

138.4 LAND DEDICATIONS, CONTRIBUTIONS IN LIEU, AND IMPACT FEES

A. Dedication of School Sites or Cash Contributions in Lieu Thereof. As a condition of approval of a final plat of subdivision or final plat of a planned development, each subdivider, developer or builder will be required to dedicate land within the school district boundaries for school sites, to serve the immediate and future needs of the residents of the development for school land acquisition costs of school facility costs, or make a cash contribution in lieu of actual land dedication, or a combination of both, in accordance with the following criteria and in substantial accordance with this Section.

1. Criteria for Requiring School Sites Dedication.

a. Requirement and Population Ratio.

- i. The ultimate number of students to be generated by a subdivision or planned development shall bear directly upon the amount of land required to be dedicated for school sites.
- ii. The land dedication requirement shall be determined by obtaining the ratio of: (1) estimated children to be served in each school classification from the Table of Population Density in Section 138.4(G) over the (2) maximum recommended number of students to be served in each school classification as stated herein and then applying such ratio to the (3) said minimum recommended number of acres for a school site of each such school classification as stated herein. The product thereof shall be the areas of land deemed needed to have sufficient land for school sites to serve the estimated increased number of children in each school classification.

b. School Classification and Size of School Site.

- i. School classifications and size of school sites within the Village shall be determined in accordance with the following criteria:

School Classification by Grades	Maximum Number of Students for each Minimum School Classification	Number of Acres of Land for each School Site of Classification
Elementary Schools	600 students	11 acres
Junior High Schools	900 students	29 acres
Senior High Schools	1,500 students	45 acres

- ii. The comprehensive school plan and/or the standards adopted by the affected school district shall be used as a guideline in locating sites.

2. Criteria for Requiring a Cash Contribution in Lieu of a School Site.

- a. For a small development, where the resulting school site is too small to be practical or when the available land is inappropriate for a school site, the Village, with the recommendation of the Board of Education of the school districts affected, shall require, at the discretion of the school district, the subdivider, developer or builder, to pay an cash contribution in lieu of land dedication required.
- b. The determination of whether available land is appropriate for a school site shall be made by the local school board. Any builder, subdivider or developer affected may request a hearing before the Village Board on the question of whether the proposed land is appropriate as a school site. Any builder, subdivider or developer affected as well as the local school board may present evidence at the hearing and in addition, the Village Board, in its discretion, may hear evidence from other interested persons.
- c. The cash contribution in lieu of land shall be based on the fair market value of the acres of fully improved residential land in the area after development, determined in accordance with §138.4(H). Each school district, if it is to be a recipient of funds under this Section, shall, prior to July 1st of each year, recommend to the Village Board a valuation indicating the current market value of an improved acre within that school district. The recommended valuation shall include a MAI (Member of the Appraisal Institute) appraisal which should include multiple acre parcels suitable for school sites (if available). Said multiple acre parcels are to be defined in the same manner as an improved acre is defined in this Section. A high school district may recommend more than one valuation which shall correspond and be identical to the valuations within the elementary feeder districts the high school district serves. Final determination of the fair market value per acre of the improved land shall be made by the Village Board based on information submitted by the school district, subdivider or developer, and from other sources as submitted to the Village Board by affected parties.

3. Criteria for Requiring Dedication and Cash Contribution.

There will be situations in a subdivision or planned development when a combination of land dedication and cash contribution, are necessary. These occasions will arise when:

- a. Only a portion of the land to be developed is proposed as the location for a school site. That portion of the land within

the subdivision or planned development falling within the school location shall be dedicated as a site as aforesaid, and a cash contribution shall be required for any additional land that would have been required to be dedicated; and

- b. A major part of the school site has already been acquired and only a small portion of land is needed from the development to complete the site. Dedication of the remaining portions of the school site and a cash contribution shall be required.

4. **Reservation of Additional Land.** Where the comprehensive plan or the standards of the Village shall call for a larger amount for school sites in a particular subdivision or planned development than the developer is required to dedicate, the additional land shall be reserved for subsequent purchase by the Village or other public body designated by the Village provided that the acquisition is made within one year from the date of approval of the final plat.
5. **Combining With Adjoining Developments.** Where the subdivision or planned development is less than 40 acres, a school site which is to be dedicated shall be situated in relation with adjoining developments in order to produce usable school sites.
6. **Dedicated Sites.** In addition to the requirements listed in §138.4(A)(2) of this chapter, all dedicated sites shall be improved in accordance with the requirements of §138.3(A)(6) or any similar successor ordinance promulgated by the Village.
7. **Time of Conveyance.** The subdivider or developer shall convey to the respective school districts the land required under this chapter within 30 days after any subdivision plat or final plat of a planned development is recorded in the Will County Recorder's Office. All improvements to the site shall be completed within the time as required by the Village. A subdivider, developer or builder shall make any cash contributions required under this chapter prior to the issuance of any building permit by the Village. Payments shall be made directly to the school district or districts wherein the development, subdivision or building is located and evidence of the payment shall be made at the time of application for the building permit. The amount of each payment of cash shall be determined by the Village and subdivider and/or developer at the time of the approval of the final subdivision plat or final plat of a planned unit development. The schedule of payments shall be filed with the Village Clerk.
8. **Expenditure of Monies.** The monies collected pursuant to this Subsection are intended for school land acquisition costs or school facility costs.

B. School Facilities Impact Fees. The Village requires the payment of school facility impact fees as a condition of the annexation of territory to the Village and approval of a planned unit development, with residential uses. The approval of a planned unit development, with residential uses, shall also require the payment of the school facilities impact fee in substantial accordance with this Section.

1. Use of Fees. The school facilities impact fees provided hereunder shall be used by the recipient school districts for new school buildings, building additions and improvements, school site improvements, and related infrastructure; provided, however, that if a fiscal impact statement demonstrates that the costs associated with educating students reasonably expected to be generated by the subject development exceed the projected tax revenues therefrom, then the recipient school districts may use the school facilities impact fees to the extent necessary to make up any projected shortfall specifically and uniquely attributable to the subject development.

2. Payment of Fees.

- a. School facilities impact fees shall be paid in full for a particular residential dwelling unit in one of the two following manners:
 - i. Payment in full shall be made at the time of application for a Village permit to construct the dwelling unit; or
 - ii. Payment in full shall be made prior to the issuance of a certificate of occupancy for the dwelling unit, but in no event later than 12 months from the date the Village issues a permit to construct a dwelling unit.
- b. If the option in §(B)(2)(a)(ii) above is chosen, the applicant must sign an agreement with the Village requiring the applicant to make payment of the school facilities impact fees within 12 months from the date of issuance of the permit to construct the dwelling unit, regardless of whether the construction has been completed, and provide evidence to the Village that the required school facilities impact fees have all been paid in full no later than 12 months from the date of issuance of the permit to construct the dwelling unit. This agreement will include a provision requiring the applicant to pay an additional fee, in the amount of two times the required school facilities impact fee, if the applicant does not make payment and provide evidence to the Village that all required school facilities impact fees have been paid in full within 12 months of the date of issuance of the permit to construct the dwelling unit.
- c. The school facilities impact fees shall be paid directly to the school district or districts in which the dwelling unit is located, and are in addition to the requirements of Chapter 138.4(E), Dedication of Park Lands or Payment of Cash in Lieu Thereof, of the Village Code. The amount of the school facilities impact fees to be paid will be the amount of the respective school

facilities impact fee in effect at the time the payment is to be made.

- d. Depending on which payment option is selected by the applicant, evidence of payment of the required school facilities impact fees, issued by the respective school districts to the applicant, must be submitted by the applicant to the Village Manager at either the time when the applicant applies to the Village for a building permit or on a date not later than 12 months after the date the Village issues the permit to construct the dwelling unit.
- e. If the applicant selects the payment option in § (B)(2)(a)(i), failure to provide sufficient evidence of the required payment shall constitute sufficient grounds for the denial of the application for a building permit. If the applicant selects the payment option in § (B)(2)(a)(ii), failure to provide timely evidence of the required payment shall constitute sufficient grounds for the suspension or revocation of the building permit. In addition, the Village Manager may refuse to issue a certificate of occupancy or may revoke any temporary certificate of occupancy that has been issued.

C. Approved Cash Contributions in Lieu of School Site Dedications and School Facilities Impact Fees. The most recent calculations for cash contributions in lieu of school site dedications, and school facilities impact fees, approved by the Village Board are as follows:

Elementary School Districts
(Kindergarten through 8th grade)

Homer School District 33C

	Cash Contributions in Lieu of School Site Dedications	School Facilities Impact Fees	Total Contribution/Fee
Detached Single-Family Home			
2-bedroom	\$315.42	\$679	\$994.42
3-bedroom	\$928.27	\$2,917	\$3,845.27
4-bedroom	\$1,418.84	\$3,910	\$5,328.84
5-bedroom	\$1,016.40	\$3,910	\$4,926.40
Attached Single-Family Home			
1-bedroom	\$0	\$0	\$0
2-bedroom	\$232.80	\$727	\$959.80
3-bedroom	\$500.49	\$1,204	\$1,704.49
4+bedroom	\$815.91	\$1,918	\$2,733.91
Apartments			
1-bedroom	\$5.51	\$12	\$17.51
2-bedroom	\$218.84	\$515	\$733.84
3-bedroom	\$611.38	\$1,481	\$2,092.38

School District 92

	Cash Contributions in Lieu of School Site Dedications	School Facilities Impact Fees	Total Fee
Detached Single-Family Home			
2-bedroom	\$295.71	\$679	\$974.71
3-bedroom	\$870.25	\$2,917	\$3,787.25
4-bedroom	\$1,330.17	\$3,910	\$5,240.17
5-bedroom	\$952.88	\$3,910	\$4,862.88
Attached Single-Family Home			
1-bedroom	\$0	\$0	\$0
2-bedroom	\$218.25	\$727	\$945.25
3-bedroom	\$469.21	\$1,204	\$1,673.21
4+bedroom	\$764.92	\$1,918	\$2,682.92
Apartments			
1-bedroom	\$5.17	\$12	\$17.17
2-bedroom	\$205.17	\$515	\$720.17

3-bedroom	\$573.17	\$1,481	\$2,054.17
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High School District
(9th grade through 12th grade)

School District 205

	Cash Contributions in Lieu of School Site Dedications		School Facilities Impact Fees	Total Fee	
	33C	92		33C	92
Detached Single-Family					
2-bedroom	\$48	\$45	\$117	\$165	\$162
3-bedroom	\$442	\$41	\$1,316	\$1,75	\$1,73
4-bedroom	\$864	\$81	\$1,310	\$2,17	\$2,12
5-bedroom	\$720	\$67	\$1,310	\$2,03	\$1,98
Attached Single-Family					
1-bedroom	\$0	\$	\$0	\$0	\$0
2-bedroom	\$91	\$86	\$216	\$307	\$302
3-bedroom	\$142	\$13	\$371	\$513	\$504
4+bedroom	\$415	\$38	\$972	\$1,38	\$1,36
Apartments					
1-bedroom	\$2	\$	\$6	\$8	\$8
2-bedroom	\$110	\$10	\$246	\$356	\$350
3-bedroom	\$283	\$26	\$679	\$962	\$945

D. Dedication of Land or Fees for Fire Station Sites. Recognizing the critical importance of the Homer Township Fire Protection District, the Northwest Homer Fire Protection District and the Mokena Fire Protection District and/or the New Lenox Fire Protection District (collectively, the "Districts") need for adequate fire station sites, fire stations, the necessary tools, equipment, supplies, personal protective equipment and other resources, including resources sufficient to provide current and ongoing training to their personnel, the Village has established this Subsection to require mandatory dedication of land and/or cash payments in lieu thereof from developers of property located within the Village and property which is sought to be annexed into the Village to assist in defraying the cost incurred by the Districts to provide emergency and fire services as a result, in whole or in part, of the development of the property, and to establish guidelines for the calculation and dedication or payment of such land dedications or cash payments in lieu thereof. Any person or entity seeking to develop any land ("developer") within the Village or any land that is ultimately annexed into the Village, where such development requires the approval of a final plat of subdivision by the Village or the approval and issuance of a building permit by the Village, shall, as a condition of such final plat or building permit approval for construction of a new principal structure, comply with the cash payment and land dedication requirements set forth in this Subsection.

1. **Dedication or Cash Payment Required.** A developer, with the consent of the Village and the District in which the land proposed to be developed is located, shall dedicate land for a fire station site. When the development is small and the resulting proposed fire station site is too small to be practical or when the available land is inappropriate for a fire station site, the developer shall make a cash payment in lieu of the land dedication calculated in accordance with § (D)(2) of this Subsection. The cash payment in lieu of fire protection district land dedication shall be used by the Districts for the acquisition of fire station sites, the construction of fire stations, the acquisition of tools, equipment, supplies, personal protective equipment and other resources, to serve the immediate or future needs of the residents of that subdivision or development or for the improvement of other existing local fire stations that already serve such needs or for any other lawful purpose related to the provision of fire protection services. Developers shall complete the required land dedication or cash payment in lieu thereof prior to final plat approval or the approval and issuance of the first building permit within the parcel of land proposed to be developed. Developers shall make all land dedications and cash payments in lieu thereof required to be made pursuant to this Subsection directly to the District at issue and shall simultaneously provide written documentation to the Village Manager evidencing such land dedication or cash payment in lieu thereof.

2. **Amount of Cash Payment.** The following guidelines shall apply for the determination of the amount of the cash payments in lieu of land dedications:
 - a. For residential units, the required contribution shall be computed by multiplying the total acreage to be developed by the ratio of the number of acres required for residential fire protection purposes (three acres for each 1,280 acres proposed to be developed residentially, or 0.00234 acre for each acre of residentially developed property) and multiplying that product by the price per acre; provided, however, the required cash payment shall be not less than \$500 per residential unit. The price per acre shall be the present fair market value of an acre of fully improved land in or around the Village as stated in §138.4(H). The Village may reconsider the aforesaid valuation and make such adjustments thereto as may be necessary from time to time.
 - b. For commercial and industrial buildings, the required cash payment in lieu of land dedication shall be determined by multiplying \$0.05 per square foot of gross building area; i.e., that area encompassed by the exterior walls of the commercial or industrial building in question.

3. **Condition of Dedicated Land Sites.** All land sites shall be dedicated in a condition ready for full service of electrical, gas, telephone and other utility lines, water, sewer and streets (including enclosed drainage and curb and gutter), as applicable to the location of the site, and shall otherwise comply with Village Code requirements. In addition, all land sites shall be suitable for constructing a fire station facility and shall be free of any environmental contamination.
4. **Deferral Cash Payments; Exemption for Single-Family Dwellings.** Payment of cash-in-lieu payments may be deferred until time of the issuance of the first building permit for any building or structure located on the parcel or tract of property in question. Furthermore, notwithstanding anything else herein to the contrary, nothing herein shall be construed to render the provisions of this Subsection applicable in any manner to any development of any property with a single-family residence, where such residence is either presently occupied by the owner thereof, and the owner/occupant is proposing the development of accessory uses permitted under Chapter 220, Zoning, thereon, proposing the repair, expansion or improvement of any presently existing structure on the property in question, or where the property in question is proposed to be improved with not more than one single-family residence to be occupied by the developer thereof.
5. **Supersession of State Law.** Any non-preemptive state statute in conflict with this Subsection is hereby superseded to the full extent of such conflict pursuant to the exercise of the Home Rule powers of the Village.

E. Dedication of Park Lands or Payment of Cash in Lieu Thereof. As a condition of approval of a final plat of a residential subdivision or development or of a final plat or plan for planned development, each subdivider, owner or developer of the land in question will be required to dedicate land for park and recreational purposes to serve the immediate and future needs of the residents of the development or subdivision in question, or a cash contribution in lieu of actual land dedication, or a combination of both, at the option of the Village of Homer Glen, in accordance with the following requirements.

1. **Criteria for Requiring Park and Recreational Land Dedication.**
 - a. *Amount of land required.*
 - i. The ultimate population density to be generated by a subdivision or 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.

- ii. The total requirement shall be 11 acres of park or recreational land, or cash in lieu of land, per 1,000 of ultimate population. The following table shall be a guideline for park and recreational land distribution of the lands donated hereunder, reflecting the types and sizes of parks and recreational facilities anticipated to be required or desired:

Types of Park / Recreation Area	Minimum Size (acres)
School-park (neighborhood playground)	5
Neighborhood park	3.5
District-wide park	4
Community-wide Recreation	12

- iii. The Table of Population Density in Subsection 138.4(G) specifies the number of persons reasonably estimated to be generated by the several types of dwelling units that may be built within a residential development or subdivision, and, by multiplying these population equivalents by the number of each type of dwelling unit proposed to be constructed within such development or subdivision, shall be utilized to arrive at the total number of persons expected to reside within the development or subdivision; in turn, the total population figure shall be multiplied by the requirement of 11 acres of park or recreational land per 1,000 persons to arrive at the total number of acres of land required to be donated or contributed hereunder to the Village of Homer Glen.
- b. *Location and Ownership.* The Village Comprehensive Plan, Land Use Map of the Village, present availability of park or recreational facilities, recommendations of Village committees, commissions or other bodies, published guidelines or standards of nationally recognized park or recreational land associations, and the concerns of civic or resident groups may be utilized by the Village of Homer Glen as guidelines in locating sites. Other factors being equal, park sites having at least 66 feet of frontage on dedicated public roads are most desirable. Park and recreational areas should also be designed to be accessible to the residents of the surrounding area in which they are located and to maximize the usefulness of the acreage being donated. Proposed subdivisions may be designed to provide passive and active recreation improvements. Passive recreation improvements may consist of trails, picnic areas and benches. Active

recreation improvements shall consist of sports fields, game tables, sand boxes and other playground equipment. Full unencumbered fee simple title to the donated or contributed land shall be conveyed to the Village of Homer Glen by general warranty or trustee's deed, and such conveyances shall be accompanied by a policy of title insurance from a title company acceptable to the Village, which policy (and the commitment therefor) shall not disclose any matter, fact or thing which, in the opinion of the Village or its counsel, materially affects the usefulness of the donated property for its intended purpose.

- c. *Time of Conveyance or Payment.* All conveyances of land or payments of cash required under the provisions of this Subsection shall be made not later than contemporaneously with the full execution and recording of the final plat of subdivision or final plat or plan for planned development encompassing the residential subdivision or other development in question; provided, however, that pending the completion of the construction of public improvements in the subdivision or development, or of the completion of any improvements of any kind required to the property being donated or contributed, the owner, developer or subdivider of the property in question shall remain responsible for the maintenance and upkeep of the dedicated property, and shall:
 - i. Cause the Village to be named as an additional insured on the owner's, developer's or subdivider's policy of liability insurance, which shall provide for commercial liability insurance coverage in an amount not less than \$1,000,000 per occurrence; and
 - ii. Secure the performance of this obligation by posting with the Village an irrevocable letter of credit in such amount as may be determined by the Village's engineering consultants.

2. **Criteria for Requiring Contribution in Lieu of Park and Recreation Sites.** Where the subdivision or development in question is small and the resulting site is too small to be practically developed for park or recreational purposes, or when the available land is geologically and topographically inappropriate or otherwise unsuitable for park or recreational purposes, the Village shall require the subdivider or developer to pay a cash contribution in lieu of all or a portion of the land dedication otherwise required. The cash contribution in lieu of park and recreation land as hereinbefore classified will be available to serve the immediate or future needs of the residents of that subdivision or development, for the improvement of other existing local parks or for otherwise addressing park or recreation land or capital needs, but shall not be utilized for routine maintenance or operational expenses of any park or recreational facilities of the Village.

- a. *Time of Conveyance of Payment.* Payment shall be made as set forth above in § (E)(1)(c). All cash contributions received hereunder shall be held in a segregated account or accounts established for the express and sole purpose of holding such contributions, and withdrawals from such accounts shall only be made for the acquisition and improvement of land for park and recreation facilities.
- b. *Fair Market Value.* The cash contribution in lieu of land shall be based on the fair market value of the acres of land in the area that otherwise would have been dedicated as park and recreation sites as stated in §138.4(H). The Village Board may review and, if necessary, adjust this valuation on an annual basis.
- c. *Criteria for Requiring Dedication and a Fee.* There will be situations in subdivisions or developments when a combination of land dedication and a contribution in lieu of land are both necessary. These occasions will arise when:
 - i. Only a portion of the land to be developed is proposed as the location for a park site. That portion of the land within the subdivision falling within the park location shall be dedicated as a site as aforesaid, and a cash contribution in lieu thereof shall be dedicated.
 - ii. A major part of the local park or recreation site has already been acquired and only a small portion of the 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.
 - iii. The public park and recreational needs of the Village and its residents require or make necessary or desirable not only the conveyance of an area of land but also the contemporaneous expenditure of funds to improve such land to provide specified park or recreational facilities.
- d. *In-Kind Contributions.* At the sole and unrestricted discretion of the Village Board of Trustees, the Village may elect to permit a subdivider, owner or developer to make all or a portion of a cash donation or contribution otherwise required hereunder by constructing improvements to Village park or recreational property or by providing equipment or facilities for such properties; provided, however, that the foregoing shall not relieve a developer, owner or subdivider to any extent from improving donated land in accordance with the minimum requirements otherwise set forth in this Subsection.

- 3. **Reservation of Additional Land.** Where the Comprehensive Plan of the Village of Homer Glen or the other applicable standards of the Village call for a larger amount of park and recreational land in a particular subdivision or planned

development than the owner, subdivider or developer is required to dedicate, the land needed beyond the required contribution shall be reserved and designated for subsequent purchase by the Village, provided that within two years from the approval of the final plat of subdivision or final plat or planned development, the Village shall sign a contract to purchase the land or file a condemnation suit in pursuit thereof, or relinquish and rescind such reservation.

4. **Combining With Adjoining Developments.** Where the subdivision or development is less than 40 acres, park and recreation space to be dedicated should, where possible, be combined with dedications from adjoining developments in order to produce usable park or recreation areas without hardship on a particular owner, subdivider or developer.

5. **Improved Sites.** All land shall be dedicated with full access to electric, gas, telephone, water, and sewer/septic, provided by the means of the extension of necessary lines, mains, appurtenances to the property or the construction of necessary on-site facilities, and shall also be served with access to and from fully improved streets with curb and gutter, and necessary storm drainage; provided, however, that no storm detention or retention facilities shall be located or constructed on any such land unless such facilities are solely being utilized to serve that land. Furthermore, all such sites shall be graded as approved by the Village's engineering consultants and fully seeded, unless the Village shall designate that all or a portion of the land contains natural flora or other features worthy of preservation, in which case the owner, developer or subdivider shall perform the foregoing functions to the maximum extent possible while still preserving and leaving pristine and undeveloped in any way those areas designated for preservation. Trees shall be planted along all rights-of-way with not less than two tree species a minimum of 10 feet and maximum of 30 feet on center. Interior areas shall remain natural and any additional plantings shall be informal in design. Tree planting required along the perimeter of a park is in addition to tree planting required in the adjacent public right-of-way. Promenades and esplanades within a park may be formally planted with trees parallel to the walkway. Interior portions of the park are encouraged to be kept free of plantings. Areas for active use and any facilities which accompany such use shall have a tree planting design which integrates the structures into the park and defines the areas set aside for active recreation use from areas of passive use. Plantings in the interior portions of the park are encouraged to follow topographical lines. All improvements shall be constructed not later than three years after the date of final plat approval or the date of issuance of occupancy permits for 75% of the lots to be developed in the subdivision, whichever is earlier.

6. **Shape, Topography and Grading.** The shape, topography and geology of the dedicated site as well as its surroundings must be suitable for its intended purpose, as approved by the Village's engineering consultants. One hundred percent of the donated land shall be buildable for permanent structures as determined through the appropriate topographical studies and soil tests. Stormwater detention areas shall not be accepted for Village ownership and maintenance, and the portion of a detention area designed to function primarily as a component of the stormwater control system shall not serve as a credit toward the required park site contribution. Retention areas shall not be accepted for Village ownership and maintenance and shall not serve as a credit toward the required park site contribution. Except as otherwise approved by the Village Board on an individual basis after considering the significance of environmental features on the particular property, wetlands, floodplains, floodways, detention areas, retention areas, and areas of steep slope shall not be accepted as park sites and shall not serve as a credit toward the required park site cash in lieu of land contribution.
7. **Credit for Private Park Sites.** Where a private park site is included on a site plan, or in a proposed subdivision or planned development, and is designed to serve the immediate and future park needs of the residents of that subdivision or development, credit toward the required park donation site improvement fee may be given. The extent of such credit shall be at the sole discretion of the Village Board and shall be based upon the needs of the projected residents in conformance with the total needs for park and recreational sites for the general area. Where a private park site credit is given, the credit shall be subtracted from the park donation site improvement fee requirement as established in this Subsection. The developer shall guarantee that the private park shall be permanently maintained for such use by the execution of appropriate legal documents.
8. **Additional Dedication Requirements.** All land required for dedication for park purposes hereunder shall be in addition to land dedications required by other ordinances of the Village.
9. **Due Date for Dedications and Fees.** All dedications and fees imposed by this Subsection shall be due and payable upon final plat approval. However, the Village may agree that payment of fees may be made at the time of building permit issuance, in consideration of which the subdivider or developer shall execute an agreement agreeing that the fees payable will be adjusted in accordance with the requirements of this Subsection.

F. Library District Contributions. As a condition of approval of final plat of subdivision or of a final plat of a planned development, each subdivider, developer or builder of a residential subdivision or planned development located in a library district and the incorporated area of the Village shall be required to dedicate land or make a cash contribution in lieu of actual land dedication to serve the immediate and future needs of the residents of the development.

- 1. Amount of Land Required.** It has been determined that one acre per 10,000 of population is needed to provide a comfortable and relaxed atmosphere for a library. The acreage of land dedication requirement was established by multiplying the population by minimum space requirements contained the following table, plus required parking spaces, plus land for landscaping, walkways and setbacks.

Guidelines for Determining Minimum Space Requirements

Shelving Space

Population Served	Size of Book Collection Volumes	Linear Feet of Shelving	Amount of Floor Space sq ft	Reader space Sq ft	Staff Work Space Sq ft	Estimated additional space needed Sq ft	Total Floor Space Sq Ft
Under 2499	10,000	1,300	1,000	Min 400 For 13 seats at 30 sq ft per Reader space	300	300	2,000
2,500 – 4,999	10,000 Plus 3 Per capita For pop Over 3,500	1,300 Add 1 ft Of shelving For every 8 vols over 10,000	1,000 Add 1 Sq ft For every 10 vols over 10,000	Min 500 For 18 seats Add 5 seats per 1,000 over 3,500 Pop served at 30 sq ft per Reader space	300	700	2,500 or 0.7 Sq ft per Capita, which ever is present
5,000 – 9,999	15,000 Plus 2 Per capita For pop Over 5,000	1,875 Add 1 ft Of shelving For every 8 Vols over 15,000	1,500 Add 1 Sq ft For every 10 vols over 15,000	Min 700 For 23 seats Add 4 seats per 1,000 over 5,000 Pop served at 30 Sq ft per Reader space	500 Add 150 Sq ft for each Full time Staff mbr for over ____	1,000	3,500 or 0.7 Sq ft per capita, which ever is greater

Population Served	Size of Book Collection Volumes	Linear Feet of Shelving	Amount of Floor Space sq ft	Reader space Sq ft	Staff Work Space Sq ft	Estimated additional space needed Sq ft	Total Floor Space Sq Ft
10,000 – 24,999	20,000 Plus 2 Per capita For pop Over 10,000	2,500 Add 1 ft Of shelving For every 8 vols over 20,000	2,000 Add 1 Sq ft For every 10 vols over 20,000	Min 1,200 For 40 seats Add 4 seats per 1,000 over 10,000 Pop served at 30 sq ft per Reader space	1,000 Add 150 Sq ft for each Full time Staff mbr For over ___	1,500	7,000 or 0.7 sq ft per capita, which ever is greater
25,000 – 49,999	50,000 Plus 2 Per capita For pop Over 25,000	6,300 Add 1 ft Of shelving For every 8 vols over 50,000	5,000 Add 1 Sq ft For every 10 vols over 50,000	Min 2,250 For 75 seats Add 3 seats per 1,000 thru 25,000 Pop served at 30 sq ft per Reader space	1,500 Add 150 Sq ft for each full time staff mbr for over 13	5,750	15,000 per 0.7 sq fot per capita, which ever is greater

2. **Formula Used for Cash Contribution.** The library district may determine that cash contribution is more practical than a land donation whenever the amount of land to be donated is not large enough for a complete library site. The cash contribution shall be equal to the nonresident fees for dwelling units of individual library districts in the Village in accordance with the state library formula for nonresident fees. The library districts in the Village shall annually review and adjust their nonresident fees. Each district will submit figures to the Village by July 1 of each year.
3. **Criteria for Requiring Land Dedication and a Fee.** There will be situations in subdivisions or planned developments when a combination of land dedication and a contribution in lieu of land are both necessary. These occasions may arise when:

- a. Only a portion of the land to be developed is proposed as the location for a library site. That portion of the land within the subdivision or planned development falling within the library location shall be dedicated as a site, and a cash contribution in lieu thereof shall be required of any additional land that would have been required to be dedicated; and
- b. A major part of the library 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 also be required.

4. Time of Conveyance or Payment.

- a. At the time of the approval of the final subdivision plat or final planned development, the subdivider, developer or builder must dedicate land as required or make a cash contribution in lieu of actual land dedication. All payments shall be made by certified check or other draft.
- b. Payments shall be made directly to the respective library districts wherein the development subdivision or building is located, and evidence of the payment shall be made at the time of application for each building permit.

G. Density Formula. The following table of population density 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 a required dedication of acres of land or the cash contribution in lieu of land in this Section, unless a written objection is filed thereto by the owner, subdivider or developer. Population density, age distribution and local conditions change over time, and the specific formula for the dedication of land, or the payment of fees in lieu thereof, are subject to periodic review and amendment, if necessary. The net increase in the number of bedrooms from residential redevelopment is subject to the land/cash contributions requirements of Section 138.4.

Type of Unit	Pre-School 1 (0 to 4)	Elementary Grades K-5 (5 to 10)	Junior High Grades 6-8 (11 to 13 years)	Total Grades K-8 (5 to 13)	High School Grades 9-12 (14 to 17 years)	Adults 18 years +	Total Per Dwelling Unit
Detached Single-Family:							
2-bedroom	.113	.143	.041	.184	.020	1.700	2.017
3-bedroom	.292	.422	.120	.542	.184	1.881	2.899
4-bedroom	.418	.644	.184	.828	.360	2.158	3.764
5-bedroom	.283	.461	.132	.593	.300	2.594	3.770
Attached Single-Family:							
1-bedroom	.000	.000	.000	.000	.000	1.193	1.193
2-bedroom	.064	.106	.030	.136	.038	1.752	1.990
3-bedroom	.212	.227	.065	.292	.059	1.829	2.392

4-bedroom	.323	.370	.106	.476	.173	2.173	3.145
Apartments:							
Efficiency	.000	.000	.000	.000	.000	1.294	1.294
1-bedroom	.000	.002	.001	.003	.001	1.754	1.758
2-bedroom	.047	.100	.028	.128	.046	1.693	1.914
3-bedroom	.052	.278	.079	.357	.118	2.526	3.053

H. Fair Market Value.

1. The cash contribution in lieu of land shall be based on the fair market value of an acre of fully improved land in the area that otherwise would have been dedicated as school sites, park and recreation sites, or fire protection service sites. The Village has determined that the present fair cash market value of one acre of land improved in accordance with the requirements of this Section, and which would otherwise be available and permitted to be developed with residential dwelling units in a manner similar to and consistent with the subdivision or development in question, is:
 - a. \$80,000 per acre for Park and Recreation Sites
 - b. \$80,000 per acre for School District 33C Sites
 - c. \$75,000 per acre for School District 92 Sites
2. The Village Board may review and, if necessary, adjust this valuation on an annual basis.
3. The valuation set forth in this Subsection, as adjusted from time to time, shall be used in calculating the cash equivalent value of any land contribution determined in accordance with the procedures set forth in this Section, unless any subdivider, developer, or owner of land subject to this Section with a pending application for final plat or planned unit development on file with the Village files a written objection thereto.

I. Objections.

1. A developer may object to the calculation of the amount of land to be dedicated or the calculation of the amount of the cash payment assessed in lieu of land dedication, whichever is applicable. The objection shall contain a complete statement of the reasons for the developer's objection, shall set forth specific facts in support thereof, and shall include all evidence the developer relies upon to support the objection. The Village Board shall decide the objection on the basis of this Section and the facts presented by the developer in the written objection.
2. Timing for Objections.
 - a. For land contributions, any written objections must be submitted to the Village Clerk after the subdivider, developer, or owner of land subject to this Section has a pending application for final plat of subdivision or planned development on file with the Village and prior to final plat of

subdivision or final planned development approval by the Village.

- b. For fees in lieu of land contributions or school facilities impact fees, written objections must be submitted to the Village Clerk by the subdivider, developer, or owner of land subject to this Section prior to the issuance by the Village of a building permit to construct the first dwelling unit. In the case of phased developments, any written objection must be submitted prior to the issuance of a building permit to construct the first dwelling unit of any unbuilt phase of the overall development.
3. The Village Board may commence its consideration of the objection at its next regularly scheduled meeting occurring at least seven days after the filing of the objection or at a special meeting convened to consider the objection. The Village Board may, in its sole discretion, request additional information from the developer or request the developer to appear at a meeting to explain the objection or present additional evidence to support its objection. The Village Board shall decide the objection within 60 calendar days of the date when the objection is filed unless the Board determines that additional time is reasonably necessary to render its decision.
4. Failure by a developer to file an objection within the time limits set forth herein shall constitute a waiver by the developer of his or her right to objection of the application of this Section to the proposed development and shall constitute an acknowledgement that the amount of land to be dedicated or the amount of cash payment assessed in lieu of land dedication, whichever is applicable, is specifically and uniquely attributable to the proposed development.
5. In the event a subdivider, developer, builder or school district files a written objection to the Table of Population Density, it shall submit its own demographic study showing the estimated additional population to be generated from the subdivision or planned development. The final determination of the density formula to be used in such calculations shall be made by the Village Board based upon such demographic information submitted by the objector and from other sources which may be available to the Village.
6. In the event of any such objection to the fair market value, the subdivider, developer, or owner shall submit an appraisal showing the fair market value of land improved in accordance with the requirements of this Section and which would otherwise be available and permitted to be developed with residential dwelling units in a manner similar to and consistent with the subdivision or development in question together with other relevant evidence of the value thereof. The final determination of said fair market value

per acre of such improved land shall be made by the Village Board based on the information submitted by the objector and from such other sources as may be available to the Village.

7. If there is any change in the fair market value as determined by the Village Board after an objection it shall be used solely as to the land which is the subject of the objection.

J. Reservation of Powers. Nothing herein shall be construed so as to limit, condition or impair the exercise of powers conferred on the Village of Homer Glen to annex territory, enter into annexation agreements, regulate the zoning, subdivision or development of land, or approve planned developments with residential uses, to levy or establish taxes and fees or to exercise other municipal functions and powers.

K. Indemnification. It shall be a condition of the payment of cash contributions, land dedications, or impact fees to the benefited school district, fire district, park, or library district, that the benefited entity, indemnify and hold the Village of Homer Glen harmless from and against any and all losses, costs, expenses, including but not limited to reasonable attorneys fees, claims and causes of action of every kind incurred by, brought against or asserted against the Village of Homer Glen as a result, either directly or indirectly, of the adoption of this Section or the administration or enforcement thereof in connection with the establishment, collection, administration or expenditure of the cash contribution, land contribution or impact fees, including any so incurred as a result of a lawsuit. Acceptance of any such payments or contributions by such benefited entity shall be deemed to be the acceptance of and its agreement to provide the indemnification and perform the obligations set forth in this Subsection. All benefited school districts, fire districts, parks, and library districts must acknowledge and agree to the foregoing in a written agreement acceptable to the Village prior to the receipt of any payment.

L. Collection of Monies. The Village shall have the right to delegate the responsibility for collecting monies due under this Section to other public bodies designated by the Village.

M. Penalty. In addition to other penalties provided in this Chapter, failure to provide sufficient evidence of the required conveyance, cash contribution, or impact fee to the Village Manager shall result in denial of the application for a building permit or, when a building permit has already been issued, revocation of the building permit.