

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE VILLAGE OF ORLAND PARK, AS AMENDED (Sections 5-101, 5-106, 6-207, 6-209, 6-210, 6-302, 6-307, 6-310, 6-314, and 9-101)

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 public meetings, development review procedures regarding a certificate of appropriateness, special uses for restaurants, ornamental fences, Plan Commission's role regarding environmental clean technology reviews, use of performance guarantees as an enforcement procedure, certificate of appropriateness training, setbacks along La Grange Road, parking lots as accessory uses, garage heights and electronic message board signs for gated communities; and

WHEREAS, the Plan Commission of the Village held a public hearing on March 24, 2015 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 5-101, 5-106, 6-207, 6-209, 6-210, 6-302, 6-307, 6-310, 6-314, and 9-101 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

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 the text of Subparagraph a, "Submission of Testimony," of Subsection 3, "Conduct of the Meeting," of Paragraph H, "Public Meeting Procedures," of Section 5-101 and to substitute the following as new text for Subparagraph a of Subsection 3 of Paragraph H of Section 5-101:

- a. Submission of Testimony. Decision-making bodies shall accept testimony or written materials from individuals or representatives of an organization outside of the applicant at public meetings.

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 Subparagraph a, "Application Review," of Subsection 4, "Review by Development Services Department," of Paragraph K, "Role of the Development Services Department," of Section 5-101 and to substitute the following as new text for Subparagraph a of Subsection 4 of Paragraph K of Section 5-101:

- 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.

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 Paragraph A, "Purpose and Authority," of Section 5-106 and to substitute the following as new text for Paragraph A of Section 5-106:

- A. Purpose and Authority. An Appearance Review is required for minor exterior site and building changes for all existing development, except single family residential and multifamily of fewer than six (6) units. In addition, an Appearance Review is required for all restaurants that are not a special use, and for the expansion of lawfully existing restaurants operating pursuant to a special use where the expansion will occur in an adjoining space, regardless of its proximity to a residential parcel, provided that the expansion area does not exceed 100% of the area initially approved for the special use for the restaurant. Appearance Review is not required for routine property maintenance, replacement of materials with like materials, and proposals that do not visibly change the appearance of the property or for restaurants occupying an existing or vacant former restaurant space and proposing no exterior changes. If the Development Services Department finds that the proposal significantly alters the design and intent of the approved plan, full site plan review is required. The purpose of appearance review is to ensure that the appearance of new development within the Village is consistent with the community character of the area within which the development is located. The Development Services Department is

authorized to conduct and approve appearance reviews. The Appearance Review process in this Section 5-106 does not apply to property in the OOH Zoning District. See Section 6-209 for applicable regulations for the OOH Zoning District.

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 of Paragraph E, "Design, Location and Height Requirements of Fences in Residential Districts," of Section 6-310 and to substitute the following as new text for Subsection 2 of Paragraph E of Section 6-310:

2. In all residential districts, an ornamental fence may be erected on a premise anywhere, as long as it is entirely within the property where the permit is issued, including the front setback past the building line and the front and side setbacks past the building lines in the case of corner lots. The height of such fences shall not exceed four (4) feet and such fences shall be an open-style fence consisting of wrought iron, galvanized steel, aluminum, powder coated, vinyl, wood or similar materials that does not block vision to an extent greater than 40% per lineal foot, and shall not include chain-link or wire fences or fences of similar construction.

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 Subparagraph b of Subsection 3, "ECT Review," of Paragraph C, "Environmental Clean Technology Review and Notification Process," of Section 6-314 and to substitute the following as new text for Subparagraph b of Subsection 3 of Paragraph C of Section 6-314:

b. A contributing structure in the Old Orland Historic District or an Orland Park Landmark shall require a Certificate of Appropriateness (COA) review at the Plan Commission for an ECT. The same notification requirements shall be under taken for a COA.

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 B of Section 9-101 and to substitute the following as new text for Paragraph B of Section 9-101:

B. Inform the violator that no further work under an existing approval may proceed until the violation has been corrected.

In the event that a violator has been previously determined to have violated a provision of these regulations within the prior five (5) years, the Development Services Director may require that the violator implement appropriate mitigation measures for the site where the violation was committed. Such measures may include installation of landscaping and requirements for posting a performance guarantee acceptable to the Village such as cash bond, letter of credit or, at the

discretion and approval of the Board of Trustees, other security methods to ensure compliance with the order of the Development Services Director.

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 Paragraph J, "Pre-Concept Meeting and Certificate of Appropriateness Training," 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 one (1) credit hour of training 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.

The credit hour of training can be earned by reading the Historic Preservation Resident Handbook and signing a Certificate of Appropriateness Training affidavit stating training completion. The affidavit is 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) credit 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) credit hour.

c. 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 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 Table 6-207.F.1 (A) and to substitute the following as new text for Table 6-207.F.1 (A):

TABLE 6-207.F.1 (A)

STREET NAME	MINIMUM BUILDING SETBACK FROM STREET	PURPOSE OF THE SETBACK AREA
All streets, except as below	25 feet	For streets carrying moderate to high regional and local traffic, a setback area of 25 feet will be required. This will allow commercial buildings to maintain high visibility from the streets, and also provide a significant landscaped area along the street.
Exceptions:		
LaGrange Road	25 feet	LaGrange Road is proposed to be widened to a six lane arterial with a landscaped median. This setback area will distinguish it from other arterials as the main commercial area of the Village. The setback will allow landscaping that will add a sense of scale, safety and enclosure to the corridor, and help create a unique look for the street.
147th Street		
Ravinia Avenue		
West Avenue		
144th Place		
149th Street		
151st Street, between Ravinia Avenue and West Avenue (Ord. 3990 – 2/21/05)	15 feet	For pedestrian oriented streets that also carry moderate local traffic, a setback area of 15 feet is required. This will encourage building entrances to connect directly to the sidewalk, while allowing landscaping with low plantings along the street.
157th Street		
142nd Street		
Ravinia extension (north of 143rd Street and south of	0 to 15 feet	These special pedestrian oriented streets shall be defined by buildings with active street fronts, multiple entrances and well articulated street facades, and by parkway trees along the sidewalk. Buildings shall be allowed to be placed at the lot line or set back up to 15 feet to strengthen the pedestrian character of the street.

159th Street)		
161st Street		
160th Street		
95th Avenue		

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 Table 6-210.F.1.b(A) and to substitute the following as new text for Table 6-210.F.1.b(A):

TABLE 6-210.F.1.b(A)

STREET NAME	MINIMUM BUILDING SETBACK FROM STREET	PURPOSE OF THE SETBACK AREA
All streets, except as below	25 feet	For streets carrying moderate to high regional and local traffic, a setback area of 25 feet will be required. This will allow commercial buildings to maintain high visibility from the streets, and also provide a significant landscaped area along the street.
Exceptions:		
LaGrange Road	25 feet	LaGrange Road is proposed to be widened to a six lane arterial with a landscaped median. This setback area will distinguish it from other arterials as the main commercial area of the Village. The setback will allow landscaping that will add a sense of scale, safety and enclosure to the corridor, and help create a unique look for the street.
147th Street		
Ravinia Avenue		
West Avenue		
144th Place		
149th Street		
157th Street	0 to 15 feet	These special pedestrian oriented streets shall be defined by buildings with active street fronts, multiple entrances and well articulated street facades, and by parkway trees along the sidewalk. Buildings shall be allowed to be placed at the lot line or set back up to 15 feet to strengthen the pedestrian character of the street.

SECTION 11

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to add a new Subsection 24, "Parking Lots," to Paragraph C, "Permitted Accessory

Structures and Uses,” of Section 6-302, which shall read in its entirety as follows, and to renumber the remaining subsections of Paragraph C accordingly:

24. Parking Lots: May be permitted only as accessory uses and structures to a principle structure. Accessory parking lots shall be either pervious or impervious but shall not be made of gravel, dirt or other aggregate/ loose material. They shall be asphalt, concrete, paver or similarly firm material and comply with the landscaping, parking and lot coverage regulations of this Code accordingly.

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 Subparagraph c of Subsection 13, “Garages,” of Paragraph C, “Permitted Accessory Structures and Uses,” of Section 6-302 and to substitute the following as new text for Subparagraph c of Subsection 13 of Paragraph C of Section 6-302:

c. Detached garages on single family lots in the R-2, R-3 and R-4 Districts may not exceed 720 square feet in size. Detached garages may be no higher than thirteen (13) feet to the mean height or sixteen (16) feet to the mean height in Old Orland Historic District, unless a second story is added over the garage, or it is to be used as an accessory dwelling (see Section 6-302.B) or as additional space for uses such as personal office, weight room, hobby space etc. subject to Section 6-303. In no case may it be higher than two stories or 17 feet to the mean height.

SECTION 13

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 d of Subsection 13, “Garages,” of Paragraph C, “Permitted Accessory Structures and Uses,” of Section 6-302 and to substitute the following as new text for Subparagraph d of Subsection 13 of Paragraph C of Section 6-302:

d. In the E-1 District, one attached and one detached garage no larger than 1,000 square feet each is allowed per dwelling unit. In the R-1 Districts, one attached or detached garage no larger than 800 square feet is allowed per dwelling unit. Detached garages may be no higher than thirteen (13) feet to the mean height.

SECTION 14

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to add a new Subparagraph d to Subsection 4, “Subdivision Identification Signs,” of Paragraph O, “Signs Permitted in Residential Districts – Sign District #1,” of Section 6-307 which shall read in its entirety as follows:

d. One (1) electronic message board is permitted for gated communities, which are subdivisions where access is restricted with either a manned or unmanned gated feature, and the roads, parks and other publicly used infrastructure is privately owned. The electronic message board (EMB) must be located on private property and may not be visible from any public property (including,

but not limited to, any right-of-way or public park). The EMB shall be limited to no more than 25% of the sign face area and shall not be permitted on existing nonconforming signs. The EMB must obtain both a sign permit and an administrative appearance review. Appeals to the administrative appearance reviews will be reviewed by the Village Board of Trustees with an application fee of \$500. EMBs are not allowed to be activated until a field inspection is conducted by the Village of Orland Park to ensure compliance with approved permit and Village Code.

SECTION 15

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

SECTION 16

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

SECTION 17

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.