

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE VILLAGE OF ORLAND PARK, AS AMENDED (Sections 3-102, 3-103, 5-101, 5-110 and 6-209)

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 insure that the Code is up to date and responsive to community needs; and

WHEREAS, amendments have been proposed regarding the decommissioning of the Historic Preservation Review Commission and consolidation of that Commission's duties and obligations into the Plan Commission's duties and related changes to the development review procedure, the landmark designation review process and the certificate of appropriateness process; and

WHEREAS, the Plan Commission of the Village held a public hearing on August 12, 2014 and August 26, 2014 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 Orland Park Prairie, 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 Sections 3-102, 3-103, 5-101, 5-110 and 6-209 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

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**

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to delete in its entirety Paragraphs B through H of Section 3-102, "Plan Commission" and to substitute the following as new text for Paragraphs B through H of Section 3-102:

**B. Powers and Duties.** The Plan Commission shall have the following powers and duties:

1. If requested by the Board of Trustees:
  - a. To prepare or cause to be prepared a Comprehensive Plan, a Capital Improvements Plan and overlay plans; to submit such plans to the Board of Trustees for review and approval and to submit to the Board of Trustees an annual report recommending amendments to such plans;
  - b. To hear, review and make recommendations to the Board of Trustees in regard to amendment of the Zoning District Map;
  - c. To hear, review and recommend to the Board of Trustees approval or disapproval of applications for special use permits;
  - d. To initiate, hear, review and make recommendations to the Board of Trustees on applications for amendments to the text of these regulations;
  - e. To review site plans for multi-family and non-residential development, landscaping plans, and other appearance related matters;
  - f. To hear, review, and recommend approval or disapproval of all applications for approval of plats of subdivision in accordance with the provisions of Section 5-112; and
  - g. To hear, review and decide appeals from administrative decisions.
2. To make its special knowledge and expertise available upon reasonable written request and authorization of the Board of Trustees to any official, department, board, commission or agency of the County, State or Federal governments;
3. To adopt such rules, as are approved by the Board of Trustees, to govern the Commission's proceedings as are necessary for the administration of its responsibilities, not inconsistent with these regulations;
4. To hold public hearings and make recommendations to the Board of Trustees on applications for designation of historic landmarks in Orland Park as are referred to it by the Board;
5. To review demolition and building permit applications and issue or deny Certificates of Appropriateness for property within historic districts or designated as a historic landmark;
6. To advise owners on correct techniques for altering historic landmarks and property within historic districts;
7. To hold public hearings and make recommendations to the Board of Trustees on all matters relating to construction and alteration of historic landmarks or property within historic districts;
8. To adopt criteria for the review of applications for Certificates of Appropriateness and other applications for development approval affecting historic districts or landmarks;
9. To submit an annual report of its activities and other reports as necessary;
10. To maintain a register of designated districts and landmarks and work to educate the residents of the Village about its heritage;
11. To examine and evaluate all methods of financial assistance for historic preservation;

12. Develop appearance, architectural and beautification plans for a historic district, consistent with the Comprehensive Plan of the Village and with existing ordinances. Elements and factors to be used in these plans shall include but not be restricted to improved and unimproved land, open spaces, streets and parkways, gardens, malls, setbacks and rights of way, external architectural features of buildings and structures of all types, existing and future, landscaping, land topography, plant life, walks, drives, parking areas, plazas, exterior furniture, hardware, signs, markers, posts, fences, barriers, lights and lighting, and supplementary structures and appurtenances;
13. Consult with the Development Services Department, the Parking and Traffic Advisory Board, other Village departments and any other governmental bodies, property owners, or homeowners groups or business groups which represent the historic district area or express interest in participating;
14. Study exterior design drawings, landscape and site plans and materials for any proposed public improvements within a historic district; and
15. To perform such other duties as are assigned by the Board of Trustees.

C. Qualifications for Membership. Members of the Plan Commission shall be residents of the Village. In the event that any member is no longer such a resident or is convicted of a felony or an offense involving moral turpitude while in office, the Board of Trustees shall terminate the appointment of such person as a member of the Commission. Special consideration shall be given to individuals who have a background in real estate, architecture, landscape architecture, planning or historic preservation.

D. Membership, Appointment, Removal, Terms and Vacancies. There shall be a total of seven members. Membership, Appointment, Removal, Terms and Vacancies shall be as provided by the Village Board of Trustees by Ordinance.

E. Recording Secretary. The Director of the Development Services Department shall appoint a Recording Secretary to serve the Plan Commission. The Secretary shall keep minutes of all proceedings of the Commission, which minutes shall be a summary of all proceedings before the Commission, attested to by the Secretary, and which shall include the vote of each member upon every question. The minutes shall be approved by a majority of the members of the Commission voting. In addition, the Secretary shall maintain all records of Commission meetings, hearings and proceedings, the correspondence of the Commission, and a mailing list of persons wishing to receive notice of meetings, agendas or minutes and who have paid an annual fee set by the Board of Trustees to cover copying and mailing costs.

F. Staff. The Development Services Department shall be the professional staff of the Plan Commission.

G. Quorum and Necessary Vote. No meeting of the Plan Commission may be called to order, nor may any business be transacted by the Commission, without a quorum consisting of at least four (4) members of the Commission being present. The Chairman shall be considered and

counted as a member. The concurring vote of at least four (4) members shall be necessary for the Commission to take action on special use applications, final subdivision plat approvals, or amendments to the text of these regulations, the Comprehensive Plan, or to the Zoning District Map. All other actions shall require the concurring vote of a simple majority of the members of the Commission then present and voting.

H. Meetings, Hearings and Procedure.

1. Regular meetings of the Plan Commission shall be held twice a month. Special meetings may be called by the President of the Board of Trustees, the Chairman of the Plan Commission, a majority of the members of the Plan Commission, or a majority of the Board of Trustees.
2. If a matter is postponed due to lack of a quorum, the Chairman of the Plan Commission shall continue the meeting as a special meeting to be held at the same location as soon thereafter as practical. In case of delays caused by other reasons, any hearing should be rescheduled to the next Commission meeting. The Secretary shall notify all members of the date of the continued meeting and also shall notify all parties.
3. All meetings and hearings of the Commission shall be open to the public.
4. Public hearings shall be set for a time certain.
5. No fewer than two (2) members shall attend at least one informational or educational meeting per year, as approved by the State Historic Preservation Officer, pertaining to the work and functions of the Commission or to historic preservation.
6. The Plan Commission shall transmit an annual report of its activities per year, as approved by the State Historic Preservation Officer. Such reports shall include, at a minimum, the number of cases reviewed, new designations made, progress on survey activities, resumes for new Commission members, attendance records, and documentation for the educational and information meetings referenced in the paragraph above. Reports shall be submitted within sixty (60) days after the end of the fiscal year for the Village.
7. The Plan Commission shall monitor and notify the State Historic Preservation Officer of any actual or proposed demolition or actual or proposed major alteration affecting any property in its jurisdiction listed in the Illinois Register of Historic Places. The State Historic Preservation Officer shall provide updated listings of both Registers to the Commission and the President of the Board of Trustees.
8. The responsibilities of the Plan Commission shall be complementary to and carried out in coordination with the responsibilities of the State Historic Preservation Officer pursuant to state and federal laws and regulations as they relate to historic preservation, landmarks, and historic districts.

**SECTION 3**

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to delete in its entirety the text of Section 3-103 "Historic Preservation Review Commission."

## SECTION 4

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to delete in its entirety the text of Subsection 3, "General Process," of Paragraph A, "Due Process," of Section 5-101 and to substitute the following as new text for Subsection 3 of Paragraph A of Section 5-101:

3. General Process. The general direction for moving through the decision-making process for development is shown below. For a flow chart of the decision-making process see Chart 5-101.A(A) at the end of this section.

- a. Pre-application Conference → Departmental Review → Plan Commission → Development Services and Planning Committee of Trustees → Board of Trustees; OR
- b. Departmental Review → Board of Trustees; OR
- c. Departmental Review → Hearing Officer(s) → Board of Trustees (if needed).

## SECTION 5

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to delete in its entirety the text of Subsection 2, "Applicability," of Paragraph B, "Petitions, Applicability, and Plan Review," of Section 5-101 and to substitute the following as new text for Subsection 2 of Paragraph B of Section 5-101:

2. Applicability. There are two public review processes in the Village of Orland Park for petitions: a public meeting with a public hearing and a public meeting without a public hearing. The following subsections outline which petitions go to public hearings and which go to public meetings respectively for each body. Petitions listed under Plan Commission, for example, begin with the Plan Commission and move through the general process. Petitions listed under Board of Trustees begin and end at the Board of Trustees and so on. In all cases, petitions are reviewed and processed by the Development Services Department. The administrative decision petitions are also outlined below.

a. Public Hearing. Public hearings require a published public notice and are held at public meetings. At a public hearing, the public can attend to provide testimony and view details regarding development review before the appropriate official body.

1. A public hearing at Plan Commission shall be required for applications regarding:

- Special Uses;
- Special Use Amendments;
- Variances (except as in 5 below);
- Rezoning/ Map Amendments;
- Subdivision Review (with the exception of non-residential lot consolidations);

- Designation of Historic and/ or Architectural Landmarks;
- Amending the Local Register of Significant Places (LRSP) and the Natural Heritage Sites (NHS) lists in Section 5-110;
- Certificates of Appropriateness with major changes to any structure in the Old Orland Historic District per Section 6-209 or for historic/ architectural landmarks per Section 5-110; and
- Certificates of Appropriateness for Demolition for contributing structures of the Old Orland Historic District per Section 6-209 or for historic/ architectural landmarks per Section 5-110.

2. A public hearing at Plan Commission is required when the Development Services Department or any other Village agency or department, developer or resident petitions for:

- Comprehensive Plan Amendments; and
- Land Development Code Text Amendments.

3. A public hearing before the Board of Trustees is required for:

- Annexation Agreements.

4. All public hearings pertaining to land development take place before the Plan Commission with the exception of annexation agreements, variances affecting one (1) single family residential dwelling, and variances affecting multi-family residential dwellings of fewer than six (6) units.

5. A public hearing before the Hearing Officer(s) is required for:

- Variance petitions affecting one (1) single family residential dwelling;
- Variance petitions affecting multi-family residential dwellings of fewer than six (6) units.

b. Public Meeting. A published public notice is not required in order to hold a public meeting, although the requirements of the Illinois Open Meetings Act must be met. Public meetings are held at Plan Commission, at the Development Services and Planning Committee of Trustees, and at the Board of Trustees. The public can attend public meetings but are not guaranteed the opportunity to provide testimony regarding development review.

1. A public meeting at Plan Commission is required for applications regarding:

- Site Plan Review;
- Building Elevations; and
- Appeals of Administrative Decisions.

2. A public meeting by the Board of Trustees is required for:

- Landscape Plans;
- Plats of Subdivision (including consolidations);
- Development Agreements; and
- Related Ordinances.

3. All meetings of the Development Services and Planning Committee of Trustees and the Board of Trustees are public meetings. For annexation agreements at the Board of Trustees, a public meeting with a public hearing is required.

- c. **Administrative Decisions.** Administrative decisions are a third review process. Administrative decisions are made internally by the Development Services Department.
1. Administrative decisions within the Development Services Department are required for applications pursuant to Section 5-106 regarding:
    - Minor exterior changes to sites and buildings; and
    - Restaurants that do not require preliminary plan review or special use permits.
  2. Administrative decisions within the Development Services Department are required for applications pursuant to Sections 5-110 and 6-209 regarding:
    - Routine maintenance to contributing structures in the Old Orland Historic District;
    - Routine maintenance to historic/ architectural landmarks; and
    - Minor changes or routine maintenance to non-contributing structures in the Old Orland Historic District.
- d. **Commissions.** For cases where petitions are handled at a commission other than Plan Commission, the rules, procedures and standards outlined in the following subsections apply to the commission in question per the commission's particular petitions as outlined above.

## SECTION 6

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to delete in its entirety the text of Paragraph C, "Public Meeting Sequence with a Public Hearing," of Section 5-101 and to substitute the following as new text for Paragraph C of 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 for special uses, special use amendments, variances (with exception for Subsection 5-101.C.3.a below) text and map amendments (rezoning) and subdivision review. It shall also hold a public hearing following the same Section 5-101.G below for applications regarding historic /architectural landmark designations, amending landmark lists such as the LRSP and the NHS in Section 5-110, Certificates of Appropriateness for major changes to structures in the Old Orland Historic District or to historic/ architectural landmarks, and Certificates of Appropriateness for Demolition for contributing structures of the Old Orland Historic District or for historic/ architectural landmarks. The Plan Commission shall review a preliminary plan and/or the historical/ architectural significance of the petition's subject and the report and recommendation of the Development Services Department and testimony given at the public hearing and either recommend approval, with or without conditions, or disapproval to the Board of Trustees, or not make a recommendation but forward to the Board of Trustees.

- b. Committee of Trustees. The Development Services and Planning Committee of Trustees shall review the preliminary plan, other submitted documents, the Plan Commission recommendation and the Development Services Department report and recommendation and shall recommend approval, with or without conditions, or disapproval to the Board of Trustees.
- c. Board Action. Upon receipt and review of the Plan Commission's and the Development Services and Planning Committee's recommendations, and the Development Services Department's report and recommendation, the Board of Trustees shall consider the special use, special use amendment, variance, rezoning and/or subdivision along with the petition's final plan, elevations and landscape plan or the landmark designation, the Certificate of Appropriateness for major changes to contributing structures or landmarks, and/or Certificate of Appropriateness for Demolition along with the petition's final plan and/or the historic/ architectural significance of the petition's subject and shall grant, grant with conditions, or deny the petition/application.

2. Public Meeting at Board of Trustees with a Public Hearing.

- a. Board of Trustees. The Board of Trustees shall hold a public hearing for annexation agreements.
- b. Board Action. Upon receipt and review of the report and recommendation of the Development Services Department and the testimony at the public hearing, the Board of Trustees shall consider the annexation agreement and shall approve, modify with conditions, or deny the annexation agreement.

3. Public Meeting at the Hearing Officer(s) with a Public Hearing.

- a. Hearing Officer(s). The Hearing Officer(s) shall hold a public hearing in accordance with the provisions of Section 5-101.G of these regulations for applications regarding variance petitions affecting one (1) single family residential dwelling and variance petitions affecting multi-family residential dwellings of fewer than six (6) units. The Hearing Officer(s) shall review a preliminary plan or related documentation, the report and recommendation of the Development Services Department and testimony given at the public hearing and if the application for a variance is within one of those variances authorized in Section 5-109.E, grant the variance with or without conditions or deny the variance. If the variance is not within one of those variances authorized in Section 5-109.E, the Hearing Officer(s) shall review a preliminary plan or related documentation, the report and recommendation of the Development Services Department and testimony given at the public hearing and either recommend approval, with or without conditions, or disapproval to the Board of Trustees, or not make a recommendation but forward to the Board of Trustees.
- b. Board Action. Upon receipt and review of the Hearing Officer(s) recommendations, and the Development Services Department's report and recommendation, the Board of Trustees shall consider the variances requested not authorized in Section 5-109.E for the Hearing Officer(s) to grant or deny and shall grant, with or without conditions, or deny the petition/application.

## SECTION 7

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to delete in its entirety the text of Paragraph D, "Public Meeting Sequence without a Public Hearing," of Section 5-101 and to substitute the following as new text for Paragraph D of Section 5-101:

**D. Public Meeting Sequence without a Public Hearing**

**1. Public Meeting at Plan Commission.**

a. **Plan Commission.** The Plan Commission shall hold a public meeting whenever an applicant petitions for preliminary plan review, elevations review and/or an appeal of an administrative decision that does not include a special use, special use amendment, variance, text and map amendment (rezoning) and/or subdivision review. It will also hold a public meeting regarding minor changes to landmarks. The Plan Commission shall review a preliminary plan and/or the historical/ architectural significance of the petition's subject and the report and recommendation of the Development Services Department and either recommend approval, with or without conditions, or disapproval to the Board of Trustees, or not make a recommendation but forward to the Board of Trustees.

b. **Committee of Trustees.** The Development Services and Planning Committee of Trustees shall review the preliminary plan, the Plan Commission recommendation and the Development Services Department report and recommendation and shall recommend approval, with or without conditions, or disapproval to the Board of Trustees.

c. **Board Action.** Upon receipt and review of the Plan Commission's and the Development Services and Planning Committee's recommendations, and the Development Services Department's report and recommendation, the Board of Trustees shall consider the final plan, elevations and landscape plan or the Certificate of Appropriateness for minor changes to landmarks and shall grant, grant with conditions, or deny the petition/application.

**2. Public Meeting at Board of Trustees.**

a. **Board of Trustees.** The Board of Trustees shall review, at a regular or special meeting, landscape plans, plats of subdivision (including consolidations), development agreements, and other related ordinances.

b. **Board Action.** Upon receipt and review of the report and recommendation of the Development Services Department, the Board of Trustees shall consider the landscape plan, plats of subdivision, development agreement and/or other related ordinances and shall grant, grant with conditions, or deny these items.

**SECTION 8**

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to delete in its entirety the text of Subparagraph b, "Administrative Decision in the Old

Orland Historic District or on Landmarks" of Subsection 1, "Administrative Decisions at Development Services Department," of Paragraph E, "Administrative Decisions Regarding Appearance and Site Plan Review," of Section 5-101 and to substitute the following as new text for Subparagraph b of Subsection 1 of Paragraph E of Section 5-101:

b. Administrative Decision in the Old Orland Historic District or on Landmarks. Section 6-209 of these regulations regulates the administrative decision process with regard to petitions/applications that require Certificates of Appropriateness for routine maintenance on contributing structures or landmarks, and minor changes or routine maintenance on non-contributing structures. The Development Services Department may approve, with or without conditions, or deny a petition for an administrative decision. Administrative decisions do not go to Plan Commission unless an appeal is made by the petitioner/ applicant. The appeal to the Plan Commission is heard at a public meeting.

## SECTION 9

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to delete in its entirety the text of Subparagraphs a.3 and a.4 of Subsection 2, "Notice of Public Hearing," of Paragraph G, "Public Hearing Procedures," of Section 5-101 and to substitute the following as new text for Subparagraphs a.3 and a.4 of Subsection 2 of Paragraph G of Section 5-101:

3. The address and legal description of the specific property that is the subject of the public hearing for matters regarding a rezoning, a special use permit, a variance, an annexation, a subdivision, a landmark designation or a Certificate of Appropriateness.
4. That said meeting may be continued without republication up to three (3) times.

## SECTION 10

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to delete in its entirety the text of Paragraph B, "Landmark Designation Review Process," of Section 5-110 and to substitute the following as new text for Paragraph B of Section 5-110:

### B. Landmark Designation Review Process.

1. Initiation and Application. Any person, group of persons, association or Village agency may request a landmark designation for any site, place, building, structure, improvement, archaeological site, work of art, or other object within the corporate limits of the Village of Orland Park which may have historic, cultural, archaeological or architectural significance in accordance with the criteria set forth in Section 5-110.C. The Development Services Department shall supply, upon request, the application forms to begin the review process for landmark designation. The application shall be reviewed in accordance with the provisions of Section 5-101.

2. Review by the Development Services Department. After receipt of a complete application for designation of a landmark (see Section 5-101.K), the Development Services Department shall review the petition for designation and send a written recommendation to the Plan Commission, with a copy to the applicant, setting forth whether the designation should be granted or denied and stating the grounds for any such recommendations as they relate to the standards and criteria set forth in Section 5-110.C of these regulations.

3. Review by the Plan Commission and Board of Trustees. The Plan Commission shall hold a public hearing for the landmark designation and the Village Board shall act on the recommendation of the Plan Commission. The Village Board may accept, reject, or modify the recommended motion. For the review proceedings regarding landmark designation please see Section 5-101 of the Land Development Code.

## SECTION 11

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to delete in its entirety the text of Subsection 1, "Local Landmark Criteria," of Paragraph C, "Criteria for Designating Landmarks," of Section 5-110 and to substitute the following as new text for Subsection 1 of Paragraph C of Section 5-110:

1. Local Landmark Criteria. The following criteria are a list of attributes to evaluate sites, places, buildings, structures, improvements, archaeological sites, works of art, or other objects within the corporate limits of the Village of Orland Park for designation as a landmark. The Plan Commission shall review each item to determine if it applies to each application for designation. The proposed landmark shall be considered on the basis of one or more of the following attributes:
  - a. That it exemplifies or reflects the cultural, political, economic or social history of the nation, state or community.
  - b. That it is associated or identified with an historic person or with important event(s) in national, state or local history.
  - c. That it embodies the distinguishing characteristics of an architectural type inherently valuable for a study for a period, style, method of construction, or use of indigenous materials or craftsmanship.
  - d. That it represents the notable work of a builder, designer, or architect whose individual creativity has provided unique structures, improvements, or objects to the local area.
  - e. That it is a building, structure, improvement, object or site embodying all or part of the above characteristics, which is subject to encroachment of detrimental influences.
  - f. That it is a building, structure, improvement, object or site of historical, architectural, archaeological or cultural significance, which may or may not be threatened with alteration or demolition by public or private action.

## SECTION 12

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to delete in its entirety the text of Subsection 2, "Landmark Requirements," of

Paragraph E, “Landmark Rights and Requirements,” of Section 5-110 and to substitute the following as new text for Subsection 2 of Paragraph E of Section 5-110:

2. Landmark Requirements. A landmark designation:
  - a. Requires review by the Plan Commission and Village Board for major or minor changes to the appearance of the landmark or site plan of the landmark, as defined by Section 6-209.G. Such review requires the issuance of a Certificate of Appropriateness per the regulations of Section 6-209. See Section 5-101 for review procedures;
  - b. Requires administrative approval for routine maintenance to the landmark as defined by Section 6-209.G;
  - c. Requires a 90 day demolition delay pending a public hearing at the Plan Commission and a Village Board review per Section 5-101 of these regulations, and the approval of a Certificate of Appropriateness for Demolition per Section 6-209.I of these regulations;
    1. If a Certificate of Appropriateness for Demolition is denied, a demolition permit shall not be issued until the 90 day demolition delay has expired per Section 6-209.I and until the landmark is surveyed and documented for its historical and/or architectural significance by a qualified historic preservation consultant and the survey is archived with the Village of Orland Park Development Services Department;
    2. If in 90 days from the denial of the Certificate of Appropriateness for Demolition a reasonable alternative to demolition has been found by the Development Services Department, it shall be presented to the Board of Trustees for review and consideration. The Village Board of Trustees may then grant or modify with conditions the alternative proposal of the Development Services Department and deny the demolition, or deny the alternative proposal of the Development Services Department and grant the Certificate of Appropriateness for Demolition per Section 5-110.E.2.c.1.

## SECTION 13

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to put in bold the heading of “United States Secretary of the Interior’s Standards for Preservation” for Subparagraph a of Subsection 1, “Preservation,” of Paragraph F, “Landmarks Preservation, Rehabilitation, Restoration and Incentives,” of Section 5-110.

## SECTION 14

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to delete in its entirety the text of Subsection 1, “Landmark De-designation,” of Paragraph G, “Landmark De-designation Review Procedure,” of Section 5-110 and to substitute the following as new text for Subsection 1 of Paragraph G of Section 5-110:

### G. Landmark De-designation Review Procedure.

1. Landmark De-designation. Landmarks shall be de-designated by the Development Services Department based on the review of changes made to them during a Certificate of Appropriateness review at the Plan Commission. The Development Services Department shall write a report and recommendation to the Plan Commission to de-designate a landmark. The same review sequence outlined in Section 5-101.C for designating landmarks shall apply for de-designating them.

## SECTION 15

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to delete in its entirety the text of Paragraph G, "Review Process for Certificates of Appropriateness," of Section 6-209, including Table 6-209.G.1 and to substitute the following as new text for Paragraph G of Section 6-209:

### G. Review Process for Certificates of Appropriateness.

The tables below outline the Certificate of Appropriateness review and approval process for the three categories of buildings in the OOH District and landmarks and are followed by descriptions of the terms used. Once the required review and approval is obtained, building permits must be procured from the Village before the proposed work begins.

Table 6-209.G.1: Review and Approval Process for Contributing Structures and Landmarks					
	Public Hearing	Plan Commission	Committee of Trustees	Board of Trustees	Administrative Review
Major Change (All)	X	X	X	X	
Minor Change (Landmarks)		X	X	X	
Minor Change (Contributing Structures)					X
Routine Maintenance					X
COA for Demolition	X	X	X	X	

Table 6-209.G.2: Review and Approval Process for Non-Contributing Structures and New Construction					
	Public Hearing	Plan Commission	Committee of Trustees	Board of Trustees	Administrative Review
Major Change (All)					X
Minor Change (All)					X
Routine Maintenance					X
COA for Demolition (All)					Not Required

New Construction (Freestanding Residential)					X
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**1. Contributing Structures.**

Any building that reinforces the historic, cultural or architectural significance of the Historic District, and retains a significant portion of its architectural or design integrity. Contributing Structures in the Old Orland Historic District are identified in Map 1 of this section.

**2. Landmarks.**

Any building listed on the Local Register of Significant Places in Section 5-110 of the Land Development Code, which reinforces the historic, cultural or architectural significance of Orland Park.

**3. Non-Contributing Structure.**

Any building that does not reinforce the historic, cultural or architectural significance of the Historic District.

**4. New Construction.**

The construction of a freestanding structure on any developable lot, including new construction that involves additions to existing buildings.

**5. Major Change.**

Substantial change to the exterior appearance of a structure, or any change to the impervious coverage on the site, including but not limited to: New Construction or additions, including new decks visible from the right-of-way, porches, driveways etc.; Demolition of any contributing structure or any part of a contributing structure; Relocation of buildings; Significant alteration/ removal of historical or architectural features.

All changes considered "Major" by the Development Services Department shall require a Public Notice prior to the Plan Commission meeting, as defined in the following tables.

**6. Minor Change.**

Changes that do not have a substantial impact on the exterior appearance of the structure or site, including alteration, addition or removal of exterior architectural elements such as doors, windows, fences, skylights, siding, exterior stairs, roofs, tuck-pointing etc.

**7. Routine Maintenance.**

Includes repair or replacement of exterior elements where there is no change in the design, materials, or appearance of the structure or property such as gutters and downspouts, drive-ways, etc. Landscape changes for gardens, planting beds, new trees, outdoor lighting for single family homes, etc. will be considered as routine maintenance.

**8. Determination of Type of Change.**

Any proposed changes to existing buildings and sites in the Old Orland Historic District will be considered a Major Change, a Minor Change or Routine Maintenance per the determination of the Development Services Department on a case by case basis, applying the above definitions.

## SECTION 16

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to delete in its entirety the text of Paragraph H, "Certificate of Appropriateness," of Section 6-209 and to substitute the following as new text for Paragraph H of Section 6-209:

### H. Certificate of Appropriateness.

The Certificate of Appropriateness review process is designed to protect historic properties from insensitive alterations and to ensure new buildings are compatible in design with older buildings in the Old Orland Historic District. The process for Certificates of Appropriateness is outlined in Section 5-101 of the Land Development Code (5-101.C and 5-101.D) and shall follow the requirements outlined in Section 5-110 of the Land Development Code pertaining to Landmarks.

## SECTION 17

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to delete in its entirety the text of Paragraph I, "Demolition Standards and Permits," of Section 6-209 and to substitute the following as new text for Paragraph I of Section 6-209:

### I. Demolition Standards and Permits.

#### 1. Criteria for Demolition.

A demolition permit from the Village is required for any proposal to demolish, partially demolish, or relocate any landmark or contributing structure within the Old Orland Historic District.

##### a. For Contributing Structures and Landmarks.

A Certificate of Appropriateness for Demolitions must be granted prior to the issuance of the demolition permit. The process for obtaining a Certificate of Appropriateness for Demolition is outlined in-- and shall follow-- Sections 5-101 and 5-110 of the Land Development Code.

##### b. For Non-Contributing Structures.

A Certificate of Appropriateness for Demolitions is not required, and petitioners may apply directly to the Development Services Department for a demolition permit.

##### c. Exceptions.

The petitioner may procure a demolition permit directly from the Village for landmarks or contributing structures if the following conditions apply:

1. The building is an immediate danger to the health, safety or welfare of the occupants or that of the general public; and/or
2. The building is structurally unstable and cannot be safely occupied.

Both conditions must be confirmed by the Development Services Department prior to the issuance of the permit.

2. Demolition Standards.

a. For All Proposals Requiring a Certificate of Appropriateness for Demolition.

The petitioner must respond in writing to all of the following Demolition Standards and submit to the Development Services Department with the completed Certificate of Appropriateness application:

1. That the building or structure is not structurally sound;
2. That the property in question cannot yield a reasonable return if the building or structure were retained; and
3. That the cost of repair of the building or structure exceeds the value of the land and the building, thus creating an economic hardship for the owner.
4. That a historic landmark survey has been conducted and documents the historical and architectural significance of the building or site per Section 5-110.E.2.c.

b. The Petitioner is Responsible.

The petitioner is responsible for submitting adequate documentation for each of the responses, as determined by the Development Services Department.

## SECTION 18

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to delete in its entirety the text of Paragraph J, "Certificate of Appropriateness for Demolitions," of Section 6-209 and to substitute the following as new text for Paragraph J of Section 6-209:

J. Pre-Concept Meeting and Certificate of Appropriateness Training.

1. Pre-Concept Meeting. Prior to applying for a Certificate of Appropriateness, a property owner in the historic district or of a landmark building must meet with the Development Services Department to discuss project scope, the appropriateness of any changes to a site or a building and the impending application of a petition.

2. Certificate of Appropriateness Training. Beginning January 1, 2015, as part of the process to complete a petition for a Certificate of Appropriateness, a petitioner for a Certificate of Appropriateness shall complete a one (1) hour training session covering the Village's historic preservation codes, requirements and policies related to the Old Orland Historic District or to Landmark buildings with the Development Services Department. The Certificate of Appropriateness training shall serve to inform petitioners of the applicable codes, requirements and policies of the Village related to its historic preservation program.

a. Certificate of Training. At the completion of the COA training, a certificate of training shall be issued stating training completion that shall be signed as a binding acknowledgment by the petitioner to faithfully execute the proposed project according to the codes, requirements and policies of the Village of Orland Park's historic preservation program and to abide by the decisions of the Village Board of Trustees.

- b. Period of Good-Standing. One (1) hour of Certificate of Appropriateness training shall keep a petitioner in good-standing with the Village's historic preservation program for one (1) calendar year, in which time any number of approved projects, improvements, etc. may be undertaken by the petitioner using the one (1) training hour.
- c. Certificate Maintenance. Certificates of training may be renewed and kept in good-standing for a second calendar year without attending a training session by completing and passing a Certificate of Appropriateness training test established by the Development Services Department. At a minimum, a petitioner shall complete a training session once every two years.
- d. Compliance. Compliance with Certificate of Appropriateness Training is intended to avoid costly inappropriate material, design or other changes that do not fit the character or concur with the historic integrity of a site, building or district. Failure to comply with the codes, requirements and policies of the Village shall result in the removal of any inappropriate materials, designs or other changes made during the course of an approved project at the petitioner's expense. The Development Services Department shall notify a petitioner via certified mail when work is non-compliant and upon notification the petitioner shall have one (1) week to remove non-compliant materials, designs or other changes. Upon the discretion of the Development Services Department, if the non-compliance is not rectified within five (5) business days, a citation may be issued to the petitioner, who shall be fined not less than \$100 and not more than \$500 per day of non-compliance.

## **SECTION 19**

All sections of the Land Development Code not addressed in this Ordinance or another amending ordinance shall remain in full force and effect.

## **SECTION 20**

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed insofar as they conflict herewith.

## **SECTION 21**

This Ordinance shall become and be effective immediately upon its passage, approval and publication in the manner provided by law. It is ordered that publication of this Ordinance be made by the duplication thereof in pamphlet form, said pamphlets to be deposited in the office of the Village Clerk of the Village of Orland Park, for general distribution.