

Town of Richmond
Planning Commission Meeting
AGENDA
Wednesday, April 6th, 2022, 7:00 PM
Online via Zoom

PLEASE NOTE: In accordance with Act 78, this meeting will be held online and conference call via Zoom only. You do not need a computer to attend this meeting. You may use the "Join By Phone" number to call from a cell phone or landline. When prompted, enter the meeting information provided below to join by phone.

For additional information about this meeting, please contact Ravi Venkataraman at 802-434-2430 or at rvenkataraman@richmondvt.gov.

The Zoom online meeting information is as follows:

Join Zoom Meeting: <https://us02web.zoom.us/j/83503119719>

Meeting ID: 835 0311 9719

Join by phone: (929) 205-6099

For additional information and accommodations to improve the accessibility of this meeting, please contact Ravi Venkataraman at 802-434-2430 or at rvenkataraman@richmondvt.gov.

1. Welcome, sign in and troubleshooting
2. Review of the agenda and adjustments to the agenda
3. Public Comment for non-agenda items
4. Approval of Minutes
 - March 16th, 2022
5. Discussion on the Gateway District
6. Discussion on defining Affordable Housing terms
7. Other Business, Correspondence, and Adjournment

Table of Contents

4. Approval of Minutes

- Page 3: March 16, 2022 Planning Commission Meeting Minutes

5. Discussion on the Gateway District

- Page 8: Gateway Discussion Document
- Page 9: Natural Resources Board Act 250 Criterion 9(L) Guidance
- On separate standalone documents:
 - “UpperGatewayWetlands.pdf” – Map showing locations of known and possible wetlands in the upper Gateway area
 - “LowerGatewayWetlands.pdf” – Map showing location of known and possible wetlands in the lower Gateway area
 - “UpperGatewayFloodplains.pdf” – Map showing extent of floodplain in upper Gateway area
 - “LowerGatewayFloodplains.pdf”- Map showing extent of floodplain in lower Gateway area
 - “UpperGatewayContour.pdf” – Map showing contour lines in upper Gateway area
 - “LowerGatewayContour.pdf” – Map showing contour lines in lower Gateway area

6. Discussion on defining Affordable Housing terms

- Page 10: Affordable Housing Definitions

Richmond Planning Commission
REGULAR MEETING MINUTES FOR March 16, 2022

Members Present:	Virginia Clarke, Lisa Miller, Dan Mullen, Joy Reap, Chris Granda, Mark Fausel, Alison Anand,
Members Absent:	Chris Cole,
Others Present:	Ravi Venkataraman (Town Planner/Staff), Erin Wagg (MMCTV), Gary Bressor, Jay Furr, Rod West, Bob Reap

1. Welcome and troubleshooting

Virginia Clarke called the meeting to order at 7:01 pm.

2. Review of the agenda and adjustments to the agenda

Clarke reviewed the meeting agenda. No adjustments to the agenda were made or suggested.

3. Public Comment for non-agenda items

None.

4. Approval of Minutes

No comments. The minutes are accepted into the record as written.

5. Nomination of a Zoning Administrator

Ravi Venkataraman overviewed the process of finding a new zoning administrator. Venkataraman reviewed candidate Tyler Machia’s understanding of land use in Vermont, and the onboarding process. Clarke asked if Venkataraman will remain the backup zoning administrator when the zoning administrator is unavailable. Venkataraman confirmed. Miller asked for clarification on what the Planning Commission would be voting on. Venkataraman said that there was some confusion when the commission appointed current Interim Zoning Administrator Kayla Vaccaro, but that currently the commission would be considering Machia as the town’s permanent zoning administrator for a full three-year term.

Motion by Miller, seconded by Dan Mullen, to nominate Tyler Machia to serve as the Zoning Administrative Officer for a three-year term for the Town of Richmond effective as of April 14, 2022. Voting: unanimous. Motion carried.

6. Vote on proposed zoning amendments to wetlands, vehicle fueling station, and nonconforming structures and uses

Clarke reviewed the changes made to the draft language since the March 2, 2022 meeting. Clarke also noted that Sections 2.4.2, 5.7.7, and 6.8.15 will also need to be amended. Venkataraman clarified that in

all three aforementioned sections, the cross-reference to nonconforming uses and structures will need to be changed.

Granda asked if the setback modification provision is adequately specific in its applicability to buildings built prior to April 1, 1969, and how subsequent modifications are taken into account. Venkataraman said that in his interpretation, the setback modification provision would apply to nonconforming buildings built prior to April 1969 that have been added to or modified since, but would not apply to buildings that have been fully replaced after April 1969. Granda asked if the language is adequate. Venkataraman said that based on the literal read of the text, the language is adequate. Clarke added that during the last meeting, the commission discussed including a sunset clause because the buildings that would be eligible for the setback modification provision are primarily in the village and that the commission are looking to reduce the setback requirements for buildings in the village.

Mark Fausel asked about the applicability of the wetlands regulations, and asked about why the wetlands regulations states that a permit is required for development if the zoning regulations already state that any land development requires a permit. Clarke said that the clause serves as a reminder to the zoning administrator and applicants, and pointed to the changes in Section 6.9.4.

Joy Reap asked if the proposed language goes beyond the State Wetlands Rules. Clarke said that the proposed language does not. Fausel pointed to the proposed language regarding lawns and asked if the state bans the creation of new lawns. Clarke said that to her knowledge the state does not ban the creation of new lawns—which means that the proposed language does go beyond the state rules—that the state allows for some leeway based on the context of the proposed development.

Clarke asked for a vote on the proposed language.

Motion by Granda, seconded by Mullen, to approve the enclosed Municipal Bylaw Amendment Report and forward to the Selectboard proposed amendments to the following sections of the Richmond Zoning Regulations: 3.3.2, 3.4.2, 3.5.2, 3.6.2, 3.7.2, 4.7, 4.8, 4.9, 4.10, 4.11, 4.12, 4.13, 5.10, 6.9, 7, Appendix A1, 2.4.2, 5.7.7, and 6.8.15. Voting: 6-0 (Alison Anand abstained). Motion carried.

Clarke asked the commission to forward to the Selectboard the rationale for limiting the vehicle fueling station uses to four pumping islands, along with the bylaw amendment report and the proposed language. The commission agreed. Clarke reviewed the rationale. Venkataraman said that the rationale document is in the meeting materials for the February 2, 2022 meeting.

7. Discussion on the Gateway District

Clarke reviewed the discussions and takeaways from the Gateway outreach sessions during the previous meetings, centering on housing, commercial development opportunities, and the secondary road. Clarke noted the Water and Sewer Commission's current challenges with finding funding for the water/sewer extension project.

Reap asked about how zoning can enable creating a road. Clarke said that this would involve creating an official map, and reserving the land for the right-of-way over time with the redevelopment of parcels. Venkataraman overviewed the official map tool, stating that the town can prevent development within areas allocated for future rights-of-way or public spaces, and that when a property is redeveloped, the

town has the option of purchasing the land for the future right-of-way. Venkataraman said that the town has the option of turning down the land for the right-of-way during the process. Venkataraman said that official map opens up conversations with landowners and developers on developing future public infrastructure. Clarke added that the official map as a zoning tool has been in the books for more than 40 years and that the tool works best when it is created collaboratively. Granda noted that based on how the official map works, it would be a multi-decade process, a lift for the town to build out the roadway, and would require buy-in from the residents.

Miller asked making a site visit to examine the developability of the area, and suggested getting more input from property owners.

Clarke reviewed the to-do list in the meeting materials—clarification on Act 250 requirements, the feasibility of building a road, the likelihood of affordable housing, a site visit. Mullen asked for clarification on affordable housing. Clarke said that affordable housing could apply to income-restricted housing, and housing that middle income households could afford. Venkataraman that affordable housing typically applies to middle-income housing, aimed for the average workforce. Venkataraman added that the term “inclusionary zoning” applies to creating diverse residential unit types within a neighborhood, which in effect creates a mixed-income neighborhood. Clarke said that the commission will need working definitions to understand which types of projects will receive funding. Venkataraman said that funding is available for perpetually affordable housing for the workforce. Granda asked if the conversation is about placing restrictions and income screening for rental housing. Venkataraman said that the restrictions can be applied to both rental and owner-occupied housing, in order to lower the barrier to entry and allow people to generate capital in order to cycle out of the income-restricted housing. Venkataraman said that in his experience affordable rental housing has been given more focus, but that both rental and owner-occupied housing are important so that people can access housing and build wealth over time. Venkataraman said that in addition, one of the state goals is to create residential areas with income-restricted housing that include different types of units so that in the end the neighborhood includes residents of different incomes in different housing types, and that this is one of the goals of the Neighborhood Development Designation program. Clarke noted the difficulty of building out inclusionary affordable housing.

Miller asked how the commission could encourage such buildout in the Gateway area. Granda said that the commission could do so by defining terms and setting regulations.

Rod West said that he hopes the water/sewer extension project would not need an Act 250 permit, that he doesn't think any luxury housing would be built because of its location, and that he hopes the zoning would encourage housing but is mixed residential/commercial to let the market decide.

Gary Bressor suggested that the commission hire graphics assistance to get a better sense of buildout in the Gateway area.

Granda said that the commission should look into when different buildout options take effect, and that the commission should examine the role of affordability in the drafting of the zoning, considering that the market is not providing enough affordable housing.

Clarke suggested further outreach with the property owners, creating multiple options for zoning regulations, hiring graphics assistance, using the Capital Plan to help create more housing, and looking

into ways to help create a pedestrian connection to the Gateway.

Bressor noted possible wetlands issues throughout the Gateway. Clarke suggested hiring a wetlands ecologist to investigate the area.

Clarke asked the commission how they feel about creating two separate districts. Reap asked for clarification on the uses the commission is considering while keeping out strip development. Clarke said that the district the Reaps' properties would be located in could have a wide range of commercial uses and multifamily housing, and that in the other proposed district in the Gateway, commercial uses would be limited, and multifamily dwelling uses would be allowed. Reap said that lots other than her properties in the district are deep and could be able to host commercial uses. Clarke said that more outreach is needed, and that the commission could allow for a mix of uses in general.

Clarke asked West about his preferred options. West said that he would prefer mixed uses. West said that his property has wetlands on the eastern and western sides, and that developing a road would be an expensive undertaking. West noted development challenges on Mumford's property.

Clarke said that more clarification on the presence of wetlands in the Gateway, and the applicability of Act 250 is needed. Miller said that the developable areas need to be identified. Venkataraman clarified that the town engineers, Act 250 and he are in agreement that the town will need to get an Act 250 amendment, but that they are not in agreement how much of a factor criteria 9(L) will be in the review process. Clarke asked if Venkataraman could get a concrete sense of how 9(L) would apply from Act 250 staff.

Anand suggested zoning the Willis Farm area as residential and putting the commercial areas closer to the highway, and that living close to a highway is undesirable.

Clarke asked Venkataraman if drafting zoning for mixed use development that would not promote strip development would be feasible. Venkataraman said that it would be feasible, and that the commission will need to be specific about the site plan review standards to encourage interconnectivity across lots over time. Clarke said that the commission will need to consider how to make the Gateway area walkable.

Jay Furr said that for the ARPA funds the ARPA committee is soliciting requests from all community members, the allocation of ARPA funds is not happening anytime soon. Furr said that the Water and Sewer Commission is still figuring out the sizing of the possible infrastructure and the payback methods, and that getting a better sense of possible buildout would provide guidance. Furr said that the pot of grant money available for the infrastructure extension is not very large, that establishing a growth center designation could help pay for the extension, that he wants the grand list value to expand because that would make the water and sewer extension project more affordable, and that extending both water and sewer lines could be prohibitively expensive. Granda asked Furr for more details about the repayment of the infrastructure. Furr said that the town could create a special assessment district for the repayment of the bond for the water and sewer extension which could be based on current and future grand list values.

Clarke suggested that after the meeting, the commission address the questions regarding the locations of wetlands, the applicability of Act 250 Criteria 9(L), and the feasibility of creating zoning regulations for a mixed use district. Clarke suggested setting up a site visit. Miller suggested putting together visuals and

then asking property owners to comment. Reap said that she is willing to put together renderings and suggests asking Gateway landowners to put together drawings to showcase their ideas.

Clarke asked the commission members' availability for a site visit. Granda said that weekends work better than weekdays. Clarke suggested that Venkataraman could coordinate with West and other Gateway landowners to set up a site visit on a weekend.

8. Other Business, Correspondence, and Adjournment

Venkataraman said that per statute the commission secretary has to receive the Capital Plan in advance of the public hearing, and that the commission has the option of providing recommendations to the Selectboard on the Capital Plan. Clarke asked if the Capital Plan will be set every year. Venkataraman said that the plan is reviewed every year, that the plan is set for a five-year period, and that the plan will be reviewed in the fall to make sure that the spending for the Capital Plan is in line with the budget. Clarke said that the Capital Plan would need to include a specific request. Venkataraman said that any request must include a good ballpark estimate on the costs.

Clarke said that the Housing Committee is waiting on a draft final report on the Zoning for Affordable Housing study, and that it should be ready soon.

Motion by Anand, seconded by Granda, to adjourn the meeting. Voting: unanimous. Motion carried. The meeting adjourned at 9:05 pm.

Respectfully submitted by Ravi Venkataraman, Town Planner

Goal for Gateway zoning work: to update the zoning in a way that will allow for but not depend upon the extension of the wastewater +/- water in the Gateway, and that will:

- Maintain scenic entrance to Richmond village
- Avoid “commercial strip development” appearance
- Allow for modest amount more housing and some commercial opportunities for residents of the district
- Allow for Act 250 9(L) approval if extension of the wastewater +/- water lines beyond the Reaps’ becomes likely
- Facilitate the continued development of Willis Farm into an attractive commercial/multifamily node as envisioned in their PUD plan with access from Rt 2 by way of the Willis Farm Rd and a pedestrian connection towards the village
- Retain the SW side of Rt 2 primarily as floodplain farmland
- Promote a pedestrian/bike connection between the Park and Ride and the village center; possibly allow for transit stop(s) along Rt 2 for a future public transit link

ACTION for PC: Agree on goals, these or others

Approaches: I see two possible approaches:

1. **A single district**, the area as current, but rebranded as “Gateway Residential/Commercial” or “Gateway Mixed Use”
2. **Two separate districts:** “Gateway Residential” as the northern ½, and “Gateway Commercial” as the southern ½

Assumptions for these approaches:

- Under either scenario, Willis Farm needs a few more commercial uses and multifamily housing, possibly adjustments to density, lot coverage etc, but is willing to work on an attractive layout and the pedestrian path – this would be a bit easier under the **two districts** scenario but possible under the **one district** plan
- There will be no additional curb cuts under either scenario
- There doesn’t seem to be enough room for a secondary road and internal circulation of traffic except within Willis Farm. This means that additional buildings would have access to Rt 2 from the current driveways, which would become shared driveways or private roads as development happened.
- There would be less overall impact on the traffic on Rt 2 with the **two district** scenario (residential creates less).
- Act 250 9(L) approval might be easier with **two districts** scenario.
- Additional development could occur by way of (these are all doable):
 1. more lots (reduced minimum lot size)
 2. greater residential density allowed
 3. multiple buildings per lot allowed
 4. multiunit buildings allowed
 5. greater lot coverage allowed
- Wide vegetated buffer strips would be required along Rt 2 and between any housing and I-89. It is not desirable to have housing facing close to Rt 2 with a 45 mph speed limit (a commuter road), or close to I-89.
- Residents would likely have more development options with the **one district** scenario.

ACTION for PC: agree to work up these 2 scenarios; 1 of these scenarios; or some other (set of) scenario(s)

Other related ongoing efforts:

- Organize site visit for PC and others
- Wetlands and other natural constraints mapping? Conservation Fund funding?
- Poster-sized buildout visualizations?
- Possible zoning documents for the **one district** and **two district** scenarios

- Look into Neighborhood Development Area (NDA) Program

Natural Resources Board Act 250 Criterion 9(L) Guidance -- for Gateway discussion 4.6.22

To satisfy 9(L) “project” (i.e. extension of W&S lines) must promote the following:

- Efficient use of the land
- Minimizing characteristics of “commercial strip development”
- Area is planned for growth

“Efficient use of land” may vary widely with context and there may be unique circumstances – general strategies to increase efficient land use include:

- Consolidating and coordinating utilities and access
- Mixing uses
- Multistory buildings
- Clustering development
- Minimizing off-street parking and using shared and/or on-street parking
- Planning to accommodate future growth
- Design that fosters a grid network of roads
- Redeveloping existing buildings and site
- Minimizing setbacks
- Building energy efficient structures
- Integrating renewable energy generation

“Commercial Strip Development” definition from 10 VSA 6001(36):

A project is considered strip development if it includes 3 or more of the following characteristics:

- Linear (lacks depth) development along a public highway
- Commercial (provision of goods, services, facilities for payment)
- 17. Broad road frontage and large side setbacks
- Predominance of single-story buildings
- Limited reliance on shared road access
- Lack of connection to any existing settlement except by the highway
- Lack of connection to surrounding land uses except by the highway
- Lack of coordination with surrounding land uses
- Limited accessibility for pedestrians

Topographic constraints must be considered by the Act 250 Board. The topography may make it impossible to avoid certain characteristics of strip development.

In our case, we could consider that we have both unique circumstances and topographic constraints.

- The area in question is small, narrow and completely bounded on all sides, likely **too narrow** to have internal circulation or a grid network of roads
- The RLT parcel and the cemetery prevent a direct extension from the village to the area
- The area is proposed for a small amount of growth in our Town Plan in the event of W&S extension. The W&S District expansion to the area was recently approved by the residents of the area.
- The Town Plan proposes mixed uses in conjunction with a scenic entryway to the village
- This area is not suitable for farm or forest land or natural resource protection, so it makes a good place for some limited development
- The topography (wetlands) makes connecting the parcels difficult
- The area is relatively near the village center, so even if not quite walkable, the VMT for accessing services will be less than if located in a more remote part of town.
- The area lies along the route of future public transit that would link the village center to the Park and Ride, and potentially to the large mobile home park on the other side of Exit 11, so it could be easily served.

Affordable Housing Definitions

From [24 V.S.A. §4303](#)

"**Affordable housing**" means either of the following:

- A. Owner-occupied housing for which the total annual cost of ownership, including principal, interest, taxes, insurance, and condominium association fees, does not exceed 30 percent of the gross annual income of a household at 120 percent of the highest of the following:
 - i. the county median income, as defined by the U.S. Department of Housing and Urban Development;
 - ii. the standard metropolitan statistical area median income if the municipality is located in such an area, as defined by the U.S. Department of Housing and Urban Development; or
 - iii. the statewide median income, as defined by the U.S. Department of Housing and Urban Development.
- B. Rental housing for which the total annual cost of renting, including rent, utilities, and condominium association fees, does not exceed 30 percent of the gross annual income of a household at 80 percent of the highest of the following:
 - i. the county median income, as defined by the U.S. Department of Housing and Urban Development;
 - ii. the standard metropolitan statistical area median income if the municipality is located in such an area, as defined by the U.S. Department of Housing and Urban Development; or
 - iii. the statewide median income, as defined by the U.S. Department of Housing and Urban Development.

"**Affordable housing development**" means a housing development of which at least 20 percent of the units or a minimum of five units, whichever is greater, are affordable housing units. Affordable units shall be subject to covenants or restrictions that preserve their affordability for a minimum of 15 years or longer as provided in municipal bylaws.

From [24 V.S.A. §4414\(7\)](#):

Inclusionary zoning. In order to provide for affordable housing, bylaws may require that a certain percentage of housing units in a proposed subdivision, planned unit development, or multi-unit development meets defined affordability standards, which may include lower income limits than contained in the definition of "affordable housing" in subdivision 4303(1) of this title and may contain different affordability percentages than contained in the definition of "affordable housing development" in subdivision 4303(2) of this title. These provisions, at a minimum, shall comply with all the following:

- A. Be in conformance with specific policies of the housing element of the municipal plan.

Planning Commission – 4/6/22 Meeting Materials

- B. Be determined from an analysis of the need for affordable rental and sale housing units in the community.
- C. Include development incentives that contribute to the economic feasibility of providing affordable housing units, such as density bonuses, reductions or waivers of minimum lot, dimensional or parking requirements, reductions or waivers of applicable fees, or reductions or waivers of required public or nonpublic improvements.
- D. Require, through conditions of approval, that once affordable housing is built, its availability will be maintained through measures that establish income qualifications for renters or purchasers, promote affirmative marketing, and regulate the price, rent, and resale price of affordable units for a time period specified in the bylaws.

From Hinesburg Zoning Regulations

Affordable housing or Affordable: Housing priced such that the total cost of the housing, including principal, interest taxes and insurance and condominium association fees, if owned housing, or the total cost of the housing, including rent, utilities and condominium association fees, if rental housing, is not more than 30% of the gross annual income of a household earning not more than 80% of the county median income or 80% of the standard metropolitan statistical area (MSA) income, as defined by the US Department of Housing and Urban Development, and adjusted for household size.

From Williston Unified Development Bylaw

46.3.9 Affordable Housing consists of dwellings that will be made available for rent or for sale at prices which allow them to be rented or acquired by households having incomes of no more than the median household income for Chittenden County, as defined by the United States Department of Housing and Urban Development, and adjusted for family size, without spending more than thirty (30) percent of their incomes on housing costs. Housing costs for renters shall include rent and utilities (heat, hot water, trash removal, and electricity). For homeowners, housing costs include mortgage (interest and principal), property taxes, and property insurance. To qualify as 'affordable,' the future rent or price of resell of a unit must be restricted to a rate of appreciation established by agreement with a housing trust or a public housing agency, as authorized by 27 V.S.A. § 610.

From Essex Zoning Regulations

Affordable Housing: As defined by 24 V.S.A §4303(1), (A) Housing that is owned by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income, or 80 percent of the standard metropolitan statistical area income if the municipality is located in such an area, as

defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes, insurance, and condominium association fees is not more than 30 percent of the household's gross annual income; or (B) Housing that is rented by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income, or 80 percent of the standard metropolitan statistical area income if the municipality is located in such an area, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than 30 percent of the household's gross annual income.

Affordable Housing Development: As defined by 24 V.S.A §4303(2), a housing development in which at least twenty percent (20%) of the units, or a minimum of five (5) units, whichever is greater, are affordable housing units. Affordable units shall be subject to covenants or restrictions that preserve their affordability for a minimum of 15 years, unless a longer period of time is specified by the Regulations.

From South Burlington Land Development Regulations

Affordable housing. A dwelling Unit:

(A) Owned

- 1) The sales price for which does not exceed the maximum price for a household with a gross annual income that does not exceed 80% of the median income for the Burlington-South Burlington Metropolitan Statistical Area as defined by the United States Department of Housing and Urban Development (Burlington-South Burlington MSA); and
- 2) For which the total annual cost of ownership, including principal, interest, taxes, condominium association fees and insurance, does not exceed 30% of the gross annual income of a household at 80% of the median income for the Burlington-South Burlington MSA at the time of purchase; and
- 3) Which is owned by its inhabitants, whose gross annual household income at time of purchase does not exceed 100% of the median income for the Burlington-South Burlington MSA; and
- 4) The sales price for which shall remain perpetually affordable to households with a gross annual household income that does not exceed 80% of the median income for the Burlington-South Burlington MSA

(B) Housing that is rented

- 1) The rent for which does not exceed the maximum price calculated for a household with a gross annual income that does not exceed 80% of the median income for the Burlington-South Burlington MSA; and
- 2) For which the total annual cost of renting, including rent, utilities, and condominium association fees, does not exceed thirty percent (30%) of the gross annual income of a

household at 80% of the median income for the Burlington-South Burlington MSA at the time of initial occupancy; and

- 3) Which is rented by its inhabitants whose gross annual household income at time of initial occupancy does not exceed 80% of the median income for the Burlington-South Burlington MSA; and
- 4) The rent for which shall remain perpetually affordable to households with a gross annual household income that does not exceed 80% of the median income for the Burlington-South Burlington MSA This definition, however, does not apply to housing projects covered under inclusionary zoning, pursuant to 24 VSA Section 4414(7). See Section 18.01 (Inclusionary Zoning).

Below market rate households. Households whose aggregate income does not exceed eighty percent (80%) of the county median income, as defined by the United States Department of Housing and Urban Development in the case of for-purchase housing, or does not exceed sixty-five percent (65%) of the county median income, as defined by the United States Department of Housing and Urban Development in the case of rental housing.

Household. A group of between one (1) and four (4) unrelated individuals, or one (1) or more individuals related by blood, marriage, adoption and/or fosterage, occupying a dwelling unit and living as a single housekeeping unit. For the purposes of Inclusionary Zoning, the Household Size is the total number of individuals (adults and children) in the household that will occupy an Inclusionary Unit, regardless of each individual household member's relationship, if any, to other members of the household.

Household Income. The household income for an applicant seeking to rent or purchase an Inclusionary Unit is the total combined annual cash income, whether earned (for example, salary, wages, tips, or commissions) or unearned (for example, benefits, unemployment compensation, interest, dividends) of each household member.

Inclusionary ownership unit. A dwelling unit:

- 1) The sales price for which does not exceed the maximum price for a household with a gross annual income that does not exceed 80% of the median income for the Burlington-South Burlington Metropolitan Statistical Area (MSA), as calculated using a United States Department of Housing and Urban Development (HUD) formula that defines a unit-specific household size based on dwelling unit size (i.e. number of bedrooms); and
- 2) Which is owned by its inhabitants, whose gross annual household income at time of purchase does not exceed 100% of the median income for the Burlington-South Burlington MSA, adjusted for the household size; and
- 3) The sales price for which shall remain perpetually affordable to households with a gross annual household income that does not exceed 80% of the median income for the Burlington-South Burlington MSA;

Note the unit-specific household size based on the number of bedrooms and the actual household size of the purchasing household do not have to be the same.

Inclusionary rental unit. A dwelling unit:

- 1) The rent for which does not exceed the maximum price calculated for a household with a gross annual income that does not exceed 80% of the median income for the Burlington-South Burlington MSA, to which the unit is targeted, as calculated using a HUD formula that defines a unit-specific household size based on dwelling unit size (i.e. number of bedrooms) to which the inclusionary unit is targeted; and
- 2) Which is rented by inhabitants whose gross annual household income at time of initial occupancy does not exceed 80% of the median income for the Burlington-South Burlington MSA, adjusted for the household size; and
- 3) The rent for which shall remain perpetually affordable to households with a gross annual household income that does not exceed 80% of the median income for the Burlington-South Burlington MSA; Note the unit-specific household size based on the number of bedrooms and the actual household size of the renting household do not have to be the same.

Inclusionary Zoning. Provisions under Section 18.01 of these regulations, as authorized under 24 VSA Section §4414(7), which establish minimum requirements and incentives for the construction of housing to meet the needs of low- and moderate-income households.

Inclusionary Unit. A housing unit that is affordable to a low- or moderate income household under inclusionary zoning requirements

From Burlington Zoning Regulations

Affordable Housing/Unit: A housing development or unit for which the monthly rent, monthly carrying charge (including utilities paid by the tenant or co-op member), or monthly mortgage payment plus the average monthly utilities cost does not exceed thirty percent (30%) of household income adjusted for household size or for which carrying charges paid by the owner-occupant (including mortgage payments, taxes, condominium fees, and insurance) shall not exceed thirty percent (30%) of the household's income. A household size of 1.5 shall be used in determining whether a one (1) bedroom unit is affordable housing. A household size of 3, 4, 5, and 6, respectively, shall be used in determining whether a two (2) bedroom unit, three (3) bedroom unit, or a four (4) bedroom unit is affordable housing.

Certificate of Inclusionary Housing Compliance: A certificate approved by the Housing Trust Fund, in consultation with the Community and Economic Development Office, which certificate provides legal assurance that a developer's obligations under this ordinance will be satisfied.

Inclusionary Unit or Affordable Inclusionary Unit: Any dwelling unit within any covered project that is made affordable pursuant to Article 6 Part 1 of this ordinance.

Limited Equity Dwelling Unit: Any dwelling unit in which the occupant possesses an ownership interest and which is kept affordable for low- or moderate-income households through restrictions upon equity accrual of the occupant's ownership interest.

Low-income Household: A household with income not exceeding eighty percent (80%) of median income for the Burlington MSA, as set forth in regulations promulgated from time to time by the U.S. Department of Housing and Urban Development pursuant to 42 U.S.C. Section 1437 et seq.

Market Unit: A dwelling unit that is available for sale or rent at a price determined by the economy at which both the buyer and the seller are willing to do business, where each is informed as to the advantages and limitations of the property. This definition does not include either Inclusionary or affordable Inclusionary units, as defined herein.

Median Income: The income for the Burlington MSA set forth in or calculated by regulations promulgated by the United States Department of Housing and Urban Development, pursuant to Section 8 of the Housing Act of 1937, as amended by the Housing and Community Development Act of 1974. The median income that is current on the first day of March of any year shall be used throughout the subsequent twelve (12) months in calculating the general requirements for affordable housing under Article 9.

Moderate-income Household: A household having an income not exceeding one hundred ten percent (110%) of median income for the Burlington MSA, as set forth in regulations promulgated from time to time by the U.S. Department of Housing and Urban Development pursuant to 42 U.S.C. Section 1437 et seq.

Very Low-income Household: A household having an income not exceeding fifty percent (50%) of median income for the Burlington MSA, as set forth in regulations promulgated from time to time by the U.S. Department of Housing and Urban Development pursuant to 42 U.S.C. Section 1437 et seq.

Additional Links

[Inclusionary Zoning](#) – From Vermont Natural Resources Council (VNRC) Community Planning Toolbox

[Housing Regulations](#) – From Vermont Planning Information Center (VPIC)