

Department of Permitting & Inspections

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ZONING ADMINISTRATIVE INTERPRETATION

ZAI 21-02 Inclusionary Zoning – Payment In Lieu

<u>Reference:</u>	<i>Burlington Comprehensive Development Ordinance, Sec. 9.1.13, Off-Site and Payment In Lieu Options (b) Payment In Lieu Option</i>
<u>Date:</u>	March 4, 2021

Pursuant to the authority granted to the City's Zoning Administrative Officer under 24 V.S.A. Section 4448, and Article 3, Part 1 of the *Burlington Comprehensive Development Ordinance*, the following administrative interpretation is intended to ensure consistency and clarity in the interpretation and application of the *Burlington Comprehensive Development Ordinance*. Pursuant to Sec. 2.3.5 of the *Burlington Comprehensive Development Ordinance* any decision or act taken by the administrative officer may be appealed to the Development Review Board as specified under the requirements of Article 12.

The following interpretation is to be used regarding the applicability of the *Burlington Comprehensive Development Ordinance* relative to use of the payment in lieu option for only part of a covered project's inclusionary zoning requirement.

This interpretation shall apply for zoning permitting and enforcement purposes only.

The payment in lieu option may be used to satisfy a covered project's inclusionary zoning requirement in whole or in part, subject to the standards of Sec. 9.1.13. If used in part, the marginal fee approach shall still be used and shall be based on the number of dwelling units within the project as articulated by Sec. 9.1.13. For example, a 17-unit project that provides 2 inclusionary units onsite and uses the payment in lieu option for the 3rd inclusionary unit, the payment in lieu fee would be \$70,000.

A handwritten signature in black ink, appearing to read "William Ward".

William Ward, Director of Permitting & Inspections