#2018-132
City of Crystal Lake
Project Review for Planning and Zoning Commission

Meeting Date:	November 7, 2018
Zoning Requests:	Text Amendments to Section A-1400 and A-1500 of the Unified Development Ordinance
Staff Contacts:	Elizabeth Maxwell, 815-356-3605

Background:

- When the City Council adopted the Unified Development Ordinance (UDO) in 2009, it was intended to be a dynamic document that would be updated periodically. Accordingly, reviews were completed at 6 months and 1 year after the adoption of the Ordinance. Additional text amendments were also approved by the City Council based on Planning and Zoning Commission and staff recommendations.
- The proposed text amendments would update outdated formulas and provide clarity to the collection of impact fees.

Discussion:

The Appendix Sections A-1400 Criteria for requiring park and school donations and recreation land and school site dedications and A-1500 Fire/Rescue capital facilities fee shall be amended to contain the attached ordinance language.

The following is a summary of the changes:

Fair Market Value

- The Fair Market Value has been revised and updated to be more reflective of the current economy and represent the location where the majority of building is occurring.
- The Fair Market Value is increasing from $135,000 to $163,276.

Formulas

- The formula for the school impact fee has been updated to use actual data from Districts 47 and 155 regarding enrollment numbers and acreage of school sites.
- The formula for the Library, Police, Fire/Rescue, and Public Works are based on the current operating budget and Census population.

- Public Works is a new fee being established, which will cover costs associated with Streets, Fleet & Facilities, Health, and the storm sewer system and infrastructure.
- The formula for Parks remains the same. There is a new component that the fee will be split between the Park District and the City of Crystal Lake.

Indemnification Agreements

- The City has entered into Indemnification Agreements with District 46, District 47, District 155 and the Crystal Lake Park District.
- Fees would not be disbursed without a signed Indemnification Agreement.

Needs Assessment

- Consistent with controlling law that impact fees be specifically and uniquely attributable to the effect of development on the public body or service provider receiving such fees, a needs assessment requirement is being established to demonstrate that the legal standards are satisfied.

Recommendation:

To make a motion to approve the changes as presented.

RECEIVED
OCT 0 4 2018
BY:

City of Crystal Lake
Development Application

Office Use Only
File # _____

Project Title: IMPACT FEES

Action Requested

- ___ Annexation
- ___ Comprehensive Plan Amendment
- ___ Conceptual PUD Review
- ___ Final PUD
- ___ Final PUD Amendment
- ___ Final Plat of Subdivision
- ___ Preliminary PUD
- ___ Preliminary Plat of Subdivision
- ___ Rezoning
- ___ Special Use Permit
- ___ Variation
- X Other TEXT AMENDMENT

Petitioner Information

Name: _____

Address: _____

_____

Phone: _____

Fax: _____

E-mail: _____

Owner Information (if different)

Name: CITY OF CRYSTAL LAKE

Address: 100 WEST WOODSTOCK ST

_____

Phone: _____

Fax: _____

E-mail: _____

Property Information

Project Description: UDO TEXT AMENDMENT TO SECTIONS 1400 & 1500 IN APPENDIX FOR IMPACT FEES

Project Address/Location: _____

PIN Number(s): _____

Development Team

Please include address, phone, fax and e-mail

Developer: _____

Architect: _____

Attorney: _____

Engineer: _____

Landscape Architect: _____

Planner: _____

Surveyor: _____

Other: _____

Signatures

_____ 10/4/18

PETITIONER: Print and Sign name (*if different from owner*) **Date**

As owner of the property in question, I hereby authorize the seeking of the above requested action.

_____

OWNER: Print and Sign name **Date**

NOTE: If the property is held in trust, the trust officer must sign this petition as owner. In addition, the trust officer must provide a letter that names all beneficiaries of the trust.

PUBLIC NOTICE

BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF CRYSTAL LAKE, MCHENRY COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF

City of Crystal Lake

LEGAL NOTICE

Notice is hereby given in compliance with the Unified Development Ordinance (UDO) of the City of Crystal Lake, Illinois that a public hearing will be held before the Planning and Zoning Commission for the purposes of seeking UDO Text Amendments to make various changes to the language of Appendix A-1400 Criteria for requiring park, recreation land and school site dedications and A-1500 Fire/Rescue capital facilities fees.

A public hearing before the Planning and Zoning Commission on this request will be held at 7:30 p.m. on Wednesday, October 17, 2018, at the Crystal Lake City Hall, 100 West Woodstock Street, at which time and place any person determining to be heard may be present.

Tom Hayden, Chairperson
Planning and Zoning Commission
City of Crystal Lake

(Published in the Northwest Herald on September 29, 2018)
1587721

CITY OF CRYSTAL LAKE

ORDINANCE NO. -_____

AN ORDINANCE AMENDING
THE CITY OF CRYSTAL LAKE
UNIFIED DEVELOPMENT ORDINANCE
REGARDING IMPACT FEES

WHEREAS, the City of Crystal Lake is a home rule municipal corporation under the Illinois Constitution; and

WHEREAS, pursuant to Illinois law, its home rule authority, and the provisions of the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.,* the City has authority to impose exactions on the development of property in the City to address impacts upon the City, its services, and its facilities that are specifically and uniquely attributable to such development; and

WHEREAS, the City has determined that the impacts of the development of property are most pronounced on services and facilities affecting schools, libraries, parks, playgrounds and recreation facilities, open space, police services, fire and emergency services, and public works services; and

WHEREAS, the City has established and implemented a program of impact fees for certain new developments within the City of Crystal Lake; and

WHEREAS, the impact fees that have been imposed by the City are consistent with the authority granted to the City by the Illinois Constitution, Illinois statutes, and case law; and

WHEREAS, the City has determined that it is appropriate to amend the Unified Development Ordinance in order to consolidate all of the impact fee regulations into one Section of the ordinance, including the administration and collection of these fees, to set forth in detail the longstanding method for calculating the applicable impact fees, and to

establish calculations for impact fees that may become due from smaller residences; and

WHEREAS, the Mayor and City Council of the City have determined that it is in the best interest of the City and its residents to amend the City of Crystal Lake Unified Development Ordinance as set forth in this Ordinance, which amendment is intended to continue in force the basic policy of the City relating to impact fees;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Crystal Lake, County of McHenry, State of Illinois, as follows:

SECTION ONE: Recitals. The foregoing recitals are by this reference incorporated into and made a part of this Ordinance as if fully set forth.

SECTION TWO: Amendment to Section A-1400 of the City's Unified Development Ordinance. Section A-1400, entitled, "Criteria for requiring park and school donations and recreation land and school site dedications," of Chapter 650, entitled "Unified Development Ordinance," of the Crystal lake City Code, is hereby re-titled and amended in its entirety, so that said Section A-1400 shall hereafter be and read as follows:

Appendix Section A-1400

IMPACT FEES

A.: FINDINGS AND PURPOSE:

1. It is declared to be the policy of the City that the provision of various public facilities required to serve new residential development is subject to the control of the City in accordance with the comprehensive plan of the City for the orderly, planned, efficient, and economical development of the City.

2. New residential developments cause and impose increased and excessive 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 services, fire and emergency services, and public works services.

3. Planning projections indicate that new residential development shall continue and shall place ever-increasing demands on the school districts, the City, and other governmental bodies to provide necessary public facilities.

4. Development potential and property values are influenced and affected by City policy as expressed in the comprehensive plan and as implemented by the City Unified Development Ordinance and other City regulations.

5. To the extent that new 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 pay the cost of meeting the demands.

6. The amount of the development impact fees to be required of new residential developments shall reflect 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 in the general property tax rolls) in accordance with Illinois law, and such development impact fees shall be calculated to ensure that 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 costs of the operation for services not reflected by general property taxes to serve the new residential development.

7. The City Council, after careful consideration, hereby finds and declares that imposition of development impact fees upon new residential developments to finance, in accordance with Illinois law, the acquisition of certain land and public facilities or the operations for services, the demand for which is created by such developments within the City, is in the best interests of the general welfare of the City and its residents, is equitable, and does not impose an unfair burden on such developments. Therefore, the City Council deems it necessary and desirable to adopt this Section as herein set forth.

B.: APPLICABILITY:

1. General. This Section requires payment of development impact fees, ordinarily payable at building permit issuance, unless otherwise set forth in a development agreement approved by the City, in an amount equal to the proportionate share of the cost of the various public facilities or services required to serve certain developments. The fees for school, library, park and open space, police, fire and public work services and facilities shall be uniformly applicable to all residential development, as defined herein.

2. Use of Development Impact Fees: The use of development impact fees by public bodies and public service providers shall be governed by this Section and the applicable laws of the State of Illinois.

3. Collection, Disbursement and Alternate Arrangements. The City shall collect and disburse impact fees, enter into alternate agreements and agree to land dedication in lieu of fees provided that the City and the respective public body have entered into an intergovernmental agreement in which the public body fully indemnifies the City in connection with its administration of this Section and to reimburse the City for any expense it may incur including but not limited to consultant's fees, expert's fees and attorney's fees in the enforcement or defense of this Section.

C.: GENERAL PROCEDURES FOR DEVELOPMENT IMPACT FEES:

1. Calculation of Development Impact Fees. The Building Division shall calculate development impact fees due from any particular residential development pursuant to and in accordance with this Section, and the City shall present such calculations in writing to the developer and to each public body and public service provider eligible to receive development impact fees due from any particular residential development. Development impact fees due from any particular residential development shall be collected at the time of building permit for any particular residential development, unless otherwise set forth in a development agreement approved by the City. A developer may challenge the calculation or imposition of development impact fees by filing a written objection with the City Clerk within ten (10) days after receipt of the calculation from the City Manager. Such objection shall set forth with particularity the basis for challenging the calculation and shall be accompanied by any evidence supporting such objection. In addition, if requested by the City Manager, the developer shall obtain or provide such other information as may be reasonably requested for purposes of evaluating the developer's objection. The final determination of calculation or applicability of development impact fees shall be made by the City Council, in its sole discretion, based upon such information submitted by the developer and from other sources available to the City Council or that may be submitted to the City Council by a public body or public service provider.

2. Collection of Development Impact Fees.

   (a) Public Bodies with Intergovernmental Agreements. Any development impact fees due to a public body pursuant to an intergovernmental agreement and the provisions of this Section shall be collected by the City at the time of building permit.

   (b) Public Bodies without Intergovernmental Agreements. Any development impact fees relating to public facilities for public bodies that have not entered into intergovernmental agreements with the City pursuant to this Section shall be collected by the City's Building Division, which shall hold such development impact fees in trust for the affected public body or bodies.

(c) Public Service Providers. Any development impact fees relating to public facilities for public services providers shall be paid to the City and collected by the Building Division.

Unless expressly provided otherwise in a development agreement approved by the City, the developer shall not be entitled to any further permits, approvals, or authorizations relating to the development until the developer delivers such payments to the City.

3. Transfer of Funds to Accounts. Upon receipt of development impact fees, the Building Division shall forward such fees to the Finance Director. In addition,

(a) The Finance Director shall establish an account in a bank authorized to receive deposits of City funds.

(b) The development impact fees deposited in the account shall be used solely for the purposes of and in accordance with this Section.

(c) The Finance Director shall maintain and keep adequate financial records for the account, which shall show the source and disbursement of all revenues, and which shall account for all moneys received. Such records shall account for moneys received as being funds allocable to the particular public body or public service provider to which the funds are allocable under this Section.

Whenever the City receives development impact fees in trust pursuant to Section C(2)(b), the Finance Director shall separately account for such fees held in trust.

4. Disbursement of Funds. In order to ensure that each distribution of development impact fees from the account shall be used solely and exclusively for the provision of projects consistent with the applicable needs assessment on file with the City, prior to the City Council authorizing disbursement of any such funds in accord with this Section, the City Clerk shall be in receipt of one of the following:

(a) A fully executed intergovernmental agreement between the City and the public body receiving such funds governing certain aspects of the implementation of this Section by the City and the public body; or

(b) With respect to development impact fees for any authorized public facilities relating to a public service provider, a fully executed statement of disbursement from the affected public service provider.

No impact fees shall be disbursed until the City Clerk has received the fully executed intergovernmental agreement or statement of disbursement required pursuant to paragraphs (a) and (b) above, as applicable.

5. Previously Approved Developments. For any residential development for which a final plat or final development plan has been approved before the date set forth in this Section, the development impact fee shall be as set forth in any applicable development, subdivision, annexation, or other agreement relating to such development. If there is no such agreement, the terms and provisions of this Section shall apply.

D.: USE OF DEVELOPMENT IMPACT FEES:

Development impact fees paid pursuant to this Section shall be restricted to use solely and exclusively for paying the cost of public facilities, whether payment is made directly therefor, or as a pledge against bonds, revenue certificates, or other obligations of indebtedness. In the event that a public body or public service provider does not take the steps necessary to effect disbursement of its development impact fees within five years after collection thereof, the City shall have the right to offset against such development impact fees the reasonable costs for fund management, accounting, and auditing services therefor.

E.: EFFECT OF DEVELOPMENT IMPACT FEES ON ZONING AND SUBDIVISION REGULATIONS:

This Section shall not affect, in any manner, the permissible use of property, density of development, design, and improvement standards and requirements; or any other aspect of the development of land or provision of public improvements subject to the zoning and subdivision regulations or other applicable regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all such development.

F.: DEVELOPMENT IMPACT FEES AS ADDITIONAL AND SUPPLEMENTAL REQUIREMENT:

Development impact fees are additional and supplemental to, and not in substitution of, any other requirements imposed by the City on the development or subdivision of land or the issuance of building permits. In no event shall a property owner be obligated to pay for public facilities in an amount in excess of the amount calculated pursuant to this Section; but a property owner may be required to pay, pursuant to City ordinances, regulations, or policies, for other public facilities in addition to the development impact fees for public facilities as specified herein.

G.: LAND IN LIEU OF DEVELOPMENT IMPACT FEES:

1. Prior to any preliminary plat or preliminary planned development approval (or such later time as the City Council may, in its discretion, allow), a public body or public service provider may make a request in writing to the City Council to allow for a donation of land in lieu of development impact fees related to any development. Such a request shall specifically itemize the public body's or public service provider's reasons for requesting land in lieu of development impact fees.

2. Upon receipt of a request from a public body or public service provider for land in lieu of development impact fees, the City Council shall consider and perform an analysis of such request, and make a determination thereon by resolution duly adopted. The resolution shall be based upon a review of the needs assessment on file with the City Clerk for the public body or public service provider making the request, as well as the following factors: (1) other developments occurring in the prior year within the surrounding area of the development, (2) public facilities actually constructed and servicing the surrounding area of the development, (3) changing public facility needs and capacity at existing public facilities servicing the surrounding area of the development, and (4) such other factors as the City Council may deem to be relevant.

3. Requests of land in lieu of development impact fees shall be made specifically for the construction of public facilities or expansion of public facilities on adjacent parcels.

H.: PREPARATION OF NEEDS ASSESSMENTS:

Each public body and public service provider shall periodically prepare a study to assess the need for additional public facilities. The study may consist of a detailed examination or analysis of existing public facilities, service standards, and/or research regarding sites. Such study should also reflect (1) development occurring in the prior years, (2) public facilities actually constructed, (3) changing public facility needs, (4) inflation, (5) revised cost estimates for public facilities, (6) changes in the availability of other funding sources applicable to public facility projects, and (7) such other factors as may be relevant. Each public body or public service provider shall maintain on file with the City Clerk its most recent needs assessment study. In addition, the City may request, as a condition of calculating or disbursing any development impact fees from any particular residential development, that the public body or public service provider certify that the needs assessment study on file with the City Clerk reasonably reflects such public body's or public service provider's need for public facilities. Two or more public bodies or public service providers may join together in the preparation of a needs assessment provided the assessment ultimately contains the information required under this Section for each service area served by each such public body and/or public service provider.

I.: USE AND CONTENT OF NEEDS ASSESSMENT:

1. A needs assessment shall ordinarily contain the following information for each service area described in the assessment:

   (a) An inventory of existing lands and buildings utilized by the public body or public service provider to provide services within the service area;

   (b) An identification of the area of each building within a service area and, in the case of schools, the number of students then enrolled in each school building;

(c) A projection of the character of development that is expected to occur during the succeeding 10-year period that will be affecting any service area;

(d) An identification of the amount of lands that will be necessary for each service area in order to accommodate the demands of the projected development;

(e) A general description of the total building area and, in the case of schools, temporary classrooms, if any, that will be necessary for each service area in order to provide capacity for the projected development; and

(f) An identification of additional public facilities required to meet the demands of the projected development.

The specific contents of a needs assessment may vary depending on the nature of the needs described and intended uses of development impact fee moneys.

2. Public bodies and public service providers that complete needs assessments for the acquisition of lands shall periodically update those needs assessments and shall amend their adopted land acquisition plan based on those updated needs assessments.

J.: SOURCE INFORMATION FOR POPULATION ESTIMATE VARIABLE IN IMPACT FEE FORMULAS:

1. Where applicable, calculation of required development impact fees or land dedication, as set forth in this Section, shall be made in accordance with the population density projections contained in the Table of Estimated Ultimate Population Per Dwelling Unit, as defined in this Section.

2. In the event a developer files a written objection, within ten (10) days after receiving notice of the development impact fee calculation pursuant to Subsection C(1) of this Section, to the use of the Table of Estimated Ultimate Population Per Dwelling Unit, the developer shall obtain and submit, at his or her own cost, a demographic study showing the estimated population to be generated from the residential development; and in that event, final determination of the density formula to be used in such calculations shall be made by the City Council, in its sole discretion, based upon such demographic information submitted by the developer and from other sources available to the City Council or that may be submitted to the City Council by a public body.

K.: DETERMINATION OF LAND VALUE AND DISTRIBUTION OF DEVELOPMENT IMPACT FEES:

1. Determination of Land Value. Where applicable, the development impact fees for public facilities shall be based on the fair market value of an acre of land for such facilities. For purposes of this Section, the "fair market value" of an acre of land in and surrounding the City shall be no less than $163,276, which amount may be adjusted from time-to-time by ordinance or resolution of the City Council. Such land value shall be used in making any calculations required in this Section unless the developer files a written objection within ten (10) days after receiving notice of the development impact fee calculation pursuant to Subsection C(1) of this Section. In the event of any such objection, the developer, at his or her own cost, shall obtain and submit an independent appraisal from an MAI designated appraiser indicating the fair market value of such improved land in the area of the proposed development. Final determination of the fair market value per acre of such land shall be made by the City Council in its sole discretion based on such information submitted by the developer and from other sources which may be submitted to the City Council by the public bodies or public service providers or others.

2. Distribution of Development Impact Fees. The development impact fee for public facilities shall be collected in accordance with Subsection C(2) of this Section and shall be used solely for public facilities of the public bodies or public service providers for which such development impact fees are designated. Subject to Subsection H of this Section, and provided the City Clerk has in his or her possession the respective agreements and indemnities of the public bodies as required by this Section or any required statement of disbursement from public service providers (as the case may be), any development impact fees so collected and held by the City shall be forwarded from time to time to the public body or public service provider to be used in the funding of public facilities and for other purposes as permitted by law and in accordance with any applicable intergovernmental agreement.

L.: CRITERIA FOR DETERMINING SCHOOL DEVELOPMENT IMPACT FEE:

The following criteria shall govern the calculation of the school development impact fee:

1. Service Area Requirement and Population Ratio. The school development impact fee shall be calculated based on the amount of land that would be required for a school site in light of the ultimate number of students to be generated by the residential development. The school development impact fee requirement shall be determined by obtaining the product of the following: (1) estimated number of students to be generated by the residential development within each school classification, as derived from the most current version of the Table of Estimated Ultimate Population per Dwelling Unit; over (2) the maximum recommended number of students to be served in each such school classification as established in this Section; times (3) the recommended number of acres for a school site of each school classification as established in this Section. The product thereof shall be the acres of land deemed needed to have sufficient school site land to serve the

estimated increased number of students in each such school classification. The school site development impact fee shall be the cash amount equal to the product of the number of acres required for school site times the fair market value of land per acre ("***$FMV***")established in Subsection K(1) of this Section.

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

School Classification by Grade	School Capacity (Students)	Acres
Elementary	578	7
Junior High	983	15
High School	1,655	80

3. School Site Development Impact Fee.
The formula for determining an impact fee for School Sites shall be as follows:

(EUPST/SC x SA) x FMV

Where:

- EUPST is the Estimated Ultimate Population Per Dwelling Unit for the School Type as determined by Table A
- SC is the School Capacity as shown in 2 above
- SA it the required School Acreage for a classification of school as shown in 2 above
- FMV is the Full Market Value of an acre of land as defined in Subsection K 1.

4. Location. Where land in lieu of development impact fees is requested, or required pursuant to Subsection G or R, the comprehensive plan and the standards adopted by the affected school district shall be used as guidelines in locating sites.

M.: CRITERIA FOR DETERMINING LIBRARY IMPACT FEE

The following criteria shall govern the calculation of the library development impact fee. This requirement shall be determined by the cost per capita method by obtaining the quotient of the following: (1) the actual current Fiscal Year's operating costs for the library as established in the most recently completed annual audit for the library; (2) divided by the population of the City as established by the most recent federal census therefor. This number will be (3) multiplied by the estimated population generated by the residential development to be served by the library as

derived from the most current version of the Table of Estimated Ultimate Population per Dwelling Unit. This derived value will represent an estimate of the impact of the proposed residential development on the library.

Formula:

Current Fiscal Year Operating Costs = Cost per new resident
Census Population

Cost per new resident x Projected new residents
= Library Development Impact Fee

N.: CRITERIA FOR DETERMINING POLICE IMPACT FEE

The following criteria shall govern the calculation of the Police development impact fee. This requirement shall be determined by the cost per capita method by obtaining the quotient of the following: (1) the actual current Fiscal Year's operating costs for the Police Department as established in the most recently completed annual audit for the City; (2) divided by the population of the City as established by the most recent federal census therefor. This number will be (3) multiplied by the estimated population generated by the residential development to be served by the Police as derived from the most current version of the Table of Estimated Ultimate Population per Dwelling Unit. This derived value will represent an estimate of the impact of the proposed residential development on Police services.

Current Fiscal Year Operating Costs = Cost per new resident
Census Population

Cost per new resident x Projected new residents
= Police Development Impact Fee

O.: CRITERIA FOR DETERMINING FIRE RESCUE IMPACT FEE

The following criteria shall govern the calculation of the Fire Rescue development impact fee. This requirement shall be determined by the cost per capita method by obtaining the quotient of the following: (1) the actual current Fiscal Year's operating costs for the Fire Rescue Department as established in the most recently completed annual audit for the City; (2) divided by the population of the City as established by the most recent federal census therefor. This number will be (3) multiplied by the estimated population generated by the residential development to be served by the fire Rescue Department as derived from the most current version of the Table of Estimated Ultimate Population per Dwelling Unit. This derived value will represent an estimate of the impact of the proposed residential development on Fire Rescue services.

Formula:

Current Fiscal Year Operating Costs = Cost per new resident

Census Population

Cost per new resident x Projected new residents
= Fire Rescue Development Impact Fee

P.: CRITERIA FOR DETERMINING PUBLIC WORKS DEPARTMENT IMPACT FEE

The following criteria shall govern the calculation of the Public Works development impact fee. This requirement shall be determined by the cost per capita method by obtaining the quotient of the following: (1) the actual current Fiscal Year's operating costs for the Public Works Department as established in the most recently completed annual audit for the City; (2) divided by the population of the City as established by the most recent federal census therefor. This number will be (3) multiplied by the estimated population generated by the residential development to be served by the Public Works department as derived from the most current version of the Table of Estimated Ultimate Population per Dwelling Unit. This derived value will represent an estimate of the impact of the proposed residential development on Public Works services.

Formula:

Current Fiscal Year Operating Costs = Cost per new resident
Census Population

Cost per new resident x Projected new residents
= Public Works Development Impact Fee

Q.: CRITERIA FOR DETERMINING PARK IMPACT FEE:

The following criteria shall govern the calculation of the park improvement fee:

(1) Service Area Requirement and Population Ratio. The public facilities that would be required for park purposes shall be directly related to the ultimate population to be generated by the residential development. The park impact fee requirement shall be determined by obtaining the product of the following: (1) estimated population to be served by the park system, as derived from the Table of Estimated Ultimate Population per Dwelling Unit; multiplied by (2) the ratio of minimum park acreage per additional person added; times (3) the sum of the recommended number of acres of park site for each park classification as established in this Section. The product thereof shall be the acres of land deemed needed to have sufficient park site land to serve the estimated increased population. The park site improvement fee shall be the cash amount equal to the product of the number of acres required for park site times the fair market value of land per acre ("***$FMV***") established in Subsection K(1) of this Section.

(2) Park Acreage per Population. The National Recreation and Park Association establishes a benchmark of 10 acres of park per 1,000 people, creating a 0.01 acre of park per person:

(3) Park Development Impact Fee:
The formula for calculating shall be as follows:

EUPDU x AP x FMV

Where:

- EUPDU is the Estimated Ultimate Population Per Dwelling Unit found in Table B.
- AP is the ratio of minimum park acreage per additional person added in the residential development, which is the minimum park acres divided by 100 [i.e., AP = 0.01].
- FMV is the Full Market Value of an acre of land as defined in Subsection K. 1.

(4) Distributive Share. The Park Development Impact Fee moneys shall be distributed (subject to the terms of this Section) based on the following shares: (i) 60% to the Crystal Lake Park District; and (ii) 40% to the City for park and recreational purposes.

(5) Location. Where the park district requests land in lieu of its share of the development impact fees, or a land dedication for such share is required pursuant to Subsection G., the comprehensive plan shall be used as a guideline in locating sites. Factors affecting the location of required park site dedication shall include but not be limited to:

(1) Accessibility to population served;

(2) Existence of mature vegetation;

(3) Proximity to permanent and seasonal waterways;

(4) Existence of or proximity to unique topographical features; and

(5) The value of the site as an extension of existing elements of the park system.

R.: RESERVATION OF ADDITIONAL LAND:

Where land is requested in lieu of a development impact fee or in lieu of a portion of a development impact fee, and the comprehensive plan or the standards of the City call for a larger park site or school 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 City or other public body designated by the City; provided that a negotiated purchase is made within one year from the date of

approval of the final plat, or an agreement between the developer and the City [or the park or school board where such board has entered into an intergovernmental agreement with the City in accordance with Subsection C.2(a) of this Section] is recorded outlining specific conditions for the conveyance of such property.

S.: COMBINING WITH ADJOINING DEVELOPMENT:

Where land is requested in lieu of a development impact fee and the residential development is less than forty acres, where practical, a park site or school site should be combined with dedications from adjoining developments in order to produce a usable park site or school site without undue hardship on a particular developer.

T.: GENERAL SITE STANDARDS:

The slope, topography, and geology of any dedicated site as well as its surroundings must be suitable for its intended purpose. Wetlands, stormwater detention areas, retention areas, and areas of steep slope shall not be accepted for ownership and maintenance by the City, nor shall such lands be credited against development impact fees if accepted by a school district, park district, or the City for ownership and maintenance. A creditable park site shall be not less than one acre in area.

U.: SCHOOL SITE STANDARDS:

A school site shall be dedicated in a condition ready for full infrastructure improvements as required by this code, including but not limited to electrical service, water service, sanitary sewer, storm sewer and street improvements. Depending upon projected timing for the construction of school facilities, a cash contribution may be required in lieu of the sidewalk and street tree improvements. The cash contribution shall be equal to the cost of such improvements consistent with approved engineering plans and estimates of cost.

W.: RULES OF CONSTRUCTION, DEFINITIONS RELATING TO SECTION A-1400:

For purposes of this Section A-1400, the following rules of construction and definitions shall apply:

(1) The language in the text of this Section A-1400 shall be interpreted in accordance with the following rules of construction:

(a) The singular number includes the plural number, and the plural the singular;

(b) The word "shall" is mandatory; the word "may" is permissive; and

(c) The masculine gender includes the feminine and neuter.

(2) The following words and phrases shall, for the purposes of this Section A-1400, have the meanings respectively ascribed to them in this subsection, except when the context otherwise indicates.

(a) **"Bedroom"** means any room in a dwelling unit that is designed and intended for sleeping purposes. In the absence of other means of determining the status of a room in a dwelling unit, a "bedroom" is a room that (a) is suitable for sleeping purposes, (b) is greater than 100 square feet in floor area, and (c) is not a living room, dining room, kitchen, or bathroom.

(b) **"Building Permit"** means the permit issued by the City for the construction, reconstruction, alteration, addition, repair, placement, removal, or demolition of or to a building or structure within the corporate limits of the City .

(c) **"Building Site"** means an area of land designed, intended, or used as a location for a structure.

(d) **"Code"** means the Crystal Lake City Code.

(e) **"Comprehensive Plan"** means the official plan for the development of the City adopted by the City Council.

(f) **"Developer"** means the person undertaking a residential development, which may, for purposes of this Section, include without limitation the owner as well as the subdivider of the land on which the development is to take place.

(g) **"Development"** means any of the following activities occurring, or receiving required final approvals, on or after July 21, 2009:

(i) any subdivision of land;

(ii) any re-subdivision or modification of an existing subdivision;

(iii) any planned unit development;

(iv) any modification of an existing planned unit development; or

(v) any construction, reconstruction, alteration, addition, repair, or placement of or to a building that requires issuance of a building permit.

(h) **"Development Agreement"** means an agreement, entered into between a developer and the City, approving and governing the project.

(i) **"Development Impact Fee"** means a special and additional fee imposed or parcel of property provided pursuant to the provisions of this Section.

(j) **"Gross Acreage"** means the entire area of a parcel of real property or a building site expressed in acres or portions thereof.

(k) **"Intergovernmental Agreement"** means an agreement to be entered into between the City 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 City in connection with its administration of this Section.

(l) **"Person"** means any individual, firm, partnership, association, corporation, organization or business, or charitable trust.

(m) **"Planned Unit Development"** shall have the same meaning ascribed to it in the zoning code.

(n) **"Proportionate Share"** means the cost of a public facility specifically and uniquely attributable to a development, after consideration of the generation of additional demand from the development, and any appropriate credits for contribution of money, dedication of land, or taxes dedicated for such projects.

(o) **Public Body**: Collectively, any school district, library, and park service provider (other than the City) having territory that is co-extensive, in whole or in part, within the City of Crystal Lake.

(p) **"Public Facility"** means sites and facilities for providing school, library, 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 development impact fee, as well as any other use of such development impact fee funds permitted by law.

(q) **"Public Service Provider"** means the Parks and Recreation Department, the Police Department, the Fire Department, and the Public Works Department of the City.

(r) **"Residential Development"** means any development, as defined in this Section, that is (a) used, or is designed or intended to be used, entirely or in part, for residential purposes, and (b) contemplates, or results in, a net increase in the number of lots, dwelling units, or bedrooms over that which previously existed on the property on which the development is, or is to be, located.

(s) **School District**: means the following public school districts:

Crystal Lake Community Consolidated School District No. 47
Crystal Lake Community High School District No. 155
Woodstock Community Unit School District No. 200
Prairie Grove Consolidated School District No. 46

situated wholly or partially within the corporate limits of the City.

(t) **"Service Area"** means any classification, whether geographic, functional, or otherwise, described in a public body's or public service provider's needs assessment that is used to quantify and identify public facilities required by such public body or public service provider to meet an existing or projected service standard.

(u) **"Service Standard"** means the existing level of service delivery associated with a public facility for which a development impact fee shall be required.

(v) **"Sites"** mean lands that are: (i) leased or owned, or to be leased or owned, by a public body or public service provider: and (ii) used, to be used, or capable of being used for any purposes of the public body or public service provider.

(w) **"Subdivision"** shall have the meaning ascribed to it in the subdivision regulations.

TABLE A

TABLE OF ESTIMATED ULTIMATE POPULATION PER DWELLING UNIT

Type of Unit	**Pre-School 0-4 Years**	**Elementary Grades K-5 5-10 Years**	**Junior High Grades 6-8 11-13 Years**	**TOTAL Grades K-8 5-13 Years**	**High School Grades 9-12 14-17 Years**	**Adults (18-up)**	**Total Per Unit**
Single Family Detached							
2 Bedroom	0.133	0.136	0.048	0.184	0.020	1.700	2.017
3 Bedroom	0.292	0.369	0.173	0.542	0.184	1.881	2.899
4 Bedroom	0.418	0.530	0.298	0.828	0.360	2.158	3.764
5 Bedroom	0.283	0.345	0.248	0.593	0.300	2.594	3.770
Single Family Attached							
1 Bedroom	0.000	0.000	0.000	0.000	0.000	1.193	1.193
2 Bedroom	0.064	0.088	0.048	0.136	0.038	1.752	1.990
3 Bedroom	0.212	0.234	0.058	0.292	0.059	1.829	2.392
4 Bedroom or More	0.323	0.322	0.154	0.476	0.173	2.173	3.145
Multiple Family Dwelling and Community Residence							
Efficiency	0.000	0.000	0.000	0.000	0.000	1.294	1.294
1 Bedroom	0.000	0.002	0.001	0.003	0.001	1.754	1.758
2 Bedroom	0.047	0.086	0.042	0.128	0.046	1.693	1.914
3 Bedroom or more	0.052	0.234	0.123	0.357	0.118	2.526	3.053

TABLE B

TABLE OF ESTIMATED ULTIMATE POPULATION PER DWELLING UNIT

Single Family Detached	
2 Bedroom	2.017
3 Bedroom	2.899
4 Bedroom	3.764
5 Bedroom	3.770
Single Family Attached	
1 Bedroom	1.193
2 Bedroom	1.990
3 Bedroom	2.392
4 Bedroom or More	3.145
Multiple Family Dwelling and Community Residence	
Efficiency	1.294
1 Bedroom	1.758
2 Bedroom	1.914
3 Bedroom or more	3.053

SECTION THREE: Amendment to Section A-1500. Section A-1500, entitled "Fire/Rescue Capital facilities fees," of Chapter 650, entitled "Unified Development Ordinance," of the Crystal Lake City Code is hereby repealed, and said Section A-1500 shall hereafter be reserved for future use.

SECTION FOUR: Effective Date. This Ordinance shall be in full force and effect after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED this _____ day of _____, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2018.

_____
Mayor

ATTEST:

_____
City Clerk