

CITY OF BURLINGTON

In the Year Two Thousand Twenty-Two

ORDINANCE _____

Sponsor(s): Ordinance Committee
Public Hearing Dates: _____

First reading: _____

Referred to: _____

Rules suspended and placed in all stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

An Ordinance in Relation to

CDO—Inclusionary and Replacement Housing
Inclusionary Zoning Percentages and
General Requirements for Inclusionary Units
ZA# 23-02

It is hereby Ordained by the City Council of the City of Burlington as follows:

1 That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of
2 Burlington, be and hereby is amended by amending Sections 9.1.8 Inclusionary Units, Rentals and Sales;
3 and 9.1.14 General Requirement for Inclusionary Units; thereto to read as follows:

4 **Sec. 9.1.8 Inclusionary Units, Rentals and Sales**

5 For covered projects in which units are offered for rent or sale, a base of fifteen percent (15%) of all of the
6 dwelling units in the project, graduated as specified in Table 9.1.8-1, shall be designated as inclusionary units.

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8
9 This includes any covered project where units are offered via the conveyance of a deed or share for individual
10 units, including fee simple ownership, condominium ownership and cooperative ownership.

<i>Table 9.1.8-1 Inclusionary Zoning Percentages</i>	
If the average sale and rental price of project units is affordable to a household earning:	The percentage of units which are subject to rent and sales prices as per Sec. 9.1.9 and are subject to marketing and continued affordability provisions (Sec. 9.1.10 and Sec. 9.1.11) shall be at least:
Less than 139% of AMI	15%
140%-179% of AMI	20%
Development in any Waterfront district (RM-W, RL-W, NAC-CR and FD5 west of Battery St) or 180% of AMI and above in any other district	25%
Off-campus student housing	15% of total beds

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33 **Sec. 9.1.14 General Requirements for Inclusionary Units**

34 All covered projects must comply with the requirements set forth below.

35 (a) In order to assure an adequate distribution of inclusionary units by household size, the bedroom mix of
36 inclusionary units in any project shall be in the same ratio as the bedroom mix of the non-inclusionary units of
37 the project.

38 ~~(a)~~(b) The bedroom mix requirements established in Section 9.1.14(a) do not apply when the ratio of the
39 gross floor area of all inclusionary dwelling units to the total gross floor area of all dwelling units within the
40 project exceeds the required percent of inclusionary units as established in Table 9.1.8-1, based on the
41 project's average unit sale and rental price (e.g. where at least 15.5 percent of a project's residential gross floor
42 area is composed of inclusionary units when the project's average sale and rental price is affordable to a
43 household earning less than 139% of AMI);

44 ~~(b)~~(c) Rental inclusionary units within a covered project may “float” (as opposed to designating specific
45 units). Owner-occupied inclusionary units within a covered project must be specifically designated. In either
46 case, inclusionary units may be grouped together or distributed throughout a covered project;

47 ~~(c)~~(d) Covered projects including both rental and owner-occupied dwelling units shall provide inclusionary
48 units proportionate to the numbers of rental and owner-occupied dwelling units;

49 ~~(d)~~(e) Inclusionary units may differ from the market units in a covered project with regard to interior
50 amenities and gross floor area, provided that:

- 51 1. These differences, excluding differences related to size differentials, are not apparent in the general
52 exterior appearance of the project's units;
- 53 2. These differences do not include insulation, windows, heating systems, and other improvements
54 related to the energy efficiency of the project's units; and,
- 55 3. Inclusionary units are afforded the same opportunity for parking that the market units are afforded.

56 ~~(e)~~(f) The floor area of the inclusionary units is not less than ninety percent (90%) of the average gross floor area of
57 the market rate units within the project with the same number of bedrooms, except when the ratio of the gross
58 floor area of all inclusionary dwelling units to the total gross floor area of all dwelling units within the project
59 exceeds the required percent of inclusionary units as established in Table 9.1.8-1, based on the project's
60 average unit sale and rental price (e.g. where at least 15.5 percent of a project's residential gross floor area is
61 composed of inclusionary units when the project's average sale and rental price is affordable to a household
62 earning less than 139% of AMI).

63 1. When the gross floor area ratio described above is proposed, the minimum gross floor area of
64 inclusionary units by bedroom count is as follows:

65 i. Studio: 350 sf

66 ii. 1 bedroom: 550 sf

67 iii. 2 bedroom: 750 sf

68 iv. 3 bedroom: 950 sf

69 ~~(e)~~v. 4+ bedroom: 1,150 sf

70 ~~(e)~~(g) Upon demonstration of inability to sell units to income eligible residents earning 70% of the AMI, the
71 Manager of the HTF may extend income eligibility to allow priority in the sale of inclusionary units to
72 households earning as much as AMI, adjusted for household size and to households residing in Burlington at
73 the time that these units are offered for sale. In extending income eligibility, priority shall be given to the
74 lowest income household who qualifies for purchase, all else being equal;

75 ~~(g)~~(h) Except for household income limitations as set forth herein, occupancy of any inclusionary unit shall
76 not be limited by any conditions that are not otherwise applicable to all units within the covered project unless
77 required under federal law, e.g. local use of the Low Income Housing Tax Credit, or in conflict with the
78 stricter bylaws of the designated housing agency; and

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79 ~~(h)~~(i) _____ The final calculations for the number of inclusionary units shall be determined by the Manager prior to
80 the issuance of the zoning permit. If there is any change in the project due to sales prices for these units that
81 increases the number of inclusionary units required, such modifications shall be determined by the Manager
82 and communicated to the administrative officer prior to the issuance of a certificate of occupancy for the
83 covered project. The rental or sales price of the inclusionary units shall also be determined by the Manager
84 prior to the issuance of a certificate of occupancy.

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