

AN ORDINANCE AMENDING ARTICLE 2 (DEFINITIONS AND RULES OF CONSTRUCTION), ARTICLE 3 (DECISION MAKING AND ADMINISTRATIVE BODIES), ARTICLE 5 (DEVELOPMENT PROCEDURES, REQUIREMENTS AND REGULATIONS) AND ARTICLE 6 (DEVELOPMENT REGULATIONS) OF THE VILLAGE OF ORLAND PARK LAND DEVELOPMENT CODE, AS AMENDED

WHEREAS, the Corporate Authorities of the Village of Orland Park an Illinois home rule municipal corporation (the “Village”) did on February 8, 1991, adopt a Land Development Code (the “Code”) and zoning map; and

WHEREAS, amendments to the Code are adopted from time to time to ensure that the Code is up to date and responsive to community needs; and

WHEREAS, it has been determined that various Articles of the Code are in need of revision and updating; and

WHEREAS, the Village Plan Commission held a public hearing on December 3, 2019, on whether the proposed amendments should be approved, at which time all persons present were afforded an opportunity to be heard; and

WHEREAS, as public notice in the form required by law was given of said public hearing by publication not more than thirty (30) days nor less than fifteen (15) days prior to said hearing in the Daily Southtown, a newspaper of general circulation in the Village; and

WHEREAS, the Plan Commission has filed its report of findings and recommendations that the proposed amendments to Articles 2, 3, 5 and 6 (Section 2-102, Section 3-101, Section 5-101, Section 5-108, Section 5-112, Section 6-202, Section 6-209, Section 6-302, Section 6-304, Section 6-305, Section 6-307, Section 6-308, and Section 6-314) of the Land Development Code be made, and this Village President and Board of Trustees has duly considered said report, findings and recommendations.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ORLAND PARK, COOK AND WILL COUNTIES, ILLINOIS, as follows:

**SECTION 1:**

This Board of Trustees finds and determines that the adoption of the following amendments to the Land Development Code is in the best interest of the Village and its residents, is in the public interest, constitutes an improvement to the Code and is in keeping with the spirit and in furtherance of the purpose of the Code, as set forth in Section 1-102 thereof.

**SECTION 2:**

Section 2-102 (DEFINITIONS) of the Code is hereby amended by adding the following three (3) definitions:

**“Committee of the Whole** means the body that makes recommendations to the Board of Trustees, except when the Board of Trustees has granted specific powers and duties to act on a specific matter, as established by Title 1, Chapter 5, Section 1-5-7-14 of the Orland Park Village Code. For the purpose of this Land Development Code, the Committee of the Whole may be referred to as the Committee.”

and

**“Building Elevations** means architectural plans or drawings prepared to scale and fully dimensioned, illustrating the exterior design and character of the building, construction types, specific building materials, and colors on all four sides of the proposed structure.”

and

**“Site Plan** means a plan, prepared to scale, showing accurately the boundaries of a site and including but not limited to the location of all buildings, structures, uses, access drives, roadways, parking, sidewalks, and any other site development features proposed on a specific parcel of land.”

### **SECTION 3:**

Section 3-101 (BOARD OF TRUSTEES) of the Code is hereby amended in its entirety to provide as follows:

#### **“SECTION 3-101. BOARD OF TRUSTEES.**

In addition to any authority granted the President and Board of Trustees by state law or other ordinances of the Village, the President and Board of Trustees shall have the following powers and duties:

- A. To adopt, review and amend the Comprehensive Plan for the Village, the Capital Improvements Plan and such overlay plans as they may deem necessary and appropriate;
- B. To review all applications for special use permits, map and text amendments and preliminary plans prior to public hearing by the Plan Commission in accordance with the provisions of Sections [5-105\(I\)](#), [5-108](#) and [5-112\(D\)](#);
- C. To hear, review, approve or disapprove special use permits after recommendation by the Plan Commission in accordance with the provisions of Section [5-105\(I\)](#);
- D. To hear, review and approve appeals from special use permits in accordance with the provisions of Section [5-105\(H\)](#);
- E. To initiate, hear, review and adopt amendments to the Zoning District Map after recommendation by the Plan Commission in accordance with the provisions of Section [5-108](#);

- F. To initiate, hear, review and adopt amendments to the text of these regulations after recommendation by the Plan Commission in accordance with the provisions of Section [5-108](#);
  - G. To hear, review and approve or disapprove all applications for approval of plats of subdivision in accordance with the provisions of Section [5-112](#); and
  - H. To take such other action not delegated to the Plan Commission as the Board of Trustees may deem desirable and necessary to implement the provisions of these regulations and the Comprehensive Plan.”
- (Amd. Ord. 5167 – 2/20/17)

#### **SECTION 4:**

Chart 5-101.A(A) of Section 5-101 (DEVELOPMENT REVIEW PROCEDURES) is hereby replaced with the chart included in Exhibit A.

Section 5-101 (DEVELOPMENT REVIEW PROCEDURES) of the Code is hereby amended in its entirety to provide as follows:

#### **“SECTION 5-101. DEVELOPMENT REVIEW PROCEDURES.**

##### **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.

2. **Organization.** The organization of this section is laid out in a manner that reflects the process of development review beginning with the determination of the type of review required, the review sequences, the review procedures, and finally the role of the Development Services Department. This section informs the public, the petitioner, the government agent, and the elected and appointed officials of the procedures of the Village of Orland Park for development review. It also simultaneously guides them through the decision-making process and acts as a map for development review in the Village of Orland Park.

3. **General Process.** The general direction for moving through the decision-making process for development is shown below. For a flow chart of the decision-making process see Chart 5-101.A(A) at the end of this section.

- a. Pre-application Conference → Departmental Review → Plan Commission → Committee of the Whole → Board of Trustees; OR
- b. Departmental Review → Board of Trustees; OR
- c. Departmental Review → Hearing Officer(s) → Board of Trustees (if needed).

4. **Appearance before Committee of the Whole.** In the case where a project has received unanimous recommendation from the Plan Commission, and at the discretion of the Director of the Development Services Department, the requirement to appear before the Committee of the Whole may be waived, therefore permitting such project to proceed directly to appear before the Board of Trustees. All development agreements shall appear before the Committee of the Whole in accordance with Section 5-112.H.17.

##### **B. Petitions, Applicability, and Plan Review**

1. **Petitions.** All development and redevelopment in the Village of Orland Park requires the submittal of a petition or application to the Development Services Department for the purpose of establishing a public record and beginning the process for the Departmental Review. Petition/ Application forms are obtained from the Development Services Department in Village Hall. For more information on the role of the Development Services Department see Section 5-101.K. In the instance that this Code requires certain distances within a regulation, the measurements shall be made to the property line, unless the measurement is defined otherwise within such regulation or unless interpreted differently by Staff based on the intent of the regulation. (Amd. Ord. 5312 – 7/16/18)

2. **Applicability.** There are two public review processes in the Village of Orland Park for petitions: a public meeting with a public hearing and a public meeting without a public hearing. The following subsections outline which petitions go to public hearings and which go to public meetings respectively for each body. Petitions listed under Plan Commission, for example, begin at Plan Commission and move through the general process. Petitions listed under Board of Trustees begin and end at the Board of Trustees and so on. In all cases, petitions are reviewed and processed by the Development Services Department. The administrative decision petitions are also outlined below.

a. **Public Hearing.** Public hearings require a published public notice and are held at public meetings. At a public hearing, the public can attend to provide testimony and view details regarding development review before the appropriate official body.

1. A public hearing at Plan Commission shall be required for applications regarding:
  - Special Uses;
  - Special Use Amendments;
  - Variances (except as in 5 below);
  - Rezoning/ Map Amendments;
  - Subdivision Review (with the exception of non-residential lot consolidations);
  - Designation of Historic and/or Architectural Landmarks;
    - Amending the Local Register of Significant Places (LRSP) and the Natural Heritage Sites (NHS) lists in Section [5-110](#);
    - Certificates of Appropriateness with major changes to any structures in the Old Orland Historic District per Section [6-209](#) or for historic/ architectural landmarks per Section [5-110](#); and
    - Certificates of Appropriateness for Demolition for contributing structures of the Old Orland Historic District per Section [6-209](#) or for historic/ architectural landmarks per Section [5-110](#).
2. A public hearing at Plan Commission is required when the Development Services Department or any other Village agency or department, developer or resident petitions for:
  - Comprehensive Plan Amendments; and
  - Land Development Code Text Amendments.
3. A public hearing before the Board of Trustees is required for:
  - Annexation Agreements.
4. All public hearings pertaining to land development take place before the Plan Commission with the exception of annexation agreements, variances affecting one (1) single family residential dwelling, and variances affecting multi-family residential dwellings of fewer than six (6) units.
5. A public hearing before the Hearing Officer(s) is required for:

- Variance petitions affecting one (1) single family residential dwelling;
- Variance petitions affecting multi-family residential dwellings of fewer than six (6) units.

b. **Public Meeting.** A published public notice is not required in order to hold a public meeting, although the requirements of the Illinois Open Meetings Act must be met. Public meetings are held at Plan Commission, at the Committee of the Whole, and at the Board of Trustees. The public can attend public meetings but are not guaranteed the opportunity to provide testimony regarding development review.

1. A public meeting at Plan Commission is required for applications regarding:

- Site Plan Review;
- Building Elevations; and
- Appeals of Administrative Decisions.

2. A public meeting by the Board of Trustees is required for:

- Plats of Subdivision (including consolidations);
- Development Agreements; and
- Related Ordinances. (Amd. Ord. 5221 – 9/18/17)

3. All meetings of the Committee of the Whole and the Board of Trustees are public meetings. For annexation agreements at the Board of Trustees, a public meeting with a public hearing is required.

c. **Administrative Decisions.** Administrative decisions are a third review process. Administrative decisions are made internally by the Development Services Department.

1. Administrative decisions within the Development Services Department are required for applications pursuant to Section [5-106](#) regarding:

- Minor exterior changes to sites and buildings; and
- Restaurants that do not require preliminary plan review or special use permits.

2. Administrative decisions within the Development Services Department are required for applications pursuant to Sections [5-110](#) and [6-209](#) regarding:

- Routine maintenance to contributing structures in the Old Orland Historic District;
- Routine maintenance to historic/ architectural landmarks; and
- Minor changes or routine maintenance to non-contributing structures in the Old Orland Historic District.

d. **Commissions.** For cases where petitions are handled at a commission other than Plan Commission, the rules, procedures and standards outlined in the following subsections apply to the commission in question per the commission's particular petitions as outlined above.

3. **Plans for Review Process.** A preliminary plan shall be submitted for review to the Development Services Department as part of the application for development. The Plan Commission shall review the preliminary plan and make its recommendations pursuant to the below sections of these regulations. The Committee of the Whole, if required by Section 5-101.A.4, shall then follow with similar review. The Board of Trustees shall act upon the preliminary plan as a final plan and grant, grant with conditions or deny the petition/ application. Upon granting of approval with or without conditions, the Board of Trustees shall recognize it to be a final plan pursuant to the same sections of these regulations.

a. **Plans with Plats of Subdivision.** At a minimum, plats of subdivision must be accompanied by a preliminary plan for each subdivided lot and a conceptual plan of the surrounding area as required by the Development Services Department. Applicants for plat approval may be required to submit additional information or studies, such as building envelopes

and conceptual plans for the surrounding area, which the Development Services Department, the Plan Commission and/or the Board of Trustees may deem necessary to review at a later time. For more information on plats see Section 5-112.

b. **Conditions.** The Plan Commission, the Committee of the Whole, if required by Section 5-101.A.4, and/or the Board of Trustees may attach to their recommendations to and/or approvals of a preliminary plan, a final plan, or a plat reasonable conditions not otherwise addressed by these regulations as are necessary to carry out the purpose of these regulations, the Comprehensive Plan, cause incremental improvements, and to prevent or minimize adverse effects upon other property, including, but not limited to: limitations on size and location, requirements for landscaping, provision of adequate ingress and egress and off site and project related improvements. Other conditions such as the duration of the approval, hours of operation, and mitigation of environmental impacts may also be attached.

c. **Conditions on Record Plats of Subdivision.** When conditions pursuant to Section [5-101.B.3.b](#) above are attached to a subdivision plat, or a record plat of survey or other type of plat, review of said plat shall be continued until the conditions are deemed met by the Development Service Department or decision-making body which attached the conditions and then the plat shall be approved by the Village Board of Trustees so that the record plat of subdivision is accurate when issued to the County.

d. **Notification.** Notification of all Village Board decisions shall be mailed to the petitioner/ applicant and the owner of record if different from the applicant. (Ord. 4940 - 11/3/14)

### 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 for special uses, special use amendments, variances (with exception for Subsection [5-101.C.3.a](#) below) text and map amendments (rezoning) and subdivision review. It shall also hold a public hearing following the same Section [5-101.G](#) below for applications regarding historic/ architectural landmark designations, amending landmark lists such as the LRSP and the NHS in Section [5-110](#), Certificates of Appropriateness for major changes to structures in the Old Orland Historic District or to historic/ architectural landmarks, and Certificates of Appropriateness for Demolition for contributing structures of the Old Orland Historic District or for historic/ architectural landmarks. The Plan Commission shall review a preliminary plan and/or the historical/ architectural significance of the petition's subject and the report and recommendation of the Development Services Department and testimony given at the public hearing and either recommend approval, with or without conditions, or disapproval to the Board of Trustees, or not make a recommendation but forward to the Board of Trustees.

b. **The Committee of the Whole.** The Committee of the Whole, if required by Section 5-101.A.4, shall review the preliminary plan, other submitted documents, the Plan Commission recommendation and the Development Services Department report and recommendation and shall recommend approval, with or without conditions, or disapproval to the Board of Trustees.

c. **Board Action.** Upon receipt and review of the Plan Commission's and the Committee of the Whole's, if required by Section 5-101.A.4, recommendations, and the Development Services Department's report and recommendation, the Board of Trustees shall consider the special use, special use amendment, variance, rezoning and/or subdivision along with the petition's final plans, elevations and preliminary landscape plan or the landmark designation, the



Certificate of Appropriateness for major changes to contributing structures or landmarks, and/or Certificates of Appropriateness for Demolition along with the petition's final plan and/or the historic/ architectural significance of the petition's subject and shall grant, grant with conditions, or deny the petition/ application. (Amd. Ord. 5221 – 9/18/17)

2. **Public Meeting at Board of Trustees with a Public Hearing.**

a. **Board of Trustees.** The Board of Trustees shall hold a public hearing for annexation agreements.

b. **Board Action.** Upon receipt and review of the report and recommendation of the Development Services Department and the testimony at the public hearing, the Board of Trustees shall consider the annexation and shall approve, modify with conditions, or deny the annexation.

3. **Public Meeting at the Hearing Officer(s) with a Public Hearing.**

a. **Hearing Officer(s).** The Hearing Officer(s) shall hold a public hearing in accordance with the provisions of Section [5-101.G](#) of these regulations for applications regarding variance petitions affecting one (1) single family residential dwelling and variance petitions affecting multi-family residential dwellings of fewer than six (6) units. The Hearing Officer(s) shall review a preliminary plan or related documentation, the report and recommendation of the Development Services Department and testimony given at the public hearing and if the application for a variance is within one of those variances authorized in Section [5-109.E](#), grant the variance with or without conditions or deny the variance. If the variance is not within one of those variances authorized in Section [5-109.E](#), the Hearing Officer(s) shall review a preliminary plan or related documentation, the report and recommendation of the Development Services Department and testimony given at the public hearing and either recommend approval, with or without conditions, or disapproval to the Board of Trustees, or not make a recommendation but forward to the Board of Trustees.

b. **Board Action.** Upon receipt and review of the Hearing Officer(s) recommendations, and the Development Services Department's report and recommendation, the Board of Trustees shall consider the variances requested not authorized in Section [5-109.E](#) for the Hearing Officer(s) to grant or deny and shall grant, with or without conditions, or deny the petition/ application. (Ord. 4940 - 11/3/14)

D. **Public Meeting Sequence without a Public Hearing**

1. **Public Meeting at Plan Commission.**

a. **Plan Commission.** The Plan Commission shall hold a public meeting whenever an applicant petitions for preliminary plan review, elevations review and/or an appeal of an administrative decision that does not include a special use, special use amendment, variance, text and map amendment (rezoning) and/or subdivision review. It will also hold a public meeting regarding minor changes to landmarks. The Plan Commission shall review a preliminary plan and/or the historical/ architectural significance of the petition's subject and the report and recommendation of the Development Services Department and either recommend approval, with or without conditions, or disapproval to the Board of Trustees, or not make a recommendation but forward to the Board of Trustees.

b. **The Committee of the Whole.** The Committee of the Whole, if required by Section 5-101.A.4, shall review the preliminary plan, the Plan Commission recommendation and the Development Services Department report and recommendation and shall recommend approval, with or without conditions, or disapproval to the Board of Trustees.

c. **Board Action.** Upon receipt and review of the Plan Commission's and the Committee of the Whole's, if required by Section 5-101.A.4, recommendations, and the Development

Services Department's report and recommendation, the Board of Trustees shall consider the final plan, elevations and preliminary landscape plan or the Certificate of Appropriateness for minor changes to landmarks and shall grant, grant with conditions, or deny the petition/ application. (Amd. Ord. 5221 – 9/18/17)

2. **Public Meeting at Board of Trustees.**

a. **Board of Trustees.** The Board of Trustees shall review, at a regular or special meeting, preliminary landscape plans, plats of subdivision (including consolidations), development agreements, and other related ordinances.

b. **Board Action.** Upon receipt and review of the report and recommendation of the Development Services Department, the Board of Trustees shall consider the preliminary landscape plan, plats of subdivision, development agreement and/or other related ordinances and shall grant, grant with conditions, or deny these items. (Ord. 4940 - 11/3/14; Amd. Ord. 5221 – 9/18/17)

E. **Administrative Decisions Regarding Appearance and Site Plan Review**

1. **Administrative Decisions at Development Services Department.**

a. **Administrative Decision.** Section [5-106](#) of these regulations regulates the administrative decision process with regard to petitions/ applications that require appearance and related site plan review. The Development Services Department may approve, with or without conditions, or deny a petition for an administrative decision. Administrative decisions do not go to Plan Commission unless an appeal is made by the petitioner/ applicant. The appeal to Plan Commission is heard at a public meeting.

b. **Administrative Decision in the Old Orland Historic District or on Landmarks.** Section [6-209](#) of these regulations regulates the administrative decision process with regard to petitions/ applications that require Certificates of Appropriateness for routine maintenance on contributing structures or landmarks, and minor changes or routine maintenance on non-contributing structures. The Development Services Department may approve, with or without conditions, or deny a petition for an administrative decision. Administrative decisions do not go to Plan Commission unless an appeal is made by the petitioner/ applicant. The appeal to the Plan Commission is heard at a public meeting. (Ord. 4940 - 11/3/14)

F. **Timeline of Process, Jurisdictional Approval and Expiration**

1. **Six Month Rule.** Any petition that has not proceeded forward within six (6) months from petition date to the Plan Commission, or within six (6) months from Plan Commission to the Committee of the Whole, if required by Section 5-101.A.4, or within six (6) months from the Committee of the Whole due to inactivity may be terminated by the Development Services Department. The Development Services Department must notify the petitioner prior to termination of the petition. (Amd. Ord. 4839 – 9/16/13)

2. **Jurisdictional Approval.** If the final plan covers land either wholly or partly outside the corporate limits of the Village, the approval of the Board of Trustees shall not be final until the applicable jurisdiction in which said development is located has approved it.

3. **Expiration.** If there is no activity after three (3) years of approval by the Board of Trustees of a special use and/or final plan, the special use and/or final plan shall expire unless an extension is granted by the Board of Trustees. (Ord. 4769 – 12/3/12)

G. **Public Hearing Procedures**

1. **Purpose.** The purpose of the following process is to provide an opportunity for the public to be notified about, to be able to view the details of, make a submission about, and/or voice their opinions on a development application, proposal, or petition.



2. **Notice of Public Hearing.** The public shall be notified about all public hearings.

a. **Notification Details.** All notices of public hearings shall include:

1. The date, time and place of the public hearing;
2. A summary of the proposal under consideration;
3. The address and legal description of the specific property that is the subject of the public hearing for matters regarding a rezoning, a special use permit, a variance, an annexation, a subdivision, a landmark designation or a Certificate of Appropriateness. (Ord. 3354 – 4/17/00)
4. That said meeting may be continued without republication up to three (3) times.

b. **Notification Requirements.** All notices of public hearings shall also meet the following requirements:

1. The Development Services Department shall publish a copy of the notice in one (1) or more newspapers with general circulation in the counties in which the Village of Orland Park and contiguous unincorporated territory are located; (Ord. 4940 - 11/3/14)

2. It is the petitioner's/ applicant's responsibility to send a copy of the notice by certified mail with return receipt requested to each of the owners of record of adjacent properties and within 300 feet of any property upon which development is proposed. The petitioner/ applicant must also retain the certified mail receipts for a period of no less than seven (7) years from the final Village Board action on the proposal.

3. It is the petitioner's/ applicant's responsibility to post a weatherproof sign(s) at least three (3) feet by four (4) feet (or 48 inches by 36 inches) in front surface area, the bottom of which shall be mounted at least four (4) feet above the ground, and to have at least one (1) sign in the most visible location to the general public such as along a primary roadway. Such sign(s) shall be posted on private property and shall remain until the conclusion of the public hearing. Failure to comply with the provisions of this Subsection shall not render the public hearing invalid, provided that a good faith effort was made to comply. The petitioner must remove the public hearing notice sign(s) no later than thirty (30) days after the Village Board action on the proposal. The sign must display wording that at a minimum notifies the public about the public hearing for the procedure which has triggered the public hearing. It must include the date, time, place and the contact information of the Development Services Department. Arial or Arial Narrow shall be the font in which the public hearing signs are printed. The notice, date and time of the sign must be no less than 3.5 inches in height and the remaining information on the sign no less than 2.5 inches in height. (Ord. 4574 – 7/6/10; Amd. Ord. 5167 – 2/20/17)

4. All required notices shall be provided at least fifteen (15) days, but no more than thirty (30) days in advance of the published public hearing.

5. It is the petitioner's / applicant's responsibility to submit a notarized affidavit to staff prior to or at the Plan Commission meeting confirming that all requirements listed above have been met.

c. **Other Requirements.**

1. For public hearings regarding Comprehensive Plan Amendments and/ or Land Development Code Text Amendments, notices shall be provided by the requirements outlined in Section [5-101.G.2.b.1](#) and [5-101.G.2.b.4](#) only.

2. For amendments to the Zoning Map, notices shall be provided by the requirements outlined in Section [5-101.G.2.b.1](#), Section [5-101.G.2.b.2](#) and Section [5-101.G.2.b.4](#) above. (Ord. 4161 – 8/7/06)

3. **Conduct of the Hearing.**

a. **Submission of Testimony.** Any person may appear at a public hearing and give testimony or submit written materials, either individually or as a representative of an organization. The decision-making body may exclude information that it finds to be irrelevant, immaterial or unduly repetitious.

b. **Duty of the Development Services Department.**

1. The Development Services Department shall present information concerning pertinent application considerations and the standards set out in these regulations and make recommendations.

2. Upon a showing by any person made at any time during the public hearing, or on motion of the decision-making body, the petitioner/ applicant or the Development Services Department may be required to produce additional information with respect to the proposed petition/ application.

c. **Continuance.** The decision-making body may continue a hearing to a specified date, time and place. Unless such continuance is publicly announced at a properly noticed public hearing, the Development Services Department shall cause notice to be given to all persons originally entitled to notice of the date, time and place of such continued hearing in the same manner as specified in Section [5-101](#).G.2 above.

H. **Public Meeting Procedures**

1. **Purpose.** The purpose of the following process is to provide an opportunity for the decision-making body to review the development application, proposal, or petition.

2. **Notice of Public Meeting.** A public notice other than that required by the Illinois Open Meetings Act is not required for a public meeting.

3. **Conduct of the Meeting.**

a. **Submission of Testimony.** Decision-making bodies shall accept testimony or written materials from individuals or representatives of an organization outside of the applicant at public meetings. (Amd. Ord. 4996 – 6/15/15)

b. **Duty of the Development Services Department.**

1. The Development Services Department shall present information concerning pertinent application considerations and the standards set out in these regulations and make recommendations.

2. Upon a motion of the decision-making body, the applicant or the Development Services Department may be required to produce additional information with respect to the proposed petition/ application.

c. **Continuance.** The decision-making body may continue a hearing to a specified date, time and place.

I. **Record of Hearings**

1. **Recording Hearings.** The Development Services Department shall ensure that the proceedings are recorded by appropriate means.

2. **Record.** The record of proceedings shall consist of the recording of testimony, all applications, exhibits, and papers submitted in any proceeding with respect to the matter being considered, and the summary and report or reports of the Development Services Department.

3. **Open Record.** All summaries and reports of the Development Services Department shall be public records, open to inspection at a reasonable time and upon reasonable notice.

4. **Examination and Copying of Application.** Any person may examine any application for development approval and other material submitted in regard to that application, and may

obtain copies of the application and other materials upon reasonable request and payment of a fee to cover the actual cost of such copies.

**J. Ethics Rules**

1. **Conflicts.** Any member of a decision-making body having any direct or indirect financial interest in property or who lives within five hundred (500) feet of any property which is the subject of a public hearing or public meeting or who might have interest in the outcome of the petition shall disclose such fact at the hearing, prior to voting on the matter.

2. **Contacts Outside of the Hearing.** If any member of a decision-making body receives a substantive communication from any person outside the hearing concerning a subject matter under consideration by that body, the member shall make a statement at the hearing describing the circumstances and substance of the communication.

3. **Other Rules to Govern.** Other matters pertaining to the public hearing or public meeting shall be governed by other provisions of these regulations applicable to the body conducting the hearing and its adopted rules of procedure.

**K. Role of the Development Services Department**

1. **Conference with the Development Services Department.**

a. **Pre-Application Conference.** A petitioner or an applicant for development approval may request an informal conference with the Development Services Department prior to filing a petition or application. The pre-application conference shall be informal and its purpose shall be to discuss the proposals, views and concerns of the applicant and the Village, and to review for compliance with codes, plans and policies.

2. **Application Submission Requirements.**

a. **Application and Fee.** When the petitioner or applicant is ready following the pre-application conference, all applications for development approval shall be submitted to the Development Services Department accompanied by the payment of a fee as authorized in Section [1-104](#). Applicants for development approval may be required to submit additional information.

3. **Complete Applications.**

a. **Determination of Completeness.** Within fifteen (15) days after receipt of an application for development approval, the Development Services Department shall determine whether the application is complete. If it is determined that the application is complete, the applicant will be notified in writing that the application has been accepted for filing. If the application is not complete, the applicant shall be notified, specifying the deficiencies of the application, including any additional information which must be supplied. (Amd. Ord. 5167 – 2/20/17)

A complete application shall consist of the following documents, unless otherwise determined by the Development Services Department:

1. A fully completed notarized petition form
2. Site plan
3. Building elevations
4. Required review fees as set by the Village Board of Trustees
5. Preliminary landscape plan
6. Preliminary engineering plans
7. Preliminary plat of subdivision
8. Traffic study, if required by Section 6-405
9. Original, sealed Plat of Survey (ALTA or otherwise), including legal description.

10. Disclosure of ownership information:
  - a. A receipted copy of the most recent property tax bill, or evidence of payment (copy of bill, canceled check, etc.)
  - b. A copy of the current title insurance policy
  - c. If the property is owned by the petitioner, a copy of the latest recorded deed
  - d. If the property is rented or leased by the petitioner, a letter of authorization to submit the petition from the property owner
  - e. If the petitioner is a contract purchaser and the property is undergoing due diligence for a contract sale, a copy of the contract to purchase and a letter of authorization to submit the petition from the property owner
  - f. If the property is owned by a trust, a certified copy of the trust agreement, a list of beneficiaries, and a letter of authorization to submit the petition from the trust officer
  - g. Copy of any covenants, conditions, easements, or restrictions placed on the property and now of record concerning use limitations, the type of improvements, setbacks, area or height requirements, occupancy, etc.
11. Responses to the Special Use Standards, Variance Standards and/or Rezoning Factors, as needed on a per project basis, if applicable
12. Additional supporting documents listed within the Development Services Development Petition Application packet
13. Additional documents not listed here may be requested as needed by the Development Services Department but shall not be used to determine completeness. A complete petition does not mean the right to automatic scheduling to public meetings or public hearings.

b. **Site Plan.** As required above, a Site Plan shall accompany all applications. Where applicable, all site plans shall include the following information. At the discretion of the Development Services Department, one or more of the following requirements may be waived or additional information may be requested.

1. General Requirements:
  - Plans prepared to a scale, sites less than 2 acres 1"=20' and 2 acres or more 1"=40', parcels greater than 15 acres may be of smaller scale however in no case less than 1"=100'
  - Location of tract by an insert map
  - Parcel Identification Number (PIN)
2. Title Block and Drawing Title on Every Sheet:
  - Development Name
  - Name and address of consultant preparing plans
  - Project Name
  - Scale
  - North arrow
  - Address of site (to include township)
  - Date, with all revision dates
  - Sheet Number(s) and exhibit labels
  - Legend
3. Data Box:
  - Current and proposed Zoning district classification and land use(s)

- Gross area of subject site and Net area (buildable)
- Landscaped area, total size of all principal and accessory buildings
- Area of wetlands, floodway, floodplain detention/retention ponds, open water
- Floor area ratio, square footage of buildings and number of floors
- Number of required parking spaces (including handicapped)
- Number of parking spaces provided (including handicapped)
- Gross impervious surface area and lot coverage, as defined by Section 2-102, and percentage of site coverage
- Number of lots and buildings
- For residential developments, table indicating smallest, largest and average lot size, total number of lots/dwelling units and density (dwelling units per acre, gross and net density)
- Area of common/private open space and park land

4. Elements Of Drawing:

- Location and dimensions of property boundary lines, lot lines, and street right-of-way lines, including required setbacks
- All proposed buildings and existing buildings to remain on the site, including dimensions, square footage, setbacks, and building separation measurements.
- All buildings within fifty (50) feet of the site boundaries, including existing zoning and land use(s)
- Name, location, dimensions, widths, and materials of existing and proposed streets, right-of-ways, driveways, access points, points of ingress/egress, turn lanes (existing and proposed), parking lots, sidewalks, pedestrian paths, bike paths, and other impervious surfaces on the subject site and adjacent properties within fifty (50) feet of the site boundaries
- Location, dimensions, and purpose of all easements and underground utilities (proposed and existing on the subject site and adjacent properties)
- Parking areas marked with stalls and dimensioned
- Loading areas
- Detention or retention areas (proposed and existing), proposed high water line, existing water bodies, wetland boundaries and required buffers/setbacks, streams, floodplain/floodway
- Location of existing trees and notable natural features
- Location of lighting, including adjacent R.O.W. lighting
- Location and dimension of landscaped areas, including landscape islands
- Location of park land/open space, designated private open areas or recreational facilities, and schools
- Location of signs (existing and proposed) type, size, and height of existing and proposed
- Location of type, size, and height of existing and proposed screening, fencing, retaining walls, trash enclosures
- Turning radius showing adequate maneuverability for all emergency and delivery vehicles
- Floor (and seating) plan

c. **Building Elevations.** As required above, when applicable, buildings elevations shall accompany all applications. All building elevations shall include the following information. At

the discretion of the Development Services Department, one or more of the following requirements may be waived or additional information may be requested.

1. General Requirements:

- All plans prepared by a licensed architect
- Plans prepared to a scale and fully dimensioned

2. Title Block and Drawing Title on Every Sheet:

- Development Name
- Name and address of consultant preparing the plans
- Address of site (to include township)
- Date, with all revision dates
- Sheet Number(s)

3. Elements Of Drawing:

- Architectural depiction of all four (4) side of the proposed structure(s)
- Height of proposed structure(s), and all other pertinent dimensions
- Proposed materials and colors clearly indicated as to where proposed. Material samples and/or specification sheets showing appearance, type, color, and texture of all exterior building materials
- Proposed roofing material and color
- Screening material of mechanical equipment
- Elevation, style, material, color, and dimensions of fencing, retaining walls, trash enclosures, and other accessory structures
- Proposed wall signage
- Proposed wall lighting
- All proposed special features or architectural elements

d. **Incomplete Application.** As long as an application remains incomplete, no further action shall be taken by the Village on the application until the deficiencies are corrected.

e. **Remedy of Deficiencies.** If the applicant fails to correct the specified deficiencies within thirty (30) days of the notification of deficiency, the application for development approval may be terminated by the Village.

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 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 from Plan Commission to the Committee of the Whole, if required by Section 5-101.A.4, or hold the application from proceeding to Plan Commission until outstanding preliminary engineering items are met.



d. **Final Plan Review Process.** The Development Services Department may continue to review the complete application for development and its preliminary plan throughout the decision-making process to make corrections or amendments to plans pursuant to recommendations by the Plan Commission and/or the Committee of the Whole, if required by Section 5-101.A.4, and/or pursuant to conditions issued on approval by the Board of Trustees to develop a final plan for acceptance by the Board of Trustees.

e. **Final Engineering Review Process.** The Development Services Department shall review the engineering plans associated with the application for development after approval or approval with conditions has been granted by the Board of Trustees for the purpose of determining final engineering plans. Confirmation from the Development Services Department that final engineering has been completed shall allow the issuance of the various necessary Village permits and the plan to proceed toward implementation.

1. If final engineering comments result in substantial alterations to the Village Board approved final plan, the petitioner/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 over Village Board approved lot coverage;
  - Changes to Village Board approved parking configurations;
  - Changes that result in variances to Village Board approved plans or modifications to Village Board approved special use regulations; and
  - Changes to the number of units, building area, or building stories.

L. **Timing of Applications**

1. **Waiver of Time Limits.**

a. **By Agreement.** Any time limit imposed by these regulations may be waived or extended by agreement among the Development Services Department, the Board of Trustees, and the petitioner or applicant.

b. **Automatic Waiver.** Any applicant who requests a continuance of a public meeting or a public hearing at which the applicant's application is being considered, or who requests an extension of any time limit imposed onto the applicant by statute or these regulations, shall be deemed to have agreed to an extension of that time limit.

2. **Successive Applications.**

a. **One Year Rule.** Whenever any application for development approval for a special use permit, variance, text and map amendment to the Zoning Map (rezoning), subdivision, or preliminary plan is denied, the petitioner will be notified that an application involving the same property shall not be accepted for filing within one (1) year from the date of denial.

b. **Exception.** An exception to the above rule is if the subsequent application involves a development proposal which is materially different from prior proposals, in the opinion of the Development Services Department, or is responsive, in the opinion of the decision-making body, to negative findings set forth in the denial of the prior application.” (Ord. 2746 – 6/5/95)  
(Entire Chapter Amended by Ord. 4411 – 9/2/08)

## **SECTION 5:**

Section 5-108 (TEXT AND MAP AMENDMENTS) of the Code is hereby amended in its entirety to provide as follows:

### **“SECTION 5-108. TEXT AND MAP AMENDMENTS.**

A. **Authority and Purpose.** The Board of Trustees is hereby authorized to amend the text of these regulations or the Zoning District Map in light of changing conditions and in light of changes to the Comprehensive Plan. The provisions of this Section are not intended to relieve particular hardships nor to confer special privileges.

B. **Initiation of Amendment.** Amendments to the text of these regulations or the Zoning District Map may be initiated by the Board of Trustees, the Plan Commission, the Village Manager, any resident of the Village of Orland Park or any developer of any property located within the Village of Orland Park or its planning jurisdiction. Any amendment initiated by a resident which involves a single parcel of land shall require the submission of an application to the Development Services Department in accordance with the provisions of Sections [5-101](#)(B-D). (Ord. 4411 - 9/2/08)

C. **Review.** After receipt of a complete application for an amendment, the Development Services Department, shall complete the review of the application and shall send a written recommendation to the Plan Commission, with a copy to the applicant, if any, setting forth whether the amendment should be granted or denied, setting forth a recommended zoning district classification, if any, and stating the grounds for any such recommendations as they relate to the standards and the purposes of the zoning district classifications of the Village, the standards in Subsection A, above, and the Comprehensive Plan and any adopted overlay plan. (Ord. 4411 - 9/2/08)

D. **Action by Plan Commission.**

1. **Public Hearing.** The Plan Commission shall conduct a public hearing to consider any amendment to the text of these regulations or the Zoning District Map in accordance with the provisions of Section [5-101](#)(E). (Ord. 4411 - 9/2/08)

2. **Text Amendment.** The Plan Commission shall review a proposed text amendment, the recommendation of the Development Services Department, and the testimony at the public hearing, and the Commission shall recommend to the Board of Trustees approval, with or without conditions, or denial of the amendment. (Ord. 4411 - 9/2/08)

3. **Map Amendment.** The Plan Commission shall review a proposed map amendment by considering the recommendation of the Development Services Department and the following factors, and shall recommend to the Village Board of Trustees approval, with or without conditions, or denial of the amendment.

a. **LaSalle Factors.** When reviewing an application for a map amendment (rezoning) the following factors apply for consideration. The factors below come principally from the 1957 case LaSalle v. County of Cook. The factors are known as the LaSalle Factors, which Illinois courts apply over rezoning issues.

1. The existing uses and zoning of nearby property;
2. The extent to which property values are diminished by a particular zoning classification or restriction;
3. The extent to which the destruction of property value of a petitioning property owner promotes the health, safety, morals, or general welfare of the public;

4. The relative gain to the public as opposed to the hardship imposed on a petitioning property owner;
5. The suitability of the subject property for its zoned purposes;
6. The length of time the property has been vacant as zoned, considered in the context of land development in the area;
7. The Comprehensive Plan designation and the current applicability of that designation; and
8. The evidence or lack of evidence, of community need for the use proposed.

(Ord. 4411 - 9/2/08)

E. **Action by the Committee of the Whole.** The Committee of the Whole shall review all proposed text amendments, the recommendation and report of the Development Services Department, the testimony and evidence submitted at the public hearing, and the Plan Commission recommendation, and shall recommend approval, with or without conditions, or disapproval to the Board of Trustees. The Committee of the Whole, if required by Section 5-101.A.4, shall review all proposed map amendments, the recommendation and report of the Development Services Department, the testimony and evidence submitted at the public hearing, and the Plan Commission recommendation and shall recommend approval, with or without conditions, or disapproval to the Board of Trustees.

F. **Action by Board of Trustees.** The Board of Trustees shall review the proposed amendment, the recommendation and report of the Development Services Department, the Plan Commission recommendation, the Committee of the Whole recommendation if required by Section 5-108.F or Section 5-101.A.4, and shall grant, with or without conditions, or deny the amendment.”

## **SECTION 6:**

Sections 5-112.E.9.e.3 and 5-112.H.15 through 19 of Section 5-112 (DEVELOPMENT AND SUBDIVISION REQUIREMENTS) are hereby amended in their entirety to provide as follows:

### **“SECTION 5-112.E.9.e.3**

3. **Landscape Plan Review and Inspections.** All preliminary landscape plans submitted to the Village in conjunction with single family and multifamily developments over two (2) units and with all non-residential developments, or for any other required landscape plans as detailed in Section [6-305](#) Landscape and Tree Preservation, shall be reviewed by the Plan Commission, the Committee of the Whole, if required by Section 5-101.A.4, before Village Board approval. All final landscape plans shall incorporate conditions of approval of the Board approved preliminary landscape plan, and shall be reviewed and receive final approval from the Development Services Department upon recommendation of approval by the Village landscape consultant, if applicable.

Upon installation of required landscaping, the developer or property owner shall contact the Development Services Department to schedule a landscape inspection, which will initiate the landscape inspection process. All landscaping shall be inspected for proper installation and compliance with the approved landscape plan and any associated documentation, including hydro-period analyses or M&M Plans. A minimum of three (3) years of consecutive naturalized landscape area inspection approvals shall be attained before Village approval and acceptance of any stormwater management area. A minimum of one (1) year of site landscape approvals shall

be attained before a letter of credit reduction can be requested. No letter of credit release shall be issued until a final landscape inspection approval has been granted by the Development Services Department. The fees charged to the Village by its landscaping consultant for landscape plan review shall be paid by the petitioner to the Village at the time of petition. Fees charged to the Village by its landscaping consultant for inspections of installed landscaping shall be paid by the petitioner to the Village by the applicant before final letter of credit release. (Ord. 3672 – 8/5/02; Amd. Ord. 5061–1/18/16; Amd. Ord. 5221 – 9/18/17; Amd. Ord. 5312 – 7/16/18)

#### **SECTION 5-112.H.15-19**

15. **Timing of Payment.** Cash contributions required under this Section shall be paid as follows:

a. All fees required pursuant to this Section, including fees arising from the development of land located in the Village's one and one-half (1-1/2) mile planning jurisdiction that may be the subject of an intergovernmental agreement, shall be due and owing prior to final plat approval by the Board of Trustees, or as provided by the terms of a development agreement entered into between the Village and an applicant. However, if the applicant's lands are the subject matter of an annexation agreement, payment shall be made at the times and in the manner provided in said annexation agreement. (Ord. 4412 - 9/2/08)

b. It shall be the duty of the Village Comptroller to establish regulations and procedures for the collection and administration of the cash contributions required under this Section.

16. **Credit for Land or Contribution of Cash in Lieu of Land Given Under Annexation Agreements.** If an applicant has given land and a contribution of money or a contribution of cash in lieu of land as part of an annexation agreement and thereafter the applicant or his or her successors submits a plan of subdivision or resubdivision or final development plan which will increase the density of population in those areas covered by the annexation agreement, then the applicant shall be required to make an additional contribution of park and recreation land or land for school sites or land for transportation facilities or of cash in lieu thereof as outlined above. The additional land or cash in lieu of land to be contributed shall be the difference between that land or cash in lieu of land required as determined from the plat of subdivision or resubdivision or final development plan and that land or cash in lieu of land previously contributed under the annexation agreement.

17. **Development Agreements.** Upon review and recommendation of the Committee of the Whole and approval by the Board of Trustees, the Village may enter into a development agreement with any applicant which sets forth the time and manner of compliance with the terms of this Section and implementation of any other provisions of these regulations. If any development agreement has previously been entered into between the Village and an applicant, and that agreement remains in full force and effect, the provisions of that agreement shall control and this Section shall have no force and effect, provided that the applicant complies with the terms of such agreement. However, if such applicant is not complying with the terms of that agreement or the agreement does not set forth a specific dollar amount that the applicant is required to pay to the Village, then the provisions of this Section shall apply and the Village shall utilize the fees set forth herein to determine the appropriate exaction amount, less credits, if any. Further, if the development contemplated by an applicant has either increased in density or has otherwise increased the traffic on the Village's transportation system previously estimated following annexation, then the development agreement previously entered into between the

applicant and the Village shall be amended and the applicant shall pay an additional pro-rata fee, based on the fees set forth in this Section, less credits, if any. (Ord. 4412 - 9/2/08)

18. **Audit Reports.** The Village shall have the right to request and receive from the affected school districts, or such other appropriate agencies, annual audit reports and any other information the Village may need from time to time to insure compliance with this Section.

19. **Indemnification.** The affected school districts, or such other appropriate agencies, shall be required, as a condition of receiving the donations hereunder, to indemnify and hold harmless the Village from any loss, claims and causes of actions of every kind incurred by the Village as a result, either directly or indirectly, of the passage of this Section, or the administration or enforcement thereof, including any so incurred as a result of a lawsuit brought or threatened by an applicant.. If the Village is sued by any applicant as a result, directly or indirectly, of the passage of this Section, the school district or other appropriate agencies affected may, at its option, undertake the defense thereof but all costs and expenses of such defense, including attorneys' fees, shall then be borne by the affected school district or appropriate agencies.” (Ord. 4412 - 9/2/08)

## **SECTION 7:**

Subsection C.5 of Section 6-202 (R-1 RESIDENTIAL DISTRICT) is amended in its entirety to provide as follows:

“5. Places of worship which may include overnight shelter for up to eight (8) adults, provided that:

- a. The use is located on a lot not less than 12,000 square feet and a width of 90 feet; and
- b. No structure is located within 25 feet of a side lot line.”

## **SECTION 8:**

Sections 209.E and 209.G of Section 6-209 (OLD ORLAND HISTORIC DISTRICT) are hereby amended in their entirety to provide as follows:

### **“SECTION 6-209.E**

#### **E. Signage.**

Signs in the OOH District shall be compatible with the architecture, scale and design of the building of which they are a part. Signs should not obscure or overwhelm architectural details. Building directories are encouraged for milt-tenanted buildings. All signs shall conform to the requirements listed in Section 6-307 (Signs).”

### **SECTION 6-209.G**

#### **G. Review Process for Certificate of Appropriateness.**

The Certificate of Appropriateness review process is designed to protect historic properties from insensitive or non-conforming alterations and to ensure new buildings are compatible in design with older buildings in the Old Orland Historic District. The process for Certificates or Appropriateness is outlined in Section [5-101](#) of the Land Development Code (5-101.C and 5-

101.D) and shall follow the requirements outlined in Section [5-110](#) of the Land Development Code pertaining to Landmarks. (Ord. 5312 – 7/16/18)

The tables below outline the Certificate of Appropriateness review and approval process for the three categories of buildings in the OOH District and landmarks and are followed by descriptions of the terms used. Once the required review and approval is obtained, building permits must be procured from the Village before the proposed work begins.”

<b>Table 6-209.G.1: Review and Approval Process for Contributing Structures and Landmarks</b>				
	Public Hearing	Plan Commission	Board of Trustees	Administrative Review
Major Change (All)	X	X	X	
Minor Change (Landmarks)		X	X	
Minor Change (Contributing Structures)				X
Routine Maintenance				X
COA for Demolition	X	X	X	

<b>Table 6-209.G.2: Review and Approval Process for Non-Contributing Structures and New Construction</b>				
	Public Hearing	Plan Commission	Board of Trustees	Administrative Review
Major Change (All)				X
Minor Change (All)				X
Routine Maintenance				X
COA for Demolition (All)				Not Required
New Construction (Freestanding Residential)				X

## **SECTION 9:**

Table 6-302.C.1(A) – Attached Accessory Structures of Section 6-302 (ACCESSORY STRUCTURES AND USES) is hereby amended by adding the changes to “Air Conditioning” and “Decks” as shown in Exhibit C.

Section 6-302 (ACCESSORY STRUCTURES AND USES) is hereby further amended by adding the following to Subsection 302.C.45 and Subsection 302.C.46:

“45. Vending Machines: Permitted for non-residential uses in the VCD, BIZ, COR and ORI Districts, and must be positioned as close to the building as possible meeting the requirements of the Village Code and applicable rules and regulations.

46. Wind Energy Conversion Systems: See Section 6-314 Environmental Technology Standards.”

Subsection 302.K. of Section 6-302 (ACCESSORY STRUCTURES AND USES) is hereby amended in its entirety to provide as follows:

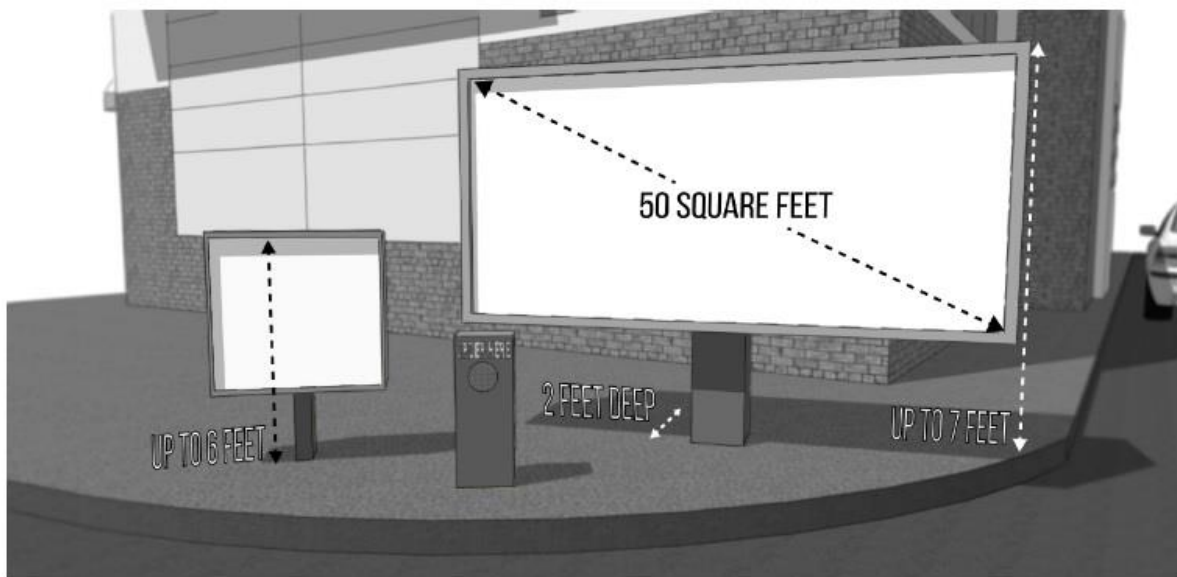


## **“SECTION 6-302.K**

### **K. Drive-Through Accessories.**

1. Drive-Through Accessories shall be screened from all public right of ways and adjacent residential properties in accordance with the Screening Requirements set forth in Section [6-308.J](#) and Section 6-305.D.4 Landscape Bufferyards. No Drive-Through Accessories shall be located between the building setback area and the street, except in conjunction with a Special Use Permit.
2. Drive-Through Accessory Standards.
  - a. Drive Through Structures are subject to the following conditions:
    1. Drive-Through Structures shall not exceed fourteen (14) feet in height.
    - b. Menu Boards are subject to the following conditions:
      1. One (1) Menu Board shall be allowed per Order Confirmation Point.
      2. Menu Boards shall not be more than fifty (50) square feet in surface area.
      3. The highest point of a Menu Board shall not exceed a height of seven (7) feet from grade.
      4. Menu Boards shall not exceed two (2) feet in dimensional depth.
      5. A minimum five (5) foot wide on average landscape planting bed shall be installed around the entire base of all new permanent menu boards. A minimum of fifty percent (50%) of the area of the landscape bed around a menu board shall be occupied by vegetation. Vegetation should have year-round interest and should include shrubs, ornamental grasses and perennials; turf grass is not permitted. Plantings should be large enough to cover or soften the base of the menu board without blocking the displayed information.
    - c. Preview Boards are subject to the following conditions:
      1. One (1) Preview Board shall be allowed per Order Confirmation Point.
      2. Preview Boards shall not exceed 50% of the surface area of the primary Menu Board.
      3. Preview Boards shall not exceed a height of six (6) feet.

**Figure 6-302.K.2 - Drive-Through Accessories**



3. Digital Menu Board Brightness Size.
  - a. The maximum permitted brightness for a Digital Menu Board shall be determined by the total area that emits light. The regulations for Digital Menu Board size and brightness are set forth in Table 6-302.K.3.A. Digital Menu Board size shall be rounded to the closest correlated size listed in Table 6-302.K.3.A when defining maximum permitted brightness.”

**Table 6-302.K.3.A**

<b>Menu Board Screen Size (Square Feet)</b>	<b>Menu Board Brightness (Nits)</b>
0 - 25	3500
30	3200
35	2900
40	2600
45	2300
50	2000

(Amd. Ord. 5221 – 9/18/17)

#### **SECTION 10:**

Section 6-304 (TEMPORARY USES), Subsection 304.C.10 is hereby amended in its entirety to provide as follows:

#### **“SECTION 6-304.C. 10. Temporary Hiring Offices.**

10. Temporary Hiring Offices.
  - a. Permitted in any district where the use is accessory to a non-residential construction project. Such offices shall not be used as a residence, and shall not contain any sleeping or cooking accommodations. All such offices shall comply with the Illinois Accessibility Code and Illinois Plumbing Code.
  - b. The maximum length of a permit issued for the temporary hiring office by the Building Department shall be 45 days from the date occupancy is granted for the temporary hiring office.
  - c. If the temporary hiring office is in a trailer or similar temporary structure, the trailer or structure shall be removed upon completion of the construction project and before a Conditional or Full Certificate of Occupancy is issued for the principle non-residential construction project.
  - d. If the temporary hiring office is in a trailer or similar temporary structure, a bond shall be provided prior to the issuance of a permit, in an amount not less than \$5,000.00 to assure the removal of the trailer or similar temporary structure, disconnection of any utilities which were connected thereto, and storage of the trailer after removal. Storage costs shall be assessed at \$100.00 per day. The bond shall expire not less than 60 days after the end of the permit period or any renewal period granted.
  - e. No such office shall be used as a primary office headquarters.”

## **SECTION 11:**

Section 6-305 (LANDSCAPE AND TREE PRESERVATION), Subsection 305.D.6.a.1.i is hereby amended in its entirety to provide as follows:

### **“SECTION 6-305.D.6.a.1.i**

- i. All parking lot areas greater than seven (7) parking spaces shall be significantly screened from view from adjacent properties and streets with landscaping, ornamental fencing, masonry wall, or a combination thereof. A minimum ten (10) foot wide planting bed shall be required around the perimeter of all required parking lots that are visible from adjacent properties and streets. The setback distance between a parking lot and adjacent property line shall in all cases be a minimum of ten (10) feet, as measured from the parking lot back of curb. Parking lot screening and setback requirements shall be waived between lot lines for shared parking lots, as determined by the Development Services Department.”

## **SECTION 12:**

Section 6-307 (SIGNS) is hereby amended as follows and as shown in Exhibit B:

- a) Section 6-307.B. is hereby amended by deleting the following:  
“This Section shall not apply to the Old Orland Historic District.”
- b) Section 6-307.F. is hereby amended by adding the following to Subsection 1.b. 9:  
“e. Landscaping shall be provided around the base of all ground signs in accordance with Section 6-305.D.7 of the Land Development Code.”
- c) Section 6-307.F. is hereby further amended by deleting the Chart in Subsection 2.a. in its entirety and replacing it with the following:

### Sign District #1 – Residential Zoning Districts

	Sign Type	Tenant Land Use	Maximum Sign Face Area	Maximum Number of Signs	Maximum Sign Height	Additional Regulations
WALL	Wall Sign/ Channel Letters/ Cloud Sign/ Push-Thru Letters	RES	2 SF	1 per tenant frontage; maximum of 2	-	<ul style="list-style-type: none"> <li>• Shall not cover any part of a window;</li> <li>• Shall not extend more than 18" from the façade</li> </ul>
		NON-RES	1 SF per linear foot of tenant frontage	1 per tenant frontage	-	<ul style="list-style-type: none"> <li>• Shall not cover any part of a window;</li> <li>• Shall not extend more than 18" from the façade</li> </ul>
	Awning Sign	RES	Prohibited			
		NON-RES	10% of visible surface area of awning	1 per tenant awning	-	<ul style="list-style-type: none"> <li>• Minimum 8' clearance;</li> <li>• Awnings shall be located above windows or doors;</li> <li>• Signage not permitted on valance</li> </ul>
	Canopy Sign	RES	Prohibited			
		NON-RES	1 SF per linear foot of canopy	1 per tenant canopy	24"	<ul style="list-style-type: none"> <li>• Canopy and attached signage must have a minimum 8' clearance</li> </ul>
	Projecting Sign	RES	Prohibited			
		NON-RES	10 SF	1 per tenant entrance	-	<ul style="list-style-type: none"> <li>• Minimum 8' clearance;</li> <li>• Shall be located near the tenant entrance;</li> <li>• Shall be located below second story windows;</li> <li>• Maximum projection: 5'</li> </ul>
GROUND	Monument Sign/ Dual Post Sign	RES	12 SF per acre; maximum of 32 SF	1 per entrance from ROW	6'	<ul style="list-style-type: none"> <li>• May be located within a public landscape median with Village approval;</li> <li>• If illuminated, the sign shall only be externally illuminated</li> <li>• Prohibited for individual single-family lots</li> </ul>
		NON-RES	40 SF	1 per ROW frontage	Monument: 10'; Dual Post: 6'	<ul style="list-style-type: none"> <li>• Signs shall be spaced at least 75' apart;</li> <li>• Tenant panels shall cover no more than 80% of the allowable SFA</li> </ul>
OTHER	Under Canopy Sign	RES	Prohibited			
		NON-RES	6 SF	1 per tenant entrance	-	<ul style="list-style-type: none"> <li>• Minimum 8' clearance;</li> <li>• Shall be located near the tenant entrance</li> </ul>
	Manual Changeable Sign	RES	Prohibited			
		NON-RES	25% of the ground sign SFA	1	-	<ul style="list-style-type: none"> <li>• Shall be installed within a ground sign</li> </ul>

- d) Section 6-307.F. is hereby further amended by adding the following to text and chart to Subsection 2.e.:

“e. **Sign District #5: Old Orland Historic District.** The following signs shall be allowed the Old Orland Historic District (OOH) with a valid permanent sign permit from the Development Services Department.

Sign District #5 – Old Orland Historic District						
	Sign Type	Tenant Land Use	Maximum Sign Face Area	Maximum Number of Signs	Maximum Sign Height	Additional Regulations
WALL	Wall Sign/ Channel Letters/ Cloud Sign/ Push-Thru Letters	RES	1 SF per linear foot of tenant frontage	1 per ROW frontage	-	<ul style="list-style-type: none"> <li>Only allowed on multi-family buildings with more than 10 dwelling units;</li> <li>Shall not extend more than 18” from the façade</li> </ul>
		NON-RES	1 SF per linear foot of tenant frontage	1 per tenant frontage	-	<ul style="list-style-type: none"> <li>Shall not cover any part of a window;</li> <li>The combined SFA of all signs shall not exceed the allowable SFA per frontage;</li> <li>Shall not extend more than 18” from the façade</li> <li>For multi-story or multi-tenant buildings, tenant sign location is subject to review by the Development Services Department</li> </ul>
	Awning Sign	RES	Prohibited			
		NON-RES	10% of visible surface area of awning	1 per tenant awning	-	<ul style="list-style-type: none"> <li>Minimum 8’ clearance;</li> <li>Awnings shall be located above windows or doors;</li> <li>Signage not permitted on valance</li> </ul>
	Projecting Sign	RES	Prohibited			
		NON-RES	10 SF	1 per tenant entrance	-	<ul style="list-style-type: none"> <li>Minimum 8’ clearance;</li> <li>Shall be located near the tenant entrance;</li> <li>For multi-story or multi-tenant buildings, tenant signs must be located over or within 2 feet of the first floor pedestrian door access to the building;</li> <li>Maximum 3’ projection;</li> <li>Shall not be internally illuminated</li> </ul>
GROUND	Monument Sign/ Dual Post Sign	RES	Prohibited			
		NON-RES	20 SF	1 per ROW frontage	5’	<ul style="list-style-type: none"> <li>Tenant panels shall cover no more than 75% of the allowable SFA</li> <li>Wood posts are permitted for dual post signs subject to review by the Development Services Department</li> </ul>

- e) Section 6-307.H.3.a. is hereby amended in its entirety to provide as follows:

“3. **Gas Station Signs.** On premises where gasoline is dispensed:

- a. Each side of a service station island containing gasoline pumps shall be permitted a maximum of two (2) permanent signs meeting the following requirements:
  1. The maximum sign face area shall neither exceed six (6) square feet for each exposed face nor exceed an aggregate gross surface area of twelve (12) square feet.
  2. Such signs shall be incorporated within the service station island structure to which it relates.
- b. Each gas station canopy shall be permitted one (1) canopy sign per right-of-way frontage. The gross surface area of such sign shall not exceed twenty (20) percent

- of the gross surface area of the canopy to which the sign is to be affixed. Said canopy signage shall not extend above or below the canopy.
- d) Section 6-307.H. is hereby further amended by adding the following:  
“5. **Drive-Through Accessories.** Drive-Through Accessories shall meet the requirements of Section 6-302.K of the Land Development Code.”

### **SECTION 13:**

Subsection 308.J (Screening) of Section 6-308 (DESIGN STANDARDS) is hereby amended in its entirety to provide as follows:

**“J. Screening.**

1. Service areas, utility areas, loading areas, storage areas, mechanical equipment, overhead doors, trash collection and recycling areas, and other potentially unattractive places shall be completely screened from view on all sides so that no portion of such areas are visible from streets, drives, and adjacent properties. Screening shall be accomplished by the use of walls, fencing, landscaping, or a combination of measures. Screening shall be equally effective in the winter and the summer seasons. Screening shall be architecturally compatible with the principal building in terms of design type, materials, and colors. Wherever possible, mechanical equipment shall be contained within buildings or shall be roof-mounted per Code requirements.
2. Ground-based mechanical equipment shall be located in rear or interior side yards. All ground-based mechanical equipment, including, but not limited to, heating, ventilating, and air-conditioning units (HVAC), shall be fully screened from public view in accordance with the screening regulations of this Section.
3. Roof-mounted mechanical equipment shall be fully screened from view by parapet walls, the roof structure, architectural elements, or an alternative screening structure. The height of the screening shall be equal to or taller than the height of the tallest point of the mechanical equipment installed on the building. Such screening shall be constructed of building materials that match the principal structure to blend in with and complement the architecture of the building. New buildings and structures shall be designed to provide a parapet wall or other architectural building element that is equal to or taller than the height of the tallest point of the mechanical equipment installed on the building. Screening walls shall be architecturally consistent with the structure and match the existing structure’s paint, finish, and trim detail.”  
(Ord. 2959 - 11/18/96; Amd. Ord. 3837 - 12/1/03)

### **SECTION 14:**

Section 6-314.C.2 (Building-Mounted Systems) is hereby amended by inserting the word “be” between the words “may” and “roof-mounted”.

### **SECTION 15:**

Section 6-314.D.4 (General Requirements) is hereby amended by replacing “f” with “h. Accessory Use.”.



**SECTION 16:**

Section 6-314.E.5.1 (Test WECS) is hereby amended by deleting the word “and” between the words “for” and “UWECS”.

**SECTION 17:**

This Ordinance shall be effective immediately upon its adoption and publication in pamphlet form as provided by law.