



VILLAGE OF DEERFIELD

Ordinance 0-21-38

Inclusionary Housing Ordinance Worksheet

Part 1: Defining the Need

1. Primary reason for adopting an inclusionary housing ordinance in Deerfield

- Affordable housing needs
- Socioeconomic integration
- Workforce retention and attraction

The Village of Deerfield finds there is a need to adopt an inclusionary housing ordinance to address lack of housing for low and moderate-income households. Proceeding with an ordinance brings consistency and equitable application in a uniform manner to residential development in the Village.

Part 2 : Program Structure

1. Type of Program

- Mandatory

Mandatory ordinance requiring developers to provide specified number/ percentage of affordable units in all new development covered by ordinance.

2. Type of Development

- Ownership and Rental

Both types of development are included in the ordinance.

3. Excluded Development

- A non-residential development
- Assisted living facilities
- Nursing facilities

Excludes certain types of residential housing not covered by the ordinance.

Independent living facilities are not exempted.

4. Project Threshold Size—Attached (i.e. multi-family building)

- 11-30 Unit Project = 1 Affordable Unit
- 31-40 Unit Project = 2 Affordable Units
- 41-50 Unit Project = 3 Affordable Units
- 51+ Unit Project = 10% Affordable Units

Also known as the “trigger,” this is the minimum size project that is covered by the ordinance for rental and ownership types. The affordable units within an otherwise market-rate development must be affordable to households earning at or below a defined income level.

Fractional units up to .49 are rounded down and fractions at .5 and above are rounded up.

5. Project Threshold Size—Detached (i.e. single-family home)

- 0-30 Unit Project = 0 Affordable Unit
- 31-40 Unit Project = 2 Affordable Units
- 41-50 Unit Project = 3 Affordable Units
- 51+ Unit Project = 10% Affordable Units

Part 3: Ordinance Highlights

1. Affordability Thresholds for Rental Units

- 0-50 Unit Project = 100% AMI
- 51+ Unit Project = 1/2 units at 80% AMI and 1/2 units at 100% AMI

An affordable unit is an owner-occupied or rental unit available to households with incomes that do not exceed a percentage of the Chicago-Joliet-Naperville, IL HUD Metro Fair Market Rate Area Median Income (AMI), as established and defined in the annual schedule published by HUD, and adjusted for



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Part 3: Ordinance Highlights (Continued)

2. Affordability Threshold for Ownership Units

- All units at 100% AMI

3. Priority Eligibility Requirements

- Work in private or public corporation within the Village limits
- Lives in Village

4. Application of Structure Type in Development

- Attached and Detached

5. Duration of Affordability Requirements

- In-Perpetuity

6. Application of Affordable Units in Development

- Equal Application Among All Housing Types

7. Design Standards

- Flexibility

household size. The ordinance determines the affordability as a percentage of Area Median (AMI).

Priority to people who work OR live in the Deerfield corporate limits. No priority given to age. For rentals, once a person is in an affordable unit, they may stay as long as their income qualifies.

Ordinance applies to both detached and attached structure types in a covered development (condos, townhomes, single family, apartments).

Inclusionary units must be maintained as affordable through deed restrictions or affordability covenants in perpetuity.

Ordinance defines that affordable units are provided in equal proportion to all housing types in a governed development.

Ordinance requires for the exterior of the affordable units to be indistinguishable and chooses flexibility of the unit interior with language that is reasonable and well defined. The following language is approved:

Exterior Appearance. The exterior appearance of the affordable housing units in any governed development shall be visually compatible with the market rate units in the governed development. External building materials and finishes shall be substantially the same in type and quality for affordable housing units as for market rate units. Affordable housing units shall be indiscernible from market rate housing units from when viewed from interior corridors and other common areas.

Interior Appearance and Finishes. Affordable housing units may have different interior appearances and finishes than market rate housing units, but all interior finish material used in affordable housing units must be Contractor Grade or higher.

Mix of Bedroom Types of Affordable Housing Units. The bedroom mix of affordable units must be in equal proportion to the bedroom mix of the market rate housing units within the governed development.



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Part 3: Ordinance Highlights (Continued)

7. Design Standards

- Flexibility

Size of Units. Affordable housing unit size must be generally representative of and correspond to the size of the market rate housing units within the governed development.

Part 4: Incentives For Development of Affordable Housing Units

1. Type of Incentives

- Additional Building Height
- Reduced Off-Street Parking Minimums
- Fee Waivers and Reduction

Additional Building Height. Any governed development providing affordable housing units may be eligible to additional building height. The Plan Commission may recommend and the Board of Trustees may approve, without the need for an exception or variation, a height increase of up to one story or 12 feet above the height limits in the applicable zoning district other than in single family zoning districts.

Reduced Off-Street Parking Minimums. In considering a proposed governed development with affordable housing units, the Plan Commission may recommend and the Board of Trustees may approve a reduction in the otherwise applicable off-street parking minimums for the affordable housing units. In considering the merits of such a reduction, the Village shall consider the availability of alternative means of transportation, including mass transit and bicycle facilities in the vicinity of the covered development and any unique transportation needs of the expected residents.

Notwithstanding the foregoing, the Village shall not be required to approve any request for a waiver, reduction, or modification of any development standard if the waiver, reduction or modification would have an adverse impact upon health, safety or the physical environment for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.



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Part 4: Incentives For Development of Affordable Housing Units (Continued)

1. Type of Incentives

- Additional Building Height
- Reduced Off-Street Parking Minimums
- Fee Waivers and Reduction

Fee Waivers and Reductions. Any governed development providing the minimum number of affordable housing units is eligible for a partial waiver of all of the otherwise applicable application fees, building permit fees, plan review fees, inspection fees, demolition permit fees, and such other development fees and costs which may be imposed by the Village, applicable to the portion of the governed development that will consist of affordable housing units, up to a maximum of 15% of all applicable fees. Fee waiver does not apply to impact fees or third party fees incurred or accrued by the Village in connection with the governed development.

Standards for Approving Eligible Incentives. The Village Board, in determining whether the eligible incentives set forth in this Section should be available for a governed development, shall consider the following:

1. Whether the incentives will result in conditions detrimental to the public's health, safety, or welfare; and,
2. Whether the granting of the incentives will be consistent with the intent and purpose of this Section and the Deerfield Comprehensive Plan.

Part 5: Compliance Alternatives

1. Fee in Lieu

- In-Lieu Fees—No

2. Off-Site Alternatives

- Partnership with Nonprofits—No
- Land Dedication—No

The ordinance does not allow developers to pay fees in-lieu of building affordable units on-site. The ordinance does not allow for off-site construction of affordable units in lieu of building affordable units on-site; and, does not allow for dedication or donation of land in lieu of on-site construction of affordable units.