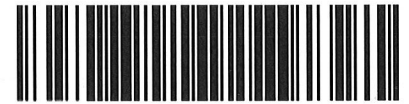




# City of Chicago



SO2014-9761

Office of the City Clerk

## Document Tracking Sheet

**Meeting Date:** 12/10/2014

**Sponsor(s):** Emanuel (Mayor)  
Burnett (27)  
Pawar (47)  
Reboyras (30)  
Mell (33)  
Cochran (20)  
Suarez (31)  
Holmes (7)

**Type:** Ordinance

**Title:** Amendment of Municipal Code Titles 2 and 17 regarding affordable housing requirements (Amended)

**Committee(s) Assignment:** Joint Committee: Housing and Real Estate; Zoning, Landmarks and Building Standards

**SUBSTITUTE ORDINANCE**  
**AS AMENDED**

**WHEREAS**, the City of Chicago ("City") is a home rule unit of government under Section 6(a), Article VII of the 1970 Constitution of the State of Illinois and may exercise any power related to its local governmental affairs; and

**WHEREAS**, the City has the fastest developing downtown area of any major U.S. city, and the downtown residential housing market is expected to add nearly 5,000 new residential units over the next two years; and

**WHEREAS**, while many of the City's neighborhoods are benefitting from economic growth, resulting in the displacement of low-income residents, other neighborhoods have still to recover from the recession or the unprecedented downturn in the housing market; and

**WHEREAS**, the City continues to experience a shortage of affordable housing, especially in high-income and gentrifying neighborhoods; and

**WHEREAS**, the lack of affordable housing is a critical problem, which threatens the economic and social quality of life in the City; and

**WHEREAS**, the passage of this reform ordinance will result in the creation of more affordable housing units in all areas of the City, including high-income and gentrifying areas, and will generate an estimated \$95 million dollars in affordable housing funds, to be invested with an emphasis on providing affordable housing options in gentrifying and fast growing neighborhoods, and supporting new quality affordable housing options in those areas which continue to struggle with underinvestment; and

**WHEREAS**, as part of the City affordable housing program, the commissioner of planning and development will investigate securing non-city resources and incentives for maximizing the creation of affordable housing, including real estate property tax credits for owners of buildings that maintain affordable housing units; now, therefore,

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

**SECTION 1.** Section 2-45-110 of the Municipal Code of Chicago is hereby amended by inserting the underscored language, as follows:

**2-45-110      2007 Affordable housing commitment.**

This section shall apply to any residential housing project for which: (1) the city council has passed an ordinance approving a rezoning, city land sale or financial assistance, as described in subsections (b) or (c), prior to the effective date of Sec. 2-45-115; or (2) an application for rezoning, the sale of city land, or financial assistance, as described in subsections (b) or (c), was submitted prior to the effective date of Sec. 2-45-115, and an ordinance approving the proposed rezoning, city land sale or financial assistance is passed within nine months after the effective date. The term "submitted" means (i) with respect to an application for zoning approval or the sale of city land, an ordinance authorizing the rezoning or city land sale has been introduced to city council; or (ii) with respect to financial assistance, a complete application has been received and accepted by the department.

(a) For purposes of this section:

*(Omitted text is unaffected by this ordinance.)*

(e) A separate fund is hereby established designated the Affordable Housing Opportunity Fund which shall be supported by the fees collected under this section, Sec. 2-45-115 and Sec. 17-4-1004. The revenues of the Affordable Housing Opportunity Fund shall be disbursed in accordance with Sec. 2-45-115 follows:

~~(1) Sixty percent of the annual revenues deposited into the fund shall be used for the construction or rehabilitation of affordable housing and subject to appropriation by the city council; and~~

~~(2) Forty percent of the annual revenues deposited into the fund shall be contributed to the Trust Fund of which one-half of the forty percent shall be restricted solely for the purpose of deposit into the Trust Fund's corpus, and the remaining one-half of the forty percent shall be used for the Trust Fund's Affordable Rents for Chicago program, or similar successor program.~~

*(Omitted text is unaffected by this ordinance.)*

**SECTION 2.** Chapter 2-45 of the Municipal Code is hereby amended by adding a new Section 2-45-115, as follows:

**2-45-115      2015 Affordable requirements.**

This section shall apply to any residential housing project for which the city council has passed an ordinance approving a rezoning, city land sale, or financial assistance, as described in subsection (C), unless such residential housing project is subject to the affordable housing requirements in effect prior to the effective date of this section pursuant to the prefatory clause of Section 2-45-110.

**(A) Title and purpose.** This section shall be known and may be cited as the "2015 Affordable Requirements Ordinance" or "2015 ARO," and shall be liberally construed and applied to achieve its purpose, which is to expand access to housing for low-income and moderate-income households and to preserve the long-term affordability of such housing.

**(B) Definitions.** For purposes of this section, the following definitions shall apply:

"Affordable" means a sales price or rent less than or equal to the amount at which total monthly housing costs, as specified in the rules and regulations, would total not more than 30% of household income for a household whose income is the maximum allowable for an eligible household.

"Affordable housing" means (1) with respect to rental housing, housing that is affordable to households earning up to sixty percent (60%) of the area median income, and (2) with respect to owner-occupied housing, housing that is affordable to households earning up to one hundred percent (100%) of the area median income. Notwithstanding the foregoing, when a residential housing project receives financial assistance from TIF Funds, "affordable housing" for that project means:

(i) with respect to rental housing, one-half of the housing units required to be affordable are affordable to households earning up to sixty percent (60%) of the area median income, and one-half of the housing units required to be affordable are affordable to households earning up to fifty percent (50%) of the area median income; and

(ii) with respect to owner-occupied housing, one-half of the housing units required to be affordable are affordable to households earning up to one hundred (100%) of the area median income, and one-half of the housing units required to be affordable are affordable to households earning up to eighty percent (80%) of the area median income.

"Affordable housing agreement" means a covenant, lien, regulatory agreement, promissory note, mortgage, deed restriction, right of first refusal, option to purchase or similar instrument, governing how the developer and subsequent owners or occupants of affordable units shall comply with this section.

"Affordable unit" means a housing unit required by this section to be affordable, whether located on-site or off-site and whether a rental unit or an owner-occupied unit.

"Area median income" means the median household income for the Chicago Primary Metropolitan Statistical Area as calculated and adjusted for household size on an annual basis by HUD.

"Authorized agency" means the Chicago Housing Authority, the Chicago Low-Income Housing Trust Fund, or another non-profit agency acceptable to the city, which administers subsidies under HUD's McKinney-Vento Homeless Assistance Grants program, or the Veterans Administration Supportive Housing program, or another housing assistance program approved by the city.

"Chicago Community Land Trust" means the Illinois not-for-profit corporation established by ordinance adopted on January 11, 2006, and published at pages 67997 through 68004 in the Journal of Proceedings of the City Council of such date, as amended, and having as its primary mission the preservation of long-term affordability of housing units, or any successor organization.

"Commissioner" means the commissioner of planning and development, or his or her designee.

"Common ownership or control" refers to property owned or controlled by the same person, persons, or entity, or by separate entities in which any shareholder, partner, member, or family member, as that term is defined in Sec. 4-284-020, of an investor of the entity owns ten percent (10%) or more of the interest in the property.

"Condominium" means a form of property established pursuant to the Illinois Condominium Property Act.

"Contiguous parcels" means any parcel of land or lot that is (1) touching another parcel or lot at any point, (2) separated from another parcel or lot at any point only by a public or private street, road, or other right-of-way, (3) separated from another parcel or lot at any point only by a public or private utility, service, or access easement, or (4) separated from another

parcel or lot only by other real property under common ownership or control which is not subject to the requirements of this section at the time of application for the City approval that triggers the obligation to comply with this section.

“Department” means the department of planning and development or any successor department, acting by or through its commissioner.

“Developer” means the owner, as that term is defined in Sec. 13-4-010, of the residential housing project and, if different from the owner, any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities which develops the residential housing project and, if applicable, provides off-site affordable units, together with their successors and assigns, but does not include a lender, any governmental entity or the general contractor working for any developer.

“Development” or “develop” means, for purposes of determining whether the requirements of this section are triggered, the construction or substantial rehabilitation of housing units or the conversion of any building into residential condominiums.

“Downtown districts” means the “D” zoning districts as now or hereafter designated in the Chicago Zoning Ordinance, Chapter 17-4 of the Municipal Code.

“Eligibility criteria” means (1) with respect to rental housing, at the time of the first rental by that household, a household earning up to sixty percent (60%) of the area median income; or (2) with respect to owner-occupied housing, at the time of the purchase of the unit, a household earning up to one hundred twenty (120%) of the area median income. Notwithstanding the foregoing, when a residential housing project receives financial assistance from TIF Funds, “eligibility criteria” for that project means:

(i) with respect to rental housing, at the time of the first rental by that household, a household earning up to sixty percent (60%) of the area median income for one-half of the affordable units, and a household earning up to fifty percent (50%) of the area median income for the other half; and

(ii) with respect to owner-occupied housing, at the time of purchase of the unit, a household earning up to one hundred (100%) of the area median income for one-half of the affordable units, and a household earning up to eighty percent (80%) of the area median income for the other half.

“Eligible household” means a household whose combined annual income, adjusted for household size, does not exceed the maximum income specified in the eligibility criteria for the applicable affordable unit.

“Financial assistance” means any assistance provided by the city through grants, direct or indirect loans, or allocation of tax credits for the development of residential housing units.

“Higher income area” means any area that is not a low-moderate income area, provided that, if any portion of a higher income area is located in a downtown district, that portion of the area will be treated as a downtown district for purposes of this section.

“Housing unit” or “unit” means a room or suite of rooms designed, occupied or intended for occupancy as a separate living quarter with cooking, sleeping and sanitary facilities provided

within the unit for the exclusive use of the occupants of the unit; provided that a "housing unit" does not include (1) dormitories that are owned and operated by or on behalf of an educational institution, (2) hotels as that term is defined in Sec. 13-4-010 of the Municipal Code, or (3) mobile homes.

"HUD" means the United States Department of Housing and Urban Development or any successor department.

"In lieu fee" means a fee in lieu of the establishment of on-site or, if applicable, off-site affordable units, adjusted annually, beginning on January 1 of the year following the second anniversary of the effective date of this section, based upon the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index for all Urban Consumers for the Chicago metropolitan area, or some other comparable index selected by the commissioner in his or her reasonable discretion if this index no longer exists.

"Initial sale" means the first sale of an affordable unit by a developer to an eligible household or an authorized agency pursuant to subsection (Q).

"Low-moderate income area" means an area designated by the Commissioner as a low-moderate income area pursuant to published data regarding Chicago or area median income or the cost of housing or other data relating to gentrification or loss of affordable housing, such as Chicago or area median home sale prices or census tract information. The criteria for designating low-moderate income areas will be set forth in the rules and regulations. The department will publish a list of low-moderate income areas, and will update the list at least every five years. If any portion of a low-moderate income area is located in a downtown district, that portion of the area will be treated as a downtown district for purposes of this section.

"Market-rate unit" means a housing unit in a residential housing project or, if applicable, off-site location that is not an affordable unit as defined in this section, and may sell or rent at any price.

"Off-site" means on a site different from the site of the residential housing project.

"On-site" means on the same site as the residential housing project.

"Planned development" has the same meaning ascribed to that term in Sec. 17-17-02120.

"Publication date" means the date this ordinance is published in the Journal of the Proceedings of the City Council of the City of Chicago.

"Residential housing project" means one or more buildings that collectively contain ten or more new or additional housing units on one or more parcels or lots under common ownership or control, including contiguous parcels. A "residential housing project" may be developed in one or more phases and may consist of new construction, substantial rehabilitation, or the conversion of rental housing to condominiums. In determining whether a development constitutes a residential housing project, the department will consider all relevant factors, including whether the development is marketed as a single or unified project, shares common elements, or is a phase of a larger development. The definition of "residential housing project" shall be interpreted broadly to achieve the purposes of this section and to prevent evasion of its terms.

“Rezoning of property” means a change in the zoning of property in any of the following circumstances: (1) to permit a higher floor area ratio than would otherwise be permitted in the base district, including through transit-served location floor area premiums where the underlying base district does not change; (2) to permit a higher floor area ratio or to increase the overall number of housing units than would otherwise be permitted in an existing planned development, as specified in the Bulk Regulations and Data Table, even if the underlying base district for the planned development does not change; (3) from a zoning district that does not allow household living uses to a zoning district that allows household living uses; (4) from a zoning district that does not allow household living uses on the ground floor of a building to a zoning district that permits household living uses on the ground floor; or (5) from a downtown district to a planned development, even if the underlying base district for the property does not change.

“Substantial rehabilitation” means the reconstruction, enlargement, installation, repair, alteration, improvement or renovation of a building, structure or portion thereof requiring a permit issued by the city, provided the cost of the substantial rehabilitation must be \$75,000 or more per housing unit.

“TIF Act” means the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 et seq., as amended from time to time.

“TIF Funds” means incremental ad valorem taxes which, pursuant to the TIF Act, have been collected and are allocated to pay redevelopment project costs and obligations incurred in the payment thereof.

“Zoning Ordinance” means Title 17 of the Municipal Code.

**(C) Applicability; Minimum Percentage of Affordable Units.** The requirements of this section apply in the following circumstances:

(1) Rezoning. Whenever the city approves the rezoning of property, and such property is subsequently developed with a residential housing project, the developer shall be required to establish no less than ten percent (10%) of the housing units in the residential housing project as affordable housing or satisfy the requirements of this section through one of the alternative methods in subsection (F); provided that if a developer also receives financial assistance, the developer instead shall comply with the requirements of subsection (C)(3). Developers shall not submit piecemeal applications for zoning approval to avoid compliance with this section. The provisions of this subsection (C)(1) shall not apply to any existing residential housing project located on property that was rezoned and thereby converted to a nonconforming use, if the city council approves a change in zoning solely for the purpose of restoring the residential housing project to a conforming use.

(2) City Land Sales. Whenever the city sells real property to any developer and such property or any portion thereof is (a) subsequently developed with a residential housing project, or (b) incorporated into a residential housing project site in order to satisfy minimum off-street parking, minimum lot area, setback or other zoning or Municipal Code requirements or standards, the developer shall be required to establish no less than ten percent (10%) of the housing units in the residential housing project as affordable housing or satisfy the requirements of this section through one of the alternative methods in subsection (F); provided that if a developer also receives financial

assistance, the developer instead shall comply with the requirements of subsection (C)(3).

(3) *Financial Assistance.* Whenever the city provides financial assistance to any developer in connection with the development of a residential housing project, the developer shall be required to establish no less than twenty percent (20%) of the housing units in the residential housing project as affordable housing or satisfy the requirements of this section through one of the alternative methods in subsection (F).

**(D) *Application of 2015 ARO to Existing Buildings.*** In the case of existing buildings subject to the requirements of subsection (C), subsection (C) shall apply as follows:

(1) for an existing building that contains housing units at the time of the approval of a zoning change, only the additional housing units permitted by the rezoning are subject to the affordable housing requirement;

(2) for an existing building that contains a mixed-use occupancy with one use being residential at the time of the approval of the zoning change, only the additional housing units permitted by the rezoning are subject to the affordable housing requirement; or

(3) for an existing building with respect to which the developer has received financial assistance or has purchased city land, the entire building is subject to the affordable housing requirement.

**(E) *Relationship between 2015 ARO and Affordable Housing Density Bonus.*** For every residential housing project subject to the requirements of subsection (C), and also eligible for an affordable housing floor area bonus pursuant to Sec. 17-4-1004-B, the developer shall be required to comply with the requirements of both provisions. Notwithstanding the foregoing, any in lieu fees collected under Sec. 17-4-1004-C may be applied as a credit against any in lieu fees due under this section.

**(F) *Methods of Compliance.***

(1) *Low-Moderate Income Areas.* In low-moderate income areas, a developer subject to the provisions of subsection (C) must provide at least 25% of the required affordable units on-site. The developer may satisfy the balance of its affordable housing obligation through: (a) the establishment of additional on-site affordable units; (b) payment of a fee in lieu of the establishment of on-site affordable units in the amount of \$50,000 per unit; or (c) any combination thereof.

(2) *Higher Income Areas.* In higher income areas, a developer subject to the provisions of subsection (C) must provide at least 25% of the required affordable units on-site or off-site. The developer may satisfy the balance of its affordable housing obligation through: (a) the establishment of additional on-site or off-site affordable units; (b) payment of a fee in lieu of the establishment of affordable units; or (c) any combination thereof. The amount of the in lieu fee shall be \$125,000; provided that, if the developer provides and then sells or leases at least 25% of the required affordable units in the residential housing project to an authorized agency pursuant to subsection (Q), the in-lieu fee shall be reduced to \$100,000 per unit. If the developer elects to provide affordable units off-site, the off-site affordable units must be located within a two-



mile radius from the residential housing project and in the same or a different higher income area or downtown district.

(3) *Downtown Districts – Rental Units.* In the downtown districts and in planned developments with an underlying downtown district zoning classification, a developer of rental units subject to the provisions of subsection (C) must provide at least 25% of the required affordable rental units on-site or off-site. The developer may satisfy the balance of its affordable housing obligation through: (a) the establishment of additional on-site or off-site affordable rental units; (b) payment of a fee in lieu of the establishment of affordable rental units; or (c) any combination thereof. The amount of the in lieu fee shall be \$140,000 per unit through and including the first anniversary of the publication date, and \$175,000 per unit thereafter; provided that, if the developer sells or leases at least 25% of the required affordable rental units in the residential housing project to an authorized agency pursuant to subsection (Q), the in-lieu fee shall be reduced to \$115,000 per unit through and including the first anniversary of the publication date, and \$150,000 per unit thereafter. If the developer elects to provide affordable rental units off-site, the off-site affordable rental units must be located within a two-mile radius from the residential housing project and in a downtown district or higher income area.

(4) *Downtown Districts – Owner-Occupied Units.* In the downtown districts and in planned developments with an underlying downtown district zoning classification, a developer of owner-occupied units subject to the provisions of subsection (C) may establish affordable housing by one or more of the following: (a) the establishment of affordable owner-occupied units as part of the residential housing project; (b) the establishment of off-site affordable owner-occupied units; (c) payment of a fee in lieu of the establishment of on-site or off-site affordable owner-occupied units; or (d) any combination thereof. The amount of the in lieu fee shall be \$140,000 per unit through and including the first anniversary of the publication date, and \$175,000 per unit thereafter; provided that, if the developer sells or leases at least 25% of the required affordable units in the residential housing project to an authorized agency pursuant to subsection (Q), the in-lieu fee shall be reduced to \$115,000 per unit through and including the first anniversary of the publication date, and \$150,000 per unit thereafter; and provided further that, if the developer elects not to provide a minimum of 25% of the required affordable owner-occupied units either on-site or off-site, the in-lieu fee shall be increased to \$160,000 per unit through and including the first anniversary of the publication date, and \$225,000 per unit thereafter. If the developer elects to provide affordable owner-occupied units off-site, the off-site affordable units may be located anywhere in the city, subject to the department's approval.

(G) *Affordable Housing Opportunity Fund.* The in lieu fees and other fees collected under this section, Sec. 2-45-110, and Sec. 17-4-1004 shall be deposited in the Affordable Housing Opportunity Fund, unless required to be deposited into another fund pursuant to federal or state law. All annual revenues of the Affordable Housing Opportunity Fund shall be reserved and utilized exclusively to pay the administrative and monitoring costs and expenses of this section, Sec. 2-45-110, and Sec. 17-4-1004 and, after subtracting such costs and expenses, as follows:

(1) fifty percent (50%) shall be used for the construction, rehabilitation or preservation of affordable housing; and

(2) fifty percent (50%) shall be contributed to the Chicago Low-Income Housing Trust Fund or a successor organization.

**(H) Duration of Affordability Restrictions.** The affordable units required by this section shall continue to be affordable housing for a minimum period of 30 years after the initial sale or rental of the affordable unit, as follows:

(1) In the case of owner-occupied housing, the owner of the affordable unit at the expiration of the 30-year affordability period shall have the option, when the owner elects to sell, of (a) paying an amount equal to fifty percent (50%) of the difference between the affordable unit's market value and its affordable price, as determined at the time of such sale, in which event the department will release the affordable housing agreement recorded against the unit, or (b) in lieu of paying the amount specified in (a), selling the unit to an eligible household at an affordable price, subject to an affordable housing agreement in the city's then-current form.

(2) In the case of rental housing, the affordability period is 30 years after the initial rental; provided that if the affordable unit is converted to a condominium unit within 30 years after its initial rental, such units shall be subject to the provisions of this section that apply to owner-occupied units and a new affordability period of 30 years shall begin on the date of the initial sale of such condominium unit.

(3) Notwithstanding subsection (H)(1), if the owner of the affordable unit occupies the affordable unit as his principal residence for a continuous period of 30 years, the city shall release the affordable housing agreement without further obligation on the owner's part.

**(I) Eligibility Criteria.** Except for the sale or lease of affordable units to an authorized agency pursuant to subsection (Q), all affordable units required under this section shall be leased or sold only to eligible households.

**(J) Tax Increment Financing.**

(1) With respect to the development of residential housing projects and planned developments assisted by the city with TIF Funds in redevelopment project areas established pursuant to the TIF Act, to the extent that the requirements of this section conflict with any TIF guidelines now or hereinafter in effect, the TIF guidelines shall prevail.

(2) To the extent that redevelopment plans approved pursuant to the TIF Act provide that developers who receive TIF Funds for market rate housing set aside twenty percent (20%) of the units to meet affordability criteria established by the department (or any successor or predecessor city department), the requirements of this section shall be deemed to be such affordability criteria and shall supersede all others.

**(K) Compliance Required Prior to Issuance of Building Permit.** Prior to the issuance of a building permit for any residential housing project subject to the affordable housing requirements of this section, including, without limitation, excavation or foundation permits, the developer shall do one or both of the following, as applicable:

(1) pay an amount equal to the required fee in lieu of establishing on-site or, if applicable, off-site affordable units pursuant to subsection (F); or

(2) execute and record an affordable housing agreement against the residential housing project or off-site location to secure the requirements of this section relating to the establishment of on-site or, if applicable, off-site affordable units.

**(L) Affordable Housing Agreement.** The affordable housing agreement required pursuant to subsection (K) shall be recorded against the residential housing project and, if applicable, the off-site affordable units, and shall run with the land and be binding on successors and assigns; provided, however, in the case of projects with owner-occupied units, the city shall periodically release the agreement from the market-rate units to permit the sale of such units in accordance with this section. Each affordable housing agreement shall:

(1) specify the number, type, location, size and phasing of construction of all affordable units and such other information as the department requires to determine the developer's compliance with this section;

(2) specify maximum qualifying incomes and maximum affordable rents or sales prices, and include resale and refinancing procedures and limitations;

(3) include provisions for income certification of potential purchasers or renters of affordable units;

(4) limit the rental or sale of affordable units for the affordability period;

(5) for rental projects, require the developer to submit an annual report to the department including the name, address, and income of each household occupying an affordable rental unit and identifying the monthly rent of each affordable rental unit;

(6) authorize a release of the affordability restrictions following foreclosure or other transfer in lieu of foreclosure if required as a condition to financing pursuant to procedures set forth in the rules and regulations;

(7) describe remedies for breach of the agreement; and

(8) include any other provisions required by the city to document the obligations imposed by this section.

**(M) Chicago Community Land Trust.** The department may delegate to the Chicago Community Land Trust the administration of this section.

**(N) Enforcement Provisions.**

(1) Failure by the developer to pay the required fee in lieu, or provide the on-site or off-site affordable units required by this section, or sell or rent such affordable units in accordance with the requirements of this section, shall be a violation of this section punishable by a fine in an amount equal to two times the payment of fees in lieu required in subsection (F) and, in the case of a residential real estate developer licensed pursuant to Chapter 4-40 of the Municipal Code or any successor chapter, the revocation of the developer's residential real estate developer license.

(2) Upon the rental of any affordable unit at a rental price that is not affordable, or to a household that does not meet the eligibility criteria, the owner shall pay a fee of \$500.00 per unit per day for each day that the owner is in noncompliance.

(3) In addition to any other available remedy, the city may seek an injunction or other equitable relief in court to stop any violation of this section and to recover any funds improperly obtained from any sale or rental of an affordable unit in violation of this section, plus costs and interest at the rate prescribed by law from the date a violation occurred.

(4) The city may seek such other remedies and use other enforcement powers, as allowed by law. The remedies and enforcement powers established in this section are cumulative, and the city may exercise them in any order.

(5) Any fines or penalties imposed by the city for a violation of this section, and any fees collected under this section, shall be deposited into the Affordable Housing Opportunity Fund, unless required to be deposited into another fund pursuant to federal or state law, and shall be used and disbursed in accordance with subsection (G).

**(O) Rules and Regulations.** The commissioner is authorized to adopt such rules and regulations as the commissioner may deem necessary for the proper implementation, administration and enforcement of this section.

**(P) Hardship Waiver.** The commissioner shall have discretion, in certain limited circumstances as specified in the rules and regulations, to waive, adjust or reduce the requirements of this section, including, without limitation, the income eligibility, resale price and other affordability covenants and restrictions, for developers or owners of affordable units who have used good faith efforts to comply with such requirements. The commissioner shall exercise his discretion in the best interests of the city and with the goal of balancing long-term affordability and private investment. The rules and regulations shall set forth criteria for granting waivers, adjustments and reductions, such as establishing a minimum time period that developers and owners must market affordable units, establishing criteria related to unusual economic or personal circumstances, and providing a maximum percentage for the increase above the maximum income limit or resale price currently allowed.

**(Q) Sale or Rental to Authorized Agency.** Affordable units required to be provided pursuant to this section may be sold or leased to an authorized agency, subject to the following provisions:

(1) The initial sale or lease of affordable units to the authorized agency is not subject to the price restrictions set forth in this section. Instead, the developer may sell or rent affordable units to the authorized agency at any price, similar to market-rate units.

(2) The authorized agency must sign a 30-year lease or, if the unit is purchased, record a 30-year deed restriction or similar instrument guaranteeing that all affordable units will be leased to households that meet the income eligibility requirements for rental housing under this section for a minimum of 30 years, and may not sell, transfer, or otherwise dispose of the affordable units.

(3) The authorized agency must submit a report on an annual basis to the commissioner that provides the following information and any additional information requested by the commissioner: number of affordable units currently in the authorized agency's inventory and the monthly rental rate for each affordable unit, information concerning each tenant household's composition and gross income, affordable unit operating expenses and revenues received by the authorized agency.

(R) **Applying Percentages; Fractional Units.** Calculations of the number of affordable units required by this section shall be based on the total number of housing units in the residential housing project, including any density bonus units. Where the application of the percentage requirements of this section results in a fractional housing unit, the developer shall round up to the nearest whole number for any portion of 0.5 or above and round down to the nearest whole number for any portion less than 0.5.

(S) **Projects with Both Owner-Occupied and Rental Units.** When a residential housing project includes both owner-occupied and rental units, the provisions of this section that apply to owner-occupied projects shall apply to that portion of the project that consists of owner-occupied units, while the provisions of this section that apply to rental projects shall apply to that portion of the project that consists of rental units; provided, however, with the commissioner's approval, a developer may provide rental units where the developer would otherwise be required to provide owner-occupied units, in which event such units shall be subject to the provisions of this section that apply to rental projects.

(T) **Supplemental Incentives for On-Site Affordable Units in Transit-Served Locations.** Residential housing projects in transit-served locations, as defined in Sec. 17-10-0102-B, that qualify for and are granted the floor area bonuses set forth in Sec. 17-3-0403-B (for projects in B dash 3 and C dash 3 districts) or Sec. 17-4-0405-C (for projects in D dash 3 districts), and that provide at least 50% of the required affordable units on-site, are eligible for supplemental incentives under Sec. 17-3-0403-C (additional FAR increase in B dash 3 and C dash 3 districts), Sec. 17-3-0408-B.2 (additional building height increase in B dash 3 and C dash 3 districts), Sec. 17-4-0405-D (additional FAR increase in D dash 3 districts) and Sec. 17-10-0102-B.2 (additional parking reduction in B dash 3, C dash 3 and D dash 3 districts).

(U) **Standards for Affordable Units.** Affordable units required to be provided pursuant to this section shall comply with the following standards, as may be detailed further in the rules and regulations:

(1) Affordable units shall be reasonably dispersed throughout the residential housing project, such that no single building or floor therein has a disproportionate percentage of affordable units.

(2) Except as permitted in subsection (S), residential housing projects which contain owner-occupied units must comply with the provisions of this section that apply to owner-occupied projects, and residential housing projects which contain rental units must comply with the provisions of this section that apply to rental projects.

(3) Affordable units shall be comparable to the market rate units in the residential housing project (or off-site location in the case of off-site affordable units) in terms of unit type, number of bedrooms per unit, quality of exterior appearance, energy efficiency, and overall quality of construction; provided, however, with the commissioner's approval, in a residential housing project (or off-site location in the case

of off-site affordable units) which contains single-family detached homes, affordable units may be attached homes rather than detached homes and lots for affordable units may be smaller than lots for market-rate units (consistent with applicable zoning), and in a residential housing project (or off-site location in the case of off-site affordable units) which contains attached multi-story housing units, affordable units may contain only one story.

(4) Affordable units may have different interior finishes and features than market-rate units in the residential housing project (or off-site location in the case of off-site affordable units), as long as they are durable, of good and new quality, and are consistent with then-current standards for new housing.

(5) Affordable units shall have access to all on-site amenities available to market rate units, including the same access to and enjoyment of common areas and facilities in the residential housing project (or off-site location in the case of off-site affordable units).

(6) Affordable units shall have functionally equivalent parking when parking is provided to the market rate units in the residential housing project (or off-site location in the case of off-site affordable units).

(7) Affordable units shall be constructed, completed, ready for occupancy, and marketed concurrently with or prior to the market rate units in the residential housing project or phase thereof. As used in this section, "concurrently" means that a proportionate share of affordable units shall be completed for each group of market rate units completed at 25%, 50%, 75% and final completion of the residential housing project. The commissioner may approve an alternative timing plan if the commissioner determines, in his or her sole discretion, that that there is no economically feasible way to comply with the phasing requirements, in which event the developer shall post a bond or similar security in an amount equal to one and one-half times the required in lieu fee to secure the completion of such units.

(8) The marketing requirements and procedures for affordable units shall be contained in the rules and regulations.

(9) The rules and regulations may specify minimum household sizes for affordable units of different bedroom sizes, and may require that prospective purchasers complete homebuyer education training or fulfill other requirements.

**(V) Additional Standards for Off-Site Affordable Units.** With the commissioner's approval, a developer of a residential housing project in a downtown district or higher income area may satisfy all or part of its affordable housing obligation through the establishment of off-site affordable units, subject to the following standards, as may be detailed further in the rules and regulations:

(1) The developer may either build new affordable units, or purchase and convert existing market-rate units to affordable units. In either case, the construction or acquisition and rehabilitation budget for the off-site affordable units must equal or exceed the in lieu fee that would otherwise be due pursuant to subsection (F).

(2) Off-site affordable units must meet all of the requirements set forth in this section for on-site affordable units, except that: (a) off-site locations are not subject to (U)(1); and (b) all off-site affordable units for a residential housing project must receive certificates of occupancy prior to issuance of the first certificate of occupancy for the market-rate units in the residential housing project.

(3) The off-site location shall be appropriately zoned to allow for the proposed project. No increase in density or financial assistance from the city shall be required in order to accommodate the off-site affordable units.

(4) Developers must pay a fee of \$5,000 per unit to pay the expenses of the department in connection with monitoring and administering compliance with the requirements of this subsection. Any fees collected under this subsection shall be deposited into the Affordable Housing Opportunity Fund and used and disbursed in accordance with subsection (G).

**SECTION 3.** Section 17-3-0403 of Title 17 of the Municipal Code, the Chicago Zoning Ordinance, is hereby amended by adding a new Section 17-3-0403-C, as follows:

**17-3-0403 Floor Area Ratio.**

*(Omitted text is unaffected by this ordinance.)*

**17-3-0403-C Additional FAR Increase for On-Site Affordable Housing Units in Transit-Served Locations.** All projects in B dash 3 and C dash 3 districts subject to Sec. 2-45-115, that (1) qualify for and are granted a *floor area ratio* increase of 0.5 under Sec. 17-3-0403-B above, and (2) provide at least 50% of the required affordable units on-site, may increase the maximum *floor area ratio* standard by an additional 0.25 to 3.75. This *floor area ratio* increase is allowed only if the project complies with all of the requirements of a transit-served location pursuant to Sec. 17-10-0102-B, and is reviewed and approved in accordance with the *planned development* procedures of Sec. 17-13-0600.

**SECTION 4.** Section 17-3-0408 of the Zoning Ordinance is hereby amended by deleting the struck-through language and inserting the underscored language, as follows:

**17-3-0408 Building Height.**

*(Omitted text is unaffected by this ordinance.)*

**17-3-0408-B Building Height Increases for Transit-Served Locations.**

1. All projects in B dash 3 and C dash 3 districts that reduce vehicular parking from the otherwise required minimum parking standard by 50% for residential uses or 50% or more for non-residential uses, pursuant to Sec. 17-10-0102-B, are eligible for increases in maximum *building height* as established in the table below. These building height increases are allowed only if the project is reviewed and approved in accordance with the Type I Zoning Map Amendment procedures of Sec. 17-13-0302.

2. All projects in B dash 3 and C dash 3 districts subject to Sec. 2-45-115 that (a) qualify for and are granted a *building height* increase under Sec. 17-3-0408-B.1 above, and (b) provide at least 50% of the required affordable units on-site, are eligible

for additional increases in maximum *building height* as established in the table below. These *building height* increases are allowed only if the project complies with all of the requirements of a transit-served location pursuant to Sec. 17-10-0102-B, and is reviewed and approved in accordance with the *planned development* procedures of Sec. 17-13-0600.

District	Maximum Building Height (feet)			
	Lot frontage of 25 feet or less	Lot frontage of more than 25 and less than 50 feet	Lot frontage of 50 to 99.9 feet	Lot frontage of 100 feet or more
Buildings with Ground-Floor Commercial Space that Complies with Sec. 17-3-0305				
Dash 3	50	55	70	75
Dash 3- Sec. 2-45-115 Units	<u>55</u>	<u>60</u>	<u>75</u>	<u>80</u>
Buildings without Ground-Floor Commercial Space that Complies with Sec. 17-3-0305				
Dash 3	50	50	65	70
Dash 3- Sec. 2-45-115 Units	<u>55</u>	<u>55</u>	<u>70</u>	<u>75</u>

*(Omitted text is unaffected by this ordinance.)*

**SECTION 5.** Section 17-4-0405 of the Zoning Ordinance is hereby amended by adding a new Section 17-4-0405-D, as follows:

**17-4-0405 Floor Area Ratio.**

*(Omitted text is unaffected by this ordinance.)*

**17-4-0405-D Additional FAR Increase for On-Site Affordable Housing Units in Transit-Served Locations.** All projects in D dash 3 districts subject to Sec. 2-45-115 that (1) qualify for and are granted a *floor area ratio* increase of 0.5 under Sec. 17-4-0405-C above, and (2) provide at least 50% of the required affordable units on-site, may increase the maximum *floor area ratio* standard by an additional 0.25 to 3.75. This *floor area ratio* increase is allowed only if the project complies with all of the requirements of a transit-served location pursuant to Sec. 17-10-0102-B, and is reviewed and approved in accordance with the *planned development* procedures of Sec. 17-13-0600.

**SECTION 6.** Section 17-4-1004 of the Zoning Ordinance is hereby amended by deleting the struck-through language and inserting the underscored language, as follows:

**17-4-1004 Affordable Housing.**



(Omitted text is unaffected by this ordinance.)

#### **17-4-1004-B Eligibility Criteria.**

1. *Residential buildings* in DR districts with a dash 5, 7 or 10 suffix are eligible to receive floor area bonuses for affordable housing, ~~subject to the standards of Sec. 17-4-1004-E. The affordable housing and adopt-a-landmark floor area bonuses are the only bonuses available to such buildings.~~

2. *Residential buildings* in DX districts with a dash 5, ~~or 7,~~ or 10 suffix are eligible to receive floor area bonuses for affordable housing, ~~subject to the standards of Sec. 17-4-1004-E. The affordable housing and adopt-a-landmark floor area bonuses are the only bonuses available to such buildings.~~

3. *Residential buildings* in DX or DC districts with a dash 12 or 16 suffix are eligible to receive floor area bonuses for affordable housing, ~~subject to the standards of Sec. 17-4-1004-E.~~ Moreover, the affordable housing floor area bonus must be used by such *residential buildings* to obtain at least 20% of the total requested floor area bonus.

4. Nonresidential buildings in DX districts with a dash 7 or 10 suffix are eligible to receive floor area bonuses for affordable housing, ~~subject to the standards of Sec. 17-4-1004-E.~~ Such *buildings* are not required to use the affordable housing floor area bonus.

5. Nonresidential buildings in DX or DC districts with a dash 12 or 16 suffix are eligible to receive floor area bonuses for affordable housing, ~~subject to the standards of Sec. 17-4-1004-E.~~ Such *buildings* are not required to use the affordable housing floor area bonus.

#### **17-4-1004-C Bonus Formula**

~~1. The floor area bonus for affordable housing is calculated as follows: Bonus Floor Area = (sum of the on-site floor area improved with affordable housing units) x 4.0, or~~

~~12. Alternatively, in the case of a Cash payments shall be made to the City of Chicago Affordable Housing Opportunity Fund to satisfy the requirements of this bonus. Any payments collected under this Sec. 17-4-1004-C shall be used and disbursed in accordance with subsection (G) of Sec. 2-45-115, f Floor area bonuses will be based on a financial contribution that reflects the value of land within the surrounding area, based on the following formula:~~

Cost of 1 square foot of floor area = 80% x median cost of land per buildable square foot

~~23. The cost of land must be based on sale prices within the most recent 5 years, as provided by the Department of Planning and Development.~~

~~34. The Commissioner of Planning and Development is responsible for updating estimates of land values annually.~~

~~4. Property owners must pay the required cash contribution before the issuance of building permits for the construction of the subject buildings.~~

~~5. Cash payments made under this Sec. 17-4-1004-C may be applied as a credit~~

against any in lieu fees due under Sec. 2-45-115.

~~**17-4-1004-D Rezoning to Higher (FAR) District.** Property in a DC, DX or DR district that is rezoned to a zoning classification that allows a higher *base floor area ratio* and is subsequently developed with additional residential *dwelling units* must provide on-site affordable housing units or make cash contributions to the city's Affordable Housing Opportunity Fund in accordance with the standards of this subsection; provided that the developer of every residential housing project, as that term is defined in section 2-45-110, and every planned development subject to the provisions of this subsection and section 2-45-110 may elect to comply with the affordable housing requirement provisions of section 2-45-110 instead.~~

~~1. Provision of Affordable Housing Units On-Site. If the requirement to provide affordable housing units or contribute to the city's Affordable Housing Opportunity Fund is to be met by providing affordable housing units on site, the total floor area devoted to affordable housing units must equal at least 25% of the total increase in floor area allowed by the rezoning. Such units are not eligible for floor area bonuses but are subject to the standards of Sec. 17-4-1004-E.~~

~~2. Cash Payments. If this requirement is to be met through a cash payment to the City of Chicago Affordable Housing Opportunity Fund, such payment must reflect the value of land within the surrounding area and be based on the following formula: increase in allowable floor area resulting from rezoning x 80% of the median cost of land per buildable square foot.~~

~~3. Acknowledgment of Affordable Housing Requirements. Except as expressly stated in paragraph 17-4-1004-D4 below, before approval of an ordinance rezoning property to a DC, DX or DR district that allows a higher *base floor area ratio*, the subject *property owner* must provide written acknowledgment, in a form approved by the Corporation Counsel, of the *property owner's* obligation to provide affordable housing units or contribute to the city's Affordable Housing Opportunity Fund if any residential *dwelling units* are constructed on the subject property.~~

~~4. Exemption for Nonresidential Constriction. Property that is rezoned to a zoning classification that allows a higher *base floor area ratio* but which is developed solely for nonresidential use will not be required to provide affordable housing units or make payments to the city's Affordable Housing Opportunity Fund.~~

~~**17-4-1004-E Standards.** Buildings that meet the eligibility criteria of Sec. 17-4-1004-B and that provide affordable housing or contribute the city's Affordable Housing Opportunity Fund are eligible for floor area bonuses provided they comply with the following standards. These standards also apply to projects that are subject to 17-4-1004-D.~~

~~1. Financial Assistance. Projects that receive city financial assistance to provide affordable housing are eligible for affordable housing floor area bonuses; provided that any payment of fees in lieu or the creation of on-site affordable housing units required as a condition of the financial assistance shall not count as payment of fees in lieu or the creation of on-site affordable housing units for purposes of the affordable housing floor area bonus.~~

~~2. Relationship to Mandatory Affordable Housing Standards. Projects that are required to provide affordable housing by other city ordinances are eligible for affordable housing floor area bonuses; provided that any payment of fees in lieu or the creation of on-site affordable housing units required by such city ordinance shall not count as payment of fees in~~

~~lieu or the creation of on-site affordable housing units for purposes of the affordable housing floor area bonus unless the project is a residential housing project or planned development subject to the provisions of section 2-45-110 that is meeting its affordable housing requirement pursuant to that section.~~

~~3. — Rents and Sales Prices. The Department of Planning and Development is authorized to establish rents and sales prices for affordable housing units provided pursuant to this section in accordance with the following:~~

~~(a) — For rental housing units, rents (including tenant-paid heat) must be affordable to households earning up to 60% of the median income reported for the Chicago Primary Metropolitan Statistical Area.~~

~~(b) — For owner-occupied housing units, total monthly housing costs (including mortgage principal, interest, property taxes and property insurance) must be affordable for households earning up to 100% of the median income reported for the Chicago Primary Metropolitan Statistical Area.~~

~~4. — Income Levels. The Department of Planning and Development is authorized to establish household income levels to be used in administering and enforcing the standards of this section.~~

~~5. — Term. The minimum guaranteed term for continued affordability of affordable housing units must be no less than 30 years, unless the affordable housing units are placed in or administered by the CLT, as that term is defined in section 2-44-090. The initial rental or sale of such affordable housing units placed in or administered by the CLT shall be subject to the income eligibility and price restrictions set forth in this section, but the resale or transfer of such affordable housing units shall be governed by the terms of a restrictive covenant, long-term ground lease, or similar instrument, designed to balance the competing goals of long-term affordability and providing a fair return on the homeowner's investment.~~

~~6. — Timing of Cash Payments and Financial Guarantees. Property owners that are subject to the affordable housing standards of this section must pay the required cash contribution or provide a performance bond or other security ensuring construction of the affordable housing units before the issuance of building permits for the construction of the subject buildings. Such bond or security must be:~~

~~(a) — in an amount equal to the cash contribution required under Sec. 17-4-1004-C2 or Sec. 17-4-1004-D2, whichever is applicable; and~~

~~(b) — released after the commissioner of planning and development has certified that the on-site affordable housing units have been created.~~

~~7. — Timing of Construction. Affordable housing units provided on-site must be available for occupancy before or at the same time as market-rate units. Time schedules for construction of affordable housing units must be provided for large-scale planned development projects.~~

~~8. — Design Guidelines.~~

~~(a) — Affordable housing units provided on-site should be reasonably dispersed in the project.~~

~~(b) — Affordable housing units provided on-site must be similar in general exterior appearance to market-rate units within the project.~~

~~(c) — Affordable housing units provided on-site may have different interior amenities than market-rate units, provided they comply with all applicable housing and building codes.~~

~~(d) — The percentage of affordable units that are *efficiency*, studio or one bedroom units should not exceed the percentage of market-rate units that are *efficiency*, studio or one bedroom units.~~

~~9. — Affordable Housing Agreements. Sponsors of Affordable Housing Projects must enter into an Affordable Housing Agreement with the Department of Planning and Development, in form approved by the Corporation Counsel. The Affordable Housing Agreement will include the following:~~

~~(a) — data on the number of affordable housing units by type, location, and number of bedrooms;~~

~~(b) — standards for maximum qualifying incomes and maximum affordable rents or affordable sales prices;~~

~~(c) — a description of any floor area bonus, *density* bonus or any other regulatory or financial incentives provided by the city;~~

~~(d) — identification of the party responsible for certifying rents and sales prices of affordable units, and the process that will be used to certify incomes of tenants and purchasers of such units;~~

~~(e) — the schedule for construction and occupancy of affordable housing units;~~

~~(f) — a description of the manner in which vacancies will be marketed and filled, including screening and qualifying prospective renters and purchasers of affordable units; and~~

~~(g) — a description of remedies for breach of the agreement by either party.~~

~~10. — Administration and Enforcement.~~

~~(a) — The Department of Buildings may not approve an application for a building permit in any development receiving a floor areas bonus for affordable housing units until the Department of Planning and Development provides written verification that the applicant has submitted all necessary agreements and complied with all applicable affordable housing standards.~~

~~(b) — Upon the resale or transfer of any affordable housing unit (1) at a price above the sales price limits established by the Department of Planning and Development or (2) to a *household* that does not meet the income eligibility criteria of the Department of Planning~~

and Development, the seller or transferor must pay an amount equal to the difference, at the time of the initial sale, between the affordable housing unit's market value and its affordable housing price plus 3% per year interest from the date the initial sale on that difference.

(c) Upon the rental of any affordable housing unit (1) at a price above the rental price limits established by the Department of Planning and Development or (2) to a household that does not meet the income eligibility criteria of the Department of Planning and Development, the property owner will be subject to a fee of \$500.00 per housing unit per day for each day that the property owner is in noncompliance. Before the assessment of this authorized fee, the property owner must be given 90 days, after written notice from the Commissioner of Planning and Development, to cure the noncompliance. If, after 90 days, the property owner fails to cure the noncompliance, the fees will be assessed from the first day of noncompliance. The 90-day time period to cure the noncompliance may be extended by the Commissioner of Planning and Development for good cause.

11. Annual Reports (Rental Units). The property owner or qualifying sponsor must submit an annual report to the Department of Planning and Development, which includes the name, address, and income of each person occupying an affordable rental housing unit and that identifies the monthly rent of each affordable rental housing unit.

12. Administrative Rules. The Department of Planning and Development must publish administrative rules governing administration and interpretation of the affordable housing bonus provision of this section.

~~17-4-1004-F Affordable Housing Requirement.~~ The developer of every planned development and every residential housing project, as that term is defined in section 2-44-090, subject to the provisions of section 2-44-090 shall comply with the requirements of section 2-44-090, if applicable, unless the developer elects to comply with the affordable housing requirement provisions of section 17-4-1004 instead.

**SECTION 7.** Section 17-8-0500 of the Zoning Ordinance is hereby amended by deleting the struck-through language and inserting the underscored language, as follows:

**17-8-0500 Mandatory planned development thresholds.**

*(Omitted text is unaffected by this ordinance.)*

**17-8-0512 B. Downtown Zoning Districts**

Zoning District	Residential Building Height Threshold (feet)	Nonresidential Building Height Threshold (feet)
D dash 3	<u>75</u> 80	90
D dash 5	130	150
D dash 7	155	180
D dash 10	220	310
DX-12	330	390

DC-12	330	470
DX-16	440	520
DC-16	440	600

(Omitted text is unaffected by this ordinance.)

**17-8-0516 Floor Area Increases for Transit-Served Locations.** *Planned development* review and approval is required for any development in B dash 3 and C dash 3 districts requesting a floor area increase under Sec. 17-3-0403-B and Sec. 17-3-0403-C. *Planned development* review and approval is also required for any development in D dash 3 districts requesting a floor area increase under Sec. 17-~~34~~-0405-C and Sec. 17-4-0405-D.

**SECTION 8.** Section 17-10-0102-B of the Zoning Ordinance is hereby amended by deleting the struck-through language and inserting the underscored language as follows:

**17-10-0102-B Transit-Served Locations.**

1. In B, C or D districts, minimum off-street automobile parking ratios for residential uses may be reduced by up to 50 percent from the otherwise applicable standards for new construction or rehabilitation or reuse of existing structures located within 600 feet of a CTA or METRA rail station entrance or within 1,200 feet of a CTA or METRA rail station entrance when the subject building is located along a *pedestrian street* or a pedestrian retail *street*.

2. In B dash 3, C dash 3 and D dash 3 districts, minimum off-street automobile parking ratios for residential uses may be reduced by up to 75 percent from the otherwise applicable standards for new construction or rehabilitation or reuse of existing structures located within 600 feet of a CTA or METRA rail station entrance or within 1,200 feet of a CTA or METRA rail station entrance when the subject building is located along a *pedestrian street* or a pedestrian retail *street* for projects subject to Sec. 2-45-115 that provide at least 50% of the required affordable units on-site.

2.3. In B, C, D or M districts, minimum off-street automobile parking ratios for non-residential uses may be reduced by up to 100 percent from the otherwise applicable standards for new construction or rehabilitation or reuse of existing structures located within 600 feet of a CTA or METRA rail station entrance or within 1,200 feet of a CTA or METRA rail station entrance when the subject building is located along a *pedestrian street* or a pedestrian retail *street*. Any reduction in minimum off-street automobile parking ratios in excess of 50% under this Section 17-10-0102~~00~~-B.23 shall be approved only as an Administrative Adjustment under the provisions of Section 17-13-1003-EE. Any party requesting a reduction in excess of 50% under this Section 17-10-0102-B.23 shall provide notice to the alderman of the ward in which the subject property is located, and no such reduction shall be approved until at least 10 days after the date that such notice was delivered to the alderman.

3.4. Vehicular parking ratio reductions for transit-served locations are authorized only when the subject development includes at least one bicycle parking space for each automobile parking space that would otherwise be required under the applicable standards of Section 17-10-0200. When such calculations result in a bicycle parking requirement in excess of 50 bicycle parking spaces, the limits described in Section 17-10-0301-B shall not apply. All bicycle parking design is subject to the regulations of Section 17-10-0302.

4.5. The 600-foot and 1,200-foot distances specified in this section must be measured along a straight line between the rail station entrance and the entrance of the building for which the parking reduction is requested.

5.6. In the RM6 or RM6.5 districts, the required parking may be reduced as approved in a Planned Development or by the Zoning Administrator pursuant to a Type I Rezoning Ordinance for developments which meet all of the following criteria:

a. qualify for and are approved pursuant to the Planned Development provisions of Chapter 17-8 or for Type I rezoning under the provisions of Section 17-13-0302;

b. are located within 250 feet of an entrance to a CTA or Metra rail station, as measured from the nearest boundary of the lot to be developed;

c. include in the building or buildings to be constructed or rehabilitated at least one bicycle parking space for each automobile parking space that would otherwise be required under Section 17-10-0200; and

d. provide additional alternatives to automobile ownership, such as car-sharing vehicles or other shared modes of transportation.

**SECTION 9.** Section 17-13-0300 of the Zoning Ordinance is hereby amended by deleting the struck-through language as follows:

*(Omitted text is unaffected by this ordinance.)*

~~**17-13-0302-D Affordable Housing Requirement.** Property that is rezoned to a zoning classification that allows a higher base floor area ratio and is subsequently developed with a residential housing project, as that term is defined in section 2-45-110, shall comply with the affordable housing requirements of section 2-45-110, if applicable; provided that the developer of every residential housing project subject to the provisions of section 2-45-110 and subsection 17-4-1004-D may elect to comply with the affordable housing requirement provisions of section 17-4-1004 instead.~~

*(Omitted text is unaffected by this ordinance.)*

**SECTION 10.** Section 17-13-0600 of the Zoning Ordinance is hereby amended by deleting the struck-through language and inserting the underscored language as follows:

*(Omitted text is unaffected by this ordinance.)*

~~**17-13-0613 Affordable Housing Requirement.** Every *planned development* in which a residential housing project will be developed, as those terms are defined in section 2-45-110, shall comply with the affordable housing provisions of section 2-45-110, if applicable; provided that the developer of every *planned development* subject to the provisions of section 2-45-110 in which a residential housing project will be developed may elect to comply with the affordable housing requirement provisions of section 17-4-1004 instead.~~

~~**17-13-0644**~~ **17-13-0613 Special rule– Property within Airport Layout Plan.**

*(Omitted text is unaffected by this ordinance.)*

**SECTION 11.** Section 17-13-1003 of the Zoning Ordinance is hereby amended by deleting the struck-through language and inserting the underscored language as follows:

**17-13-1003 Authorized Administrative Adjustments.** The Zoning Administrator has the authority to review and approve the following *administrative adjustments*:

*(Omitted text is unaffected by this ordinance.)*

17-13-1003-EE Parking Reduction for Transit-Served Locations.

*(Omitted text is unaffected by this ordinance)*

2. Such an *administrative adjustment* may be approved only when the Zoning Administrator determines that the ~~subject building is located along a pedestrian street or a pedestrian-retail street~~ proposed parking reduction meets the general approval criteria of 17-13-1007-B.

*(Omitted text is unaffected by this ordinance.)*

**SECTION 12.** To the extent that any ordinance, resolution, rule, order or provision of the Municipal Code, or any portion thereof, is in conflict with any provision of this ordinance, the provisions of this ordinance control. If any section, paragraph or provision of this ordinance shall be held invalid by any court, that invalidity shall not affect the remaining provisions of this ordinance.

**SECTION 13.** This ordinance shall be in full force and effect 180 days after its passage and publication.