

KENDALL COUNTY
LAND CASH ORDINANCE
1989

V-89

KENDALL COUNTY LAND-CASH ORDINANCE
AMENDED TO INCLUDE THE KENDALL COUNTY FOREST PRESERVE
FEBRUARY 12, 1991

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 with 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, forest preserve 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.

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, FOREST PRESERVES AND SCHOOL SITES OR PAYMENTS IN LIEU THEREOF

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:

A. Criteria for Park, Recreation Land and Forest Preserve Dedication

1. Location

A Park District or Forest Preserve plan and/or appropriate standards adopted by affected Districts shall be used as a guideline in locating sites.

It is the intent of this ordinance to accomodate open space needs in the County. Duplicative dedications however are not required. At the time of this amendatory ordinance, the only park district in the County is the Oswegoland Park District located entirely within the boundaries of Oswego Township. In all townships other than Oswego, forest preserve dedications are appropriate. If at any future date other park districts are created or other open space alternatives exist, such as township controlled uses, then the County Board may require such alternative dedication.

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, recreation and forest preserve sites. The acreage of land dedication requirement shall be determined by obtaining the total population of the development times 10 acres per 1000 population. Total population is determined by applying the estimated ultimate population per dwelling unit table (Table I) 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 unit will have 2 bedrooms.

Example: Development of 300 total population

Total population	X <u>the required acreage</u>	= Total acres required
	for 1,000 population	
300	X <u>10 acres</u>	= 3 acres
	1,000	

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) maximum recommended number of students to be served in each such school classification as stated herein, and then applying such ratio to the, (c) said minimum recommended 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" will generate 60 elementary students

<u>estimated children per school classification</u>	X	minimum recommendation per classification of school size	=	acres to be dedicated
maximum school classification recommendation				
<u>60</u>	X	11 acres	=	1.1 acres
600				

2. School Classification and Size of School Site

School classification and size of school sites within Kendall County shall be determined in accordance with the following criteria which is consistent with the minimum site recommendations of the Illinois

State Board of Education (variance of grade organization and size are subject to local Board of Education District Policy):

<u>Classification by Grades</u>	<u>Max. Number of Students for each classifications</u>	<u>Min. Number of Acres of Land for each School Site Classification</u>
Elementary K-5	600 students	11 acres
Middle School 6-8	750 students	28 acres
High School	1500 students	45 acres

Illinois Office of Education Standards as adopted by the Illinois State Board of Education follow this criteria:

Elementary School - minimum 5 acres plus 1 acre per 100 students

Middle School - minimum 20 acres plus 1 acre per 100 students

High School - minimum 30 acres plus 1 acre per 100 students

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

1. When available land is inappropriate for park, recreational, forest preserve and school sites, the County shall require a cash contribution in lieu of the land dedication by the subdivider or unit developer.

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

forest preserve 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 forest preserve lands which already serves 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 at the time the final plat is approved. Prior to execution of the final plat by appropriate County Officials, the developer or subdivider shall as security for the payment as determined provide the County of Kendall with a letter of credit in the amount as determined from an acceptable banking institution or shall make a cash deposit in an acceptable institution of the total amount required in an interest bearing account, which account shall be drawn from only by consent of the County and may be drawn against by

the County in the event that the payments are not paid when due. All interest accrued in such savings shall accrue to the benefit of the subdivider or developer. The letter of credit as hereinabove provided shall expressly provide it may be drawn against by the County at any time the developer or subdivider fails to make the payments. Prior to the issuance of any building permit the developer or subdivider, or such assigns or successors in interest shall pay the County the amount of cash payment attributable to the land relating to the building permit.

3. Refund

If any portion of a cash contribution in lieu of park, recreation, forest preserve, or school sites is not expended for the purposes set forth herein within ten years from the date of receipt, it shall be refunded 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, forest preserve or school site. That portion of the land within the subdivision falling with 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, recreation, forest preserve, 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, recreation, forest preserve 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 Sup-

ervisor 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

Dual Districts will be treated as they are affected by the impact of subdivision or development within their territories.

D. Time of Conveyance of Payment

1. The subdivider or developer shall convey to the respective school district, forest preserve and park district, the lands required under this agreement within thirty days after final subdivision plat or final plat of a planned unit development is recorded in the Kendall County Recorder's Office.

2. A subdivider or developer shall make each cash contribution required under this Ordinance directly to the County or other public body designated by the County. Said collector shall issue a receipt as evidence of payment.

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, he shall submit his 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 School District's, Park District's or Forest Preserve 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. Topography and Grading

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

H. Improved Sites

All sites shall be dedicated in a condition ready for full service of utilities and streets (including enclosed drainage and curb and gutters) as applicable to the location of the site or acceptable provision made therefor. The walkways, trails and trees and other landscaping normally included within the definition of "improved" sites may be deleted only from schools due to the delay time between dedication of any such school site and construction of school facilities thereon. Such improvements for Park and Forest Preserve dedication shall be required when requested by the Park District and Forest Preserve and shall conform to plans provided by the Districts.

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: August 8, 1989

John P. Brady
County Clerk

Kenneth E. Carlson
Chairman

Table of Estimated Ultimate Population per Dwelling Unit

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1989 Illinois School Consulting Service							
Table 1							
ESTIMATED ULTIMATE POPULATION PER DEWELLING UNIT							
(Grade Grouping K-5, 6-8, 9-12)							
TYPE OF UNIT	PRE-SCHOOL	ELEMENTARY	JUNIOR HIGH	TOTAL K-8	HIGHSCHOOL	ADULTS	TOTAL/UNIT
Detached Single Family							
2 BDRM	0.102	0.122	0.041	0.163	0.02	1.694	1.979
3 BDRM	0.256	0.358	0.143	0.501	0.146	1.962	2.865
4 BDRM	0.413	0.474	0.303	0.777	0.307	2.176	3.673
5 BDRM	0.231	0.317	0.231	0.548	0.212	2.606	3.597
Attached Single Family (Townhouse, Row House, Quadriplex, etc)							
1 BDRM	0	0	0	0	0	1.068	1.068
2 BDRM	0.091	0.094	0.077	0.171	0.037	1.775	2.074
3 BDRM	0.229	0.212	0.063	0.275	0.067	1.809	2.38
4 BDRM	0.346	0.321	0.169	0.49	0.183	2.317	3.336
Apartments							
EFFICIENCY	0	0	0	0	0	1.36	1.36
1 BDRM	0	0	0	0	0	1.734	1.734
2 BDRM	0.041	0.08	0.039	0.119	0.038	1.554	1.752
3 BDRM	0.063	0.203	0.117	0.32	0.093	2.31	2.786

School Land Cash Computation

COMPUTATION EXAMPLE: Development of 56 3-bedroom and 42 4-bedroom single family detached units												
SUBDIVISION DATA												
Type Housing	# of Homes	PRE-SCHOOL Factor	Student	ELEMENTARY Factor	Student	JR. HIGH Factor	Student	HIGH SCHOOL FACTOR	STUDENT	OVER 21 Factor	Adults	T.F. POP.
3 Bdrm	56	0.258	14,336	0.358	20,048	0.143	8,008	0.146	8,176	1.962	109,872	2,865
4 Bdrm	42	0.413	17,346	0.474	19,908	0.303	12,73	0.307	12,894	2.176	91,392	3,673
Total	98		31,682		39,956		20.73		21.07		201,264	314.71
DATA FROM TABLE I:												
Formulas												
Minimum Acres (A)			ELEM	Jr. H	H.S.							
Maximum Students (S)			11	28	45							
Fair Market Value (FMV) = \$25,000			600	750	1500							
Factor (D) X (A)/(S) X FMV = Contribution												
Students (D) = # homes by type X Total Student Factor												
Acres = Grade Level Students X (A)/(S)												
SCHOOL CONTRIBUTION												
GRAGE LEVEL	(D) Sid	(S) Size	(A) Acres	Req'd	FMV	Dntn	Cash					
K-6	39,956	600	11	0.7325	25,000	18,313						
7-8	20,734	750	28	0.7740	25,000	19,352						
9-12	21.07	1500	45	0.6321	25,000	15,803						
Total						53,467						
PARK CONTRIBUTION = TOTAL FAMILY POP. X 10/1000 X FMV												
FAMILY POPULATION												
ACRES /1000												
ACRES REOD												
VALUE/ACRE												
CASH CONTRIBUTION												
TOTAL CONTRIBUTION:												
SCHOOL	DNTN	# HOMES	\$/HOME									
PARK	78,677	98	802.82									
TOTAL	132,144	98	1,348									X

The 1989 yield table is a compilation of data secured from numerous sources throughout the Chicagoland Metropolitan area. Both school districts and municipalities have provided statistical data to up-date these figures. To those agencies, organizations, municipalities and school districts which have helped and have provided pertinent information, we are most grateful.

These tables were compiled from information of various types of residential developments in the Metropolitan area of Chicago. The compilation of this information represents an average for the three basic types of dwelling units. Consequently, when these figures are used, this must be kept in mind--that they represent an average for these various dwelling units. Thus, the average figures of the tables may be unreasonable to use in some instances when it is known that there are unusual circumstances. Such circumstances and conditions could deal with the amenities in certain residential developments, the fact that some residences are being subsidized, that there are significant cost differences, or that areas of location of developments are a factor.

In cases where financial arrangements are involved, it would appear prudent to arrive at a more equitable arrangement to satisfy all parties involved.

Apartments and attached single family units

It has been noted that in a number of such units surveyed there were government subsidies involved. In such cases the "average" table figures did not truly represent the yield generated from such subsidized units. Numbers of children coming from these units were much higher than shown on the yield table. In most of these types of dwelling units there is a limit imposed by the management on the number of children per bedroom.

In some apartment complexes a second or a third room might be referred to as a den, but frequently is converted into another bedroom after it has been occupied. This, of course, would affect the student yield and population calculations.

A relatively new phenomenon in our society today is the single parent family. This head of the household is generally looking at an apartment complex or attached single family residence. Thus, we noted a slight increase in yield figures for these two types of dwelling units over the 1983 tables.

Five-bedroom, single family unattached

Five-bedroom, single family unattached units have been closely monitored. Many of the larger homes keep adding additional square footage to their home plans, but most of this "new" area is converted into a larger master bedroom, a study or library, or a second family room. There are relatively few five-bedroom homes being constructed at present.

TABLE OF ESTIMATED ULTIMATE POPULATION PER DWELLING UNIT

Type of Unit	Children Per Unit						Adults (18--up)	Total Per Unit
	Pre-School 0-4 Years	Elementary Grades K-5 5-10 Years	Junior High Grades 6-8 11-13 Years	TOTAL Grades K-8 5-13 Years	High School Grades 9-12 14-17 Years			
Detached Single Family:								
2 Bedroom	.102	.122	.041	.163	.020	1.694	1.979	
3 Bedroom	.256	.350	.143	.501	.146	1.962	2.865	
4 Bedroom	.413	.474	.303	.777	.307	2.176	3.673	
5 Bedroom	.231	.317	.231	.548	.212	2.606	3.597	
Attached Single Family:								
1 Bedroom	-0-	-0-	-0-	-0-	-0-	1.068	1.068	
2 Bedroom	.091	.094	.077	.171	.037	1.775	2.074	
3 Bedroom	.229	.212	.063	.275	.067	1.809	2.380	
4 Bedroom	.346	.321	.169	.490	.183	2.317	3.336	
Apartments:								
Efficiency	-0-	-0-	-0-	-0-	-0-	1.360	1.360	
1 Bedroom	-0-	-0-	-0-	-0-	-0-	1.734	1.734	
2 Bedroom	.041	.080	.039	.119	.038	1.554	1.752	
3 Bedroom	.063	.203	.117	.320	.093	2.310	2.786	

NOTE: There are only three significant categories provided in this chart. Because of the similarity of yields of all types of attached single family, only one category is provided. The same is true with apartments; thus only one category. Because of the short history of some newer types of detached and attached single-family units, individual evaluations may be necessary.

Number

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