



Memorandum

To: Chair Steffe and The Members of the Plan Commission

From: Ashley Engelmann, Deputy Village Administrator
John Spoden, Community Development Director
David Smith, Senior Planner

CC: Kelly Amidei, Village Administrator

Date: October 18, 2023

Subject: Attainable Housing Public Hearing Follow-up

Background: On September 18, 2023 the Plan Commission held a public hearing to review the Human Relations Commission's recommendation on a draft attainable housing ordinance.

The draft Ordinance includes the following main components:

- All new residential developments that contain **ten** or more units which meet the following:
 - New residential construction or new mixed-use construction with a residential component
 - Renovation or reconstruction of over 50% of the total square footage of an existing multiple family residential structure which results in an increase of the number of residential units from the number of units in the original structure
 - A development that will change the use of an existing building in whole or in part from non-residential to residential
 - Senior citizen homes without nursing care
- At least 15% of the total number of units must be Attainable Housing Units
- The Village Board must approve an attainable housing plan that outlines and specifies compliance with each of the requirements
- A developer may request a waiver of all applicable application fees, building permit fees, plan review fees, inspection fees, sewer and water tap-on fees, demolition permit fees, impact fees, and other development fees and costs for the specific Attainable Housing Units
 - For all Covered Development Projects, a density bonus will be provided equal to one Market Rate Unit for each Attainable Housing Unit that is constructed on the site of the Covered Development
 - In all Covered Development Projects that are located in the C-1, C-2, or C-3 zoning districts, and in addition to the Bonus Units, the maximum floor area ratio may be increased an additional 0.25 in floor area ratio
- As an alternative to constructing Attainable Housing on the site of the Covered Development Project, an applicant may elect to implement one or more of the following alternatives to constructing some or all the Attainable Housing Units: Fee in Lieu, Offsite Units, Land Donation.
- Includes a tiered system for determining eligibility for owners/renters of the units

During the September 18th Public Hearing several questions were asked by the Plan Commission. A summary of the questions and answers is provided below. Staff will conduct a presentation of the follow-up material at the October 23rd Plan Commission meeting.

Staff utilized the experience of other local communities to assist with answering the questions below. In addition, Community Partners for Affordable Housing (CPAH) which is a nonprofit organization that develops and provides services for affordable housing was also used as a resource due to their experience with supporting many of the local communities in the area with their ordinances as well as their access to data related to attainable housing programs.

Follow-up Questions:

Q1- Is there any data available regarding the number of units an attainable housing ordinance would be expected to yield if the units are required to be onsite vs. providing developers an option to choose their compliance method?

The literature and experience by others suggests that developers will typically choose the option that is the least expensive, convenient, and timely. Their decision to provide actual units vs. paying a fee in lieu will often depend on (i) the amount of the fee in lieu, (ii) how “high end” the development is (i.e. higher end projects are more likely to pay a fee in lieu), and (iii) how easily/quickly they can obtain their development approvals. For example, a lower fee in lieu amount that is an option in a higher end building will likely result in more fees and fewer on-site units.

Fees in lieu can sometimes result in more attainable housing units in a community if the community has the ability to turn the funds into attainable units. This depends on local attainable housing developer capacity, availability of other affordable housing funds, the availability of other land/housing opportunities in the community, the type of attainable housing the community wants to create, and what the community will allow in terms of zoning, density and relief.

Q2- If an ordinance provides alternative means of compliance is it more likely that a developer will choose fee in lieu over providing the units?

Overall, the research suggests that having multiple methods of compliance is typical and desirable. For example, the Highland Park ordinance requires City Council approval for a fee in lieu. The original ordinance did not provide any density bonus if a development paid a fee in lieu. The ordinance was changed in 2019 so that developers can still get a density bonus for the units provided on site (even if they provided some units via a fee in lieu). Under the original ordinance, all units were provided on site. After the ordinance was changed, 3 of the 7 covered developments that have occurred were approved for a partial alternative means of compliance.

Another example may be found with the City of Evanston. Evanston’s original ordinance had a low fee in lieu amount of \$40,000 per unit. Most developers paid the fee in lieu. The current fee in lieu is \$204,000 or \$175,000 (depending on location) more developers have chosen to provide the units. Allowing a fee in lieu by right may impact how many developers choose to pay a fee in lieu but the amount of the fee in lieu and how any bonuses will also impact the decision.

Q3- Do you have data from the local area on how attainable ordinances have impacted obtaining actual units?

See below chart for data from the City of Highland Park* and the City of Evanston** regarding the number of on-site units that have been built since their Ordinances were enacted (this does not include any scattered sites that were developed separate from a development).

	Inclusionary Rental Units						Inclusionary Ownership Units						Total
	Studio	1-br	2-br	3-br	4-br	Total	Studio	1-br	2-br	3-br	4-br	Total	
Evanston	22	28	26	1		77						0	77
Highland Park	3	22	22	5		52			11	5		16	68
Total	25	50	48	6	0	129	0	0	11	5	0	16	145

*City of Highland Park Ordinance Date 1997

**City of Evanston Ordinance Date 2016

Q4- Is there information available regarding positive impacts on communities after implementing attainable housing ordinances?

Numerous articles and research exists on the impacts on communities related to attainable housing. Some positive impacts that are typically cited include:

- Attainable housing units typically stay rented and often have waiting lists
- The rents in attainable units are often reliably paid because of the monitoring systems that are in place
- Higher- priced rental units often fluctuate with vacancies with the economy
- Individuals that live in attainable housing units spend less on their housing needs therefore they are able to spend more money on food and healthcare

Q5- Has the Village entered into an agreement with CPAH?

In 2022, in anticipation of an attainable housing ordinance coming forward staff requested that CPAH provide a proposal for initial services to assist with initiating the attainable housing Ordinance as well as administering the program if an ordinance was approved. Recently CPAH was asked to provide an updated proposal for 2023. If an ordinance was approved, one option to administer the ordinance would be to utilize a third-party organization such as CPAH. To date, CPAH has been used as a resource for information only, they have no authority at this time regarding the Village’s draft ordinance and would not be granted authority until the Village Board makes a final decision regarding an ordinance. Specifics for implementation are not part of the recommendation that will be made by the Plan Commission.

Q6- Are there units available for persons with disabilities or mental health needs?

Attainable Housing Units are available for persons with disabilities. Developers are required to comply with the Fair Housing Act and Americans with Disabilities Act and make at least a portion of the units accessible.

There may be tenants in both market-rate and attainable housing units who have mental health needs. Attainable housing won’t provide supportive services to help persons with severe disabilities or mental health needs. Those types of programs are typically funded through different avenues such as Permanent Supportive Housing, CDBG, HOME, and other grants.

Q7- *When will the new IHDA affordability percentages be released for communities? How are units determined affordable?*

IHDA typically recalculates the percentages every 5 years. The last calculation was done in 2018. Therefore, the next set of numbers should be released in 2023. At this time there is no information on when it will be released.

Units are qualified by IHDA as affordable for rental properties if they are affordable to households at 60% AMI and for ownership at 80% AMI.

Q8- *What mechanisms do communities typically use to measure the success of their programs? Is it common for a community to set a goal of how many units they want to achieve in a given timeframe?*

Most communities measure success of an Ordinance by counting the number of attainable units that have been added since the Ordinance was enacted. However, the ability of an Attainable Housing Ordinance to increase the number of attainable units in a community is dependent upon development within the community. If a development is built and falls within the requirements of the Ordinance to include units, then units will either be built or a fee in lieu will be paid.

If a community sets a goal for the number of units, that goal may be dependent upon the amount of development in the community. If a community chooses to utilize fee in lieu funds to develop attainable units a goal could be set based on the amount of funds available to develop attainable properties.

Q9- *How would CPAH turn fee in lieu funds into actual attainable units?*

One way that fees that are collected can generate attainable properties is by utilizing the funds to build scattered site attainable units. If an ordinance is approved, the Village Board will need to have a policy discussion regarding the use of funds. However, should policy direction be given to utilize those funds to build units one mechanism for doing this would be to contract with a third-party organization. Scattered housing is also an opportunity for housing to be integrated throughout the community as opposed to on-site units which externally look the same but may internally look different than market rate units that may be created based on the draft ordinance.

A third-party organization would then work with the Village to determine what kind of attainable housing the Village wants to develop (ownership, rental, townhomes, condos, single family, etc.). The third-party organization would then develop a plan and budget and request a grant from the housing fund that would be matched with other federal sources, tax credits, etc. As an example, Highland Park recently had an apartment building developed (studio and 1-bedrooms) that required 18 affordable units. The City required 9 units to be included in the building and they accepted a fee in lieu for the another 9 units. In this example, CPAH was utilized and they applied for a grant from the housing fund (equal to the fee in lieu for 8 units) and leveraged those funds with other dollars to develop 8 affordable 3-br for-sale townhomes in downtown Highland Park. In other cases, funds can be used to create scattered-site, single family homes throughout the community.

Q10- *It was noted that when you offer a fee in lieu model it seems that the cost of that model will most likely be passed onto the market rate unit costs. Is this something that has been seen in practice?*

Based on experience in other communities, developers will charge whatever the market will bear to maximize profit. It is unlikely to have a significant impact on the sales price of market rate units because they are going to sell them for the maximum that they can. The Ordinance has density bonuses and cost offsets to encourage developers to provide the units and minimize financial impact. If a developer does pay a fee in lieu and it necessitates a change in the project financial structure, it would more likely impact how much the developer

is willing to pay for the land/property as opposed to the sales prices.

Q11- Is there data available yet from the implementation of Northbrook's ordinance?

There have not been any units built. However, there is one 35-unit rental townhome development that was approved and will be providing 5 affordable units. There is a second development approved that will be providing 48 affordable rental units.

Q12- The draft Ordinance that was presented offers the developer the ability to select how they will comply with the Ordinance- i.e. Fee in Lieu, Offsite Units, Land Donation or a combination. The Plan Commission heard testimony from some audience members requesting to return to the original ordinance. Please clarify.

The Human Relations Commission (“HRC”) voted in May of 2021 to recommend a draft attainable housing ordinance. Subsequent meetings were held between the HRC and Plan Commission. In January and March of 2023 certain sections of the Ordinance were reviewed. The following sections were modified and are included in the current draft before the Plan Commission (See Attached Reference Table):

- Adjustment to the number of units which triggers a covered development to ten units from five
- Addition of a Density Bonus for covered developments located within the C-1, C-2 or C-3 zoning districts to allow for both increased floor area ratio and density bonus units (original draft did not allow for both the density bonus and the increased floor area ratio)
- A development that includes the conversion of rental property to condominium property is no longer required to comply with the ordinance
- Updated the alternative means of compliance language to offer the applicant (developer) the option of several ways to comply with the Ordinance, to include: fee in lieu, land donation or combination of fee in lieu and on-site units. The original draft required the applicant to build on-site units or request an alternative means such as fee in lieu or donation of land from the Village Board.

On March 23, 2023 the HRC voted 6-1 to move the updated draft forward to the Plan Commission.

Q13- What are other communities' costs for fee in lieu?

See attached summary spreadsheet.

A recommendation for implementation of a fee in lieu amount would be proposed by staff if an Attainable Housing Ordinance is approved by the Village Board. Staff anticipates a need for a 3-6-month waiting period prior to the Ordinance effective date to facilitate the process of developing policies, administrative guidelines, etc.

Next Steps:

Staff will conduct a presentation regarding the follow-up material at the October 23, 2023 Plan Commission meeting.

At the conclusion of the October 23, 2023 public hearing session, the Plan Commission has the following options for action:

1. Continue the hearing to a date certain to request additional information;

2. Make a motion to recommend that the Village Board approve the Attainable Housing Ordinance as proposed by the Human Relations Commission;
3. Make a motion to recommend that the Village Board approve the Attainable Housing Ordinance as proposed by the Human Relations Commissions with specific revisions;
4. In the event a motion to approve fails then the Commission could entertain a motion to recommend that the Village Board of Trustees deny the draft Ordinance.

Please contact us at your convenience with any questions or concerns.

Attachments:

1. Summary spreadsheet of neighboring communities
2. Draft Ordinance
3. Question 12- Reference Table

Area Communities that are Not Required to have an Ordinance or Plan and Do Not

Community	IHDA Percentage	Number of Units	Onsite Preference	Ordinance Approved	Fee in Lieu or Alternative Means of Compliance
Mundelein	53.50%	N/A	N/A	N/A	N/A
Grayslake	53.20%	N/A	N/A	N/A	N/A
Vernon Hills	34.80%	N/A	N/A	N/A	N/A
Buffalo Grove	30.00%	N/A	N/A	N/A	N/A

Area Communities that are Not Required to have an Ordinance or Plan and Do Have One

Community	IHDA Percentage	Number of Units	Onsite Preference	Ordinance Approved	Fee in Lieu or Alternative Means of Compliance
Arlington Heights	19.10%	All developments in new single family dwelling units and new multi-family dwelling units (rental and for-sale). Trigger point 10 units.	Y, however <u>not</u> required	8/1/20	New single family dwelling units built in place of an existing single-family dwelling that was torn down must pay a linkage fee of \$3,500 per unit. No actual affordable units required. Multi-family rental developments containing 9 or fewer units no actual affordable units are required. A linkage fee of \$3,500 per market rate unit must be paid. Downtown B-5 district-For multi-family rental developments containing 10 or more units 7.5% of the total number of units must meet the affordability requirement. 7.5% must be on-site or a minimum of 5% must be on-site while up to 2.5% can be fee-in-lieu in the amount of \$25,000/unit. If the developer can provide information to show affordable are not feasible then they must pay \$75,000 per unit for 10% of the total number of units. All zoning districts (multi-family rental developments) other than B5- affordability requirement is 5% of the total number of units must be on-site. If the developer can provide information to show affordable are not feasible then they must pay \$75,000 per unit for 10% of the total number of units. All publicly assisted developments in all zones requirement is 10% on-site. No pay in lieu option. Multi-family for-sale , 9 or less units then a linkage fee of \$3,500/unit. Developments containing 10 or more there is a fee-in-lieu of affordable units in the amount of 12.5% of the unit value or other calculation method approved by the Village per market rate unit for 10% of the total number of units in the development. The fee-in-lieu is capped at \$75,000/unit. If affordable units are voluntarily provided they must be affordable to households at 80% of AMI.
Evanston	17.50%	5 or more in a TOD area and 10 or more outside a TOD area	Y	1/1/16	Cash payment in lieu per affordable unit is either \$100,000 for units in a TOD area or \$75,000 for units outside of a TOD area.
St. Charles	17.10%	Every development.	N- onsite or fee in lieu	2016	The City Council may permit the applicant to provide Affordable Units or pay a fee in lieu of constructing some or all of the required Affordable Units within a Residential Development. A percentage of the total number of Dwelling Units to be constructed within the Residential Development, but not including any bonus Market Rate Units . The minimum requirement shall be calculated as follows: -1 to 15 Dwelling Units: 5 percent -More than 15 Dwelling Units: 10 percent Amount of Fee In-Lieu Per Unit, annually determined cost. 2023 \$39,665.75/multi-family developments, \$27,766.03 for single family attached and two-family developments, \$15,866.30 for single family detached.

Currently Considering (Not Required)

Libertyville	15.40%	10 or more; 15% of the total units	Y- but alternative means of compliance are offered	Public Hearing	To be determined.
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Area Communities that are Under the 10% IHDA Requirement and Do Have an Ordinance or Plan

Community	IHDA Percentage	Number of Units	Onsite Preference	Ordinance Approved	Fee in Lieu or Alternative Means of Compliance
Highland Park	9.30%	5 or more, 20% of the total units	Y	11/14/2019 (recent update)	Cash payment in lieu is permitted for some of the units if the covered development is a single-family detached development that has no more than 19 units or if the City Council approves such payment after a recommendation has been made from the Housing Commission which will further affordable housing to an equal or greater extent than on-site. Can also provide off-site units. Fee is set forth in the City's annual fee resolution. 2023 per unit cost is \$185,400.
Geneva	7.70%	N/A- voluntary program	N- can choose to participate in the Ordinance and receive development incentives.	1/6/20	A developer that chooses to participate in the program must have at least 15% of the total number of units to be constructed, must be considered affordable and the development must comply with other requirements related to affordability, etc. in order to qualify for incentives.
Deerfield	7.30%	More than 10	Y	2021	The Ordinance does not allow developers to pay fees in-lieu of building affordable units on-site, does not allow for off-site construction of affordable units or dedication of land.
Northbrook	5.70%	6 or more units	Y	12/8/20	Dedication of land and cash payment in lieu may be exercised as an option if development consists solely of 19 or fewer single-family detached dwelling units and the Village Board approves a payment, and determines that the payment will create affordable housing opportunities in the Village to an equal or greater extent than through the inclusion of affordable units in the development. 2023 pay in lieu fee is \$125,000 per required unit not provided.
Lake Forest	5.30%	Over five units; 15% of the total units	Y	2006	As an alternative to constructing affordable housing on the site of the covered development project, the City Council may approve, concurrent with the approval of the overall development, one or more of the three alternatives to constructing affordable housing set forth in this section. (B) This section shall not be utilized unless the applicant demonstrates to the satisfaction of the City Council that the alternate means of compliance will further affordable housing opportunities in the city to an equal or greater extent than compliance with the on site requirements of this chapter. (C) The terms and requirements for utilizing the provisions of this section shall be specifically set forth in the development agreement required pursuant to § 158.12(B) of this chapter. (1) Cash payment in lieu of affordable housing units. A cash payment in lieu of constructing some or all of the required affordable housing units on the site of a covered development project. (a) Amount and use of cash in lieu. 1. The per unit payment amount for cash in lieu of affordable housing units shall be set at an amount may be determined by ordinance of the City Council. 2. The per unit amount shall be based on an estimate of the cost of providing an affordable housing unit and shall be reviewed periodically by the City Council, with any increase set forth in the city's annual fee ordinance. 3. The cash payment shall be deposited directly into an Affordable Housing Trust Fund established by the city, which shall be used for the purpose of providing financial resources to address affordable housing needs within the city by promoting, preserving and producing long-term affordable housing; providing housing-related services; or providing support for not-for-profit organizations that actively address the affordable housing needs of residents within the community.

- Area Communities that are Not Required to have an Ordinance or Plan and Do Not
- Area Communities that are Not Required to have an Ordinance or Plan and Do Have One
- Libertyville- Currently Considering (Not Required)
- Area Communities that are Under the 10% IHDA Requirement and Do Have an Ordinance or Plan

VILLAGE OF LIBERTYVILLE

ORDINANCE 23-O-__

AN ORDINANCE AMENDING THE VILLAGE OF LIBERTYVILLE
ZONING CODE TO ESTABLISH ATTAINABLE HOUSING REQUIREMENTS

Adopted by the
President and Board of Trustees
of
the Village of Libertyville
Lake County, Illinois
This __ day of _____, 2023.

Published in pamphlet form by
Direction and authority of the
Village of Libertyville
Lake County, Illinois
This __ day of _____, 2023.

ORDINANCE NO. 23-O-____

AN ORDINANCE AMENDING THE VILLAGE OF LIBERTYVILLE
ZONING CODE TO ESTABLISH ATTAINABLE HOUSING REQUIREMENTS

WHEREAS, the State of Illinois has enacted the Affordable Housing Planning and Appeal Act, 310 ILCS 67/1 et seq., (the “Act”), to encourage counties and municipalities to incorporate Affordable Housing within their housing stock sufficient to meet the needs of their county or community; and

WHEREAS, under the Act, the General Assembly found that there exists a shortage of affordable, accessible, safe, and sanitary housing in the State to serve local workforces and retired persons within localities; and

WHEREAS, the Village desires to encourage, support and maintain a diverse population and to proactively support such diversity by enacting legislation which requires that residential developments within the Village address the needs of individuals who live and work in the Village and others who desire to reside in Libertyville for owner-occupied and rental housing which is attainable (“*Attainable Housing Units*”) and which meets the standards for affordable housing as set forth in the Act; and

WHEREAS, increasing land values resulting from the increased scarcity of undeveloped land and the conversion of existing Attainable Housing Units into more expensive units have placed additional pressures on the availability of Attainable Housing in the Village; and

WHEREAS, new developments in the Village also increase the need for a readily available workforce in or near the Village that requires Attainable Housing; and

WHEREAS, as new developments are constructed in the Village, the gap between the availability of Attainable Housing Units and the need for Attainable Housing Units increases; and

WHEREAS, in addition, as new developments utilize land otherwise available for Attainable Housing or convert existing units from Attainable Housing Units, the opportunity for the development of Attainable Housing Units decreases; and

WHEREAS, new development projects that do not provide Attainable Housing increase the direct and indirect cost to the Village and its residents in providing and obtaining needed services; and

WHEREAS, the Village President and Board of Trustees have determined that it is necessary and appropriate to ensure that the impact of new developments on the need for and relative availability of Attainable Housing be borne by the developers of such new developments; and

WHEREAS, the President and Board of Trustees have also determined that providing proper incentives (including, without limitation, density bonuses and cost off-sets) help neutralize the financial impact of providing Attainable Housing Units on such developers; and

WHEREAS, consistent with the intent of the Act, the President and Board of Trustees have determined that it is in the best interests of the Village and its residents to amend the Libertyville Zoning Code, as amended ("**Zoning Code**"), to require developers of new residential projects and conversion projects to provide Attainable Housing Units as part of covered residential developments in the Village ("**Proposed Text Amendments**"); and

WHEREAS, the President and Board of Trustees have further determined that, in light of the density bonuses and cost set-offs provided for in the Proposed Text Amendments, the net impact of the Proposed Text Amendments on affected developers is negligible and, to the extent there is any such impact, it is specifically and uniquely attributable to the effects of such

development on the Village’s demand for and availability of Attainable Housing Units within the Village; and

WHEREAS, a public hearing of Plan Commission of the Village to consider approval of the Proposed Text Amendments was duly advertised in the *Daily Herald* on _____, and held on _____, 2023; and

WHEREAS, on _____, 2023, the Plan Commission voted to recommend approval of the Proposed Text Amendments; and

WHEREAS, the Village President and Board of Trustees have determined that the Proposed Text Amendments meets the required standards for text amendments set forth in Article 16 of the Zoning Code; and

WHEREAS, the President and Board of Trustees have determined that it will serve and be in the best interest of the Village to amend the Zoning Code as set forth in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LIBERTYVILLE, LAKE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: RECITALS. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2: AMENDMENTS TO ZONING CODE. The Zoning Code is hereby amended to add a new Article 18, which Article 18 hereafter reads as set forth in **Exhibit A** to this Ordinance.

SECTION 3: PUBLICATION. The Village Clerk is hereby directed to publish this Ordinance in pamphlet form pursuant to the Statutes of the State of Illinois.

SECTION 4: EFFECTIVE DATE. This Ordinance will be in full force from and after its passage and approval in the manner provided by law; provided, however that the effective date will not occur prior to _____, 202_.

PASSED this ___ day of _____, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this ___ day of _____, 2023.

Donna Johnson, Village President

ATTEST:

Kelly Amidei, Deputy Village Clerk

EXHIBIT A

ARTICLE 18 OF THE ZONING CODE

**“ARTICLE 18
ATTAINABLE HOUSING**

Section 18-1. Definitions.

(A) In General. The words and phrases used in this Article have the meanings ascribed to them in this Section 18-1. To the extent that words or phrases used in this Article are not defined in this Section, such words or phrases have the meanings otherwise set forth in the Zoning Code. Otherwise, words and phrases shall be interpreted in their commonly used sense as set forth in the Webster’s Third International Dictionary (Ed.), unless the context reasonably requires another construction.

(B) Definitions. The following words and phrases, when used in this Chapter, shall have the following meanings:

AREA MEDIAN INCOME: The median income level for the Chicago Metropolitan Statistical Area as established and defined in the annual schedule published by the Secretary of Housing and Urban Development, and adjusted for household size.

ATTAINABLE HOUSING: Decent, safe, sanitary, and appropriate housing that

Moderate-income Households can own or rent without having to devote more than approximately 30 percent of their gross income to monthly Housing Expenses. Attainable Housing may also be referred to as “Affordable Housing”. The terms “attainable” and “attainable housing”, as used in this Code shall have the same meaning as the terms “Affordable” and “Affordable Housing” as such terms are used in the Affordable Housing Planning and Appeal Act.

ATTAINABLE HOUSING FUND: A fund to be established by the Village of Libertyville with the central purpose of providing financial resources to address the Attainable Housing needs of individuals and families Moderate- income Households who live in the Village.

ATTAINABLE HOUSING UNIT: A dwelling unit that meets the criteria for Attainable Housing.

CONVERSION: A change in a residential or mixed-use rental development to individual-owner residential condominium units.

COVERED DEVELOPMENT PROJECT: Any development project in the Village that is required to provide Attainable Housing Units pursuant to this Article. Projects at one location undertaken in phases, stages, or otherwise developed in distinct parts shall be considered a single Covered Development Project.

ELIGIBLE HOUSEHOLD: A household that is eligible for the purchase or lease of an Attainable Housing Unit, as described and defined in Sections 18-9(A) and 18-9(B) of this Article.

HOUSING COMMISSION: The Village of Libertyville Housing Commission, or, if no such commission exists, the Village of Libertyville Human Relations Commission.

HOUSING EXPENSES: (1) For rental housing - rent and utilities; or (2) For home ownership — principal and interest of any mortgages placed on the unit, property taxes, condominium or homeowner’s association fees, if applicable, and insurance.

MARKET RATE UNITS: Residential dwelling units that are not required to be Attainable Housing Units under the requirements of this Chapter.

Section 18-2. Policy.

The purpose of this Article is to promote the public health, safety, and welfare by encouraging high quality housing throughout the community sufficient to meet the needs of all Village residents. Throughout its history, the Village has offered a diverse housing stock that permitted families of varying income levels and with various housing needs to own homes in the community. In recent years, property values have escalated to the point of discouraging a diverse housing stock. A certain percentage of residents who currently live in the Village are unable to meet or maintain the household income level necessary to afford housing in the Village and, therefore, must look to other communities for housing. Based upon the review and consideration of reports and analyses of the housing situation in the Village, it is apparent that the diversity of the Village’s housing stock has declined as a result of increasing property values and housing costs; that demolition of certain existing dwellings has led to a reduction in the diversity of the Village’s housing stock and Attainable Housing opportunities, and that subsequent redevelopment has in many cases contributed to property value increases that further the difficulty of making Attainable Housing available in the Village. The Village recognizes the need to provide alternative housing opportunities in order to maintain the diversity of population that has historically characterized the Village.

While this Article provides specific alternatives to the production of on-site Attainable Housing Units, the intent and preference of this Article is to provide permanent Attainable Housing Units that are constructed on the site of the Covered Development Project. Contracting with a qualified not-for-profit agency for income-qualifying and management of waitlists for Attainable Housing units is encouraged where deemed appropriate.

Section 18-3. Covered Development Projects.

(A) Except as provided in Section 18-3(B) of this Chapter, the provisions of this Article shall apply to all residential developments that result in or contain 10 or more dwelling units and for which an application for such development has been submitted to the Village following the effective date of this Article. The types of development subject to the provisions of this Article include, without limitation, the following:

- (1) A development consisting of new residential construction or new mixed-use construction with a residential component;
 - (2) A development consisting of the renovation or reconstruction of over 50% of the total square footage of an existing multiple family residential structure and that increases the number of residential units from the number of units in the original structure;
 - (3) A development that will change the use of an existing building in whole or in part from non-residential to residential; and
 - (4) The development of senior citizens homes without nursing care.
- (B) This Article does not apply to nursing homes or assisted living facilities.

Section 18-4. Percentage of Attainable Housing Units Required.

(A) General Requirement. Except as otherwise provided in Section 18-8 of this Chapter, at least 15 percent of the total number of dwelling units within any Covered Development Project shall be Attainable Housing Units and shall be located on the site of the Covered Development Project.

(B) Calculation. To calculate the number of Attainable Housing Units required in a Covered Development Project, the total number of proposed units shall be multiplied by 15 percent. For purposes of this calculation, if 15 percent of the number of proposed units results in a fraction, a fraction of 0.5 or more shall be rounded up, and a fraction of less than 0.5 shall be rounded down. For example, a proposed multiple family development containing 15 units would be required to set aside two units as Attainable Housing Units. A similar 20-unit development would be required to set aside three of the units as Attainable Housing Units. In any event, not less than one unit shall be required as an Attainable Housing Unit. Any Bonus Units (as defined in Section 18-6 of this Chapter) shall not be included in the total number of proposed units for the purpose of calculating the required number of Attainable Housing Units. To the extent that an additional required Attainable Housing Unit is mandated as a result of the rounding up of a fractional unit, the developer of a Covered Development Project may elect to either provide the additional required Attainable Housing Unit upon the site of the Covered Development Project or make a cash payment in lieu of providing such additional Attainable Housing Unit. Such cash payment shall be made in accordance with the provisions of Section 18-8(A) of this Chapter. For example, if a proposed Covered Development Project included 25 homes, the fifteen percent multiplier would result in a number of 3.75. This number would be rounded up to require that the developer provide four Attainable Housing Units for the Covered Development Project. Rather than providing the fourth Attainable Housing Unit, the developer could, instead, elect to submit a cash payment in lieu of providing an Attainable Housing Unit to satisfy the requirement for the fourth unit.

Section 18-5. Development Cost Off-Sets.

An applicant that fully complies with the requirements of this Chapter (including any administrative rules that may be promulgated in accordance with Section 18-14 of this Chapter)

shall, upon written request, receive from the Village with regard to only the Attainable Housing Units in the Covered Development Project, a waiver of all of the otherwise applicable application fees, building permit fees, plan review fees, inspection fees, sewer and water tap-on fees, demolition permit fees, impact fees, and other development fees and costs which may be imposed by the Village. The fees charged for the total development shall be adjusted proportionately to reflect this waiver of fees for the Attainable Housing Units. In the event that an applicant has paid any development costs that might otherwise be subject to a waiver, such applicant may, upon satisfaction of the requirements of this Chapter, seek reimbursement of such development costs.

Section 18-6. Density Bonuses.

(A) For all Covered Development Projects, a density bonus shall be provided equal to one Market Rate Unit (“Bonus Unit”) for each Attainable Housing Unit that is required pursuant to this Code and is constructed on the site of the Covered Development Project; provided, however, that the maximum number of dwelling units in a Covered Development Project shall not, pursuant to the provisions of this Chapter, exceed 115% of the total number of dwelling units otherwise authorized under the applicable zoning district regulations under the Zoning Code. For example, a proposed multiple family development containing 20 units would be required to provide three Attainable Housing Units in the development and would be permitted to construct three additional Market Rate Units, resulting in a total of 23 units in the development.

(B) Further, in all Covered Development Projects that are located in the C-1, C-2, or C-3 zoning districts, and in addition to the provision of Bonus Units, the maximum floor area ratio applicable to such Covered Development Projects within such zoning district may be increased an additional 0.25 in floor area ratio if all required Attainable Housing Units are constructed on the site of the Covered Development Project.

Section 18-7. Integration of Attainable Housing Units.

(A) Location of Attainable Housing Units. Attainable Housing Units shall be dispersed among the Market Rate Units throughout the Covered Development Project.

(B) Phasing of Construction. Where possible, Attainable Housing Units shall be constructed concurrent with the development of market-rate units. Construction phasing of Attainable Housing Units shall not be delayed beyond the schedule noted below, unless authorized by the Director of Community Development when it is demonstrated by the developer to the satisfaction of the Village that a delay is necessary in order to account for the different financing and funding requirements, economies of scale, and infrastructure needs applicable to development of the market rate and the Attainable Housing Units:

<u>Construction of Market-rate Units (%)</u>	<u>Required Construction of Attainable Housing Unit (%)</u>
Up to 30%	None Required
30% plus 1 unit.....	At least 10%
30% plus 2 units up through 50%.....	At least 30%

More than 50% up through 75%.....At least 50%
 75% plus 1 unit.....At least 70%
 75% plus 2 units through 100%.....100%
 Fractions of units shall not be counted.

(C) Exterior Appearance. The exterior appearance of all Attainable Housing Units must be visually compatible with the Market Rate Units in the same Covered Development Project. External building materials and finishes shall be substantially the same in type and quality for Attainable Housing Units as for Market Rate Units.

(D) Interior Appearance and Finishes. Attainable Housing Units may differ from Market Rate Units with regard to interior finishes and square footage, provided that:

(1) Interior features and structural elements of Attainable Housing Units shall comply in all respects to the minimum construction standards set forth in this Code.

(2) The differences between the Attainable Housing Units and the Market Rate Units shall not include improvements related to energy efficiency, including mechanical equipment and plumbing, insulation, windows, and heating and cooling systems.

(3) The aggregate gross square footage of the Attainable Housing Units shall be roughly proportionate to the aggregate square footage of the Market Rate Units within the Covered Development Project.

(4) The bedroom mix of one- and two-bedroom Attainable Housing Units shall be established at the same ratio as the ratio of one- and two-bedroom Market Rate Units within the Covered Development Project.

Section 18-8. Alternatives to On-Site Attainable Housing Units.

As an alternative to constructing Attainable Housing on the site of the Covered Development Project, an applicant may elect to implement one or more of the following alternatives to constructing some or all of the Attainable Housing Units as otherwise required by this Chapter. The terms and requirements for utilizing the provisions of this Section shall be specifically set forth in the Development Agreement required pursuant to Section 18-12(B) of this Chapter.

(A) Cash Payment In Lieu of Attainable Housing Units. A cash payment in lieu of constructing some or all of the required Attainable Housing Units on the site of a Covered Development Project.

(1) Amount and Use of Cash in Lieu. The cash payment due for each unit for which cash may be paid in lieu of providing an Attainable Housing Unit (the “Per Unit Cash in Lieu Payment Amount”) shall be established by the Village Board and shall be set forth in the Annual Fee Ordinance adopted by the Village Board in accordance with the provisions of Section 1-19 of this Code. This amount shall be established, reviewed and periodically adjusted by the Village Board based on an estimate of the cost of

providing an Attainable Housing Unit. All funds received by the Village relating to Per Unit Cash In Lieu Payment Amounts shall be deposited directly into an Attainable Housing Fund established by the Village, which shall be used for the purpose of providing financial resources to address Attainable Housing needs within the Village by promoting, preserving, and producing long-term Attainable Housing and providing housing related services; or providing support for not-for-profit organizations that actively address the Attainable Housing needs of residents within the community. The applicant shall execute all documentation relating to such payment as the Village Administrator (in consultation with the Village Attorney) deems to be appropriate.

(2) Calculation and Payment of Total Required Cash in Lieu Payment Amounts. Once the total number of units for which a cash payment in lieu of providing Attainable Housing Units for a Covered Development Project has been determined, such total number shall be multiplied by the then applicable Per Unit Cash in Lieu Payment Amount. The resulting amount shall be divided by the total number all units to be constructed in the Covered Development Project. The result of this calculation shall be the amount to be remitted by the Developer to the Village for each unit to be constructed upon the Covered Development Project (the “Per Unit PIL Payment”). The Per Unit PIL Payment shall be paid by the Developer prior to and as a condition of issuance of any temporary or final certificate of occupancy for each unit within the Covered Development. The amount of the Per Unit PIL Payment shall remain the same throughout the Development of the Covered Development Project, regardless of whether the Covered Development Project is developed in phases or if the Per Unit Cash in Lieu of Payment Amount set forth in the Annual Fee Ordinance has been modified during the course of development of the Covered Development Project.

The following example illustrates the methodology for calculating the Per Unit PIL Payment, utilizing a hypothetical Per Unit Cash in Lieu Payment Amount of \$130,000:

A developer seeks to develop a Covered Development Project consisting of 100 units. Assuming that cash payments in lieu of Attainable Housing Units are allowed for five units, the total aggregate amount due for all five units would be \$650,000 ($\$130,000 \times 5 = \$650,000$). This number would be divided by the 100 total units and result in a Per Unit PIL Payment of \$6,500. The \$6,500 payment would be due for each unit within the Covered Development Project prior to and as a condition of issuance of a temporary or final certificate of occupancy for such unit.

(B) The provision of an equivalent number of Attainable Housing Units at another site within the Village.

(C) The dedication of land of a size and location appropriate for the development of Affordable Housing Units and consistent with administrative guidelines approved by the Village Board, which dedication shall be made to the Village or, at the Village’s discretion, to a qualified not-for-profit housing agency.

Section 18-9. Target Income Levels for Attainable Housing Units.

(A) For-Sale Affordable Housing Units. In Covered Development Projects that contain for-sale units, at least one Attainable Housing Unit, and no less than 50 percent of the Attainable Housing Units, must be sold to households with gross incomes less than 80 percent of Area Median Income, at a price, as determined pursuant to Section 18-9(C) of this Chapter, that, on average, is affordable to a household with an annual income that is 65 percent of Area Median Income. Any remaining Attainable Housing Units may be sold to households with gross incomes equal to or greater than 80 percent, but less than 120 percent, of Area Median Income, at a price, as determined pursuant to Section 18-9(C) of this Chapter, that, on average, is affordable to a household with an annual income that is 100 percent of area median income.

(B) Rental of Affordable Housing Units. In Covered Development Projects that contain rental units: (i) no less than 33 percent of the Attainable Housing Units must be rented or leased to households with gross incomes less than 50 percent of the Area Median Income, at a price, as determined pursuant to Section 18-9(C) of this Chapter, that, on average, is affordable to a household with an annual income that is 45 percent of Area Median Income; (ii) no less than 33 percent of the Attainable Housing Units must be rented or leased to households with gross incomes equal to or greater than 50 percent, but less than 80 percent, of the Area Median Income, at a price, as determined pursuant to Section 18-9(C) of this Chapter, that, on average, is affordable to a household with an annual income that is 65 percent of Area Median Income; and (iii) no more than 33 percent of the Attainable Housing Units may be rented or leased to households with gross incomes equal to or greater than 80 percent, but less than 120 percent, of the Area Median Income, at a price, as determined pursuant to 18-9(C) of this Chapter, that, on average, is affordable to a household with an annual income that is 100 percent of area median income. If fewer than three Attainable Housing Units will be provided, such units must be rented or leased to Moderate-Income Households at a price, as determined pursuant to 18-9(C) of this Chapter, that does not exceed what is affordable to a household with an annual income that is 65 percent of Area Median Income.

(C) Pricing Schedule. The Village, through the Village Administrator, will publish a pricing schedule of rental and sales prices for Attainable Housing Units, which pricing schedule must be updated at least once every 12 months. The Administrator may, in his or her discretion, include the pricing schedule within administrative guidelines adopted pursuant to Section 18-14 of this Chapter.

Section 18-10. Eligibility of Households.

(A) For-Sale Attainable Housing Units. Only Eligible Households shall be permitted to purchase and occupy an Attainable Housing Unit for purposes of satisfying the requirements of this Chapter. The prioritization and selection of Eligible Households shall be conducted by the Village or its agent, in accordance with such administrative guidelines as may be approved by the Village Board or as may be promulgated pursuant to Section 18-14 of this Article.

(1) If the gross income of the Eligible Household increases above the Eligible Household income levels provided in Section 18-9 of this chapter, the Eligible Household

may continue to own and occupy the Attainable Housing Unit, subject to the limitations on sale or lease as set forth in Section 18-11 of this Chapter.

(2) The owner of the Covered Development Project shall execute and record any documents required by Section 18-12 of this Chapter to ensure compliance with this Section.

(B) Rental Attainable Housing Units. Only Eligible Households shall be permitted to rent and occupy an Attainable Housing Unit for purposes of this Article. The prioritization and selection of Eligible Households shall be conducted by the Village or its agent, in accordance with such administrative guidelines as may be approved by the Village Board or as may be promulgated pursuant to Section 18-14 of this Chapter.

(1) If the gross income of the Eligible Household increases above the Eligible Household income levels provided in Section 18-9 of this Chapter, during the lease period, the Eligible Household may continue to lease and occupy the unit and may renew the lease as well, subject to the limitations on lease as set forth in Section 18-11 of this Chapter.

(2) The owner of the Covered Development Project shall execute and record any documents required by Section 18-12 of this Chapter to ensure compliance with this Section.

Section 18-11. Period of Affordability.

(A) Sale of Attainable Housing Units. In Covered Development Projects that contain for-sale units, Attainable Housing Units shall be resold to Eligible Households in perpetuity, or as long as permissible by law. The owner of the Covered Development Project shall execute and record all documents required by Section 18-12 of this Chapter to ensure compliance with this Section. In each case, the owner of a for-sale Attainable Housing Unit shall occupy such unit, and such unit may not be leased or subleased unless expressly approved by the Village and such lease or sublease is to permit occupancy by an Eligible Household.

(B) Rental of Attainable Housing Units. In Covered Development Projects that contain rental units, Attainable Housing Units shall be rented to Eligible Income Households in perpetuity, or as long as permissible by law. The owner of the Covered Development Project shall execute and record all documents required by Section 18-12 of this Chapter to ensure compliance with this Section. In each case, the rental Attainable Housing Unit shall be occupied by an Eligible Household, and such unit may not be leased or subleased unless expressly approved by the Village and such lease or sublease is to permit occupancy by an Eligible Household.

(1) In the event that the owner of a Covered Development Project with one or more rental units sells the development, the new owner shall be required to continue to provide the Attainable Housing Units in accordance with this Article.

(2) If the owner of a Covered Development Project with one or more rental units converts the development to condominiums, the development shall be subject to the for-sale development requirements of this Article.

Section 18-12. Attainable Housing Plan and Development Agreements.

(A) Attainable Housing Plan. Prior to the approval of any Covered Development Project by the Village (including the issuance of any permits), for which the applicant will construct some or all of the Attainable Housing Units required by this Chapter, the applicant must present to the Village, and the Village Board must approve, an attainable housing plan that outlines and specifies the Covered Development Project's compliance with each of the applicable requirements of this Code. For all Covered Development Projects that provide Attainable Housing Units, either on-site or off-site, the plan shall specifically contain, at a minimum, the following information regarding the Covered Development Project:

(1) A general description of the development, including whether the development will contain rental units or individually owned units, or both;

(2) The total number of Market Rate Units and Attainable Housing Units in the development;

(3) The number of bedrooms in each Market Rate Unit and each Attainable Housing Unit;

(4) The gross square footage of each Market Rate Unit and each Attainable Housing Unit;

(5) Site plans showing the location of each Market Rate Unit and each Attainable Housing Unit within the Covered Development Project, and/or floor plans showing the location of each Market Rate Unit and each Attainable Housing Unit within a multiple-family residential structure;

(6) The pricing for each Market Rate Unit and each Attainable Housing Unit;

(7) The phasing and construction schedule for each Market Rate Unit and each Attainable Housing Unit;

(8) Documentation and plans regarding the exterior and interior appearances, materials, and finishes of the development and each of its individual units;

(9) A description of the marketing plan (which shall at least include the priority provisions set forth in Section 18-10 of this Chapter) that the applicant proposes to utilize and implement to promote the sale or rental of the Attainable Housing Units within the development;

(10) A description of the specific efforts that the applicant will undertake to provide Attainable Housing Units to Eligible Households in accordance with this Chapter;

(11) A description of the screening and selection plan for Eligible Households for the Attainable Housing Units.

(12) A description of the documentation deemed necessary or appropriate by the Village in accordance with this Chapter to ensure continued affordability of the Attainable Housing Units in accordance with this Chapter.

(B) Development Agreement. Prior to issuance of a building permit for any Covered Development Project, the applicant shall enter into a development agreement with the Village regarding the specific requirements and restrictions regarding Attainable Housing and the Covered Development Project. The applicant shall execute all documents deemed necessary or appropriate, including restrictive covenants and other related instruments, to ensure the continued affordability of the Attainable Housing Units in accordance with this Chapter. Applicants may also enter into agreements with a not-for-profit housing entity to provide the long-term management, including leasing of the Attainable Housing Units to Eligible Households, and maintenance of the Attainable Housing Units by the entity.

(C) Additional Documentation. In addition to the requirements of Sections 18-12(A) and (B) (as applicable), for all Covered Development Projects that provide Attainable Housing Units, either on-site or off-site, the documentation required for Covered Development Projects under this Article shall include, without limitation:

(1) The identification of target income levels for Attainable Housing Units;

(2) The identification and selection of Eligible Households for the Attainable Housing Units;

(3) Assurances that, for during the period of affordability, any Covered Development Projects upon which association assessments are imposed are designed to limit such assessments in a manner that will preserve the affordability of the Attainable Housing Units.

(4) Method for marketing of the Attainable Housing Units to Eligible Households in the community;

(5) The execution and recordation of all documents deemed necessary to ensure the development and continued affordability of the Attainable Housing Units, including without limitation a development agreement between the owner of the Covered Development Project and the Village or its designee;

(6) Agreements relating to the long-term management and maintenance of the Attainable Housing Units in a Covered Development Project;

(7) The bedroom mix and aggregate gross square footage of the Attainable Housing Units;

(8) Agreements and decisions regarding the applicability of any one or more of the alternatives to the provision of on-site Attainable Housing Units as set forth in Section 18-8 of this Chapter.

(D) Review Procedure.

(1) Housing Commission Review. Within 60 days after the filing of a complete application pursuant to this Section 18-12, the Housing Commission shall review the proposed attainable housing plan, and shall recommend either the approval (with or without modifications) or the rejection of the attainable housing plan. The Housing Commission shall transmit its findings and recommendation to the Village Plan Commission. The failure of the Housing Commission to provide a recommendation within such 60-day period, or such further time to which the applicant may, in writing, agree, shall be deemed a recommendation against the approval of the Inclusionary Housing Plan.

(2) Plan Commission Review. Within 30 days after receipt of the Housing Commission's recommendation, the Plan Commission shall review the proposed attainable housing plan and transmit its findings and recommendation to the Village Board of Trustees, all in conjunction with its review of any other zoning or subdivision relief necessary in connection with the Covered Development Project.

(3) Board of Trustees Consideration. Upon receipt of the Housing Commission and Plan Commission recommendations, the Board of Trustees may either approve or reject the proposed attainable housing plan. Any approval of an attainable housing plan may include, without limitation, all standards, conditions, or restrictions deemed necessary or applicable by the Board of Trustees to effectuate the proposed development and protect the public interest, health, safety and welfare.

Section 18-13. Preservation of Attainability and Restrictions on Resale.

(A) For-Sale Attainable Housing Units. A for-sale Attainable Housing Unit may be sold to a private party who meets the income level and eligibility requirements established in this Article. The parties to the transaction shall execute and record all documentation as required by this Article and reviewed by the Village (or its authorized designee), including at a minimum each of the following:

(1) The Attainable Housing Unit may only be sold to eligible households, and in compliance with Section 18-9 of this Chapter.

(2) The Attainable Housing Unit must be conveyed subject to restrictions that permanently maintain the affordability of such Attainable Housing Units for Eligible Households.

(3) The resale price of any Attainable Housing Unit may not exceed the purchase price paid by the seller of that unit plus inflation as measured by the Consumer Price Index (All Urban Consumers, All Cities average, residential real estate) for the period of time that the unit owner resided in the unit.

(B) Rental Attainable Housing Units. For Covered Development Projects that contain Attainable Housing Units for rent, the owner of the development shall execute and record such documentation as required by this Article to ensure the provision and continuous maintenance of the Attainable Housing Units. All documents shall be submitted to the Village (or its authorized designee) for review to ensure, at a minimum, each of the following:

(1) The Attainable Housing Units must be leased and occupied by, and at rent levels, compliant with Section 18-9 of this Chapter.

(2) Preference for the Attainable Housing Units shall be given pursuant to such administrative guidelines as may be established by the Village Administrator and approved by the Village Board.

Section 18-14. Implementation.

The Village Administrator (or the Administrator's designee) shall develop appropriate regulations and forms that are consistent with this Article and necessary or convenient to affect its efficient and effective administration. Such regulations and rules shall be reported to the Village Board of Trustees and thereafter made available to the public.

Section 18-15. Annual Review.

On or about the one-year anniversary date of the adoption of this Article 18, and annually thereafter, the Village Administrator must prepare and submit to the Board of Trustees a report concerning the implementation and enforcement of this Article 18. Within 60 days after receipt of the report, the Board of Trustees will review the annual report at a public meeting.

Follow-up Question 12 Reference Table

	May 2021 Draft Language	March 2023 Draft Language (Currently Proposed)
Number of Units	Except as provided in Section 18-3(B) of this Chapter, the provisions of this Article shall apply to all residential developments that result in or contain five or more dwelling units and for which an application for such development has been submitted to the Village following the effective date of this Article.	Except as provided in Section 18-3(B) of this Chapter, the provisions of this Article shall apply to all residential developments that result in or contain ten or more dwelling units and for which an application for such development has been submitted to the Village following the effective date of this Article.
Covered Developments	<ul style="list-style-type: none"> (1) A development consisting of new residential construction or new mixed use construction with a residential component; (2) A development consisting of the renovation or reconstruction of over 50% of the total square footage of an existing multiple family residential structure and that increases the number of residential units from the number of units in the original structure; (3) A development that will change the use of an existing building in whole or in part from non-residential to residential; (4) A development that includes the conversion of rental property to condominium property; and (5) The development of senior citizens homes without nursing care. 	<ul style="list-style-type: none"> (1) A development consisting of new residential construction or new mixed-use construction with a residential component; (2) A development consisting of the renovation or reconstruction of over 50% of the total square footage of an existing multiple family residential structure and that increases the number of residential units from the number of units in the original structure; (3) A development that will change the use of an existing building in whole or in part from non-residential to residential; and (4) The development of senior citizens homes without nursing care.
Density Bonus	For all Covered Development Projects that are located in all other zoning districts , a density bonus shall be provided equal to one Market Rate Unit ("Bonus Unit") for each Attainable Housing Unit that is required pursuant to this Code and is constructed on the site of the Covered Development Project	For all Covered Development Projects , a density bonus shall be provided equal to one Market Rate Unit ("Bonus Unit") for each Attainable Housing Unit that is required pursuant to this Code and is constructed on the site of the Covered Development Project
Alternative Means of Compliance	As an alternative to constructing Attainable Housing on the site of the Covered Development Project, the Village Board may approve, concurrent with the approval of the overall development, one or more of the following alternatives to constructing Attainable Housing Units set forth in this Section.	As an alternative to constructing Attainable Housing on the site of the Covered Development Project, an applicant may elect to implement one or more of the following alternatives to constructing some or all of the Attainable Housing Units as otherwise required by this Chapter.