

ARTICLE VIII. PARK LAND DEDICATION

Sec. 8.1. Public Sites and Open Spaces.

- (a) **Purpose.** The requirements of this Ordinance are established to ensure that adequate parks, open spaces and sites for other public uses are properly located and preserved. The requirements shall apply to all lands proposed for all residential development.
- (b) **General Design.** In the design of a subdivision or land division, provisions shall be made for suitable sites of adequate area for schools, parks, playgrounds, open spaces, drainageways and other public purposes. Such sites shown in the Comprehensive Plan or Parks and Open Space Plan, if applicable, shall be incorporated into the design. Consideration shall be given to the preservation of stands of trees, wetlands, lakes, ponds, streams, watercourses, watersheds and wetlands.

Sec. 8.2. Reservation of Public Sites and Spaces.

- (a) **Preliminary Plat to Accommodate Planned Public Spaces.** Whenever a tract to be subdivided includes a proposed street, highway, parkway or proposed site for a park, playground, school or other public use as indicated in the Comprehensive Plan, such space shall be suitably incorporated by the subdivider into the Preliminary Plat after proper determination if it's necessary by the Plan Commission and the Village Board or other public agency involved in the acquisition and use of each such site.
- (b) **Requirements for Adequate Open Spaces.**
 - (1) **Floodplain Areas.** The Village Board may, when it deems necessary for the health, safety or welfare of the present and future population of the area and necessary to the conservation of water, drainage and sanitary facilities, prohibit subdivision of any portion of the property which lies within the floodplain of any stream or drainage course. These floodplain areas shall be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste material or stumps.

Sec. 8.3. Required Dedication for Park Purpose.

- (a) **Relation of Land Required for Population.** It is hereby found and determined that the public interest, convenience, health, welfare and safety requires that 12 acres of land be devoted to park and recreation purposes for each 1,000 persons residing within the Village.
- (b) **Subdivider's Must Provide Parks and Recreational Facilities.** In order that open space and sites for public use may be properly located and preserved as the community develops, and in order that the costs of providing the public parks and recreation sites and facilities necessary to serve the additional families brought into the community by subdivision development may be most equitably proportioned on the basis of the additional need created by the individual subdivision, every subdivider who subdivides land shall dedicate a portion of such land, pay a fee or do both as set forth in this Ordinance for the purpose of providing park and recreational facilities to serve future residents of such subdivision.
- (c) **Population Formula.** The amount of land to be so provided and dedicated shall be determined on the following basis of 12 acres per 1,000 population per formula. The total population of the subdivision or structure shall be determined by summing the population per lot or per apartment building based on the following formula:

POPULATION FORMULA

<i>Lots Within An:</i>	<i>Population Per Lot:</i>
R-5 zoning district	3.38
R-1 zoning district	3.38
R-2 zoning district	6.76
R-4 zoning district	Population Per Unit
One bedroom units	1.9
Two bedroom units	2.8
Three bedroom units	3.38

- (d) **Fees.** In the event that dedication would result in sites too small to be usable, or if such sites would not otherwise be suitable as determined by the Village Board, after consideration by the Park Committee and Plan Commission, a fee payment in lieu of land dedication shall be required. The amount of such fee shall be based upon the "fair market value" of the amount of subdivided land, which would otherwise be required to be dedicated by the

subdivider or building permit applicant. For purposes of this Ordinance only, "fair market value" shall be \$7,000 per acre or as from time to time amended by the Village Board in the fee schedule. Where payment of a fee together with land dedication is required, the sum of the fair market value of the amount of land to be dedicated and the fee required to be paid shall be determined by the Village Board.

providing park and recreational lands and facilities.

- (e) The Village Clerk shall maintain financial records of fees received under this Ordinance by subdivision of lots and the expenditures thereof.

Sec. 8.4. Procedure for Determining Dedication.

- (a) The procedure for determining whether the subdivider is to dedicate land, pay a fee or both, shall be as follows:
 - (1) At the time of submission of a Preliminary Plat, the Village Clerk shall submit a copy of the Preliminary Plat to the Park Committee.
 - (2) The Park Committee shall review the Preliminary Plat, the size and shape of the subdivision and land available for park dedication, the topography, geology, soils, access and location of land in the subdivision available for dedication, and the conformance of such dedication to the Village's plans for outdoor recreation and community development.
 - (3) Based on their review, the Park Committee shall recommend to the Village Board, who shall decide whether to require a dedication of land within the subdivision, payment of a fee in lieu thereof, or a combination of both.
- (b) Where payment of a fee is required, such payment shall be made according to the following schedules:
 - (1) \$350.00 for each new single-family unit.
 - (2) \$485.00 for each new multi-family (duplex).
 - (3) For all units greater than two, \$244.00 per unit.
- (c) Land dedication, when required by the Village Board, shall appear on Preliminary and Final Plats.
- (d) The land and fees received under this Ordinance shall be used only for the purpose of