

AMENDMENT OF TITLE 16 OF MUNICIPAL CODE OF  
CHICAGO BY ADDITION OF CHAPTER 18 ENTITLED  
"THE OPEN SPACE IMPACT FEE ORDINANCE".

WHEREAS, There is a significant need for additional public open space and recreational facilities within the City of Chicago, documented in a comprehensive plan entitled "The CitySpace Plan" (adopted by the Chicago Plan Commission on September 11, 1997); and

WHEREAS, Significant public investment is currently being made to provide additional public open space and recreational facilities; and

WHEREAS; The pace of new residential development has increased significantly in recent years; and

WHEREAS, With few exceptions, existing public open space and recreational facilities are inadequate to serve residents of new development; and

WHEREAS, It is in the public interest to ensure that adequate open space and recreational facilities are provided to serve new residential development; and

WHEREAS, The public sector is unable to provide fully for the open space and recreational needs of new residential development; and

WHEREAS, The City of Chicago is authorized under its home rule powers to regulate the use and development of land; and

WHEREAS, Ensuring that adequate open space and recreational facilities exist is a reasonable condition of development approval; now, therefore,

*Be It Ordained by the City Council of the City of Chicago:*

SECTION 1. That a new Chapter 16-18 be adopted as part of Title 16 (Land Use) of the Municipal Code of Chicago, as follows:

*Chapter 16-18.  
Open Space Impact Fees.*

*Sections:*

*16-18-101            Title*

<i>16-18-020</i>	<i>Purpose And Intent.</i>
<i>16-18-030</i>	<i>Applicability.</i>
<i>16-18-040</i>	<i>Fee Formula.</i>
<i>16-18-050</i>	<i>Fee Schedule.</i>
<i>16-18-060</i>	<i>Timing Of Payment Of Fees.</i>
<i>16-18-070</i>	<i>Individualized Assessment of Impact.</i>
<i>16-18-080</i>	<i>Credit For On-Site Open Space Within Planned Developments.</i>
<i>16-18-090</i>	<i>Use Of Funds.</i>
<i>16-18-100</i>	<i>Refunds.</i>
<i>16-18-110</i>	<i>Administrative Procedures.</i>

*16-18-010 Title.*

*This Chapter 16-18, Sections 16-18-010 through 16-18-110, shall be entitled and referred to as "The Open Space Impact Fee Ordinance".*

*16-18-020 Purpose and Intent.*

*The purpose and legislative intent of this chapter is to require residential Developments to contribute its proportionate share of "open space and recreational Facilities which directly and materially benefit such development, or fees in lieu therefore of, in order to ensure that adequate open space and recreational facilities are available to serve residents of such development.*

*16-18-030 Applicability.*

*The provisions of this chapter shall apply to all new residential development and rehabilitation which results in the creation of additional dwelling units, except additional dwelling units for which a complete building permit application (with a complete set of drawings) was filed as of the date of passage of this chapter. Replacement housing which does not increase the existing number of dwelling units shall be exempt.*

*316-18-040 Fee Formula.*

*Open space impact fees shall be calculated based on the following formula:*

*Fee = Open Space Need x Open Space Cost x Developer's Share where:*

*Open Space Need = Number of Dwelling Units x Estimated Household Size x Minimum Open Space Standard (2 acres per 1,000 people); and*

*Household Size is estimated to increase with the size of the dwelling unit as follows:*

<i>Size Of Unit (Square Feet)</i>	<i>Household Size (Persons)</i>
<i>less than 800</i>	<i>1</i>
<i>1800 -- 1599</i>	<i>2</i>
<i>1600 –2999</i>	<i>3</i>
<i>3000 and up</i>	<i>4</i>

*Open Space Cost = \$12 per square foot; and*

*Developer's Share = 30 percent, except units which qualify as “affordable housing” which shall be charged a flat nominal fee regardless of size.*

*Affordable Housing is defined as housing which is sold or rented at or below the maximum price or fair market rents established by the Chicago department of housing for the “City Lots for City Living” or “New Homes for Chicago” affordable housing programs. The above stated maximum price or fair market rents may be modified by the department of housing from time to time.*

*16-18-050 Fee Schedule.*

*Based on the formula set forth in section 16-18-040 hereof, open space impact fees shall be charged according to the following fee schedule:*

*Open Space Impact Fee:*

<i>Size Of Unit</i>	<i>Open Space Impact Fee</i>	<i>For Affordable Housing</i>
<i>(Square Feet)</i>	<i>(Per Dwelling Unit)</i>	<i>(Per Unit)</i>
<i>0 - 799</i>	<i>\$ 313</i>	<i>\$100</i>
<i>800 - 1,599</i>	<i>\$ 626</i>	<i>\$100</i>
<i>1,600 -- 2,999</i>	<i>\$ 940</i>	<i>\$100</i>
<i>3,000 and up</i>	<i>\$1,253</i>	<i>\$100</i>

*\*Square feet includes only those areas that meet the definition of "floor area" under Section 3.2 of the Chicago Zoning Ordinance.*

*\*\*Except "affordable housing" as defined in Section 16-18-040.*

*16-18-060 Timing Of Payment Of Fees.*

*Open space impact fees shall be paid as a condition of issuance of a building permit for proposed new dwelling units.*

*16-18-070 Individualized Assessment Of Impact.*

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

*16-18-080 Credit For On-Site Open Space Within Planned Developments.*

*In the case of larger developments which are processed as planned developments, developers are encouraged to provide open space and recreational facilities on-site to serve new residents instead of paying open space impact fees. Credit may be given for open space or recreational facilities within a planned development that satisfy all or most of the goals of the "CitySpace Plan" and adequately serve the needs of the proposed new development.*

*16-18-090 Use Of Funds.*

*Open space impact fees shall be earmarked for open space acquisition and capital improvements which provide a direct and material benefit to the new development from which the fees are collected. Fees may not be used to cure existing park deficiencies. Open space impact fees must be expended within the same or a contiguous community area from which they were collected after a legislative finding by the city council that the expenditure of fees will directly and materially benefit the developments from which the fees were collected. Community areas are geographic areas which are identified in the "CitySpace Plan" and designated pursuant to Chapter 1-14 of the municipal code of the City of Chicago.*

*16-18-100 Refunds.*

*Any funds not expended or encumbered for planning, engineering, acquisition or construction within seven years from the date on which the fees were collected shall be returned to the current property owner. Refunds shall be paid no later than six months after the seventh year triggering the refund.*

*16-18-110 Administrative Procedures.*

*The department of planning and development and any other affected city departments are hereby directed and authorized to issue administrative regulations and procedures as necessary to implement the provisions of this chapter by the effective date of this chapter, and to periodically review and update such regulations and procedures.*

SECTION 2. This ordinance shall be in force and effect from and after its passage and due publication.