

Prepared by: Development Services Department

ATTACHMENTS:

Below are the combined attachments for the proposed Land Development Code Amendments outlined in the Plan Commission staff report and the Attachments Addendum memo both dated November 9, 2010. These are the actual code sub-sections that were impacted by the amendments.

Language marked by a strikethrough (~~strikethrough~~) is eliminated from the code, while language marked by italics and underlined (*italics*) is added to the code.

Section 2-102 Definitions

- ~~**Indoor Sports Business** means a recreational facility within a building, such as indoor golf, gymnastics, basketball, etc., with spectator capacity under 50 persons. (Ord. 3199 – 11/16/98)~~
- ***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.
- **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.* (Ord. 4574 – 7/6/10)

Section 6-205.1 Large Scale Planned Development District

- Section 6-205.1.E.4.c (Uses not permitted in setback areas)
 - c. The drop off area or drive aisle must be constructed with decorative ~~pervious~~ pavement or pervious pavers.

Section 6-207 General Business District (BIZ)

- Section 6-207.B.14 and B.20 (Permitted Uses)
 - New items inserted alphabetically as numbers 14 and 20, shifting the other items in the list accordingly;
 - 14. *Indoor recreation areas;*
 - 20. *Public parks and recreation areas;*
- Section 6-207.C.14 (Special Uses)
 - 14. *Private parks* Parks and recreational areas;
- Section 6-207.F.4.c (Uses Not Permitted in Setback Areas)
 - c. The drop off area or drive aisle must be constructed with decorative ~~pervious~~ pavement or pervious pavers.

Section 6-208 Manufacturing District (MFG)

- Section 6-208.B.14 (Permitted Uses)
 - New item inserted alphabetically as number 14, shifting the other items in the list accordingly;

- 14. Public parks and recreation areas:
- Section 6-208.C.6 and C.10 (Special Uses)
 - 6. Indoor recreation areas; sports businesses.—(Ord. 3199 – 11/16/98)
 - 10. Private parks Parks and recreational areas;
- Section 6-208.F.5.c (Uses Not Permitted in Setback Areas)
 - c. The drop off area or drive aisle must be constructed with decorative ~~pervious~~ pavement or pervious pavers.

Section 6-209 Old Orland Historic District (OOH)

- Section 6-209.A (Purpose)
 - Adding “(See Map 1)” at the end of the second to the last sentence of the paragraph.
- Section 6-209.B (Uses)
 - New items inserted at the end of the introductory paragraph;
 - 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;

In the commercial areas, mixed use and single use commercial/ office uses are permitted in existing residential buildings as a permitted use.
- Section 6-209.B.2 (Residential Uses)
 - New item inserted in the table and all the provisions will be reorganized alphabetically;
 - Multi-family residences without commercial in commercial areas;
- NEW Section 6-209.B Table: Geographic Clarifications Added as an additional column;
 - Accessory Uses – Any Area;
 - Residential Uses
 - Multi-family residences without commercial – Commercial Areas;
 - Overnight accommodations up to 6 rental units, 30 day occupancy – Commercial Areas;
 - Residential units above retail or commercial establishments – Commercial Areas;
 - Single-family detached dwellings – Any Area;
 - Small residential care homes up to 6 residents – Residential Areas;
 - Commercial Uses
 - Clinics and medical or dental offices – Commercial Areas;
 - Commercial retail establishments – Commercial Areas;
 - Day care homes – Commercial Areas;
 - Financial institutions – Commercial Areas;
 - Food Concession – Commercial Areas;
 - Offices – Commercial Areas;
 - Personal service establishments – Commercial Areas;
 - Restaurants and outdoor seating for restaurants – Commercial Areas;
 - Civic and Institutional Uses
 - Community centers, clubs and lodges – Any Area;

- Government uses, including office, recreational uses, public parks and playgrounds – Any Area;
- Museums, civic and cultural centers – Any Area;
- Places of worship – Any Area;
- Public school – Any Area;
- Transportation and Utilities
 - Public transportation facilities such as bus shelters – Commercial Areas;
 - Utility substations – Commercial Areas;

Section 6-210 COR Mixed Use District (COR)

- Section 6-210.B.4, B.11, and B.16 (Permitted Uses)
 - 4. Commercial retail establishments, up to a floor area of 50,000 ~~20,000~~ square feet;
 - New items inserted alphabetically as numbers 11 and 16, shifting the other items in the list accordingly;
 - 11. Indoor recreation areas;
 - 16. Public parks and recreation areas;
- Section 6-210.C.16 (Special Uses)
 - 16. Private parks ~~Parks~~ and recreational areas;
- Section 6-210.F.4.c (Uses Not Permitted in Setback Areas)
 - c. The drop off area or drive aisle must be constructed with decorative ~~pervious~~ pavement or pervious pavers.

Section 6-211 ORI Mixed Use District (ORI)

- Section 6-211.B.16 (Permitted Uses)
 - New item inserted alphabetically as number 16, shifting the other items in the list accordingly;
 - 16. Public parks and recreation areas;
- Section 6-211.C.6 and C.9 (Special Uses)
 - New item inserted alphabetically as number 6, shifting the other items in the list accordingly;
 - 6. Indoor recreation areas;
 - 9. Private parks ~~Parks~~ and recreational areas;
- Section 6-211.F.5.c (Uses Not Permitted in Setback Areas)
 - c. The drop off area or drive aisle must be constructed with decorative ~~pervious~~ pavement or pervious pavers.

Section 6-305.1 Tree Preservation Standards

- Section 6-305.1.B.1.d (Responsibility for Compliance)
 - d. The removal of any tree from utility owned property or an existing non-residential utility easement.
- Section 6-305.1.B.2 (Responsibility for Compliance)
 - New item inserted as letter b.

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

Section 6-306 Off-Street Parking and Loading Requirements

- Table 6-306(B) (Land Use/ Required Number of Parking Spaces)

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|-------------------------------|--|
| Restaurants and banquet halls | 1 per <u>100 square feet 3 seats + 1 per employee (peak)</u> <u>1 per 200 square feet for carry-out</u> |
| Restaurants, Fast Food | (Drive In) 1 per <u>100 square feet 3 seats + 1 per employee at peak business hours</u> + 7 stacking spaces per drive through lane |

Section 6-307 Signs

- Section 6-307.N.1.f and N.1.g (Signs Permitted in All Districts)
 - f. **Banners, Pennants:** Banners, 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. Banners must be tied to the building. 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. (Ord. 3281 - 8/16/99; Amd. Ord. 4183 – 9/18/06; Amd. Ord. 4210 – 12/18/06; Ord. 4574 – 7/6/10)
 - 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. (Ord. 4574 – 7/6/10)
- Section 6-307.P.1.a.5 (Freestanding Identification Signs)
 - 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. (Ord.2959-11/18/96)

Section 6-310 Fences

- Section 6-310.C.7 (General construction requirements)
 7. The finished side of all fences shall face the street and neighboring properties.

- Section 6-310.E.5 (Design, location and height requirements of fences in residential districts)
 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 ~~Only~~ one (1) fence is permitted along a shared property line. (Ord. 3281 - 8/16/99)

Section 7-102 Construction of Utility Facilities in the Public Rights-of-Way

- Section 7-102.O.2 (Location of Facilities Appearance Standards)
 - New item inserted as number 3;
 - 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 7-102.O.6.b and O.6.d (Location of Facilities Freestanding Facilities)
 - 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 Village Manager, or his or her designee, and to the extent that the Development Services Department Village Manager, or his or her designee, 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 Village Manager, or his or her designee. 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

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

- Section 7-102.Q.2.b (Vegetation Control Damage to Trees)
 - b) **Damage to Trees.** Poor pruning practices resulting in damaged or misshapen trees is not permitted ~~will not be tolerated~~ 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 ~~and for trees removed without authorization~~. The formula developed by the International Society of Arboriculture will be used as a basis for determining the compensation for damaged trees ~~or unauthorized removal of trees~~. The Village may require the removal and replacement of trees if trimming or radical pruning would leave them in

an unacceptable condition. For mitigation requirements related to tree removal see Section 6-305.1 Tree Preservation.

Section 8-101 Nonconformities

- Section 8-101.B.7 (Nonconforming Uses)
 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 assessed value, 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. ~~Assessed value shall be determined by reference to the official property tax assessment rolls for the year the structure is destroyed or damaged. The extent of damage or destruction shall be determined by the Village Engineer by comparing the estimated cost of repairs or restoration with the assessed value.~~ In the event that such damage or destruction is less than fifty percent (50%) of the gross building area ~~of the cost of reconstructing the entire building or structure,~~ no repairs or construction must be diligently pursued to completion and must be ~~shall be made unless such restoration is started within one (1) year from the date of the partial destruction and is diligently pursued to completion.~~

- Section 8-101.C.7 (Nonconforming Structures)
 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 ~~assessed value of such structure may be repaired or restored if a building permit or a sign permit for the repair or restoration is 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 ~~assessed value~~ 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. ~~Assessed value shall be determined by reference to the official property tax assessment rolls for the year the structure is destroyed or damaged. The extent of damage or destruction shall be determined by the Village Engineer by comparing the estimated cost of repairs or restoration with the assessed value.~~

- Section 8-101.F.3.a (Termination of Status as a Nonconformity)
 3. A special use permit shall not be issued for the nonconforming use or structure unless it is to be improved according to the following requirements:
 - 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 E~~ 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 F~~ Class D buffer shall be provided. Where the non-conforming 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.