

SUBSTITUTE
ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Chapter 16-18 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, and by adding the language underscored, as follows:

16-18-040 Fee Formula.

~~_____~~(a) _____ Open space impact fees shall be calculated based on the following formula (the fee per dwelling unit being rounded to the nearest dollar before being totaled for the development as a whole):

(1) _____ Fee = Open Space Need × Open Space Cost × Developer's Share; where:

(2) _____ Open Space Need = Number of Dwelling Units of a particular size which do not qualify as affordable housing units under paragraph (b) of this section × that particular size unit's Estimated Household Size × Minimum Open Space Standard (2 acres per 1,000 people);

_____ (i) As necessary, repeat this Open Space Need formula for all relevant sizes of units and add together each result to calculate a given development's total Open Space Need; and

(3) _____ Household Size is estimated to increase with the size of the dwelling unit as follows:

<i>Size Of Unit (Square Feet)</i>	<i>Estimated Household Size (Persons)</i>
Less than 800	1
800 – 1,599	2
1,600 – 2,999	3
3,000 and up <u>greater</u>	4

(4) _____ Open Space Cost = \$12.00 per square foot prior to and including December 31, 2024; and henceforth shall be adjusted as follows:

_____ (i) Beginning on January 1, 2025, Open Space Cost shall increase to \$16.00 per square foot; and

_____ (ii) Beginning on January 1, 2026, Open Space Cost shall increase to \$20.00 per square foot; and

(iii) Beginning on January 1, 2027, Open Space Cost shall increase to \$24.00 per square foot; and

(iv) Beginning on January 1, 2028, and on every January 1 thereafter, the Open Space Cost shall be, the lesser of, (1) the prior year's cost adjusted by the percentage increase in the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index for all Urban Consumers for the Chicago metropolitan area; or (2) 102.5 percent of the prior year's Open Space Cost, to reflect current market-rate land values.

(5) Minimum Open Space Standard (2 acres per 1,000 people) = \$87.00 per person (rounded to the nearest dollar and based on 43,560 square feet per acre).

(6) Developer's Share = 30 percent, except units which qualify as "affordable housing," which shall be charged a flat nominal fee regardless of size.

(7) Affordable housing units, counted separately from any calculations of the fee formula in subsection (a)(1) or open space need formula in subsection (a)(2) of this section, shall be charged a flat nominal fee of \$100.00 per unit regardless of size.

(b) Affordable housing is defined as housing which is sold or rented at or below the maximum price or fair market rents for household income limits up to 120% AMI as established by the Chicago Section 2-44-085 of the Code (the Affordable Requirements Ordinance or the ARO), localized financial statistics updated annually by HUD, and including ARO program rules promulgated by the Department of Planning and Development for the "City Lots for City Living" or "New Homes for Chicago" affordable housing programs. The sale or rental price of each unit will be the primary criteria for its status as affordable housing, regardless of the development's or unit's level of government financial assistance. The above-stated maximum price or fair market rents may be modified by the Department of Planning and Development from time to time. The Department of Planning and Development may also issue a fee schedule similar to the example in section 10-18-050 with updated rates based on the formulas and values in subsection 10-18-040(a) without the need to amend this chapter.

16-18-070 Individualized assessment of impact.

Any person applying for a building permit may opt to submit an individualized assessment of impact in lieu of calculation of fees pursuant to the ~~fee schedule~~formula in Section 16-18-~~050~~040 hereof. Individualized assessments shall establish why new open space is unnecessary in the area because of adequate existing open space or why the fees should be reduced because of lower open space costs in the area than those estimated in Section 16-18-040 hereof. Existing open space shall be deemed to be adequate if it meets the goals set forth in the "City Space Plan".

16-18-080 Credit for on-site open space within planned developments.

(a) In the case of larger developments which are processed as planned developments, developers are encouraged to:

- (i) provide open space and recreational facilities on-site to serve new residents instead of paying open space impact fees;
- (ii) incorporate nature plant species in their open spaces pursuant to the Department of Planning and Development's Sustainable Development Policy; and
- (iii) incorporate suitably designed dog-friendly areas on-site.

For purposes of this Section, “dog-friendly area” means a designated section of land where dogs are allowed to run and play off-leash. In addition to complying with applicable laws, a dog-friendly area must abide by applicable dog-friendly area guidelines set forth by the Chicago Park District, as adopted by the Department of Planning and Development with necessary adjustments. The size of the dog-friendly area shall reflect the amount of available land and the licensed dog population in the community area and shall be a minimum size of no less than 0.10 acres (4,356 square feet).

(b) Credit may be given for open space or recreational facilities within a planned development that satisfy all or most of the goals of the City Space Plan and adequately serve the needs of the proposed new development.

16-18-120 Paulina Street Corridor.

The Paulina Street Corridor shall consist of all property within the area defined by West Wellington Avenue; North Paulina Street; a line 565 feet south of West Wellington Avenue; a line from a point 565 feet south of West Wellington Avenue and 344 feet east of North Paulina Street to West Wolfram Street, at a point 224 feet west of North Ashland Avenue; West Wolfram Street to a point 130.3 feet east of North Paulina Street; from this point a line parallel to North Paulina Street to the alley next south of and parallel to West Wolfram Street; North Paulina Street; the alley next south of and parallel to West Wolfram Street; North Paulina Street; a line 541 feet south of West Diversey Parkway; the alley next east of and parallel to North Paulina Street; the alley next north of and parallel to West Wrightwood Avenue; North Marshfield Avenue; West Wrightwood Avenue; a line 365.65 feet west of and parallel to North Paulina Street; a line 99.41 feet north of and parallel to West Wrightwood Avenue; a line 409.06 feet west of and parallel to North Paulina Street; a line 141.84 feet north of and parallel to West Wrightwood Avenue; a line 45.04 feet east of and parallel to the Chicago and Northwestern Railroad right-of-way. Notwithstanding the fee ~~schedule~~formula set forth in Section 16-18-~~050~~040 of this chapter, open space impact fees for the Paulina Street Corridor shall be charged according to the following fee schedule:

(Omitted text is unaffected by this ordinance)

SECTION 2. Chapter 16-18 of the Municipal Code of Chicago is hereby amended by repealing Section 16-18-050 (Fee Schedule), in its entirety.

SECTION 3. This ordinance shall be in full force and effect upon passage and publication.