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AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE VILLAGE OF ORLAND PARK, AS AMENDED

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WHEREAS, the Corporate Authorities of the Village of Orland Park, an Illinois home rule municipality, have on February 8, 1991, adopted a Land Development Code (“the Code”) and zoning map; and

WHEREAS, amendments to the Code are adopted from time to time to ensure that the Code is up to date and responsive to community needs; and

WHEREAS, the Plan Commission of the Village held a public hearing on November 21, 2023 on whether the proposed amendments should be approved, at which time all persons present were afforded an opportunity to be heard; and

WHEREAS, a public notice in the form required by law was given of said public hearing by publication not more than thirty (30) days nor less than fifteen (15) days prior to said hearing in the Daily Southtown, a newspaper of general circulation in this Village; and

WHEREAS, the Plan Commission of this Village has filed its report of findings and recommendation that the proposed amendments to Section 5-101 of the Land Development Code of the Village be made, and this Board of Trustees has duly considered said report and findings and recommendations; and

WHEREAS, the President and Board of Trustees of the Village of Orland Park have determined that it is in the best interests of the Village and its residents to update the aforementioned sections of the Land Development Code in order to bring it in line with surrounding communities and the Village’s needs;

NOW, THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1: This Board finds and determines that the adoption of the following amendments to the Land Development Code of the Village of Orland Park is in the best interests of the Village and its residents, is in the public interest, constitutes an improvement to the Land Development Code of the Village of Orland Park, and is in keeping with the spirit and in furtherance of the purpose of the Land Development Code of the Village of Orland Park, as set forth in Section 1-102 thereof.

SECTION 2: Article 5, Section 5-101 (A)(3) shall hereby be amended as follows (deleted language marked with strikethrough, and new language marked with underlining):

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.

SECTION 3: Article 5, Section 5-101 (A)(4) shall hereby be amended as follows (deleted language marked with strikethrough, and new language marked with underlining):

4. **Appearance bBefore 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.

SECTION 4: Article 5, Section 5-101 (C)(1) shall hereby be amended as follows (deleted language marked with strikethrough, and new language marked with underlining):

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 petitioner~~ 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 petition, 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.~~

~~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.~~

SECTION 5: Article 5, Section 5-101 (K)(4) shall hereby be amended as follows (deleted language marked with strikethrough, and new language marked with underlining):

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.

b. **Preliminary Plan Review Process.** The Development Services Department shall review the complete development petition, 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.

~~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.~~

c. Ordinances and Agreements. The Development Services Department shall coordinate the ordinances and agreements for final approval by the Board of Trustees.

d. 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 development petition 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, prior to consideration of the final ordinances or agreements by the Board of Trustees.~~

1. If the final engineering plan 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 shall return to the Plan Commission and restart the development review process, republishing in the event of a petition requiring a public hearing. Substantial alterations to a final plan shall include but not be limited to:

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

- Enlargement of storm water facility sizes;
- Reductions in setbacks;
- Construction of or alterations to retaining walls;
- Changes in street layout/land use;
- Increases in lot coverage;
- Changes parking configurations;
- Changes that result in new or expanded variances or modifications to special use regulations; and
- Changes to the number of units, building area, or building stories.

SECTION 6: Article 5, Section 5-101 (L)(2)(b) shall hereby be amended by deleting Chart 5-101 A(A), General Development Review Procedures.

SECTION 7: To the extent necessary, all tables of contents, indexes, headings, and internal references or cross-references to Sections that need to be amended or deleted within the Orland Park Village Code, as amended, as a consequence of the above Code Amendments, shall be amended by the Village's codifier so as to be consistent with the terms of this Ordinance.

SECTION 8: All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

SECTION 9: Each section, paragraph, clause and provision of this Ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

SECTION 10: Except as to the Code amendments set forth above in this Ordinance, all Chapters and Sections of the Orland Park Land Development Code, as amended, shall remain in full force and effect.

SECTION 11: This Ordinance shall be in full force and effect from and after its adoption and publication in pamphlet form as provided by law.

SECTION 12: The Village Clerk be and herby is authorized and directed to publish this Ordinance in pamphlet form.