

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE VILLAGE OF ORLAND PARK, AS AMENDED (Section 2-102, Section 6-205.1.E.4.c, Section 6-207.B, Section 6-207.C.14, Section 6-207.F.4.c, Section 6-208.B, Section 6-208.C, Section 6-208.F.5.c, Section 6-209.A, Section 6-209.B, Section 6-210.B, Section 6-210.C.16, Section 6-210.F.4.c, Section 6-211.B.16, Section 6-211.C, Section 6-211.F.5.c, Section 6-305.1.B.1.d, Section 6-305.1.B.2, Section 6-306 (Table 6-306(B)), Section 6-307.N.1, Section 6-307.P.1.a.5, Section 6-310.C.7, Section 6-310.E.5, Section 7-102.O.2, Section 7-102.O.6.b, Section 7-102.O.6.d, Section 7-102.Q.2.b, Section 8-101.B.7, Section 8-101.C.7, and Section 8-101.F.3.a)

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 definitions of indoor recreation area and banner signs; construction of drive aisles; permitted and special uses for indoor recreation areas, public parks and recreation areas, and private parks and recreation areas; uses in the Old Orland Historic District; sizes of commercial retail establishments; tree preservation; parking requirements for restaurants; banner signs, hot air balloons, and freestanding identification signs; fences; utility facilities; vegetation control; and nonconforming uses in the Code; and

WHEREAS, recent amendments have been proposed regarding several provisions of the Code; and

WHEREAS, the Plan Commission of the Village scheduled a public hearing on October 26, 2010, which was properly continued to November 9, 2010 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 attached proposed amendments to Section 2-102, Section 6-205.1.E.4.c, Section 6-207.B, Section 6-207.C.14, Section 6-207.F.4.c, Section 6-208.B, Section 6-208.C, Section 6-208.F.5.c, Section 6-209.A, Section 6-209.B, Section 6-210.B, Section 6-210.C.16, Section 6-210.F.4.c, Section 6-211.B.16, Section 6-211.C, Section 6-211.F.5.c, Section 6-305.1.B.1.d, Section 6-305.1.B.2, Section 6-306 (Table 6-306(B)), Section 6-307.N.1, Section 6-307.P.1.a.5, Section 6-310.C.7, Section 6-310.E.5, Section 7-102.O.2, Section 7-102.O.6.b, Section 7-102.O.6.d, Section 7-102.Q.2.b, Section 8-101.B.7, Section 8-101.C.7, and Section 8-101.F.3.a of the Land Development Code of the Village be made, and this Board of Trustees has duly considered said report and findings and recommendations.

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 the definition of “Indoor Sports Business” and to add the following definition of “Indoor Recreation Area” to Section 2-102, which shall read in its entirety as follows:

Indoor Recreation Area means a recreational facility conducted entirely indoors for commercial purposes, with or without seating capacity for spectators, and providing accommodations for a variety of individual, organized or franchised sports, entertainment or recreational uses. An indoor recreation area may contain secondary uses such as snack bars and retail sales of related merchandise.

#### SECTION 3

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to delete in its entirety the definition of “Sign, Banner” in Section 2-102 and substitute the following as new text for the definition of “Sign, Banner” in Section 2-102:

Sign, Banner means a temporary non-rigid sign composed of lightweight material on the wall of the building’s tenant space, mounted in the ground, or securely attached to the existing ground sign.

#### 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 Subparagraph c of Subsection 4, “Uses Not Permitted in Building Setbacks Along Streets,” of Paragraph E, “Setbacks,” of Section 6-205.1 and substitute the following as new text for Subparagraph c, Subsection 4 of Paragraph E of Section 6-205.1:

c. The drop off area or drive aisle must be constructed with decorative pavement or pervious pavers.

#### SECTION 5

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to insert the following as new Subsections in Paragraph B, “Permitted Uses,” of Section 6-207, in alphabetical order, and to renumber the other Subsections accordingly:

Indoor recreation areas;

Public parks and recreation areas;

#### 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 Subsection 14 of Paragraph C, “Special Uses,” of Section 6-207, and substitute the following as new text for Subsection 14 of Paragraph C of Section 6-207:

Private parks and recreational areas;

#### 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 Subparagraph c of Subsection 4, “Uses Not Permitted in Building Setbacks Along Streets,” of Paragraph E, “Setbacks,” of Section 6-207 and substitute the following as new text for Subparagraph c, Subsection 4 of Paragraph E of Section 6-207:

c. The drop off area or drive aisle must be constructed with decorative pavement or pervious pavers.

#### SECTION 8

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to insert the following as a new Subsection in Paragraph B, “Permitted Uses,” of Section 6-208, in alphabetical order, and to renumber the other Subsections accordingly:

Public parks and recreation areas;

#### 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 Subsection 6 of Paragraph C, “Special Uses,” of Section 6-208, and substitute the following as new text for Subsection 6 of Paragraph C of Section 6-208:

Indoor recreation areas;

#### 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 Subsection 10 of Paragraph C, “Special Uses,” of Section 6-208, and substitute the following as new text for Subsection 10 of Paragraph C of Section 6-208:

Private parks and recreational areas;

#### 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 Subparagraph c of Subsection 5, “Uses Not Permitted in Building Setbacks Along Streets,” of Paragraph F, “Setbacks,” of Section 6-208 and substitute the following as new text for Subparagraph c, Subsection 5 of Paragraph F of Section 6-208:

c. The drop off area or drive aisle must be constructed with decorative pavement or pervious pavers.

#### SECTION 12

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to add the following at the end of the second to last sentence of Paragraph A, “Purpose,” of Section 6-209:

(See Map 1)

#### SECTION 13

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to add the following at the end of the introductory paragraph of Paragraph B, “Uses,” of Section 6-209:

The following applies to redevelopment in the Old Orland Historic District:

In the non-commercial areas, existing residential buildings cannot be converted to mixed use buildings, or be used for office or commercial uses;

In the commercial areas, mixed use and single use commercial/office buildings can replace existing residential buildings via a tear-down when a parcel is redeveloped, but require a special use permit; and

In the commercial areas, mixed use and single use commercial/office uses are permitted in existing residential buildings as a permitted use.

#### SECTION 14

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to delete in its entirety the existing table that is in Paragraph B, “Uses” of Section 6-209 and to substitute the following as the new table for Paragraph B of Section 6-209:

|   |                   |                   |
|---|-------------------|-------------------|
| 1. Accessory Uses   | See Section 6-302 | Any Area          |
| 2. Residential Uses   |                   |                   |
| Multi-family residences without commercial  | Permitted Use     | Commercial Areas  |
| Overnight accommodations up to 6 rental units, 30 day occupancy                                     | Permitted Use     | Commercial Areas  |
| Residential units above retail or commercial establishments   | Permitted Use     | Commercial Areas  |
| Single-family detached dwellings  | Permitted Use     | Any Area          |
| Small residential care homes up to 6 residents  | Permitted Use     | Residential Areas |
| 3. Commercial Uses  |                   |                   |
| <i>(The maximum permitted square footage of commercial uses in Old Orland is 5,000 square feet)</i> |                   |                   |
| Clinics and medical or dental offices   | Permitted Use     | Commercial Areas  |
| Commercial retail establishments  | Permitted Use     | Commercial Areas  |
| Day care homes  | Permitted Use     | Commercial Areas  |
| Financial Institutions  | Permitted Use     | Commercial Areas  |
| Food concession   | Permitted Use     | Commercial Areas  |
| Offices   | Permitted Use     | Commercial Areas  |
| Personal services establishments  | Permitted Use     | Commercial Areas  |
| Restaurants and outdoor seating for restaurants*  | Permitted Use     | Commercial Areas  |
| * When located within 300 feet of a residential use   | Special Use       | Commercial Areas  |
| 4. Civic and Institutional Uses   |                   |                   |
| Community Centers, clubs and lodges   | Special Use       | Any Area          |
| Government uses, including office, recreational uses, public parks and playgrounds                  | Permitted Use     | Any Area          |
| Museums, civic and cultural centers   | Special Use       | Any Area          |
| Places of worship   | Special Use       | Any Area          |
| Public school   | Special Use       | Any Area          |
| 5. Transportation and Utilities   |                   |                   |
| Public transportation facilities such as bus shelters   | Special Use       | Commercial Areas  |
| Utility substations   | Special Use       | Commercial Areas  |

## 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 Subsection 4 of Paragraph B, “Permitted Uses,” of Section 6-210 and substitute the following as new text for Subsection 4 of Paragraph B of Section 6-210:

4. Commercial retail establishments, up to a floor area of 50,000 square feet;

## SECTION 16

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to insert the following as new Subsections in Paragraph B, "Permitted Uses," of Section 6-210, in alphabetical order, and to renumber the other Subsections accordingly:

Indoor recreation areas;

Public parks and recreation areas;

## 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 Subsection 16 of Paragraph C, "Special Uses," of Section 6-210 and substitute the following as new text for Subsection 16 of Paragraph C of Section 6-210:

Private parks and recreational areas;

## 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 Subparagraph c of Subsection 4, "Uses Not Permitted in Building Setbacks Along Streets," of Paragraph F, "Setbacks," of Section 6-210 and substitute the following as new text for Subparagraph c, Subsection 4 of Paragraph F of Section 6-210:

c. The drop off area or drive aisle must be constructed with decorative pavement or pervious pavers.

## SECTION 19

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to insert the following as a new Subsection in Paragraph B, "Permitted Uses," of Section 6-211, in alphabetical order, and to renumber the other Subsections accordingly:

Public parks and recreation areas;

## SECTION 20

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to insert the following as a new Subsection in Paragraph C, "Special Uses," of Section 6-211, in alphabetical order, and to renumber the other Subsections accordingly:

Indoor recreation areas;

## SECTION 21

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 9 of Paragraph C, “Special Uses,” of Section 6-211 and substitute the following as new text for Subsection 9 of Paragraph C of Section 6-211:

Private parks and recreational areas;

#### SECTION 22

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 5, “Uses Not Permitted in Building Setbacks Along Streets,” of Paragraph F, “Setbacks,” of Section 6-211 and substitute the following as new text for Subparagraph c, Subsection 5 of Paragraph F of Section 6-211:

c. The drop off area or drive aisle must be constructed with decorative pavement or pervious pavers.

#### SECTION 23

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to add the following as a new Subsection 1 of Paragraph V, “Installation Standards,” of Section 6-305, which shall read in its entirety as follows and to renumber the remaining Subsections of Paragraph V accordingly:

1. The minimum depth of topsoil to be applied to new residential subdivisions, commercial areas and parks is 6 inches.

#### SECTION 24

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 1 of Paragraph B, “Responsibility for Compliance,” of Section 6-305.1 and substitute the following as new text for Subparagraph d, Subsection 1 of Paragraph B of Section 6-305.1:

d. The removal of any tree from utility owned property or non-residential utility easement.

#### SECTION 25

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to add a new Subparagraph b of Subsection 2 of Paragraph B, “Responsibility for Compliance,” of Section 6-305.1 to read in its entirety as follows:

b. Tree removal on any vacant or undeveloped property, with the exception of individual single family home lots.

#### SECTION 26

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to delete in its entirety the text of Subsections “Restaurant and banquet halls,” and “Restaurants, Fast Food” of the Paragraph entitled “Commercial Uses” of Table 6-306(B) and to substitute the following as new text for Subsections “Restaurant and banquet halls,” and “Restaurants, Fast Food” of the Commercial Uses Paragraph of Section 6-306(B):

|                               |   |
|-------------------------------|---|
| Restaurants and banquet halls | 1 per 100 square feet<br>1 per 200 square feet for carry-out                |
| Restaurants, Fast Food        | (Drive In) 1 per 100 square feet + 7 stacking spaces per drive through lane |

**SECTION 27**

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to add the following as a footnote after Table 6-306(B):

\*\*\* For any restaurants, banquet halls and fast food restaurants that have a special use as of the date of passage of Ordinance No. \_\_\_\_\_, the special use must meet either the required number of parking spaces set forth in the special use permit or the parking requirements passed in Ordinance No. \_\_\_\_\_, whichever is least restrictive.

**SECTION 28**

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 f, “Banners, Pennants,” of Subsection 1, “Signs Permitted with Permit,” of Paragraph N, “Signs Permitted in All Districts,” of Section 6-307 and substitute the following as new text for Subparagraph f, Subsection 1 of Paragraph N of Section 6-307:

f. Banners, Pennants: Banner, Pennants: Pennants are permitted for grand openings, for no more than fourteen (14) days. Pennants are also allowed for model homes, but subject to annual review. Banners attached to buildings are permitted for no more than thirty (30) days at a time, and no more than five (5) times per year. Banners/ wind wavers mounted in the ground or securely attached to an existing ground sign are allowed for no more than fourteen (14) days at a time, no more than five (5) times per year. If the banner is to be attached to an existing ground sign or mounted in the ground on the premises, authorization is required from the landlord or property management agency.

**SECTION 29**

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 g, “Hot Air Balloons” of Subsection 1, “Signs Permitted with Permit,” of Paragraph N, “Signs Permitted in All Districts,” of Section 6-307 and substitute the following as new text for Subparagraph g, Subsection 1 of Paragraph N of Section 6-307:

g. Hot Air Balloons. Hot air balloons are permitted for grand openings, sales and other similar special events on a temporary basis, for no more than two (2) weeks at a time, and no more than ten (10) times per year. Hot air balloons may be displayed either on the roof of the building or in the parking lot. Authorization is required from the landlord or property management agency.

### SECTION 30

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.5 of Subparagraph a of Subsection 1, “Freestanding Identification Signs,” of Paragraph P, “Signs Permitted in Commercial/Office Districts – Sign District #2,” of Section 6-307 and substitute the following as new text for Subparagraph a.5 of Subparagraph a of Subsection 1 of Paragraph P of Section 6-307:

5. Listing of tenants' names shall be permitted for office buildings, but shall occupy no more than eighty (80) percent of the freestanding sign face. For office buildings with four (4) or more stories, two (2) eighty (80) square foot signs listing tenants' names on no more than eighty percent (80%) of the freestanding sign face shall be allowed. The allowable height for these signs shall be ten (10) feet. No tenants' names shall be allowed for non-office commercial signs unless the name is also the name of the center or unless distances between building and right-of-way exceed 250 feet, or unless distance between building and right-of-way exceeds 100 feet and building visibility from the right-of-way is blocked by structures along at least 50% of the lot width, in which case, up to four (4) tenant listings shall be permitted on up to forty (40) percent of the freestanding identification face.

### SECTION 31

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 7 of Paragraph C, “General Construction Requirements,” of Section 6-310 and substitute the following as new text for Subsection 7 of Paragraph C of Section 6-310:

7. The finished side of all fences shall face the street and neighboring properties.

### SECTION 32

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 5 of Paragraph E, “Design, Location and Height Requirements of Fences in Residential Districts,” of Section 6-310 and substitute the following as new text for Subsection 5 of Paragraph E of Section 6-310:

5. Perimeter fences may be erected in the side and rear setback behind the front building line. Fences shall not exceed a height of six (6) feet. A perimeter fence must be constructed within six (6) inches of the property lines. Perimeter fences that are back to back shall be a minimum twenty-four (24) inches apart, otherwise only one (1) fence is permitted along a shared property line.

### SECTION 33

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to add a new Subparagraph 3 to Subsection 2, "Appearance Standards," of Paragraph O, "Location of Facilities," of Section 7-102 to read in its entirety as follows:

3) Underground utilities are required for all new construction on private property and are required in the following locations as part of any regional road reconstruction or widening project: La Grange Road from 131st Street to Interstate 80, 159th Street from 71st Court to Ravinia Avenue, Harlem Avenue from 151st Street to 159th Street, and Ravinia Avenue from 142nd Street to 163rd Street.

### SECTION 34

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 6, "Freestanding Facilities" of Paragraph O, "Location of Facilities," of Section 7-102 and substitute the following as new text for Subparagraph b, Subsection 6 of Paragraph O of Section 7-102:

b) All freestanding facilities located within a right-of-way shall be located underground to the greatest extent possible, as determined by the Development Services Department, and to the extent that the Development Services Department determines that it is not technically possible to install any such facilities underground, such facilities shall be substantially screened from view by landscaping pursuant to a landscaping plan which shall be approved in advance by the Development Services Department. A utility shall screen any facility, lawfully established within a right-of-way prior to the effective date of this Section, within a reasonable period of time not to exceed one hundred eighty (180) calendar days after notification from the Village to screen that specific facility.

### SECTION 35

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 6, "Freestanding Facilities" of Paragraph O, "Location of Facilities," of Section 7-102 and substitute the following as new text for Subparagraph d, Subsection 6 of Paragraph O of Section 7-102:

d) The owner of any freestanding facility shall promptly comply with the reasonable requests of the Development Services Department with respect to the location and screening of such facilities within any right-of-way.

## SECTION 36

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, “Damage to Trees” of Subsection 2, “Other Utilities” of Paragraph Q, “Vegetation Control,” of Section 7-102 and substitute the following as new text for Subparagraph b, Subsection 2 of Paragraph Q of Section 7-102:

b) Damage to Trees. Poor pruning practices resulting in damaged or misshapen trees is not permitted and shall be grounds for cancellation of the tree trimming permit and for assessment of damages. The Village will require compensation for trees extensively damaged. The formula developed by the International Society of Arboriculture will be used as a basis for determining the compensation for damaged trees. The Village may require the removal and replacement of trees if trimming or radical pruning would leave them in an unacceptable condition. For tree removal see Section 6-305.1 Tree Preservation.

## SECTION 37

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 7 of Paragraph B, “Nonconforming Uses,” of Section 8-101 and substitute the following as new text for Subsection 7 of Paragraph B of Section 8-101:

7. Where a building or structure in which a nonconforming use is located is destroyed or damaged to fifty percent (50%) or more of its gross building area, then the structure may be repaired or restored only for uses which conform to the standards of these regulations for the zoning district in which it is located. In the event that such damage or destruction is less than fifty percent (50%) of the gross building area, repairs or construction must be diligently pursued to completion and must be started within one (1) year from the date of the partial destruction.

## SECTION 38

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 7 of Paragraph C, “Nonconforming Structures,” of Section 8-101 and substitute the following as new text for Subsection 7 of Paragraph C of Section 8-101:

7. Any part of a nonconforming building or structure which is destroyed or damaged to less than fifty (50) percent of the gross building area must have a building permit or a sign permit for repair or restoration issued within six (6) months of the date of the damage. Any nonconforming structure which is destroyed or damaged to fifty percent (50%) or more of its gross building area may be repaired or restored only if the structure conforms to the standards of these regulations for the zoning district in which it is located.

## SECTION 39

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 of Subsection 3 of Paragraph F,

“Termination of Status as a Nonconformity,” of Section 8-101 and substitute the following as new text for Subparagraph a of Subsection 3 of Paragraph F of Section 8-101:

a. A buffer conforming to the standards of Section 6-305 shall be provided between the nonconforming use or structure and any abutting lot. Where the nonconforming use or structure is residential and the adjacent lot is located in a residential or agricultural district, a Class C buffer shall be provided. Where the nonconforming use or structure is residential and the adjacent lot is located in a district other than a residential or agricultural district, a Class D buffer shall be provided. Where the nonconforming use or structure is non-residential and the adjacent lot is located in a residential or agricultural district, a Class D buffer shall be provided. Where the nonconforming use or structure is non-residential and the adjacent lot is located in a district other than a residential or agricultural district, a Class C buffer shall be provided.

#### SECTION 40

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

#### SECTION 41

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

#### SECTION 42

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.