

PART 3 | CONSERVATION DESIGN SUBDIVISIONS

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Article 30 GENERAL PROVISIONS FOR CONSERVATION DESIGN OPTION

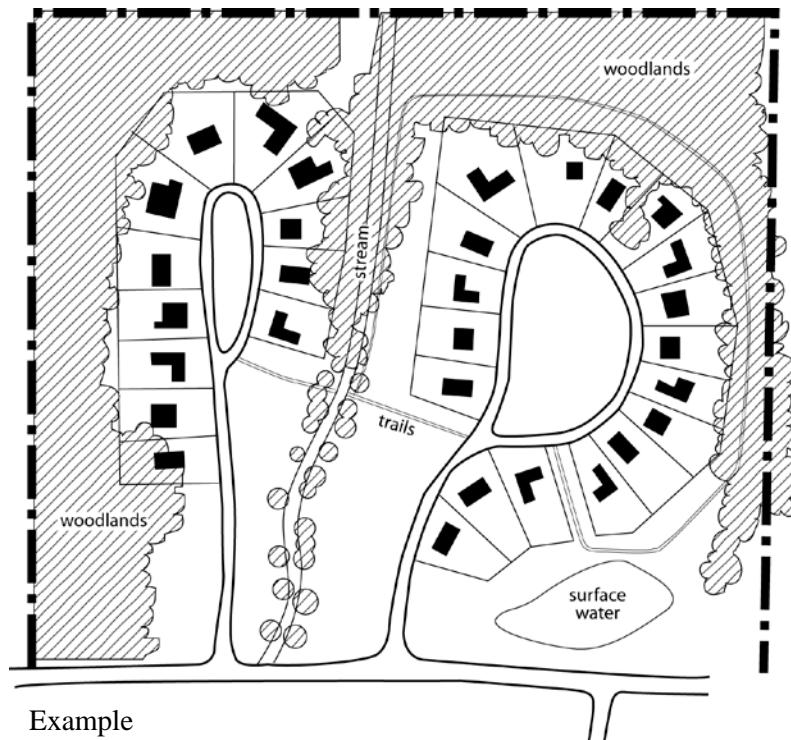
30-01 PURPOSE/DESCRIPTION

- 30-01-A. A conservation design subdivision designed in accordance with Article 30 is a by-right permitted use option in the E-1, E-2, R-1, R-2, R-2A, R-3, and R-4 zoning districts. Other development options include a conventional residential subdivision or a planned unit development residential subdivision. When this option is utilized, the regulations of this section are intended to encourage subdivision designs that are more efficient and provide more open space and greater natural resource protection than conventional subdivision designs. One goal of conservation design subdivisions is to allow more compact and less costly networks of streets and utilities. They may also help preserve aquifer recharge, reduce stormwater runoff, reduce non-point source pollutant loading rates and preserve an area's semi-rural character. Conservation design subdivisions are intended to encourage the provision of open space and recreational amenities for residents and preserve natural, environmentally sensitive and other resources.
- 30-01-B. The conservation design subdivision standards of this section require that a specified portion of each development be set aside and permanently preserved as open space, which can be used to provide recreational opportunities for the subdivision's residents and/or to conserve and protect significant natural resources, in accordance with the regulations of this subdivision ordinance.
- 30-01-C. Review period. No later than five years from the date of passage of the initial Conservation Design Ordinance, the County Board, or a committee, subcommittee or commission thereof, shall consider whether amendments are necessary to make Part 3 consistent with recommendations of the Land Resource Management Plan, to encourage new or improved conservation design building practices which may have been developed and which may have application in Will County, to correct deficiencies or difficulties which may have developed in administration of Part 3, or for such other reasons as the County Board may determine.

30-02 GENERAL DESIGN PRINCIPLES

- 30-02-A. Conservation design subdivisions are subject to all other subdivision design and improvement standards of this subdivision ordinance unless otherwise expressly stated.
- 30-02-B. Lots and development sites within conservation design subdivisions must, to the maximum extent practical, be located outside of areas containing woodlands, grasslands, surface waters, steep slopes, drainageways, rock outcroppings and other natural resource features. See Figure 30.1. A Natural Resources Inventory Report, that includes site specific data, prepared by the Will /South Cook Soil and Water Conservation District shall be submitted to aid in identifying areas that merit conservation.

Figure 30.1



- 30-02-C. Impervious areas must be limited and, to the maximum extent practical, be sited and designed to minimize stormwater runoff impact to the watershed's receiving waters by:
1. Minimizing concentrated stormwater flow;
 2. Minimizing, and breaking up or disconnecting large areas of impervious surface into smaller areas;
 3. Maximizing the use of sheet flow through vegetated areas;
 4. Maximizing the flow length through vegetated areas;
 5. Encouraging groundwater recharge; and
 6. Providing natural preserve areas where natural soils will remain undisturbed and soil compaction activities are prohibited.
- 30-02-D. Stormwater Best Management Practices (BMPs) shall be used to protect water quality, preserve natural hydrology, and minimize overall impacts of development on aquatic resources. BMPs may include, but not be limited to, the following practices:
1. Use of naturalized detention basins designed to maximize removal and transformation of run-on pollutants;
 2. Use of wet-bottom detention basins and native, emergent vegetation along their periphery and in bottoms of wetland basins;
 3. Use of stilling basins at major detention basin inlets, and use of maximum distances between major inlets and outlets;
 4. Where detention basins discharge into adjacent or downstream wetlands, use of detention basin outlet structures designed to spread and infiltrate run-off through use of level spreader devices;

5. Use of bioswales in lieu of stormwater piping;
6. Use of permeable pavers where practical; and
7. Curb and gutter, pavement widths, right-of-way widths, and sidewalk requirements will be waived or modified in a conservation design subdivision contingent upon the approval of the appropriate highway authority.

Article 31 DETERMINING MAXIMUM DEVELOPMENT POTENTIAL

31-01 MAXIMUM NUMBER OF DWELLING UNITS ALLOWED

- 31-01-A. The maximum number of dwelling units allowed within a conservation design subdivision may, at the developer’s option, be determined in accordance with the yield plan provisions of Sec. 31-02 or the yield formula provisions of Sec. 31-03.
- 31-01-B. Regardless of the method chosen (yield formula or yield plan), the following zoning district base densities apply:

Zoning District	Maximum Base Density (units per acre [UPA])
E-1	0.200
E-2	0.400
R-1	0.726
R-2	1.000
R-2A	1.452
R-3	2.178
R-4	3.485

- 31-01-C. If the conservation design subdivision is located in more than one zoning district, the maximum number of dwelling units allowed must be determined separately for each portion of the site lying within a different zoning district. Density may be transferred from one portion of the site to another, provided that such transfers do not result in an increase in the number of dwelling units allowed on the overall site.

31-02 YIELD PLAN

- 31-02-A. Developers may elect to submit a yield plan to be used as the basis for determining the maximum number of dwelling units allowed prior to bonus calculations.
- 31-02-B. Yield plans (Subdivision plans) must be prepared by an engineer, surveyor, professional planner or other qualified professional.
- 31-02-C. The yield plan must be prepared in sufficient detail and include sufficient backup documentation to illustrate the maximum number of dwelling units that would realistically be allowed on the property under conventional subdivision design, in compliance with this subdivision ordinance, the Zoning Ordinance, Water Resource Ordinances, Stormwater Management Ordinance and all other applicable ordinances.
- 31-02-D. Yield plans must be reviewed and approved by the Chief Subdivision Engineer as part of the plat approval process for the conservation design subdivision.

31-03 YIELD FORMULA

- 31-03-A. In lieu of the yield plan method of Sec. 31-02, developers may elect to use a yield formula to be used as the basis for determining the maximum number of dwelling units allowed prior to bonus calculations.
- 31-03-B. **STEP 1—DETERMINE BASE SITE AREA**
The first step of the yield formula involves calculating the site’s base site area, as follows:

1.	Determine gross site area	__ acres
2.	Subtract ROW of existing streets (and ultimate ROW)	- __ acres
3.	Equals BASE SITE AREA	= __ acres

31-03-C. STEP 2—DETERMINE NET SITE AREA

The second step of the yield formula involves calculating the net site area, as follows:

1.	Take base site area (from Sec. 31-03-B)	__ acres
2.	Subtract regulated wetlands (> than 0.1 acres in area) and wetland buffers as required by the Will County Water Resource Ordinances or U.S. Army Corps of Engineers, whichever is more stringent:	- __ acres
3.	Equals buildable area	= __ acres
4.	Subtract 10% of buildable area for stormwater management	- __ acres
5.	Subtract 15% of buildable area for streets	- __ acres
6.	Equals NET SITE AREA	= __ acres

31-03-D. STEP 3—DETERMINE NUMBER OF DWELLING UNITS ALLOWED

The third step of the yield formula involves a final calculation of the maximum number of dwelling units allowed on the site:

1.	Take net site area (from Sec.31-03-C)	__ acres
2.	Multiply by zoning district maximum density (Sec. 31-01-B)	x __ UPA
3.	Equals PRE-BONUS MAXIMUM NUMBER OF DWELLING UNITS ALLOWED	= __ units

31-04 DENSITY BONUSES

31-04-A. CALCULATIONS:

1.	Calculate any allowed Density Bonus	
	The maximum increase in density shall be limited to twenty-five (25) percent of the permitted density. The following list of incentives may be utilized to reach a density bonus not to exceed twenty-five (25) percent.	
a.	Internal trails that are connected with existing or potential open spaces and multi-use trails outside of the development and provide access to the public. Open space must be connected to larger greenway systems when technically possible = 4% Bonus.	__ %
b.	The amount of open space provided exceeds the required open space area from Table 1 in Section 32-01-B for the development by ten (10) percent or more (including the bonus acreages offered for any special incentives allowed per Section 32-03, and any infiltration credit allowed per the water resources ordinance) = 8% Bonus	+ __ %
c.	Open space within the development is placed into a conservation easement with a legally incorporated land conservation agency or donated to a public open space agency (as approved by the Plat Committee) = 4% Bonus	+ __ %
d.	Pursue landmark status for identified historically significant buildings, structures and sites on the subject property as determined by the Will County Historic Preservation Ordinance and recommendation of the Will County Historic Preservation Commission to have merit and suitability for preservation and/or adaptive reuse and preserve them by incorporating them into the development proposal= 4% Bonus	+ __ %

<p>e. Provide design excellence and quality in building style and material. This may include, but not be limited to, compact clustering of home sites with the efficient and appropriate layout of roads and utilities, and energy conserving landscaping. This should include the utilization of native plant species and the preservation of natural resources. The aforementioned design should reflect nationally recognized standards, such as the Sustainable Sites Initiative, LEED, or National Association of Homebuilders Green Building Standards, or as described in the Developer's Handbook. (not to exceed a 8% bonus)</p>	<p>+ ___ %</p>
<p>f. Area Based Density Bonuses:</p>	
<p>i. Woodlands are preserved and set aside in common areas: _____ Acres</p>	
<p>ii. Natural Preserves in excess of 50% are created or set aside into common areas: _____ Acres</p>	
<p>iii. Total acreage bonus for Stormwater Infiltration practices per the Water Resource Ordinance: _____ Acres</p>	
<p>TOTAL ACRES FOR AREA BASED DENSITY BONUSES (i + ii + iii): = _____ Acres</p>	
<p>Divide by the Net Site Area (from 31-03-C): / _____ Acres</p>	
<p>Multiply by 100: x 100% = _____ %</p>	
<p>Equals AREA BASED DENSITY BONUS PERCENTAGE (Not to exceed 10%)</p>	<p>+ ___ %</p>
<p>2. Equal Total Bonuses (Add 1a -1f)(25% Max.)</p>	<p>= ___ %</p>
<p>3. Divide Total Bonus % by 100</p>	<p>___ % / 100</p>
<p>4. Multiply Total Bonus by Pre Bonus Maximum Number of Dwelling Units (from 31-02or 31-03)</p>	<p>___ x ___ units</p>
<p>5. Equals Number of Bonus Dwelling Units</p>	<p>= ___ units</p>
<p>6. Add results of yield plan or yield formula to Bonus Dwelling Units for MAXIMUM NUMBER OF DWELLING UNITS</p>	<p>= ___ units</p>

31-05 LOT AREA AND DIMENSIONAL STANDARDS

Conservation design subdivisions are expressly exempt from the lot area, lot width, lot coverage and setback requirements of the Zoning Ordinance. No structures shall be exempt from the requirements of the Will County Building Ordinance; lots must be of size and shape to allow for compliance with applicable building codes.

Article 32 OPEN SPACE

32-01 DETERMINING MINIMUM OPEN SPACE REQUIREMENTS

32-01-A. The minimum amount of common open space required in a conservation design subdivision is calculated as follows:

1.	Take base site area (from Sec. 31-03-B	___ acres
2.	Multiply base site area times the zoning district-based minimum open space requirement (See Sec. 32-01-B, below)	_____ x _____ %
3.	Equals open space requirement	___ acres

32-01-B. For purposes of determining minimum open space requirements within a conservation design subdivision, the following minimum district-based open space requirements apply. Any land voluntarily preserved as open space in excess of the following open space requirement shall be awarded a bonus in accordance with Section 31-04.

Table 1

Zoning District	Percent of base site area
E-1	60%
E-2	60%
R-1	40%
R-2	40%
R-2A	40%
R-3	30%
R-4	30%

32-02 USE, LOCATION AND DESIGN OF OPEN SPACE GENERALLY

32-02-A. Open space provided to meet minimum open space requirements must be in one or more parcels dedicated or otherwise protected as permanent, active or passive open space.

32-02-B. Open space must be dedicated or reserved for one or more of the following uses:

1. Conservation and protection of, any readily identifiable natural hazard areas, i.e., areas that potentially pose a significant hazard to people or property (e.g., floodplains, wetlands, and lands whose slope and/or soils make them particularly susceptible to subsidence or erosion when disturbed by development activities);
2. Conservation and protection of any identified significant natural areas (e.g., stream corridors, woodlands, rare plant communities, important wildlife habitat, etc.) or other environmentally sensitive areas where development might threaten water quality or ecosystems;
3. Conservation and protection of any identified, significant historic or cultural resources;
4. Compatible agricultural and horticultural uses (e.g., pastureland for horses, greenhouses, pick-your-own operations, community supported agriculture, etc.); or
5. Provision of outdoor recreation opportunities including, but not limited to, bikeways, walking trails, equestrian trails, and picnic areas, either for the general public or for the subdivision’s residents and their guests. Not more than 5% of total open space may be utilized for ball fields, playgrounds, tennis courts,

swimming pools, basketball courts, and similar uses. Golf courses shall receive and maintain designation as a Certified Audubon Cooperative Sanctuary and shall, to the extent practicable, maximize water quality benefits through the following practices:

- (a) Use of reclaimed water;
- (b) Use of native wetland vegetation along ponds;
- (c) Use of landscaping design and plant material that emphasize native species, promote biodiversity, and require limited use of pesticides. No more than 50% of the open space in the golf course may be fairways, putting greens, practice areas, and other areas maintained solely by mowing.

Commentary: this provision is not intended to preclude a membership requirement or monetary charge for use of recreation facilities such as a golf, swim or tennis club, as long as subdivision residents have an opportunity to join the club or pay to use club facilities.

- 32-02-C. Highest priority for the location, design, and use of open space must be given to conserving, and avoiding development in, any natural hazard areas on the subdivision site including but not limited to hydric soils, steep slopes, high water tables, etc. Approval of development on steep slopes shall not be unreasonably withheld.
- 32-02-D. Roadways and building lots should be located to respect natural features and to maximize exposure of building lots to preserved open space.
- 32-02-E. Open space may contain only such buildings, structures and improvements that are integral and accessory to its function (as open space). Examples of features that may qualify under this standard include pedestrian/bicycle paths, pedestrian amenities, driveways that provided necessary access to the open space, shelters and utility-related structures that provide service to the open space area).
- 32-02-F. The location, size, character and shape of required open space should be appropriate for its intended use (e.g., open space proposed to be used for recreation, particularly active recreation, should be located and designed so that it can be accessed conveniently and safely by intended users, and open space to be used for playing fields or other active recreational facilities should be located on land that is relatively flat and dry).
- 32-02-G. Open space should be designed to form an interconnected network of reasonable width, with provisions for linkages to existing or potential open space on adjoining properties. Fragmentation of open space into isolated, unconnected pieces should be avoided, except to provide neighborhood parks and commons.
- 32-02-H. Pathways within open space and sidewalks along roadways should be provided to connect to surrounding pedestrian/bicycle networks. This section is not intended to limit or define the type of materials used for such pathways.
- 32-02-I. Open space should be used as part of an integrated storm water management approach to maintain natural drainage patterns, attenuate water quality impacts, replenish groundwater (e.g., through bio-retention facilities such as infiltration trenches and “rain gardens) and incorporate detention facilities as visual and environmental amenities such as ponds.
- 32-02-J. Parkland and school sites dedicated in excess of the minimum requirements of the Will County Park Donation Ordinance and the Will County School Site Contribution Ordinance will be counted towards meeting minimum open space requirements in conservation design subdivisions.

32-03 SPECIAL INCENTIVES FOR CERTAIN OPEN SPACE FEATURES

- 32-03-A. In order to promote the protection of woodlands, 120% of the land area of woodlands may be counted toward meeting minimum open space requirements if such woodlands are set aside and permanently protected as undeveloped open space.
- 32-03-B. In order to promote low-impact design and stormwater-related best management practices, 120% of the land area used for rain gardens, bioretention facilities, groundwater in-filtration systems and other county-approved stormwater BMPs may be counted toward meeting minimum open space requirements when such areas are set aside as undeveloped open space.
- 32-03-C. In order to promote the provision and protection of natural preserves, 120% of the land area of natural preserves and created wetlands may be counted toward meeting minimum open space requirements if such natural preserves are set aside and permanently protected as undeveloped open space.
- 32-03-D. The open space features in this section and those given limited credit under Sec.32-04 may not be double-counted.

32-04 LIMITED CREDIT FOR CERTAIN OPEN SPACE FEATURES

- 32-04-A. No more than 50% of the land area devoted to stormwater detention areas may be counted toward satisfying minimum open space requirements.
- 32-04-B. No more than 75% of the land area devoted to treated effluent application areas may be counted toward satisfying minimum open space requirements.
- 32-04-C. No more than 75% of the land area devoted to commonly owned septic drain fields may be counted toward satisfying minimum open space requirements.
- 32-04-D. No more than 75% of the land area identified as 100-year floodplain may be counted toward satisfying minimum open space requirements.
- 32-04-E. No more than 75% of the land area identified as floodway may be counted toward satisfying minimum open space requirements.
- 32-04-F. Excluding the limited credit for open space features set forth in 32-04-A through 32-04-E, at least 50% of the land counted toward satisfying the minimum open space requirement shall be conserved as natural habitat and planted with native species.

32-05 OWNERSHIP AND MANAGEMENT OF OPEN SPACE

- 32-05-A. The applicant must identify the owner of the open space and is responsible for obtaining and filing with the Chief Subdivision Engineer an official letter of acceptance of the ownership and maintenance responsibilities. A property owners association may transfer or convey any and all open space to a land conservation agency, or similarly qualified entity, selected with the advice and consent of the Plat Committee; consent shall not be un-reasonably withheld. A land conservation agency, or similarly qualified entity, may be selected by the owner(s) to perform maintenance and upkeep of any and all open space with the advice and consent of the Plat Committee; consent shall not be unreasonably withheld.

No open space in Articles 30-32 shall be required to be open to the general public unless ownership of said open space is conveyed to a unit of local government or some other governmental agency.

- 32-05-B. The owner, or if turned over to a land conservation agency or similar entity approved by the Plat Committee, is responsible for maintaining the open space and any associated facilities owned by the owner, property owners association or land conservation agency. If a property owners association is the owner, membership in the association shall be mandatory and automatic for all property owners of the subdivision and their successors; such requirement shall be included in the covenants and restrictions for the subdivision and re-recorded with the conveyance of each lot. Unless agreed in writing by the developer and land conservation agency, and approved by the Chief Subdivision Engineer, open space ownership and/or maintenance shall be turned over when 80% of the lots are sold.
- 32-05-C. Maintenance Special Service Area Requirement
1. Applicant acknowledges that the County Board shall propose and establish one or more Maintenance Special Service Areas pursuant to the Special Service Area Tax Law upon all taxable property within the subdivision. The Maintenance Special Service Area (MSSA) will be used as a backup funding mechanism in the event that the property owners association, or any other person or entity charged with maintenance and upkeep of the maintenance special service area, fails to adequately carry out and/or provide maintenance and upkeep of the special service area and/or perform its duties as provided in the initial or long term management plan as determined by the Plat Committee. In such an event, the County Board may enact an ordinance to levy an ad valorem special tax against all taxable property within the proposed Maintenance Special Service Area in order to fund the necessary maintenance and other costs set forth herein. In furtherance of this requirement, Applicant shall submit to the Plat Committee a fully-executed MSSA Application.
 2. Upon receipt of the MSSA Application the Plat Committee shall submit a Proposing Ordinance to the County Board for its consideration.
 3. In the event the County Board adopts the Proposing Ordinance, an MSSA Hearing shall be held pursuant to the terms of the Proposing Ordinance and Special Service Area Tax Law.
 4. The County Board shall consider and vote upon the establishment of the Maintenance Special Service Area after the later to occur of (i) expiration of the MSSA Objection Period or, in the event the State's Attorney determines that sufficient consents to the formation of the proposed Maintenance Special Service Area have been obtained which adequately waive the right to object to the formation of the pro-posed Maintenance Special Service Area under the Special Service Area Tax Law, then upon such determination; or (ii) the date all authorized signatures are on the Final Plat.
 5. Prior to the County Board considering and voting upon enacting the levy ordinance for the established MSSA, all landowners within the MSSA shall be noticed in writing, via first-class mail, and a non-binding public hearing with the Plat Committee shall be held to hear comment. Notice of the time and place of such hearing shall also be published in a newspaper of general circulation in the County not less than fifteen (15) days before the hearing.
- 32-05-D. The applicant must submit a management plan, including initial and long-term phases, for implementation and maintenance of open space and all common areas. Prior to approval by the County, the management plan must be submitted to the Will/South Cook Soil and

Water Conservation District (SWCD) for review and comment. The management plan must:

1. Allocate and outline developer responsibility and guidelines for the initial phase of the management plan. The developer must consent to inspections by the County to check for compliance with the management plan through the initial phase not to exceed a five (5) year period. The initial phase inspection process must be through application by the developer to the County through the Plat Committee, and all inspection fees shall be borne by the developer;
2. Allocate landowner(s) or property owners association responsibilities and guidelines for the long-term phase of the management plan. This must include an annual inspection and report to the Plat Committee by a qualified consultant or entity selected by the landowner(s) or property owners association and approved by the Plat Committee. The cost of the annual inspection shall be borne by the landowner(s) or property owners association;
3. Estimate the costs and staffing requirements needed for maintenance, operation and insurance and outline the means by which necessary funding will be obtained or provided;
4. Provide that any changes to the management plan be approved by the Chief Subdivision Engineer;
5. Provide for enforcement of the management plan;
6. Provide for a budget which lists operation and capital expenses; and
7. Provide for updating of the long-term management plan a minimum of every five (5) years.

32-06 LEGAL INSTRUMENT FOR PERMANENT PROTECTION

32-06-A. The open space must be protected in perpetuity by a binding legal instrument that is recorded with the deed. The legal instrument must be one of the following:

1. A permanent conservation easement in favor of either:
 - (a) A land conservation agency with legal authority to accept such easements. The organization must be bona fide and in perpetual existence and the conveyance instruments must contain an appropriate provision for transfer in the event the organization becomes unable to carry out its functions; or
 - (b) A governmental entity (if the entity accepting the easement is not the county, then a third right of enforcement favoring the county must be included in the easement);
2. An open space tract protected by a permanent restrictive covenant for conservation purposes in favor of a governmental entity; or
3. An equivalent legal tool that provides permanent protection, as approved by the State's Attorney.

32-06-B. The instrument for permanent protection must include clear restrictions on the use of the open space. These restrictions must include all restrictions contained in this section, all restrictions approved by the County Board and any further restrictions the applicant chooses to place on the open space.

32-07 DECLARATION OF CONSENT FOR MAINTENANCE SPECIAL SERVICE AREA

- 32-07-A. Concurrently with the recordation of the Final Plat, Applicant shall also be required to record a Declaration of Consent, in form acceptable to the Plat Committee, consenting to the establishment of the Maintenance Special Service Area with the County Recorder of Deeds. The terms of the Declaration of Consent shall run with the land and be binding on all future owners of property within the Subdivision.