

**DIVISION 6 - PUBLIC LAND DEDICATION
AND RESERVATION REQUIREMENTS**

SEC 16.6-1 GENERAL APPLICABILITY. All subdivisions of property with a residential use shall be designed so that park and recreational and school areas are provided in the manner and to the extent prescribed by this Section, so as to accommodate the open space and recreational and school needs of those persons living within the confines of the subdivision. This Division shall also apply to any development on a platted lot of record.

SEC 16.6-2 AMOUNT & LOCATION OF LAND DEDICATION REQUIREMENTS.

As a condition of approval of a final plat of a subdivision or development on a platted lot of record, each owner, subdivider or developer of property with a residential use, shall be required to dedicate land for park and recreational purposes, to serve the immediate and future needs of the residents of the development or to contribute cash in lieu of said actual land dedication, or to make a combination of cash contribution and land dedication at the election of the Town in accordance with the following criteria and formula:

- A. Requirement and Population Table. The ultimate density of a proposed development bears directly on the amount of land required for park purposes. The total requirement shall be ten (10) acres of land per one thousand (1,000) of ultimate population. Projected population is based upon the maximum number of dwelling units per acre permitted in the respective zoning district and the projected number of occupants per unit See SEC. 16.6-3(C)&(D).
- B. Location. The Comprehensive Plan and Official Map as adopted by the Town Council, shall be used as a guideline in locating sites along with the Park & Open Space Master Plan. A central location which will serve equally the entire development is most desirable. In large developments, these sites can be located throughout the development according to accepted standards for park area distances. The use of bike and pedestrian trails and greenways throughout the subdivision is also desirable.
- C. Cash Contribution Alternatives. In the event the Town should determine that a cash contribution shall be made by the owner, subdivider or developer in lieu of land dedication, the Town shall apply the population ratio of 1.0 acre of land for one hundred (100) ultimate population within the development or area to be subdivided times the fair market value as established in SEC. 16.6-3 of this Code.
- D. Condition of Land. The property to be dedicated pursuant to this Division shall be in a condition acceptable to the Town. The subdivider or developer shall meet with the Town prior to removing or altering the pre-development condition of the land. The Town and subdivider or developer shall reach agreement on the condition of the property to be dedicated prior to any alteration of the property by the subdivider or developer. Unless otherwise agreed, land dedicated shall comply with the design

and construction standards for recreational facilities in the Town of Normal Manual of Practice for the Design of Public Improvements in the Town of Normal.

- E. Parkland Credit. Greenways and trails throughout the subdivision connecting to adjacent properties may upon Town approval receive full or partial credit as parkland, provided the same is dedicated in a condition acceptable to the Town.

SEC. 16.6-3 CRITERIA FOR REQUIRING A CASH CONTRIBUTION IN LIEU OF LAND DEDICATION. By agreement with the subdivider or developer or in the sole discretion of the Town, the owner, subdivider, or developer shall be required to pay a cash contribution in lieu of the land dedication or a combination of land and cash in lieu of land. The cash contribution in lieu of park and recreation land dedication shall be held in trust by the Town or other public body designated by the Town, solely for the acquisition and development of park and recreation land as herein before classified, which may be available to serve the immediate or future needs of the residents of that subdivision or development or for the improvement of other existing local park and recreational land which already serves such areas.

- A. 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 improved as specified herein, that otherwise would have been dedicated as park and recreational sites. It has been determined that the present “fair market value” as of the adoption date of the revised code of such improved land in the planning jurisdiction of the Town is \$45,000 per acre and such figure shall be used in making any calculation herein unless the subdivider or developer files a written objection thereto. In the event of such objection, the developer shall submit an appraisal showing the “fair market value” of such improved land in the area of his development or other evidence thereof and final determination of said “fair market value” per acre of such improved land shall be made by the Town Council based upon such information submitted by the subdivider or developer and from other sources which may be submitted to the Town Council.
- B. Criteria for Requiring Dedication and a Fee. There will be situations when a combination of land dedication and a contribution in lieu of land are both necessary. These occasions will arise when:
1. Only a portion of the land to be developed is proposed as the location for a park. 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 required for any additional land that would have been required to be dedicated.
 2. A major part of the local park or recreation site has already been acquired and only a small portion of land is needed from the development to complete the site. The remaining portion shall be required by dedication, and a cash contribution in lieu thereof shall be required.

- C. Density Formula. The estimated population per dwelling unit based on current and short range projected trends in family size of new construction is indicated in this Section and shall be used in calculating the amount of required dedication for acres of land and any combination of land dedication and cash contribution unless a written objection is filed thereto by an owner, subdivider or developer. The estimate is as follows:

<u>Zoning District</u>	<u>Population (People per dwelling unit)</u>
R-1AA	2.7
R-1A	2.7
R-1B	2.7
R-2	2.5
R-3A	2.5
R-3B	3.0
R-4	2.7
Any other District permitting dwelling Units (Other)	2.5

This figure can be reviewed on an annual basis and may be adjusted annually to reflect changes in land costs and the costs of improvements based upon the maximum allowable number of dwelling units per lot. For property zoned R-3A, R-3B, and under the Other category above, the estimate shall be based on the maximum allowable number of two bedroom dwelling units per lot.

In the event an owner, subdivider or developer files a written objection to the population estimates listed herein, he shall submit his own demographic study showing the estimated additional population to be generated from the subdivision, or development and in that event, final determination of the density formula to be used in such calculations shall be made by the Board of Trustees based upon such demographic information submitted by the owner, subdivider or developer and from other sources which may be submitted to the Board of Trustees. 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.

- D. Land and Cash Contribution Formula.

1. In the event the Town shall require land dedication pursuant to this Section, it shall be in amounts not less than the following:

<u>Zoning District</u>	<u>Land Dedication (square feet per dwelling unit)</u>
R-1AA	1,176.12
R-1A	1,176.12
R-1B	1,176.12
R-2	1,089.00
R-3A	1,089.00
R-3B	1,089.00
R-4	1,176.12
Other	1,089.00

It is recognized that local conditions change over the years and the land dedication requirements of this Section are subject to periodic review and amendment, if necessary.

2. Cash Contribution. In the event the Town shall require solely cash in lieu of park and recreation land dedication, pursuant to this Section, the cash contribution shall not be less than the amounts in the following table:

<u>Zoning District</u>	<u>Cash contribution (per dwelling unit)</u>
R-1AA	\$608.11
R-1A	\$608.11
R-1B	\$608.11
R-2	\$562.50
R-3A	\$562.50
R-3B	\$562.50
R-4	\$608.11
Other	\$562.50

It is recognized that local conditions change over the years and the cash contribution provided in the foregoing is to be subject to periodic review and amendment, if necessary.

SEC. 16.6-4 RESERVATION OF ADDITIONAL LAND. Where the Comprehensive Plan or the standards of the Town call for a larger amount of park and recreational land in a particular subdivision than the developer is required to dedicate, the land needed beyond the developer's contribution shall be reserved for subsequent purchase by the Town, provided that such acquisition is made within one (1) year from the date of the Final Plat or building permit which includes the area of the park to be dedicated.

SEC. 16.6-5 COMBINING WITH ADJOINING DEVELOPMENTS. Where the subdivision or development is less than forty (40) acres (16 hectares), public open space which is to be dedicated should, where possible, be combined with dedications from adjoining developments in order to produce usable recreation areas without hardship on a particular developer.

SEC. 16.6-6 TOPOGRAPHY AND GRADING. Unless otherwise agreed, the slope, topography and geology of the dedicated site shall be in conformance with the Town of Normal Manual of Practice for the Design of Public Improvements.

SEC. 16.6-7 IMPROVED SITES. Unless otherwise agreed, all sites shall be dedicated in a condition in conformance with the Town of Normal Manual of Practice for the Design of Public Improvements.

(SEC. 16.6-1 through 16.6-7 Amended 3/20/06 by Ord. No. 5064)

SEC. 16.6-8 SCHOOL LAND DEDICATION.

SEC. 16.6-8.1 GENERAL.

- A. Where it is the policy of the impacted school district to request developers of new residential developments to dedicate land or make cash contributions to the district in lieu of dedicating land for new schools, the following provisions shall apply.
- B. Fees and/or land dedications from developers of residential developments under the jurisdiction of the Town shall be in accordance with SEC 16.6-8.

SEC. 16.6-8.2 PROVISIONS.

- A. Dedication of School Sites or Payment of Fees in lieu of. As a condition of approval of a building permit, a Final Plat of subdivision or Final Development Plan of a Planned Unit Development, each subdivider or developer shall be required to dedicate land for school sites, to serve the immediate and future needs of the residents of the development, or cash contribution in lieu of actual land dedication, or a combination of both, as determined by the Town of Normal and the impacted school district, in accordance with the following criteria and formula.
- B. Criteria for Requiring School Site Dedication.
 - 1. Requirement and Population Ratio. The ultimate number of students to be generated by a development, 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: (1) estimated children to be served in each such school classification 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 area of land deemed needed to have sufficient land for school sites to serve the estimated increased children in each such school classification.

2. School Classifications and Size of School Site. School classifications and size of school sites within the Town shall be determined in accordance with the following criteria:

<u>School Classification</u>	<u>Max. No. of Students</u>	<u>Min. Site Size (Acres)</u>
Elementary	600	11
Junior High	900	29
Senior High	1,200	50

3. Location. The Town of Normal Comprehensive Plan and or the standards adopted by the impacted school district shall be used as a guideline in locating sites.

SEC. 16.6-8.3 CRITERIA FOR REQUIRING A CONTRIBUTION IN LIEU OF SCHOOL SITES. Where the development is small and the resulting site is too small to be practical or when the available land is inappropriate for a school site, the Town shall require the subdivider or developer to pay a cash contribution in lieu of the land dedication required. The cash contribution in lieu of school sites shall be held by the Town, solely for the use in 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 which already serves the needs of that development. Said cash contribution in lieu of school site dedication shall be deposited with the Town prior to issuance of a building permit, recording of the final plat or approval of the Final Development Plan for a Planned Unit Development, as determined by the Town.

- A. 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 improved as specified herein, that otherwise would have been dedicated as a school site. It has been determined that the present “fair market value” of such improved land in and surrounding the Town is \$35,000 per acre and such figure shall be used in making any calculation herein unless the subdivider or developer files a written objection thereto. In the event of any such objection the developer shall submit an appraisal showing the “fair market value” of such improved land in the area of his/her development or other evidence thereof and final determination of said “fair market value” per acre of such improved land shall be made by the Town Council based upon such information submitted by the subdivider or developer and from any other sources which may be submitted to the Town Council, school district and others.
- B. Criteria for Requiring Dedication and a Fee. There will be situations when a combination of land dedication and a contribution in lieu of land are both necessary. These occasions will arise when:
 1. Only a portion of the land to be developed is proposed as the school site. That portion of the land 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.

2. 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. The remaining portions shall be required by dedication and a cash contribution in lieu thereof shall be required.

SEC. 16.6-8.4 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 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.

Housing Type	Elementary (Children per du)	Junior High (Children per du)	Senior High (Children per du)
Single & Two Family	0.385	0.117	0.187
Multifamily	0.094	0.036	0.06

In the event a subdivider or developer files a written objection to the Table of Estimated Ultimate Population listed herein, he/she shall submit his/her own demographic study showing the estimated additional population to be generated from the development, 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 Town Council based upon such demographic information submitted by the subdivider or developer and from other sources which may be submitted to the Town Council, 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.

SEC. 16.6-8.5 ANNEXATION. The dedications of land or cash contributions in lieu thereof required by this Section shall also be required as a condition to the annexation of any land to the Town and provisions thereof shall be incorporated in any annexation agreement governing such land.

SEC. 16.6-8.6 EXEMPTIONS. The dedication of land or cash contributions in lieu thereof as required by this Section shall be applicable unless the Town Council determines either that such new development will not in itself have an impact upon or create a need for new school facilities and that any such need is not uniquely attributable to such new subdivision. The determination by the Town Council shall be binding upon all the parties involved.

SEC. 16.6-8.7 FORMULA FOR CASH CONTRIBUTIONS.

Children/dwelling unit/school classification/zoning district	R-1AA	R-1A	R-1B	R-2	R-3A	R-3B
Elementary	0.385	0.385	0.385	0.385	0.094	0.094
Junior High	0.117	0.117	0.117	0.117	0.036	0.036
Senior High	0.187	0.187	0.187	0.187	0.060	0.060
Dwelling units/acre/zoning district (maximum)	2	4	6	14	18	72
Children/acre/school classification/zoning district						
Elementary	0.770	1.540	2.310	5.390	1.692	6.768
Junior High	0.234	0.468	0.702	1.638	0.648	2.592
Senior High	0.374	0.748	1.122	2.618	1.080	4.320

Maximum School Population & Minimum Site Size (acres)/ school classification	Maximum School Population	Minimum Site Size (acres)	Minimum Site Size (hectares)
Elementary	600	11	4.45
Junior High	900	29	11.74
Senior High	1200	50	20.23

Required Land Dedication by school class classification & zoning district (acres)	R-1AA	R-1A	R-1B	R-2	R-3A	R-3B
Elementary	0.0141	0.0282	0.0424	0.0988	0.0310	0.1241
Junior High	0.0075	0.0151	0.0226	0.0528	0.0209	0.0835
Senior High	0.0156	0.0312	0.0468	0.1091	0.0450	0.1800
Total Land Dedication (acres) per acre	0.0372	0.0745	0.1117	0.2607	0.0969	0.3876
Total Land Dedication (hectares) per hectare	0.0151	0.0301	0.0452	0.1055	0.0392	0.1569
Total Land Dedication (acres) per dwelling unit	0.0186	0.0186	0.0186	0.0186	0.0054	0.0054
Total Land Dedication (hectares) per dwelling unit	0.0075	0.0075	0.0075	0.0075	0.0022	0.0022

Required Fee in Lieu of Land Dedication by school classification & zoning district	R-1AA	R-1A	R-1B	R-2	R-3A	R-3B
Elementary	\$494.08	\$988.17	\$1,482.25	\$3,458.58	\$1,085.70	\$4,342.80
Junior High	\$263.90	\$527.80	\$791.70	\$1,847.30	\$730.80	\$2,923.20
Senior High	\$545.42	\$1,090.83	\$1,636.25	\$3,817.92	\$1,575.00	\$6,300.00
Total Fee per acre	\$1,303.40	\$2,606.80	\$3,910.20	\$9,123.80	\$3,391.50	\$13,566.00
Total Fee per hectare	\$527.48	\$1,054.96	\$1,582.44	\$3,692.35	\$1,372.52	\$5,490.08
Total Fee per dwelling unit	\$651.70	\$651.70	\$651.70	\$651.70	\$188.42	\$188.42

SEC. 16.6-8.8 PROCEDURES FOR MANAGING CASH CONTRIBUTIONS.

- A. The school district's business agent shall provide a copy of the school district's policy and procedures to any developer seeking approval of a new residential development under the jurisdiction of the Town.
- B. The required cash contributions shall be deposited with the Town's Finance Department before the Town shall record the Final Plat or approve the Final Development Plan of a Planned Unit Development.
- C. The Finance Department shall deposit the cash contribution in an escrow account and shall issue periodic reports to the business agent for the school district.
- D. The business agent shall file a capital improvement plan with the City Clerk which shall indicate the proposed use of funds by the school district.
- E. The business agent shall file a request for transfer of funds with the City Clerk, certifying that the funds so paid, shall be used for the capital improvements in accordance with the plan referenced in SEC 16.6-8.8(D).
- F. The school district's business agent shall maintain records indicating the use of the funds. In the event the funds are not used by the school district within one year of receipt, said funds with any earned interest will be returned to the Town.

SEC. 16.6-8.9 DEVELOPMENT IN UNLISTED ZONING CLASSIFICATIONS.

Whenever development occurs in any zoning classification not listed in SEC. 16.6-8.7, and such development includes new dwelling units, then the formula for land and/or cash contributions shall be based on the type and actual number of new dwelling units to be constructed per acre for such development or the maximum allowable number of dwelling units allowed per acre or per lot in the proposed development. The number of school children estimated to be generated from such development will be based on the housing type for such development being single and two-family or multiple-family as set forth in SEC. 16.6-8.4. In the event the owner, subdivider, or developer files a written objection to the proposed land and/or cash contribution, he shall submit his own demographic study showing the estimated additional school- age population to be generated from the development. Final determination of the density formula to be used shall be made by the Board of Trustees.

SEC. 16.6-9 CREDIT FOR PREVIOUSLY DEVELOPED PROPERTY. Property subject to the land dedication or cash contribution requirements of this Division shall be entitled to a credit towards such dedication or contribution requirement if such property was used for residential dwelling purposes immediately prior to imposition of the obligations of this Division. The credit shall be equal to the land dedication or cash contribution calculated on the actual number of dwelling units on said property immediately prior to the imposition of the obligations of this Division. (Added 1/18/11 by Ord. No. 5367)

(Entire Division 6 of Chapter 16 Amended 5/18/09 by Ord. No. 5262)