applicable to the entire driveway length between the building line and curb line.~~ The minimum driveway length shall be ~~eighteen (18)~~ 18 feet, excluding right-of-way and sidewalks. No driveway shall encroach upon any portion of the parkway in front of the adjoining parkway. Driveways and driveway aprons also must adhere to construction specifications and requirements in section 3-4-2-6 of the Village Code. The maximum width for driveways and driveway aprons for all other uses shall be as approved by the Board of Trustees upon recommendation of the Engineering Department. (Ord. 2959 – 11/18/96; Amd. Ord. 3281 – 8/16/99; Amd. Ord. 5061 1/26/16; Amd. Ord. 5126 9/19/16; Amd. Ord. 5653 - 11/1/21)

...

SUBSTANTIVE AMENDMENT: ADD A NEW PERMITTED USE TO THE OPEN SPACE DISTRICT

AMENDMENT SUMMARY

SECTION 2-102. Definitions

Add and define “civic and fraternal non-profit organization”.

SECTION 6-213. Open Space District

Amend language to add new permitted uses to the Open Space (OS) zoning district.

AMENDMENT EXPLANATION

The goal of this amendment is allow other recreational opportunities in the Land Development Code (LDC), with an objective to add an additional permitted use to the OS district that supports recreation and park activities.

The proposed amendment seeks to allow for *civic and fraternal non-profit organization* as a permitted use in the OS district. The Comprehensive Plan emphasizes that gathering spaces and recreational areas are appropriate for the OS district. Civic and fraternal organizations play a significant role in enhancing and fostering community engagement, and align with the core objectives of the OS district. It is important to note that this amendment is designed to accommodate civic and fraternal non-profit organizations, without specifying any particular organization, to maintain inclusivity and flexibility.

Due to community-focused and non-profit organizations contributing to the well-being of the community and its residents; promoting community engagement, social gatherings, and recreational activities; and catering to the needs of a diverse range of community-focused initiatives, it is recommended a *civic and fraternal non-profit organization* land use be added as a permitted use in the OS district.

PLAN COMMISSION RECOMMENDATION

As presented.

PROPOSED AMENDMENT TEXT

SECTION 2-102. Definitions.

...

Civic and Fraternal Non-Profit Organization means any local community affairs entity or group of people organized for a common purpose that is not maintained for the purpose of making a profit.

...

SECTION 6-213. OPEN SPACE DISTRICT

A. **Purpose.** The purpose of the Open Space District is to protect the Village's parks, natural areas, retention ponds, detention basins, **civic and fraternal non-profit organizations**, and open space corridor connections. It is also to ensure permanent access to outdoor recreation, ~~and~~ natural areas, **and other recreational opportunities** for residents in all neighborhoods and to enhance the value of nearby properties. (Amd. Ord. 5822 - 7/17/23)

B. **Permitted Uses.** The following uses may be established as permitted uses in the Open Space District, in accordance with the procedures established in Sections 5-101 through 5-104:

1. Public recreational facilities including playgrounds, public swimming pools, playing fields, trails, sports activities, outdoor amphitheaters, camping areas, picnicking areas, boating areas, fishing activities, golf courses, **civic and fraternal non-profit organizations**, and accessory uses such as related parking, washrooms, storage, etc.

...

C. **Prohibited Uses.** The following uses are prohibited as they would conflict with the purpose of protecting parks and natural areas:

1. Any private development of structures or facilities; the exception is cemetery and ComEd facilities as stated above;

2. Any public facilities unrelated to the operation or protection of parks, natural areas, **civic and fraternal non-profit organizations for the benefit of the public**, and retention/detention facilities.

...