

ATTACHMENT 2: History of the Land Cash Ordinance

In 1972, the City of Naperville passed an ordinance requiring developers to dedicate land, or fees in lieu of land, to serve the immediate and future park and school needs of the residents of a proposed development; this ordinance is codified in Section 7-3-5 of the Naperville Municipal Code and is commonly referred to as the “Land Cash Ordinance”. The Land Cash requirements are a condition of approval of a final plat of subdivision or final PUD plat for proposed residential developments in which a net increase in buildable lots is proposed.

Structure of the Land Cash Ordinance

The adopted Land Cash Ordinance utilizes a generation table to estimate the number of residents which will be generated by a new development. The generation numbers vary based on type of development (detached single-family; attached single-family; or apartments), as well as the number of bedrooms proposed within those unit types. The generation tables were last updated in 2005.

For the required school donation, the formula calculates the number of acres required to serve the school needs of the school-aged children (aged K-12) generated by the development. If the resulting acreage is not dedicated in the form of a land donation, the following formula is used to calculate the fee-in-lieu:

$$\text{School Donation} = \text{School-Aged Children Generated by Development} \times \text{Acres of School Land to serve those Children} \times \$318,300/\text{acre}^*$$

**Represents fair market value for school land as adopted per Code in 2007*

For the required park donation, the formula assumes a required donation of 8.6 acres to serve each 1,000 persons generated by a new residential development. The park donation is always larger than the school donation because the population needs for park districts are based on residents aged 0 – 100+ (vs. the school donation which is limited to school-aged children). If the resulting land amount is not dedicated in the form of a land donation, the following formula is used to calculate the fee-in-lieu:

$$\text{Park Donation} = \text{Total Population Generated by Development} \times 8.6 \text{ Acres of Park Land per each 1,000 persons} \times \$323,600/\text{acre}^{**}$$

***Represents fair market value for park land as adopted per Code in 2007*

Recent Amendments

In 2018, the City Council adopted Ordinance 18-003 amending Section 7-3-5 of the Land Cash Ordinance. This amendment established a new objection process; created a “pay with permit” option (vs. only a lump sum donation payment required to be paid prior to plat recording); and waived school donation requirements for assisted living facilities/age-restricted developments and reduced the required park donation for the same facilities.