

KENDALL COUNTY LAND-CASH ORDINANCE

KENDALL COUNTY BOARD

April 14, 1992

(V 568)

KENDALL COUNTY LAND-CASH ORDINANCE

In recent years, Kendall County has experienced a steadily increasing population growth due primarily to the residential subdivision and planned unit development of vacant land within the County. Planning studies indicate accelerated growth during the next ten years resulting in the disappearance of available land and the marked increase in land value.

The County is dedicated to the concept that healthful, productive community life depends in part on the availability of recreational and park space and adequate school facilities. It has been found and determined that the location of park, recreation, and school sites to serve the immediate and future needs of adults and children of each new subdivision or planned unit development is just as essential to proper land development as are street, water, sewers and sidewalks. To this end Kendall County has determined that the dedication of land for parks, recreation, and school sites or cash contributions in lieu of actual dedication (where the latter is deemed impractical) or a combination of both, shall prevail upon all new final plats of residential subdivisions and planned unit developments. The impact upon schools and parks is likewise equally affected by construction of new dwellings that are not part of a platted sub-division and accordingly, cash contributions should be made with regard to such construction as well.

Therefore, in the public interest, convenience, health, welfare and safety, the establishment of parks, recreation and school sites and facilities are required for each final plat of a residential subdivision.

SECTION I DEDICATION OF PARK LANDS AND SCHOOL SITES OR PAYMENTS IN LIEU THEREOF:

A. As a condition of approval of a final plat of subdivision or planned unit development, each subdivider or planned unit developer will be required to dedicate land or cash in lieu of actual land or a combination of both in accordance with the following criteria:

1. Location

Plans of the park district or forest preserve district or appropriate standards adopted by said agencies shall be used as a guideline in locating sites.

2. Requirement and Population Ratio

The ultimate population density to be generated by a subdivision or planned unit development shall bear directly on the amount of land required to be dedicated for park and recreation sites. The acreage of land dedication requirement shall be determined by obtaining the total population of the development times 10 acres per 1,000 population. Total population is determined by applying the estimated ultimate population per dwelling unit table, as per the Ultimate Yield Table published by the Associated Municipal Consultant, to the number of

respective units in the development. For purposes of this computation it is presumed that each single family home will have 4 bedrooms. For other dwelling units such as townhouses, apartments, it is presumed that each unit will have 2 bedrooms.

3. Donation Requirement Calculation Example:

Development "A" containing 200 single family homesites.

(units) x (population factor) x $\frac{\text{the required acreage}}{\text{per 1000 population}}$ = Total Acres

200 units x 3.673 x $\frac{10 \text{ acres}}{1,000}$ = 7.346 acres

4. Credit for Land Dedication

When land dedication is required by this ordinance, credit to developers for said dedication will be given according to the following criteria.

For dedications to the park district, the first five (5) acres must be contiguous in one location, relatively flat, not included as part of a storm water management system, and above all known maximum flood levels in the area. Land in excess of the above mentioned five acres, and land to be dedicated to the forest preserve district shall be credited as follows:

100% Credit - for additional land as described above, natural areas, designated wetlands, or areas designated by the park district/forest preserve district as potential or future linear parks.

50% Credit - for areas that are a part of a storm water management system, if they are designed to be

appropriate for active sporting purposes when they are dry, and are constructed to park district or forest preserve district specifications.

For purposes of this ordinance, appropriate for active sporting purposes shall mean having a bottom with minimum dimensions of 400 feet by 400 feet, free of any exposed sanitary sewer structures, storm sewer structures, and other utility structures (i.e., manholes, drains, outlets, valves, junction boxes, transformers, etc.).

No Credit - For storm water management facilities that do not meet the above standards, and land that has been, or is suspected of being contaminated. The park district and forest preserve district may choose to recommend full or partial credit for man made lakes or ponds that are judged to be of recreational or environmental benefit.

B. Criteria for Requiring School Site Dedication

1. Requirement and Population Ratio

The ultimate number of students to be generated by a subdivision or planned unit development shall bear directly upon the amount of land required to be dedicated for school sites. The land dedication requirement shall be determined by obtaining the ratio of: (a) estimated children to be served in each school classification (this number is determined by applying the estimated ultimate population per dwelling unit table (Table 1) to the

number of respective units in the development) over the, (b) actual average number of students to be served in each such school classification as stated herein, and then applying such ratio to the, (c) said actual average number of acres for a school site of each such classification as stated herein. The product thereof shall be the acres of land deemed needed to have sufficient land for school sites to serve the estimated increased children in each such school classification. For purposes of this computation it is presumed that each single family home will have 4 bedrooms. For other dwelling units, such as townhouses, apartments, it is presumed that each unit will have 2 bedrooms.

Example: Development "A" is composed of 200 single-family units:

$$\frac{\text{estimated children by school classification}}{\text{actual school population by school classification}} \times \frac{\text{actual acreage by school classification}}{\text{land donation}} =$$

(see tables and charts)

Special:

$$\frac{200 \times .2065}{461.19} \times 21.1 = 1.89 \text{ acres}$$

Elementary:

$$\frac{200 \times .474}{384.73} \times 7.46 = 1.84 \text{ acres}$$

Middle:

$$\frac{200 \times .303}{439.6} \times 14.48 = 1.99 \text{ acres}$$

High School:

$$\frac{200 \times .307}{651} \times 57.88 = 5.46 \text{ acres}$$

$$\text{Total acreage} = 11.18$$

Classification by Grades	County Average Students per school classification	County Average Acreage per school classification
Special	461.19 students	21.1 acres
Elementary	384.73 students	7.46 acres
Middle	439.6 students	14.48 acres
High School	651.0 students	57.88 acres

C. Criteria for Requiring a Contribution in Lieu of Park and School Sites

1. When available land is inappropriate for park, preserve, recreational or school sites, as determined by agency officials, the County shall require a cash contribution in lieu of land dedication by the subdivider or unit developer. The county shall furthermore require a cash contribution for all residential dwellings which are constructed not part of a platted sub-division.
2. Collection of Fees
 - a. The cash contribution in lieu of park and recreation land dedication shall be held in trust by the County, or other public body designated by the County, solely for the acquisition of park or recreational land as herein classified, which will be available to serve the immediate and future needs of the residents of that subdivision or development, or for the improvement of other existing local park and recreation lands which already serve such needs.
 - b. The cash contributions in lieu of school sites shall be held in trust by the County, or other public body designated by the County. Said funds shall be used

solely for the acquisition of land for a school site to serve the immediate or future needs of children from that subdivision or development, or for the improvement to any existing school site or buildings which already serve or will serve such need.

- c. The total cash contribution to be required shall be determined prior to the approval of the final plat and paid prior to recording of said plat. The cash contribution required for a residential unit not part of a platted sub-division shall be determined in the same manner as for other residential developments and shall be determined prior to the issuance of a building permit and collected prior to the issuance of a building permit.

3. Refund

If any portion of a cash contribution in lieu of park, preserve, recreation or school sites is not expended for the purposes set forth herein within ten years from the date of receipt, it shall be refunded with accrued interest to the lot owner or owners of those lots for which the contribution was made which owner or owners are determined at the time the date of refund is established.

4. Criteria for Requiring Land Dedication and a Fee

There will be situations in subdivisions or planned unit developments when a combination of land dedication and a contribution in lieu of land are both necessary; these occasions will arise when:

- a. Only a portion of the land to be developed is proposed as the location for a park, preserve, recreation or school site. That portion of the land within the subdivision falling within the park or school location shall be dedicated as a site as stated earlier, and a cash contribution in lieu thereof shall be required for any additional land that would have been required to be dedicated.
- b. A major part of the local park, preserve, recreation or school site has already been acquired and only a small portion of land is needed from the development to complete the site. The remaining portions shall be required by dedication and a cash contribution in lieu thereof shall be required.

5. Fair Market Value

The cash contributions in lieu of land shall be based on the "fair market value" of the acres of land in the area improved that otherwise would have been dedicated as park, preserve, recreation, or school sites. Because of the diversity of lands within the county, a single determination of "fair market value" is not possible. The "fair market value" for any particular parcel shall be determined by the Supervisor of Assessment Office of Kendall County prior to plat approval. This valuation determined by the Supervisor of Assessments shall be used unless any subdivider, developer, or public body files a written objection

thereto. In the event of any such objection, the subdivider, developer, or public body shall submit an appraisal showing the "fair market value" of such improved land in the area of development of other evidence. Final determination of said "fair market value" per acre of such improved land shall be made by the County Board based on such information submitted by the subdivider or developer and from other sources as may be submitted to the County Board by affected parties.

6. Dual districts will be treated as they are affected by the impact of the subdivision or development within their territories: elementary and middle school contributions shall go to the elementary district and high school contributions shall go to the high school district. Two thirds of the special contribution shall go to the elementary district and one third shall go to the high school district.

D. Conveyance of Land

1. The subdivider or developer shall convey to the respective park district, preserve district or school district the lands required under this agreement within 90 days after request by the district.

E. Density Formula

The attached table, marked as Table No. 1, being the same as Estimated Ultimate Population Per Dwelling Unit, is generally indicative of current and short-range projected trends in family size for new construction and shall be used in calculating the amount of required dedication of acres of

land or the cash contributions in lieu thereof unless a written objection is filed thereto by the subdivider or developer.

In the event a subdivider or developer files a written objection to the Table of Estimated Ultimate Population Per Dwelling Unit, attached hereto, said subdivider or developer shall submit their own demographic study showing the estimated additional population to be generated from the subdivision or planned unit development and in that event final determination of the density formula to be used in such calculations shall be made by the County Board, based upon such demographic information submitted by the subdivider or developer and from other sources which may be submitted to the County Board by the School District or others. It is recognized that population density, age distribution and local conditions change over the years, and the specific formula for the dedication of land, or the payment of fees in lieu thereof, as stated herein is subject to periodic review and amendment if necessary.

F. Reservation of Additional Land

Where the park district, forest preserve district or school district's plan or standards of the County Plan call for a larger amount of park and recreational land or school sites in a particular subdivision or planned unit development than the developer is required to dedicate, the land needed beyond the developer's contribution shall be reserved for subsequent purchases by the County or other public body designated by the County, provided that such acquisition is

made within one year from the date of approval of the final plat.

G. Site Condition

The slope, topography and geology of the dedicated site as well as its surroundings must be suitable for its intended purposes. Grading and seeding on sites to be dedicated for park, preserve, recreational and school uses will be performed according to plans and specifications provided by the park, forest preserve or school district.

H. Improved Sites

All sites shall be dedicated in a condition ready for full service of electrical, water, sewer and streets (including enclosed drainage and curb and gutter) as applicable to the location of the site, or acceptable provision made therefor. Such improvements shall conform to plans provided by the park, forest preserve or school district.

SECTION II ORDINANCE PROVISIONS

If any provision of this Ordinance, or the application thereof to any person or circumstances is declared invalid by a court of competent jurisdiction, such partial invalidity shall not affect other provisions or applications of this Ordinance, which can be given effect without the invalid provision or application thereof, and to this extent the provisions of this Ordinance are declared to be coverable.

SECTION III EFFECTIVE DATE

This Ordinance shall be in full force and effect from the date of its passage as provided by law.

Adopted: April 14, 1992

Paul Anderson

County Clerk

James Dean
Chairman

Kendall Land Cash Ordinance Computation-Appendix A

COMPUTATION EXAMPLE: 200 unit development of 4 bedroom homes											
Unit Development Data:	SPECIAL		ELEMENTARY		MIDDLE		HIGH SCHOOL		OVER 21		TOTAL POP
Type of Housing	* Units	Factor	Students	Factor	Students	Factor	Students	Factor	Factor	Adults	
4 bedrooms	200	0.2065	41.3	0.474	94.8	0.303	60.6	0.307	2.176	435.2	693.3
DATA FORM TABLES											
FORMULA: * Units Population Factor (PF) X Minimum Acres (A)/Maximum Students (S) X Fair Market Value (FMV) = Contribution (PF) X (A/S) X (FMV) = Contribution											
SCHOOL LAND DEDICATION = Students generated X actual acreage / actual population											
	Students	Acres	Pop	Acres	Req'd						
Special	41.3	21.1	461.19	1.89							
Elementary	94.8	7.46	384.73	1.84							
Middle	60.6	14.48	439.6	1.996							
High School	61.4	57.88	651	5.46							
Total				11.18							
SCHOOL CONTRIBUTION											
	Units	PF	A	S	FMV	Contribution					
Special	200	0.2065	21.14	461.2	25000	\$47327.67					
Elementary	200	0.474	7.46	389.7	25000	\$45365.25					
Middle	200	0.303	14.48	439.6	25000	\$49902.64					
High School	200	0.307	57.88	651	25000	\$136475.88					
Total						\$279,071.45					
Per Unit = Total/200:											\$1,395.36