

TABLE OF CONTENTS

Sec. 1	General Requirements
Sec. 2	Determination of Fees
Sec. 3	Criteria for Determining Land vs Cash Donation
Sec. 4	Criteria for Calculating Fee and/or Land Donation
Sec. 5	Criteria for Donation of School Sites
Sec. 6	Criteria for Donation of Park Sites
Sec. 7	Criteria for Objection to this Chapter
Sec. 8	Criteria for re-subdivision and/or re-development
Sec. 9	Criteria for expenditure of monies
Sec. 10	Definitions

Sec. 1 General Requirements –

- a. As a condition of approval for residential construction, all **Residential Development** will be required to donate to the Schools and **Parks** in accordance with this Chapter.
- b. This Chapter shall be effective on March 1, 2020.
- c. The County shall have the right to delegate the authority for determining/collecting monies for Schools or **Parks** to other public bodies designated by the Plat Officer. The County will retain final authority over application of this Chapter.
- d. If any part of the **Residential Development** is within an Intergovernmental Boundary Agreement (IGA) or a mile and a half from the Corporate Limits of a **Municipality**, donations for the entire site will be based on the Ordinance of that **Municipality**.
- e. **Residential Development** within a platted subdivision, that was recorded with the County Recorder after January 1, 1973, and the Land/Cash obligation was previously met, this Chapter will not apply. This does not apply to re-subdivision or redevelopment as described in Section 8.
- f. In the event any portion of this Chapter is in conflict with another Ordinance from Kane County or any community within the County, the more restrictive of the two shall take precedence.

Sec. 2 Determination of fees will be based on one of the following:

- a. **Residential Development** within a platted subdivision, recorded with the County Recorder before January 1, 1973, and the Land/Cash obligation was not met, this Chapter will apply. If the platted lot is located within the IGA or a mile and a half from the Corporate Limits of a **Municipality**, Land/Cash fees will be calculated per that **Municipality** Ordinance. If the platted lot is located outside of an IGA or a mile and a half from the Corporate Limits of a **Municipality**, Land/Cash fees will be per this Chapter.
- b. **Residential Development** (metes & bound/unplatted parcel) is located within the IGA or a mile and a half from the Corporate Limits of a **Municipality**, Land/Cash fees will be calculated per that **Municipality** Ordinance.
- c. **Residential Development** (metes & bound/unplatted parcel) is outside of an IGA or a mile and a half from the Corporate Limits of a **Municipality**, Land/Cash fees will be per this Chapter.
- d. **Residential Development** to be created by a proposed subdivision in unincorporated Kane County and is located within the IGA or a mile and a half from the Corporate Limits of a **Municipality**, Land/Cash fees will be calculated per that **Municipality** Ordinance.
- e. **Residential Development** to be created by a proposed subdivision in unincorporated Kane County and is outside of an IGA or more than a mile and a half from the Corporate Limits of a **Municipality**, Land/Cash fees will be per this Chapter. If the number of bedrooms is unknown, donations will be calculated using 4 bedrooms.

Sec. 3 Criteria for Determining Land vs Cash Donation –

- a. All metes & bound/unplatted lots will be required to pay cash fees to meet their obligation for Land/Cash. Donation will be by certified checks, payable to the School and **Park** Districts serving the parcel. These checks must be submitted to the Development Department prior to, or at the time of, Building Permit issuance.
- b. Minor Subdivisions will be required to pay cash fees to meet their obligation for Land/Cash. Donation will be by certified checks, payable to the School and **Park** Districts serving the

parcel. These checks must be submitted to the Plat Officer prior to, or at the time of, the Plat Officer signing the plat. Upon recording of the plat, the checks will be forwarded to the School and **Park** Districts.

c. Major Subdivisions:

- i. During the Concept Phase, the Plat Officer shall determine if Kane County or another public body designated by the County, will have jurisdiction.
- ii. In the event jurisdiction is granted to another public body, the subdivision shall conform to the Land/Cash Ordinance of the governing agency.
- iii. In the event jurisdiction is retained by Kane County, the Schools and **Park** Districts will make the determination if they want cash donation, land donation or a combination thereof. A **Developer** may reach an agreement with the Schools and **Parks** outside of this Ordinance, or they may use the following steps:
 1. During the Concept phase of the development, the Schools and **Parks** will advise the Plat Officer of their desire for land, cash or combination thereof.
 2. The Plat Officer will convey the desires of the Schools and **Parks** to the **Developer** of the subdivision.
 3. Should the Schools and/or **Parks** not convey their desire for land or cash or a combination thereof, the Plat Officer will move forward using a cash donation.
 4. The subdivision plat will identify the land for Schools or **Park** Districts by Lot or Parcel number. The **Developer** shall convey the respective land to the School or **Park** within 30 days after the subdivision is recorded in the Kane County Recorder's Office.
 5. If Cash donation is to be used, fees will be by certified check, payable to the School and **Park** Districts serving the parcel. These checks must be submitted to the Plat Officer prior to the final plat recording. Upon recording of the plat, the checks will be forwarded to the School and **Park** Districts.
- iv. In the event an agreement is reached outside of this Ordinance with the Schools and/or **Parks**, verification of the agreement shall be provided to the Plat Officer.
- v. Building permits and/or permits for construction may not be granted until the Land/Cash requirement has been met and the subdivision plat is recorded.

Sec. 4 Criteria for Calculating Fee and/or Land Donation –

- a. Development sites that have been delegated to another jurisdiction, will conform to that **Municipality** Land/Cash Ordinance for calculating fees and/or land dedication.
- b. Development sites outside the limits of an Intergovernmental Boundary Agreement or a mile and a half from the Corporate Limits of a **Municipality** will use the following constants:
 - i. The Population Per Dwelling Unit Table shall be as follows:

Type of Unit	Pre-School 0-4 Years	Elementary Grades K-6 5-11 Years	Junior Grades 7-8 12-13 Years	Total of Grades K-8 5-13 Years	High School Grades 9-12 14-17 Years	Adults 18 Years +	Total Per Dwelling Unit
<u>Detached Single Family</u>							
2 Bedroom	0.113	0.143	0.041	0.184	0.020	1.700	2.017
3 Bedroom	0.292	0.422	0.120	0.542	0.184	1.881	2.899
4 Bedroom	0.418	0.644	0.184	0.828	0.360	2.158	3.764
5 Bedroom	0.283	0.461	0.132	0.593	0.300	2.594	3.770
<u>Attached Single Family</u>							
1 Bedroom	0.000	0.000	0.000	0.000	0.000	1.193	1.193
2 Bedroom	0.064	0.106	0.030	0.136	0.038	1.751	1.990
3 Bedroom	0.212	0.227	0.065	0.292	0.059	1.829	2.392
4 Bedroom	0.323	0.370	0.106	0.476	0.173	2.173	3.145
<u>Apartments</u>							
Efficiency	0.000	0.000	0.000	0.000	0.000	1.294	1.294
1 Bedroom	0.000	0.002	0.001	0.003	0.001	1.754	1.758
2 Bedroom	0.047	0.100	0.028	0.128	0.046	1.693	1.914
3 Bedroom	0.052	0.278	0.079	0.357	0.118	2.526	3.053

Copyright 1996, Illinois School consulting Service Associated Municipal consultants, Naperville, Illinois

- ii. School Classification by Grades shall be as follows:

Classification by School	Maximum Number of Students Per School	Minimum Number of Acres Per School
Elementary School	600 Students	15 Acres
Junior School	900 Students	35 Acres
High School	1,500 Students	80 Acres

- iii. **Park Dedication Ratio** is 10 Acres of land per every 1000 population, and based on the following table:

Minimum Park Donation		Acres Per 1000 People
1	School Park (play lot or neighborhood playground), with a minimum size of 1.0 to 5.0 Acres	1.25
2	Neighborhood Park, with a minimum size of 3.5 Acres	1.00
3	District wide park or play field, with a minimum size of 4.0 Acres up to 30.0 Acres	1.25
4	Community wide recreation park with a minimum size of 12.0 Acres up to 30.0 Acres	2.00
5	County wide forest preserve or subregional open space, with a minimum size of 100 Acres to 500 Acres	4.50
		10.0 Acres

- iv. The present "Fair Market Value" for an Acre of land in Kane County shall be \$80,000.
- v. Calculation of the fees shall be per the following formulas:

For Cash Donation to the School District

Population Per Dwelling Per Bedroom Constant	Number of Lots/Units in Development	Students Per Classification Table	Acres of Land Per Classification Table	Ratio	Fair Market Value (FMV)	Cash Donation
Elementary	x No.	/ 600	x 15	= Ratio	x (FMV)	= \$
Junior	x No.	/ 900	x 35	= Ratio	x (FMV)	= \$
High	x No.	/ 1500	x 80	= Ratio	x (FMV)	= \$
Total Due to School District =						\$

For Land Donation to the School District

Population Per Dwelling Per Bedroom Constant	Number of Lots/Units in Development	Students Per Classification Table	Acres of Land Per Classification Table	Acres to be Dedicated
Elementary	x No.	/ 600	x 15	= Acreage
Junior	x No.	/ 900	x 35	= Acreage
High	x No.	/ 1500	x 80	= Acreage
Total Acreage Due to School District =				Acreage

For Cash Donation to the Park District

Population Per Dwelling Per Bedroom Constant	Number of Lots/Units in Development	Population Expected	Constant of 1000 Population	Constant of 10 Acres	Fair Market Value (FMV)	Cash Donation
Total per Dwelling Unit	x No.	=	No. of Population / 1000	x 10	x (FMV)	= \$

For Land Donation to the Park District

Population Per Dwelling Per Bedroom Constant	Number of Lots/Units in Development	Constant of 1000 Population	Constant of 10 Acres	Acreage to be Donated
Total per Dwelling Unit	x No.	/ 1000	x 10	= Acreage

Sec. 5 Criteria for Donation of School Sites

- a. If Kane County has delegated the authority of Land/Cash to a **Municipality**, the “improved” site will be in accordance with the Land/Cash Ordinance of that **Municipality**.
- b. Where possible, **Park** and School lands should be contiguous to accrue benefits to both districts, such as maintenance and year round use of the facilities.
- c. In the event a School District desires land within a subdivision beyond the **Developer’s** required donation, the **Developer** shall hold the additional land in reserve for one year from the date of the recorded plat. The School District will have one year to purchase the reserved land, using the same calculation from the original donation. After one year, if the School District has not acquired the reserved land, the **Developer** is released from their obligation to reserve the land.
- d. The topography, geology and soils of the dedicated site as well as its surroundings must be suitable for its intended purpose. Grading and drainage of sites dedicated shall be consistent with those purposes and comply with the Kane County Stormwater Management Ordinance. Sites which will rely on an on-site waste water disposal system must be in compliance with the requirements of Chapter 18 of the Kane County Code prior to acceptance and dedication.
- e. Prior to dedication, the **Developer** shall improve the site with full service of electrical, communications, natural gas, water, sewer and roads where these services are within 300 feet of the site and as applicable to the location of the site, or acceptable provision must be made therefor. The sidewalks and trees normally included in the definition of “improved” sites may be deleted due to the delay between dedication of any such school site and construction of school facilities thereon.

Sec. 6 Criteria for Donation of Park Sites

- a. If Kane County has delegated the authority of Land/Cash to a **Municipality**, the “improved” site will be in accordance with the Land/Cash Ordinance of that **Municipality**.
- b. Where possible, **Park** and School lands should be contiguous to accrue benefits to both districts, such as maintenance and year round use of the facilities.
- c. In the event a **Park** District desires land within a subdivision beyond the **Developer’s** required donation, the **Developer** shall hold the additional land in reserve for one year from

- the date of the recorded plat. The **Park** District will have one year to purchase the reserved land, using the same calculation constants from the original donation. After one year, if the **Park** District has not acquired the reserved land, the **Developer** shall reclaim ownership of the reserve land.
- d. The topography, geology and soils of the dedicated site as well as its surroundings must be suitable for its intended purpose. Grading and drainage of sites dedicated shall be consistent with those purposes and comply with the Kane County Stormwater Management Ordinance. Sites which will rely on an on-site waste water disposal system must be in compliance with the requirements of Chapter 18 of the Kane County Code prior to acceptance and dedication.
 - e. Prior to dedication, the **Developer** shall improve the site with full service of electrical, communications, natural gas, water, sewer and roads where these services are within 300 feet of the site or where these services are required for the desired recreational uses, or acceptable provision be made therefor. The degree of improvements shall be determined according to the nature of and the projected uses of such **Park** land.

Sec. 7 Criteria for Objection to this Chapter

- a. All objections to this Chapter must be in writing, initiated by the **Developer**, and addressed to the Plat Officer.
- b. In the event the **Developer** files a written objection to any items within this Chapter, they may submit their own demographic study for consideration. It is recognized that population density, age distribution and local conditions change over the years and the specific formula for the dedication to Schools and **Parks** as stated herein is subject to periodic review and amendment if necessary. Final determination of the formulas and constants to be used shall be approved by the Kane County Development Committee.
- c. The County may adjust the amount of the School and/or **Park** fees if one of the following circumstances exist;
 - i. The **Developer** can demonstrate to the County's satisfaction that the fee assessment was incorrectly calculated.
 - ii. Unusual and unique circumstances identified by the **Developer** demonstrate that if the standard impact fee amount were applied to the development, it would be unfair, unjust or unlawful.
- d. If the objection is denied by the Plat Officer, the **Developer** has the right to present their objection to the Kane County Development Committee for final determination.
- e. Impact fees may be paid under protest in order to obtain a permit or other development approval.

Sec. 8 Criteria for re-subdivision and/or re-development

- a. Where an existing Development is rezoned or **repurposed** to contain **Residential Development**, it will be subject to the regulations of this Chapter.
- b. Where a parcel(s), which is part of a platted subdivision that has already provided their land/cash obligation, seeks to alter the parcel(s), the following shall be followed:
 - i. In the event of a parcel being resubdivided which yields an increase in the number of residential lots, the **Developer** will be responsible for Land/Cash donations for the additional lots only, based on the jurisdiction granted by this Chapter.
 - ii. In the event of a parcel being resubdivided, which yields a decrease in the number of residential lots, the **Developer** agrees to forfeit the overpayment.

Sec. 9 Criteria for expenditure of monies

- a. Monies collected pursuant to this chapter are intended for School and/or **Park** land acquisition costs or School and/or **Park** facility costs.
- b. Land acquisition cost may include,
 - i. All costs of acquiring the land.
 - ii. All costs of leasing land/property for the purpose of temporarily providing services.
 - iii. Fees, including but not limited to, planning, design, title and survey, brokerage fees, attorney fees, architectural/engineering, environmental investigation, any other fees that are directly related to the acquisition of land.
- c. Facility costs may include,
 - i. All costs of constructing a facility.
 - ii. All costs, including but not limited to, renovations, improvements/upgrade, life-safety mandates, additions, special assessments for capital improvements.
- d. In no event shall monies collected by this Chapter be used for Operating Expenses or routine maintenance expenses.

a. Criteria for expenditure of monies

- b. By their acceptance of land or cash, or both, pursuant to the provisions hereof, the School or **Park** Districts as the case may be, shall defend and indemnify the County against any loss, cost or expense, including reasonable attorney's fees, arising out of, or on account of, any land or payments designated for said School or **Park** Districts under the provisions of this chapter.
- c. The County shall obtain and keep on file an Intergovernmental Agreement for each community in which this Chapter is in effect.
- d. In the event a School District or **Park** Districts elects to not participate in this Chapter, they will provide a letter to the Plat Officer notifying the Officer of their non-participation.

Sec. 10 Definitions

- a. Terms used in this Chapter may be further clarified with definitions. Words with definitions are noted in a bold font.
- b. Definitions shown within this Chapter are specific to this Chapter.
- c. Additional definitions, not noted below, may be found in the Subdivision Regulations and/or the Zoning Code.

Bedroom – Includes any room which may be used for bedroom purposes, such as a den, study, loft, or extra room located on any floor in a dwelling unit, which contains a bedroom style closet, is a minimum of seventy (70) square feet, and not clearly identified for some other specific purpose such as a kitchen, bathroom, living room, dining room or family room.

Developer(s) Any person who undertakes Development or certifies Development on such persons behalf.

Dwelling(s) House(s), building(s) or other structure(s) that is(are) suitable or capable of being used for residential purposes.

Municipality A general term used to represent a town, village or city.

Park(s) - General term used to represent a Park District or the Kane County Forest Preserve.

Residential Development – A type of subdivision or development that once constructed, will contain **Dwellings(s)**. This includes all **Dwelling** types defined in the Kane County Zoning Ordinance: attached, detached, multiple-family, single-family or two-family.

Repurposed – To alter the use or restrictions of a development, on a long term basis.