



Legislation Details (With Text)

File #: 18-035 **Version:** 1

Type: Ordinance **Status:** Agenda Ready

File created: 1/8/2018 **In control:** City Council

On agenda: 1/16/2018 **Final action:**

Title: Conduct the first reading of the Ordinance amending Section 5 (Dedication of Park Lands and School Sites or for Payments or Fees In Lieu Of) of Chapter 3 (Required Improvements) of Title 7 (Subdivision Regulations) of the Naperville Municipal Code pertaining to Payments or Fees In Lieu of Dedication of Park Lands and School Sites. PZC 16-1-032.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Land Cash Ordinance Jan 2018, 2. REDLINE Land Cash Ordinance Jan 2018

Date	Ver.	Action By	Action	Result
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CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Conduct the first reading of the Ordinance amending Section 5 (Dedication of Park Lands and School Sites or for Payments or Fees In Lieu Of) of Chapter 3 (Required Improvements) of Title 7 (Subdivision Regulations) of the Naperville Municipal Code pertaining to Payments or Fees In Lieu of Dedication of Park Lands and School Sites. PZC 16-1-032.

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Trevor Dick, Development Manager

BOARD/COMMISSION REVIEW:

The Planning and Zoning Commission considered this matter on April 6, 2016 and voted to recommend approval of the proposed updates (Approved, 7-0). Staff concurs.

BACKGROUND:

At the February 16, 2016 City Council meeting staff was directed to review the City’s existing Land/Cash dedication ordinance. On April 6, 2016, a public hearing was held by the Planning and Zoning Commission regarding this issue (PZC Case #16-1-032). At the public hearing, City staff provided an overview of the ordinance followed by a presentation from District leaders outlining their findings and opinions about the ordinance. Since that time, City staff has met with representatives from School Districts #203 and #204 and with representatives from the Naperville Park District to finalize the proposed ordinance.

DISCUSSION:

The updated ordinance is based upon input received from School District’s #203 and #204, and the

Naperville Park District. A copy of the draft ordinance was also shared with local development attorneys for their review prior to the City Council meeting. The following are the key changes to the ordinance:

1. Planned Unit Development (PUD) dedications: New language specifies that any land or improvement used to satisfy the minimum outdoor common area requirement for a PUD may not be used as a credit for the land/cash dedication.
2. Assisted living developments: New language has been added to reflect the unique generation attributes of assisted living developments. With the addition of this language, applicable developments will no longer be required to apply for a variance to qualify for a reduced dedication amount; this reduction will be automatically applied:
 - a. For the Park District: The required dedication for assisted living developments shall be determined by the number of beds provided in the development divided by four times the efficiency rate per the table; this formula was previously approved by the Park District for other similar developments in Naperville through the variance process.
 - b. For the School Districts: The update states that the School District's contribution will be established but will be automatically waived. The required dedication has been previously waived for assisted living developments through the variance process.
3. Age restricted developments: New language has been added to reflect the unique generation attributes of age restricted housing (55 years and older). With the addition of this language, applicable developments will no longer be required to apply for a variance to qualify for a reduced dedication amount; this reduction will be automatically applied:
 - a) For the Park District: The Land-Cash Contribution shall be calculated based upon a population generation rate of 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.
 - b) For the School Districts: Similar to assisted living housing, contributions for age-restricted housing will be established but will be waved.
4. Improved procedure for how and when to make contributions:
 - a) For projects making Cash-in-lieu payments: The amount of cash to be donated by the developer in lieu of donating land for school or park purposes shall be determined by and paid in one of the following two ways:
 - I. Payment of an "Estimated Lump Sum":
 - i. Under the Estimated Lump Sum Payment option, an estimated payment shall be made by the developer prior to recordation of the final plat of subdivision or final plat of a planned unit development ("PUD") based upon the land cash assessment determined at the time of City Council approval thereof based on the bedroom mixes set forth below; a credit shall be given for any existing structure. This payment option is provided in the current code.
 - II. Payment "Per Permit":

ii. Under the Per Permit payment option, after a final subdivision or PUD plat has been approved any individual or entity seeking a building permit for a residence pays the City a Land-Cash payment based on residence type and actual number of bedrooms identified in the building permit submitted to the City; under this option no credit shall be given for any existing structure. 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. This payment option has been previously approved on a case-by-case basis through the variance process.

5. A more streamlined section dealing with objections:

- a) A new section (Section 12) outlines the due process for challenging staff interpretations of the ordinance. The new section streamlines multiple subsections in the ordinance dealing with how to object the population generation tables, the fair market land values, or any other matter. A key update is that the need to hold a “formal hearing” has been removed. Instead, the Zoning Administrator will have the ability to review and evaluate objections with a written recommendation forwarded to City Council whereby a final determination will be made.

FISCAL IMPACT:

N/A