

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE VILLAGE OF ORLAND PARK, AS AMENDED (Sections 2-102, 5-112, 6-104, 6-203, 6-302, 6-310, and 8-101)

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 adult uses; subdivisions of non-conforming lots; lot coverage in the R-2 Residential Zoning District; front setback encroachment for attached garages; lawn sprinklers in the public right-of-way; prohibited perimeter fences; reconstruction of non-conforming structures; abandonment of non-conforming structures and termination of non-conforming status; fair share exaction fee; lot coverage, driveways and setbacks for wireless communication facilities; and dumpsters and trash handling areas; and

WHEREAS, the Plan Commission of the Village held a public hearing on June 10, 2014, July 8, 2014 and August 12, 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 2-102, 5-112, 6-104, 6-203, 6-302, 6-310, and 8-101 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 definition of "Adult Use" and substitute the following as new text for the definition of "Adult Use" in Section 2-102:

Adult Uses means any private or public establishment or business that regularly offers on its premises entertainment, which is characterized by the depiction or description of nudity, "specified anatomical areas" or "specified sexual activities" and that derives a significant or substantial portion of its revenues from said entertainment. Adult uses shall include adult arcade, adult bookstores, adult novelty store or adult video store, adult motion picture theatres, adult cabarets and commercial establishments where the adult use retail area exceeds 15% of the gross retail floor area.

SECTION 3

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to add the definitions of "Adult Arcade", "Adult Bookstore", "Adult Novelty Store" or "Adult Video Store," "Adult Cabaret," "Adult Motion Picture Theatre," "Nudity or State of Nudity," "Specified Anatomical Areas," and "Specified Sexual Activities," to Section 2-102, which shall read in their entirety as follows:

Adult Arcade means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

Adult Bookstore, Adult Novelty Store or Adult Video Store means any commercial establishment which has as a significant or substantial portion of its stock-in-trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising to the sale or rental, for any form of consideration, of any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".
2. Instruments, devices, or paraphernalia which are designed for use or marketed primarily for the stimulation of human genital organs or for sadomasochistic use or abuse of themselves
3. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe "specified anatomical areas" or "specified sexual activities".

Adult Cabaret means a restaurant or similar commercial establishment, which regularly features: a) persons who appear in a state of nudity or semi-nude; or b) live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or c) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.

Adult Motion Picture Theatre means any commercial establishment used regularly and routinely for presenting films, motion pictures, video cassettes, slides or similar photographic reproductions having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

Nudity or State of Nudity means a) the appearance of human bare buttock, anus, male or female genitals, or the areola or nipple of the female breast; or b) a state of dress which fails to opaquely and fully cover human buttocks, anus, male or female genitals, pubic region or areola or nipple of the female breast.

Specified Anatomical Areas include a) the human male genitals in a discernibly turgid state, even if completely and opaquely covered; or b) less than completely and opaquely covered human genitals, pubic region, buttock or female breast below a point immediately above the top of the areola.

Specified Sexual Activities includes the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; and excretory functions in connection with sexual activity.

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, “Fair Share Exaction,” of Subsection 6, “Transportation Exactions,” of Paragraph H, “Development and Subdivision Exactions: Dedication of Land and Fees In Lieu of Dedication,” of Section 5-112 and to substitute the following as new text for Subparagraph c of Subsection 6 of Paragraph H of Section 5-112:

c. Fair Share Exaction. All applicants shall pay the following transportation exaction, except applicants that are redeveloping properties of similar impact that have already contributed transportation exactions:

Residential:	\$1,500 per lot or per dwelling unit, whichever is greater
Nonresidential:	\$1.15 per sq. ft. for retail
	\$0.90 per sq. ft. for office
	\$0.60 per sq. ft. for industrial

These fees are based on the expected traffic that will be generated by each type of development, based on the estimated cost per lane mile. If the density or intensity of the development at the time of building permit issuance exceeds that which the applicant had represented that he or she would build at the time of plat approval, the applicant shall pay an additional fee, based on the fees set forth in this Section. If there is any question regarding the appropriate category for a nonresidential development for the purposes of this subsection, the nonresidential development shall be treated as if the development belonged in the most similar category, as determined by the Development Services Department or its designee. An applicant may appeal this determination to the Board of Trustees. The Village may elect to assume the obligation of an exaction fee as an incentive to encourage industrial and office development, so long as the Village follows the standards and procedures adopted by the Village for determining when such abatement is appropriate.

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 5 of Paragraph A, "General," of Section 6-104.

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 6 of Paragraph A, "General," of Section 6-104 and to substitute the following as new text for Subsection 6 of Paragraph A of Section 6-104:

6. Any lot which was of record at the time of the adoption of these regulations, and which does not meet the requirements for minimum lot width and area set forth on Table 6-104(A), may be utilized for a use permitted under the zoning district in which the lot is located, provided that the applicable setbacks and other provisions of these regulations are met.

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 Table 6-104(A) and to substitute the following as new text for Table 6-104(A):

Table 6-104 (A)

1. DEVELOPMENT STANDARDS

Zoning District	Min. lot area (sq. ft.)	Min. lot width (feet)	Coverage %	Height (feet) / Stories	FAR
E-1	43,560	150	25	35	---
R-1	21,780	125	30	35	---

R-2	15,000	100	30	35	---
R-2A	15,000	100	35	30	---
R-3	10,000	80	35	30	---
R-3A	7,000	60	35	30	---
R-4	8,500	70	45 SFD 60 SFA/MF	50 Non-Res 30 Res	---
LSPD (Ord.2514- 1/17/94)	8,000	70	45	30 / 2.5 stories	---
RSB	5,000	40	80 Non- Res 65 Res	35 / 3 stories	1.0 Non- Res 0.6 Res
BIZ	10,000	80	75	50 / 4 stories	1.0
MFG	20,000	100	80	40 / 3 stories	1.5
OOH	5,000 Non-Res 2,500 Res	50 Non- Res 25 Res	90 Non- Res 80 Res	37	---
COR	10,000 Non-Res 4,356 Res	80 Non- Res	75	75 / 6 stories	2.0
ORI	20,000 Industrial 10,000 Other	100 Industrial 80 Other	75	75 / 6 stories	2.0
VCD	10,000 Non-Res 2,500 Res	80 Non- Res 25 Res	75	70 (w/in 600 feet of station) / 6 stories 55 (at corners) / 4 stories 40 (other) / 3 stories	3.0 (w/in 1,000 feet of station) 1.0 other
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2. SETBACKS SINGLE-FAMILY ATTACHED
AND DETACHED DWELLINGS INCLUDING DUPLEXES AND TOWNHOMES

	Front	Side	Rear
E-1			
Arterial	50	50	50
Collector	50	50	50
Other	50	25	50
R-1			
Arterial	45	15% of width with a min. of 12.5 feet	45
Collector	40	15% of width with a min. of 12.5 feet	45
Other	40	15% of width with a min. of 12.5 feet	45
R-2 and R-2A			
Arterial	45	10% of width	45
Collector	40	10% of width	40
Other	30	10% of width	30
R-3			
Arterial	45	10% of width with a min. of 8 feet	45
Collector	40	10% of width with a min. of 8 feet	40
Other	30	10% of width with a min. of 8 feet	30
R-3A			
Arterial	35	10% of width with a min. of 8 feet	45
Collector	30	10% of width with a min. of 8 feet	40
Other	25	10% of width with a min. of 8 feet	30
R-4			
Arterial	45	10% of width with a min. of 7.5 feet	45
Collector	40	10% of width with a min. of 7.5 feet	40
Other	30	10% of width with a min. of	30

		7.5 feet	
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NOTE: See text for exceptions such as corner lots.

**2. SETBACKS SINGLE-FAMILY ATTACHED
AND DETACHED DWELLINGS INCLUDING DUPLEXES AND TOWNHOMES (cont.)**

	Front	Side	Rear
LSPD			
Arterial	45	15% of width	25
Collector	40	15% of width	25
Other	25	15% of width	25
RSB			
	30	8	25
OOH			
	8-15	5-15	30
COR			
Arterial	45	15% of width with a min. of 15 feet	35
Collector	40	15% of width with a min. of 15 feet	35
Other	30	15% of width with a min. of 15 feet	35
VCD			
	See text	15 for non-street	30

NOTE: See text for exceptions such as corner lots.

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 a of Subsection 1, "Location of Required Open Space," of Paragraph B, "Lot Coverage," of Section 6-104 and to substitute the following as new text for Subparagraph a of Subsection 1 of Paragraph B of Section 6-104:

- a. Open spaces shall be maintained on all lots outside of the required building setback (the building envelope), unless otherwise enabled by these regulations as accessory uses and structures. Required building setbacks shall be measured inward from the property lines of the subject site.

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 Subparagraph b of Subsection 2, "Uses and Structures Prohibited in Required Setbacks," of Paragraph B, "Lot Coverage," of Section 6-104 and to substitute the following as new text for Subparagraph b of Subsection 2 of Paragraph B of Section 6-104:

b. Except as otherwise provided in Section 6-306 of these regulations, no off-street parking area, maneuvering area for parking spaces, or loading area shall be located within any required front setback or within any required side setback which abuts a street. This restriction shall not apply to driveways of single family detached dwellings providing access from the street to the parking area.

SECTION 10

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to add a new Subsection 4, "Required Building Setbacks v. Actual Building Setbacks," to Paragraph B, "Lot Coverage," of Section 6-104, which shall read in its entirety as follows:

4. Required Building Setbacks v. Actual Building Setbacks. The regulations of this section and the subsequent zoning districts establish the required building setbacks for the lots of each zoning district, effectively establishing a building envelope in which to erect principal structures, additions and accessory uses and structures. The setbacks of each zoning district shall be interpreted to read as the required setbacks. In the case when a principal building is set back further than the required setback, the actual setback, being more restrictive, shall not govern nor override the ability of a property owner to construct within the zone's established building envelope, which meets the required building setbacks. The exception to this is fences and similar accessory structures, which have regulations regarding presence in front yard spaces.

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 Paragraph D, "Height Limitations," of Section 6-104 and to substitute the following as new text for Paragraph D of Section 6-104:

D. Height Limitations. Except as otherwise provided in this Subsection and listed below, height limitations for all structures are listed in each district, in Sections 6-201 through 6-213.

1. The height limitation established for each district shall not apply to public utility poles and lines, skylights, fire towers, spires, cooling towers, parapet walls, co-located wireless communication facilities, and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, or similar equipment for the operation and maintenance of a building.

2. Unless located in or adjacent to a residential district, the height limitation shall not apply to radio or television towers, steeples, chimneys, and water tanks. Freestanding wireless communication facilities must meet the height requirements of Section 6-311.
3. Structures exempted from the maximum height provisions by Subsections (1) and (2) above may not exceed a height of ten (10) feet above the average roof line of the building to which they are affixed or adjacent unless permitted by a special use permit. Wireless communication facilities shall follow the height regulations of Section 6-311.

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 Paragraph F, "Lot Coverage," of Section 6-203 and to substitute the following as new text for Paragraph F of Section 6-203:

F. Lot Coverage. No more than thirty percent (30%) of the area of the parcel may be covered with building and pavement, leaving at least seventy percent (70%) of total parcel area in green space. Impervious coverage will be allowed up to 35% when Best Management Practices (BMP) such as porous pavements and green roofs are used. Up to 40% of the BMPs will be considered pervious, provided that the design standards outlined in the code for BMPs are met. Residences with three (3) or four (4) vehicle side-load garages not facing a public street are allowed an additional three percent (3%) impervious lot coverage. An additional five percent (5%) of the area of the parcel may be used for permitted accessory structures, pavement and uses without following variance procedures (refer to Section 6-302 for permitted accessory structures and uses). For places of worship and/or institutional uses, no more than seventy percent (70%) of the area of the parcel may be covered with building, pavement and storm water storage, leaving at least thirty percent (30%) in green space. (See Section 2-102 Definitions "Green Space").

SECTION 13

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to add a new Subparagraph e to the text of Subsection 13, "Garages," of Paragraph C, "Permitted Accessory Structures and Uses," of Section 6-302, which shall read in its entirety as follows:

e. In any subdivision or development located in a Residential District, which subdivision or development was finally approved by the corporate authorities of the Village subsequent to January 1, 2000, and for which subdivision or development building permits had been issued on or before March 19, 2008, attached garages are permitted to encroach into the front setback, but outside of any existing easement, by no more than five (5) feet.

SECTION 14

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to add a new Subsection 19, "Lawn Sprinklers," of 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)

19. **Lawn Sprinklers:** Lawn sprinklers and irrigation systems are allowed in the front and rear yards. Lawn sprinkler heads may be permitted in public parkways (at the risk of the private property owner) but must be either installed along the sidewalk's edge when available or setback a minimum of three (3) feet from the curb of the street. Private property owners with sprinklers installed in the public right-of-way are responsible for any damage incurred by any public work maintaining right-of-way infrastructure (i.e. snow plowing, water/sewer maintenance etc.).

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 D, "Dumpsters and Trash Handling Areas," of Section 6-302 and to substitute the following as new text for Paragraph D of Section 6-302:

D. Dumpsters and Trash Handling Areas. The following requirements shall apply to walls and fences surrounding dumpsters and trash handling areas accessory to any multi-family or nonresidential use:

1. Except as provided below, any dumpster or trash handling areas shall be screened from view from public streets and any abutting properties by three opaque walls and an opaque gate.
2. Except as provided in (4) (below) for industrial uses, any wall around a dumpster or trash handling area (enclosure) accessory to a new multi-family or a nonresidential use shall be constructed in a durable fashion of brick, stone, or other masonry materials with no greater than twenty-five (25) percent of the wall surface left open. The wall shall be constructed of the same building material and in the same architectural style as the principal structure. Existing multi-family or nonresidential uses may construct enclosures using either wood or beige vinyl material as replacements to either wood or chain link existing enclosures or non-conforming trash handling areas. Existing masonry enclosures may only be replaced by other masonry enclosures
3. Any wall required under this Section shall have a height no greater than eight (8) feet and no less than six (6) feet. For other fence heights see Section 6-310.
4. Any wall around a dumpster or trash handling area accessory to an industrial use shall be allowed to be constructed using walls of materials matching the primary building or wood doors with masonry support posts.

SECTION 16

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to add a new Subsection 3, "Other Perimeter Fences," to Paragraph C, "Prohibited Fences," of Section 6-310, which shall read in its entirety as follows:

3. Other Perimeter Fences. The following fences shall not be permitted to be either erected or maintained within five (5) feet of property lot lines within the Village:

- a. Aluminum board fences (or similar metal board);
- b. Bramble/ wicker fences;
- c. Cloth-based fences;
- d. Mesh fences (metal, plastic or otherwise);
- e. Netted fences;
- f. Shake fences;
- g. Slat based fences;
- h. Reed fences;
- i. Rod fences; and
- j. Wire fences (except chain link for residential properties).

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 4 of Paragraph C, "Nonconforming Structures," of Section 8-101 and to substitute the following as new text for Subsection 4 of Paragraph C of Section 8-101:

4. A nonconforming structure may be reconstructed or expanded:

- a. if it is nonconforming solely because of its failure to comply with the off-street parking requirements of Section 6-306 of these regulations, and the enlargement will not increase the required amount of off-street parking by more than three (3) additional spaces;
- b. if the expansion will not increase the degree of nonconformity; or
- c. if the structure is nonconforming as to its setback and is located within the Old Orland Historic District; or
- d. if it is nonconforming due to the use of government exercising the powers of eminent domain and the reconstruction or expansion conforms to zoning requirements.

This provision excludes the expansion of non-conforming signs.

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 Subsection 6 of Paragraph C, "Nonconforming Structures," of Section 8-101 and to substitute the following as new text for Subsection 6 of Paragraph C of Section 8-101:

6. Where a nonconforming structure is abandoned for twelve (12) consecutive months, then the structure shall be removed or modified to conform to the requirements of these regulations.

SECTION 19

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, "Nonconforming Vacant Lots," of Section 8-101 and to substitute the following as new text for Subsection 2 of Paragraph E of Section 8-101:

2. If two adjacent nonconforming vacant lots are combined under single ownership, and the combination results in the creation of a single joint lot that is more than one-and-one-half (1 1/2) times the width or area required in the zoning district, then the joint lot may be divided into two (2) lots of equal width and area without being further classified as nonconforming.

SECTION 20

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 F, "Termination of Status as a Nonconformity," of Section 8-101 and to substitute the following as new text for Subsection 4 of Paragraph F of Section 8-101:

4. Upon determining that the nonconforming use or structure satisfies all of the above requirements, the Board of Trustees shall approve that use or structure or for the expansion of that use or structure. Upon receipt of the special use permit the use or structure shall no longer be treated as a nonconformity and shall be allowed to continue as a lawfully existing use or structure unless the structure is abandoned for twelve (12) consecutive months or the use is discontinued for three (3) consecutive years or is destroyed or damaged to 100 percent of its assessed value. This status as a lawfully existing use shall apply only to the specific use or structure for which the permit is issued and not to any other use or structure that may be located on the lot.

SECTION 21

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

SECTION 22

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

SECTION 23

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.