

LAND USE

&

DEVELOPMENT

COMMITTEE

RESOLUTIONS



ORDINANCE OF THE COUNTY BOARD
WILL COUNTY, ILLINOIS

Amending the Will County Subdivision Ordinance (Part 3 and Article 60) and Zoning Ordinance (Sections 4A.1-9, 4A.2-9, 4.1-9, 4.2-9, 4.2A-9, 4.3-9, 4.4-9, 15.4, and 16.2-1) for Conservation Development

WHEREAS, the Will County Land Resource Management Plan recommends the adoption of conservation development regulations and incentives to preserve open space, and actively promote the use of this option; and

WHEREAS, the Will County Land Resource Management Plan stated the County will adopt a new ordinance that enables conservation development as a by-right permitted use; and

WHEREAS, following a review of the Will County Subdivision Ordinance and Zoning Ordinance, the Land Use and Development Committee determined that amendments are necessary to implement the Land Resource Management Plan recommendations for conservation development; and

WHEREAS, the Land Use and Development Committee solicited and received comments regarding conservation development from local citizens and representatives of municipalities, townships, and other agencies through meetings with interested parties and Committee meetings; and

WHEREAS, the Land Use and Development Committee held a public hearing on April 28, 2009, regarding amending the Will County Subdivision Ordinance and Zoning Ordinance to authorize conservation development as a by-right permitted use in certain zoning districts; and

WHEREAS, on May 26, 2009, the Land Use and Development Committee of the Will County Board recommended to the County Board approval of said amendments to the Will County Subdivision Ordinance and Zoning Ordinance as attached to this Ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the County Board of Will County, Illinois, that the Will County Subdivision Ordinance (Part 3 and Article 60) and Zoning Ordinance (4A.1-9, 4A.2-9, 4.1-9, 4.2-9, 4.2A-9, 4.3-9, 4.4-9, 15.4, and 16.2-1) are hereby amended as described in the attachment to this Ordinance (See Attachment A).

BE IT FURTHER ORDAINED, that this Ordinance shall be in full force and effect upon its passage and approval as provided by law.

Adopted by the Will County Board this 18th day of June, 2009.

Vote: Yes___ No___ Pass_____ (SEAL)

Nancy Schultz Voots
Will County Clerk

Approved this _____ day of _____, 2009.

Lawrence M. Walsh
Will County Executive

Attachment A

PART 3 | CONSERVATION DESIGN SUBDIVISIONS

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1 **Article 30 GENERAL PROVISIONS FOR CONSERVATION DESIGN OPTION**

2 **30-01 PURPOSE/DESCRIPTION**

3 **30-01-A.** A conservation design subdivision designed in accordance with Article 30 is a by-right
4 permitted use option in the E-1, E-2, R-1, R-2, R-2A, R-3, and R-4 zoning districts.
5 Other development options include a conventional residential subdivision or a planned
6 unit development residential subdivision. When this option is utilized, the regulations of
7 this section are intended to encourage subdivision designs that are more efficient and
8 provide more open space and greater natural resource protection than conventional sub-
9 division designs. One goal of conservation design subdivisions is to allow more compact
10 and less costly networks of streets and utilities. They may also help preserve aquifer re-
11 charge, reduce stormwater runoff, reduce non-point source pollutant loading rates and
12 preserve an area's semi-rural character. Conservation design subdivisions are intended to
13 encourage the provision of open space and recreational amenities for residents and pre-
14 serve natural, environmentally sensitive and other resources.

15 **30-01-B.** The conservation design subdivision standards of this section require that a specified por-
16 tion of each development be set aside and permanently preserved as open space, which
17 can be used to provide recreational opportunities for the subdivision's residents and/or to
18 conserve and protect significant natural resources, in accordance with the regulations of
19 this subdivision ordinance.

20 **30-01-C.** Review period. No later than five years from the date of passage of the initial Conserva-
21 tion Design Ordinance, the County Board, or a committee, subcommittee or commission
22 thereof, shall consider whether amendments are necessary to make Part 3 consistent with
23 recommendations of the Land Resource Management Plan, to encourage new or im-
24 proved conservation design building practices which may have been developed and
25 which may have application in Will County, to correct deficiencies or difficulties which
26 may have developed in administration of Part 3, or for such other reasons as the County
27 Board may determine.

28 **30-02 GENERAL DESIGN PRINCIPLES**

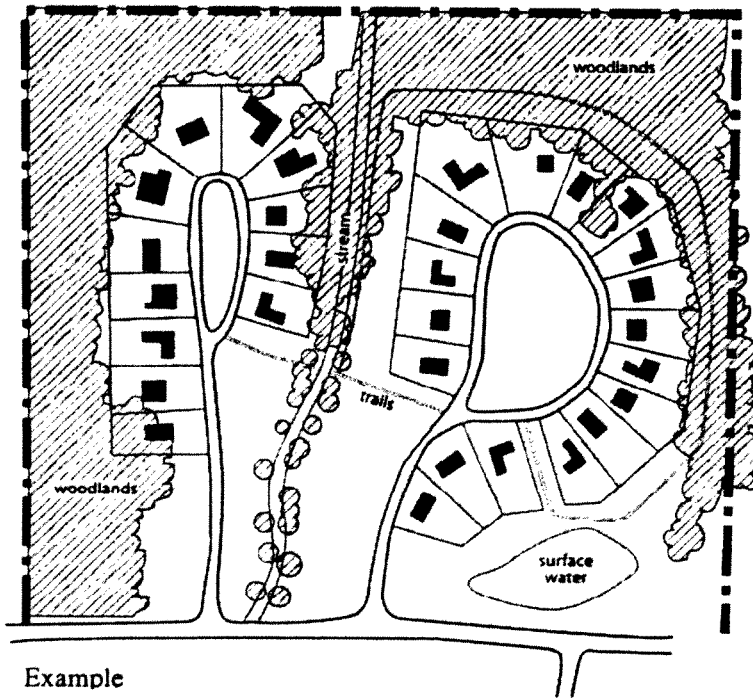
29 **30-02-A.** Conservation design subdivisions are subject to all other subdivision design and im-
30 provement standards of this subdivision ordinance unless otherwise expressly stated.

31 **30-02-B.** Lots and development sites within conservation design subdivisions must, to the maxi-
32 mum extent practical, be located outside of areas containing woodlands, grasslands, sur-
33 face waters, steep slopes, drainageways, rock outcroppings and other natural resource
34 features. See Figure 30.1. A Natural Resources Inventory Report, that includes site spe-
35 cific data, prepared by the Will /South Cook Soil and Water Conservation District shall
36 be submitted to aid in identifying areas that merit conservation.

Attachment A

ARTICLE 30 GENERAL PROVISIONS FOR CONSERVATION DESIGN OPTION | 30-02 GENERAL DESIGN PRINCIPLES

Figure 30.1



Example

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;

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ARTICLE 30 GENERAL PROVISIONS FOR CONSERVATION DESIGN OPTION | 30-02 GENERAL DESIGN PRINCIPLES

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- 4.** Where detention basins discharge into adjacent or downstream wetlands, use of detention basins 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.

Attachment A

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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

ARTICLE 31 DETERMINING MAXIMUM DEVELOPMENT POTENTIAL | 31-04 DENSITY BONUSES

3. Equals **BASE SITE AREA** = acres

1 **31-03-C. STEP 2—DETERMINE NET SITE AREA**

2 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

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

4 The third step of the yield formula involves a final calculation of the maximum number
 5 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

6 **31-04 DENSITY BONUSES**

7 **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 + %
 - 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 + %

Attachment A

ARTICLE 31 DETERMINING MAXIMUM DEVELOPMENT POTENTIAL | 31-05 LOT AREA AND DIMENSIONAL STANDARDS

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)

f. Area Based Density Bonuses:

i. Woodlands are preserved and set aside in common areas:
 _____ Acres

ii. Natural Preserves in excess of 50% are created or set aside into common areas: _____ Acres

iii. Total acreage bonus for Stormwater Infiltration practices per the Water Resource Ordinance: _____ Acres

TOTAL ACRES FOR AREA BASED DENSITY BONUSSES (i + ii + iii):
 = _____ Acres

Divide by the Net Site Area (from 31-03-C): / _____ Acres

Multiply by 100: x 100% = _____ %

Equals AREA BASED DENSITY BONUS PERCENTAGE (Not to exceed 10%)

+ _____ %

2. Equal Total Bonuses (Add 1a –1f)(25% Max.)

= _____ %

3. Divide Total Bonus % by 100

_____ % / 100

4. Multiply Total Bonus by Pre Bonus Maximum Number of Dwelling Units (from 31-02 or 31-03)

_____ x _____ units

5. Equals Number of Bonus Dwelling Units

= _____ units

6. Add results of yield plan or yield formula to Bonus Dwelling Units for MAXIMUM NUMBER OF DWELLING UNITS

= _____ units

1 **31-05 LOT AREA AND DIMENSIONAL STANDARDS**

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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.

Attachment A

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Attachment A

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.

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

Attachment A

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

1 space may be utilized for ball fields, playgrounds, tennis courts, swimming pools,
2 basketball courts, and similar uses. Golf courses shall receive and maintain des-
3 ignation as a Certified Audubon Cooperative Sanctuary and shall, to the extent
4 practicable, maximize water quality benefits through the following practices:

- 5 (a) Use of reclaimed water;
- 6 (b) Use of native wetland vegetation along ponds;
- 7 (c) Use of landscaping design and plant material that emphasize native species,
8 promote biodiversity, and require limited use of pesticides. No more than
9 50% of the open space in the golf course may be fairways, putting greens,
10 practice areas, and other areas maintained solely by mowing.

11 *Commentary: this provision is not intended to preclude a membership requirement or monetary charge for use of recreation fa-*
12 *cilities 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*
13 *facilities.*

14 **32-02-C.** Highest priority for the location, design, and use of open space must be given to conserv-
15 ing, and avoiding development in, any natural hazard areas on the subdivision site includ-
16 ing but not limited to hydric soils, steep slopes, high water tables, etc. Approval of de-
17 velopment on steep slopes shall not be unreasonably withheld.

18 **32-02-D.** Roadways and building lots should be located to respect natural features and to maximize
19 exposure of building lots to preserved open space.

20 **32-02-E.** Open space may contain only such buildings, structures and improvements that are inte-
21 gral and accessory to its function (as open space). Examples of features that may qualify
22 under this standard include pedestrian/bicycle paths, pedestrian amenities, driveways that
23 provided necessary access to the open space, shelters and utility-related structures that
24 provide service to the open space area).

25 **32-02-F.** The location, size, character and shape of required open space should be appropriate for
26 its intended use (e.g., open space proposed to be used for recreation, particularly active
27 recreation, should be located and designed so that it can be accessed conveniently and
28 safely by intended users, and open space to be used for playing fields or other active rec-
29 reational facilities should be located on land that is relatively flat and dry).

30 **32-02-G.** Open space should be designed to form an interconnected network of reasonable width,
31 with provisions for linkages to existing or potential open space on adjoining properties.
32 Fragmentation of open space into isolated, unconnected pieces should be avoided, except
33 to provide neighborhood parks and commons.

34 **32-02-H.** Pathways within open space and sidewalks along roadways should be provided to con-
35 nect to surrounding pedestrian/bicycle networks. This section is not intended to limit or
36 define the type of materials used for such pathways.

37 **32-02-I.** Open space should be used as part of an integrated storm water management approach to
38 maintain natural drainage patterns, attenuate water quality impacts, replenish groundwa-
39 ter (e.g., through bio-retention facilities such as infiltration trenches and "rain gardens")
40 and incorporate detention facilities as visual and environmental amenities such as ponds.

41 **32-02-J.** Parkland and school sites dedicated in excess of the minimum requirements of the Will
42 County Park Donation Ordinance and the Will County School Site Contribution Ordi-
43 nance will be counted towards meeting minimum open space requirements in conserva-
44 tion design subdivisions.

Attachment A

ARTICLE 32 OPEN SPACE | 32-03 SPECIAL INCENTIVES FOR CERTAIN OPEN SPACE FEATURES

1 **32-03 SPECIAL INCENTIVES FOR CERTAIN OPEN SPACE FEATURES**

2 **32-03-A.** In order to promote the protection of woodlands, 120% of the land area of woodlands
3 may be counted toward meeting minimum open space requirements if such woodlands
4 are set aside and permanently protected as undeveloped open space.

5 **32-03-B.** In order to promote low-impact design and stormwater-related best management prac-
6 tices, 120% of the land area used for rain gardens, bioretention facilities, groundwater in-
7 filtration systems and other county-approved stormwater BMPs may be counted toward
8 meeting minimum open space requirements when such areas are set aside as undeveloped
9 open space.

10 **32-03-C.** In order to promote the provision and protection of natural preserves, 120% of the land
11 area of natural preserves and created wetlands may be counted toward meeting minimum
12 open space requirements if such natural preserves are set aside and permanently protected
13 as undeveloped open space.

14 **32-03-D.** The open space features in this section and those given limited credit under Sec. 32-04
15 may not be double-counted.

16 **32-04 LIMITED CREDIT FOR CERTAIN OPEN SPACE FEATURES**

17 **32-04-A.** No more than 50% of the land area devoted to stormwater detention areas may be
18 counted toward satisfying minimum open space requirements.

19 **32-04-B.** No more than 75% of the land area devoted to treated effluent application areas may be
20 counted toward satisfying minimum open space requirements.

21 **32-04-C.** No more than 75% of the land area devoted to commonly owned septic drain fields may
22 be counted toward satisfying minimum open space requirements.

23 **32-04-D.** No more than 75% of the land area identified as 100-year floodplain may be counted to-
24 ward satisfying minimum open space requirements.

25 **32-04-E.** No more than 75% of the land area identified as floodway may be counted toward satis-
26 fying minimum open space requirements.

27 **32-04-F.** Excluding the limited credit for open space features set forth in 32-04-A through 32-04-
28 E, at least 50% of the land counted toward satisfying the minimum open space require-
29 ment shall be conserved as natural habitat and planted with native species.

30 **32-05 OWNERSHIP AND MANAGEMENT OF OPEN SPACE**

31 **32-05-A.** The applicant must identify the owner of the open space and is responsible for obtaining
32 and filing with the Chief Subdivision Engineer an official letter of acceptance of the
33 ownership and maintenance responsibilities. A property owners association may transfer
34 or convey any and all open space to a land conservation agency, or similarly qualified enti-
35 tity, selected with the advice and consent of the Plat Committee; consent shall not be un-
36 reasonably withheld. A land conservation agency, or similarly qualified entity, may be
37 selected by the owner(s) to perform maintenance and upkeep of any and all open space
38 with the advice and consent of the Plat Committee; consent shall not be unreasonably
39 withheld.

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

Attachment A

ARTICLE 32 OPEN SPACE | 32-05 OWNERSHIP AND MANAGEMENT OF OPEN SPACE

- 1 **32-05-B.** The owner, or if turned over to a land conservation agency or similar entity approved by
2 the Plat Committee, is responsible for maintaining the open space and any associated fac-
3 ilities owned by the owner, property owners association or land conservation agency. If
4 a property owners association is the owner, membership in the association shall be man-
5 datory and automatic for all property owners of the subdivision and their successors; such
6 requirement shall be included in the covenants and restrictions for the subdivision and re-
7 corded with the conveyance of each lot. Unless agreed in writing by the developer and
8 land conservation agency, and approved by the Chief Subdivision Engineer, open space
9 ownership and/or maintenance shall be turned over when 80% of the lots are sold.
- 10 **32-05-C.** Maintenance Special Service Area Requirement
- 11 1. Applicant acknowledges that the County Board shall propose and establish one or
12 more Maintenance Special Service Areas pursuant to the Special Service Area Tax
13 Law upon all taxable property within the subdivision. The Maintenance Special
14 Service Area (MSSA) will be used as a backup funding mechanism in the event
15 that the property owners association, or any other person or entity charged with
16 maintenance and upkeep of the maintenance special service area, fails to ade-
17 quately carry out and/or provide maintenance and upkeep of the special service
18 area and/or perform its duties as provided in the initial or long term management
19 plan as determined by the Plat Committee. In such an event, the County Board
20 may enact an ordinance to levy an ad valorem special tax against all taxable prop-
21 erty within the proposed Maintenance Special Service Area in order to fund the
22 necessary maintenance and other costs set forth herein. See also Sec. 20-09-B and
23 20-09-C. In furtherance of this requirement, Applicant shall submit to the Plat
24 Committee a fully-executed MSSA Application.
- 25 2. Upon receipt of the MSSA Application the Plat Committee shall submit a Propos-
26 ing Ordinance to the County Board for its consideration.
- 27 3. In the event the County Board adopts the Proposing Ordinance, an MSSA Hearing
28 shall be held pursuant to the terms of the Proposing Ordinance and Special Service
29 Area Tax Law.
- 30 4. The County Board shall consider and vote upon the establishment of the Mainte-
31 nance Special Service Area after the later to occur of (i) expiration of the MSSA
32 Objection Period or, in the event the states attorney determines that sufficient con-
33 sents to the formation of the proposed Maintenance Special Service Area have been
34 obtained which adequately waive the right to object to the formation of the pro-
35 posed Maintenance Special Service Area under the Special Service Area Tax Law,
36 then upon such determination; or (ii) the date all authorized signatures are on the
37 Final Plat.
- 38 5. Prior to the County Board considering and voting upon enacting the levy ordinance
39 for the established MSSA, all landowners within the MSSA shall be noticed in
40 writing, via first-class mail, and a non-binding public hearing with the Plat Com-
41 mittee shall be held to hear comment. Notice of the time and place of such hearing
42 shall also be published in a newspaper of general circulation in the County not less
43 than fifteen (15) days before the hearing.
- 44 **32-05-D.** The applicant must submit a management plan, including initial and long-term phases, for
45 implementation and maintenance of open space and all common areas. Prior to approval
46 by the County, the management plan must be submitted to the Will/South Cook Soil and
47 Water Conservation District (SWCD) for review and comment. The management plan
48 must:

Attachment A

ARTICLE 32 OPEN SPACE | 32-06 LEGAL INSTRUMENT FOR PERMANENT PROTECTION

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

22 **32-06 LEGAL INSTRUMENT FOR PERMANENT PROTECTION**

- 23 **32-06-A.** The open space must be protected in perpetuity by a binding legal instrument that is re-
24 corded with the deed. The legal instrument must be one of the following:
- 25 1. A permanent conservation easement in favor of either:
 - 26 (a) A land conservation agency with legal authority to accept such easements.
27 The organization must be bona fide and in perpetual existence and the con-
28 veyance instruments must contain an appropriate provision for transfer in the
29 event the organization becomes unable to carry out its functions; or
 - 30 (b) A governmental entity (if the entity accepting the easement is not the county,
31 then a third right of enforcement favoring the county must be included in the
32 easement);
 - 33 2. An open space tract protected by a permanent restrictive covenant for conservation
34 purposes in favor of a governmental entity; or
 - 35 3. An equivalent legal tool that provides permanent protection, as approved by the
36 state's attorney.
- 37 **32-06-B.** The instrument for permanent protection must include clear restrictions on the use of the
38 open space. These restrictions must include all restrictions contained in this section, all
39 restrictions approved by the County Board and any further restrictions the applicant
40 chooses to place on the open space.

Attachment A

ARTICLE 32 OPEN SPACE | 32-07 DECLARATION OF CONSENT FOR MAINTENANCE SPECIAL SERVICE AREA

- 1 **32-07 DECLARATION OF CONSENT FOR MAINTENANCE SPECIAL SERVICE AREA**
- 2 **32-07-A.** Concurrently with the recordation of the Final Plat, Applicant shall also be required to re-
- 3 cord a Declaration of Consent, in form acceptable to the Plat Committee, consenting to
- 4 the establishment of the Maintenance Special Service Area with the County Recorder of
- 5 Deeds. The terms of the Declaration of Consent shall run with the land and be binding on
- 6 all future owners of property within the Subdivision.
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Article 60 Definitions

DECLARATION OF CONSENT

A declaration, in form acceptable to the Plat Committee, executed by all record owners of property within the subdivision, consenting to the establishment of the Maintenance Special Service Area and to the levy of a special tax pursuant thereto for the purposes set forth herein and containing all other consents or representations required by the County Board.

DEVELOPER'S HANDBOOK

A document prepared by the Will County Land Use Department for informational purposes, including but not limited to, outlining procedures for the preparation, submittal, review, and consideration of zoning map amendment, special use permit, variance, subdivision plat, and building permit applications.

ENVIRONMENTALLY SENSITIVE

Geographic areas consisting of all lakes and streams shown on the USGS quadrangle maps and adjacent shoreland buffer areas, delineated wetlands, and all wetlands shown on the Wetland Inventory Maps and floodplains as delineated on the official Federal Emergency Management Administration Flood Insurance Rate Maps and any other environmental features currently regulated or identified under federal, state, or local environmental laws or plans.

GRASSLANDS

The term grasslands is used to encompass all native, restored and reconstructed areas that contain native grassland species, including prairies and savannas.

LAND CONSERVATION AGENCY

A public agency or not-for-profit conservation organization whose primary purposes include the conservation of land, natural areas, open space or water areas or the preservation of native plants or animals. In the case of a not-for-profit conservation organization, it must have adopted the Land Trust Alliance's Standards and Practices.

LEED

Leadership in Energy and Environmental Design.

MAINTENANCE SPECIAL SERVICE AREA (MSSA)

A special service area established pursuant to the Special Service Area Tax Law and Section 32-05-D hereof, providing for the levy of a special tax against a subdivision in the event that a property owners association fails to adequately carry out its duties as determined by the Plat Committee with respect to any open space not otherwise dedicated or conveyed to a governmental agency or body.

MANAGEMENT PLAN, LONGTERM

A written plan of developed actions to address operation and maintenance needs of a designated area for an extended period of time.

MANAGEMENT PLAN, INITIAL

A written plan of developed actions that provides for proper care and establishment of natural areas during the establishment period or ecological management required to obtain a prescribed Floristic Quality Assessment Index (FQI).

Attachment A

53 **PROPOSING ORDINANCE**

54 An ordinance proposing the establishment of a Maintenance Special Service Area which also
55 sets forth a date and form of notice for the SSA Hearing

56
57 **MSSA APPLICATION**

58 An application requesting the establishment of a Maintenance Special Service Area which has
59 been executed by all record owners of the property within the subdivision and all electors
60 residing within the subdivision, requesting the establishment of a Maintenance Special Service
61 Area, in the form provided by the Plat Committee which, at a minimum shall set forth (i) the
62 name and legal status of the parties executing the SSA Application; (ii) the nature of the special
63 services to be provided; (iii) the boundaries of the proposed Maintenance Special Service Area;
64 (iv) a representation that the proposed Maintenance Special Service Area forms a contiguous
65 body located within the County; (v) the estimated amount of funding required (vi) the maximum
66 allowable annual special tax levy; (vii) the stated need and local support for the proposed
67 Maintenance Special Service Area and (viii) a representation that all record owners of property
68 within the proposed Maintenance Special Service Area and all electors within the proposed
69 Maintenance Special Service Area consent to the establishment of the proposed Maintenance
70 Special Service Area and waive any right to object to the establishment of the proposed
71 Maintenance Special Service Area under the Special Service Area Tax Law.

72
73 **MSSA HEARING**

74 The public hearing established by the Proposing Ordinance and required pursuant to Section 35
75 of the Special Service Area Tax Law. This does not include the non-binding public hearing
76 referenced in Article 32.

77
78 **MSSA OBJECTION PERIOD**

79 The period during which owners of record of property within the proposed Maintenance Special
80 Service Area and electors residing within the proposed Maintenance Special Service Area may
81 file a petition objecting to the formation of the proposed Maintenance Special Service Area
82 pursuant to Section 55 of the Special Service Area Tax Law. This does not include the non-
83 binding public hearing referenced in Article 32.

84
85 **SPECIAL SERVICE AREA TAX LAW**

86 35 ILCS 200/27-5, et seq, as amended from time to time.

87
88 **STEEP SLOPE**

89 Consist of all land areas with a grade at or exceeding 25%.

90
91 **SUBDIVISION**

92 The division of a parcel of land into two (2) or more parts, any one of which is less than five (5)
93 acres for the purpose of transfer of ownership or possession, or building development, or any
94 division of land where new easement of access or a new street is created, including, but not be
95 limited to, the MSSA. The term also includes any division of land that attempts to avoid the
96 requirements of this Ordinance. Where appropriate to the content, the term shall relate to the
97 process of both subdivision and the development of land, to the land subdivided and/or
98 developed, and shall include a resubdivision. The following shall not be considered a subdivision
99 and shall be exempt from the requirements of this Ordinance:

100
101 (a) a division of land which may be ordered or approved by a court or affected by
102 testamentary or intestate provisions;

103
104

Attachment A

- 105 (b) conveyances of land or interest therein for use as right-of-way for railroad or other
106 public utility facilities and other pipelines which do not involve any new streets or
107 easements of access;
- 108 (c) the sale or exchange of parcels of land between owners of adjoining and
109 contiguous land if additional lots are not thereby created, and the land from which the
110 parcel is sold or exchanged is not reduced below the minimum size required by this
111 Ordinance or other applicable law or ordinance;
- 112 (d) the division of land into tracts or parcels of five (5) acres or more in size which does
113 not involve any new streets or easements of access;
- 114 (e) the sale is of a single lot of less than five (5) acres from a larger tract, the dimensions
115 and configurations of said larger tract having been determined on October 1, 1973, and
116 no sale prior to this sale of any lot or lots from said larger tract have taken place since
117 October 1, 1973, and a survey of said single lot has been made by a registered land
118 surveyor;
- 119 (f) a conveyance made to correct errors in prior conveyances;
- 120 (g) the conveyance of land for highway or other public purposes or grants or
121 conveyances relating to the dedication of land for public use or instruments relating to
122 the vacation of land impressed with public use;
- 123 (h) the conveyance of land owned by railroad or other public utility which does not
124 involve any new streets or easements of access;
- 125 (i) the division of lots or blocks of less than one (1) acre in any recorded subdivision which
126 does not involve any new streets or easements of access.

127
128
129 **WOODLAND - MATURE**

130 An area with trees and vegetation having a contiguous tree canopy area, including younger
131 understory trees, of at least one (1) acre and in which at least 33% of the tree canopy area is
132 comprised of that contains healthy deciduous coniferous trees as determined by a qualified
133 professional, that have a diameter at breast height (DBH) of 10 inches or more.
134

Attachment A

**Will County Zoning Ordinance, Conservation Design Subdivision
Text Amendments**

- 1 4A.1-9 Special Provisions
2 6. Conservation Design Subdivision – Permitted use in accordance with Part 3 of
3 the Will County Subdivision Ordinance.
4
5 4A.2-9 Special Provisions
6 6. Conservation Design Subdivision – Permitted use in accordance with Part 3 of
7 the Will County Subdivision Ordinance.
8
9 4.1-9 Special Provisions
10 6. Conservation Design Subdivision – Permitted use in accordance with Part 3 of
11 the Will County Subdivision Ordinance.
12
13 4.2-9 Special Provisions
14 6. Conservation Design Subdivision – Permitted use in accordance with Part 3 of
15 the Will County Subdivision Ordinance.
16
17 4.2A-9 Special Provisions
18 6. Conservation Design Subdivision – Permitted use in accordance with Part 3 of
19 the Will County Subdivision Ordinance.
20
21 4.3-9 Special Provisions
22 7. Conservation Design Subdivision – Permitted use in accordance with Part 3 of
23 the Will County Subdivision Ordinance.
24
25 4.4-9 Special Provisions
26 6. Conservation Design Subdivision – Permitted use in accordance with Part 3 of
27 the Will County Subdivision Ordinance.
28
29 15 Planned Unit Development
30 15.4 Standards for Plats
31 1. Preliminary Plat
32
33 1. Density - Provide information on the density of residential uses, including the
34 number of dwelling units per acre, the number of dwelling units by type, the
35 number of buildings by type, and the number of bedrooms in each building and
36 dwelling unit type. The base number of units allowed shall be calculated by
37 yield plan or yield formula in accordance with Part 3, Article 31 of the Will
38 County Subdivision Ordinance.
39
40 16.2-1 The following words and terms, when used in this Ordinance, shall have the
41 meaning set forth, except where otherwise specifically indicated.
42
43 For the purposes of this Ordinance, the following definitions are defined:
44
45 CONSERVATION DESIGN SUBDIVISION – A subdivision that complies with
46 Part 3 of the Will County Subdivision Ordinance.



ORDINANCE OF THE COUNTY BOARD
WILL COUNTY, ILLINOIS

Amending Sections 5.3 and 16.2 of the Will County Zoning Ordinance

Body Art Studio

WHEREAS, the County of Will adopted the Will County Zoning Ordinance in accordance with the Illinois Compiled Statutes 55 ILCS 5/5-12001 et. seq., and

WHEREAS, Sections 5.3 and 16.2 of the Will County Zoning Ordinance establish certain requirements for commercial uses and definitions, and

WHEREAS, following a review of the Will County Zoning Ordinance, it has been determined that amendments are necessary to include body art studios as a use, and

WHEREAS, the Planning and Zoning Commission of Will County held a public hearing on May 19, 2008, regarding amending the Zoning Ordinance, and recommended to the County Board approval of said amendments, and

WHEREAS, on June 9, 2009, the Land Use and Development Committee of the Will County Board reviewed the amendments.

NOW, THEREFORE, BE IT ORDAINED, by the County Board of Will County, Illinois, that Sections 5.3 and 16.2 of the Will County Zoning Ordinance are hereby amended as described in the attachment to this Resolution (See attached Attachment A).

BE IT FURTHER ORDAINED, that this Ordinance shall be in full force and effect upon its passage and approval as provided by law.

Adopted by the Will County Board this 18th day of June, 2009.

Vote: Yes ___ No ___ Pass ___ (SEAL)

Nancy Schultz Voots
Will County Clerk

Approved this _____ day of _____, 2009.

Lawrence M. Walsh
Will County Executive



WILL COUNTY LAND USE DEPARTMENT
58 E. Clinton Street, Suite 500 • Joliet, Illinois 60432
815/774-3321 • Fax 815/727-8638



Memorandum

To: Will County Board
From: Eileen Franz
Date: June 1, 2009
Re: Body art studio

For the past few months, the Will County Planning and Zoning Division has been identifying problematic sections of the Will County Zoning Ordinance. We have begun working on revising these particular sections with text amendments until such time a full revision is completed. We believe that these efforts and discussions will be useful in a future revision of the Zoning Ordinance. Body art studios have been identified as a use that needs clarification in the Zoning Ordinance. The current Will County Zoning Ordinance neither defines nor permits body art studios.

The Will County Planning and Zoning Commission held a public hearing on May 19, 2009 and the Land Use and Development Committee will review the changes on June 9, 2009.

Attached please find proposed text changes to Sections 5.3: C-3 General Business District, and 16.2: Definitions of the Will County Zoning Ordinance. The proposed additions are identified in bold text.

Attachment A

1 5.3 **C -3 GENERAL BUSINESS DISTRICT (12,000 sq. ft.)**

2
3 5.3-1 Purpose:

4
5 To provide areas to be used for large space uses and those with customers who do
6 not make frequent purchases.

7
8 To provide lands for retailing service and certain wholesale and warehousing use
9 and some limited industrial activities that are normally associated with
10 commercial uses where adequately sized parcels of land allow for large setbacks,
11 clear vision, and safe ingress and egress.

12
13 5.3-2 Policy:

14
15 To achieve the purpose of the C-3 General Business District it shall be the intent
16 of the County:

17
18 To promote the grouping of C-3 uses and oppose and discourage the hazards to
19 safety and nuisance of traffic congestion generated by multiple accessways at
20 close intervals over extended lengths.

21
22 To encourage the location of C-3 districts that foster the development of sewage
23 disposal systems serving these districts that are logical extensions of existing
24 systems of a regional wastewater disposal plan; thereby, discouraging the
25 proliferation of small "package" treatment plants which effect fragmentation of
26 service and impede the development of a regional plan for wastewater treatment.

27
28 To so locate C-3 districts to other districts nearby or adjacent to available
29 municipal police and fire protection so as to protect these areas from the danger of
30 fire, explosion, or noxious fumes, and the irritations of offensive odors, noise,
31 smoke, vibrations, glare, or other threats to health and well-being.

32
33 To require adequate off-street parking and limited access to roads through the use
34 of frontage roads.

35
36 5.3-3 Permitted Uses:

37
38 No land shall be used or occupied and no buildings, structures, or premises shall
39 be erected, altered, enlarged, occupied, or used, except as otherwise provided in
40 this Ordinance for other than one or more of the following specified uses:

41
42 I. Retail business:

- 43 a. Retail businesses permitted in the C-2 district.
44 b. Automobile service station.
45 c. Boat dealer.
46 d. Bottled gas dealer, no storage outdoors, retail use only.

Attachment A

- 1 e. Building services and supplies.
- 2 f. Camper sales.
- 3 g. Direct selling and establishments where products are stored and
- 4 distributed.
- 5 h. Drive-in restaurants.
- 6 i. Farm and garden supply store.
- 7 j. Hay, grain, and feed stand.
- 8 k. Ice cream refreshment stand.
- 9 l. Lumber yard.
- 10 m. Manufactured home dealer.
- 11 n. Motor vehicle dealer.
- 12 o. Motorcycle sales.
- 13 p. Tire, battery, and accessory dealer.
- 14 q. Tombstone and monument sales.
- 15
- 16 2. Personal service establishments:
- 17 a. Personal service establishments permitted in the C-2 district.
- 18 **b. Body art studio**
- 19 c. Day care center for adults and/or children.
- 20 d. Food Locker Rental.
- 21 e. Furniture Cleaning.
- 22
- 23 3. Business service establishments:
- 24 a. Business service establishments permitted in the C-2 district.
- 25 b. Automobile diagnostic center.
- 26 c. Automobile driving instruction.
- 27 d. Automobile rental.
- 28 e. Automobile painting.
- 29 f. Automobile repair shop.
- 30 g. Automobile storage, vehicles in self-operative condition.
- 31 h. Automobile undercoating service.
- 32 i. Bottling works.
- 33 j. Cartage, express, and parcel delivery establishments.
- 34 k. Commercial greenhouse or nursery.
- 35 l. Commercial swimming pool.
- 36 m. Commercial testing laboratory.
- 37 n. Disinfecting and exterminating service.
- 38 o. Electrical shop.
- 39 p. Equipment rental.
- 40 q. Furniture repair and reupholstery.
- 41 r. Furnace supply and service.
- 42 s. Lawn mower repair shop.
- 43 t. Motorcycle service and repair.
- 44 u. Paint shop.
- 45 v. Parking lot, commercial.
- 46 w. Plumbing and heating shop.

Attachment A

- 1 x. Refrigerator shop.
- 2 y. Sewer cleaning and rodding service.
- 3 z. Swimming pool sales and service.
- 4 aa. Towing service.
- 5 bb. Veterinary clinic, animal hospital.
- 6 cc. Water softener service.
- 7 dd. Drive-in banking.
- 8 ee. Used furniture and secondhand store.
- 9
- 10 4. Professional office establishments:
- 11 a. Professional office establishments permitted in the C-2 district.
- 12
- 13 5. Public, quasi-public, and governmental buildings and facilities.
- 14 a. Public, quasi-public, and governmental buildings and facilities permitted
- 15 in the C-1 district.
- 16 b. Public service or municipal garages.
- 17 c. Ambulance service.
- 18
- 19 5.3-4 Special Uses Permitted
- 20
- 21 The following uses shall be permitted only if specifically authorized by the
- 22 County Board as allowed in Section 14.10:
- 23
- 24 1. Similar and compatible uses to those allowed as "permitted uses" in this
- 25 district.
- 26
- 27 2. Outdoor theater, drive-ins.
- 28
- 29 3. Full service automobile laundry.
- 30
- 31 4. Residential uses.
- 32 a. Convalescent, nursing home, rest home, or sanitarium.
- 33 b. Hotel and/or motel.
- 34 c. Tourists cabins or home.
- 35 d. Residence of the proprietor or caretaker of a permitted or special use.
- 36
- 37 5. Planned unit development (See Section 15).
- 38
- 39 6. Railroad right-of-way and passenger stations, but not including railroad yards
- 40 or shops.
- 41
- 42 7. Liquor stores (package sales).
- 43
- 44 8. Cocktail lounges.
- 45
- 46 9. Ancillary use in restaurants.

Attachment A

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Establishments serving meals in a permanent building other than "Drive-Ins" with the serving of alcoholic drinks from only a service bar as an ancillary use not exceeding fifty percent (50%) of the retail sales of the establishment.

10. Bars.

11. Taverns.

12. Outdoor Storage - All outdoor storage facilities for fuel, raw materials, and products shall be enclosed by a fence, wall, or plant materials adequate to conceal such facilities from adjacent properties and the public right-of-way.

13. Outdoor billboards in accordance with Section 13 of this Ordinance.

14. Floodplain Development (See Section 10).

15. Self-service storage facility (See Section 8.19).

5.3-5 Temporary Permit Uses Permitted

Upon application to and issuance by the Zoning Administrator of a permit therefore, the following uses may be operated as temporary uses:

1. C-1 temporary permit uses.

5.3-6 Accessory Uses Permitted

Accessory uses, buildings, or other structures and devices customarily incidental to and commonly associated with a permitted use or special use may be permitted, provided they are operated and maintained under the same ownership, on the same lot, and do not include structures or features inconsistent with the permitted use or special use.

5.3-7 Prohibited Uses

All uses not expressly authorized in Section 5.3-3, 5.3-4, 5.3-5, and 5.3-6.

5.3-8 Site and Structure Requirements

1. Minimum Lot Area - Twelve thousand (12,000) square feet of separate ground shall be provided for each use permitted and each residential use shall have a landscaped area of not less than twelve thousand (12,000) square feet.

2. Minimum Lot Width - A minimum lot width of eighty (80) feet shall be provided for each lot used for a permitted or special use.

Attachment A

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- 3. Front Yard - All structures shall be set back at least one hundred (100) feet from the front lot line on dedicated roads and one hundred and fifty (150) feet from the center line on non-dedicated roads.
- 4. Side Yard - All structures shall be set in from the side lot line a distance of not less than ten (10) feet on the least side, with the sum of the two (2) sides not less than twenty-five (25) feet for one or one and one-half (1½) story structures; the least side shall be increased by two feet and the sum of the two (2) sides by three (3) feet for each additional story.
- 5. Rear Yard - There shall be a rear yard of not less than ten percent (10%) of the depth of the lot, provided, however, such rear yard need not exceed forty (40) feet in depth.
- 6. Maximum Height - No structure or portion thereof, shall exceed a height of forty-five (45) feet, except as provided in Section 8.6.
- 7. Floor Area Ratio - Not to exceed 2.0.

5.3-9 Special Provisions

- 1. Parking Requirements - In accordance with the applicable regulations set forth in Section 12.
- 2. Sign Requirements - In accordance with the applicable regulations set forth in Section 13.
- 3. Performance Standards - All activities shall conform with the performance standards established for the I-1 limited industrial district.
- 4. Outdoor Sales - All outdoor sales space shall be provided with a permanent durable and dustless surface, and shall be graded and drained as to dispose of all surface water.
- 5. Outdoor Storage - No outdoor storage shall be permitted except as a special use.
- 6. Waste Materials - No materials or wastes shall be deposited upon a lot in such a form that they may be transferred off the property by natural causes or forces.
- 7. Screening and landscaping - Where a commercial use abuts or is across the street from a residential district, adequate screening and landscaping shall be provided as set forth in Section 8.10.

Attachment A

1 **16.2 DEFINITIONS**

2
3 **Body art studio - An establishment whose principal business activity, either in terms**
4 **of operation or as held out to the public, is the practice of one or more of the**
5 **following: (1) placing of designs, letters, figures, symbols, or other marks upon or**
6 **under the skin of any person, using ink or other substances that result in the**
7 **permanent coloration of the skin by means of the use of needles or other**
8 **instruments designed to contact or puncture the skin; (2) creation of an opening in**
9 **the body of a person for the purpose of inserting jewelry or other decoration. This**
10 **definition does not include, for the purposes of the ordinance, ear piercing.**



RESOLUTION OF THE COUNTY BOARD
WILL COUNTY, ILLINOIS

RE: VARIANCE TO THE WILL COUNTY SUBDIVISION ORDINANCE
(5845-M, Lang)

WHEREAS, the owner of a parcel of land located on the north side of Hill Avenue in Frankfort Township (PIN 09-23-200-013), has proposed the creation of a two lot subdivision meeting E-2 zoning classification; and

WHEREAS, Article 26 of the Will County Subdivision Ordinance requires connection to a public sanitary sewer and public water supply connection for all subdivisions located within 1,320 feet of an existing public sanitary sewer and public water supply; and

WHEREAS, due to topography of the development, the development cannot connect into the public sewer without a pumping station; and

WHEREAS, the Will County Health Department does not object to an individual septic system and an individual well for E-2 zoning lots of this size; and

WHEREAS, the Land Use & Development Committee has reviewed the request for waiver of this requirement, and recommends approval of the variance; and

NOW THEREFORE, BE IT RESOLVED, that the County Board of Will County, Illinois, hereby approves the variance to the Will County Subdivision Ordinance.

BE IT FURTHER ORDAINED that this Resolution shall be in full force and effect upon its passage and approval as provided by law.

Adopted by the Will County Board this 18th day of June, 2009.

Vote: Yes ___ No ___ Pass ___ (SEAL)

Nancy Schultz Voots
Will County Clerk

Approved this _____ day of _____, 2009.

Lawrence M. Walsh
Will County Executive

**Land Use Department
Subdivision Engineering Division**

Memo

To: Land Use & Development Committee
From: Howard Hamilton, P.E., CFM, Chief Subdivision Engineer
Date: 5/7/2009
Re: Request for Waiver of Sewer & Water Connection for PIN 09-23-200-013

We have received a request dated April 24, 2009, from Mr. Dan Lang to waive the Subdivision Ordinance requirement for sanitary sewer and public water supply connection for all subdivisions within 1,320 feet of an existing facility (see Article 26-01 Water Supply and Article 26-02 Wastewater in the Will County Subdivision Ordinance). Mr. Lang is currently requesting a zoning map amendment for the subject property in order to subdivide the parcel into two lots. The lots would both be at least 2.5 acres in size.

Article 47 of the Will County Subdivision Ordinance states that major waivers of subdivision standards must be submitted to the Chief Subdivision Engineer, processed concurrently with applications for plat approval, and the final authority to approve or deny the requested waiver rests with the full County Board. The following approval criteria are met:

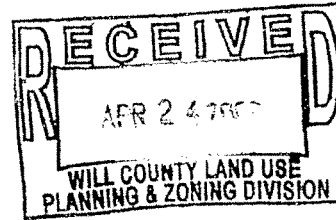
- Due to the elevation of the existing sanitary sewer and the topography of the subject parcel, the subject property cannot connect into the public sewer without a pumping station; therefore a hardship exists.
- The conditions upon which the waiver request is based are unique to the subject property.
- The hardship has not been self-created.
- The requested waiver is not detrimental to the public safety, health, or welfare. The Will County Health Department does not object to an individual well and septic system for lots of this size. The Village of Frankfort (within 1-1/2 miles of the property) does not object to this request.
- The requested waiver does not conflict with the Will County Stormwater Management Ordinance.
- The requested waiver is the least deviation from the subdivision ordinance that will mitigate the hardship existing on the subject property.

Attached is a copy of the request from Mr. Lang. The Subdivision Engineering Division of the Land Use Department does not object to this request for waiver from the requirements of Articles 26-01 and 26-02 of the Will County Subdivision Ordinance.

09-23-200-013

Dan F. Lang

To: Howard Hamilton
From: Dan F. Lang (815) 258-4441
CC: Michael R. Smetana
Date: April 24, 2009
Re: Water and Sewer Waiver Request



Water and Sewer Waiver Request

Howard as you know, I'm requesting to divide the 5 acre parcel of 8300 N. Hill rd to two 2.5 acre parcels. Due to the overwhelming expense of installing a lift station and the Village of Frankfort allowing me easement not dedication of the 33' of frontage, I'm asking for a waiver to exclude from the proposed minor subdivision hookup of Frankfort water and sewer utilities. As noted, the 2.5 acres supports the ability to install a septic system like surrounding areas to the immediate North, South and West of the property.

I appreciate consideration.

Thank you,

Dan F. Lang

Cell 815.258.4441