

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE VILLAGE OF ORLAND PARK, AS AMENDED (Section 2-102, Section 4-101, Section 5-101, Section 6-207, Section 6-209, Section 6-210, Section 6-306, Section 6-307, Section 6-310 and 6-310.1)

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 distillery, microbrewery and winery; process for comprehensive plan; six month rule for petitions; fencing for outdoor seating at restaurants; garages and siding in Old Orland Historic District; off-street parking requirements for new commercial uses; light band signs; signs permitted in Village Center District; swimming pool covers required for abandoned pools; and

WHEREAS, the Plan Commission of the Village held a public hearing on July 9, 2013 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 Section 2-102, Section 4-101, Section 5-101, Section 6-207, Section 6-209, Section 6-210, Section 6-306, Section 6-307, Section 6-310 and 6-310.1 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 in their entirety the definitions of "Distillery," "Microbrewery," and "Winery" in Section 2-102 and substitute the following as new text for the definitions of "Distillery," "Microbrewery," and "Winery" in Section 2-102:

Distillery means a processing facility for the production and packaging of less than 5,000 gallons of alcoholic beverages or spirits per year through fermentation and usually concentrating on exotic or specialty spirits. Distilleries may include a production facility where fruits are crushed, fermented or pressed, where bulk still/spirits are stored in tanks or barrels, or where distillery operations such as racking, filtering, blending or bottling of spirits are carried out. The facility may also bottle, warehouse and distribute spirits. The facility may contain an onsite retail area where taste testing and sales directly to a consumer are allowed as ancillary uses to the main operation through a liquor license but such onsite retail area cannot generate more than 50% of total sales annually.

Microbrewery means a brewery producing less than 15,000 barrels per year and usually concentrating on exotic or high quality beer. The facility may also bottle, warehouse and distribute beer. The facility may contain an onsite retail area where taste testing and sales directly to a consumer are allowed as ancillary uses to the main operation through a liquor license but such onsite retail area cannot generate more than 50% of total sales annually.

Winery means an agricultural processing facility producing wine from fruit or fruit juices through fermentation or the refermenting of still wine into sparkling wine. Wineries may include a production facility where grapes are crushed, fermented or pressed, where bulk wine is stored in tanks or barrels, or where winery operations such as racking, filtering, blending or bottling of wines are carried out. The facility may also bottle, warehouse and distribute wine. The facility may contain an onsite retail area where taste testing and sales directly to a consumer are allowed as ancillary uses to the main operation through a liquor license but such onsite retail area cannot generate more than 50% of total sales annually.

### 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 Paragraph E, "Plan Development," of Section 4-101 and substitute the following as new text for Paragraph E of Section 4-101:

E. Plan Development. The Director of Development Services, with the assistance of other Village departments and agencies, shall develop and revise a Comprehensive Plan for the Village of Orland Park. The process of plan development is necessarily an informal one, not readily adaptable to rigid procedures, but the Director shall, in developing a plan, make all reasonable efforts to obtain the views, comments and criticisms of interested departments, divisions, agencies, organizations, groups, firms and residents of the Village. All administrative departments of the Village government, as well as all agencies, boards and commissions shall provide to the Director, upon his/her request, such available records or information as may be required to support and assist in the preparation of the Plan.

## 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 F, "Adoption of Plan," of Section 4-101 and substitute the following as new text for Paragraph F of Section 4-101:

### F. Adoption of Plan.

1. Upon completion of the Plan, or any element thereof, the Development Services Department shall conduct sufficient public meetings in the Village to provide adequate opportunities for all citizens to present their views.
2. Upon completion of the meetings required in Subsection (1) above, the Development Services Department may present the Plan or any element thereof to the Plan Commission for review and recommendation to the Board of Trustees. The Plan Commission shall set, advertise and conduct a public hearing on the Plan, any element of the Plan or any amendment to the Plan in accordance with the public hearing notice procedures in Section 5-101 General Procedures, Requirements and Regulations. The Plan Commission shall recommend to the Board of Trustees that the Plan or any element or amendment be approved, modified or rejected.
3. The Board of Trustees may adopt, reject, or modify such Plan or any element thereof, or refer the Plan to the Plan Commission or Development Services Department for further study.

## 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 Paragraph H, "Re-examination of the Plan," of Section 4-101 and substitute the following as new text for Paragraph H of Section 4-101:

In addition to ongoing review to conduct studies and compile statistics, at least once every six (6) years the Development Services Department shall re-examine the Comprehensive Plan, these regulations and all other development regulations adopted by the Village to implement said Plan. The Development Services Department shall prepare a written report setting forth the findings of such re-examination, and shall transmit a copy thereof to the Plan Commission, the Board of Trustees and the Village Manager. These findings shall include:

1. The major problems and objectives relating to land development confronting the Village at the time of the adoption, or last revision or re-examination, of the Comprehensive Plan.
2. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
3. The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for such Plan or regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources and change in State, County and Village policies and objectives.

4. The specific changes recommended for such Plan or regulations, if any, including underlying objectives, policies and standards, or whether a new Plan or regulation should be prepared.

## 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 1 of Paragraph F, "Six Month Rule," of Section 5-101 and substitute the following as new text for Subsection 1 of Paragraph F of Section 5-101:

Any petition that has not proceeded forward within six (6) months from petition date to the Plan Commission, or within six (6) months from Plan Commission to the Committee of Trustees, or within six (6) months from the Committee of Trustees to the Board of Trustees due to inactivity may be terminated by the Development Services Department. The Development Services Department must notify the petitioner prior to termination of the petition.

## 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 Subsection 21 of Paragraph B, "Permitted Uses," of Section 6-207 and substitute the following as new text for Subsection 21 of Paragraph B of Section 6-207:

21. Restaurants and outdoor seating for restaurants greater than 300 feet from a residential parcel. Outdoor seating will have aisle widths of three (3) feet or more, and service of liquor will require fencing per Section 6-310 Fences.

## 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 Subsection 20 of Paragraph C, "Special Uses," of Section 6-207 and substitute the following as new text for Subsection 20 of Paragraph C of Section 6-207:

20. Restaurants and outdoor seating for restaurants within 300 feet of a residential parcel. Outdoor seating will have aisle widths of three (3) feet or more, and service of liquor will require fencing per Section 6-310 Fences.

## 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 8 of Paragraph D, "Garages," of Section 6-209 and substitute the following as new text for Subsection 8 of Paragraph D of Section 6-209:

8. Garages.

New construction should continue the tradition of locating the garage at the rear of the lot, behind the principal building. Garages should be compatible in design, materials and roof form of the principal building. The maximum height permitted for a garage is sixteen (16) feet to the top of the structure. Additional height may be permitted for a specific roof form that reflects the principal building. Attached garages are allowed only on corner lots and only when mitigating for natural features such as topography or heritage trees. No living space is allowed above an attached garage. Attached garages must be built to a similar scale as detached garages, located at the rear of the principal building and maintain ornamental overhead doors when facing the right-of-way. Garages may have a maximum of two overhead doors or, when located on corner lots, three overhead doors and they must be ornamental doors when facing the right-of-way.

## 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 Subparagraph f.1 of Subparagraph f, "Siding, Brick and Trim," of Subsection 3, "Specific Design Standards," of Paragraph F, "Architectural Design Standards," of Section 6-209 and to substitute the following as new text for Subparagraph f.1 of Subparagraph f of Subsection 3 of Paragraph F of Section 6-209:

1. Siding. Narrow wood clapboard siding with 4-inch exposure or wide wood clapboard siding with 8-inch exposure is appropriate for the District. Light paint colors should be used for the siding that will not conceal the shadow lines of the narrow clapboards and the decorative trim.

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

16. Restaurants and outdoor seating for restaurants greater than 300 feet from a residential parcel. Outdoor seating will have aisle widths of three (3) feet or more, and service of liquor will require fencing per Section 6-310 Fences.

## 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 21 of Paragraph C, "Special Uses," of Section 6-210 and substitute the following as new text for Subsection 21 of Paragraph C of Section 6-210:

21. Restaurants and outdoor seating for restaurants within 300 feet of a residential parcel. Outdoor seating will have aisle widths of three (3) feet or more, and service of liquor will require fencing per Section 6-310 Fences.

## 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 Subsection 3 of Paragraph B, "Required Number of Off-Street Parking Spaces," of Section 6-306 and substitute the following as new text for Subsection 3 of Paragraph B of Section 6-306:

3. In the event that an applicant demonstrates that a new commercial use, whether in an existing building or new construction, will require more parking spaces than the number allocated under Table 6-306(B), the Development Services Department may authorize up to a twenty percent (20%) increase in the total number of parking spaces permitted on the lot. Any request exceeding a twenty percent (20%) increase in the total number of parking spaces permitted on the lot shall be a variance. The Development Services Department may issue such authorization only upon the request of the applicant and only upon determining that the new use will attract more vehicles than the parking lot could otherwise accommodate.

## 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 4 of Paragraph M, "Prohibited Signs," of Section 6-307 and substitute the following as new text for Subsection 4 of Paragraph M of Section 6-307:

4. Streamers, posters, ribbons, light strings, light bulbs, light bands, spinners, attention-getting devices that move, blinking, electronic or flashing signs except time, temperature and date signs, signs which exhibit changing natural or artificial light or color effects, and (7/10) festoon lighting, signs (other than neon signs) which contain bare, unshielded light or tubes which are visible from a public street or a private residence. The prohibition on light bands does not apply when the banding is recessed, lighting is indirect, and it is used to enhance specific architectural features.

## 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 the first paragraph of Paragraph P, "Signs Permitted in Commercial/Office Districts -- Sign District #2," of Section 6-307 and substitute the following as new text for Paragraph P of Section 6-307:

P. Signs Permitted in Commercial/Office Districts -- Sign District #2. In addition to those signs identified in Subsection N, above, only the following signs shall be allowed in commercial/office zoning districts (BIZ, COR, VC and ORI), in accordance with the regulations set forth in this Subsection P and elsewhere in this Section. However, the regulations provided in Subsection R (Sign District 4) shall apply to auto dealers and gas stations.

## 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 F, "Design and Height Requirements of Fences in Nonresidential Districts," of Section 6-310 and substitute the following as new text for Paragraph F of Section 6-310:

F. Design and Height Requirements of Fences in Nonresidential Districts.

1. Fences in a non-residential district may be either solid or up to 50% open and shall not exceed eight (8) feet in height. However, fences enclosing trash/dumpsters shall meet the requirements of Section 6-302 Accessory Uses and Uses, E. Dumpster and Trash Handling Areas.
2. Fences that are erected to separate residential and nonresidential properties shall meet the buffering requirements set forth in Section 6-305.
3. Fences for restaurant outdoor seating areas, temporary or permanent, shall be a minimum of 36 inches (three feet) to a maximum of 48 inches (four feet) in height. Such fences shall be required whenever liquor is served outside.

## 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 Subparagraph t of Subsection 3, "In-ground Swimming Pools," of Paragraph A, "Swimming Pools," of Section 6-310.1 and to substitute the following as new text for Subparagraph t of Subsection 3 of Paragraph A of Section 6-310.1:

t. Abandoned Pools. Unused pools on residential premises not occupied or dwelt in for periods of thirty (30) days or more shall be completely drained or equipped with an approved pool cover (at minimum it must be a mesh safety cover). Abandoned pools shall be removed or filled to the grade of adjacent land. Such unused or abandoned pools shall not create an attractive nuisance. They shall not become a breeding ground for mosquitos. Such unused or abandoned pools not treated in the manner prescribed in this section shall be deemed a public health and safety hazard.

## SECTION 18

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

## SECTION 19

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

## SECTION 20

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.