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## Amendment Report

**Project:** 11/21/2023 Land Development Code Amendments

**Report Date:** 11/15/23

**Prepared by:** Development Services Department

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## SUMMARY OF PROPOSED AMENDMENTS

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### **2023-0915 Substantive Amendment: Revise and Update Development and Subdivision Exactions: Dedication of Land and Fees in Lieu of Dedication**

Revise and update code section for Development and Subdivision Exactions; Dedication of Land and Fees in Lieu of Dedication section of the Land Development Code to conform to industry standards associated with residential development.

### **2023-0896 Substantive Amendment: Modify Entitlement Review Process**

The amendment aims to enhance the efficiency of the development review process by adjusting the timing of final engineering and landscaping stages, allowing applicants to present "80%" - complete plans to the Board of Trustees while staff ensures substantial conformance to Board-approved plans before final approval of the project.

### **2023-0897 Substantive Amendments: Modify Residential Best Management Practices (BMPs)**

This amendment seeks to remove residential BMP allowances as a means of increasing impervious lot coverage by establishing one maximum lot coverage for each residential zoning district.

### **2023-0898 Technical Amendments: Clarify Driveway and Driveway Apron Regulations**

The proposed amendment will retain driveway and driveway apron construction specifications in the Village Code, while all other zoning-related dimensions, such as widths and setbacks for driveways and driveway aprons, will be referenced in the Land Development Code.

### **2023-0859 Substantive Amendment: Adding New Permitted Use to the Open Space District**

Amend language to add civic and fraternal non-profit organizations as a new permitted use and allow for said use to be permitted in the Open Space (OS) Zoning District.

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# SUBSTANTIVE AMENDMENT: REVISE AND UPDATE DEVELOPMENT AND SUBDIVISION EXACTIONS: DEDICATION OF LAND AND FEES IN LIEU OF DEDICATION

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## AMENDMENT SUMMARY

### **Section 5-112.H Development and Subdivision Exactions**

Rewrite of the Development and Subdivision Exactions; Dedication of Land and Fees in Lieu of Dedication section of the Land Development Code to conform to industry standards associated with residential development.

## AMENDMENT EXPLANATION

The proposed amendment for Development and Subdivision Exactions focuses on ensuring adequate resources, facilities, and other growth-related capital expenses are provided to support new residential land development. Although some portions have undergone updates over the years, a comprehensive overhaul of impact fees has not occurred since 1994.

While there is no mandatory requirement to collect impact fees, the Village is obligated to adhere to specific state laws if such fees are gathered, which have been updated in this amendment. Additionally, if approved, each taxing district must sign an intergovernmental agreement to disperse the fees. This update will align the Village with other similar jurisdictions.

Updating the impact fees aligns the Village with other comparable areas and brings growth-related capital expenses closer to the actual costs anticipated by the Village and other taxing districts. Law enforcement, fire and emergency response, and Village public infrastructure were not previously collected but specifically tied to new residential development.

## PROPOSED AMENDMENT TEXT

### **SECTION 5-112.H**

**[ENTIRE SECTION 5-112.H TO BE DELETED AND REPLACED WITH BELOW TEXT]**

**SECTION TO BE DELETED CAN BE FOUND IN ATTACHMENT TITLED "EXHIBIT A".**

### **1. FINDINGS AND PURPOSE**

- a. Residential developments can cause increased demands upon public facilities and services that are specifically and uniquely attributable to those new residential developments. Affected facilities and services include public schools, libraries, parks, playgrounds and recreation facilities, open space, police, fire and emergency facilities and services, and public works facilities and services.
- b. To the extent that residential developments place demands upon public facilities that are specifically and uniquely attributable to such developments, those demands should be satisfied by requiring that the new residential developments creating the demands dedicate land and or pay the costs of meeting the demands.
- c. The Village Board, after careful consideration, finds and declares that land and cash in lieu dedications and the imposition of development impact fees upon new residential developments to finance, in accordance with Illinois law, the acquisition of land, and the cost of public facilities and such services that are specifically and uniquely attributable to such residential developments within the jurisdiction of Village, are in the best interests of the general welfare of the Village and its residents, are equitable, and do not impose an unfair burden on such developments.

- d. It is declared to be the policy of the Village that the provision of various public facilities required to serve new residential developments is subject to the control of the Village in accordance with the Land Development Code and Comprehensive Plan of the Village for the orderly, planned, efficient, and economical development of the Village.
- e. The amount of the dedications and development impact fees to be required by residential developments shall be the proportionate share of the cost of the additional public facilities or operations needed to support such developments (including during the period of time between occupancy and full inclusion of the development in the general property tax rolls) in accordance with Illinois law, and such development impact fees shall be calculated to ensure that developers of new residential developments pay only that portion of the costs of acquiring needed lands and, to the extent permitted by law, the needed facilities specifically and uniquely attributable to the new residential developments, or the portion of the additional costs of services to the new residential development not reflected by general property taxes.

## **2. DEDICATIONS, PAYMENTS AND FEES**

- a. Land dedications, payments of cash in lieu or in combination with land dedications, and payments of impact fees are hereby imposed and required as provided in this Section.
- b. Unless expressly provided otherwise in this Section or a development agreement approved by the Village Board, the developer shall not be entitled to any further permits, approvals, or authorizations relating to the development unless all required donations and payments under this Section have been made.
- c. Every annexation agreement and development agreement for residential development entered into by the Village hereafter shall contain a provision that the applicant agrees to the legal validity of the provisions of this Section and the exactions imposed by in this Section, and agrees to comply with its terms and conditions.
- d. For any residential development for which a final plat or final development plan has been approved or for which a building permit has been issued prior to the adoption of this Ordinance by the Village of Orland Park Board of Trustees, the development required exaction shall be as required by the impact fee ordinance in place at the time of the development approval by the Village of Orland Park Board of Trustees or as set forth in any applicable annexation or other agreement relating to such development. If there is no such agreement and to the extent not otherwise provided in such agreement, the terms and provisions of this Section shall apply.
- e. It is recognized that fair market value and population density, age distribution and local conditions change over the years, and that the specific formula for the dedication of land, or the payment of fees in lieu thereof, as stated herein, is subject to periodic review and amendment as necessary.
- f. Beginning January 1, 2024, the exactions and impact fees set forth herein shall be annually increased by the Consumer Price Index for Urban Wage Earners and Clerical Workers (Revised Series) ("CPI-U"). Said adjustment shall be effective on

January 1 of each year and shall be applied to any development, redevelopment, or subdivision that receives final approval by the Board of Trustees on or after the January 1 adjustment.

- g. This Section shall not affect, in any manner, the permissible use of property, density of development, design, improvement standards and requirements, or any other land use or development standard under the Land Development Code, or governing subdivision, development zoning, or other land use regulations.

### **3. INTERGOVERNMENTAL COOPERATION**

- a. Intergovernmental Agreement Required. It shall be an express condition to the delivery of the land dedication, fees in lieu of land dedication, exactions or the impact fees to any school district, park district, fire protection district, public library, or library district (each a "Recipient") pursuant to the terms of this Section that the Recipient shall have entered into a valid and enforceable intergovernmental agreement ("IGA") with the Village upon terms and conditions in a form approved by the Village attorney, and which IGA is acceptable to the Village. The IGA between the Village and each Recipient shall include an indemnification clause whereby such Recipient indemnifies the Village and its officers and employees, and shall defend, indemnify, and hold the Village harmless for any claims, suits, demands, judgments, fees (including attorneys' fees), costs, or losses of any kind, arising at law or in equity (except those arising out of willful misconduct by the Village relative to payment of land-cash funds), that are in any way related to any land-cash payment and/or conveyance of land, or the use thereof, and from any challenge based on the provisions set forth or referenced in this Section and each part thereof, as amended from time to time. Further, said IGA shall provide for the Recipient to be responsible for any refunds to be made as a result of non-use of land-cash land or funds, any court ruling, or for any other reason whatsoever subject to the receiving entity's right against third parties to assert its rights to any funds sought to be refunded.
- b. Preparation Of Needs Assessments. Each Recipient and public service provider shall periodically, at least every five (5) years, prepare a study to assess the need for land, facilities and capital improvements, and services due to new, growth-related residential development. The study shall consist of a detailed analysis of land and improvements dedicated for the Recipient's public facilities, service standards, and expected future land and capital improvement needs that will be directly attributable to planned residential growth. Such study or studies should also include information about the following: (1) development and development trends within the five (5) most recent prior years, including public facilities actually constructed, (2) anticipated, relevant population generation, (3) changing public facility needs, (4) inflation, (5) any revisions to previous cost estimates for growth-related public facilities, (6) changes in the availability of other funding sources applicable to growth-related public facility projects, and (7) such other factors as may be relevant. Two or more Recipients or public service providers may submit to the Village a joint study that provides the required information for each Recipient.

#### 4. DEDICATION OF LAND OR FEES IN LIEU OF LAND FOR SCHOOL SITES

As a condition of residential development approval, each subdivider or developer will be required to dedicate land, pay cash in lieu of land, or a combination of both, for school facilities to serve the immediate and future needs attributable to the students residing in the approved development. Dedication of land and/or payment of cash in lieu thereof, or a combination of both, is also referenced herein as a "land-cash contribution." Whether a land donation or cash contribution is required shall be based on the recommendation of the Recipient of the contribution, but subject to final determination by the Village Board, and shall be clearly noted on the final development plan approved by the Village Board. The land-cash contribution shall be made in accordance with the provisions, criteria and formulas set forth herein, and the student-generation factors approved by the Village Board.

Any cash in lieu payment may be made, at the developer's option, (i) in an estimated lump sum at the time of recording the approved development plan, or (ii) upon issuance of each residential building permit within the development. The decision to pay on a development approval or per permit basis shall be made prior to development approval.

##### a. Criteria For Determining Land-Cash Contributions

1. The land required to be dedicated for schools shall be based upon:
  - i. the number and mix of bedrooms of the dwelling units approved for construction under the Village-approved development plan;
  - ii. the estimated number of students in each school classification to be generated by the dwelling units approved for construction under the Village-approved development plan;
  - iii. the maximum number of students for each school classification;
  - iv. the minimum number of acres of land for each school site for each school classification;
  - v. the number and bedroom mix of existing dwelling units.
2. "Dwelling units" as that term is applied to land-cash contributions for schools and parks shall be subject to the exclusions under Section 5-112.H.10.
3. Cash payments in lieu of or in combination with land shall be based upon the acreage of land otherwise required to be dedicated, but not being dedicated, multiplied by the average fair cash value of residential land in the Village of Orland Park, being \$300,000.00.
4. The maximum number of students for each school classification and the minimum number of acres of land for each school site for each school classification are set forth in Table 1: CLASSIFICATIONS AND SIZE OF SCHOOL SITES in this Section.
5. The estimated number of students in each school classification to be generated by the dwelling units approved for construction under the Village-approved development plan shall be calculated using the student generation factors approved by the Village, and Table 2: DEVELOPMENT-GENERATED POPULATION AND STUDENTS PER SCHOOL

CLASSIFICATION, not including the estimate number of students in each school classification expected to reside in any dwelling units existing in the Development area before Village approval of the development plan.

**Table 1. CLASSIFICATIONS AND SIZE OF SCHOOL SITES**

School Classification Grades	Maximum Number of Students for Each Such School Classification	Minimum Number of Acres of Land for Each School Site For Such Classification
Elementary Schools – Grades K-5	600 Student	12 Acres
Junior High Schools – Grades 6-8	700 Students	19.5 acres
High Schools – Grades 9-12	2,500 Students	66 Acres

**Table 2. POPULATION GENERATION TABLE**

Type Of Unit	Preschool 0—4 Years	Elementary Grades K—5 5—10 Years	Middle School Grades 6—8 11—13 Years	TOTAL Grades K—8 5—13 Years	High School Grades 9—12 14—17 Years	Adults 18 Years +	Total Per Dwelling Unit
<i>Detached Single-Family:</i>							
2 bedroom	0.120	0.411	0.138	0.549	0.222	1.856	2.746
3 bedroom	0.268	0.486	0.153	0.639	0.135	1.913	2.955
4 bedroom	0.371	0.702	0.259	0.	0.242	1.985	3.532
5 bedroom	0.386	0.590	0.236	0.826	0.242	2.191	3.645
<i>Attached Single-Family:</i>							
2 bedroom	0.206	0.084	0.057	0.141	0.030	1.318	1.697
3 bedroom	0.214	0.104	0.039	0.143	0.050	1.966	2.374
4 bedroom	0.183	0.271	0.106	0.377	0.105	2.102	2.767
5 bedroom <sup>1</sup>	—	—	—	—	—	—	—
<i>Apartments:</i>							
Efficiency <sup>2</sup>	—	—	—	—	—	1.400	1.400
1 bedroom	0.058	0.032	0.012	0.044	0.013	1.653	1.710
2 bedroom	0.129	0.064	0.031	0.095	0.038	1.744	2.007
3 bedroom	0.199	0.115	0.073	0.188	0.083	2.005	2.475
NOTE: There are only three (3) significant categories provided in this chart. Because of the similarity of yields of all types of attached single-family, only one (1) category is provided. The same is true with apartments; thus only one (1) category.							

6. The Developer may contest the following under the terms and procedures set forth in Section 112-H.11.:

- i. the estimated number of students in each school classification to be generated by the dwelling units approved for construction under the Village-approved development plan; and/or

- ii. the number of dwelling units and mix of bedrooms existing within the area that is the subject of the approved final development plan; and/or
  - iii. the average fair cash value of residential land in the Village of Orland Park at the time of development approval.
- b. **"Lump sum" vs. "per permit" land-cash contributions.**
1. The amount of cash to be donated by the developer in lieu of donating land for school or park purposes shall be determined by and paid in one of the following two (2) ways: 1) Payment of an "estimated lump sum" prior to recordation of the development plan, or 2) Payment "per permit" at the time each building permit development area. The payment option shall be clearly noted on the approved development plan in order to provide notice to future property owners and to facilitate accurate collection of land-cash payments.
  2. Estimated Lump Sum Payment: Under the estimated lump sum payment option, an estimated payment shall be made by the developer prior to recordation of the development plan based upon the land cash assessment determined at the time of Village Board approval thereof based on the bedroom mixes set forth Table 3, and subject to a credit shall for existing structures:

**Table 3: BEDROOM MIX**

Type of Residential	Bedroom Mix
Single-family detached dwellings	Three (3) bedroom mix throughout the development
Single-family attached and multiple family dwellings other than apartments	Two (2) bedroom mix except that the actual bedroom mix shall be used for an approved PUD.
Apartments	The mix shall be based upon fifty percent (50%) of the dwelling units being one bedroom and fifty percent (50%) being two (2) bedroom units, except that the actual bedroom mix shall be used for an approved PUD.

Adjustments to the estimated lump sum amount shall be made at time of issuance of each building permit within the platted area. If a residence has more or less bedrooms than the number used to calculate the deposit under Section 4.b.2 above, an adjustment in the cash in-lieu charge based upon the actual bedroom mix shall be made by an additional charge to the individual or entity seeking a building permit or ~~a~~ by a refund from the entity which received the land-cash contribution.



3. A fee paid on a "per permit" basis shall be based on the residence type and actual number of bedrooms identified in the building permit at the time of issuance of each building permit. Payment shall be made prior to issuance of said building permit and shall be based upon the land-cash provisions in effect at the time of issuance of the permit. Under this option no credit or credit adjustment shall be given for an existing structure on the permitted lot at the time of payment.

## 5. DEDICATION OF LAND OR FEES IN LIEU OF LAND FOR PARKS AND RECREATION SITES

- a. General Requirements. As a condition of residential development approval, each subdivider or developer will be required to dedicate land, pay cash in lieu of land, or a combination of both, for park facilities to serve the immediate and future needs attributable to the residents in the approved development. The amount of park land and facilities or fee in lieu specifically attributable to new residents is based on the ratio of seven (7) acres of active parks per 1,000 residents. This ratio is intended to attribute 100% of the land required for neighborhood parks to new residential development, and 40% of the land required for community parks to new residential development.

Whether a land donation or cash contribution is required shall be based on the recommendation of the Recipient of the contribution (if other than the Village), but subject to final determination by the Village Board, and shall be clearly noted on the final development plan approved by the Village Board.

- b. Fair Share Donation Formula.
  1. Land Ratio. Applicants for approval for residential developments shall donate land or a fee in lieu of land to the Village at a ratio of seven (7) acres per 1,000 new residents estimated to reside in the Village approved development area. The classification and size of park sites is based on the criteria set forth in Table 4.
  2. Projected Population. The ultimate population of a development and of each dwelling unit therein shall be projected using Tables 2 and 3, less credit for:
    - i. the estimated population residing in existing dwelling units within the development area at the time of development plan approval; and
    - iii. exclusions and reductions set forth in Section 5-112.H.10.
  3. Cash in Lieu Amount. Cash payments in lieu of or in combination with land shall be based upon the acreage of land otherwise required to be dedicated, but not being dedicated, multiplied by the average fair cash value of residential land in the Village of Orland Park, being \$300,000.00.
  4. Location. Land donated for new parks shall be located based generally on the Village's Comprehensive Plan and official map and specifically in consideration of the design of each development. Land donated shall not include wetlands, flood plain or detention facilities.

**Table 4: PARK SIZE REQUIREMENT**

Types Of Recreation Area	Size Range	Minimum Acres Per 1,000 People
a) Mini or vest pocket park	0.20 acres	Not applicable
b) Playlot	0.5 to 2.9 acres	0.5
c) Neighborhood playground	3 to 4.9 acres	1.5
d) Neighborhood park and school	5 acres per elementary school to 6.9 acres per junior high school	Not applicable
e) Neighborhood park	7 to 14.9 acres	1.5
f) Playfield	15 to 40 acres or more	1.5
g) Regional community park	40 to 100 acres or more	4.00

- c. **Park Donation Substitutions.** As a condition of residential development approval, cash in lieu of the required land donation or in combination with the required land donation may be required by the Village if park land would be more appropriately located off-site, as determined by the corporate authorities in its sole judgment.

Any cash in lieu payment may be made, at the developer's option, in an estimated lump sum at the time of final approval of the development plan, or on a "per permit" basis upon the issuance of each residential building permit within the development. The provision of Section 5-112.H.4.b. shall apply to cash-in-lieu payments for parks contributions. The decision to pay on a development approval or per permit basis shall be made prior to development approval and shall be clearly noted on the approved, recorded development plan. A fee paid on a "per permit" basis shall be based on the residence type and actual number of bedrooms identified in the building permit at the time of issuance of each building permit with no credit being given for any existing structure on the permitted lot. Payment per permit shall be made prior to issuance of said building permit, and shall be based upon the land-cash provisions in effect at the time of issuance of the permit.

- d. **Credit For Private Parks and Private Open Spaces And Recreation Areas:**
1. The amount of land or cash in lieu required beyond the minimum outdoor common areas within the approved residential development required for development approval under the Land Development Code may be reduced by the provision of private parks and/or private open spaces and recreation areas. In general, a substitution of private parks or private open space for dedicated park land and/or cash in lieu will require a substantially higher

degree of installed improvements and recreational facilities. Detailed plans and specifications of facilities to be installed, and maintenance guarantees, must be approved by the Village before any credit is given.

2. The amount of land or cash in lieu required as a condition of new residential development approval may be reduced by the provision of private parks within the approved development by up to two (2) acres, provided the private park land meets the Village's standards for donations of public park land, and it is documented to the Village's satisfaction that the private park is and remains legally and practically available for use by all Village residents. The Village may require as a condition of development approval that a back-up special service area is established and recorded to provide for perpetual maintenance of the private park.
  3. Open space for recreation areas and facilities within approved developments, may have the effect of reducing the demand for local public recreational services. As such, the Village may, in its sole judgment, reduce the land or cash in lieu donation required depending on the size of the development, the amount and location of the open space, the park and/or recreational facilities provided in the open space, the availability of use of the open space, perpetual maintenance commitments, and other relevant factors.
- e. The Developer may contest the following under the terms and procedures set forth in Section 112-H.11.:
1. the population to be generated by the dwelling units approved for construction under the Village-approved development plan; and/or
  2. the number of dwelling units and mix of bedrooms existing within the area that is the subject of the approved final development plan on the date of that is (36 months prior to the developer's filing of the application for development plan approval; and/or
  3. the average fair cash value of residential land in the Village of Orland Park.

## **6. FIRE AND RESCUE IMPACT FEE**

- a. General Requirements. As a condition of residential development approval, each subdivider or developer will be required to pay a Fire And Rescue Impact Fee to serve the growth-related capital costs of fire and rescue services in the Village of Orland Park. The Fire And Rescue Impact Fee is the established average annual capital cost for fire and rescue services on a per capita basis, attributable to new residential development within the Village of Orland Park to be served by the Orland Fire Protection District.
- b. Fair Share Fire and Rescue Impact Fee Formula.
  1. The average capital costs of fire and rescue services in the Village is the average annual cost for the ten (10) previous years after removing the highest and lowest annual capital costs.
  2. "Per capita" is established by the most recent federal census therefor.

3. The ultimate population of a development and of each dwelling unit therein shall be projected using Tables 2 and 3, less the estimated existing population expected to reside in dwelling units within the development area at the time of the development plan approval.

Formula:

$$\frac{\text{10 year annual avg. of capital cost for fire and rescue}}{\text{Most Recent Census Population}}$$

Multiplied by:

- i. Projected new residents of the approved development minus:
- ii. the estimated number of residents residing in dwelling units within the area that is the subject of the approved final development plan on the date of the development approval.

= Fire and Rescue Development Impact Fee for the Development

- c. All Fire and Rescue Impact Fees attributable to the development may be made, at the developer's option, in an estimated lump sum at the time of final approval of the development plan, or on a "per permit" basis upon the issuance of each residential building permit within the development. The provision of Section 5-112.H.4.b. shall apply to cash-in-lieu payments for Fire and rescue contributions. The decision to pay on a development approval or per permit basis shall be made prior to development approval and shall be clearly noted on the approved, recorded development plan. A fee paid on a "per permit" basis shall be based on the residence type and actual number of bedrooms identified in the building permit at the time of issuance of each building permit with no credit being given for any existing structure on the permitted lot. Payment per permit shall be made prior to issuance of said building permit, and shall be based upon the land-cash provisions in effect at the time of issuance of the permit.
- d. The Developer may contest the following under the terms and procedures set forth in Section 112-H.11.:
  1. The average capital costs of fire and rescue services in the Village is the average annual cost for the ten (10) previous years after removing the highest and lowest annual capital costs; and/or
  2. the population to be generated by the dwelling units approved for construction under the Village-approved development plan; and/or
  3. the number of existing dwelling units and mix of bedrooms existing within the area that is the subject of the approved final development plan on the date of the development approval.

## 7. LAW ENFORCEMENT IMPACT FEE

- a. General Requirements. As a condition of residential development approval, each subdivider or developer will be required to pay a Law Enforcement Impact Fee to serve the growth-related capital costs of Law Enforcement services in the Village of Orland Park. The Law Enforcement Impact Fee is the established average annual capital cost for Law Enforcement services on a per capita basis attributable to new residential development to be served by the Police Department.

- b. Fair Share Law Enforcement Impact Fee Formula.
  1. The average capital costs of Law Enforcement services in the Village is the average annual cost for the ten (10) previous years after removing the highest and lowest annual capital costs.
  - i. "Per capita" is established by the most recent federal census therefor.
  - ii. The ultimate population of a development and of each dwelling unit therein shall be projected using Tables 2 and 3, less the estimated existing population expected to reside in dwelling units within the development area at the time of the development plan approval.
  - iii. Formula:
 
$$\frac{\text{10 year annual avg. of capital cost for Law Enforcement}}{\text{Most Recent Census Population}}$$

Multiplied by:

Projected new residents of the approved development minus:  
the estimated number of residents residing in dwelling units within the area that is the subject of the approved final development plan on the date of the development approval.

= Law Enforcement Development Impact Fee for the Development
- c. All Law Enforcement Impact Fees attributable to the development may be made, at the developer's option, in an estimated lump sum at the time of final approval of the development plan, or on a "per permit" basis upon the issuance of each building permit within the development. The provision of Section 5-112.H.4.b. shall apply to cash-in-lieu payments for Law Enforcement contributions. The decision to pay on a development approval or per permit basis shall be made prior to development approval and shall be clearly noted on the approved, recorded development plan. However, a Law Enforcement Impact Fee paid on a "per permit" basis shall be based on the residence type and actual number of bedrooms identified in the building permit at the time of issuance of each building permit with no credit being given for any existing structure on the permitted lot. Payment per permit shall be made prior to issuance of said building permit, and shall be based upon the land-cash provisions in effect at the time of issuance of the permit.
- d. The Developer may contest the following under the terms and procedures set forth in Section 112-H.11.:
  1. The average capital costs of Law Enforcement services in the Village is the average annual cost for the ten (10) previous years after removing the highest and lowest annual capital costs; and/or
  2. the population to be generated by the dwelling units approved for construction under the Village-approved development plan; and/or
  3. the number of existing dwelling units and mix of bedrooms existing within the area that is the subject of the approved final development plan on the date of the development approval.

## 8. LIBRARY IMPACT FEE

- a. General Requirements. As a condition of residential development approval, each subdivider or developer will be required to pay a Library Impact Fee to serve the growth-related capital costs of Library services in the Village of Orland Park. The Library Impact Fee is the established average annual capital cost for Library services on a per capita basis, attributable to new residential development to be served by the Orland Park Public Library.
- b. Fair Share Library Impact Fee Formula.
  1. The average capital costs of Library services in the Village is the average annual cost for the ten (10) previous years after removing the highest and lowest annual capital costs.
  2. "Per capita" is established by the most recent federal census therefor.
  3. The ultimate population of a development and of each dwelling unit therein shall be projected using Tables 2 and 3, less the estimated existing population expected to reside in dwelling units within the development area at the time of the development plan approval.

Formula:

$$\frac{\text{10 year annual avg. of capital cost for Library}}{\text{Most Recent Census Population}}$$

Multiplied by:

Projected new residents of the approved development minus:

the estimated number of residents residing in dwelling units within the area that is the subject of the approved final development plan on the date of the development approval.

= Library Development Impact Fee for the Development

- c. All Library Impact Fees attributable to the development may be made, at the developer's option, in an estimated lump sum at the time of final approval of the development plan, or on a "per permit" basis upon the issuance of each residential building permit within the development. The provision of Section 5-112.H.4.b. shall apply to cash-in-lieu payments for Library contributions. The decision to pay on a development approval or per permit basis shall be made prior to development approval and shall be clearly noted on the approved, recorded development plan. A fee paid on a "per permit" basis shall be based on the residence type and actual number of bedrooms identified in the building permit at the time of issuance of each building permit with no credit being given for any existing structure on the permitted lot. Payment per permit shall be made prior to issuance of said building permit, and shall be based upon the land-cash provisions in effect at the time of issuance of the permit.
- d. The Developer may contest the following under the terms and procedures set forth in Section 112-H.11.:

1. The average capital costs of Library services in the Village is the average annual cost for the ten (10) previous years after removing the highest and lowest annual capital costs; and/or
2. the population to be generated by the dwelling units approved for construction under the Village-approved development plan; and/or
3. the number of existing dwelling units and mix of bedrooms existing within the area that is the subject of the approved final development plan on the date of the development approval.

## 9. VILLAGE PUBLIC INFRASTRUCURE IMPACT FEE

- a. General Requirements. As a condition of residential development approval, each subdivider or developer will be required to pay a Village Public Infrastructure Impact Fee to serve the growth-related capital costs of Village Public Infrastructure services in the Village of Orland Park. The Village Public Infrastructure Impact Fee is the established average annual capital cost for Village Public Infrastructure services on a per capita basis, attributable to new residential development to be served by the Village.
- b. Fair Share Village Public Infrastructure Impact Fee Formula.
  1. The average capital costs of Village Public Infrastructure services in the Village is the average annual cost for the ten (10) previous years after removing the highest and lowest annual capital costs.
  2. "Per capita" is established by the most recent federal census therefor.
  3. The ultimate population of a development and of each dwelling unit therein shall be projected using Tables 2 and 3, less the estimated existing population expected to reside in dwelling units within the development area at the time of the development plan approval.

Formula:

$$\frac{\text{10 year annual avg. of capital cost for Village Public Infrastructure}}{\text{Most Recent Census Population}}$$

Multiplied by:

Projected new residents of the approved development minus:

the estimated number of residents residing in dwelling units within the area that is the subject of the approved final development plan on the date of the development approval.

= Village Public Infrastructure Development Impact Fee for the Development

- c. All Village Public Infrastructure Impact Fees attributable to the development may be made, at the developer's option, in an estimated lump sum at the time of final approval of the development plan, or on a "per permit" basis upon the issuance of each residential building permit within the development. The provision of Section 5-112.H.4.b. shall apply to cash-in-lieu payments for Village Public Infrastructure contributions. The decision to pay on a development approval or per permit basis shall be made prior to development approval and shall be clearly noted on the approved, recorded development plan. A fee paid on a "per permit" basis shall be

based on the residence type and actual number of bedrooms identified in the building permit at the time of issuance of each building permit with no credit being given for any existing structure on the permitted lot. Payment per permit shall be made prior to issuance of said building permit, and shall be based upon the land-cash provisions in effect at the time of issuance of the permit.

- d. The Developer may contest the following under the terms and procedures set forth in Section 112-H.11.:
  - 1. the average capital costs of Village Public Infrastructure services in the Village is the average annual cost for the ten (10) previous years after removing the highest and lowest annual capital costs; and/or
  - 2. the population to be generated by the dwelling units approved for construction under the Village-approved development plan; and/or
  - 3. the number of existing dwelling units and mix of bedrooms existing within the area that is the subject of the approved final development plan on the date of the development approval.
- e. No Village Public Infrastructure Impact Fee shall be due or payable for growth-related capital costs of law enforcement services, cash-in-lieu for parks, or any other capital costs or services for which a separate impact fee, land dedication, or cash-in-lieu thereof is payable to the Village pursuant to this Section 5-112.H.

## **10. EXCLUDED "DWELLING UNITS"**

- a. Assisted Living Developments: The land-cash contribution for the parks and recreation related to assisted-living developments shall be subject to a reduction of the park dedication fee. The cash-in-lieu fee shall be determined by the number of beds provided in the development divided by four (4) times the Efficiency Rate per Table 2. Said reduction shall not preclude consideration of further reductions of land-cash contributions in accord with Section 5-112.H.11.
- b. The land-cash contribution for school districts shall be established as provided herein but deemed waived as to assisted-living developments.
- c. Age Restricted Developments: The land-cash contribution for the parks and recreation related to age restricted developments shall be calculated based upon a population generation rate of one and eight-tenths (1.8) persons per unit. If the development ceases to be age-restricted, the required park donation shall be recalculated using the standard population generation rate as per the ordinance in place at the time of age-restriction removal. The developer, and/or their assignees, shall be required to pay the difference between the initial payment and the recalculated payment within sixty (60) days of assessment, unless otherwise extended by the Planning and Development Director.
- d. The land-cash contribution for school districts shall be established as provided herein but deemed waived as to age restricted developments. Subject to review and approval by the Village Attorney, covenants regarding age restriction and penalties for violation of such restrictions, as generally outlined in this Subsection, shall be recorded prior to the Village granting final subdivision plat approval.

Covenants ensuring the integrity and enforceability of age restrictions in an age-restricted development shall include, but not be limited to the following concepts:



- A. All owners or occupants of property within an age-restricted development will strictly comply with the specified age restrictions.
  - B. Any homeowners association ("HOA") formed for the development shall create and consistently use a process designed to monitor and enforce age restriction requirements;
  - C. Violations of the covenants shall cease;
  - D. Penalties for violation of specified age-restrictions shall apply to the student generator and the HOA.
1. Student Generator Penalties: If the owner of any dwelling unit violates or attempts to violate this Section by enrolling or attempting to enroll or assisting in any way in enrolling a child or children in the schools of the school districts ("student generator"), then said student generator shall be liable (i) to the school district for the cost of educating any child or children so enrolled by the Student Generator from the development area in an amount determined in accordance with Section 10-20.12a of the Illinois School Code (105 ILCS 5/10-20, 12a) and (ii) to the school district a fine in the amount of three (3) times the cost of educating any child or children enrolled as provided in (i) or fifty thousand dollars (\$50,000.00), whichever is greater, and (iii) for all reasonable costs of any enforcement action, including litigation expenses, title reports, and attorney's fees incurred as a result of such enforcement. All costs and fines, as specified herein, to be paid by the student generator shall be recorded as a lien against the dwelling unit(s) of the student generator, in addition to any other remedies available by law for the collection of said costs and fines.
  2. Homeowners Association Penalties: It shall be the right, obligation and duty of the homeowners' association ("HOA") to enforce the restrictions contained in this Section in a proactive and diligent manner. The HOA Board shall adopt, implement and enforce rules, regulations and procedures to ensure that at all times the restrictions contained herein are followed. At all times, the HOA shall have an obligation to cooperate with the school district and City in enforcement efforts pursuant to this Section. Within ninety (90) days of written notification to the HOA by the school district or the City of Naperville that a violation of the restrictions set forth in this Section may have occurred, the HOA shall commence an enforcement proceeding against the student generator, and shall diligently pursue the proceeding. If the HOA fails to commence such a proceeding within said time period and either the City and/or school district commences such a proceeding, or if the HOA commences a proceeding, but fails to diligently pursue the same, then the HOA shall pay a fine of fifty thousand dollars (\$50,000.00) to either the school district or the City and also be responsible to reimburse either the City or the school district for the costs and expenses of said their bringing such litigation including attorney's fees.
- E. A provision that persons under the age of twenty-two (22) may be guests in age restricted premises between May 15 and August 10 of each year, but that during the remainder of the year persons under

the age of twenty-two (22) may visit a resident's home for a maximum of thirty (30) days of which no more than fourteen (14) may be consecutive.

- F. By virtue of establishing a development as age restricted and accepting the benefits provided herein, the developer and their successors and assigns waive any right to challenge the school and park donation requirements if payment is ever required.

## 11. TRANSFER OF SCHOOL AND PARK CONTRIBUTIONS

### Land

- a. Improved Sites: All school and park sites shall be dedicated in a condition ready for full service, including electrical, water, sewer, and streets (including enclosed drainage, streetlights, and curb and gutter) as applicable to the location of the site, or acceptable provision made therefor. Sidewalks normally included within the definition of "improved sites" may be delayed due to the delay time between dedication of any such school or park sites and construction of the school or park facilities thereon.
- b. Where land is required to be donated, and the residential development is less than forty acres, then whenever practical, a park site or school site should be combined with dedications from adjoining developments in order to produce a usable school or park site without undue hardship on a particular developer.
- c. Topography and Grading: The slope, topography, and geology of the dedicated site as well as its surroundings must be suitable for its intended purposes and may not include storm water facilities, unless agreed to by the receiving district.
- d. Title To Sites: Within, but not earlier than, thirty (30) days of Village approval of the final development plan, a special warranty or trustee's deed conveying the land to be transferred as the land-cash contribution to the school or governing park authority, as applicable, shall be deposited with the Village for subsequent delivery to the school or park district as the case may be. The Village shall hold the warranty or trustee's deed until receipt of notice from the school or park district that the site is in acceptable condition. The subdivider or developer shall be responsible for conveying good, merchantable title to such site, and shall be responsible for payment of all fees and real estate taxes accruing to the date of the Village's delivery of the deed. If the site is put in acceptable condition as required under this Section, but the school or park district, as the case may be, does not deliver such notice to the Village within ninety (90) days of the site being put in acceptable condition, as determined by the Village, then the Village shall record the deed and deliver the original of the deed to the school or park district, as applicable.
- e. Reservation Of Additional Land For School And Park Purposes. Where land is required to be donated, and the Village's comprehensive plan calls for a larger school or park facility or operations site in a particular residential development than the developer is required to dedicate, the land needed beyond the developer's dedication shall be reserved in accord with the Statutes of the State of Illinois for subsequent purchase by the Village or other public body designated by the Village; provided that a negotiated purchase is made within one year from the date of approval of the final development plan, or an agreement between the developer and the applicable school or park board, as applicable, where such board has

entered into an intergovernmental agreement with the Village is recorded outlining specific conditions for the conveyance of such property.

#### Impact Fees and Cash in Lieu

- a. Payment and Transfer. Cash contributions in combination with or in lieu of school or park land contributions, and impact fees for fire and rescue, law enforcement and library purposes shall be paid by the Developer to the Village for transfer to the appropriate Recipient. Such contribution(s) shall be used by the Recipients solely for its use in the acquisition or improvement of land or capital facilities to serve the Recipient's immediate or future residential growth-related capital needs.
- b. Transfer of Funds to Accounts. Upon receipt of development impact fees;
  - 1 All cash in lieu of land dedication and impact fees paid and collected under this Section shall be deposited by the Village Finance Director in a segregated impact fee account.
  - 2 The Finance Director shall maintain and keep adequate financial records for the account, which shall show the date and source of all impact fee revenues, and the dates, Recipient payees, and purposes of all disbursements. Such records shall account for moneys received as being funds allocable to the Recipients which the funds are payable, or the Village department of fund to which the impact fee funds may be used.
- c. Return Of Unused Cash contributions and Impact Fees. If any portion of a cash in lieu contribution or an impact fee imposed and collected under this Section is not expended for the purposes paid and set forth herein within five (5) years from the date of payment by the developer, it shall be refunded equally to the owners of record of all lots in the subdivision or development for which such cash contribution or impact fee was made, except for the owners of those lots that were dedicated pursuant to the provisions of this section 5-112-H. The refund shall be paid to the person who is the owner of record on the day when the refund is made and shall include accrued interest thereon at the rate of the CPI for each year.

#### **12. OBJECTIONS:**

- a. Any objection as to the accuracy of the population generation tables, the fair market land values, or any other matter, including but not limited to any determination or calculation made pursuant to this Section ("objection") must be made prior to approval of the final plat of subdivision. Upon approval of the final plat of subdivision, any and all objections shall be deemed waived.
- b. Objections must be made in writing and be filed with the Village Clerk and sent to the applicable school district. The written objection must specify the land cash dedication provision(s) being challenged and the specific reasons therefor and shall include all studies and other documentation ("objector's documentation") which the objector desires the Director of Development Services to consider in support of the objection.
- c. In the event an objector files an objection to the table of estimated ultimate population listed herein, at the time of filing the objection, and as part of the objector's documentation, the objector may submit its own demographic study showing the estimated population to be generated from the subdivision or planned development, including a detailed explanation of the methodology used in developing an alternative generation table.

Similarly, in the event an objector files an objection to the fair cash market value of the acres of land in the area improved that otherwise would have been dedicated as school facilities and operations, said objector may submit its own market study and/or appraisal report in support of its objection.

- d. Any impacted parties may submit a response to the objection and written documentation in support of or in opposition to the objection to the Village Clerk ("impacted party documentation") within fourteen (14) days of receipt by the Village of the objection and objector's documentation.
- e. A written recommendation shall be issued by the Village Manager, or his/her designee, with respect to the objection which sets forth her findings and conclusions based upon evaluation and review of the objection and all documentation provided with respect thereto. A copy of the recommendation shall be promptly provided to the objector and to any impacted parties.
- f. The Village Manager's recommendation shall be forwarded to the Village Board within fourteen (14) days of its issuance. Within a reasonable time thereafter the Village Board shall make a final determination with respect to the objection.

### 13. RULES OF CONSTRUCTION AND DEFINITIONS

The following rules of construction and definitions shall apply to their use in this Section 5-112.H.:

- a. The language in the text shall be interpreted in accordance with the following rules of construction:
  - 1. The word "shall" is mandatory; the word "may" is permissive; and
  - 2. The masculine gender includes the feminine and neuter.
- b. The words and phrases in this Section shall have the meanings respectively ascribed to them in Section 2-102 of the Land Development Code, unless otherwise defined in this Section 13.
  - 1. **"Age Restricted Developments"** shall have the meaning as defined in accordance with the Federal Fair Housing Act as amended from time to time.
  - 2. **"Assisted Living Development"** means "Assisted living establishment" as established by the Illinois Department of Public Health, and as amended from time to time.
  - 3. **"Bedroom"** means a room within a dwelling unit capable of being used for sleeping purposes, having a closet and an openable window, and meeting the minimum square footage requirements as described in Section 5-8-4-3 (3b) of the International Property Maintenance Code (2006 or as adopted edition).
  - 4. **"Building Permit"** means the permit issued by the Village for the construction, reconstruction, alteration, addition, repair, placement, removal, or demolition of or to a building, structure or part or appurtenance thereof, or dwelling unit, within the corporate limits of the Village.
  - 5. **"Capital Assets"** means land, land improvements, monuments, buildings and building improvements, construction in progress, machinery,

equipment, vehicles, and infrastructure, provided such items have a useful life of more than one year and have an initial unit cost of \$5,000 or more.

6. **"Capital Costs"** means the costs incurred for design, acquisition, installation, construction, and replacement of capital assets that will either enhance a property's value, prolong its useful life, boost an assets condition, or adapt it to new uses.
7. **"Capital Improvements"** means the acquisition, installation, construction, and replacement of land and capital assets including but not limited to Improvements, and includes administrative, engineering, architectural, and legal costs that are specifically and directly associated with such Capital Improvements.
8. **"Cash in lieu"** means cash contributions for schools and/or parks in combination with or instead of land dedication under this Section.
9. **"Developer"** means any person seeking development approval under the applicable regulations of the Orland Park Land Development Code.
10. **"Development"** means any increase in the intensity of the use of land within the Village of Orland Park requiring the issuance of a building permit, including but not limited to construction, reconstruction, alteration, addition, repair, or placement of or to a building.
11. **"Development Agreement"** means a contract, entered into between an owner and/or developer and the Village, approving and governing a development subject to this Section.
12. **"Development Approval"** means Village approval of:
  - a. any subdivision of land;
  - b. any re-subdivision or modification of an existing subdivision;
  - c. any planned development;
  - d. any modification of an existing planned development; or
  - e. any construction, reconstruction, alteration, addition, repair, or placement of or to a building that requires issuance of a building permit.
13. **"Development Area"** means the land within an approved development plan.
14. **"Development Plan"** means plans, plats, and supporting documents requiring approval by the Village as a condition of development approval.
15. **"Dwelling Unit"** under this Section means one or more rooms within a dwelling which rooms include one of more bathrooms and complete kitchen facilities, and which are arranged, designed, or used as living quarters for a family.
16. **"Existing Dwelling Units"** means dwelling units designed or used for residency within the development area at the time of development plan approval.

17. **"Improvement"** shall have the meaning stated in Section 2-102 of this Code and shall include, but shall not be limited to, the development of parking lots; sidewalks; connections with sewer, water, and electrical lines; and streetlights, including the Village's system development charge; playgrounds; recreation grounds; and athletic fields. "Improvement" shall also include excavation and site preparation, and the purchase of any material, goods or equipment necessary to said development and construction. Improvement shall further include the construction of buildings; additions to existing school buildings; technological infrastructure; remodeled or renovated non-instructional spaces in classrooms; and the purchase of prefabricated classroom units to be used at a school facilities and operations.
18. **"Intergovernmental Agreement"** means an agreement to be entered into between the Village and each public body, individually, that affirms each public body's acknowledgement that this Section shall control the collection and distribution of development impact fees, or land in lieu of development impact fees relating to developments, and that creates the responsibility for each public body to fully indemnify the Village
19. **"Park District"** shall mean one or more park districts as defined under the Illinois Park District Code, 70 ILCS 1205/ et. seq, having jurisdiction within the corporate limits of the Village. The Village of Orland Park Recreation and Park Department is not a park district.
20. **"Park Facilities"** and **"Park and Recreation Facilities"** means land and/or capital improvements owned and dedicated for park use attributable to new residential development.
21. **"Person"** means any individual, firm, partnership, association, corporation, organization or business, or charitable trust.
22. **"Public Facility"** means sites and facilities for providing school, Village Public Infrastructure, park and open space, police, fire and emergency, and public works services that may be financed in whole or in part by the requirement of, or funds generated from, a land contribution or development impact fee, as well as any other use of such development impact fee funds permitted by law.
23. **"Recipient"** means any school district, park district, fire protection district, to which land, cash or fees are imposed, collected, and or paid pursuant to this Section or a Village of Orland Park annexation or development agreement.
24. **"Residential Development"** means the development for residential use involving a net increase of two or more dwelling units.
25. **"Residential Use"** means any detached, duplex, townhouse, or multifamily dwelling, manufactured home, mobile home, boarding house or dormitory.
26. **"School Facilities"** means land and/or capital improvements owned and dedicated for school use attributable to new residential development.
27. **"Site"** means a distinct and identifiable area or tract or tracts of land intended.

28. **"Village"** means the Village of Orland Park.
29. **"Village Board"** means the corporate authorities of the Village of Orland Park.
30. **"Village Public Infrastructure"** means any and all of the following Capital Improvements, which are specifically and uniquely attributable to Residential Development:
  - a. public sidewalks, street lighting, curbs, gutters, trees and landscaping associated with but not constituting roadway improvements;
  - b. public storm sewers, drains, and drainage retention facilities; and
  - c. public sanitary sewers and sewerage collection facilities that are not funded by Village connection fees

## **RECOMMENDED ACTION/MOTION**

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### **Recommended Action**

Staff recommends to accept and make findings of fact as discussed at this Plan Commission meeting and within the Staff Report dated November 15, 2023;

And

Staff Recommends the Plan Commission recommend approval of the Land Development Code Amendments for Section 5-112.H as presented in the attached report titled "11/21/23 Land Development Code Amendment Report" dated November 15, 2023.

### **Recommended Motion**

Regarding Case Number 2023-0915, I move to approve the Staff Recommended Action as presented in the Staff Report to the Plan Commission for this case.

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## SUBSTANTIVE AMENDMENT: MODIFY ENTITLEMENT REVIEW PROCESS

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### AMENDMENT SUMMARY

#### **SECTION 5-101.A.3 General Process**

Change the entitlement review process to have final engineering and landscape plans approved after the Board of Trustees approves a project.

#### **SECTION 5-101.A.4 Appearance Before the Committee of the Whole**

Change language to allow for projects to proceed to the Board of Trustees prior to final plan review and preparation.

#### **SECTION 5-101.C Public Meeting Sequence with a Public Hearing**

Change language to allow for projects to proceed to the Board of Trustees prior to final plan review and preparation. Reorganize section in order of new process.

#### **SECTION 5-101.K.4 Role of the Development Services Department**

Change language to new final approval method and clarify language associated with final engineering reviews.

#### **CHART 5-101.A (A) General Development Procedures**

Remove chart at end of section to foster innovation and facilitate plan implementation.

### AMENDMENT EXPLANATION

The goal of this amendment is to make the development review process more efficient and effective, with an objective of implementing a Lean Enterprise Institute (LEI) recommendation of modifying the timing of the final engineering and final landscaping stages within the entitlements process.

Currently, the Board of Trustees requires staff approval of final engineering and final landscaping before granting project approval. The proposed approach will enable applicants to initially present "80%" -complete plans to the Board of Trustees and subsequently address minor engineering and landscaping details administratively after project approval is granted and the ordinance is passed. This method streamlines the entitlements process, saving the development community time and money, and facilitating a more efficient project progression.

Due to the time and expense associated with preparing final plans without knowing the project will be formally approved by the BOT, staff recommends an approach that will ensure the final plans are in substantial conformance to the "80%" plans referenced in the approved ordinance. If the final engineering or final landscaping review results in substantial alterations to the Board-approved plans, the petitioner must restart the development review process by republishing for a public hearing and returning to the Plan Commission and Board of Trustees for revision approvals.

### PROPOSED AMENDMENT TEXT

#### **SECTION 5-101.A DUE PROCESS**

1. **Purpose.** The purpose of this section is to define and outline the development review procedures that petitioners, government agents, and elected and appointed officials follow for transparent review for development and redevelopment in the Village of Orland Park.

...

3. **General Process.** There are three distinct development review processes which are ~~outlined in Chart 5-101.A (A) at the end of this section. The three processes are~~ summarized as follows:
  - a. Development Requiring Plan Commission and Board of Trustees Review:
    1. Pre-application Review with Village Staff;
    2. Filing of Application and Scheduling Plan Commission Public Hearing;
    3. Plan Commission Review and Recommendation;



~~4. Committee of the Whole and/or Board of Trustees Review;~~

~~5. Final Plan Preparation and Staff Review;~~

4. ~~6.~~ Committee of the Whole Review (if applicable per Section 5.101.A.4);

5. ~~7.~~ Board of Trustees Review and Decision;

6. Final Administrative Review and Approval.

...

4. **Appearance bBefore Committee of the Whole.** In the case where a petition has received unanimous recommendation from the Plan Commission, and at the discretion of the Director of ~~the~~ Development Services, the requirement to appear before the Committee of the Whole ~~and the Board of Trustees prior to final plan preparation and staff review~~ may be waived, therefore permitting such project to proceed directly to **the Board of Trustees.** ~~final plan preparation and staff review.~~ In such cases where a petition has not received a unanimous recommendation for approval from the Plan Commission, the petition shall proceed from the Plan Commission to the Committee of the Whole. The Committee of the Whole shall then determine if the application should proceed to ~~final plan preparation and review, be forwarded to~~ the Board of Trustees, or be remanded to the Plan Commission for further consideration.

...

## SECTION 5-101.C. PUBLIC MEETING SEQUENCE WITH A PUBLIC HEARING

### 1. Public Meeting at Plan Commission with a Public Hearing.

- a. **Plan Commission.** The Plan Commission shall hold a public hearing in accordance with the provisions of Section 5-101.G below on applications identified in Section 5-101.B.2(a). The Plan Commission shall review the report and recommendation of the Development Services Department and testimony given at the public hearing and make a recommendation to the Board of Trustees for approval, approval with conditions, or disapproval. The Plan Commission may also choose to forward to the Board of Trustees without a recommendation.
- b. **~~The Committee of the Whole.~~** The Committee of the Whole, if required by Section 5-101.A.4, shall review the plans and documents, the Plan Commission recommendation, and the Development Services Department report and recommendation and shall recommend approval, approval with conditions, or disapproval to the Board of Trustees. If the Committee of the Whole recommends approval or approval with conditions, the Committee of the Whole shall authorize the applicant to proceed to **the Board of Trustees.** ~~final plan preparation and staff review as per paragraph 5-101.C.1c.~~ If the Committee of the Whole recommends denial, the petition will proceed directly to the Board of Trustees. If there are significant changes to the development application, the Committee of the Whole or the Board of Trustees may remand the application to the Plan Commission for further review and recommendation.
- c. **Board of Trustees.** Upon receipt and review of the recommendation of the Plan Commission or Committee of the Whole, the Board of Trustees shall grant, grant with conditions, or deny the petition.
- d. **Village Staff.** Upon receiving approval from the Board of Trustees and prior to the issuance of any permits or occupancies related to the entitlement, Village staff shall review final engineering, site, and landscaping plans, final plat of subdivision, outside agency approvals, engineer's estimate of cost, letter of credit, and payment of applicable fees.

~~c. Final Plan Preparation and Staff Review. Upon a positive and unanimous recommendation from the Plan Commission or as per Section 5-101.A.4, the applicant, working with the Development Services Department, shall proceed with preparation and review of final engineering and landscaping plans, final plat of subdivision, outside~~

agency approvals, engineer's estimate of cost, letter of credit, and payment of applicable fees. Concurrently, the Development Services Department shall proceed with preparation of a draft development agreement or annexation agreement as may be applicable. The recommendation of the Plan Commission shall not be scheduled for review by the Committee of the Whole or the Board of Trustees until all final plans are approved by the Development Services Department and the applicable agreement is prepared in draft and is ready for review and approval by the Board of Trustees. (Amd. Ord. 5221 - 9/18/17)

~~d. Committee of the Whole. Upon staff preparation of applicable draft agreements and determination that the plans comply with applicable codes and prior direction from the Plan Commission, Committee of the Whole, or Board of Trustees, the development shall proceed to the Committee of the Whole. The Committee of the Whole shall review all pertinent information provided by the Director of Development Services, the Plan Commission, the petitioner, and the testimony and evidence from prior public meetings and hearings and provide a recommendation to the Board of Trustees for approval of the final ordinances and agreements.~~

~~e. Board Action. Upon receipt and review of the recommendation of the Committee of the Whole, the Board of Trustees shall grant, grant with conditions, or deny the petition.~~

...

## SECTION 5-101.K ROLE OF THE DEVELOPMENT SERVICES DEPARTMENT

...

### 4. Review by Development Services Department

- a. **Application Review.** The Development Services Department shall review the complete application for development approval in accordance with these regulations and particularly with Section [5-105](#), if the development requires a special use permit, Section [5-108](#), if the development requires an amendment to the text of these regulations or the Zoning District Map, Section [5-109](#), if the development requires a variance, Section [5-112](#), for development requirements and subdivision review, and/or Section [5-110](#) and [6-209](#), if the development requires a Certificate of Appropriateness. (Amd. Ord. 4996 - 6/15/15)
- b. **Preliminary Plan Review Process.** The Development Services Department shall review the complete application for development, the preliminary plan, and coordinate the review of the engineering plans associated with the application for development. Preliminary engineering plans shall be approved prior to proceeding to the Plan Commission.
- ~~b. Preliminary Plan Review Process. The Development Services Department shall review the complete application for development and its preliminary plan before proceeding to Plan Commission.~~
- ~~c. Preliminary Engineering Review Process. The Development Services Department shall review the engineering plans associated with the application for development and confirm preliminary engineering acceptance prior to proceeding to the Plan Commission or hold the application from proceeding to Plan Commission until outstanding preliminary engineering items are met.~~
- c. **80% Plan Approval.** Following a recommendation from the Plan Commission or the Committee of the Whole, the Development Services Department will evaluate an 80% plan. An 80% plan is one that is deemed sufficient for Board of Trustees final decision, with no major changes expected. The Development Services Department will oversee the review of the engineering plans related to the development application. Site and engineering plans at the 80% completion stage must receive approval from both the Development Services Department and the Engineering Department before progressing to the Board of Trustees.

d. ~~Final Plan Review Process.~~ The Development Services Department may continue to review the complete application for development throughout the decision-making process to recommend corrections or amendments to plans pursuant to recommendations by the Plan Commission, the Committee of the Whole, and the Board of Trustees.

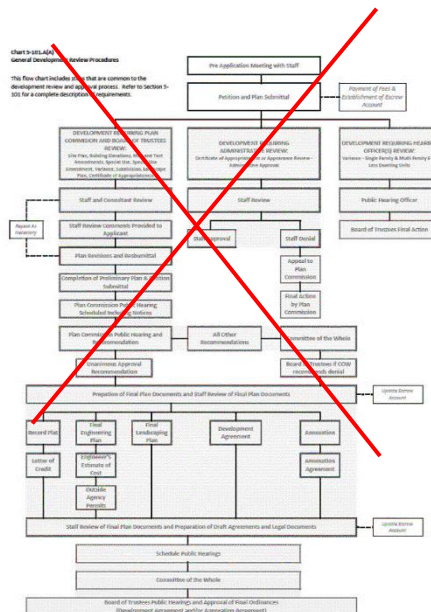
d. **Ordinances and Agreements.** The Development Services Department shall coordinate the ordinances and agreements for final approval by the Board of Trustees.

e. **Final Engineering Plan Review Process.** After approval from the Board of Trustees, The Development Services Department shall coordinate the review of the final engineering plans associated with the application for development to determine that the plans comply with applicable codes and prior direction from the Plan Commission, Committee of the Whole, or Board of Trustees, and as outlined in the final ordinance or agreement. ~~prior to consideration of the final ordinances or agreements by the Board of Trustees.~~

1. If the final engineering review results in substantial alterations to the plans reviewed during the public hearing by the Plan Commission, and by the Committee of the Whole, approved by the Board of Trustees, then the applicant shall return to the Plan Commission and restart the development review process, republishing in the event of a petition requiring a public hearing.
  - a. Substantial alterations to a final plan shall include but not be limited to things such as:
    - Enlargement of storm water facility sizes;
    - Reductions in setbacks;
    - Construction of or alterations to retaining walls;
    - Changes in street layout/land use;
    - Increases in lot coverage;
    - Changes parking configurations;
    - Changes that result in new or expanded variances or modifications to special use regulations; and
    - Changes to the number of units, building area, or building stories.

## GENERAL DEVELOPMENT PROCEDURES

### CHART 5-101.A (A)



## RECOMMENDED ACTION/MOTION

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### **Recommended Action**

Staff recommends to accept and make findings of fact as discussed at this Plan Commission meeting and within the Staff Report dated November 15, 2023;

And

Staff Recommends the Plan Commission recommend approval of the Land Development Code Amendments for Sections 5-101.A, 5-101.C, and 5-101.K, as presented in the attached report titled "11/21/23 Land Development Code Amendment Report" dated November 15, 2023.

### **Recommended Motion**

Regarding Case Number 2023-0896, I move to approve the Staff Recommended Action as presented in the Staff Report to the Plan Commission for this case.

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## SUBSTANTIVE AMENDMENTS: MODIFY RESIDENTIAL BEST MANAGEMENT PRACTICES (BMPs)

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### AMENDMENT SUMMARY

#### **SECTION 6-305.F.2.c. Single-Family Residential Naturalized Landscaping**

Remove the Monitoring and Management Plan (M&M Plan) requirements for naturalized landscaping in single-family residential areas

#### **SECTION 6-201.F. E-1 Estate Residential**

#### **SECTION 6-202.F. R-1 Residential**

#### **SECTION 6-203.F. R-2 Residential**

#### **SECTION 6-203.5.F. R-2A Residential**

#### **SECTION 6-204.F. R-3 Residential**

#### **SECTION 6-204.5.F. R-3A Residential**

#### **SECTION 6-205.F. R-4 Residential**

#### **SECTION 6-206.G RSB Residential and Supporting Business District**

Revise maximum lot coverage by removing increased lot coverage allowances through BMPs.

### AMENDMENT EXPLANATION

The goal of this amendment is to mitigate stormwater runoff by establishing maximum lot coverage allowances that are more easily understood by the public and more easily enforced by Village staff, with an objective of setting a maximum coverage percentage and removing the provision of allowable increased lot coverage with the use of Best Management Practices (BMPs).

Per the Land Development Code (LDC), each zoning district has a base lot coverage which can be increased with the use of BMPs such as naturalized landscaping, permeable pavers, and rain barrels. When residents have met the base lot coverage for the zoning district in which they are located, residents opt to utilize BMPs to expand their impervious lot coverage. Tracking the installation and management of BMPs is time-consuming for Development Services and the maintenance of the BMPs is tedious for the homeowners. For the increased lot coverage completed without a permit, the Village has the daunting task of retroactively applying BMPs and/or informing the homeowner that some or all of their improvement project must be removed or modified.

Due to the policing and management needs to ensure the BMPs continue to control stormwater runoff, staff recommends removing BMP allowances and establishing one maximum lot coverage for each residential zoning district based on the average of the existing maximum ranges within each zoning district.

### PROPOSED AMENDMENT TEXT

#### **SECTION 6-305-F.2.c. SINGLE-FAMILY NATURALIZED LANDSCAPING**

Single-family residential properties that include naturalized landscaping areas that exceed ~~twelve inches (12")~~ **12 inches** in height are exempt from the letter of credit requirements detailed in 6-305.E.3.e Letter of Credit, although a Landscape Plan ~~and an abridged Monitoring and Management Plan (M&M Plan) are~~ **is** still required. The following conditions apply to naturalized landscaping on single-family residential properties:

1. A property owner shall apply to the Development Services Department and receive a written approval of the landscape plan prior to the installation of the naturalized landscaping.
  - i. The application shall include a plat of survey and a site plan of the single-family lot drawn to scale on a sheet not less than ~~eight and one-half inches by eleven inches (8½" inches)~~ **by 11" inches**, which contains: the location of property lines; location of structures, fences, existing drainage patterns, and paved areas; location of each natural landscaping area; a list by scientific and common name of species intended to be planted and maintained within each area; and the setback distance of each naturalized landscape area that will be located near any

property line. Any proposed soil amendments and levels of shade and sunlight should also be included on the plan.

~~2. An M&M Plan for the near- and long-term maintenance of the naturalized landscape area shall be submitted for review and approval.~~

~~i. The Village document, commonly referred to as "Monitoring and Management Plan for Naturalized Vegetation Areas on Single Family Residential Properties", as amended, shall be used as a template for the completion of a single-family residential naturalized landscape Monitoring and Management Plan. Minor edits to this template may be made by the petitioner; however, the final text of the M&M Plan shall be approved by the Development Services Department.~~

3. It shall be permitted to grow native plants that exceed ~~twelve inches (12")~~ **12 inches** in height within a natural landscaping area, including ferns, grasses, sedges, rushes, forbs, shrubs and trees, in lieu of turf grass lawn in designed and managed natural landscape areas.

4. Natural landscaping shall be permitted in rear or side yards only, and setback at a minimum of ~~three (3) feet~~ **3 feet** of any property line. No setback shall be required where the natural landscaping is separated from adjacent lots by fencing or continuous shrub of ~~three (3) feet~~ **3 feet** or more in height, or where the natural landscape area abuts permitted naturalized landscaping on an adjacent lot.

5. Naturalized landscaping may occupy a maximum of ~~thirty percent (30%)~~ **30 percent** of the total existing open space within the side or rear yards of a single-family residential property.

...

8. Upon installation of a naturalized landscape area, the site shall be inspected by a Village inspector or designee to verify compliance with the approved landscape plan ~~and proper maintenance of the natural landscape area.~~ After a successful inspection, the property owner will be provided with a letter from the Village certifying that the naturalized landscape has been inspected and meets the criteria of this Section. ~~Subsequent inspections shall be performed annually by the Village or designee, or as determined by the Development Services Department.~~

9. Permission for single-family residential natural landscaping may be revoked with cause, such as failure of the owners to manage the areas or to respond to notices of creation of a nuisance or violation of the weed control ordinance.

## SECTION 6-201. E-1 RESIDENTIAL DISTRICT.

F. Lot Coverage. Lot coverage is the measure of impervious area on a property including the area of the building(s), pavement, stormwater storage, and other impervious surfaces. All areas not included in the impervious lot coverage shall be green space.

~~1. Residential lot coverage regulations are designed to provide a range of impervious lot coverage, when demonstrating compliance with performance criteria:~~

~~a. The base lot coverage allowed by right is not to exceed twenty-five (25)~~ **30%** for the principal structures, pavement, and accessory structures.

~~b. Additional impervious lot coverage may be earned through permanent installation of Best Management Practices (BMP), as approved by Development Services. Total lot coverage shall not exceed thirty-five percent (35%).~~

~~i. For each square foot of permeable pavers installed in lieu of impervious paving, earn an additional 0.5 sf of lot coverage.~~

~~ii. For each square foot of naturalized landscaping installed in lieu of turf grass, earn an additional 1.0 sf of lot coverage.~~

~~iii. For each gallon of water detained in a rain barrel, dry well, or rain garden earn an additional 1.5 sf of lot coverage.~~

...

## SECTION 6-202. R-1 RESIDENTIAL DISTRICT.

F. **Lot Coverage.** Lot coverage is the measure of impervious area on a property including the area of the building(s), pavement, stormwater storage, and other impervious surfaces. All areas not included in the impervious lot coverage shall be green space.

1. ~~Residential lot coverage regulations are designed to provide a range of impervious lot coverage, when demonstrating compliance with performance criteria.~~
  - ~~a. The base lot coverage allowed by right is not to exceed thirty-five percent (35%)~~ 40% for the principal structures, pavement, and accessory structures.
  - ~~b. Additional impervious lot coverage may be earned through permanent installation of Best Management Practices (BMP), as approved by Development Services. Total lot coverage shall not exceed forty-five percent (45%).~~
    - ~~i. For each square foot of permeable pavers installed in lieu of impervious paving, earn an additional 0.5 sf of lot coverage.~~
    - ~~ii. For each square foot of naturalized landscaping installed in lieu of turf grass, earn an additional 1.0 sf of lot coverage.~~
    - ~~iii. For each gallon of water detained in a rain barrel, dry well, or rain garden earn an additional 1.5 sf of lot coverage.~~
    - ~~iv. All BMP must meet the installation and performance requirements of the Code; must be documented on a site plan; and must be maintained by the property owner.~~

...

## SECTION 6-203. R-2 RESIDENTIAL DISTRICT.

F. **Lot Coverage.** Lot coverage is the measure of impervious area on a property including the area of the building(s), pavement, stormwater storage, and other impervious surfaces. All areas not included in the impervious lot coverage shall be green space.

1. ~~Residential lot coverage regulations are designed to provide a range of impervious lot coverage, when demonstrating compliance with performance criteria.~~
  - ~~a. The base lot coverage allowed by right is not to exceed thirty-five percent (35%)~~ 40% for the principal structures, pavement, and accessory structures.
    - i. An additional ~~three percent (3%)~~ impervious lot coverage is allowed for single family homes with side-loaded garages.
  - ~~b. Additional impervious lot coverage may be earned through permanent installation of Best Management Practices (BMP), as approved by Development Services. Total lot coverage shall not exceed forty-five percent (45%).~~
    - ~~i. For each square foot of permeable pavers installed in lieu of impervious paving, earn an additional 0.5 sf of lot coverage.~~
    - ~~ii. For each square foot of naturalized landscaping installed in lieu of turf grass, earn an additional 1.0 sf of lot coverage.~~
    - ~~iii. For each gallon of water detained in a rain barrel, dry well, or rain garden earn an additional 1.5 sf of lot coverage.~~
    - ~~iv. All BMP must meet the installation and performance requirements of the Code; must be documented on a site plan; and must be maintained by the property owner.~~
  - v. Non-residential land uses are allowed up to ~~seventy percent (70%)~~ impervious lot coverage by right.

...

## SECTION 6-203.5.F. R-2A RESIDENTIAL DISTRICT.

F. **Lot Coverage.** Lot coverage is the measure of impervious area on a property including the area of the building(s), pavement, stormwater storage, and other impervious surfaces. All areas not included in the impervious lot coverage shall be green space.

1. ~~Residential lot coverage regulations are designed to provide a range of impervious lot coverage, when demonstrating compliance with performance criteria.~~
  - ~~a. The base lot coverage allowed by right is not to exceed thirty-five percent (35%)~~ 40% for the principal structures, pavement, and accessory structures.



- i. An additional ~~three percent (3%)~~ impervious lot coverage is allowed for single family homes with side-loaded garages.
  - ~~b. Additional impervious lot coverage may be earned through permanent installation of Best Management Practices (BMP), as approved by Development Services. Total lot coverage shall not exceed forty-five percent (45%).~~
  - ~~i. For each square foot of permeable pavers installed in lieu of impervious paving, earn an additional 0.5 sf of lot coverage.~~
  - ~~ii. For each square foot of naturalized landscaping installed in lieu of turf grass, earn an additional 1.0 sf of lot coverage.~~
  - ~~iii. For each gallon of water detained in a rain barrel, dry well, or rain garden earn an additional 1.5 sf of lot coverage.~~
  - ~~iv. All BMP must meet the installation and performance requirements of the Code; must be documented on a site plan; and must be maintained by the property owner.~~
- ...

#### SECTION 6-204.F. R-3 RESIDENTIAL DISTRICT.

F. **Lot Coverage.** Lot coverage is the measure of impervious area on a property including the area of the building(s), pavement, stormwater storage, and other impervious surfaces. All areas not included in the impervious lot coverage shall be green space.

- 1. ~~Residential lot coverage regulations are designed to provide a range of impervious lot coverage, when demonstrating compliance with performance criteria.~~
  - ~~a. The base lot coverage allowed by right is not to exceed forty percent (40%)~~ **45%** for the principal structures, pavement, and accessory structures.
    - i. An additional ~~three percent (3%)~~ impervious lot coverage is allowed for single family homes with side-loaded garages.
    - ~~b. Additional impervious lot coverage may be earned through permanent installation of Best Management Practices (BMP), as approved by Development Services. Total lot coverage shall not exceed fifty percent (50%).~~
    - ~~i. For each square foot of permeable pavers installed in lieu of impervious paving, earn an additional 0.5 sf of lot coverage.~~
    - ~~ii. For each square foot of naturalized landscaping installed in lieu of turf grass, earn an additional 1.0 sf of lot coverage.~~
    - ~~iii. For each gallon of water detained in a rain barrel, dry well, or rain garden earn an additional 1.5 sf of lot coverage.~~
    - ~~iv. All BMP must meet the installation and performance requirements of the Code; must be documented on a site plan; and must be maintained by the property owner.~~
- ...

#### SECTION 6-204.5.F. R-3A RESIDENTIAL DISTRICT.

- ...
- a. The base lot coverage allowed by right is not to exceed ~~forty percent (40%)~~ **45%** for the principal structures, pavement, and accessory structures.
    - i. An additional ~~three percent (3%)~~ impervious lot coverage is allowed for single family homes with side-loaded garages.
    - ~~b. Additional impervious lot coverage may be earned through permanent installation of Best Management Practices (BMP), as approved by Development Services. Total lot coverage shall not exceed fifty percent (50%).~~
    - ~~i. For each square foot of permeable pavers installed in lieu of impervious paving, earn an additional 0.5 sf of lot coverage.~~
    - ~~ii. For each square foot of naturalized landscaping installed in lieu of turf grass, earn an additional 1.0 sf of lot coverage.~~
    - ~~iii. For each gallon of water detained in a rain barrel, dry well, or rain garden earn an additional 1.5 sf of lot coverage.~~



~~iv. All BMP must meet the installation and performance requirements of the Code; must be documented on a site plan; and must be maintained by the property owner.~~

...

#### SECTION 6-205.F. R-4 RESIDENTIAL DISTRICT.

F. **Lot Coverage.** Lot coverage is the measure of impervious area on a property including the area of the building(s), pavement, stormwater storage, and other impervious surfaces. All areas not included in the impervious lot coverage shall be green space.

1. ~~Residential lot coverage regulations are designed to provide a range of impervious lot coverage, when demonstrating compliance with performance criteria:~~

~~a.~~ The base lot coverage ~~allowed by right~~ is not to exceed ~~forty-five percent (45%)~~ **50%** for the principal structures, pavement, and accessory structures.

i. An additional ~~three percent (3%)~~ impervious lot coverage is allowed for single family homes with side-loaded garages.

ii. For single family attached and multi-family residential uses, ~~sixty percent (60%)~~ **60%** lot coverage is allowed by right.

~~b. Additional impervious lot coverage may be earned through permanent installation of Best Management Practices (BMP), as approved by Development Services. Total lot coverage shall not exceed fifty-five percent (55%):~~

~~i. For each square foot of permeable pavers installed in lieu of impervious paving, earn an additional 0.5 sf of lot coverage:~~

~~ii. For each square foot of naturalized landscaping installed in lieu of turf grass, earn an additional 1.0 sf of lot coverage:~~

~~iii. For each gallon of water detained in a rain barrel, dry well, or rain garden earn an additional 1.5 sf of lot coverage:~~

~~iv. All BMP must meet the installation and performance requirements of the Code; must be documented on a site plan; and must be maintained by the property owner.~~

...

#### SECTION 6-206.G. RSB RESIDENTIAL AND SUPPORTING BUSINESS DISTRICT.

F. **Lot Coverage.** Lot coverage is the measure of impervious area on a property including the area of the building(s), pavement, stormwater storage, and other impervious surfaces. All areas not included in the impervious lot coverage shall be green space.

1. ~~Residential lot coverage regulations are designed to provide a range of impervious lot coverage, when demonstrating compliance with performance criteria:~~

~~a.~~ The base lot coverage ~~allowed by right~~ is not to exceed ~~sixty-five percent (65%)~~ **70%** for the principal structures, pavement, and accessory structures.

~~b. Additional impervious lot coverage may be earned through permanent installation of Best Management Practices (BMP), as approved by Development Services. Total lot coverage shall not exceed seventy-five percent (75%):~~

~~i. For each square foot of permeable pavers installed in lieu of impervious paving, earn an additional 0.5 sf of lot coverage:~~

~~ii. For each square foot of naturalized landscaping installed in lieu of turf grass, earn an additional 1.0 sf of lot coverage:~~

~~iii. For each gallon of water detained in a rain barrel, dry well, or rain garden earn an additional 1.5 sf of lot coverage:~~

~~iv. All BMP must meet the installation and performance requirements of the Code; must be documented on a site plan; and must be maintained by the property owner.~~

...

## RECOMMENDED ACTION/MOTION

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### **Recommended Action**

Staff recommends to accept and make findings of fact as discussed at this Plan Commission meeting and within the Staff Report dated November 15, 2023;

And

Staff Recommends that the Plan Commission recommend approval of the Land Development Code Amendments for Sections 6-305-F.2.c, 6-201.F., 6-202.F., 6-203.F., 6-203.5.F., 6-204.F., 6-204.5.F., 6-205.F., 6-206.G. as presented in the attached report titled "11/21/23 Land Development Code Amendment Report" dated November 15, 2023.

### **Recommended Motion**

Regarding Case Number 2023-0897, I move to approve the Staff Recommended Action as presented in the Staff Report to the Plan Commission for this case.

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## TECHNICAL AMENDMENTS: CLARIFY DRIVEWAY AND DRIVEWAY APRON REGULATIONS

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### AMENDMENT SUMMARY

#### **Section 3-4-2-6**

- Clarify the construction requirements for driveways and driveway aprons.

#### **Section 6-306.E.8**

- Clarify driveway and driveway apron dimensions to be consistent with the information regarding driveways and driveway aprons in the Village Code.

#### **Section 6-406.B.6**

- Clarify driveway and driveway apron requirements by referencing the Village Code.

### AMENDMENT EXPLANATION

The goal of this amendment is to ensure clear communication and consistent application of the driveway and driveway apron regulations, with an objective of describing the dimensions in the Land Development Code (LDC) and having other Village Code and LDC sections recognizing that section by reference.

The proposed amendment will clarify the appropriate dimensions for the public and Village staff. The Village Code will retain the specifications such as base layers, pavement thickness, etc., while the LDC will retain the zoning-related dimensions such as driveway widths and setbacks.

Due to the inconsistent description of driveway and driveway apron requirements, staff recommends one location for such regulations.

### RECOMMENDED ACTION/MOTION

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#### **Recommended Action**

Staff Recommends that the Plan Commission continue case 2023-0898 to Tuesday, December 5, 2023 Plan Commission meeting.

#### **Recommended Motion**

Regarding Case Number 2023-0898, I move to approve the Staff Recommended Action as presented in the Staff Report to the Plan Commission for this case.

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# SUBSTANTIVE AMENDMENT: ADDING NEW PERMITTED USE TO THE OPEN SPACE DISTRICT

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## AMENDMENT SUMMARY

### **SECTION 2-102. Definitions**

Add and define “civic and fraternal non-profit organization”.

### **SECTION 6-213. Open Space District**

Amend language to add new permitted uses to the Open Space (OS) Zoning District.

## AMENDMENT EXPLANATION

The goal of this amendment is allow other recreational opportunities in the Land Development Code (LDC), with an objective to add an additional allowable use to the OS district.

The proposed amendment seeks to allow for a civic and fraternal non-profit organization as a permitted use in the OS district. The Comprehensive Plan emphasizes that gathering spaces and recreational areas are appropriate for the OS district. Civic and fraternal organizations play a significant role in enhancing and fostering community engagement, and align with the core objectives of the OS district. It is important to note that this amendment is designed to accommodate civic and fraternal non-profit organizations, without specifying any particular organization, to maintain inclusivity and flexibility of uses suitable in the OS District.

Due to community-focused and non-profit organizations contributing to the well-being of the community and its residents; promoting community engagement, social gatherings, and recreational activities; and catering to the needs of a diverse range of community-focused initiatives, staff recommends adding civic and fraternal non-profit organizations as a permitted use in the OS district.

## PROPOSED AMENDMENT TEXT

### **SECTION 2-102. Definitions.**

**Civic and Fraternal Non-Profit Organization** means any local community affairs entity or group of people organized for a common purpose that is not maintained for the purpose of making a profit.

### **SECTION 6-213. OPEN SPACE DISTRICT**

A. **Purpose.** The purpose of the Open Space District is to protect the Village’s parks, natural areas, retention ponds, detention basins, **civic and fraternal non-profit organizations**, and open space corridor connections. It is also to ensure permanent access to outdoor recreation, **and** natural areas, **and other recreational opportunities** for residents in all neighborhoods and to enhance the value of nearby properties. (Amd. Ord. 5822 - 7/17/23)

B. **Permitted Uses.** The following uses may be established as permitted uses in the Open Space District, in accordance with the procedures established in Sections 5-101 through 5-104:

1. Public recreational facilities including playgrounds, public swimming pools, playing fields, trails, sports activities, outdoor amphitheaters, camping areas, picnicking areas, boating areas, fishing activities, golf courses, **civic and fraternal non-profit organizations**, and accessory uses such as related parking, washrooms, storage, etc.

...

C. **Prohibited Uses.** The following uses are prohibited as they would conflict with the purpose of protecting parks and natural areas:

1. Any private development of structures or facilities; the exception is cemetery and ComEd facilities as stated above;

2. Any public facilities unrelated to the operation or protection of parks, natural areas, **civic and fraternal non-profit organizations for the benefit of the public**, and retention/detention facilities.

## RECOMMENDED ACTION/MOTION

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### **Recommended Action**

Staff recommends to accept and make findings of fact as discussed at this Plan Commission meeting and within the Staff Report dated November 15, 2023;

And

Staff Recommends the Plan Commission recommend approval of the Land Development Code Amendments for Sections 2-102 and 6-213 as presented in the attached report titled "11/21/23 Land Development Code Amendment Report" dated November 15, 2023.

### **Recommended Motion**

Regarding Case Number 2023-0898, I move to approve the Staff Recommended Action as presented in the Staff Report to the Plan Commission for this case.