

EXHIBIT A: SECTION 5-112. DEVELOPMENT AND SUBDIVISION REQUIREMENTS

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SECTION TO BE DELETED IN ITS ENTIRETY

H. Development and Subdivision Exactions: Dedication of Land and Fees In Lieu of Dedication.

1. Purpose. In order to serve the educational, recreational and transportation needs of new residents, applicants are required to either donate land or cash or make improvements to the Village's parks, schools, library system and transportation facilities as a condition of development or subdivision approval. (Ord. 2539 3/21/94; Amd. Ord. 4412 - 9/2/08)

2. Park Exactions.

a. General Requirements. The amount of park facilities for new residents is partly based on data and policy in the Village's Comprehensive Plan, which recommends a ratio of ten (10) acres of active parks per 1,000 residents. Of the ten (10) acres, five (5) acres are designated for neighborhood parks, and five (5) acres are designated for community parks. The capital improvement cost of Village parks averaged \$90,000 per acre in 1996. The fee schedule is \$45,000 per acre in 1996, \$67,500 in 1997, and \$90,000 in 1998. Because neighborhood parks are intended to contain facilities for immediately surrounding residents, and because the need for new neighborhood parks is generated by new residents, new housing development is being required by these regulations to pay 100% of land and capital costs. It is presumed that other revenues will pay for maintenance and services in the new neighborhood parks. Because community parks serve all residents, new housing development is only being required by these regulations to pay forty percent (40%) of land and capital costs. It is presumed that other revenues will pay for sixty percent (60%) of land and capital costs and one hundred percent (100%) of maintenance and service costs of community parks. Park exaction fees apply to all new residential developments of two or more units. (Ord. 2860 - 3/18/96; Amd. Ord. 4412 - 9/2/08)

b. Fair Share Donation Formula.

1. Land Ratio. Applicants for approval for residential developments shall donate land to the Village at a ratio of seven (7) acres per 1,000 people anticipated to ultimately reside in that development.

2. Cash Ratio. Applicants for approval for residential developments shall also donate cash to the Village equal to the capital improvement cost of seven (7) acres of park land for every 1,000 people anticipated to ultimately reside in that development per Table 5-112(H)(9). The capital improvement cost per acre of park land shall be determined by the Village based on empirical study of existing Village parks and updated periodically.

3. Projected Population. The ultimate population of a development shall be projected using Table 5-112(H)(9). If an applicant does not commit to a unit mix in the application for development approval, the Village shall assume that all detached single family units will be four bedroom, all attached single family units will be three bedroom, and all apartment/condominium units will be two bedrooms. The Board of Trustees may amend these regulations and Table 5-112(H)(9) as new data becomes available on family size in the Village.

4. Location. Land donated for new parks shall be located based generally on the Village's Comprehensive Plan and official map and shall specifically consider the design of each development. The amount of land required shall not include wetlands, flood plain or detention facilities.

c. Park Donation Substitutions. If park land would be more appropriately located off-site, the Board of Trustees may agree to accept cash in lieu of land from an applicant for residential development. The amount of land required from an applicant for residential development may be reduced depending on the amount of the improved land, up to two (2) acres established in a private park by the applicant, provided that such land is determined to be of equivalent value and available by right to all residents of the development. The applicant shall present evidence that the private facility shall be equally available to all residents of the development.

(Ord. 4412 -9/2/08)

3. School Exactions.

a. Requirement and Population Ratio. The ultimate number of students to be generated by a development shall directly relate to 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 school classification over (2) the maximum recommended number of students to be served in such school classification as stated herein and then applying such ratio to (3) the minimum recommended number of acres for a school site of each such school classification. The product of this calculation shall be the number of acres of land the applicant must provide in order for the Village to have sufficient land for school sites to serve the estimated increase of children in each such school classification.

(Ord. 4412 -9/2/08)

b. School Classification and Size of School Site. School classifications and size of school sites within the Village and its planning jurisdiction shall be determined in accordance with the following criteria: (Ord. 2539 - 3/21/94)

School Classifications by Grades	Maximum Number of Students for each such School Classifications	Minimum Number of Acres of and for each School Site of Such Classifications
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Elementary Schools- Grades K- 5	600 Students	12 Acres
Junior High Schools Grades 6-8	700 Students	19.5 Acres
High School Grades 9-12	2,500 Students (Ord. 4183 - 9/18/06)	66 Acres (Ord. 2539 - 3/21/94)

c. Location. The Village's Comprehensive Plan shall be used as the criteria in locating school sites. If the Comprehensive Plan fails to provide the necessary designation for the location of particular school sites, then such designation shall be provided by the Village in cooperation with the affected school district. Such information shall be made available to a subdivider within thirty (30) days of the request for such information.

d. School Access. All land dedicated for school sites shall have vehicular access to public streets from two (2) separate points, as approved by the Board of Trustees.

4. Combining Lands.

a. Whenever possible, and whenever in the best interests of the Village and the affected school district, land dedicated for park and recreation sites shall be contiguous to land dedicated for a school site.

b. Where the development is less than forty (40) acres, park and recreation land or school sites which are to be dedicated should, where possible, and in the best interests of the Village and affected school districts, be combined with dedications from adjoining developments in order to produce usable park and recreation lands or school sites and thereby minimize hardship on a particular applicant. (Ord. 4412 - 9/2/08)

5. Criteria for Requiring a Contribution of Cash in Lieu of Park and Recreation Land and School Sites.

a. General. Where the development is small and the resulting site is too small to be practical, or when the available land is inappropriate for park and recreation land use or for a school site, or when land for park and recreation use cannot be made contiguous to land dedication for a school site, the Board of Trustees, upon recommendation of the affected school district and using the standards provided in this Section as a guide, shall determine whether the applicant shall be required to pay a cash contribution in lieu of the required land dedication.

b. School and Park Accounting Trusts and Use of Fees.

1. The cash contributions in lieu of land for park and recreation use shall be held in trust by the Village for expenditure by the Village or by such other appropriate agency, as determined by the Board of Trustees and as set out by intergovernmental agreement. Such cash contributions shall be used solely for the acquisition of land for

parks and recreation which will be available to serve the immediate or future needs of the residents of the subdivision or development, or for the improvement of recreation facilities and other parks already existing within the Village which will benefit the development or subdivision.

2. The cash contributions in lieu of school sites and the cash paid relating to high schools shall be held in trust by the affected school district. Such cash contributions shall be used for the acquisition of land for a school site, the improvement of existing or new sites or the construction of new schools, or the addition or improvement of existing buildings to serve the immediate or future needs of children from that development or subdivision or for the improvement to any existing school site which will benefit the development or subdivision.

c. Refunds. If any portion of a cash contribution in lieu of park and recreation land dedication or cash contribution in lieu of school site land dedication is not expended for the purposes set forth above within fifteen (15) years from the date of receipt, said portion shall be refunded to the applicant or any successors of such applicant who made such contribution if so requested.

(Ord. 4412 - 9/2/08)

6. Transportation Exactions.

a. General Requirements. All applicants shall install improvements to the Village's trans-portion system that the Village requires to serve the proposed development or subdivision, and shall pay an exaction in lieu, as a condition of the development or subdivision approval.

b. Credit. All applicants shall be entitled to a credit against the payment of this transportation exaction for any of the following improvements:

1. Any improvements required by the Village to off-site roads not contiguous to the development;

2. Any road improvements to Township maintained roads that are contiguous to the development that will be dedicated to the Village pursuant to an agreement between the Township and the Village within three (3) years after final approval by the Board of Trustees of the subdivision or re-subdivision plat or final development plan pursuant to the terms of Subsection E hereof.

3. Applicants will not be entitled to a credit for road improvements which provide for safe access to the development, including but not limited to turn lanes, deceleration lanes and road widenings. (Ord.2860 - 3/18/96)

c. Fair Share Exaction. All applicants shall pay the following transportation exaction, except applicants that are redeveloping properties of similar impact that have already contributed transportation exactions:

Residential: \$1,500 per lot or per dwelling unit, whichever is greater

Nonresidential: \$1.15 per sq. ft. for retail

\$0.90 per sq. ft. for office

\$0.60 per sq. ft. for industrial

These fees are based on the expected traffic that will be generated by each type of development, based on the estimated cost per lane mile. If the density or intensity of the development at the time of building permit issuance exceeds that which the applicant had represented that he or she would build at the time of plat approval, the applicant shall pay an additional fee, based on the fees set forth in this Section. If there is any question regarding the appropriate category for a nonresidential development for the purposes of this subsection, the nonresidential development shall be treated as if the development belonged in the most similar category, as determined by the Development Services Department or its designee. An applicant may appeal this determination to the Board of Trustees. The Village may elect to assume the obligation of an exaction fee as an incentive to encourage industrial and office development, so long as the Village follows the standards and procedures adopted by the Village for determining when such abatement is appropriate. (Amd. Ord. 4926 - 9/15/14)

d. Transportation Accounting Trust and Use of Fees. The cash contributions shall be held in trust by the Village, and shall be used for the purpose of acquisition, expansion and development of the transportation facilities that are needed to serve the immediate or future needs of residents from that development or for the improvement to any transportation facility which will benefit the development. The funds collected shall be expended for facilities that include, but are not limited to:

1. design and construction plan preparation;
2. right-of-way acquisition;
3. site acquisition;
4. construction or improvement of new or existing through lanes;
5. construction or improvement of new or existing turn lanes;
6. construction or improvement of new or existing bridges;
7. construction or improvement of new or existing drainage facilities in conjunction with roadway construction;
8. purchase and installation of street lighting and traffic signalization; and
9. construction or improvement of new or existing curbs, sidewalks, medians and shoulders.

(Ord. 4412 - 9/2/08)

7. Library Fees.

a. General Requirements. All applicants for residential developments within the Village shall pay a library fee in the amount of \$125.00 per each residential unit to the Village. The cash contribution shall be held in trust by the Village for expenditure by the Orland Park Library Board.

b. Timing of Payment. The fee shall be a one time charge payable in full prior to the issuance of a building permit.

c. Use of Funds. The library fees collected shall be used only for library improvements and services. Library "improvements and services" are defined to include expenses for library personnel and library operation, the cost of library buildings, books, and other materials.

d. Exemptions. Applicants of the following residential development shall be exempted from payment of the library fee:

1. Alterations or expansion of an existing dwelling unit where no additional units are created and the use is not changed.

2. The construction of accessory buildings or structures which are not dwelling units and which do not constitute an increase in intensity or use; and

3. The replacement of a destroyed or partially destroyed building or structure of the same size and use. (Ord. 2539 3/21/94)

8. Criteria for Requiring Dedication and Contribution. There will be situations in 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 park and recreation lands, school site purposes or transportation facilities. That portion of the land within the development falling within any of these locations shall be dedicated as a site and a cash contribution in lieu thereof shall be required for any additional land that would have been required to be dedicated; or

b. A major part of the local park and recreation land or school site or transportation facility site has already been acquired and only a small portion of land is needed from the development to complete the site. The small portion shall be dedicated and a cash contribution shall be required in lieu of any additional land that would have been required to be dedicated.

(Ord. 4412 - 9/2/08)

9. Fair Market Value. The cash contributions in lieu of land shall be based on the "fair market value" of improved land in the area. Improved land for purposes of this Section is specified in Section 10 below.

a. The "fair market value" of such improved land is \$134,689 per acre as of January 1, 2009 for all properties within the Village and its one and one half (1 ½) mile jurisdiction. Refer to the Village of Orland Park fee structure summary in the Development Services Department.

(Ord. 4574 - 7/6/10)

b. The "fair market value" of such improved land is \$75,000 per acre until January 1, 1997, for all properties within the Village and its one and one half (1 ½) mile jurisdiction. After January 1, 1997, the "fair market value" shall be increased by a factor of five (5) percent per annum, on January 1 of each year beginning with 1998. Refer to the Village of Orland Park fee structure summary in the Development Services Department.

c. The applicable figure shall be used in making any calculation herein unless the applicant or an affected school district files a written objection thereto with the Board of Trustees. In the event of any such objection, the applicant or affected school district shall submit an appraisal by an appraiser mutually acceptable to the applicant and the Board of Trustees. The appraisal shall show the "fair market value" per acre of such improved site as described in Subsection 10 (a) below in the area of the development. A final determination of said "fair market value" per acre of such improved site shall be made by the Board of Trustees based upon such information submitted by the appraiser and from other sources which may be obtained by the Board of Trustees or the affected school district or the applicant. When evidence is presented to support a written objection, it shall be specific to the applicable area:

1. Unincorporated areas of Orland and Palos Townships.
2. Unincorporated areas of Homer and Frankfort Townships.
3. Village of Orland Park.

(Ord. 3354 - 4/17/00; Amd. Ord. 4412 - 9/2/08)

10. Density Formula.

a. A document entitled, "Table of Estimated Ultimate Population Per Dwelling Unit," prepared by the Illinois School Consulting Service located in Naperville, Illinois, is attached hereto as Table 5-112(H)(9). Such Table 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 cash contributions in lieu thereof. It is recognized that population density, age distribution and local conditions change over a period of time. Therefore, the Table shall be updated every two (2) years, if felt necessary in the opinion of the Board of Trustees to reflect the latest Table

published by the Illinois Consulting Service or a comparable organization. If the Board of Trustees fails to renew and update said Table, such failure shall not be deemed to invalidate this Section or any parts hereof.

b. An applicant may file a written objection to Table 5-112(H)(9) with the Board of Trustees and shall submit his or her own demographic study that shows the estimated additional population to be generated from the development. The Board of Trustees shall make a determination of the density formula to be used in calculating the dedication or contribution required herein after review of such demographic information.

c. An applicant of detached single family dwellings with commonly maintained lots may present to the Board of Trustees written evidence to support a request that the dwellings be treated as single family attached dwellings for school impact fee purposes. Such evidence shall include, but need not be limited to, an anticipated resident profile, discussion of marketing efforts to attract that profile, a description of the common amenities to be provided and a discussion of why the proposed development is expected to generate fewer school age children than a similar single family development with privately maintained lots. The Board of Trustees shall make a determination after considering the evidence submitted by the applicant.

(Ord. 3354 - 4/17/00; Amd. Ord. 4412 - 9/2/08)

Table of Estimated Ultimate Population 5-112.H.9

Table of Estimated Ultimate Population 5-112.H.9 Table 5-112(H)(9) Table of Estimated Ultimate Population Per Dwelling Unit (School Donation) (Children Per Unit)							
Type of Unit	Pre-School	Elementary	Junior High	TOTAL	High School		
		Grades K-5	Grades 6-8	Grades K-8	Grades 9-12	Adults	Total Per
	0-4 Years	5-10 Years	11-13 Years	5-13 Years	14-17 Years	18 and Up	Unit
Detached Single Family							
2	0.12	0.411	0.138	0.549	0.222	1.856	2.746

Bedroom							
3 Bedroom	0.268	0.486	0.153	0.639	0.135	1.913	2.955
4 Bedroom	0.371	0.702	0.259	0.961	0.242	1.985	3.532
5 Bedroom	0.386	0.59	0.236	0.826	0.242	2.191	3.645
Attached Single Family							
1 Bedroom	0	0	0	0	0	0	0
2 Bedroom	0.206	0.084	0.057	0.141	0.03	1.318	1.697
3 Bedroom	0.214	0.104	0.039	0.143	0.05	1.966	2.374
4 Bedroom	0.183	0.271	0.106	0.377	0.105	2.102	2.767
Apartments							
Efficiency	0	0	0	0	0	1.4	1.4
1 Bedroom	0.058	0.032	0.012	0.044	0.013	1.653	1.71
2 Bedroom	0.129	0.064	0.031	0.095	0.038	1.744	2.007
3	0.199	0.115	0.073	0.188	0.083	2.005	2.475

Bedroom							
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NOTE: There are only three (3) significant categories provided in this chart. Because of the similarity of yields of all types of attached single-family, only one category is provided. The same is true with apartments; thus one category. Because of the relatively short history of some newer types of detached and attached single-family units, individual evaluations may be necessary.

(Ord. 4412 - 9/2/08)

11. Improved Sites. All sites to be dedicated or conveyed shall be improved by the applicant at his or her cost. The improvement of sites shall be guaranteed by giving security in conformance with the requirements of Subsection E.

a. An "improved site" for purposes of this Section shall include, but shall not be limited to the following:

1. Contour and grading and storm water management;
2. All utilities to service the site consisting of electric, water, sewer, streets, curbs and gutters and all required drainage;
3. Sites for parks and recreation lands shall include improvements for paved parking facilities sufficient to service such sites;
4. Sites for park and recreation lands shall comply with all landscape regulations es-tablished pursuant to the Village's Zoning Ordinance; and
5. Other improvements that may be appropriate to the site.

b. Responsibility. The improvement plans, installation and security required by these regulations shall be the responsibility of the applicant.

c. Plan Approval. Plans for the improvement of dedicated sites shall be approved by the Board of Trustees as part of the development's final development approval.

d. Phasing. The improvement of all dedicated sites shall be completed by the applicant before twenty percent (20%) of the occupancy permits for dwelling units have been issued, or by another date as determined by the Board of Trustees but in no event later than three (3) years of final approval.

12. Reservation of Additional Land. Where the Comprehensive Plan or the designation by the Village calls for a larger amount of land in a particular subdivision or planned development for school sites, park and recreation use, transportation facilities, or as additional public land than the applicant is required to dedicate, the land needed beyond the applicant's contribution shall be reserved for subsequent acquisition by the

Village or the school district in accordance with the requirements of the Illinois Municipal Code, Ill. Rev. Stat. ch. 24, §11-12-8.

13. Topography and Grading. The slope, topography and geology of the dedicated site and its surroundings must be suitable for its intended purposes. An applicant shall allow the Village or school district to have access to proposed sites for the purpose of conducting soil boring tests.

14. Timing of Conveyance An applicant shall convey to the Village, the affected school district, or such other governmental body, corporation or other qualified owner as determined by the Village, the land required under this Section at the time of final approval by the Board of Trustees of the subdivision or resubdivision plat or final development plan, by the delivery of the following documents:

(Ord. 4412 - 9/2/08)

a. A good and sufficient Trustee's or Warranty Deed conveying fee simple title free and clear of all liens and encumbrances (except liens or encumbrances dischargeable by cash accompanying said deed) except for current real estate taxes;

b. Preliminary commitment for title insurance issued by a title insurance company acceptable to the Board of Trustees covering a date not more than thirty (30) days prior to the date of conveyance in the amount of the fair market value of the land to be conveyed as established herein, subject only to the matters hereof, and to such other matters acceptable to the Board of Trustees;

c. An affidavit of title to the real estate;

d. Completed Illinois Department of Revenue and Cook County Real Estate Declarations;

e. A deposit of money equal to 115% of the most ascertainable taxes for the year, pro-rated to the date the deed is delivered.

f. A plat of survey containing thereon the legal description of the property to be conveyed and any other matters which may be required by the Development Services Department or the school district. (Ord. 4412 - 9/2/08)

15. Timing of Payment. Cash contributions required under this Section shall be paid as follows:

a. All fees required pursuant to this Section, including fees arising from the development of land located in the Village's one and one-half (1-1/2) mile planning jurisdiction that may be the subject of an intergovernmental agreement, shall be due and owing prior to final plat approval by the Board of Trustees, or as provided by the terms of a development agreement entered into between the Village and an applicant. However, if the applicant's lands are the subject matter of an annexation agreement, payment shall be made at the times and in the manner provided in said annexation agreement. (Ord. 4412 - 9/2/08)

b. It shall be the duty of the Village Comptroller to establish regulations and procedures for the collection and administration of the cash contributions required under this Section.

(Amd. Ord. 5476 - 1/20/20)

16. Credit for Land or Contribution of Cash in Lieu of Land Given Under Annexation Agreements. If an applicant has given land and a contribution of money or a contribution of cash in lieu of land as part of an annexation agreement and thereafter the applicant or his or her successors submits a plan of subdivision or resubdivision or final development plan which will increase the density of population in those areas covered by the annexation agreement, then the applicant shall be required to make an additional contribution of park and recreation land or land for school sites or land for transportation facilities or of cash in lieu thereof as outlined above. The additional land or cash in lieu of land to be contributed shall be the difference between that land or cash in lieu of land required as determined from the plat of subdivision or resubdivision or final development plan and that land or cash in lieu of land previously contributed under the annexation agreement. (Amd. Ord. 5476 - 1/20/20)

17. Development Agreements. Upon review and recommendation of the Committee of the Whole and approval by the Board of Trustees, the Village may enter into a development agreement with any applicant which sets forth the time and manner of compliance with the terms of this Section and implementation of any other provisions of these regulations. If any development agreement has previously been entered into between the Village and an applicant, and that agreement remains in full force and effect, the provisions of that agreement shall control and this Section shall have no force and effect, provided that the applicant complies with the terms of such agreement. However, if such applicant is not complying with the terms of that agreement or the agreement does not set forth a specific dollar amount that the applicant is required to pay to the Village, then the provisions of this Section shall apply and the Village shall utilize the fees set forth herein to determine the appropriate exaction amount, less credits, if any. Further, if the development contemplated by an applicant has either increased in density or has otherwise increased the traffic on the Village's transportation system previously estimated following annexation, then the development agreement previously entered into between the applicant and the Village shall be amended and the applicant shall pay an additional pro-rata fee, based on the fees set forth in this Section, less credits, if any. (Ord. 4412 - 9/2/08; Amd. Ord. 5476 - 1/20/20)

18. Audit Reports. The Village shall have the right to request and receive from the affected school districts, or such other appropriate agencies, annual audit reports and any other information the Village may need from time to time to insure compliance with this Section. (Amd. Ord. 5476 - 1/20/20)

19. Indemnification. The affected school districts, or such other appropriate agencies, shall be required, as a condition of receiving the donations hereunder, to indemnify and hold harmless the Village from any loss, claims and causes of actions of every kind

incurred by the Village as a result, either directly or indirectly, of the passage of this Section, or the administration or enforcement thereof, including any so incurred as a result of a lawsuit brought or threatened by an applicant. If the Village is sued by any applicant as a result, directly or indirectly, of the passage of this Section, the school district or other appropriate agencies affected may, at its option, undertake the defense thereof but all costs and expenses of such defense, including attorneys' fees, shall then be borne by the affected school district or appropriate agencies. (Ord. 4412 - 9/2/08; Amd. Ord. 5476 - 1/20/20)