

## 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.

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, provided, however, that site locations of a proposed development where the site is not located in a taxing district for parks or recreation, the developer shall be deemed exempt from the requirements of dedicating land and/or cash in lieu of land for park or recreation.

### SECTION I DEDICATION OF PARK LANDS 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 and Recreation Land Dedication

1. Location

A comprehensive Park District plan and/or appropriate standards adopted by affected Park Districts shall be used as a guideline in locating sites. A large map of the Park District, identifying the general vicinity planned for future park sites will be located in each Park District office.

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 the number of required acres per 1,000 population.

Example: Development of 300 total population

$$\begin{array}{rcl} \text{Total population} & \times & \frac{\text{the required acreage}}{\text{for 1,000 population}} = \text{Total acres required} \\ 300 & \times & \frac{5.5 \text{ acres}}{1,000} = 1.65 \text{ acres} \end{array}$$

3. The ultimate density formula of a proposed development shall bear directly upon the amount of land required for dedication. The total requirement shall be 5.5 acres of land per 1,000 of ultimate population in accordance with the following classification:

<u>TYPES OF RECREATION AREA</u>	<u>SIZE RANGE</u>	<u>MIN. ACRES PER 1,000 PEOPLE</u>
(a) Play Lot	Min. 8,000 sq. ft.	N/A
(b) School-Park (Neighborhood playground)	Min. park of 5 acres	1.25
(c) Neighborhood Park	Min. 3 1/2 acres	1
(d) District-wide Park	Min. 4 acres up to 30 acres	1.25
(e) Community-wide Recreation Park	Min. 12 acres up to 30 acres	2.0

TOTAL 5.5 Acres per 1,000 people

In general a substitution of private open space for dedicated parks will imply a substantially higher degree of improvements and the installation of recreational facilities, including equipment by the developer as part of his obligation. Detailed plans of such areas, including specifications of facilities to be installed, must be approved by the Park District Board and before any credit is given for private recreation areas, the subdivider or developer must guarantee that these private recreation areas will be permanently maintained for such use by the execution of the appropriate legal documents. When an adjustment for private recreation areas is warranted, it will be necessary to compute the total land dedicated that would have been required from the subdivision or planned unit development and then subtract the credit to be given.

B. Criteria for Requiring School Site Dedication

1. Location

A comprehensive School Plan and/or appropriate standards adopted by affected School Districts shall be used as a guideline in locating sites. A large map of the school district, identifying the general vicinity planned for future school sites, will be located in each school district office.

2. 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 such school classification over the, (b) maximum recommended number of students to be served in each such school classification as stated herein, and the 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.

Example: Development "A" will generate 60 elementary students

$$\frac{\text{estimated children per school classification}}{\text{maximum school classification recommendation}} \times \text{minimum recommendation per classification of school size} = \text{Acres to be dedicated}$$

$$\frac{60}{600} \times 11 \text{ acres} = 1.1 \text{ acres}$$

### 3. School Classification and Size of School Site

School classifications 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 classification</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 and School Sites

1. Where the development is small and the resulting site is too small to be practical, or when available land is inappropriate for park, recreational or school sites, the County shall require a cash contribution in lieu of the land dedication by the subdivider or unit developer. "Too small" in this section is defined as a total number of proposed dwelling units that, (a) will produce less than the maximum number of students for one school of each school classification as set forth in Section B-3, and (b) will produce less than the maximum number of persons for park of each class as set forth in Section A-3.
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 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 expansion to any existing school site or buildings which already serve or will serve such needs.
  - 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 the 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 the 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, 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 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, 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, 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. 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 or 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 Convenyance of Payment

1. The subdivider or developer shall convey to the respective school district and park district, the lands required under this agreement within thirty days after any 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 comprehensive plan or the standards of the County 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 purchase 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. Combining with Adjoining Developments

Where the subdivision of planned unit development is less than 40 acres, public open space or a school site which is to be dedicated should, where possible, be combined with dedications from adjoining developments in order to produce usable recreation areas or school sites without hardship on a particular developer.

#### H. 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 shall not differ greatly from surrounding land.

#### I. 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. The sidewalks and trees normally included within the definition of "improved" sites may be deleted due to the delay time between dedication of any such school site and construction of school facilities thereon.

SECTION II    ORDINANCE PROVISIONS

If any provisions 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 effective May 10, 1978 and shall be published in pamphlet form by authority of the Kendall County Board.

ADOPTED:    May 9, 1978.

  
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Chairman, Kendall County Board

ATTEST:   
\_\_\_\_\_  
Clerk

COMPUTATION EXAMPLE

SUBDIVISION DATA:

Type Housing	No. # Homes	Elem.		Jr. High		H. School		Over 21		Population
		Factor	Student	Factor	Student	Factor	Student	Factor	Adults	
3 BDR.	56	.67	37.52	.17	9.52	.30	16.80	2.00	112	175.84
4 BDR.	42	.76	31.92	.26	10.92	.42	17.64	2.26	94.92	155.40
TOTAL	98		69.44		20.44		34.44		206.92	331.24

DATA FROM TABLE I:

Factor

Formulas:

Students = No homes by type x Student Factor.

Adults = No homes by type x Adult Factor.

Family Population = Total Students (K-6, 7-8, 9-12) & Adults.

SCHOOL CONTRIBUTION:

Grade	No. # Students	School Size	School Acres	Acres Req'd.	Value Per Acre	Cash Donation
K-6	69.44	600	11	1.27	12,000	15,240.00
7-8	20.44	750	28	.76	12,000	9,120.00
9-12	34.44	1500	45	1.03	12,000	12,360.00

\$36,720.00

\* Acres Required =  $\frac{\text{No. Students Per Grade} \times \text{Minimum School Acres.}}{\text{Maximum School Size}}$

\* If "Acres Required" is less than "Minimum School Acres" a cash donation will be required.

Cash Donation = "Acres Required" x "Value Per Acre."

PARK CONTRIBUTION:

Family Pop.	Acres/1000	Acres Req'd.	Value/Acre	Cash Donation
331.24	5.5	1.82	\$12,000.00	\$21,840.00

\* Acres Required = Family Population x  $\frac{\text{Acres}}{1000}$

\* If "Acres Required" is less than "Park Size" (see park class.)  
A cash donation will be required.

Cash Donation = Acres Required x Value/Acre.

TOTAL CASH DONATION:

	Donation	No. # Homes	Per Home
School	\$36,720.00	*98	\$374.69
Park	\$21,840.00	98	\$222.85
Total	\$58,560.00	98	\$597.54

\* difference in 3 & 4 bedrooms is computed.

TABLE I

ESTIMATED ULTIMATE POPULATION PER DWELLING UNIT  
(Grade Grouping K-6, 7-8, 9-12)

<u>Type of Unit</u>	<u>Pre-School</u>	<u>Elementary</u>	<u>Junior High</u>	<u>Total</u>	<u>High School</u>		<u>Total Per Unit</u>
	<u>0-4 Years</u>	<u>Grades K-6 5-11 Years</u>	<u>Grades 7-8 12-13 Years</u>	<u>Grades K-8 5-13 Years</u>	<u>Grades 9-12 14-17 Years</u>	<u>Adults (18 &amp; up)</u>	
<b>Detached Single Family:</b>							
3 Bedroom	.306	.67	.17	.84	.30	2.00	3.446
4 Bedroom	.332	.76	.26	1.02	.42	2.26	4.032
5 Bedroom	.355	1.09	.45	1.54	.57	2.37	4.835
<b>Attached Single Family (Townhouse, Row House, Quadriplex, etc.):</b>							
1 Bedroom	-	-	-	-	-	1.52	1.520
2 Bedroom	.447	.156	.014	.17	.04	1.96	2.647
3 Bedroom	.503	.513	.087	.60	.16	1.96	2.647
4 Bedroom	.702	1.043	.227	1.27	.41	2.20	4.582
<b>Low Density Apartment (to 15/acre):</b>							
Efficiency	-	-	-	-	-	1.00	1.00
1 Bedroom	.070	.053	.016	.069	-	1.42	1.559
2 Bedroom	.357	.246	.043	.289	.063	1.85	2.559
3 Bedroom	.475	.445	.123	.568	.240	2.00	3.283
4 Bedroom	.500	.750	.170	.920	.330	2.10	3.850
<b>High Density Apartments (16+/acre):</b>							
Efficiency	-	-	-	-	-	1.00	1.000
1 Bedroom	.05	.031	.009	.040	.007	1.26	1.357
2 Bedroom	.21	.077	.023	.100	.029	1.43	1.769
3 Bedroom	.43	.177	.053	.230	.092	2.00	2.752