

AN ORDINANCE CREATING THE RESIDENTIAL CONSERVATION OVERLAY
DISTRICT IN THE VILLAGE OF HOMER GLEN

WHEREAS, the Village Board has determined it to be in the best interests of the Village to promote the health, safety and welfare of the community by encouraging environmentally responsible development through the application of flexible land development techniques while protecting for the property owner development rights that would otherwise be available under conventional zoning for the property; and

WHEREAS, the Village Board has determined that the implementation of conservation design standards and procedures within the Village will encourage more efficient use of land and public services through unified development that will protect biodiversity, encourage development which conforms to the Village's Comprehensive Plan and goals relating to the preservation of Open Space, conserve community resources, preserve natural areas, and protect health, safety and welfare of the community; and

WHEREAS, the Village Board has determined it to be in the best interests of the Village to create a Residential Conservation Overlay District and adopt the conservation design standards and procedures set forth herein to maximize the achievement of the foregoing objectives in addition to the following purposes:

- A. To provide a residential zoning district that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land;
- B. To preserve unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat;
- C. To preserve important historic and archaeological sites;
- D. To permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development;
- E. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development;
- F. To promote interconnected greenways and corridors throughout the community;
- G. To promote contiguous greenspace with adjacent jurisdictions;
- H. To encourage street designs that reduce traffic speeds and reduce the number of access points on main arteries;

- I. To promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities and businesses; and
- J. To conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of Open Space.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF HOMER GLEN, WILL COUNTY, ILLINOIS, THAT:

Section 1: Recitals – The foregoing recitals are hereby incorporated into this Ordinance as if fully set forth herein.

Section 2: Creation – There is hereby created the Residential Conservation Overlay District (“RCO-1”). Subdivisions developed pursuant to the provisions of this Ordinance may be referred to as “Conservation Subdivisions”.

Section 3: Purpose – In addition to achieving the purposes and objectives set forth in the Preamble of this Ordinance, the RCO-1 is intended to encourage residential development that conforms to the type, density and physical design described in the Village’s Comprehensive Plan and which would conform to the Village goals of preserving Open Space as outlined in the Village’s Green Vision Plan. It is the intent of this Overlay District to encourage more efficient use of land and public services through unified development that will protect biodiversity, to foster an Open Space network, as part of the developing network of subdivisions that are purposely linked together, to permit the preservation of habitat for wildlife, provide for local and regional recreational trails, allow for the conservation of hilly areas, wetlands, prairies, wooded regions, other unique areas, and for the perpetuation of the diversity of the natural ecological systems.

Section 4: Applicability - All residential subdivisions in the following zoning districts shall be developed as Conservation Subdivisions in accordance with the provisions of this Ordinance unless exempted from this requirement under Section 5:

- R-1 Single Family Residence District
- R-2 Single Family Residence District
- R-2A Single Family Residence District
- R-3 Single Family Residence District
- R-3A Single Family Residence District
- R-6A Multi-Family Residence District

Any such development shall comply with all other provisions of the Village’s Zoning Ordinance, Subdivision Ordinance, and all other Village Ordinances, except to the extent otherwise specifically provided herein. The provisions of this Ordinance shall be considered to be supplemental standards and requirements applicable to any such development. In the event of a conflict between the provisions of this Ordinance and any provisions in the Village’s Zoning Ordinance, Subdivision Ordinance or other Village Ordinances, including but not limited to

Ordinances relating to landscaping and tree preservation, the provisions of this Ordinance shall apply to such development.

Section 5: Exempt Subdivision - Any subdivision that meets one or more of the criteria below shall be considered exempt from this Ordinance:

- A. The subdivision shall consist of a total land area of ten (10) acres or less, exclusive of roads or easements of access.
- B. The subdivision shall consist of lots, each of which has a minimum land area of 1.5 acres in size or greater, exclusive of roads or easements of access.
- C. That part of a residential subdivision that is located within a distance of 1320 feet of any portion of Bell Road or 159th Street.

Notwithstanding any of the exemptions listed above a development of any type may voluntarily choose to comply with the standards contained in this ordinance for design of a development.

Section 6: Continuation of Uses - Any uses listed as permitted uses, accessory uses, special uses and prohibited uses in the underlying zoning district applicable to such site shall continue in the same manner upon approval of the RCO-1 District for such site.

Section 7: Application and Design Process

A. Site Analysis – Applicant shall perform and submit to the Village a site analysis for the purpose of determining what existing conditions or features located on the site are desirable to preserve as part of the required Open Space percentage and identify those conditions or features which present obstacles that must be considered and overcome in the proposed design. The site analysis shall include an inventory of existing conditions or features of the site. The inventory of existing conditions or features shall include all natural and man-made features located on the site. If available, the applicant shall utilize the officially adopted Village Geographical Information System (GIS) maps of the environmental conditions and features present on the site and adjacent properties. At minimum the site analysis shall include a map(s) at a scale of no less than one inch equals 100 feet that depict the following:

- (1) A topographic survey that extends a minimum of two hundred (200) feet outside the boundaries of the site with a vertical contour interval of two feet or less identifying all areas with slopes of more than twelve percent (12%), including the location of all property lines and easements;
- (2) An analysis of existing drainage patterns and drainage divides including any floodplain and wetland areas and a topography map indicating what drainage area the site is located in;
- (3) A delineation of all “woodlands” at the drip line that form a biological community dominated by trees having an average canopy height greater than 20 feet and other woody plants covering a land area of at least 10,000 square feet and generally characterized by a tree density of 100 or more

trees per acre with at least 50 percent (50%) of such trees having a diameter at breast height (4.5 feet above ground level) of two (2) inches or greater. An orchard or tree nursery is not considered a “woodland” for purposes of this Section. The predominate specie(s) within the woodland shall be identified;

- (4) The location of all Protected Trees (as defined in the Village’s Tree Preservation Ordinance, as amended from time to time) on the site; for purposes of this Ordinance, a specimen tree is a tree in good health that is of unusual or exceptional form, size, age or shape for its species and/or occupying a significant position within the site (individual specimen trees should be identified as to species, size and health);
- (5) A vegetation analysis identifying the hedgerows, meadows and prairies. Vegetation should be identified as evergreen or deciduous with the relative health and condition indicated. The predominant species of vegetation in a hedgerow should be identified;
- (6) General soil types, highlighting hydric soils;
- (7) The boundaries and characteristic of any primary or secondary environmental corridor and isolated natural resource area as identified in the Village Comprehensive Plan, the Village Green Vision Plan or other appropriate plan or ordinance adopted by the Village shall be indicated;
- (8) The location of any historic or cultural features;
- (9) The location of all existing buildings and structures indicating their use and condition;
- (10) The location and classification of all existing streets adjacent to the site;
- (11) The use and existing conditions of all other properties surrounding the site within 200 feet identifying any potential Open Space or trail connections.

Upon review, Village Staff may require that additional areas be included or that additional information be provided to supplement the above minimum requirements.

B. Delineation of Preservation Areas – Upon Applicant’s receipt of notice that Applicant’s Site Analysis has been approved, Applicant shall determine the areas within the property to be set aside and protected as Preservation Areas.

- (1) Preservation Areas are those portions of the site that shall be set aside for permanent protection.
- (2) Preservation Areas shall include (i) all areas that are protected through Local, State, and Federal regulations such as floodplains, floodway and wetlands; (ii) environmentally sensitive areas that connect to a Village,

Township or County Park or Forest Preserve; and (iii) the area of woodlands at the drip line, structures and features of the site that contribute to the country-like character of the site.

C. Site Capacity – The calculation of the site capacity (or the number of dwelling units permitted) shall be based upon net-buildable acreage as determined herein. The Applicant shall determine the net buildable acreage using the following method, substantiated by sufficient plans and data to verify such calculations: (note: all calculations shall be to two (2) decimal places)

- (1) Gross Acreage of Property _____ acres
- (2) Subtract the following:
 - (a) All land located within any:
 - (i) Existing streets and utility rights-of-way and easements; _____ acres
 - (ii) Floodplain; _____ acres
 - (iii) Wetland; _____ acres
 - (iv) Existing pond or lake; _____ acres
 - (v) Area having a slope greater than twelve percent (12%); _____ acres
 - (vi) Additional rights-of-way dedications as required by the Village of Homer Glen Transportation Plan or Village Engineer _____ acres
 - (b) Fifty percent (50%) of any woodland as defined in Section 7A(3); _____ acres
 - (c) Ten percent (10%) for proposed streets; _____ acres
 - (d) Fifteen percent (15%) for proposed stormwater facilities. _____ acres
- The result is the net buildable acreage: _____ acres

The maximum number of lots that a site may be developed with is determined by dividing the net buildable acreage by the permitted minimum lot size for the underlying zoning district as set forth in the Zoning Ordinance. The maximum number of lots shall be subject to modification based upon the design requirements set forth in Section 8. All fractional numbers of lots shall be rounded to the nearest whole integer. For purposes of calculating site capacity, where two (2) or more categories overlap, the overlapping acreage shall be counted only once using the more restrictive classification.

D. Sketch Plan – The Applicant shall prepare a preliminary sketch plan depicting the number and design of lots within a proposed subdivision. The sketch plan shall reflect the delineation of the Preservation Areas identified pursuant to Section 7B and approved by the Village of Homer Glen. The preliminary sketch shall list all variations being sought from the

Village of Homer Glen ordinances and be subject to the development and design standards set forth in Section 8.

E. Review Procedure – The procedure for the review of the proposed Conservation Subdivision and any plats relating thereto shall follow the provisions set forth in the Village Subdivision Ordinance.

Section 8: Development and Design Standards – The following standards shall apply to a Conservation Subdivision:

A. Lot Requirements -

(1) The actual minimum lot size permitted shall be as follows:

R-1 Single Family Residence District	40,000 square feet well and septic
	30,000 square feet sewer and water
R-2 Single Family Residence District	20,000 square feet
R-2A Single Family Residence District	17,000 square feet
R-3 Single Family Residence District	14,000 square feet
R-3A Single Family Residence District	12,000 square feet
R-6A Multi-Family Residence District	Minimum lot size not applicable

(2) The building setback, bulk requirements and lot coverage for all principal buildings located in a Conservation Subdivision shall be as follows unless otherwise approved by the Village Board:

- a. Front yard setback 30 feet from property line
- b. Side yard setback 10 feet from property line
- c. Rear yard setback 30 feet from property line
- d. Minimum lot width 80 feet measured at front of lot
- e. Cul-de-sac lot width 60 feet measured at front of lot
- f. Maximum height 35 feet
- g. Lot coverage 40%

Accessory buildings shall follow the bulk requirements listed for the R-3A Zoning District.

(3) Not less than ninety percent (90%) of the lots within the subdivision shall directly abut part of the Open Space located on a separate lot. Open Space across a street shall not satisfy this requirement.

(4) All residential clusters shall comply with the following:

- (a) Each cluster shall contain no more than twenty (20) dwelling units and no less than five (5) dwelling units.

- (b) Each cluster shall be located to minimize the impact and degradation of the environmental features of the site.
 - (c) Each cluster shall connect with existing or potential Open Space lands and/or local or regional trails.
 - (d) No lot within a cluster (or unit in the case of a condominium development) shall be located closer than twenty (20) feet to any perimeter boundary of the site.
- (5) Lots shall be clustered and configured to minimize the amount of road length required except as may otherwise be required by the Village of Homer Glen.
 - (6) All lots shall take access from interior local streets and not from arterial or collector streets bordering the subdivision.
 - (7) Except as permitted for the R-1 Single Family Residence District, all Conservation Subdivisions shall be developed with public sanitary sewer and water services.
 - (8) If a lot is located within designate preserved woodland area the individual building envelope shall be configured to minimize the loss of woodlands.
 - (9) A minimum thirty (30) foot vegetative/landscaping buffer contained in a separate lot shall be maintained around the exterior of the development on all sides that abut a dedicated roadway. The views and appearance of the development from arterial and collector streets shall minimize the appearance of the subdivision. A trail or sidewalk shall be constructed within this buffer area that shall connect to any neighboring trails or sidewalks. If large enough, this buffer area may count as part of the required Open Space area.

B. Street Requirements -

- (1) All streets, whether publicly dedicated or private, shall be developed to the standards specified in the Village of Homer Glen Subdivision Ordinance unless modified as below:
 - (a) The width of any interior secondary street right-of-way may be sixty (60) feet unless the Village Engineer requires a greater width.
 - (b) The width of any interior secondary street within a Conservation Subdivision shall be twenty-eight (28) feet as measured from edge of pavement to edge of pavement with parking limited to one (1) side of the street unless the Village Engineer requires a greater width. All streets within a Conservation Subdivision shall be developed with curb and gutter drainage and Best Management

Practices for Stormwater Management, except that such subdivision or parts thereof may be developed with a rural open ditch design which incorporates the use of Best Management Practices upon approval of the Village Board.

- (c) Sidewalks/trails shall be constructed on only one (1) side of all interior secondary streets unless the Village Board requires walks on both sides.

C. Stormwater Requirements –

- (1) All stormwater management shall use best management practices to minimize the effects of stormwater runoff.
- (2) The required stormwater management area may be included within the required Open Space Area if the stormwater management area is configured and developed with wetland plantings and fits into the overall appearance of the Open Space as determined by the Village.
- (3) All stormwater detention/retention management areas shall be developed on a separate lot that is not part of an individual building lot and shall be owned and maintained by the Homeowners Association for the subdivision.

D. Park Requirements –

- (1) The Village may elect to require that additional land be set aside for a “Park Area” as may be indicated by a Village of Homer Glen Master Park Plan. Any “Park Area” that is to be given to a public entity shall not be counted as part of the required Open Space area. If a park area is not required the developer shall be required to submit a fee in lieu of the area as required by the Village Park Donation Ordinance.
- (2) Any “Park Area” that may be required shall consist of land that can be developed as an active recreational use. This use may include a variety of uses including playgrounds, ball fields, etc..
- (3) All park areas shall be fully developed within three (3) years of the start of the development unless additional time is granted by the Village of Homer Glen.

E. Open Space Requirements –

- (1) Open Space is defined as undeveloped land within a Conservation Subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by members of the general public. Open Space shall not be part of individual residential lots.

(2) All designated open space parcels shall be subdivided and protected from construction activities through the use of construction and silt protection fencing prior to the start of any construction, earth excavation, clearing or grubbing activities on the site.

(3) The percentage of the site devoted to Open Space shall meet the following minimum percentage of the gross land area of the site:

R-1 Single Family Residence District	
Well and Septic	30%
Sewer and Water	50%
R-2 Single Family Residence District	50%
R-2A Single Family Residence District	50%
R-3 Single Family Residence District	30%
R-3A Single Family Residence District	20%
R-6A Multi-Family Residence District	20%

(4) The following areas may be located within and counted as a part of the Open Space areas:

(a) Floodplain, wetland areas, areas of greater than 12% slope, ponds and lakes, stormwater management areas if such area is configured and developed with wetland plantings and fits into the overall appearance of the Open Space as determined by the Village, walking or bicycle trails, parking areas and roadways providing access to those parking areas providing access to the Open Space, private buildings and structures accessory to the use of the Open Space, areas encumbered with utility easements and easements for drainage which are not located on lots on which a residential structure will be located provided such areas are otherwise developed in accordance with the Village's Master Park Plan or are developed consistent with the character of other areas of Open Space on the site, and Preservation Areas.

(5) Road rights-of-way and private roadway easements and parking lots shall not be counted as part of the Open Space areas (other than as approved in Section 8E(4a)).

(6) The following requirements apply to Open Space in a Conservation Subdivision:

(a) At least eighty percent (80%) of the Open Space area shall be configured as a single whole not including any trails to individual lots unless approved by the Village of Homer Glen. Any trails to individual lots shall be on outlots a minimum of twenty (20) feet wide. Any trails or Open Space areas that are less than fifty (50) feet wide or areas that the Village Staff determines to be

gerrymandered shall not be counted as part of the eighty percent (80%) whole.

- (b) At least twenty-five percent (25%) of the net Open Space area shall consist of land that is suitable for building.
- (c) All Open Space areas shall be made accessible by the general public whenever possible through the use of trails and other facilities.
- (d) The responsibility for maintaining the Open Space and any facilities located thereon shall be borne by the developer of the conservation subdivision for a period of five (5) years from the start of construction or for a shorter period of time if agreed to by the Village of Homer Glen at which time the responsibility for maintenance and title to the open space areas shall be given to the Village of Homer Glen at no charge free and clear of all liens and encumbrances. At the request of the Village of Homer Glen, in addition to the dedication language hereinafter required on the final plat, the developer shall convey the Open Space to the Village of Homer Glen by a recordable Quit Claim Deed. If the required three year period has not passed the developer shall post a letter of credit with the Village of Homer Glen at the time of issuance of building permits for eighty percent (80%) of the dwelling units in the development or when the developer sells his last lot in the development to secure the developer's open space maintenance obligation. The letter of credit shall be in an amount equal to one hundred and ten percent (110%) of the cost of maintaining such open space for the remainder of the five (5) year period.

All adopted final development plans shall indicate that the open space is "To Be Dedicated" and provide the Village of Homer Glen an easement for access and maintenance purposes. The Village shall have no obligation to accept title to the Open Space unless and until such Open Space is in full compliance with the provisions of this ordinance and any conditions placed on the Open Space through the approval of the development. Upon such conveyance, the Village of Homer Glen shall continue to hold and own said property as Open Space provided such Open Space can be developed at the Village's discretion with uses accessory to or consistent with the objectives of this ordinance or with the objectives of the Village of Homer Glen Parks Master Plan.

- (e) Applicant shall submit a Plan for Management of Open Space and Common Facilities, including the plan for the improvement or enhancement of the Open Space.

Section 9: Variations

A. Purpose of Variation

The “variation” process is intended to provide limited relief from the requirements of this Ordinance in those cases where strict application of those requirements will create a practical difficulty or particular hardship prohibiting the use of land in a manner otherwise allowed under this Ordinance. It is not intended that variations be granted merely to remove inconveniences or financial burdens that the requirements of this Ordinance may impose on property owners in general. Rather, it is intended to provide relief where the requirements of this Ordinance render the land difficult to use because of some unique physical attribute of the property itself or some other factor unique to the property for which the variation is requested.

B. Application: Notice of Hearing; Procedures

- (1) An application for a variation shall be filed in writing with the Zoning Officer listing all variations and the section of the ordinance pertaining to the variation. The application shall contain such information as the Plan Commission may require.
- (2) The Plan Commission, after a public hearing, may recommend to the Village Board the variation of the regulations of this Ordinance. The Plan Commission shall make recommendations only in cases where there are practical difficulties or particular hardships in the way of carrying out the strict letter of the standards and regulations of this Ordinance relating to the use of land in harmony with their general purpose and intent of this Ordinance, only where such Plan Commission makes findings of fact in accordance with the standards set forth herein; and, further, finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance. The Plan Commission may recommend to the Village Board imposition of such conditions and restrictions upon the site as may be necessary to otherwise comply with the standards set forth herein, to reduce or minimize the effect of such variation upon other property in the neighborhood and to implement the general purpose and intent of this Ordinance. Publication shall be made in the same manner as provided for variations in the Village’s Zoning Ordinance.
- (3) The Village Board may grant or deny the application for a variation. If the application is not acted upon finally by the Village Board within one hundred twenty (120) days of the date the Village Board receives the Plan Commission recommendation, and such time is not extended by mutual consent of the Village Board and petitioner, it shall be deemed to have been denied.

C. Standards of Variation

- (1) The Plan Commission shall not vary the provisions of this Ordinance as authorized unless it has made findings based upon the evidence presented to it in the following cases:
 - (a) That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone;
 - (b) That the plight of the owner is due to unique circumstances; and
 - (c) That the variation, if granted, will not alter the essential character of the locality and will not frustrate the general purpose of this Ordinance.
- (2) A variation shall be recommended to the Village Board only if the evidence, in the judgment of the Plan Commission, sustains each of the three (3) conditions enumerated in Section 9C(1).
- (3) For the purpose of supplementing the above standards, the Plan Commission, in making its determination, may also take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:
 - (a) That the particular physical surroundings, shape or topographical conditions of the specific property involved will bring a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations was carried out;
 - (b) That the conditions upon which the petition for variation is based would not be applicable, generally, to other property within the same zoning classification;
 - (c) That the purpose of the variation is not based exclusively upon a desire to make more money out of the property;
 - (d) That the alleged difficulty or hardship has not been created by any person presently having an interest in the property;
 - (e) That the granting of the variation will not be detrimental to the public welfare or unduly injurious to other property or improvements in the neighborhood in which the property is located;
 - (f) That the proposed variation will not impair an adequate supply of air to adjacent property, substantially increase the danger of fire,

otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.

D. Conditions

The Plan Commission may require such condition and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set forth in this Section to reduce or minimize the effect of such variation upon other property in the neighborhood, and to implement the general purpose and intent of this Ordinance.

E. Authorized Variations

Variations from the regulations of this Ordinance shall be granted by the Plan Commission only in accordance with the standards set forth in this Section and may be granted only with respect to the standards set forth in Sections 8A and 8B of this Ordinance.

F. Effective Period

No order of the Plan Commission granting a variation shall be valid for a period longer than one (1) year from the date of such order unless a building permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period. The Commission may grant one (1) extension of this period, valid for no more than one hundred and eighty (180) additional days, upon written application days, upon written application and good cause shown, without notice or hearing. If any of the benefits conferred by any variation, whether heretofore or hereafter granted, are abandoned, or are not utilized for any continuous period of one (1) year, said variation shall, to the extent of such abandonment or non-utilization, become invalid after a public hearing is provided herein.

Section 10: Severability – That the various provisions of this Ordinance are to be considered severable and if any part or portion of this Ordinance shall be held invalid by any

Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

Section 11: Effective Date - This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 25th day of July, 2006, with 4 members voting aye, 1 members voting nay, the President not voting, with 0 members abstaining or passing, and said vote being:

Mary Niemiec	<u>Absent</u>	Dale Vogelsanger	<u>Aye</u>
Margaret Sabo	<u>Nay</u>	Brian Andrews	<u>Aye</u>
Marcia DeVivo	<u>Aye</u>	Christopher Locacius	<u>Aye</u>

Approved this 25th day of July, 2006.

Russ Petrizzo, Village President

Attest: _____
Gale Skrobuton, Village Clerk

Published in pamphlet form by authority of the Village President and Trustees of the Village of Homer Glen.