

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 5-112.H OF THE VILLAGE OF ORLAND PARK LAND DEVELOPMENT CODE, ORDINANCE NO. 2084, TO REVISE AND UPDATE DEVELOPMENT AND SUBDIVISION EXACTIONS; DEDICATION OF LAND AND FEES IN LIEU OF DEDICATION

WHEREAS, the President and Village Board of the Village of Orland Park (“Village Board”) are committed to developing and implementing a program to support the goals of the Village of Orland Park’s Comprehensive Land Use Plan; and

WHEREAS, the Village Board has determined that the imposition of land dedications and fees in lieu, and exactions and impact fees that are attributable to land development within the Village are equitable and financially responsible approaches to ensuring that adequate land, facilities, and services will be available when needed to serve new residential and industrial land development; and

WHEREAS, the Village Board has determined that the impacts of growth by the development of residential property are most pronounced on services and facilities affecting schools, libraries, parks, recreation facilities, open space, law enforcement services, fire and emergency services, and public works services; and

WHEREAS, the Village of Orland Park’s home rule authority and 65 ILCS 11/12-5 authorize the Village of Orland Park to implement its comprehensive plan through ordinances providing for:

- A. The dedication of land and fees in lieu of land dedications to pay for school and park growth-related capital improvements that are specifically and uniquely attributable to residential development; and
- B. Impact fees and exactions to pay for the costs of growth-related capital improvements and services for libraries, parks, recreation facilities, open space, law enforcement, fire and emergency response, and Village public infrastructure that are specifically and uniquely attributable to residential development; and

WHEREAS, based upon sufficient and reliable reports, generation studies, land value reports and other supporting data the Village Board finds that the growth-related dedication requirements, and impact fees provided herein will be proportionate to land requirements and capital costs and services that are specifically and uniquely attributable to residential developments of various types; and

WHEREAS, the Village of Orland Park has determined that it is necessary and appropriate to amend Section 5-112.H of Article 5 of the Village of Orland Park Land Development Code in as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ORLAND PARK, as follows:

SECTION 1: That Section 5-112.H of the Village of Orland Park Land Development Code and all other existing Ordinances of the Village are hereby repealed, insofar as they may be inconsistent with the provisions of this Ordinance and replaced with the following:

SECTION 5-112 –H Development and Subdivision Land Donations and Impact Fees:

1. FINDINGS AND PURPOSE

- a. Residential developments can cause increased demands upon public facilities and services that are specifically and uniquely attributable to those new residential developments. Affected facilities and services include public schools, libraries, parks, playgrounds and recreation facilities, open space, police, fire and emergency facilities and services, and public works facilities and services.
- b. To the extent that residential developments place demands upon public facilities that are specifically and uniquely attributable to such developments, those demands should be satisfied by requiring that the new residential developments creating the demands dedicate land and or pay the costs of meeting the demands.
- c. The Village Board, after careful consideration, finds and declares that land and cash in lieu dedications and the imposition of development impact fees upon new residential developments to finance, in accordance with Illinois law, the acquisition of land, and the cost of public facilities and such services that are specifically and uniquely attributable to such residential developments within the jurisdiction of Village, are in the best interests of the general welfare of the Village and its residents, are equitable, and do not impose an unfair burden on such developments.
- d. It is declared to be the policy of the Village that the provision of various public facilities required to serve new residential developments is subject to the control of the Village in accordance with the Land Development Code and Comprehensive Plan of the Village for the orderly, planned, efficient, and economical development of the Village.
- e. The amount of the dedications and development impact fees to be required by residential developments shall be the proportionate share of the cost of the additional public facilities or operations needed to support such developments (including during the period of time between occupancy and full inclusion of the development in the general property tax rolls) in accordance with Illinois law, and such development impact fees shall be calculated to ensure that developers of new residential developments pay only that portion of the costs of acquiring needed lands and, to the extent permitted by law, the needed facilities specifically and uniquely attributable to the new residential developments, or the portion of the additional costs of services to the new residential development not reflected by general property taxes.

2. **DEDICATIONS AND FEES**

- a. Land dedications, payments of cash in lieu or in combination with land dedications, and payments of impact fees are hereby imposed and required as provided in this Section.
- b. Unless expressly provided otherwise in this Section or a development agreement approved by the Village Board, the developer shall not be entitled to any further permits, approvals, or authorizations relating to the development unless all required donations and payments under this Section have been made.
- c. Every annexation agreement and development agreement for residential development entered into by the Village hereafter shall contain a provision that the applicant agrees to the legal validity of the provisions of this Section and the dedication and fee requirements imposed by in this Section, and agrees to comply with its terms and conditions.
- d. For any residential development for which a final plat or final development plan has been approved or for which a building permit has been issued prior to the adoption of this Ordinance by the Village of Orland Park Board of Trustees, the development required impact fee shall be as required by the impact fee ordinance in place at the time of the development approval by the Village of Orland Park Board of Trustees or as set forth in any applicable annexation or other agreement relating to such development. If there is no such agreement and to the extent not otherwise provided in such agreement, the terms and provisions of this Section shall apply.
- e. It is recognized that fair market value and population density, age distribution and local conditions change over the years, and that 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 as necessary.
- f. Beginning January 1, 2026, the impact fees set forth herein shall be annually increased by the Consumer Price Index for Urban Wage Earners and Clerical Workers (Revised Series) ("CPI-U"). Said adjustment shall be effective on January 1 of each year and shall be applied to any development, redevelopment, or subdivision that receives final approval by the Board of Trustees on or after the January 1 adjustment.
- g. This Section shall not affect, in any manner, the permissible use of property, density of development, design, improvement standards and requirements, or any other land use or development standard under the Land Development Code, or governing subdivision, development zoning, or other land use regulations.

3. INTERGOVERNMENTAL COOPERATION

- a. **Intergovernmental Agreement Required.** It shall be an express condition to the delivery of the land dedication, fees in lieu of land dedication, or the impact fees to any school district, park district, parks department, fire protection district, public library, or library district (each a “Recipient”) pursuant to the terms of this Section that the Recipient shall have entered into a valid and enforceable intergovernmental agreement (“IGA”) with the Village upon terms and conditions in a form approved by the Village attorney, and which IGA is acceptable to the Village. The IGA between the Village and each Recipient shall include an indemnification clause whereby such Recipient indemnifies the Village and its officers and employees, and shall defend, indemnify, and hold the Village harmless for any claims, suits, demands, judgments, fees (including attorneys’ fees), costs, or losses of any kind, arising at law or in equity (except those arising out of willful misconduct by the Village relative to payment of land-cash funds), that are in any way related to any land-cash payment and/or conveyance of land, or the use thereof, and from any challenge based on the provisions set forth or referenced in this Section and each part thereof, as amended from time to time. Further, said IGA shall provide for the Recipient to be responsible for any refunds to be made as a result of non-use of land-cash land or funds, any court ruling, or for any other reason whatsoever subject to the receiving entity's right against third parties to assert its rights to any funds sought to be refunded.
- b. **Preparation Of Needs Assessments.** Each Recipient and public service provider shall periodically, at least every 5 years, prepare a study to assess the need for land, facilities and capital improvements, and services due to new, growth-related residential development. The study shall consist of a detailed analysis of land and improvements dedicated for the Recipient’s public facilities, service standards, and expected future land and capital improvement needs that will be directly attributable to planned residential growth. Such study or studies should also include information about the following: (1) development and development trends within the 5 most recent prior years, including public facilities actually constructed, (2) anticipated, relevant population generation, (3) changing public facility needs, (4) inflation, (5) any revisions to previous cost estimates for growth-related public facilities, (6) changes in the availability of other funding sources applicable to growth-related public facility projects, and (7) such other factors as may be relevant. Two or more Recipients or public service providers may submit to the Village a joint study that provides the required information for each Recipient.

4. DEDICATION OF LAND OR FEES IN LIEU OF LAND FOR SCHOOL SITES

As a condition of residential development approval, each subdivider or developer will be required to dedicate land, pay cash in lieu of land, or a combination of both, for school facilities to serve the immediate and future needs attributable to the students residing in the approved development. Dedication of land and/or payment of cash in lieu thereof, or a combination of both, is also referenced herein as a "land-cash contribution." Whether a

land donation or cash contribution is required shall be based on the recommendation of the Recipient of the contribution, but subject to final determination by the Village Board, and shall be clearly noted on the final development plan approved by the Village Board. The land-cash contribution shall be made in accordance with the provisions, criteria and formulas set forth herein, and the student-generation factors approved by the Village Board.

Cash in lieu payments shall be made upon issuance of each residential building permit within the development.

a. Criteria for Determining Land-Cash Contributions

1. The land required to be dedicated for schools shall be based upon:
 - i. the number and mix of bedrooms of the dwelling units approved for construction under the Village-approved development plan;
 - ii. the estimated number of students in each school classification to be generated by the dwelling units approved for construction under the Village-approved development plan;
 - iii. the maximum number of students for each school classification;
 - iv. the minimum number of acres of land for each school site for each school classification;
 - v. the number and bedroom mix of existing dwelling units.
2. “Dwelling units” as that term is applied to land-cash contributions for schools and parks shall be subject to the exclusions under Section 5-112.H.10.
3. Cash payments in lieu of or in combination with land shall be based upon the acreage of land otherwise required to be dedicated, but not being dedicated, multiplied by the average fair cash value of residential land in the Village of Orland Park, being \$300,000.00 per acre.
4. The maximum number of students for each school classification and the minimum number of acres of land for each school site for each school classification are set forth in Table 1: CLASSIFICATIONS AND SIZE OF SCHOOL SITES in this Section.
5. The estimated number of students in each school classification to be generated by the dwelling units approved for construction under the Village-approved development plan shall be calculated using the student generation factors approved by the Village, and Table 2: DEVELOPMENT-GENERATED POPULATION AND STUDENTS PER SCHOOL CLASSIFICATION, not including the estimate number of students in each school classification expected

to reside in any dwelling units existing in the Development area before Village approval of the development plan.

Table 1. CLASSIFICATIONS AND SIZE OF SCHOOL SITES

| School Classification Grades | Maximum Number of Students for Each Such School Classification | Minimum Number of Acres of Land for Each School Site For Such Classification |
|-------------------------------------|---|---|
| Elementary Schools – Grades K-5 | 600 Student | 12 Acres |
| Junior High Schools – Grades 6-8 | 700 Students | 19.5 acres |
| High Schools – Grades 9-12 | 2,500 Students | 66 Acres |

Table 2. POPULATION GENERATION TABLE

| Type Of Unit | Preschool 0—4 Years | Elementary Grades K—5 5—10 Years | Middle School Grades 6—8 11—13 Years | TOTAL Grades K—8 5—13 Years | High School Grades 9—12 14—17 Years | Adults 18 Years + | Total Per Dwelling Unit |
|--|--------------------------------|---|---|--|--|------------------------------|------------------------------------|
| | | | | | | | |
| <i>Detached Single-Family:</i> | | | | | | | |
| 2 bedroom | 0.120 | 0.411 | 0.138 | 0.549 | 0.222 | 1.856 | 2.746 |
| 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. | 0.242 | 1.985 | 3.532 |
| 5 bedroom | 0.386 | 0.590 | 0.236 | 0.826 | 0.242 | 2.191 | 3.645 |
| <i>Attached Single-Family:</i> | | | | | | | |
| 2 bedroom | 0.206 | 0.084 | 0.057 | 0.141 | 0.030 | 1.318 | 1.697 |
| 3 bedroom | 0.214 | 0.104 | 0.039 | 0.143 | 0.050 | 1.966 | 2.374 |
| 4 bedroom | 0.183 | 0.271 | 0.106 | 0.377 | 0.105 | 2.102 | 2.767 |
| 5 bedroom | — | — | — | — | — | — | — |
| <i>Apartments:</i> | | | | | | | |
| Efficiency | — | — | — | — | — | 1.400 | 1.400 |
| 1 bedroom | 0.058 | 0.032 | 0.012 | 0.044 | 0.013 | 1.653 | 1.710 |
| 2 bedroom | 0.129 | 0.064 | 0.031 | 0.095 | 0.038 | 1.744 | 2.007 |
| 3 bedroom | 0.199 | 0.115 | 0.073 | 0.188 | 0.083 | 2.005 | 2.475 |
| 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 (1) category is provided. The same is true with apartments; thus only one (1) category. | | | | | | | |

Table 3: BEDROOM MIX

| Type of Residential | Bedroom Mix |
|--|--|
| Single-family detached dwellings | Three (3) bedroom mix throughout the development |
| Single-family attached and multiple family dwellings other than apartments | Two (2) bedroom mix except that the actual bedroom mix shall be used for an approved PUD. |
| Apartments | The mix shall be based upon fifty percent (50%) of the dwelling units being one bedroom and fifty percent (50%) being two (2) bedroom units, except that the actual bedroom mix shall be used for an approved PUD. |

6. The Developer may contest the following under the terms and procedures set forth in Section 112-H.11.:

- i. the estimated number of students in each school classification to be generated by the dwelling units approved for construction under the Village-approved development plan; and/or
- ii. the number of dwelling units and mix of bedrooms existing within the area that is the subject of the approved final development plan; and/or
- iii. the average fair cash value of residential land in the Village of Orland Park at the time of development approval.

b. "Per permit" cash-in-lieu payments.

- 1. Payment of fees "per permit" shall be based on the residence type and actual number of bedrooms identified in the building permit at the time of issuance of each building permit. Payment shall be made prior to issuance of said building permit and shall be based upon the land-cash provisions in effect at the time of issuance of the permit. No credit or credit adjustment shall be given for an existing structure on the permitted lot at the time of payment.

5. DEDICATION OF LAND OR FEES IN LIEU OF LAND FOR PARKS AND RECREATION SITES

- a. General Requirements. As a condition of residential development approval, each subdivider or developer will be required to dedicate land, pay cash in lieu of land, or a combination of both, for park facilities to serve the immediate and future needs attributable to the residents in the approved development. The amount of park land and facilities or fee in lieu specifically attributable to new residents is

based on the ratio of seven (7) acres of active parks per 1,000 residents. This ratio is intended to attribute 100% of the land required for neighborhood parks to new residential development, and 40% of the land required for community parks to new residential development.

Whether a land donation or cash contribution is required shall be based on the recommendation of the Recipient of the contribution (if other than the Village), but subject to final determination by the Village Board, and shall be clearly noted on the final development plan approved by the Village Board.

b. Fair Share Donation Formula.

1. Land Ratio. Applicants for approval for residential developments shall donate land or a fee in lieu of land to the Village at a ratio of seven (7) acres per 1,000 new residents estimated to reside in the Village approved development area. The classification and size of park sites is based on the criteria set forth in Table 4.
2. Projected Population. The ultimate population of a development and of each dwelling unit therein shall be projected using Tables 2 and 3, less credit for:
 - i. the estimated population residing in existing dwelling units within the development area at the time of development plan approval; and
 - iii. exclusions and reductions set forth in Section 5-112.H.10.
3. Cash in Lieu Amount. Cash payments in lieu of or in combination with land shall be based upon the acreage of land otherwise required to be dedicated, but not being dedicated, multiplied by the average fair cash value of residential land in the Village of Orland Park, being \$300,000.00 per acre.
4. Location. Land donated for new parks shall be located based generally on the Village's Comprehensive Plan and official map and specifically in consideration of the design of each development. Land donated shall not include wetlands, flood plain or detention facilities.

Table 4: PARK SIZE REQUIREMENT

| Types Of Recreation Area | Size Range | Minimum Acres Per 1,000 People |
|-----------------------------|------------------|--------------------------------|
| a) Mini or vest pocket park | 0.20 acres | Not applicable |
| b) Playlot | 0.5 to 2.9 acres | 0.5 |

| | | |
|---------------------------------|---|----------------|
| c) Neighborhood playground | 3 to 4.9 acres | 1.5 |
| d) Neighborhood park and school | 5 acres per elementary school to 6.9 acres per junior high school | Not applicable |
| e) Neighborhood park | 7 to 14.9 acres | 1.5 |
| f) Playfield | 15 to 40 acres or more | 1.5 |
| g) Regional community park | 40 to 100 acres or more | 4.00 |

- c. **Park Donation Substitutions.** As a condition of residential development approval, cash in lieu of the required land donation or in combination with the required land donation may be required by the Village if park land would be more appropriately located off-site, as determined by the corporate authorities in its sole judgment.

Cash in lieu payments shall be made on a “per permit” basis upon the issuance of each residential building permit within the development. The provision of Section 5-112.H.4.b. shall apply to cash-in-lieu payments for parks contributions. “Per permit” fees shall be based on the residence type and actual number of bedrooms identified in the building permit at the time of issuance of each building permit with no credit being given for any existing structure on the permitted lot. Payment per permit shall be made prior to issuance of said building permit, and shall be based upon the land-cash provisions in effect at the time of issuance of the permit.

- d. **Credit For Private Parks and Private Open Spaces and Recreation Areas:**

1. The amount of land or cash in lieu required beyond the minimum outdoor common areas within the approved residential development required for development approval under the Land Development Code may be reduced by the provision of private parks and/or private open spaces and recreation areas. In general, a substitution of private parks or private open space for dedicated park land and/or cash in lieu will require a substantially higher degree of installed improvements and recreational facilities. Detailed plans and specifications of facilities to be installed, and maintenance guarantees, must be approved by the Village before any credit is given.
2. The amount of land or cash in lieu required as a condition of new residential development approval may be reduced by the provision of private parks within the approved development by up to 2 acres, provided the private park land meets the Village’s standards for donations of public park land, and it is documented to the Village’s satisfaction that the private park is and remains legally and practically available for use by all

Village residents. The Village may require as a condition of development approval that a back-up special service area is established and recorded to provide for perpetual maintenance of the private park.

3. Open space for recreation areas and facilities within approved developments, may have the effect of reducing the demand for local public recreational services. As such, the Village may, in its sole judgment, reduce the land or cash in lieu donation required depending on the size of the development, the amount and location of the open space, the park and/or recreational facilities provided in the open space, the availability of use of the open space, perpetual maintenance commitments, and other relevant factors.
- e. The Developer may contest the following under the terms and procedures set forth in Section 112-H.11.:
1. the population to be generated by the dwelling units approved for construction under the Village-approved development plan; and/or
 2. the number of dwelling units and mix of bedrooms existing within the area that is the subject of the approved final development plan on the date of that is (36 months prior to the developer's filing of the application for development plan approval; and/or
 3. the average fair cash value of residential land in the Village of Orland Park.

6. FIRE AND RESCUE IMPACT FEE

- a. General Requirements. As a condition of residential development approval, each subdivider or developer will be required to pay a Fire And Rescue Impact Fee to serve the growth-related capital costs of fire and rescue services in the Village of Orland Park. The Fire And Rescue Impact Fee is the established average annual capital cost for fire and rescue services on a per capita basis, attributable to new residential development within the Village of Orland Park to be served by the Orland Fire Protection District.
- b. Fair Share Fire and Rescue Impact Fee Formula.
1. The average capital costs of fire and rescue services in the Village is the average annual capital cost for the ten (10) previous years.
 2. "Per capita" is established by the most recent federal census therefor.
 3. The ultimate population of a development and of each dwelling unit therein shall be projected using Tables 2 and 3, less the estimated existing population expected to reside in dwelling units within the development area at the time of the development plan approval.

Formula:

$$\frac{\text{10 year annual avg. of capital cost for fire and rescue}}{\text{Most Recent Census Population}}$$

Multiplied by:

- i. Projected new residents of the approved development minus:
- ii. the estimated number of residents residing in dwelling units within the area that is the subject of the approved final development plan on the date of the development approval.

= Fire and Rescue Development Impact Fee for the Development

- c. All Fire and Rescue Impact Fees attributable to the development shall be made, on a “per permit” basis upon the issuance of each residential building permit within the development. The provision of Section 5-112.H.4.b. shall apply to cash-in-lieu payments for Fire and rescue contributions. “Per permit” fees shall be based on the residence type and actual number of bedrooms identified in the building permit at the time of issuance of each building permit with no credit being given for any existing structure on the permitted lot. Payment per permit shall be made prior to issuance of said building permit, and shall be based upon the land-cash provisions in effect at the time of issuance of the permit.
- d. The Developer may contest the following under the terms and procedures set forth in Section 112-H.11.:
 1. The average capital costs of fire and rescue services in the Village is the average annual cost for the ten (10) previous years after removing the highest and lowest annual capital costs; and/or
 2. the population to be generated by the dwelling units approved for construction under the Village-approved development plan; and/or
 3. the number of existing dwelling units and mix of bedrooms existing within the area that is the subject of the approved final development plan on the date of the development approval.

7. LAW ENFORCEMENT IMPACT FEE

- a. General Requirements. As a condition of residential development approval, each subdivider or developer will be required to pay a Law Enforcement Impact Fee to serve the growth-related capital costs of Law Enforcement services in the Village of Orland Park. The Law Enforcement Impact Fee is the established average annual capital cost for Law Enforcement services on a per capita basis attributable to new residential development to be served by the Police Department.
- b. Fair Share Law Enforcement Impact Fee Formula.

1. The average capital costs of Law Enforcement services in the Village is the average annual capital cost for the ten (10) previous years.
 - i. “Per capita” is established by the most recent federal census therefor.
 - ii. The ultimate population of a development and of each dwelling unit therein shall be projected using Tables 2 and 3, less the estimated existing population expected to reside in dwelling units within the development area at the time of the development plan approval.
 - iii. Formula:

10 year annual avg. of capital cost for Law Enforcement
Most Recent Census Population

Multiplied by:

Projected new residents of the approved development minus:
the estimated number of residents residing in dwelling units within
the area that is the subject of the approved final development plan
on the date of the development approval.

= Law Enforcement Development Impact Fee for the Development

- c. All Law Enforcement Impact Fees attributable to the development shall be made on a “per permit” basis upon the issuance of each building permit within the development. The provision of Section 5-112.H.4.b. shall apply to cash-in-lieu payments for Law Enforcement contributions. “Per permit” fees shall be based on the residence type and actual number of bedrooms identified in the building permit at the time of issuance of each building permit with no credit being given for any existing structure on the permitted lot. Payment per permit shall be made prior to issuance of said building permit, and shall be based upon the land-cash provisions in effect at the time of issuance of the permit.
- d. The Developer may contest the following under the terms and procedures set forth in Section 112-H.11.:
 1. The average capital costs of Law Enforcement services in the Village is the average annual cost for the ten (10) previous years after removing the highest and lowest annual capital costs; and/or
 2. the population to be generated by the dwelling units approved for construction under the Village-approved development plan; and/or
 3. the number of existing dwelling units and mix of bedrooms existing within the area that is the subject of the approved final development plan on the date of the development approval.

8. LIBRARY IMPACT FEE

- a. General Requirements. As a condition of residential development approval, each subdivider or developer will be required to pay a Library Impact Fee to serve the growth-related capital costs of Library services in the Village of Orland Park. The Library Impact Fee is the established average annual capital cost for Library services on a per capita basis, attributable to new residential development to be served by the Orland Park Public Library.
- b. Fair Share Library Impact Fee Formula.
 1. The average capital costs of Library services in the Village is the average annual capital cost for the ten (10) previous years.
 2. “Per capita” is established by the most recent federal census therefor.
 3. The ultimate population of a development and of each dwelling unit therein shall be projected using Tables 2 and 3, less the estimated existing population expected to reside in dwelling units within the development area at the time of the development plan approval.

Formula:

$$\frac{\text{10 year annual avg. of capital cost for Library}}{\text{Most Recent Census Population}}$$

Multiplied by:

Projected new residents of the approved development minus:

the estimated number of residents residing in dwelling units within the area that is the subject of the approved final development plan on the date of the development approval.

= Library Development Impact Fee for the Development

- c. All Library Impact Fees attributable to the development shall be made on a “per permit” basis upon the issuance of each residential building permit within the development. The provision of Section 5-112.H.4.b. shall apply to cash-in-lieu payments for Library contributions. “Per permit” fees shall be based on the residence type and actual number of bedrooms identified in the building permit at the time of issuance of each building permit with no credit being given for any existing structure on the permitted lot. Payment per permit shall be made prior to issuance of said building permit, and shall be based upon the land-cash provisions in effect at the time of issuance of the permit.
- d. The Developer may contest the following under the terms and procedures set forth in Section 112-H.11.:

1. The average capital costs of Library services in the Village is the average annual cost for the ten (10) previous years after removing the highest and lowest annual capital costs; and/or
2. the population to be generated by the dwelling units approved for construction under the Village-approved development plan; and/or
3. the number of existing dwelling units and mix of bedrooms existing within the area that is the subject of the approved final development plan on the date of the development approval.

9. VILLAGE PUBLIC INFRASTRUCTURE IMPACT FEE

- a. General Requirements. As a condition of residential development approval, each subdivider or developer will be required to pay a Village Public Infrastructure Impact Fee to serve the growth-related capital costs of Village Public Infrastructure services in the Village of Orland Park. The Village Public Infrastructure Impact Fee is the established average annual capital cost for Village Public Infrastructure services on a per capita basis, attributable to new residential development to be served by the Village.
- b. Fair Share Village Public Infrastructure Impact Fee Formula.
 1. The average capital costs of Village Public Infrastructure services in the Village is the average annual capital cost for the ten (10) previous years.
 2. “Per capita” is established by the most recent federal census therefor.
 3. The ultimate population of a development and of each dwelling unit therein shall be projected using Tables 2 and 3, less the estimated existing population expected to reside in dwelling units within the development area at the time of the development plan approval.

Formula:

$$\frac{\text{10 year annual avg. of capital cost for Village Public Infrastructure}}{\text{Most Recent Census Population}}$$

Multiplied by:

Projected new residents of the approved development minus:

the estimated number of residents residing in dwelling units within the area that is the subject of the approved final development plan on the date of the development approval.

= Village Public Infrastructure Development Impact Fee for the Development

- c. All Village Public Infrastructure Impact Fees attributable to the development shall be made on a “per permit” basis upon the issuance of each residential building permit within the development. The provision of Section 5-112.H.4.b. shall apply to cash-in-lieu payments for Village Public Infrastructure contributions. “Per permit” fees shall be based on the residence type and actual number of bedrooms identified in the building permit at the time of issuance of each building permit with no credit being given for any existing structure on the permitted lot. Payment per permit shall be made prior to issuance of said building permit, and shall be based upon the land-cash provisions in effect at the time of issuance of the permit.
- d. The Developer may contest the following under the terms and procedures set forth in Section 112-H.11.:
 - 1. the average capital costs of Village Public Infrastructure services in the Village is the average annual cost for the ten (10) previous years after removing the highest and lowest annual capital costs; and/or
 - 2. the population to be generated by the dwelling units approved for construction under the Village-approved development plan; and/or
 - 3. the number of existing dwelling units and mix of bedrooms existing within the area that is the subject of the approved final development plan on the date of the development approval.
- e. No Village Public Infrastructure Impact Fee shall be due or payable for growth-related capital costs of law enforcement services, cash-in-lieu for parks, or any other capital costs or services for which a separate impact fee, land dedication, or cash-in-lieu thereof is payable to the Village pursuant to this Section 5-112.H.

10. EXCLUDED “DWELLING UNITS”

- a. Assisted Living Developments: The land-cash contribution for the parks and recreation related to assisted-living developments shall be subject to a reduction of the park dedication fee. The cash-in-lieu fee shall be determined by the number of beds provided in the development divided by four (4) times the Efficiency Rate per Table 2. Said reduction shall not preclude consideration of further reductions of land-cash contributions in accord with Section 5-112.H.11.
- b. The land-cash contribution for school districts shall be established as provided herein but deemed waived as to assisted-living developments.
- c. Age Restricted Developments: The land-cash contribution for the parks and recreation related to age restricted developments shall be calculated based upon a population generation rate of one and eight-tenths (1.8) persons per unit. If the development ceases to be age-restricted, the required park donation shall be recalculated using the standard population generation rate as per the ordinance in place at the time of age-restriction removal. The developer, and/or their

assignees, shall be required to pay the difference between the initial payment and the recalculated payment within sixty (60) days of assessment, unless otherwise extended by the Planning and Development Director.

- d. The land-cash contribution for school districts shall be established as provided herein but deemed waived as to age restricted developments. Subject to review and approval by the Village Attorney, covenants regarding age restriction and penalties for violation of such restrictions, as generally outlined in this Subsection, shall be recorded prior to the Village granting final subdivision plat approval.

Covenants ensuring the integrity and enforceability of age restrictions in an age-restricted development shall include, but not be limited to the following concepts:

- A. All owners or occupants of property within an age-restricted development will strictly comply with the specified age restrictions.
- B. Any homeowners association ("HOA") formed for the development shall create and consistently use a process designed to monitor and enforce age restriction requirements;
- C. Violations of the covenants shall cease;
- D. Penalties for violation of specified age-restrictions shall apply to the student generator and the HOA.

1. Student Generator Penalties: If the owner of any dwelling unit violates or attempts to violate this Section by enrolling or attempting to enroll or assisting in any way in enrolling a child or children in the schools of the school districts ("student generator"), then said student generator shall be liable (i) to the school district for the cost of educating any child or children so enrolled by the Student Generator from the development area in an amount determined in accordance with Section 10-20.12a of the Illinois School Code (105 ILCS 5/10-20, 12a) and (ii) to the school district a fine in the amount of three (3) times the cost of educating any child or children enrolled as provided in (i) or fifty thousand dollars (\$50,000.00), whichever is greater, and (iii) for all reasonable costs of any enforcement action, including litigation expenses, title reports, and attorney's fees incurred as a result of such enforcement. All costs and fines, as specified herein, to be paid by the student generator shall be recorded as a lien against the dwelling unit(s) of the student generator, in addition to any other remedies available by law for the collection of said costs and fines.

2. Homeowners Association Penalties: It shall be the right, obligation and duty of the homeowners' association ("HOA") to enforce the restrictions contained in this Section in a proactive and diligent manner. The HOA Board shall adopt, implement and enforce rules, regulations and procedures to ensure that at all times the restrictions contained herein are followed. At all times, the HOA shall have an obligation to cooperate with the school district and City in enforcement efforts pursuant to this Section. Within ninety (90) days of written notification to the HOA by the school district or the City of Naperville that a violation of the restrictions set forth in this Section may have occurred, the HOA shall commence an enforcement proceeding against the student generator, and shall diligently pursue the proceeding. If the HOA fails to commence such a proceeding within said time period and either the City and/or school district commences such a proceeding, or if the HOA commences a proceeding, but fails to diligently pursue the same, then the HOA shall pay a fine of fifty thousand dollars (\$50,000.00) to either the school district or the City and also be responsible to reimburse either the City or the school district for the costs and expenses of said their bringing such litigation including attorney's fees.

- E. A provision that persons under the age of twenty-two (22) may be guests in age restricted premises between May 15 and August 10 of each year, but that during the remainder of the year persons under the age of twenty-two (22) may visit a resident's home for a maximum of thirty (30) days of which no more than fourteen (14) may be consecutive.
- F. By virtue of establishing a development as age restricted and accepting the benefits provided herein, the developer and their successors and assigns waive any right to challenge the school and park donation requirements if payment is ever required.

11. TRANSFER OF SCHOOL AND PARK CONTRIBUTIONS

Land

- a. Improved Sites: All school and park sites shall be dedicated in a condition ready for full service, including electrical, water, sewer, and streets (including enclosed drainage, streetlights, and curb and gutter) as applicable to the location of the site, or acceptable provision made therefor. Sidewalks normally included within the definition of "improved sites" may be delayed due to the delay time between dedication of any such school or park sites and construction of the school or park facilities thereon.

- b. Where land is required to be donated, and the residential development is less than forty acres, then whenever practical, a park site or school site should be combined with dedications from adjoining developments in order to produce a usable school or park site without undue hardship on a particular developer.
- c. Topography and Grading: The slope, topography, and geology of the dedicated site as well as its surroundings must be suitable for its intended purposes and may not include storm water facilities, unless agreed to by the receiving district.
- d. Title To Sites: Within, but not earlier than, thirty (30) days of Village approval of the final development plan, a special warranty or trustee's deed conveying the land to be transferred as the land-cash contribution to the school or governing park authority, as applicable, shall be deposited with the Village for subsequent delivery to the school or park entity as the case may be. The Village shall hold the warranty or trustee's deed until receipt of notice from the school or park entity that the site is in acceptable condition. The subdivider or developer shall be responsible for conveying good, merchantable title to such site, and shall be responsible for payment of all fees and real estate taxes accruing to the date of the Village's delivery of the deed. If the site is put in acceptable condition as required under this Section, but the school or park entity, as the case may be, does not deliver such notice to the Village within ninety (90) days of the site being put in acceptable condition, as determined by the Village, then the Village shall record the deed and deliver the original of the deed to the school or park entity, as applicable.
- e. Reservation Of Additional Land For School And Park Purposes. Where land is required to be donated, and the Village's comprehensive plan calls for a larger school or park facility or operations site in a particular residential development than the developer is required to dedicate, the land needed beyond the developer's dedication shall be reserved in accord with the Statutes of the State of Illinois for subsequent purchase by the Village or other public body designated by the Village; provided that a negotiated purchase is made within one year from the date of approval of the final development plan, or an agreement between the developer and the applicable school or park board, as applicable, where such board has entered into an intergovernmental agreement with the Village is recorded outlining specific conditions for the conveyance of such property.

Impact Fees and Cash in Lieu

- a. Payment and Transfer. Cash contributions in combination with or in lieu of school or park land contributions, and impact fees for fire and rescue, law enforcement and library purposes shall be paid by the Developer to the Village for transfer to the appropriate Recipient. Such contribution(s) shall be used by the Recipients solely for its use in the acquisition or improvement of land or capital facilities to serve the Recipient's immediate or future residential growth-related capital needs.

- b. Transfer of Funds to Accounts. Upon receipt of development impact fees;
 - 1 All cash in lieu of land dedication and impact fees paid and collected under this Section shall be deposited by the Village Finance Director in a segregated impact fee account.
 - 2 The Finance Director shall maintain and keep adequate financial records for the account, which shall show the date and source of all impact fee revenues, and the dates, Recipient payees, and purposes of all disbursements. Such records shall account for moneys received as being funds allocable to the Recipients which the funds are payable, or the Village department of fund to which the impact fee funds may be used.
- c. Return Of Unused Cash contributions and Impact Fees. If any portion of a cash in lieu contribution or an impact fee imposed and collected under this Section is not expended for the purposes paid and set forth herein within five (5) years from the date of payment by the developer, it shall be refunded equally to the owners of record of all lots in the subdivision or development for which such cash contribution or impact fee was made, except for the owners of those lots that were dedicated pursuant to the provisions of this section 5-112-H. The refund shall be paid to the person who is the owner of record on the day when the refund is made and shall include accrued interest thereon at the rate of the CPI for each year.

12. OBJECTIONS:

- a. Any objection as to the accuracy of the population generation tables, the fair market land values, or any other matter, including but not limited to any determination or calculation made pursuant to this Section ("objection") must be made prior to approval of the final plat of subdivision. Upon approval of the final plat of subdivision, any and all objections shall be deemed waived.
- b. Objections must be made in writing and be filed with the Village Clerk and sent to the applicable school district. The written objection must specify the land cash dedication provision(s) being challenged and the specific reasons therefor and shall include all studies and other documentation ("objector's documentation") which the objector desires the Director of Development Services to consider in support of the objection.
- c. In the event an objector files an objection to the table of estimated ultimate population listed herein, at the time of filing the objection, and as part of the objector's documentation, the objector may submit its own demographic study showing the estimated population to be generated from the subdivision or planned development, including a detailed explanation of the methodology used in developing an alternative generation table.

Similarly, in the event an objector files an objection to the fair cash market value of the acres of land in the area improved that otherwise would have been

dedicated as school facilities and operations, said objector may submit its own market study and/or appraisal report in support of its objection.

- d. Any impacted parties may submit a response to the objection and written documentation in support of or in opposition to the objection to the Village Clerk ("impacted party documentation") within fourteen (14) days of receipt by the Village of the objection and objector's documentation.
- e. A written recommendation shall be issued by the Village Manager, or his/her designee, with respect to the objection which sets forth her findings and conclusions based upon evaluation and review of the objection and all documentation provided with respect thereto. A copy of the recommendation shall be promptly provided to the objector and to any impacted parties.
- f. The Village Manager's recommendation shall be forwarded to the Village Board within fourteen (14) days of its issuance. Within a reasonable time thereafter the Village Board shall make a final determination with respect to the objection.

13. RULES OF CONSTRUCTION AND DEFINITIONS

The following rules of construction and definitions shall apply to their use in this Section 5-112.H.:

- a. The language in the text shall be interpreted in accordance with the following rules of construction:
 - 1. The word "shall" is mandatory; the word "may" is permissive; and
 - 2. The masculine gender includes the feminine and neutral.
- b. The words and phrases in this Section shall have the meanings respectively ascribed to them in Section 2-102 of the Land Development Code, unless otherwise defined in this Section 13.
 - 1. **"Age Restricted Developments"** shall have the meaning as defined in accordance with the Federal Fair Housing Act as amended from time to time.
 - 2. **"Assisted Living Development"** means "Assisted living establishment" as established by the Illinois Department of Public Health, and as amended from time to time.
 - 3. **"Bedroom"** means a room within a dwelling unit capable of being used for sleeping purposes, having a closet and an openable window, and meeting the minimum square footage requirements as described in Section 5-8-4-3 (3b) of the International Property Maintenance Code (2006 or as adopted edition).

4. **"Building Permit"** means the permit issued by the Village for the construction, reconstruction, alteration, addition, repair, placement, removal, or demolition of or to a building, structure or part or appurtenance thereof, or dwelling unit, within the corporate limits of the Village.
5. **"Capital Assets"** means land, land improvements, monuments, buildings and building improvements, construction in progress, machinery, equipment, vehicles, and infrastructure, provided such items have a useful life of more than one year and have an initial unit cost of \$5,000 or more.
6. **"Capital Costs"** means the costs incurred for design, acquisition, installation, construction, and replacement of capital assets that will either enhance a property's value, prolong its useful life, boost an assets condition, or adapt it to new uses.
7. **"Capital Improvements"** means the acquisition, installation, construction, and replacement of land and capital assets including but not limited to Improvements, and includes administrative, engineering, architectural, and legal costs that are specifically and directly associated with such Capital Improvements.
8. **"Cash in lieu"** means cash contributions for schools and/or parks in combination with or instead of land dedication under this Section.
9. **"Developer"** means any person seeking development approval under the applicable regulations of the Orland Park Land Development Code.
10. **"Development"** means any increase in the intensity of the use of land within the Village of Orland Park requiring the issuance of a building permit, including but not limited to construction, reconstruction, alteration, addition, repair, or placement of or to a building.
11. **"Development Agreement"** means a contract, entered into between an owner and/or developer and the Village, approving and governing a development subject to this Section.
12. **"Development Approval"** means Village approval of:
 - a. any subdivision of land;
 - b. any re-subdivision or modification of an existing subdivision;
 - c. any planned development;
 - d. any modification of an existing planned development; or

- e. any construction, reconstruction, alteration, addition, repair, or placement of or to a building that requires issuance of a building permit.
- 13. **“Development Area”** means the land within an approved development plan.
- 14. **“Development Plan”** means plans, plats, and supporting documents requiring approval by the Village as a condition of development approval.
- 15. **“Dwelling Unit”** under this Section means one or more rooms within a dwelling which rooms include one or more bathrooms and complete kitchen facilities, and which are arranged, designed, or used as living quarters for a family.
- 16. **“Existing Dwelling Units”** means dwelling units designed or used for residency within the development area at the time of development plan approval.
- 17. **“Improvement”** shall have the meaning stated in Section 2-102 of this Code and shall include, but shall not be limited to, the development of parking lots; sidewalks; connections with sewer, water, and electrical lines; and streetlights, including the Village's system development charge; playgrounds; recreation grounds; and athletic fields. “Improvement” shall also include excavation and site preparation, and the purchase of any material, goods or equipment necessary to said development and construction. Improvement shall further include the construction of buildings; additions to existing school buildings; technological infrastructure; remodeled or renovated non-instructional spaces in classrooms; and the purchase of prefabricated classroom units to be used at a school facilities and operations.
- 18. **“Intergovernmental Agreement”** means an agreement to be entered into between the Village and each public body, individually, that affirms each public body's acknowledgement that this Section shall control the collection and distribution of development impact fees, or land in lieu of development impact fees relating to developments, and that creates the responsibility for each public body to fully indemnify the Village
- 19. **“Park Entity”** shall mean one or more park districts as defined under the Illinois Park District Code, 70 ILCS 1205/ et. seq, having jurisdiction within the corporate limits of the Village, or the Village of Orland Park Recreation and Park Department.
- 20. **“Park Facilities”** and **“Park and Recreation Facilities”** means land and/or capital improvements owned and dedicated for park use attributable to new residential development.

21. **"Person"** means any individual, firm, partnership, association, corporation, organization or business, or charitable trust.
22. **"Public Facility"** means sites and facilities for providing school, Village Public Infrastructure, park and open space, police, fire and emergency, and public works services that may be financed in whole or in part by the requirement of, or funds generated from, a land contribution or development impact fee, as well as any other use of such development impact fee funds permitted by law.
23. **"Recipient"** means any school district, park entity, fire protection district, to which land, cash or fees are imposed, collected, and or paid pursuant to this Section or a Village of Orland Park annexation or development agreement.
24. **"Residential Development"** means the development for residential use involving a net increase of two or more dwelling units.
25. **"Residential Use"** means any detached, duplex, townhouse, or multifamily dwelling, manufactured home, mobile home, boarding house or dormitory.
26. **"School Facilities"** means land and/or capital improvements owned and dedicated for school use attributable to new residential development.
27. **"Site"** means a distinct and identifiable area or tract or tracts of land intended.
28. **"Village"** means the Village of Orland Park.
29. **"Village Board"** means the corporate authorities of the Village of Orland Park.
30. **"Village Public Infrastructure"** means any and all of the following Capital Improvements, which are specifically and uniquely attributable to Residential Development:
 - a. public sidewalks, street lighting, curbs, gutters, trees and landscaping associated with but not constituting roadway improvements;
 - b. public storm sewers, drains, and drainage retention facilities; and
 - c. public sanitary sewers and sewerage collection facilities that are not funded by Village connection fees

SECTION 2. Severability. The provisions and sections of this Ordinance shall be deemed to be separable, and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

SECTION 3. Publication. A full, true and complete copy of this Ordinance shall be published in pamphlet form as provided by the Illinois Municipal Code, as amended. The Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval, and publication as required by law.

ADOPTED this day of , 2023, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTENTION: _____

APPROVED by me the day of , 2023.

Village of Orland Park, Cook County, Illinois

ATTESTED and filed in my office,
this day of , 2023.

Clerk of the Village of Orland Park,
Cook County, Illinois

The Clerk of the Village shall certify to the reception of this Ordinance and shall cause it to be published in pamphlet form and this Ordinance shall take effect upon its approval and publication in pamphlet form as so certified.