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Proposed Land Development Code Amendment – Residential Density Calculation Methods

PURPOSE

The purpose of this discussion item is to consider whether or not the existing density calculations in residential districts remain relevant and effective, if they should be updated to better reflect current planning priorities, and if they support the types of development the Village is seeking to encourage.

Options for consideration include reviewing the Net Buildable Acres calculation entirely, which reduces the number of units that can be built, change to a gross land area calculation method for density, or modifying the existing Net Buildable Acres definition to eliminate policy-based deductions that limit proposed developments. Another set of options to consider is reevaluating the density bonus system which add to the number of units that can be built.

The goal of any proposed future amendment would be to reduce unnecessary regulatory barriers and provide greater clarity and flexibility for applicants.

BACKGROUND

Currently, the Land Development Code (LDC) defines density as the number of dwelling units per Net Buildable Acre (Net DU/AC) on a site (Section 2-102). Each zoning district establishes its own maximum residential density, with some districts allowing additional density through bonuses, as shown below:

PLANNED DEVELOPMENT DENSITY BY ZONING DISTRICT

Zoning District*	Net DU/AC	Max DU/AC with Bonuses
E-1 Estate Residential	1	N/A
R-1 Residential	2	N/A
R-2 & R-2A Residential	2	N/A
R-3 & R-3A Residential	2.5	4
R-4 Residential	3.5**	6
RSB Residential Supporting Business	4	8

*Zoning Districts not included measure density by Floor Area Ratio (FAR) to regulate dwelling units per acre (DU/AC) or do not allow residential planned developments.

**The R-4 District does not have a maximum permitted density listed in the code for DU/AC, but it is presumed to be 3.5 DU/AC net without bonuses.

When calculating density for residential Planned Developments, the current Net DU/AC deductions present two major challenges to developers:

- Developers are unable to determine realistic development potential early in the process.
- Viable residential development plans are often discouraged or slowed due to unclear density expectations and repeated variance or modification requests.

These issues are especially burdensome for smaller and infill development sites, which tend to have more physical constraints and less flexibility for redesign.

These issues stem from the LDC definition of Net Buildable Acres, as shown below:

Net Buildable Acres are calculated by deducting the following from the gross acreage of land:

1. 50% of ComEd easement if owned by the petitioner and the space serves as a public open space amenity
2. 50% of land required for a park or school dedication
3. Perimeter road right-of-way dedication
4. Floodplain that must be conserved
5. Detention and retention areas up to the high-water level
6. Wetlands that must be conserved by federal, state, or local requirements

OPTION A: MODIFICATION TO NET BUILDABLE ACRES DEFINITION

The challenge with the definition of net buildable acres is that 3 of the 6 deductions are based on policy decisions that negatively affect development, especially at smaller or infill locations. One solution is to amend the Net Buildable Acres deductions to only reflect existing site constraints, including ComEd easements, floodplains, and wetlands. These features are typically unbuildable and are already on site prior to the development process, meaning the property owner would already have this information. The remaining 3 deductions, detention and retention areas, park and school dedications, and right-of-way (ROW) dedications, are required deductions that reduce development feasibility by creating barriers that are not known until further along in the entitlement process.

Benefits of this amendment include:

- More certainty to prospective developers and investors by only including “buyer beware” items in the density calculation.
- A degree of flexibility to accommodate requirements from other regulatory agencies such as the Metropolitan Water Reclamation District (MWRD).

For example, stormwater standards prompted by updated MWRD guidelines and increased rainfall data now require more land to be reserved for on-site detention than previously required. Because detention needs are highly site-specific, detention areas cannot be determined accurately during preliminary planning reviews. As a result, developers pay substantial engineering costs and extended review periods before they can confirm the size of the required detention facility prior to determining if a development would be feasible at a location, especially at infill sites where a reduction of several units may make a project unfeasible.

Also, park and school land dedications or associated cash-in-lieu contributions are based on the final unit count of a development, not at the early zoning stage when site plan and engineering plans are still being reviewed. Deducting 50% of these areas from the gross site area creates an unnecessary constraint, where developers lose units based on land they are only required to provide because of those same units. In many cases, developers do not provide additional open space entirely by paying cash-in-lieu instead of land dedications. While these dedications provide a public benefit, they reduce development feasibility and are more appropriately addressed later in the process, once the actual unit count is known.

In contrast, the Village's mixed-use districts, such as COR Mixed Use District and VCD Village Center District, use gross density calculations with no net buildable acreage deductions. These districts are ultimately more straightforward to develop, despite allowing significantly greater intensity than most residential zoning districts.

OPTION B: USE GROSS LAND AREA FOR DENSITY CALCULATIONS

Another solution would be to change the definition of density in the LDC to a gross density calculation method. This would calculate density based on total parcel area without deductions, allowing developers to better determine the feasibility of a site without needing to spend time and money on full-scale engineering plans. This change would save both applicants and the Village significant time, resources, and review effort. Additional benefits of this amendment include:

- Better alignment with Village and MWRD stormwater requirements.
- Elimination of penalties for including infrastructure that benefits the community beyond the subject site.
- Greater support for infill development that meets market demand and Comprehensive Plan goals.
- Increased clarity and predictability in the entitlement process.
- Fewer requests for variances and code modifications related to density and setbacks.

The proposed amendment does not alter the Village's existing controls over maximum residential density. All Planned Developments in the Village still require approval of a Special Use Permit, and all applicable bulk regulations including lot coverage, common and private open space, parking, and setbacks still apply for all residential development in the Village regardless of the proposed density. The Planned Development regulations for the R-3 Residential District are included in Exhibit A for reference.

ADDITIONAL CONSIDERATION: DENSITY BONUSES

Besides the Net Buildable Acres calculation, there are other factors in the LDC that impact the proposed density for a site. For example, the R-3 and R-4 Residential Zoning Districts offer density bonuses that allow developers to exceed the base density, but only if specific criteria are met. Under the R-3 Planned Development regulations, a project may only exceed the base density of 2.5 dwelling units per acre and reach the full 4 units per acre if all required criteria and design bonuses are satisfied, as shown below:

...

5. **Density and Bonuses.** Except as otherwise provided in this Subsection, the density for dwellings shall not exceed 2.5 dwellings per acre. Density may be increased up to 4 dwelling units per acre according to the following:
 - a. one (1) unit per acre for every twenty (20) percent (minimum) of common open space is provided in addition to the minimum required; or
 - b. one (1) unit per acre for every 1200 (minimum) linear feet of boulevard treatment of a street; or
 - c. one (1) unit per acre if all other optional bonuses in Subsection (6) are provided.

6. **Optional Bonuses.** Additional density bonuses may be permitted, provided that the applicant provides the following for the proposed development:
 - a. Boulevard treatment of a street, including a wide landscaped median strip or island in the middle of a street;
 - b. Orientation of buildings that provide views of common open space, forests, valleys, ponds, wetlands and hills;
 - c. Buildings oriented for solar heating;
 - d. Less than fifty (50) percent of garage doors facing the street or common courtyard;
 - e. Garbage enclosures and places for recreational vehicles hidden from view from the street; and
 - f. Attractive non-standard, but consistent, style for lampposts and signs, varied pavement treatments, tiles, stones, bricks and mosaics.

These bonuses are more commonly feasible on large, master-planned developments, where economies of scale allow for the integration of enhanced streetscapes, open space, and architectural elements. However, infill and smaller-scale residential projects often struggle to meet these requirements, especially when further constrained by Net Buildable Acres deductions.

Additionally, some of the bonus items listed above no longer align with current Village preferences or policies. For example, boulevard treatments are now often discouraged due to concerns related to landscape medians, fire truck turning radii, and snow plowing operations. This shift makes it even more difficult for developers to utilize available density bonuses, particularly on compact or constrained sites, which are typical of most of the available development sites today.

SUMMARY

In summary, the Development Services Department believes that Option B, which reflects gross land area, is the more feasible approach. This change would improve clarity, streamline the entitlement process, and support more practical development outcomes. Along with this adjustment, the Village should also evaluate and update the existing list of density bonuses to better align with current planning objectives and operational needs. This should include coordination with other Village departments to ensure the incentives reflect elements the Village actively supports. Doing so will help maintain a bonus system that is both practical and effective in encouraging the type of residential development the Village is seeking.

EXHIBIT A – Section 6-204.C.7 – R-3 Residential Planned Developments Excerpt

7. Planned Developments that include a site that is or is intended for two or more buildings, or one or more principal use, or one principal building for two or more principal uses.

a. Residential planned development provided that:

1. Private open space is provided as follows:

a. Single family detached units shall have at least 450 square feet of usable, private green space adjacent to each unit with some separation from neighbors' space and with direct access from the unit.

b. Townhouses and multi-family units shall have at least two hundred (200) square feet of private open space per unit. Such open space can be located on a patio, deck, balcony, or next to the building or combination thereof.

2. Common Open Space. At least twenty-five (25) percent of the area of the development shall be maintained as common open space.

3. Thirty (30) percent less side or rear setbacks may be permitted for every ten (10) percent of private open space more than the minimum required, provided that the required distance between buildings is maintained and provided that the windows in adjacent buildings are not aligned so as to ensure privacy of the residents; (Amd. Ord. 5312 – 7/16/18)

4. Twenty (20) percent less required private open space may be permitted for every twenty (20) percent of common open space provided beyond the minimum; (Amd. Ord. 5312 – 7/16/18)

5. Density and Bonuses. Except as otherwise provided in this Subsection, the density for dwellings shall not exceed 2.5 dwellings per acre. Density may be increased up to four (4) dwelling units per acre according to the following:

a. one (1) unit per acre for every twenty (20) percent (minimum) of common open space is provided in addition to the minimum required; or

b. one (1) unit per acre for every 1200 (minimum) linear feet of boulevard treatment of a street; or

c. one (1) unit per acre if all other optional bonuses in Subsection (6) are provided. (Amd. Ord. 5312 – 7/16/18)

6. Optional Bonuses. Additional density bonuses may be permitted, provided that the applicant provides the following for the proposed development: (Amd. Ord. 5312 – 7/16/18)

a. Boulevard treatment of a street, including a wide landscaped median strip or island in the middle of a street;

b. Orientation of buildings that provide views of common open space, forests, valleys, ponds, wetlands and hills;

c. Buildings oriented for solar heating;

d. Less than fifty (50) percent of garage doors facing the street or common courtyard;

e. Garbage enclosures and places for recreational vehicles hidden from view from the street; and

f. Attractive non-standard, but consistent, style for lampposts and signs, varied pavement treatments, tiles, stones, bricks and mosaics.