PLAN COMMISSION
Wednesday, April 10, 2019
7:00 P.M.
Lorraine H. Morton Civic Center, 2100 Ridge Avenue, James C. Lytle City Council Chambers

AGENDA

1. CALL TO ORDER / DECLARATION OF QUORUM

2. APPROVAL OF MEETING MINUTES: March 13, 2019

3. NEW BUSINESS

   A. Text Amendment
      Inclusionary Housing Ordinance Bonuses 19PLND-0025
      A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning, to revise density
      and parking bonuses established by the City of Evanston's revised Inclusionary Housing
      Ordinance (IHO), 107-O-18.

4. OTHER BUSINESS

5. PUBLIC COMMENT

6. ADJOURNMENT

The next regular meeting of the Plan Commission is scheduled for WEDNESDAY, MAY 8, 2019 at 7:00
P.M. in JAMES C. LYTLE CITY COUNCIL CHAMBERS of the Lorraine H. Morton Civic Center.

Order of agenda items is subject to change. Information about the Plan Commission is available online at:
http://www.cityofevanston.org/plancommission. Questions can be directed to Meagan Jones, Neighborhood and Land Use
Planner, at 847-448-8170 or via e-mail at mmjones@cityofevanston.org.

The City of Evanston is committed to making all public meetings accessible to persons with disabilities. Any citizen needing
mobility or communications access assistance should contact the Community Development Department 48 hours in advance
of the scheduled meeting so that accommodations can be made at 847-448-8683 (Voice) or 847-448-8064 (TYY).

La ciudad de Evanston está obligada a hacer accesibles todas las reuniones públicas a las personas minusválidas o las
quines no hablan inglés. Si usted necesita ayuda, favor de ponerse en contacto con la Oficina de Administración del Centro a
847/866-2916 (voz) o 847/448-8052 (TDD).
MEETING MINUTES
PLAN COMMISSION
Wednesday, March 13, 2019
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, James C. Lytle Council Chambers

Members Present: Colby Lewis (Chair), Terri Dubin, Carol Goddard, George Halik

Members Absent: Jennifer Draper, Peter Isaac, Andrew Pigozzi

Staff Present: Meagan Jones, Neighborhood and Land Use Planner
Hugh Dubose, Assistant City Attorney

Presiding Member: Colby Lewis, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

Chairman Lewis called the meeting to order at 7:00 P.M.

2. APPROVAL OF MEETING MINUTES: February 13, 2019

Commissioner Halik made a correction to a statement reflected in the minutes. Chair Lewis then made a correction to a statement he made. Commissioner Goddard made a motion to approve the minutes, seconded by Commissioner Dubin. The Commission voted unanimously, 4-0, to approve the minutes of February 13, 2019 as amended.

3. NEW BUSINESS

A. Planned Development
2425 Oakton Street
HPCW, LLC, the applicant, proposes to construct a car wash facility with 20 vacuum spaces and 4 parking spaces in the I1 Industrial District and oRD Redevelopment Overlay District. The applicant seeks a site development allowance for an accessory structure that is 3 ft. away from the principal structure where 10 ft. is required. In addition, the applicant may seek and the Plan Commission may consider Site Development Allowances as may be necessary or desirable for the proposed development.

Ms. Jones provided a brief review of the proposed project, briefly describing the site and reiterating the site development allowance and the proposed public benefit.
Chair Lewis acknowledged the submission of a traffic count document (attached) from Mr. Michael Bonaguro, attorney for the gas station owners south of the project site, who submitted the request for a continuance at the previous meeting. He then invited the applicant to present any new information regarding the proposed project.

Mr. Mark Daniel, attorney for the applicant, stated that traffic count document submitted seems to be in line with the traffic study submitted by the applicant and that they have no comments presently but the applicant would like to hear what Mr. Bonaguro will present. He added that there is a representative from KLOA, Mr. Michael Werthmann, who is available to respond to traffic related questions.

Chair Lewis then opened public testimony and invited Mr. Bonaguro to speak.

Mr. Bonaguro stated he was asked to appear by the proprietor of the Shell Station south of the site. He explained that he spoke with Bill Kendra, owner of Quad Indoor Sports Dome, who provided him with the submitted traffic counts earlier that day. He expressed concerns over the timing of the applicant’s traffic impact study, adding that although the Sports Dome had been open at the time of the study, it was slow to start and fully program so the study is, therefore, out of date. He requested that a more recent report be part of the Commission’s consideration. He added that Bill Kendra stated that it appears that staff and the developer have been thoughtful about the turn-in, turn-out for the site. Mr. Bonaguro continued, stating that there is a lot of eastbound traffic turning right and that there are many trucks which miss the asphalt facility having to turnaround, turning onto private property. A more up to date study might account for that traffic.

Mr. Werthmann, who provided the counts submitted by Mr. Bonaguro, stated that an earlier study had been conducted and that the 2018 counts are comparable to original study counts. He added that there is a high Level of Service (LOS) for the road which lends itself to additional property uses. Traffic follows a 90/10 rule where there may be a few vehicles that attempt to make left turns but that this largely will not occur. It is likely that if a driver is inconvenienced by the entrance, they will opt to go somewhere else.

Chair Lewis opened up the hearing to questions and comments from the Commission. He then asked if there was a response from the applicant regarding the truck traffic and vehicle turnarounds. Mr. Werthmann responded that it is possible that it will occur; however, it is not a convenient maneuver and will likely not happen very often.

Chair Lewis then pointed out that the counts on the traffic study, vehicle traffic per peak hour, and those submitted by Mr. Bonaguro, vehicle traffic per day, vary by unit. Mr. Werthmann stated that he looked at the breakdown of the daily vehicle traffic count and found that count to be similar to what was in the applicant’s traffic impact study.

Mr. Daniel stated that Mr. Bonaguro had the ability to review the traffic study prior to the previous meeting and emphasized that the study is updated, dated January 4, 2019. He
also emphasized that the previous point made about inconvenience of different vehicle maneuvers is important to note.

Mr. Bonaguro responded that what he submitted should not be seen as a complete study. He added that his clients are stating that traffic is a problem in the area and that should be taken into consideration.

Commissioner Dubin stated that traffic counts do not address the possibility of vehicle turnarounds and that cannot be predicted from the information provided.

Chair Lewis closed the public hearing and the Commission began its deliberations.

Commissioner Halik stated that there is significant vehicle stacking space on the site and does not think that will be an issue. He added that there has been discussion on eastbound traffic possibly making left turns into the property and that there will be signage installed as a deterrent to that action. Those two items make him satisfied with the project that is presented.

Chair Lewis stated that the proposed curb cuts will feed one business and inquired if the proposed use is more traffic generating than other possible uses that are permitted by the zoning code. Mr. Werthmann responded that it depends on the use; some businesses could generate more vehicle traffic, others less. Car washes are generally low traffic volume with the exception of certain days. He then pointed out that condition six of approval of the proposed development calls for further review of traffic patterns if the City sees issues arise in the future. He added that KLOA previously worked on the traffic study for the Sports Dome and is familiar with the area.

Chair Lewis added that he believes there would be some development at this site and traffic would be generated for that use at some point as well.

The Commission then reviewed the standards for approval of the Special Use and Planned Development Guidelines for the proposed development.

Commissioner Goddard made a motion to recommend approval of the planned development and conditions as presented by staff. Commissioner Dubin seconded the motion. A roll call vote was taken and the motion passed, 4-0.

Ayes: Dubin, Goddard, Halik, Lewis
Nays:

4. PUBLIC COMMENT

There was no public comment.

5. ADJOURNMENT
Commissioner Dubin made a motion to adjourn the meeting. Commissioner Goddard seconded the motion.

A voice vote was taken and the motion was approved by voice vote 4-0. The meeting was adjourned at 7:40 pm.

Respectfully Submitted,
Meagan Jones
Neighborhood and Land Use Planner
Community Development Department
MEMORANDUM TO: Bill Kindra  
Quad Indoor Sports

FROM: Elise Purguette  
Consultant
Michael A. Werthmann, PE, PTOE  
Principal

DATE: October 16, 2018

SUBJECT: Daily Traffic Counts  
Oakton Street with Quad Indoor Sports Access Road  
Evanston, Illinois

This memorandum summarizes the results of daily traffic counts conducted by Kenig, Lindgren, O’Hara, Aboona, Inc. (KLOA, Inc.) at the intersection of Oakton Street and the access road serving the Quad Indoor Sports facility in Evanston, Illinois. The daily traffic counts were conducted for five weekdays from Monday, October 1, 2018 through Friday, October 5, 2018. The counts were performed on Oakton Street just west of the access road and on the access road just south of Oakton Street. Table 1 presents the results of the daily traffic counts. It should be noted that on Friday, October 5, 2018, the eastbound Oakton Street count only represents a partial traffic count as the tubes did not remain in place on Oakton Street.

Table 1
DAILY TRAFFIC VOLUMES  
OAKTON STREET WITH ACCESS ROAD

<table>
<thead>
<tr>
<th>Date</th>
<th>Oakton Street</th>
<th>Access Road</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>EB</td>
<td>WB</td>
</tr>
<tr>
<td>Monday, October 1, 2018</td>
<td>10,058</td>
<td>10,254</td>
</tr>
<tr>
<td>Tuesday, October 2, 2018</td>
<td>10,000</td>
<td>9,617</td>
</tr>
<tr>
<td>Wednesday, October 3, 2018</td>
<td>10,793</td>
<td>8,786</td>
</tr>
<tr>
<td>Thursday, October 4, 2018</td>
<td>10,560</td>
<td>8,655</td>
</tr>
<tr>
<td>Friday, October 5, 2018</td>
<td>4,042^</td>
<td>8,887</td>
</tr>
</tbody>
</table>

^ represents only a partial traffic count as the tubes did not remain in place on Oakton Street.
Plan Commission

Text Amendment

Inclusionary Housing Ordinance
Bonuses
19PLND-0025
Memorandum

To: Chair and Members of the Plan Commission

From: Johanna Leonard, Director of Community Development
      Scott Mangum, Planning and Zoning Manager
      Meagan Jones, Neighborhood and Land Use Planner

Subject: Zoning Ordinance Text Amendment
         Inclusionary Housing Ordinance Bonuses
         19PLND-0025

Date: April 4, 2019

Request
Staff recommends approval of the Zoning Ordinance Text Amendment to revise density and parking bonuses established by the City of Evanston’s revised Inclusionary Housing Ordinance (IHO), 107-O-18.

Notice
The Application has been filed in conformance with applicable procedural and public notice requirements.

Analysis
Background
On November 29, 2018, the City Council approved a revised IHO ordinance. The ordinance, which went into effect on January 1, 2019, amended definitions and regulations for the inclusion of affordable housing in residential developments providing 5 or more dwelling units.

The ordinance also included development bonuses for those projects that provide on-site affordable units and comply with all requirements of the IHO. The IHO bonuses affect the density, floor area ratio (FAR), building height and parking requirements. The IHO bonuses are listed in the tables below.

For developments providing 5% on-site affordable housing or 10% on-site housing with public financing:
<table>
<thead>
<tr>
<th></th>
<th>Downtown (D &amp; RP Districts)</th>
<th>Commercial (B, C, M, &amp; O Districts)</th>
<th>Residential (R, T, &amp; U Districts)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density</td>
<td>+2 per Inclusionary Dwelling Unit</td>
<td>+1 per Inclusionary Dwelling Unit</td>
<td>+1 per Inclusionary Dwelling Unit</td>
</tr>
<tr>
<td>FAR</td>
<td>+2.0</td>
<td>+1.0</td>
<td>--</td>
</tr>
<tr>
<td>Parking</td>
<td>No parking for Inclusionary Dwelling Unit</td>
<td>No parking for Inclusionary Dwelling Unit</td>
<td>No parking for Inclusionary Dwelling Unit</td>
</tr>
<tr>
<td>Height</td>
<td>--</td>
<td>--</td>
<td>+12’ (not eligible for Planned Developments)</td>
</tr>
<tr>
<td>Building Lot Coverage and Impervious Surface Coverage</td>
<td>--</td>
<td>--</td>
<td>+15%</td>
</tr>
</tbody>
</table>

For developments providing 10% on-site affordable housing or 20% on-site housing with public financing:

<table>
<thead>
<tr>
<th></th>
<th>Downtown (D &amp; RP Districts)</th>
<th>Commercial (B, C, M, &amp; O Districts)</th>
<th>Residential (R, T, &amp; U Districts)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density</td>
<td>+4 per Inclusionary Dwelling Unit</td>
<td>+2 per Inclusionary Dwelling Unit</td>
<td>+2 per Inclusionary Dwelling Unit</td>
</tr>
<tr>
<td>FAR</td>
<td>+2.0</td>
<td>+1.0</td>
<td>--</td>
</tr>
<tr>
<td>Parking</td>
<td>No parking for Inclusionary Dwelling Units</td>
<td>No parking for Inclusionary Dwelling Units</td>
<td>No parking for Inclusionary Dwelling Units</td>
</tr>
<tr>
<td>Height</td>
<td>--</td>
<td>--</td>
<td>+12’ (not eligible for Planned Developments)</td>
</tr>
<tr>
<td>Building Lot Coverage &amp; Impervious Surface Coverage</td>
<td>--</td>
<td>--</td>
<td>+15%</td>
</tr>
<tr>
<td>Site Development Allowances for Planned Developments</td>
<td>Majority vote of City Council required to exceed maximum Site Development Allowances for Planned Developments (instead of Supermajority vote)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

For residential developments considered to be a primarily affordable development, the minimum requirements for the number of parking spaces provided below that otherwise required were revised to the following:

<table>
<thead>
<tr>
<th>Parking Requirements</th>
<th>In TOD Areas</th>
<th>Outside TOD Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-1 Bedroom</td>
<td>0.55 parking spaces</td>
<td>0.75 parking spaces</td>
</tr>
<tr>
<td>2 Bedrooms</td>
<td>1.1 parking spaces</td>
<td>1.25 parking spaces</td>
</tr>
<tr>
<td>3+ Bedrooms</td>
<td>1.65 parking spaces</td>
<td>1.5 parking spaces</td>
</tr>
</tbody>
</table>
The proposed Text Amendment will incorporate these IHO bonuses in the Zoning Ordinance, Title 6 of the City Code.

**Proposal Overview**

Staff is proposing to amend the Zoning Ordinance to revise development bonuses established within the Inclusionary Housing Ordinance. The amendments are outlined below.

**Revised IHO Incentive Subsections**

The subsections that outline the available development bonuses will be amended to reflect the recent changes. An example of the revised subsections is detailed below for the Residential Districts chapter of the Zoning Code:

### 6-8-1-13. Inclusionary Housing Bonuses

(A) Any covered development, as defined under City Code Section 5-7-3, providing on-site affordable units and that is otherwise compliant with the City’s Inclusionary Housing Ordinance is entitled to the following development bonuses:

1. **Density**: The maximum increase in the number of dwelling units over that otherwise permitted in the residential district is twenty percent (20%) for developments in a TOD area and ten percent (10%) for developments not in a TOD area.

2. **Height**: The maximum increase in height over that otherwise permitted in the residential district is ten percent (10%) for developments in a TOD area and five percent (5%) for developments not in a TOD area.

3. **FAR**: The maximum increase in FAR over that otherwise permitted in the residential district is ten percent (10%) for developments in a TOD area and five percent (5%) for developments not in a TOD area.

4. **Parking**: The minimum requirements for the number of parking spaces provided below that are otherwise required in Title 6 are the following:

<table>
<thead>
<tr>
<th>Parking Requirements</th>
<th>In TOD Areas</th>
<th>Outside TOD Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-1 Bedroom</td>
<td>0.5 parking spaces</td>
<td>0.75 parking spaces</td>
</tr>
<tr>
<td>2 Bedrooms</td>
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<td>1.25 parking spaces</td>
</tr>
<tr>
<td>3+ Bedrooms</td>
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<td>1.5 parking spaces</td>
</tr>
</tbody>
</table>

1. For developments providing 5% on-site affordable housing or 10% on-site housing with public financing:

<table>
<thead>
<tr>
<th></th>
<th>Residential (R, T, &amp; U Districts)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density</td>
<td>+1 per Inclusionary Dwelling Unit</td>
</tr>
<tr>
<td>FAR</td>
<td>--</td>
</tr>
<tr>
<td>Parking</td>
<td>No parking for Inclusionary Dwelling Unit</td>
</tr>
<tr>
<td>Height</td>
<td>+12’ (not eligible for Planned Developments)</td>
</tr>
<tr>
<td>Building Lot Coverage</td>
<td>+15%</td>
</tr>
</tbody>
</table>
2. For developments providing 10% on-site affordable housing or 20% on-site affordable housing with public financing:

<table>
<thead>
<tr>
<th></th>
<th>Residential (R, T, &amp; U Districts)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density</td>
<td>+2 per Inclusionary Dwelling Unit</td>
</tr>
<tr>
<td>FAR</td>
<td>--</td>
</tr>
<tr>
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</tr>
<tr>
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</tr>
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</tr>
<tr>
<td>Site Development Allowances for Planned Developments</td>
<td>Majority vote of City Council required to exceed maximum Site Development Allowances for Planned Developments (instead of Supermajority vote)</td>
</tr>
</tbody>
</table>

3. Parking: For residential developments considered to be a primarily affordable development, the minimum requirements for the number of parking spaces provided below that otherwise required in Title 6 are the following:

<table>
<thead>
<tr>
<th>Unit Size</th>
<th>In TOD Area</th>
<th>Outside TOD Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-1 Bedroom</td>
<td>0.55 parking spaces</td>
<td>0.75 parking spaces</td>
</tr>
<tr>
<td>2 Bedroom</td>
<td>1.1 parking space</td>
<td>1.25 parking spaces</td>
</tr>
<tr>
<td>3+ Bedroom</td>
<td>1.65 parking spaces</td>
<td>1.5 parking spaces</td>
</tr>
</tbody>
</table>

(B) Residential developments processed as planned developments, shall have bonuses and reductions set forth in this Section calculated prior to the site development allowances set forth in Section 6-8-1-10.

This language will be similarly duplicated for all districts which permit residential uses, including: Business Districts section 6-9-1-10), Commercial Districts (section 6-10-1-10), Downtown Districts (section 6-11-1-11), the Research Park District (section 6-12-1-8), Transitional Manufacturing Districts (section 6-13-1-12), and Special Purpose and Overlay Districts (section 6-15-1-10).

The proposal will revise codified incentives and regulations of the IHO within the Zoning Ordinance that staff already incorporates into its review of residential developments that fall under the IHO.

**Standards of Approval**
The proposed Zoning Ordinance Text Amendment to revise codified regulations and bonuses to match the regulations revised within the City of Evanston’s IHO meets the
standards for approval of amendments per Section 6-3-4-5 of the City Code. The proposal is consistent with the goals, objectives, and policies of the Comprehensive General Plan by aiding in addressing concerns regarding housing affordability and encouraging the use of alternative modes of transportation by incentivizing development near transit. The proposal will have no effect on the overall character of existing development, presence of adverse effects on adjacent property values, or adequacy of public facilities and services.

**Recommendation**
Staff believes the proposed text amendment to revise regulations and bonuses to match the regulations revised by the City of Evanston’s IHO meets the standards of approval as outlined above. Staff recommends the Plan Commission make a positive recommendation to the City Council regarding the proposed text amendment.

**Attachments**
- Updated Inclusionary Housing Ordinance, 107-O-18
AN ORDINANCE

Amending Portions of City Code Title 5, Chapter 7 to Expand the Application of the Inclusionary Housing Ordinance

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS THAT:

SECTION 1: Title 5, Chapter 7, "Inclusionary Housing," of the Evanston City Code, 2012, as amended, is hereby further amended to read as follows:

5-7-1. TITLE.

This chapter shall be titled and referred to as the INCLUSIONARY HOUSING ORDINANCE.

5-7-2. PURPOSE AND INTENT.

The purpose of this Chapter is to promote the public health, safety, and welfare of the residents of Evanston by requiring residential developments or developments which contain a residential component to include a certain percentage of dwelling units in a proposed development to be priced affordably for low-income, moderate-income, and middle-income households or to make a payment in accordance with the terms of this Chapter. Based upon the review and consideration of reports and analyses of the housing situation in the City, it is apparent that the diversity of the City's housing stock has declined as a result of increasing property values and housing costs, and a reduction in the availability of affordable housing; and that, with the exception of housing subsidized by the City, the privately developed new residential housing that is being built in the City generally is not affordable to low and moderate income households. The City recognizes the need to provide affordable owner occupied and rental housing to low-income, moderate-income, and middle-income households in order to maintain a diverse population, and to provide owner occupied and rental housing for those who live or work in the City. Without intervention, the trend toward increasing housing prices and rental rates will result in an inadequate supply of owner occupied and rental affordable housing units for City residents and local employees, which will have a negative impact upon the ability of local employers to maintain an adequate local work force, and will otherwise be detrimental to the public health, safety, and welfare of the City and its residents. Since the remaining land appropriate for new residential development within the City is limited, it is essential that a reasonable proportion of such land be developed
into owner occupied dwelling units and rental units that are affordable to low-income, moderate-income, and middle-income households, including working families.

5-7-3. DEFINITIONS.

For the purposes of administering this Chapter, these definitions shall apply:

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>AFFORDABILITY PERIOD, OWNER OCCUPIED.</td>
<td>The time during which the affordability restrictions imposed by this Chapter shall apply to owner occupied affordable dwelling units. Owner occupied affordable dwelling units covered by this Chapter shall remain affordable in perpetuity or as long as allowable by law. The affordability period begins at the time of first occupancy of the affected unit.</td>
</tr>
<tr>
<td>AFFORDABILITY PERIOD, RENTAL.</td>
<td>The time during which the affordability restrictions imposed by this Chapter shall apply to leased affordable dwelling units. Leased affordable dwelling units covered by this Chapter shall remain affordable for a period of thirty (30) years, after which the requirements of this Chapter cease to be controlling. The affordability period begins at the time of first occupancy of the affected Affordable Dwelling Unit.</td>
</tr>
<tr>
<td>AFFORDABLE DWELLING UNIT.</td>
<td>All owner occupied or leased dwelling units in a covered development as defined herein.</td>
</tr>
<tr>
<td>AFFORDABLE HOUSING AGREEMENT.</td>
<td>The document signed by the purchaser or lessee of an affordable dwelling unit at the time of sale or lease, along with such other legal documents as may be required, detailing the affordability requirements of the affordable dwelling unit.</td>
</tr>
<tr>
<td>AFFORDABLE HOUSING, OWNER OCCUPIED.</td>
<td>Decent, safe, sanitary housing that is: a) affordable to &quot;households that meet AMI parameters&quot; as set forth in this chapter; and b) to be sold only to &quot;qualified households&quot; as defined herein. The cost of the mortgage payment and relevant expenses (a calculation of property taxes, homeowner's insurance, and, when applicable, condominium or homeowner association fees) of owner occupied dwelling units shall not exceed thirty one percent (31%) of the household's gross annual household income (the total income of all adults over eighteen (18) years of age in the household).</td>
</tr>
<tr>
<td>AFFORDABLE HOUSING, RENTAL.</td>
<td>Decent, safe, sanitary housing that is: a) affordable to households with AMI parameters set forth in this chapter; and b) to be leased only to &quot;qualified households&quot; as defined herein.</td>
</tr>
<tr>
<td>APPLICANT.</td>
<td>Any developer who applies to the department to receive approval of a covered development pursuant to this Chapter.</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
</tr>
<tr>
<td>------</td>
<td>------------</td>
</tr>
<tr>
<td><strong>Area Median Income (AMI)</strong></td>
<td>The median income level for the Chicago primary metropolitan statistical area, as established and defined in the annual schedule published by the secretary of the United States Department of Housing and Urban Development and adjusted for household size.</td>
</tr>
<tr>
<td><strong>Certificate of Qualification</strong></td>
<td>A certificate establishing a qualified household’s eligibility to purchase or lease an affordable dwelling unit based on income eligibility using the HUD Part 5 verification process and asset limits, per the City’s wait list policies and procedures.</td>
</tr>
<tr>
<td><strong>Community Land Trust</strong></td>
<td>A private, not for profit corporation which the city may create or authorize organized exclusively for charitable, cultural, or other purposes to acquire and own land for the benefit of the city and low to middle income persons, including the creation and preservation of affordable housing.</td>
</tr>
<tr>
<td><strong>Consumer Price Index</strong></td>
<td>Consumer price index for all urban consumers as published annually by the United States department of labor, bureau of labor statistics.</td>
</tr>
<tr>
<td><strong>Contracted Agency</strong></td>
<td>An organization with which the City contracts and has a written agreement to manage the centralized wait list for affordable dwelling units and to income certify households for those units.</td>
</tr>
<tr>
<td><strong>Covered Development</strong></td>
<td>A development containing five (5) or more dwelling units on contiguous land under common ownership or control by an applicant at one location within the city, when such dwelling units are to be sold to owner-occupants or leased to tenants. The term “covered development” may apply to a development that is designed to provide primarily affordable dwelling units; Developments that provide primarily affordable units are eligible for the development bonuses and fee waivers/deferrals for up to ten percent (10%) of the on-site affordable units, but are not eligible for bonuses on affordable units beyond the ten percent (10%). However, primarily affordable housing developments are eligible for the same parking reductions as covered developments. The term &quot;covered development&quot; includes, without limitation, the following:</td>
</tr>
<tr>
<td><strong>(A)</strong></td>
<td>A development that is new residential construction or new mixed use construction with a residential component.</td>
</tr>
<tr>
<td><strong>(B)</strong></td>
<td>A development that is the renovation, repurposing or reconstruction of an existing multiple-family residential structure that changes the use from rental to owner occupied units or vice versa, or that changes the number of bedrooms in dwelling units without a change in tenure.</td>
</tr>
<tr>
<td><strong>DEPARTMENT.</strong></td>
<td>The Evanston Community Development Department or any successor agency, unless otherwise indicated.</td>
</tr>
<tr>
<td>-----------------</td>
<td>-----------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>DEVELOPER.</strong></td>
<td>Any person, firm, corporation, partnership, limited liability company, association, joint venture, or any entity or combination of entities that develops dwelling units, but does not include any governmental entity.</td>
</tr>
<tr>
<td><strong>DIRECTOR.</strong></td>
<td>The director of the City of Evanston Community Development department or his/her designee.</td>
</tr>
<tr>
<td><strong>HOUSING PROVIDER.</strong></td>
<td>A nonprofit entity designated by the city to own affordable dwelling units.</td>
</tr>
<tr>
<td><strong>INCLUSIONARY HOUSING PLAN.</strong></td>
<td>The plan submitted as part of a development application which details the development's compliance with the affordable housing requirements of this chapter.</td>
</tr>
<tr>
<td><strong>LOW INCOME HOUSEHOLD.</strong></td>
<td>A household with a total income equal to or below 50% of the AMI.</td>
</tr>
<tr>
<td><strong>MARKET RATE DWELLING UNITS.</strong></td>
<td>All owner occupied or rental dwelling units in a covered development that are not affordable dwelling units as defined herein.</td>
</tr>
<tr>
<td><strong>MIDDLE INCOME HOUSEHOLD.</strong></td>
<td>A household with a total income above eighty percent (80%) of the AMI but not exceeding one hundred twenty percent (120%) of the AMI.</td>
</tr>
<tr>
<td><strong>MODERATE INCOME HOUSEHOLD</strong></td>
<td>A household with a total income above fifty percent (50%) of the AMI but not exceeding eighty percent (80%) of the AMI.</td>
</tr>
<tr>
<td><strong>PRIMARILY AFFORDABLE HOUSING DEVELOPMENT</strong></td>
<td>A residential multi-family building that may have the physical characteristics of a covered development, but will have affordability restrictions that exceed the requirements of this ordinance. This may include a development in which all of the units are restricted to households earning at or below the median income.</td>
</tr>
<tr>
<td>PROPERTY, RECEIVING PUBLIC FUNDING</td>
<td>Any residential development or development containing a residential component, existing or new, that receives or has received any public funds. Public funding is any grant, loan, or subsidy from any Federal, State or local agency or instrumentality, including, but not limited to, the disposition of real property for less than market value, purchase money financing, construction financing, permanent financing, the utilization of bond proceeds and allocations of low income housing tax credits. Public funding shall not include the receipt of rent subsidies pursuant to Section 8 of the United States Housing Act of 1937, as amended, or an exemption or abatement of real property taxes or other such other programs of full or partial exemption from or abatement of real property taxation.</td>
</tr>
<tr>
<td>PROPERTY, PRIVATELY FUNDED.</td>
<td>Any residential development or development containing a residential component, current or new, that does not and has not received any public funds.</td>
</tr>
<tr>
<td>QUALIFIED HOUSEHOLD.</td>
<td>A household whose income has been verified as meeting the AMI parameters for a household as detailed in this Chapter and has received a certificate of qualification from the City’s contracted agency per section 5-7-6 of this chapter.</td>
</tr>
<tr>
<td>TRANSIT ORIENTED DEVELOPMENT or TOD</td>
<td>A development pattern created around a transit station that is characterized by higher density, mixed uses, pedestrian environment, reduced parking, and a direct and convenient access to the transit station.</td>
</tr>
<tr>
<td>TOD AREA</td>
<td>The area that has the designation for an identified transit station and the area around it. The area provides for development that is compatible with and supportive of public transit and a pedestrian-oriented environment.</td>
</tr>
<tr>
<td>TRANSIT STATION</td>
<td>The area including the platform which supports transit usage and that is owned and/or operated by the transit agency.</td>
</tr>
</tbody>
</table>

5-7-4. REQUIREMENTS.

(A) General Requirement: For privately funded developments, ten percent (10%) of the total number of dwelling units in a covered development shall be affordable dwelling units. For properties receiving public funds, twenty percent (20%) of the total number of dwelling units in a covered development shall be affordable dwelling units.
(B) **Calculation:** To calculate the number of affordable dwelling units required in a covered development, the total number of proposed dwelling units shall be multiplied by ten or if applicable, twenty percent (10% / 20%). When a requirement of this Ordinance results in a fraction, the following rules apply:

1. Fractions of one-half and more are counted as a whole.
2. Fractions less than one-half are disregarded in the onsite unit calculation but apply to the fee-in-lieu calculation.
3. The above two rules are also applied in the computation of fees-in-lieu with any fraction of a unit less than one half calculated at half the per unit fee in lieu.

(C) **TOD Areas:** A TOD area may or may not be divided into zones of varying development intensity, as described in this section. Central Street, downtown, Chicago Avenue, etc. The initial boundaries and zones of each TOD area are described in Appendix A.

**5-7-5. COMPLIANCE PROCEDURES.**

(A) **Application.** The applicant for approval of a covered development shall file an application for approval of the affordable dwelling unit component of the development on a form provided by the Community Development Department and submit it with the application for approval of the development. The application for development shall not be considered complete without the information required by this chapter for the affordable dwelling unit component. The application shall require, and the applicant shall provide, among other things, general information about the nature and scope of the covered development, as well as other documents and information as this chapter and the department may require. The application shall include the inclusionary housing plan referred to under subsection (B) of this section.

(B) **Inclusionary Housing Plan.** The applicant shall submit an inclusionary housing plan on or before time of submission of a building permit that outlines and specifies the covered development's compliance with each of the applicable requirements of this chapter. The inclusionary housing plan shall specifically contain, as a minimum, the following information regarding the covered development:

1. A general description of the covered development.
2. The total number of market rate dwelling units and affordable dwelling units in the covered development.
3. The number of bedrooms in each market rate dwelling unit and each affordable dwelling unit.
4. The square footage of each market rate dwelling unit and each affordable
5. The general location of each affordable dwelling unit within the covered development.

6. The pricing schedule for each affordable dwelling unit and each market rate dwelling unit.

7. The phasing and construction schedule for each market rate dwelling unit and each affordable dwelling unit.

8. Documentation and plans regarding the exterior and interior appearances, materials, and finishes of the covered development and each of its dwelling units.

9. A description of the marketing plan that the applicant proposes to utilize and implement to promote the sale of the affordable dwelling units within the covered development.

10. Any proposal to make a cash payment, per section 5-7-8 of this chapter, or alternative equivalent action, per section 5-7-9 of this chapter, in lieu of providing affordable dwelling units.

5-7-6. ELIGIBILITY AND PREFERENCE OF HOUSEHOLDS FOR AFFORDABLE DWELLING UNITS.

(A) Certificate Of Qualification. The contracted agency shall issue a certificate of qualification to any household whose income has been verified as meeting the AMI threshold requirements for a "relevant household" as set forth in this chapter.

(B) Eligibility.

1. The affordable dwelling units within a covered development which are for-sale shall be sold only to owner-occupant qualified households whose primary residence shall be said affordable dwelling unit.
   a. All affordable units must be sold to households whose incomes do not exceed 100% AMI adjusted for household size.

2. The affordable dwelling units within a covered development for rent shall be leased only to tenants with qualified households whose primary residence shall be said affordable dwelling unit.
   For covered developments all affordable units must be leased to households whose incomes do not exceed 60% AMI adjusted for household size.
(C) **Preference.** Priority for affordable dwelling units will be given first to qualified households who currently live in Evanston, or who have lived in Evanston with a member of a household currently living in Evanston, or to households in which the head of the household or the spouse or domestic partner works in Evanston.

(D) **Waiting List.** A waiting list will be created, developed, and managed by a third party contractor, in advance of the construction of the units to prioritize households pursuant to Section 5-7-6(C). Households may complete a preliminary income screening based on self-reported income to be placed on a waiting list for rental and ownership units. The waiting list will be prioritized with current Evanston residents or with individuals who have lived in Evanston with a member of a household currently living in Evanston, or to households in which the head of the household or the spouse or domestic partner works in Evanston. The contracted agency shall refer certified households drawn from the waiting list to developers of covered developments for rental or ownership units throughout the affordability period of the development according to the "Inclusionary Housing Policies and Procedures for Rental and Ownership Affordable Dwelling Units."

5-7-7. DISTRIBUTION AND ATTRIBUTES OF ON SITE AFFORDABLE DWELLING UNITS.

(A) **Location Of Affordable Dwelling Units.** Affordable dwelling units shall be dispersed among the market rate dwelling units throughout the covered development.

(B) **Phasing Of Construction.** In a multiphased development, all phases shall include a proportion of affordable dwelling units throughout the covered development. The affordable dwelling units shall never be the last units to be built in any covered development.

(C) **Exterior Appearance.** The exterior appearance of the affordable dwelling units in any covered development shall be visually compatible with the market rate dwelling units in the covered development. External building materials and finishes shall be substantially the same in type and quality for affordable dwelling units as for market rate dwelling units.

(D) **Interior Appearance and Finishes.** Affordable dwelling units may have different interior appearance and finishes than market rate units, but the interior finish materials shall be Contractor Grade or higher.

(E) **Mix of Bedroom Types of Affordable Units.** The bedroom mix of affordable dwelling units shall be in equal proportion to the bedroom mix of the market rate dwelling units within the covered development. If the bedroom mix creates more
options than the number of affordable dwelling units to be built, the affordable
 dwelling units shall be built with the greater number of bedrooms; e.g., if the
 bedroom mix provides for four (4) options: efficiency, one bedroom, two (2)
 bedroom, or three (3) bedroom; but only three (3) affordable dwelling units are to
 be built, then a one bedroom, a two (2) bedroom, and a three (3) bedroom unit
 shall be built.

(G) Unit Characteristics. Affordable dwelling units shall be indiscernible from market
 rate dwelling units from the exterior and common areas and shall be equal to or
 larger in size than the minimum requirements in the building code in effect at the
 time of project approval.

(H) Energy Efficiency. Standard components related to energy efficiency, including,
 but not limited to, mechanical equipment and plumbing, insulation, windows, and
 heating and cooling systems, shall be the same in market rate dwelling units and
 affordable dwelling units.

5-7-8. CASH PAYMENT IN LIEU OF PROVIDING AFFORDABLE DWELLING UNITS.

In a covered development that is as of right, an applicant may pay a fee in lieu of
 building each affordable dwelling unit required by Section 4 of this chapter for the
 covered development. Developments that receive variances or allowances above the
 base zoning must have a minimum of 5% affordable units onsite and may pay a fee in
 lieu of the remaining 5% of affordable units at the per unit rate below. Condominium
 developments only may choose to pay a fee in lieu of building each affordable dwelling
 unit required by Section 4 of this chapter at the per-unit rate shown below:

(A) The fee in lieu amount per affordable dwelling unit shall be either one hundred
 seventy five thousand dollars ($175,000) for units in all Downtown and Research
 Park zoning districts or one hundred fifty thousand ($150,000) per affordable
 dwelling unit in all other zoning districts. For condominium developments only
 that elect to pay the fee in lieu of all onsite units, the fee in lieu per affordable
 dwelling unit shall be 1.5 times the fee in lieu shown above for either Downtown
 or non-Downtown zoning districts. The fee in lieu will be adjusted annually based
 on the Consumer Price Index.

(B) All cash payments received pursuant to this chapter shall be deposited directly
 into the affordable housing fund.

(C) Unless otherwise preempted by law, any fee in lieu shall be paid at the same
 time as building permits.
(D) The in-lieu fee will be calculated at the time the applicant submits an application for a building permit to the Community Development department. The fee, as calculated, will be valid for two years following the date it is calculated by the Community Development department and cannot be reduced within the two-year period for reduction in number of units.

5-7-9. ALTERNATIVE EQUIVALENT PROPOSAL.

An applicant may propose to meet the requirements of Section 4 of this chapter by an alternative equivalent action, subject to the review and approval by the City Council. A proposal for an alternative equivalent action may include, but is not limited to, the construction of affordable dwelling units on another site in the same neighborhood or a comparably zoned neighborhood, or acquisition and enforcement of affordability restrictions on existing market rate dwelling units so as to render them affordable dwelling units, or fewer on-site affordable units at prices affordable to households at lower income levels, such as 30% AMI, or more affordable units at higher income levels such as 80% AMI. The income levels for affordable units must be a level for which the Illinois Housing Development Authority publishes annual rent and income limits. To qualify as affordable units, rental units shall not exceed 80% AMI and ownership units shall not exceed 100% AMI, both adjusted for household size. Any proposal shall show how the alternative proposed will increase affordable housing opportunities in the city to an equal or greater extent than compliance with the express requirements of this chapter. Such proposals for alternatives shall be considered on a case by case basis by the City Council and may be approved at the City Council's sole discretion, if the City Council determines that such alternative will increase affordable housing opportunities in the city to an equal or greater extent than compliance with the express requirements of this chapter.

5-7-10. RESERVED.

5-7-11. AFFORDABILITY CONTROLS.

(A) Initial Sale Prices For Affordable Owner Occupied Dwelling Units.

1. Every affordable owner occupied dwelling unit required to be established under this chapter shall be offered for sale or to a good faith purchaser to be used for his or her own primary residence.

2. The affordability period with affordable owner occupied dwelling units shall be for ninety-nine (99) years, renewable at each subsequent sale.

3. In calculating the sales prices of affordable dwelling units, the following relationship between unit size and household size shall be used to
determine the income figure at which affordable housing payments are calculated:

<table>
<thead>
<tr>
<th>Unit Size</th>
<th>Income Level for Household Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Efficiency</td>
<td>1 Person</td>
</tr>
<tr>
<td>1 Bedroom</td>
<td>2 Persons</td>
</tr>
<tr>
<td>2 Bedrooms</td>
<td>3 Persons</td>
</tr>
<tr>
<td>3 Bedrooms</td>
<td>4 Persons</td>
</tr>
<tr>
<td>4 Bedrooms</td>
<td>5 Persons</td>
</tr>
</tbody>
</table>

4. Prices for the sale units shall be calculated on the basis of:
   a. Housing payments at or below thirty one percent (31%) of the household income for a household at the designated income eligibility level (80%, 100% or 120% of AMI) at the household size corresponding to the size of the unit;
   b. An available fixed rate thirty (30) year mortgage, consistent with the average rate published from time to time by Freddie Mac;
   c. A down payment of no more than five percent (5%) of the purchase price;
      d. A calculation of property taxes;
      e. A calculation of homeowner’s insurance;
   f. A calculation of condominium or homeowner association fees; and
   g. A calculation of private mortgage insurance, if applicable.

(B) **Rental Rates for Affordable Dwelling Units**

1. One hundred percent (100%) of the affordable dwelling units within covered developments shall have affordable rental rates at sixty (60%) AMI according to their Affordable Housing Agreement, that shall not exceed the annual gross rental rate schedule published by the Illinois Housing Development Authority, less any tenant-paid utilities based on the City’s wait list policies and procedures.

2. If the most recent edition of the Illinois Housing Development Authority report indicates a lower AMI than the previous edition, the maximum allowable rent shall be adjusted accordingly.

3. The affordability period of an affected leased unit begins at the time of the first occupancy of an affordable unit in the covered development and continues for thirty (30) years, after which the affordability requirements of this chapter cease to control the unit.
4. A written twelve (12) month lease is required for all leased affordable dwelling units. Renewal leases may be less than 12 months based on mutual agreement between the landlord and tenant. Final lease agreements are the responsibility of the landlord and the prospective tenant. Tenants are responsible for application fees, security deposits and the full amount of the rent as stated on the lease. All lease provisions shall comply with applicable laws and regulations. The landlord shall maintain copies of all leases entered into with a certified household (including an income certification) and distribute a copy to the City upon request.

(C) Procedure For Initial Sale Or Lease To The General Public.

1. Sixty (60) days prior to offering any affordable dwelling unit for sale or rent, the applicant shall notify the department in writing of such offering. The notice shall set forth the number, size, price, and location of affordable dwelling units offered, and shall provide a description of each dwelling unit's finishes and availability. The notice shall also include a copy of the inclusionary housing plan, and any such additional information the Director may reasonably require in order to establish compliance with this chapter.

2. The prospective purchaser or lessee from the centralized wait list shall make application for a "certificate of qualification" on a form provided by the contracted agency. If the contracted agency determines an applicant is qualified pursuant to the requirements of this chapter to purchase or lease an affordable dwelling unit, he/she shall issue a "certificate of qualification" to that applicant. An applicant must provide documents to verify that their household satisfies these requirements, including an affidavit that the affordable dwelling unit will be his or her primary residence and evidence of income, household size, and residency or employment in Evanston. The contracted agency shall determine whether or not the prospective purchaser or lessee satisfies the requirements of this chapter within ten (10) business days after receiving the completed application. The developer shall, upon request by the Director, furnish documentation to the City to demonstrate compliance with this section (C).

3. The developer shall not sell or lease any affordable dwelling units without a valid certificate of qualification from the contracted agency for the prospective purchaser/lessee.
(D) Agreement To Ensure Compliance During The Affordability Period. Prior to issuance of a building permit for any covered development or conveyance of title of any dwelling unit in any covered development, the applicant shall have entered into an agreement with the city regarding the specific requirements and restrictions imposed by the city council upon the approved development. The applicant shall agree to execute any and all documents deemed necessary by the city, including, without limitation, deed restrictions, restrictive covenants, and other related instruments, to ensure the continued affordability of the affordable dwelling units in accordance with this chapter. The agreement shall set forth the commitments and obligations of the city and the applicant, and shall incorporate, among other documents, the inclusionary housing plan. If applicable, the agreement shall also detail the fee in lieu or alternative equivalent action of providing on site affordable dwelling units as set forth in Sections 8 and 9 of this chapter respectively.

Rental Compliance. The developer, or its designee, shall submit an annual compliance report describing each affordable unit in detail including but not limited to changes in tenancy, turnovers, and income certifications for all new tenants upon request of the Director. The contracted agency shall complete annual re-certifications of tenants renting affordable units according to the “Inclusionary Housing Policies and Procedures for Rental and Ownership Affordable Dwelling Units.”

(F) Control Of Resale Prices. The maximum sales price, with the exception of foreclosure sales, permitted on resale of an affordable dwelling unit shall be based on the following formula:

1. The original purchase price plus:
   a. An inflation adjustment of the original purchase price calculated in accordance with the CPI, using the year of the prior sale as the base year, and capped in order to maintain affordability to a buyer at the same income level;
   b. Allowances for closing costs and sales commissions paid by the seller; and
   c. The fair market value of approved improvements made to the unit between the date of original sale and the date of resale, up to an average of five thousand dollars ($5,000.00) per year, capped in order to maintain affordability to a buyer at the same income level. "Approved improvements" are capital improvements which add value to the home, prolong its useful life or adapt it to new uses. Repairs to maintain the home in good condition are not allowable
capital improvements. A list of general allowable capital improvements shall be included in the affordability documents signed by the purchaser.

(G) First Sale After Affordability Period Ends.

1. This subsection (G) shall apply in the event an affordability period in perpetuity is unlawful or becomes unlawful. Upon the first sale of an affordable dwelling unit after the affordability period ends, the seller shall pay to the city out of the sale proceeds a percentage of the difference between the actual sales price and the current affordable resale price shown in the table below. Such sums shall be deposited into the affordable housing fund. The percentage is based upon the number of years the seller owned and occupied the unit, as follows:

<table>
<thead>
<tr>
<th>Years of Ownership</th>
<th>Share to Affordable Housing Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>10+ Years</td>
<td>50 Percent</td>
</tr>
<tr>
<td>6 to 10 Years</td>
<td>60 Percent</td>
</tr>
<tr>
<td>1 to 5 Years</td>
<td>70 Percent</td>
</tr>
</tbody>
</table>

2. The Director shall determine whether the price and terms of a resale covered by the preceding paragraph meet the requirements of this chapter. Upon a finding of compliance, the Director shall terminate the affordable housing controls and execute a recordable release of all applicable mortgages and restrictions.

5-7-12. COMMUNITY LAND TRUST.

The City may create or authorize a community land trust to effectuate the purposes of this chapter. Any established or designated land trusts must be staffed by paid employees and be sufficiently operational, subject to the discretion of the City.

5-7-13. INCENTIVES FOR APPLICANTS.

For any covered development project that complies with the requirements of this chapter, the city shall follow the procedures described below and provide the described incentives:

(A) Expedited Application Process: All applications shall be processed by all city departments before other residential land use applications regardless of the original submittal date.

(B) Fee Deferral: All city required fees related to the covered development for plan
review and building permits for the non-affordable dwelling units and a
proportional share of the common areas associated with those units, which are
not subject to a fee waiver per subsection 5-7-13(C), shall be deferred for
payment until the issuance of the first temporary certificate of occupancy for a
non-affordable dwelling unit. The project applicant shall not receive a fee
deferral from payment for any other City fees associated with the covered
development, including but not limited to right-of-way fees, demolition fees, and
fees related to the commercial portion(s) of the development.

(C) Fee Waiver: All projects with a covered development which must comply with the
requirements of this Inclusionary Housing Ordinance shall be exempt from plan
review and building permit fees for the affordable units and a proportional share
of the common areas associated with those units. Whenever a project includes a
combination of affordable and market rate housing units, fees shall be pro-rated
appropriately as determined by the Director and no fees associated with the
commercial portion shall be deferred, if applicable. The project applicant shall
not receive a waiver from payment of any other fees associated with the covered
development, including but not limited to right-of-way fees, demolition fees, or
fees related to the commercial portion(s) of the covered development.

Bonuses: Density, height, and FAR (floor area ratio) requirements provided in
Title 6 are hereby amended for covered developments that provide on-site
affordable units, the development is entitled to the following bonuses:

5% On-Site Affordable Housing or 10% On-Site Housing with Public Financing

<table>
<thead>
<tr>
<th></th>
<th>Downtown (D &amp; RP Districts)</th>
<th>Commercial (B, C, M, &amp; O Districts)</th>
<th>Residential (R, T, &amp; U Districts)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density</td>
<td>+2 per Inclusionary Dwelling Unit</td>
<td>+1 per Inclusionary Dwelling Unit</td>
<td>+1 per Inclusionary Dwelling Unit</td>
</tr>
<tr>
<td>FAR</td>
<td>+2.0</td>
<td>+1.0</td>
<td></td>
</tr>
<tr>
<td>Parking</td>
<td>No parking for Inclusionary Dwelling Unit</td>
<td>No parking for Inclusionary Dwelling Unit</td>
<td>No parking for Inclusionary Dwelling Unit</td>
</tr>
<tr>
<td>Height</td>
<td>--</td>
<td>--</td>
<td>+12' (not eligible for Planned Developments)</td>
</tr>
<tr>
<td>Building Lot Coverage</td>
<td>--</td>
<td>--</td>
<td>+15%</td>
</tr>
<tr>
<td>and Impervious Surface</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coverage</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

10% On-Site Affordable Housing or 20% On-Site Housing with Public Financing
### Table: Planning and Development Standards

<table>
<thead>
<tr>
<th></th>
<th>Downtown (D &amp; RP Districts)</th>
<th>Commercial (B, C, M, &amp; O Districts)</th>
<th>Residential (R, T, &amp; U Districts)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Density</strong></td>
<td>+4 per Inclusionary Dwelling Unit</td>
<td>+2 per Inclusionary Dwelling Unit</td>
<td>+2 per Inclusionary Dwelling Unit</td>
</tr>
<tr>
<td><strong>FAR</strong></td>
<td>+2.0</td>
<td>+1.0</td>
<td>--</td>
</tr>
<tr>
<td><strong>Parking</strong></td>
<td>No parking for Inclusionary Dwelling Units</td>
<td>No parking for Inclusionary Dwelling Units</td>
<td>No parking for Inclusionary Dwelling Units</td>
</tr>
<tr>
<td><strong>Height</strong></td>
<td>--</td>
<td>--</td>
<td>+12' (not eligible for Planned Developments)</td>
</tr>
<tr>
<td><strong>Building Lot Coverage &amp; Impervious Surface Coverage</strong></td>
<td>--</td>
<td>--</td>
<td>+15%</td>
</tr>
<tr>
<td><strong>Site Development Allowances for Planned Developments</strong></td>
<td>Majority vote of City Council required to exceed maximum Site Development Allowances for Planned Developments (instead of Supermajority vote)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(D) **Parking**: Parking requirements provided in Title 6 are hereby amended for covered developments and primarily affordable non-covered developments in non-TOD areas that provide on-site affordable units, the parking requirements for the entire development provided in Title 6, Zoning Code, shall be reduced to:

<table>
<thead>
<tr>
<th>Parking Requirements</th>
<th>In TOD Areas</th>
<th>Outside TOD Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-1 Bedroom</td>
<td>0.55 parking spaces</td>
<td>0.75 parking spaces</td>
</tr>
<tr>
<td>2 Bedrooms</td>
<td>1.1 parking spaces</td>
<td>1.25 parking spaces</td>
</tr>
<tr>
<td>3+ Bedrooms</td>
<td>1.65 parking spaces</td>
<td>1.5 parking spaces</td>
</tr>
</tbody>
</table>

5-7-14. ENFORCEMENT.

(A) The provisions of this chapter shall apply to all agents, successors and assignees of an applicant.

(B) The City may institute injunction, mandamus, or any other appropriate legal actions or proceedings for the enforcement of this chapter. In addition, any person, firm, or entity, whether as principal, agent, employee or otherwise, who violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this chapter shall be fined not less than two hundred dollars ($200.00) nor more than five hundred dollars ($500.00) for
each offense. Each day such violation or failure to comply is permitted to exist after notification thereof shall constitute a separate offense.

5-7-15. ADMINISTRATION.

In order to ensure compliance with the provisions of this chapter, the City may utilize a maximum of fifteen percent (15%) each year of funds from the affordable housing fund for administration.

5-7-16. SEVERABILITY.

The provisions and sections of this chapter shall be deemed separable, and the invalidity of any portion of this chapter shall not affect the validity of the remainder.

SECTION 3: The findings in this Ordinance, and the Legislative Record, are declared to be prima facie evidence of the law of the City of Evanston, and shall be received in evidence as provided by the Illinois Compiled Statues, and the courts of the State of Illinois.

SECTION 4: If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 5: In the event of any conflict between the terms and conditions of this Ordinance 107-O-18 and the terms of the Zoning Ordinance, Ordinance 107-O-18 shall supersede, prevail and dictate the law of the City of Evanston until such time as the Zoning Ordinance is amended to address the regulations set forth herein. All other regulations not addressed within this Ordinance 107-O-18 shall remain in full force and effect in the City Code.

SECTION 6: This ordinance shall become effective on January 1, 2019. All completed applications for building permit, for developments needing no zoning
relief, and all completed applications for a variance or special use permit, received after January 1, 2019 shall be subject to all provisions contained herein. Those completed applications received prior to January 1, 2019 shall have the option to: (1) comply with the provisions contained herein; or (2) be subject to the provisions of the preceding City Code provisions and exempted from the amended and additional provisions provided herein.

SECTION 7: The City Council will review the Inclusionary Housing Ordinance regulations in three years from the Effective Date, after January 1, 2022.

Introduced: October 8, 2018
Approved: November 29, 2018

Adopted: October 29, 2018

Stephen H. Hagerty, Mayor

Attest: Devon Reid, City Clerk

Approved as to form:

Michelle Masoncup, Corporation Counsel