KENDALL COUNTY

LAND CASH ORDINANCE

1989
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 accommodate 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

\[
\text{Total population} \times \frac{\text{the required acreage}}{\text{for 1,000 population}} = \text{Total acres required} \\
300 \times \frac{10 \text{ acres}}{1,000} = 3 \text{ acres}
\]

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

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

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

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):

<table>
<thead>
<tr>
<th>Classification by Grades</th>
<th>Max. Number of Students for each classification</th>
<th>Min. Number of Acres of Land for each School Site Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elementary K-5</td>
<td>600 students</td>
<td>11 acres</td>
</tr>
<tr>
<td>Middle School 6-8</td>
<td>750 students</td>
<td>28 acres</td>
</tr>
<tr>
<td>High School</td>
<td>1500 students</td>
<td>45 acres</td>
</tr>
</tbody>
</table>

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 sub-
divider, developer, or public body files a written ob-
jection 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 evi-
dence. 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 with-
in 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 evi-
dence 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 pur-
chases 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 re-
quired 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

[Signature]
County Clerk

[Signature]
Chairman
<table>
<thead>
<tr>
<th>Apartment</th>
<th>1 BDRM</th>
<th>2 BDRM</th>
<th>3 BDRM</th>
<th>4 BDRM</th>
<th>5 BDRM</th>
<th>6 BDRM</th>
<th>1 BDRM</th>
<th>2 BDRM</th>
<th>3 BDRM</th>
<th>4 BDRM</th>
<th>5 BDRM</th>
<th>6 BDRM</th>
<th>1 BDRM</th>
<th>2 BDRM</th>
<th>3 BDRM</th>
<th>4 BDRM</th>
<th>5 BDRM</th>
<th>6 BDRM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attached Single Family (Townhouse, Row House, Quadplex, etc)</td>
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</tr>
<tr>
<td></td>
<td>1.79%</td>
<td>3.36%</td>
<td>2.17%</td>
<td>1.89%</td>
<td>1.86%</td>
<td>1.84%</td>
<td>1.83%</td>
<td>1.82%</td>
<td>1.81%</td>
<td>1.80%</td>
<td>1.79%</td>
<td>1.78%</td>
<td>1.77%</td>
<td>1.76%</td>
<td>1.75%</td>
<td>1.74%</td>
<td>1.73%</td>
<td>1.72%</td>
</tr>
<tr>
<td></td>
<td>0.93%</td>
<td>0.94%</td>
<td>0.94%</td>
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<td>0.94%</td>
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<td>0.94%</td>
<td>0.94%</td>
<td>0.94%</td>
</tr>
</tbody>
</table>

**Total Unit**

Pre-School, Elementary, Jr. High, Total K-8 High School Adults

**Estimated Ultimate Population Per Dwelling Unit**

<table>
<thead>
<tr>
<th>Type of Unit</th>
<th>Pre-School</th>
<th>Elementary</th>
<th>Jr. High</th>
<th>Total K-8 High School Adults</th>
</tr>
</thead>
</table>

1988 Illinio School Consulting Service

Table of Estimated Ultimate Population per Dwelling Unit
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>
<thead>
<tr>
<th>Type of Single Family</th>
<th>0-4 Years</th>
<th>5-10 Years</th>
<th>11-17 Years</th>
<th>18+ Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attached Single Family</td>
<td>0-4 Years</td>
<td>5-10 Years</td>
<td>11-17 Years</td>
<td>18+ Years</td>
</tr>
<tr>
<td>3-bedroom</td>
<td>100</td>
<td>150</td>
<td>200</td>
<td>250</td>
</tr>
<tr>
<td>2-bedroom</td>
<td>75</td>
<td>112</td>
<td>150</td>
<td>187</td>
</tr>
<tr>
<td>1-bedroom</td>
<td>50</td>
<td>75</td>
<td>100</td>
<td>125</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Detached Single Family</th>
<th>0-4 Years</th>
<th>5-10 Years</th>
<th>11-17 Years</th>
<th>18+ Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>4-bedroom</td>
<td>125</td>
<td>180</td>
<td>225</td>
<td>270</td>
</tr>
<tr>
<td>3-bedroom</td>
<td>100</td>
<td>140</td>
<td>180</td>
<td>220</td>
</tr>
<tr>
<td>2-bedroom</td>
<td>75</td>
<td>110</td>
<td>150</td>
<td>190</td>
</tr>
</tbody>
</table>

**Nota:** The above categories are provided to assist in the selection of the best option. Because of the similarity of options on all types of attached single-family houses, the number of bedroom options are the same. Because of the similarity of various types, there may be no need to choose one category.