



City of Hudson – Inclusionary zoning - Affordable Housing Overlay Zones

Prepared for:
City of Hudson
Mayor Kamal Johnson;
Michelle Tullo, AICP, Housing Justice Director

Prepared by:
BFJ Planning
Frank Fish, FAICP, Principal;
Thomas Madden, AICP, Associate Principal
Peter Van den Kooy AICP, PP, Associate Principal

This technical memorandum has been prepared at the request of the City of Hudson to look at the potential for any temporary affordable housing overlays in the interim. At the same time, the City is pursuing a new comprehensive plan and zoning code update.

1. Overview

The National Low Income Housing Coalition notes that there is a shortage of more than 7 million affordable homes for the nation's 10.8 million-plus extremely low-income families. Housing advocates agree that exclusionary zoning regulations have created barriers to developing diverse housing stock in many communities. Inclusionary housing programs allow local communities to set local rules or develop initiatives that encourage or require the creation of affordable housing units. At the state and local levels, a significant emphasis has been placed on increasing the housing supply to meet the local demand for all housing types. Many factors help contribute to these supply issues; however, outdated zoning rules allow for either big apartment buildings downtown or single-family homes on big lots without a variety of housing found between these two types to help address the housing crisis. Municipalities are looking for solutions to address these issues in their own community.

Current Incentive Zone

The City of Hudson offers incentive zoning under § 325-28.2. The Planning Board may, within the Local Waterfront Revitalization Area in any residential district or district authorizing residential uses, grant a density bonus permit to vary the residential density of the underlying zoning district up to a maximum of 20% or, in the case of the provision of low- or moderate-income housing, up to a maximum of 30% in exchange for an applicant providing one or more of the following public amenities within the LWRA. The City allows the Planning Board to grant the additional ten-percent bonus for the provision of affordable housing where Affordable housing must remain affordable for 40 years, and all affordable housing units created shall have the same outward physical appearance as market-rate housing units located on the same parcel or in the same development. When affordable housing units are provided for in perpetuity, the Planning Board may grant a height variance of another one story above the otherwise applicable height restriction. These current provisions do not seem to achieve the desired effect of creating more affordable housing in the community. It is important to note that the LWRP does not cover the entire City and misses areas that could take advantage of the current incentive zoning.

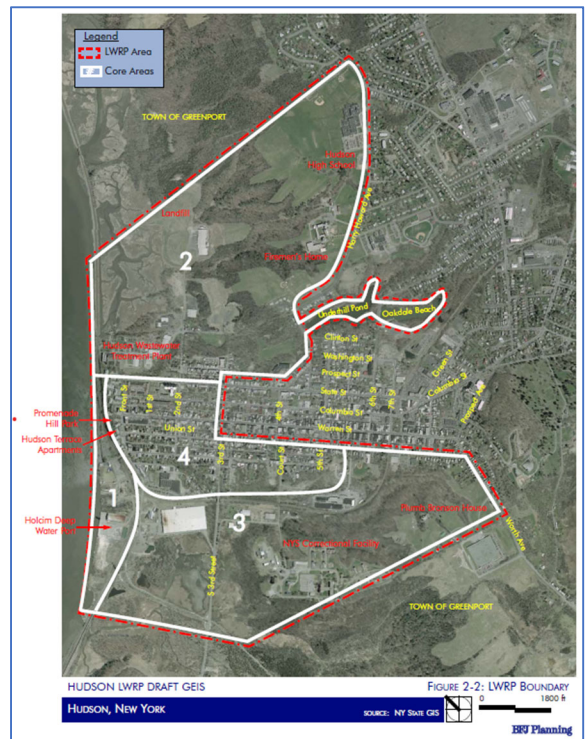


Figure 1 LWRP Map

Overlay Zoning Districts

Overlay zoning districts are widely used throughout the country to promote certain types of development in an area. The provisions of an overlay district can be more restrictive or more expansive than those contained in the underlying zoning. For example, the overlay district may provide zoning incentives and waivers to encourage affordable housing development. The municipality can encourage various housing types and allow for greater densities to maximize the number of units produced. Reduced zoning restrictions incentivize developers to build affordable housing and promote infill development and increased density. These districts can also include financial incentives to property owners, such as increased flexibility and density that the underlying zoning may not allow. Municipalities can also offer reduced taxes by entering into Payment In Lieu of Taxes (POILT) agreements. It is important to remove as many impediments to development that help target low- and moderate-income renters and homebuyers in areas with limited affordable housing or high development costs.

What is an Affordable Housing Overlay Zones (AHOZ)

Several techniques have been identified for local governments to address the affordable housing issue. Municipalities regulate properties through zoning, indicating how property can be used and developed. This, in turn, affects the price of land as the zoning determines the types of buildings and densities of these buildings that can be developed on the land—increasing the allowable density found in the underlying zoning results in an increased capacity for a community to accommodate new development, both housing and nonresidential. One step that is often taken to increase the housing supply is to change local zoning, or ‘upzone,’ to allow for more housing. The creation of an overlay zone in which it ‘floats over’ over the existing zone(s) on the zoning map and affixes to a specific parcel only if a developer meets certain conditions. Creating affordable housing overlay zones (AHOZ) is a relatively new approach to addressing the gentrification and displacement resulting from upzoning.

The development of new affordable housing is challenging and difficult in New York. This is due in part to numerous factors, including; high land costs and property taxes, competition from market-rate developers, and local review and approval processes. AHOZ can be a flexible tool that encourages development, unlike conventional zoning designations. Overlay zones may include a variety of incentives for developers to include affordable units in their projects, such as:

- Increased density bonus
- Increased allowable heights
- Lower parking requirements
- By-right zoning or administrative project approval
- Streamlined permitting
- Allowing housing in locations not zoned for residential uses
- Impact fee waivers
- Lower parking requirements
- Smaller or no setback

Benefits of Affordable Housing Overlay Zones (AHOZ)

This type of overlay zone would be added to the city of Hudson’s zoning map and zoning code, which would provide could provide substantial density bonuses (beyond the 30% that is included in the current density bonuses), as well as additional other development incentives for housing projects with high percentages of below-market-rate housing units in areas beyond the LWRP boundaries. Density bonuses will likely only be used by nonprofit and public housing developers; the market price of land will presumably be based on how the land could be developed without the density bonus, which should make it easier for those types of developers to acquire land for their housing projects. The expended area can offer affordable housing developers additional incentives to provide the community with specific amenities and community benefits in exchange for particular concessions by the city. Treating AHOZ projects as ‘by right’ permitted uses in a zoning code will reduce the extra time and expense needed when an applicant is required to go through a discretionary development review process (such as those typically required for conditional uses).

Another benefit is using the overlay district where the current zoning doesn’t allow residential development. AHOZs can enable housing construction while avoiding the lengthy process of amending the 2002 City of Hudson Comprehensive Plan. A key benefit of overlay zones is that they offer flexibility in developing more housing while reducing development costs without imposing significant costs on the jurisdiction. The overlay zoning can be tailored to meet the development needs and desired character of individual neighborhoods and districts before the comprehensive planning process begins.

AHOZ Considerations

An affordable housing overlay zoning ordinance should have four key components: (1) a defined geographic area; (2) thresholds for the number of affordable units and/or affordability levels required for projects to qualify for different overlay zone incentives; (3) defined incentives given to qualifying projects; and (4) streamlined permitting and approval processes.

AHOZs do not re-zone land; they create an additional set of development options that land owners can choose to exercise at their discretion. AHOZs can be applied to specific sites rather than all properties in a particular zone. This provides an opportunity to target underperforming properties, under-used properties, or could otherwise benefit from being redeveloped. This could have the added benefits of using existing infrastructure (i.e., infill development strategy) and revitalizing an area. It also allows a jurisdiction to target some properties within a zone while avoiding others that may be proximate to incompatible land uses, especially nonconforming ones.

Housing overlay zones describe areas where jurisdictions provide incentives for housing development on sites that are not zoned for residential use. If housing is introduced into non-residential zones, care should be taken to ensure that any new commercial uses are appropriately regulated to ensure they are compatible with housing. AHOZs can provide higher density bonuses and greater incentives than those provided under the current city of Hudson incentive zone. Because they offer incentives in exchange for producing affordable housing, AHOZs avoid some of the challenges and limitations associated with mandatory inclusionary zoning, impact fee, or in lieu fee policies.

2. Current Best Practices

Cambridge, Massachusetts

Cambridge, Massachusetts, has been struggling to effectively address the issue of affordable housing, focusing on addressing the three challenges - high land costs, competition for scarce development sites, and discretionary review by boards. The goal of the 100%-Affordable Housing Zoning Overlay was to help housing developers, using public funds, create new affordable units more quickly, cost-effectively, and in areas with fewer affordable housing options for residents.

To provide an incentive for affordable housing developers, Cambridge adopted an AHOZ in 2020, which allowed any AHO Project to be permitted as-of-right if the project meets all of the standards outlined in this Affordable Housing Overlay zone ordinance in place of the requirements otherwise applicable in the zoning district the project is in. Suppose the project does not meet the standards of the AHOZ requirements. In that case, the project is subject to the requirements otherwise applicable in the zoning district, including any requirements for special permits.

The AHOZ allows for more density, greater height, and faster administrative approval for housing projects that provide 100% of their housing units at below-market rates, whether the units are owner-occupied or for rent. This includes:

- Allowing 4-story buildings in every residential zone (including single-family zones), with up to 7 stories allowed along commercial corridors;
- Removing maximum density standards, although there are dimensional and lot coverage requirements;
- Reducing minimum parking standards; and
- Treating AHOZ developments as permitted uses and allowed ‘by right’ (i.e., no conditional use or other extra review processes).

The AHOZ also sets eligibility, rent, and initial sale price standards for AHOZ dwelling units. For rental AHOZ dwelling units, the ordinance states that “(i) The gross household income of an AHO Eligible Household upon initial occupancy shall be no more than one-hundred percent (100%) of AMI. (ii) At least eighty percent (80%) of AHO Dwelling Units within the project shall be occupied by AHO Eligible Households whose gross household income upon initial occupancy is no more than eighty percent (80%) of AMI.” For owner-occupied AHO Dwelling Units, the ordinance states that “(i) The gross household income of an AHO Eligible Household upon initial occupancy shall be no more than one-hundred percent (100%) of AMI. (ii) At least fifty percent (50%) of AHO Dwelling Units shall be sold to AHO Eligible Households whose gross household income upon initial occupancy is no more than eighty percent (80%) of AMI. (iii) The initial sale price of an AHO Dwelling Unit shall be approved by CDD. It shall be determined to ensure that the monthly housing payment (which shall include debt service at prevailing mortgage loan interest rates, utilities, condominium or related fees, insurance, real estate taxes, and parking fees, if any) shall not exceed thirty percent (30%) of the monthly income of 1) A household earning ninety percent (90%) of AMI, in the case of an AHO Dwelling Unit to be sold to an AHO Eligible Household whose income upon initial occupancy is no more than one-hundred percent (100%) of AMI; or 2) A household earning seventy percent (70%) of AMI, in the case of an AHO Dwelling Unit to be sold to an AHO Eligible Household whose income upon initial occupancy is no more than eighty percent (80%) of AMI.”

Since adopting the Cambridge AHOZ provisions, over 350 affordable units have been constructed or are in the development pipeline for construction. The neighboring city of Somerville adopted its 100% AHOZ provisions right after Cambridge's new law.

Berkeley, California

The City of Berkeley has taken numerous stapes to address affordable housing in the last several years. The City's first step was to end exclusionary zoning and move forward to legalize fourplexes with its zones. In 2021, the City moved forward with creating a 100% Affordable Housing Overlay, building on a model provided by a similar overlay approved by Cambridge, Massachusetts, in October 2020.

The Berkeley ordinance set to revise the zoning code and General Plan, permitting increased height and density for 100% affordable housing developments, including but not limited to exceeding standards outlined in CA Gov Code 65915 with additional local height and density incentives. The law would set the affordability level to 100% affordable housing to extremely low, very low, low, and moderate incomes based on California area income levels. The law also set the length of time the affordable housing requirement applies to the project through a deed restriction. Like the Cambridge ordinance, Berkeley gave ministerial approval for projects contingent on objective zoning and design criteria and qualifying projects to be contingent on the fire-blocking design and defensible space standards certified by the Planning Dept.

The City increased allowable density in R3, R4, and all C-prefixed zoning districts local density bonus in addition to, and duplicative of, the state density bonus in Gov Code 65915. In the R4 zone, the city amended the General Plan to increase density to 150 units/acre, and in the R3 zone to 125 units/acre in R-1, R-1A, R-2, and R-2A. The City also allowed for a local 12 ft height bonus waiving density limits. In R-1, R-1A, R-2, and R-2A increase to 165 units/acre. All density limits were waived, including units/acre, FAR, and 80% lot coverage for all parcels within ½ mile of a commuter rail station or within ¼ mi of an AC Transit bus route with 7-day service in FY2019. Increased density outside of transit proximity is contingent on travel demand modeling policies to reduce vehicle miles traveled, including bike parking, paratransit, and shared micro-mobility systems.

Princeton, New Jersey

Since the passage of the zoning overlays to allow for affordable housing at a greater density in 2020, the Planning Board has approved six applications for new residential developments that include affordable housing.

The overlay zones utilize more generous zoning requirements to incentivize developers to build affordable units. The overlay zone offers front and side yard minimums at 0 feet setbacks, the maximum impervious coverage of 90 percent, and the building height could be 3.5 stories – not to exceed 45 feet. The owner would have to include a minimum of 20 percent of all dwellings, rounded up to the next whole dwelling unit, which must be deed restricted for occupancy by low- and moderate-income households under the rules of the Council on Affordable Housing and the Uniform Housing Affordability Controls.

3. Conclusion

Affordable housing will continue to be challenging for the City of Hudson. Affordable housing overlay zoning is an emerging and innovative approach that some communities throughout the U.S. are starting to adopt. This zoning mechanism attempts to counter some of the unintended gentrification and displacement consequences when a property is rezoned, especially when those zoning actions are being taken to address affordable housing.

If the City of Hudson is to address the need for more affordable housing, the current incentive zone under § 325-28.2 needs to change to encourage additional development. Following the four critical components for AHOZ: (1) a defined geographic area; (2) thresholds for the number of affordable units and/or affordability levels required for projects to qualify for different overlay zone incentives; (3) defined incentives given to qualifying projects; and (4) streamlined permitting and approval processes; the following changes are suggested:

1) Defined geographic area

Under the current law, the Planning Board may, within the Local Waterfront Revitalization Area (LWRA) in any residential district or district authorizing residential uses, grant a density bonus permit to vary the residential density of the underlying zoning district up to a maximum of 20% or, in the case of the provision of low- or moderate-income housing, up to a maximum of 30% in exchange for an applicant providing one or more of the following public amenities within the LWRA.

The City should expand where AHOZ can be applied within the municipality. In looking at the LWRA boundaries, a portion of the downtown area needs to be covered by the LWRP boundary, which properties need to be able to take advantage of the incentive zoning due to not authoring residential use.

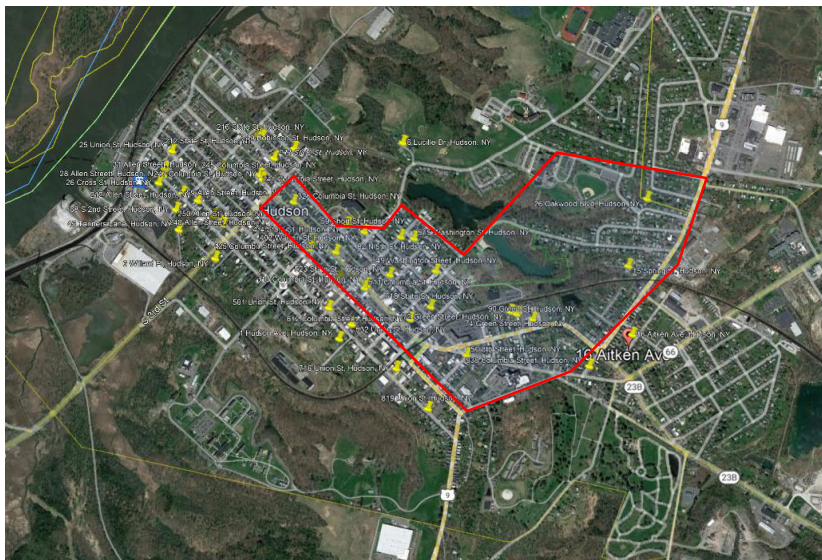


Figure 2 Vacant properties – Red outline area is not included for incentive.

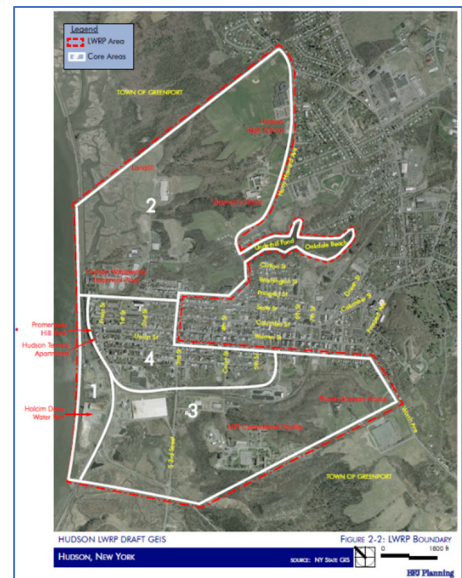


Figure 3 LWRP Map

2) Thresholds for the number of affordable units and/or affordability levels required for projects to qualify for different overlay zone incentives

The City allows the Planning Board to grant the additional ten-percent bonus for the provision of affordable housing where Affordable housing must remain affordable for 40 years, and all affordable housing units created shall have the same outward physical appearance as market-rate housing units located on the same parcel or in the same development. When affordable housing units are provided for in perpetuity, the Planning Board may grant a height variance of another one story above the otherwise applicable height restriction.

The density bonus to be awarded is also contingent on an exchange for the provision of the community benefits or amenities outlined in § 325-28.2E; the Planning Board may award density bonuses by increasing the density of the underlying zoning district up to a maximum of 20% in proportion to the degree to which the proposed community benefit or amenity confers to the public a benefit. An additional ten-percent bonus may be awarded for the provision of affordable housing as provided for in § 325-28.2G

The City should look at changing the period of affordability and levels of affordability it is trying to target and set goals to achieve longer-term affordability than just 40 years. It is recommended that the Affordable Housing Committee complete the Massachusetts Housing Partnership Affordable Housing worksheet. This worksheet will help the City recraft its current ordinance.

3) Defined incentives given to qualifying projects

The most common type of incentive is a density bonus, which allows for the construction of a small number of additional, market-rate units in exchange for the provision of affordable units. The Planning Board may award density bonuses by increasing the density of the underlying zoning district up to a maximum of 20% in proportion to the degree to which the proposed community benefit or amenity confers to the public a benefit. An additional ten-percent bonus may be awarded for the provision of affordable housing as provided for in § 325-28.2G. No lot or parcel shall ever be eligible for a density bonus greater than a total increase of 20% or 30% in the case of the provision of low- or moderate-income housing.

However, the City should look at adding incentives that could include reductions in parking, setback, and permitting fees to help incentivize additional development. The City could also use funding from short-term rentals and the vacant building fees to help offset the construction cost.

4) Streamlined permitting and approval processes

The current approval process requires an applicant to seek approval from the Planning Board as part of an application for a density bonus permit as part of a site plan or subdivision approval in accordance with § 325-35 or § 325-35.1. The application requires a public hearing before taking action on any density bonus application, and such hearing, whenever practical, shall be incorporated into a hearing held, if any, pursuant to the State Environmental Quality Review Act. Upon approval, the applicant must file the density bonus permit with the Office of the Building Inspector within five business days after approval by the Planning Board.

These additional steps are not conducive to the City of Hudson’s goal of building affordable housing. It is recommended that the City of Hudson consider making affordable housing application under AHOZ application a ministerial act similar to the Cambridge, Massachusetts. The City can define, through a structured application process, in which the applicant meets clearly defined conditions for the staff approval of a project, similar to the construction of a single-family house. The City would need to amend its comprehensive plan and zoning code regulations to allow this to happen. The City could make this possible through its finding under State Environmental Quality Review Act during the comprehensive plan process.

Appendix A
Cambridge Massachusetts
AHOZ



City of Cambridge

O-3
IN CITY COUNCIL
June 10, 2020

COUNCILLOR MCGOVERN
COUNCILLOR SIMMONS
COUNCILLOR SOBRINHO-WHEELER
COUNCILLOR TOOMEY

ORDERED: That the attached proposed zoning ordinance establishing an Affordable Housing Overlay be submitted by the City Council, and that it be referred to the Committee on Ordinances and the Planning Board for public hearings, as provided in Chapter 40A, Section 5 of the Massachusetts General Laws, to wit:

ORDERED: That the Cambridge City Council amend Section 2.000, DEFINITIONS, of the Zoning Ordinance of the City of Cambridge amended to insert the following definitions alphabetically:

Affordable Housing Overlay (AHO). A set of modified development standards set forth in Section 11.207.3 of this Zoning Ordinance intended to allow incremental increases in density, limited increases in height, and relaxation of certain other zoning limitations for residential developments in which all units are made permanently affordable to households earning up to 100% of area median income.

Affordable Housing Overlay (AHO) Dwelling Unit. A dwelling unit within an AHO Project for which occupancy is restricted to an AHO Eligible Household and whose rent or initial sale price is established by the provisions of Section 11.207.3 of this Zoning Ordinance.

Affordable Housing Overlay (AHO) Eligible Household. A household whose gross household income does not exceed the amounts set forth in Section 11.207.3 of this Zoning Ordinance.

Affordable Housing Overlay (AHO) Project. The construction of a new building or buildings and/or the modification of an existing building or buildings resulting in single-family, two-family, townhouse, or multifamily dwellings within which each dwelling unit is an AHO Dwelling Unit subject to the standards and restrictions set forth in Section 11.207 of this Zoning Ordinance.

Grade. The mean finished ground elevation of a lot measured either around the entire perimeter of the building or along any existing wall facing a public street, which ground elevation is maintained naturally without any structural support.

Ground Story or Ground Floor. The lowest Story Above Grade within a building. Story. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Story Above Grade. A Story whose highest point is more than 4 feet above the Grade.

Story Below Grade. Any Story that is lower than the Ground Story of a building.

ORDERED: That the Cambridge City Council amend of the Zoning Ordinance of the City of Cambridge, by inserting a new section 11.207, **AFFORDABLE HOUSING OVERLAY**, to read as follows:

11.207.1 Purpose and Intent

The purpose of this Section is to promote the public good by supporting the development of housing that is affordable to households earning up to 100% of area median income. The intent of this Section is to allow incremental increases in density, limited increases in height, and relaxation of certain other zoning limitations for residential developments in which all units are made permanently affordable to households earning up to 100% of area median income (referred to as “AHO Projects,” as defined in Article 2.000 of this Zoning Ordinance); to incentivize the reuse of existing buildings in order to create AHO Projects that are more compatible with established neighborhood character; to promote the city’s urban design objectives in Section 19.30 of this Zoning Ordinance while enabling AHO Projects to be permitted as-of-right, subject to non-binding advisory design consultation procedures that follow all design objectives set forth within this Zoning Ordinance and the results of the design review process shall be provided to the Cambridge Affordable Housing Trust; and to apply such standards throughout the City, to promote city planning goals of achieving greater socioeconomic diversity and a more equitable distribution of affordable housing citywide.

11.207.2 Applicability

- (a) The provisions set forth in this Section shall apply to AHO Projects, as defined in Article 2.000 of this Zoning Ordinance, in all zoning districts except Open Space Districts.
- (b) An AHO Project shall be permitted as-of-right if it meets all of the standards set forth in this Affordable Housing Overlay in place of the requirements otherwise applicable in the zoning district. Any development not meeting all of the standards set forth in this Affordable Housing Overlay shall be subject to the requirements otherwise applicable in the zoning district, including any requirements for special permits.

11.207.3 Standards for Eligibility, Rent, and Initial Sale Price for AHO Dwelling Units

- (a) All dwelling units in an AHO Project shall comply with the standards for AHO Dwelling Units as set forth in this Section.
- (b) For all AHO Dwelling Units:
 - (i) AHO Dwelling Units shall be rented or sold only to AHO Eligible Households, with preference given to Cambridge residents, and former Cambridge residents who experienced a no-fault eviction in

Cambridge in the last twelve (12) months, in accordance with standards and procedures related to selection, asset limits, and marketing established by the Community Development Department (CDD) and applicable state funding requirements.

- (ii) AHO Dwelling Units shall be created and conveyed subject to recorded covenants approved by CDD guaranteeing the permanent availability of the AHO Dwelling Units for AHO Eligible Households.
- (c) For rental AHO Dwelling Units:
- (i) The gross household income of an AHO Eligible Household upon initial occupancy shall be no more than one-hundred percent (100%) of AMI.
 - (ii) At least eighty percent (80%) of AHO Dwelling Units within the project shall be occupied by AHO Eligible Households whose gross household income upon initial occupancy is no more than eighty percent (80%) of AMI.
 - (iii) Rent, including utilities and any other fees routinely charged to tenants and approved by CDD, shall not exceed thirty percent (30%) of the gross household income of the AHO Eligible Household occupying the AHO Dwelling Unit or other similar standard pursuant to an applicable housing subsidy program which has been approved by CDD.
 - (iv) After initial occupancy, the gross household income of an AHO Eligible Household shall be verified annually, or on such other basis required by an applicable housing subsidy program which has been approved by CDD, to determine continued eligibility and rent, in accordance with policies, standards, and procedures established by CDD.
 - (v) An AHO Eligible Household may continue to rent an AHO Dwelling Unit after initial occupancy even if the AHO Eligible Household's gross household income exceeds the eligibility limits set forth above, but may not exceed one hundred twenty percent (120%) of AMI for more than one year after that Eligible Household's gross household income has been verified to exceed such percentage, unless otherwise restricted pursuant to an applicable housing subsidy program which has been approved by CDD.
 - (vi) Notwithstanding the requirements set forth in (i) through (v) above, an owner may voluntarily choose to charge a lower rent than as provided herein for AHO Dwelling Units.
- (d) For owner-occupied AHO Dwelling Units:

- (i) The gross household income of an AHO Eligible Household upon initial occupancy shall be no more than one-hundred percent (100%) of AMI.
- (ii) At least fifty percent (50%) of AHO Dwelling Units shall be sold to AHO Eligible Households whose gross household income upon initial occupancy is no more than eighty percent (80%) of AMI.
- (iii) The initial sale price of an AHO Dwelling Unit shall be approved by CDD and shall be determined to ensure that the monthly housing payment (which shall include debt service at prevailing mortgage loan interest rates, utilities, condominium or related fees, insurance, real estate taxes, and parking fees, if any) shall not exceed thirty percent (30%) of the monthly income of:
 - 1) A household earning ninety percent (90%) of AMI, in the case of an AHO Dwelling Unit to be sold to an AHO Eligible Household whose income upon initial occupancy is no more than one-hundred percent (100%) of AMI; or
 - 2) A household earning seventy percent (70%) of AMI, in the case of an AHO Dwelling Unit to be sold to an AHO Eligible Household whose income upon initial occupancy is no more than eighty percent (80%) of AMI
- (e) An AHO Project meeting the standards set forth herein as approved by CDD shall not be required to comply with the Inclusionary Housing Requirements set forth in 11.203 of this Zoning Ordinance.

11.207.4 Use

- (a) In all zoning districts, an AHO Project may contain single-family, two-family, townhouse, or multifamily dwellings as-of-right. Townhouse and Multifamily Special Permit procedures shall not apply.
- (b) An AHO Project may contain active non-residential uses on the ground floor as they may be permitted as-of-right in the base zoning district or the overlay district(s) that are applicable to a lot, which for the purpose of this Section shall be limited to Institutional Uses listed in Section 4.33, Office Uses listed in Section 4.34 Paragraphs a. through e., and Retail and Consumer Service uses listed in Section 4.35 that provide services to the general public.

11.207.5 Development Standards

11.207.5.1 General Provisions

- (a) For the purposes of this Section, the phrase “District Development Standards” shall refer to the development standards of the base zoning district as they may be modified by the development standards of all overlay

districts (with the exception of this Affordable Housing Overlay) that are applicable to a lot.

- (b) District Dimensional Standards shall include the most permissive standards allowable on a lot, whether such standards are permitted as-of-right or allowable by special permit. A District Dimensional Standard that is allowable by special permit shall include any nondiscretionary requirements or limitations that would otherwise apply.
- (c) An AHO Project that conforms to the following development standards shall not be subject to other limitations that may be set forth in Article 5.000 or other Sections of this Zoning Ordinance, except as otherwise stated in this Section.

11.207.5.2 Dimensional Standards for AHO Projects

11.207.5.2.1 Building Height and Stories Above Grade. For an AHO Project, the standards set forth below shall apply in place of any building height limitations set forth in the District Development Standards.

- (a) Where the District Dimensional Standards set forth a maximum residential building height of forty (40) feet or less, an AHO Project shall contain no more than four (4) Stories Above Grade and shall have a maximum height of forty-five (45) feet, as measured from existing Grade. For AHO Projects containing active non-residential uses on the ground floor, the maximum height may be increased to fifty (50) feet but the number of Stories Above Grade shall not exceed four (4) stories.
- (b) Where the District Dimensional Standards set forth a maximum residential building height of more than forty (40) feet but not more than fifty (50) feet, an AHO Project shall contain no more than six (6) Stories Above Grade and shall have a maximum height of sixty-five (65) feet, as measured from existing Grade, except as further limited below. For AHO Projects containing active non-residential uses on the ground floor, the maximum height may be increased to seventy (70) feet but the number of Stories Above Grade shall not exceed six (6) stories.
 - (i) Except where the AHO Project abuts a non-residential use, portions of an AHO Project that are within thirty-five (35) feet of a district whose District Dimensional Standards allow a maximum residential building height of forty (40) feet or less shall be limited by the provisions of Paragraph (a) above, except that if the AHO project parcel extends into that District, then the height limitation shall only extend thirty five (35) feet from the property line.
- (c) Where the District Dimensional Standards set forth a maximum residential building height of more than fifty (50) feet, an AHO Project shall contain no more than seven

(7) Stories Above Grade and shall have a maximum height of eighty (80) feet, as measured from existing Grade, except as further limited below.

(i) Except where the AHO Project abuts a non-residential use, portions of an AHO Project that are within thirty-five (35) feet of a district whose District Dimensional Standards allow a maximum residential building height of forty (40) feet or less shall be reduced to a minimum of five (5) Stories Above Grade or a maximum height of sixty (60) feet, as measured from existing Grade, except that if the AHO project parcel extends into that District, then the height limitation shall only extend thirty five (35) feet from the property line.

(d) The Height Exceptions set forth in Section 5.23 of this Zoning Ordinance shall apply when determining the building height of an AHO Project.

11.207.5.2.2 Residential Density

(a) Where the District Dimensional Standards establish a maximum floor area ratio (FAR) of less than 1.00, an AHO Project shall not exceed an FAR of 2.00. Otherwise, there shall be no maximum FAR for an AHO Project.

(b) There shall be no minimum lot area per dwelling unit for an AHO Project.

11.207.5.2.3 Yard Setbacks

(a) For the purpose of this Section, the applicable District Dimensional Standards shall not include yard setback requirements based on a formula calculation as provided in Section 5.24.4 of the Zoning Ordinance, but shall include non-derived minimum yard setback requirements set forth in Article 5.000 or other Sections of this Zoning Ordinance.

(b) Front Yards. An AHO Project shall have a minimum front yard setback of 15 feet, except where the District Dimensional Standards establish a less restrictive requirement or where the average of the front yard setbacks of the four (4) nearest pre-existing principal buildings that contain at least two Stories Above Grade and directly front the same side of the street as the AHO Project, or may be reduced to a minimum of ten (10) feet in the case of an AHO Project on a corner lot. Where the District Dimensional Standards set forth different requirements for residential and non-residential uses, the non-residential front yard setback requirement shall apply to the entire AHO Project if the Ground Story contains a non-residential use as set forth in Section 11.207.4 Paragraph (b) above; otherwise, the residential front yard setback shall apply.

(c) Side Yards. An AHO Project shall have a minimum side yard setback of seven and one-half (7.5) feet, or may be reduced to the minimum side yard setback set forth in the

District Dimensional Standards for residential uses that is not derived by formula if it is less restrictive.

- (d) Rear Yards. An AHO Project shall have a minimum rear yard setback of twenty (20) feet, or may be reduced to the minimum rear yard setback set forth in the District Dimensional Standards for residential uses that is not derived by formula if it is less restrictive.
- (e) Projecting eaves, chimneys, bay windows, balconies, open fire escapes and like projections which do not project more than three and one-half (3.5) feet from the principal exterior wall plane, and unenclosed steps, unroofed porches and the like which do not project more than ten (10) feet beyond the line of the foundation wall and which are not over four (4) feet above Grade, may extend beyond the minimum yard setback.
- (f) Bicycle parking spaces, whether short-term or long-term, and appurtenant structures such as coverings, sheds, or storage lockers may be located within a required yard setback but no closer than seven and one-half (7.5) feet to an existing principal residential structure on an abutting lot.

11.207.5.2.4 Open Space

- (a) Except where the District Dimensional Standards establish a less restrictive requirement or as otherwise provided below, the minimum percentage of open space to lot area for an AHO Project shall be thirty percent (30%). However, the minimum percentage of open space to lot area may be reduced to no less than fifteen percent (15%) if the AHO Project includes the preservation and protection of an existing building included on the State Register of Historic Places.
- (b) The required open space shall be considered Private Open Space but shall be subject to the limitations set forth below and shall not be subject to the dimensional and other limitations set forth in Section 5.22 of this Zoning Ordinance. Private Open Space shall exclude parking and driveways for automobiles.
- (c) All of the required open space that is located at grade shall meet the definition of Permeable Open Space as set forth in this Zoning Ordinance.
- (d) The required open space shall be located at Grade or on porches and decks that are no higher than the floor elevation of the lowest Story Above Grade, except that up to twenty five percent (25%) of the required open space may be located at higher levels, such as balconies and decks, only if it is accessible to all occupants of the building.
- (e) For the purpose of this Affordable Housing Overlay, area used for covered or uncovered bicycle parking spaces that are not contained within a building shall be considered Private Open Space.

11.207.5.3 Standards for Existing Buildings

A building that is in existence as of the effective date of this Ordinance and does not conform to the standards set forth in Section 11.207.5.2 above may be altered, reconstructed, extended, relocated, and/or enlarged for use as an AHO Project as-of-right in accordance with the standards set forth below. Except as otherwise stated, the required dimensional characteristics of the building and site shall be those existing at the time of the conversion to an AHO Project if they do not conform to the standards of Section 11.207.5.2. The following modifications shall be permitted as-of-right, notwithstanding the limitations set forth in Article 8.000 of this Zoning Ordinance:

- (a) Construction occurring entirely within an existing structure, including the addition of Gross Floor Area within the interior of the existing building envelope that may violate or further violate FAR limitations set forth in Section 11.207.5.2, and including any increase to the number of dwelling units within the existing building, provided that the resulting number of Stories Above Grade is not more than the greater of the existing number of Stories Above Grade or the existing height of the building divided by 10 feet.
- (b) The relocation, enlargement, or addition of windows, doors, skylights, or similar openings to the exterior of a building.
- (c) The addition of insulation to the exterior of an existing exterior wall to improve energy efficiency, provided that the resulting exterior plane of the wall shall either conform to the yard setback standards set forth in Section 11.207.5.2 above or shall not intrude more than eight (8) inches further into the existing yard setback and provided that the lot shall either conform to the open space standards set forth in Section 11.207.5.2 or shall not decrease the existing open space by more than 5% or 100 square feet, whichever is greater.
- (d) The installation of exterior features necessary for the existing structure to be adapted to meet accessibility standards for persons with disabilities, including but not limited to walkways, ramps, lifts, or elevators, which may violate or further violate of the dimensional requirements set forth in Section 11.207.5.2.
- (e) The repair, reconstruction, or replacement of any preexisting nonconforming portions of a building including but not limited to porches, decks, balconies, bay windows and building additions, provided that the repair, reconstruction or replacement does not exceed the original in footprint, volume, or area.
- (f) Any other alterations, additions, extensions, or enlargements to the existing building that are not further in

violation of the dimensional requirements set forth in Section 11.207.5.2 above.

11.207.6 Parking and Bicycle Parking

The limitations set forth in Article 6.000 of this Zoning Ordinance shall be modified as set forth below for an AHO Project.

11.207.6.1 Required Off-Street Accessory Parking

- (a) There shall be no required minimum number of off-street parking spaces for an AHO Project except to the extent necessary to conform to other applicable laws, codes, or regulations.
- (b) An AHO Project of greater than 20 units, for which no off-street parking is provided shall provide or have access to either on-street or off-street facilities that can accommodate passenger pick-up and drop-off by motor vehicles and short-term loading by moving vans or small delivery trucks. The Cambridge Traffic, Parking, and Transportation Department shall certify to the Superintendent of Buildings that the AHO Project is designed to reasonably accommodate such activity without causing significant hazard or congestion. The Cambridge Director of Traffic, Parking, and Transportation shall have the authority to promulgate regulations for the implementation of the provisions of this Paragraph.

11.207.6.2 Accessory Parking Provided Off-Site

- (a) Off-street parking facilities may be shared by multiple AHO Projects, provided that the requirements of this Section are met by all AHO Dwelling Units served by the facility and the facility is within 1,000 feet of all AHO Projects that it serves.
- (b) Off-street parking facilities for an AHO Project may be located within existing parking facilities located within 1,000 feet of the AHO Project and in a district where parking is permitted as a principal use or where the facility is a pre-existing nonconforming principal use parking facility, provided that the owner of the AHO Project shall provide evidence of fee ownership, a long-term lease agreement or renewable short-term lease agreement, recorded covenant, or comparable legal instrument to guarantee, to the reasonable satisfaction of the Superintendent of Buildings, that such facilities will be available to residents of the AHO Project.

11.207.6.3 Modifications to Design and Layout Standards for Off-Street Parking

- (a) Notwithstanding Section 6.43.2, parking spaces may be arranged in tandem without requiring a special permit, provided that no more than two cars may be parked within any tandem parking space.
- (b) Notwithstanding Section 6.43.6, owners of adjacent properties may establish common driveways under mutual easements without requiring a special permit.

- (c) Notwithstanding Paragraph 6.44.1(a), on-grade open parking spaces may be located within ten (10) feet but not less than five (5) feet from the Ground Story of a building on the same lot or seven and one-half (7.5) feet from the Ground Story of a building on an adjacent lot without requiring a special permit, provided that such parking spaces are screened from buildings on abutting lots by a fence or other dense year-round visual screen.
- (d) Notwithstanding Paragraph 6.44.1(b), on-grade open parking spaces and driveways may be located within five (5) feet of a side or rear property line without requiring a special permit, provided that screening is provided in the form of a fence or other dense year-round visual screen at the property line, unless such screening is waived by mutual written agreement of the owner of the lot and the owner of the abutting lot.

11.207.6.4 Modifications to Bicycle Parking Standards

- (a) Notwithstanding Section 6.104, long-term or short-term bicycle parking spaces may be located anywhere on the lot for an AHO Project or on an adjacent lot in common ownership or under common control.
- (b) Notwithstanding Section 6.107.5, up to 20 long-term bicycle parking spaces may be designed to meet the requirements for Short-Term Bicycle Parking Spaces, so long as they are covered from above to be protected from precipitation.
- (c) The requirement for short-term bicycle parking shall be waived where only four or fewer short-term bicycle parking spaces would otherwise be required.
- (d) The number of required bicycle parking spaces shall be reduced by half, up to a maximum reduction of 28 spaces, where a standard-size (19-dock) Public Bicycle Sharing Station is provided on the lot or by the developer of the AHO Project on a site within 500 feet of the lot, with the written approval of the City if located on a public street or other City property, or otherwise by legally enforceable mutual agreement with the owner of the land on which the station is located as approved by the Community Development Department. If additional Public Bicycle Sharing Station docks are provided, the number of required bicycle parking spaces may be further reduced at a rate of 0.5 bicycle parking space per additional Public Bicycle Sharing Station dock, up to a maximum reduction of half of the required number of spaces.
- (e) For AHO Dwelling Units created within an existing building, bicycle parking spaces meeting the standards of this Zoning Ordinance shall not be required but are encouraged to be provided to the extent practical given the limitations of the existing structure. Bicycle parking spaces shall be provided, as required by this Zoning Ordinance, for

dwelling units in an AHO Project that are constructed fully outside the envelope of the existing structure.

11.207.6.5 Transportation Demand Management

An AHO Project not providing off-street parking at a ratio of 0.4 space per dwelling unit or more shall provide, in writing, to the Community Development Department a Transportation Demand Management program containing the following measures, at a minimum:

- (a) Offering either a free annual membership in a Public Bicycle Sharing Service, at the highest available tier where applicable, or a 50% discounted MBTA combined subway and bus pass for six months or pass of equivalent value, to up to two individuals in each household upon initial occupancy of a unit.
- (b) Providing transit information in the form of transit maps and schedules to each household upon initial occupancy of a unit, or providing information and a real-time transit service screen in a convenient common area of the building such as an entryway or lobby.

11.207.7 Building and Site Design Standards for New Development

11.207.7.1 General Provisions

- (a) Except where otherwise stated, the Project Review requirements set forth in Article 19.000 of this Zoning Ordinance and any design standards set forth in Section 19.50 or elsewhere in the Zoning Ordinance shall be superseded by the following standards for an AHO Project.
- (b) The following design standards shall apply to new construction and to additions to existing structures. Except as otherwise provided, an existing building that is altered or moved to accommodate an AHO Project shall not be subject to the following standards, provided that such alterations do not create a condition that is in greater nonconformance with such standards than the existing condition.

11.207.7.2 Site Design and Arrangement

- (a) The area directly between the front lot line and the principal wall plane of the building nearest to the front lot line shall consist of any combination of landscaped area, hardscaped area accessible to pedestrians and bicyclists, and usable spaces such as uncovered porches, patios, or balconies. Parking shall not be located within such area, except for driveway access which shall be limited to a total of thirty (30) feet of width for any individual driveway for each one hundred (100) feet of lot frontage.
- (b) Pedestrian entrances to buildings shall be visible from the street, except where the building itself is not visible from the street due to its location. All pedestrian entrances shall be accessible by way of access routes that are separated from motor vehicle access drives.

- (c) A building footprint exceeding two hundred and fifty (250) feet in length, measured parallel to the street, contains a massing recess extending back at least fifteen (15) feet in depth measured from and perpendicular to the front lot line and at least fifteen (15) feet in width measured parallel to the front lot line so that the maximum length of unbroken façade is one hundred fifty (150) feet.

11.207.7.3 Building Façades

- (a) At least twenty percent (20%) of the area of building façades facing a public street or public open space shall consist of clear glass windows. For buildings located in a Business A (BA), Business A-2 (BA-2), Business B (BB) or Business C (BC) zoning district, this figure shall be increased to thirty percent (30%) for non-residential portions of the building, if any.
- (b) Building façades shall incorporate architectural elements that project or recess by at least two feet from the adjacent section of the façade. Such projecting or recessed elements shall occur on an average interval of 40 linear horizontal feet or less for portions of the façade directly facing a public street, and on an average interval of 80 linear horizontal feet or less for other portions of the façade. Such projecting or recessed elements shall not be required on the lowest Story Above Grade or on the highest Story Above Grade, and shall not be required on the highest two Stories Above Grade of a building containing at least six Stories Above Grade. The intent is to incorporate elements such as bays, balconies, cornices, shading devices, or similar architectural elements that promote visual interest and residential character, and to allow variation at the ground floor and on upper floors where a different architectural treatment may be preferable.

11.207.7.4 Ground Stories and Stories Below Grade

- (a) The elevation at floor level of the Ground Story shall be at the mean Grade of the abutting public sidewalk, or above such mean Grade by not more than four feet. Active non-residential uses at the Ground Story shall be accessible directly from the sidewalk without requiring use of stairs or a lift. The requirements of this paragraph shall not apply if it is determined by the City Engineer that a higher Ground Story elevation is necessary for the purpose of flood protection.
- (b) Where structured parking is provided within the Ground Story of a building, the portion of the building immediately behind the front wall plane shall consist of residential units, common areas, or other populated portions of the building in order to screen the provided parking over at least seventy-five percent (75%) of the length of the façade measured parallel to the street and excluding portions of the façade used for driveway access. On a corner lot, the

requirements of this Paragraph shall only apply along one street.

- (c) The façade of a Ground Story facing a public street shall consist of expanses no longer than twenty-five (25) feet in length, measured parallel to the street, which contain no transparent windows or pedestrian entryways.
- (d) If the Ground Story is designed to accommodate active non-residential uses, the following additional standards shall apply:
 - (i) the height of the Ground Story for that portion of the building containing active non-residential uses shall be at least fifteen (15) feet;
 - (ii) the depth of the space designed for active non-residential uses shall be at least thirty-five (35) feet on average measured from the portion of the façade that is nearest to the front lot line in a direction perpendicular to the street, and measured to at least one street in instances where the space abuts two or more streets; and
 - (iii) that portion of the Ground Story façade containing active non-residential uses shall consist of at least thirty percent (30%) transparent glass windows or, if the use is a retail or consumer service establishment, at least thirty percent (30%) transparent glass windows, across the combined façade on both streets in the case of a corner lot.
- (e) Ground Stories on sites that are located in a Business base zoning district may include retail or consumer establishments as well as social service facilities supporting the mission of the owner of the AHO Project.
- (f) Private living spaces within dwelling units, including bedrooms, kitchens, and bathrooms, may only be contained within Stories Above Grade. Stories Below Grade may only contain portions of dwelling units providing entries, exits, or mechanical equipment, or common facilities for residents of the building, such as lobbies, recreation rooms, laundry, storage, parking, bicycle parking, or mechanical equipment

11.207.7.5 Mechanical Equipment, Refuse Storage, and Loading Areas

- (a) All mechanical equipment, refuse storage, or loading areas serving the building or its occupants that are (1) carried above the roof, (2) located at the exterior building wall or (3) located outside the building, shall meet the requirements listed below. Mechanical equipment includes, but is not limited to, ventilation equipment including exhaust fans and ducts, air conditioning equipment, elevator bulkheads, heat exchangers, transformers and any other equipment that, when in operation, potentially creates a noise detectable off the lot. The equipment and other

facilities: (a) Shall not be located within any required setback. This Paragraph (a) shall not apply to electrical equipment whose location is mandated by a recognized public utility, provided that project plans submitted for review by the City identify a preferred location for such equipment.

- (b) When on the ground, shall be permanently screened from view from adjacent public streets that are within 100 feet of the building, or from the view from abutting property in separate ownership at the property line. The screening shall consist of a dense year-round screen equal or greater in height at the time of installation than the equipment or facilities to be screened, or a fence of equal or greater height that is comparable in quality to the materials used on the principal facades of the building, with no more than twenty-five (25) percent of the face of the fence open with adjacent planting.
- (c) When carried above the roof, shall be set back from the principal wall plane by a dimension equal to at least the height of the equipment and permanently screened from view, from the ground, from adjacent public streets and any abutting residentially used lot or lots in a residential zoning district. The screening shall be at least seventy-five percent (75%) opaque and uniformly distributed across the screening surface, or opaque to the maximum extent permissible if other applicable laws, codes, or regulations mandate greater openness.
- (d) Shall meet all city, state and federal noise regulations, as applicable, as certified by a professional acoustical engineer if the Department of Inspectional Services deems such certification necessary.
- (e) That handle trash and other waste, shall be contained within the building or screened as required in this Section until properly disposed of.

11.207.7.6 Environmental Design Standards

- (a) This Section shall not waive the Green Building Requirements set forth in Section 22.20 of this Zoning Ordinance that may otherwise apply to an AHO Project.
- (b) Where the provisions of the Flood Plain Overlay District apply to an AHO Project, the performance standards set forth in Section 20.70 of this Zoning Ordinance shall apply; however, a special permit shall not be required.
- (c) An AHO Project shall be subject to other applicable laws, regulations, codes, and ordinances pertaining to environmental standards.
- (d) New outdoor light fixtures installed in an AHO Project shall be fully shielded and directed to prevent light trespass onto adjacent residential lots.

11.207.8 Advisory Design Consultation Procedure

Prior to application for a building permit, the developer of an AHO Project shall comply with the following procedure, which is intended to provide an opportunity for non-binding community and staff input into the design of the project.

- (a) The intent of this non-binding review process is to advance the City's desired outcomes for the form and character of AHO Projects. To promote the City's goal of creating more affordable housing units, AHO Projects are permitted to have a greater height, scale, and density than other developments permitted by the zoning for a given district. This procedure is intended to promote design outcomes that are compatible with the existing neighborhood context or with the City's future planning objectives for the area.
- (b) The City's Design Guidelines for 100% Affordable Housing Overlay, along with other design objectives and guidelines established for the part of the city in which the AHO Project is located, are intended to inform the design of AHO Projects and to guide the Planning Board's consultation and report as set forth below. It is intended that designers of AHO Projects, City staff, the Planning Board, and the general public will be open to creative variations from any detailed provisions set forth in such objectives and guidelines as long as the core values expressed are being served.
- (c) At least two community meetings shall be scheduled at a time and location that is convenient to residents in proximity to the project site. The Community Development Department (CDD) shall be notified of the time and location of such meetings, and shall give notification to abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the lot on which the AHO Project is proposed and to any individual or organization who each year files with CDD a written request for such notification, or to any other individual or organization CDD may wish to notify.
 - (i) The purpose of the first community meeting shall be for the developer to share the site and street context analysis with neighborhood residents and other interested parties prior to building design, and receive feedback from community members.
 - (ii) The purpose of the subsequent community meeting(s) shall be to present preliminary project designs, answer questions from neighboring residents and other interested members of the public, and receive feedback on the design. The date(s), time(s), location(s), attendance, materials presented, and comments received at such meeting(s) shall be documented and provided to CDD.

- (d) Following one or more such community meeting(s), the developer shall prepare the following materials for review by the Planning Board. CDD shall review to certify that the submitted written and graphic materials provide the required information in sufficient detail. All drawings shall be drawn to scale, shall include a graphic scale and north arrow for orientation, and shall provide labeled distances and dimensions for significant building and site features.
- (i) A context map indicating the location of the project and surrounding land uses, including transportation facilities.
 - (ii) A context analysis, discussed with CDD staff, including existing front yard setbacks, architectural character, and unique features that inform and influence the design of the AHO Project.
 - (iii) An existing conditions site plan depicting the boundaries of the lot, the locations of buildings, open space features, parking areas, trees, and other major site features on the lot and abutting lots, and the conditions of abutting streets.
 - (iv) A proposed conditions site plan depicting the same information above as modified to depict the proposed conditions, including new buildings (identifying building entrances and uses on the ground floor and possible building roof deck) and major anticipated changes in site features.
 - (v) A design statement on how the proposed project attempts to reinforce existing street/context qualities and mitigates the planned project's greater massing, height, density, &c.
 - (vi) Floor plans of all proposed new buildings and existing buildings to remain on the lot.
 - (vii) Elevations and cross-section drawings of all proposed new buildings and existing buildings to remain on the lot, depicting the distances to lot lines and the heights of surrounding buildings, and labeling the proposed materials on each façade elevation.
 - (viii) A landscape plan depicting and labeling all hardscape, permeable, and vegetated areas proposed for the site along with other structures or appurtenances on the site.
 - (ix) Plans of parking and bicycle parking facilities, as required by Section 6.50 of this Zoning Ordinance.
 - (x) Materials palettes cataloguing and depicting with photographs the proposed façade and landscape materials.
 - (xi) Existing conditions photographs from various vantage points on the public sidewalk, including

- photos of the site and of the surrounding urban context.
- (xii) Proposed conditions perspective renderings from a variety of vantage points on the public sidewalk, including locations adjacent to the site as well as longer views if proposed buildings will be visible from a distance.
 - (xiii) A dimensional form, in a format provided by CDD, along with any supplemental materials, summarizing the general characteristics of the project and demonstrating compliance with applicable zoning requirements.
 - (xiv) A brief project narrative describing the project and the design approach, and indicating how the project has been designed in relation to the citywide urban design objectives set forth in Section 19.30 of the Zoning Ordinance, any design guidelines that have been established for the area, and the Design Guidelines for the 100% Affordable Housing Overlay.
 - (xv) Viewshed analysis and shadow studies that show the impact on neighboring properties with existing Solar Energy Systems.
 - (xvi) An initial development budget that shows anticipated funding sources and uses including developer fee and overhead.
- (e) Within 65 days of receipt of a complete set of materials by CDD, the Planning Board shall schedule a design consultation as a general business matter at a public meeting and shall give notification to abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the lot on which the AHO Project is proposed and to any individual or organization who each year files with CDD a written request for such notification, or to any other individual or organization CDD may wish to notify. The materials shall be made available to the public in advance, and the Planning Board may receive written comments prior to the meeting from City staff, abutters, and members of the public.
- (f) At the scheduled design consultation, the Planning Board shall hear a presentation of the proposal from the developer and oral comments from the public. The Board may ask questions or seek additional information from the developer or from City staff.
- (g) The Planning Board shall evaluate the proposal for general compliance with the requirements of this Section, for consistency with City development guidelines prepared for the proposal area and the Design Guidelines for the 100% Affordable Housing Overlay, for appropriateness in terms

of other planned or programmed public or private development activities in the vicinity, and for consistency with the Citywide Urban Design Objectives set forth in Section 19.30. The Board may also suggest specific project adjustments and alterations to further the purposes of this Ordinance. The Board shall communicate its findings in a written report provided to the developer and to CDD within 20 days of the design consultation.

- (h) The developer may then make revisions to the design, in consultation with CDD staff, and shall submit a revised set of documents along with a narrative summary of the Planning Board's comments and changes made in response to those comments.
- (i) The Planning Board shall review and discuss the revised documents at a second design consultation meeting, which shall proceed in accordance with Paragraphs (c) and (d) above. Following the second design consultation, the Planning Board may submit a revised report and either the revised report or if there are no revisions the initial report shall become the final report (the "Final Report"). Any additional design consultations to review further revisions may occur only at the discretion and on the request of the developer or the Cambridge Affordable Housing Trust.
- (j) The Final Report from the Planning Board shall be provided to the Superintendent of Buildings to certify compliance with the procedures set forth herein.

11.207.9 Implementation of Affordable Housing Overlay

- (a) The City Manager shall have the authority to promulgate regulations for the implementation of the provisions of this Section 11.207. There shall be a sixty-day review period, including a public meeting, to receive public comments on draft regulations before final promulgation.
- (b) The Community Development Department may develop standards, design guidelines, and procedures appropriate to and consistent with the provisions of this Sections 11.207 and the above regulations.

11.207.10 Enforcement of Affordable Housing Overlay

The Community Development Department shall certify in writing to the Superintendent of Buildings that all applicable provisions of this Section have been met before issuance of any building permit for any AHO Project, and shall further certify in writing to the Superintendent of Buildings that all documents have been filed and all actions taken necessary to fulfill the requirements of this Section before the issuance of any certificate of occupancy for any such project.

11.207.11 Review of Affordable Housing Overlay

- (a) Annual Report. CDD shall provide an annual status report to the City Council, beginning eighteen (18) months after ordination and continuing every year thereafter. The report shall contain the following information: 6.1.a Packet Pg.

301 Attachment: 2020 AHO Zoning Petition Refile (POR 2020 #41 : 100% Affordable Housing Overlay Zoning Petition 2020)

- (i) List of sites considered for affordable housing development under the Affordable Housing Overlay, to the extent known by CDD, including site location, actions taken to initiate an AHO Project, and site status;
 - (ii) Description of each AHO Project underway or completed, including site location, number of units, unit types (number of bedrooms), tenure, and project status; and
 - (iii) Number of residents served by AHO Projects.
- (b) Five-Year Progress Review. Five (5) years after ordination, CDD shall provide to the City Council, Planning Board and the Affordable Housing Trust, for its review, a report that assesses the effectiveness of the Affordable Housing Overlay in increasing the number of affordable housing units in the city, distributing affordable housing across City neighborhoods, and serving the housing needs of residents. The report shall also assess the effectiveness of the Advisory Design Consultation Procedure in gathering meaningful input from community members and the Planning Board and shaping AHO Projects to be consistent with the stated Design Objectives. The report shall evaluate the success of the Affordable Housing Overlay in balancing the goal of increasing affordable housing with other City planning considerations such as urban form, neighborhood character, environment, and mobility. The report shall discuss citywide outcomes as well as site-specific outcomes.

History:
06/08/20 City Council

REFERRED

Affordable Housing Overlay (AHO) Prototypical Site Models

Cambridge Community Development Department (CDD)

June 20, 2019

With the support of design consultants HFMH Architects, CDD has worked to create conceptual site models based on the Affordable Housing Overlay (AHO) zoning petition. The purpose is to show the overall massing, configuration, and orientation of new residential development that might result from applying the proposed development standards on prototypical example sites. These prototypical sites are not meant to represent specific lots within the city, but they include varied lot sizes and types to illustrate the potential outcomes of the AHO on sites with different dimensions, orientations, and contexts.

Along with the development standards included in the AHO petition, each model includes assumptions about unit sizes and mixes based on contemporary affordable housing projects that receive funding from the Cambridge Affordable Housing Trust. The models also acknowledge basic building standards for residential spaces, such as access/egress routes and windows.

This package includes nine modeled development alternatives across four example sites. Most of the alternatives assume new construction on an empty lot to illustrate the results in a simple and straightforward way, although one alternative shows a potential addition to an existing building. In a real development scenario under the proposed AHO, a site would have a unique set of existing conditions that would factor into its design, and development could combine existing buildings (including non-conforming buildings) with new construction.

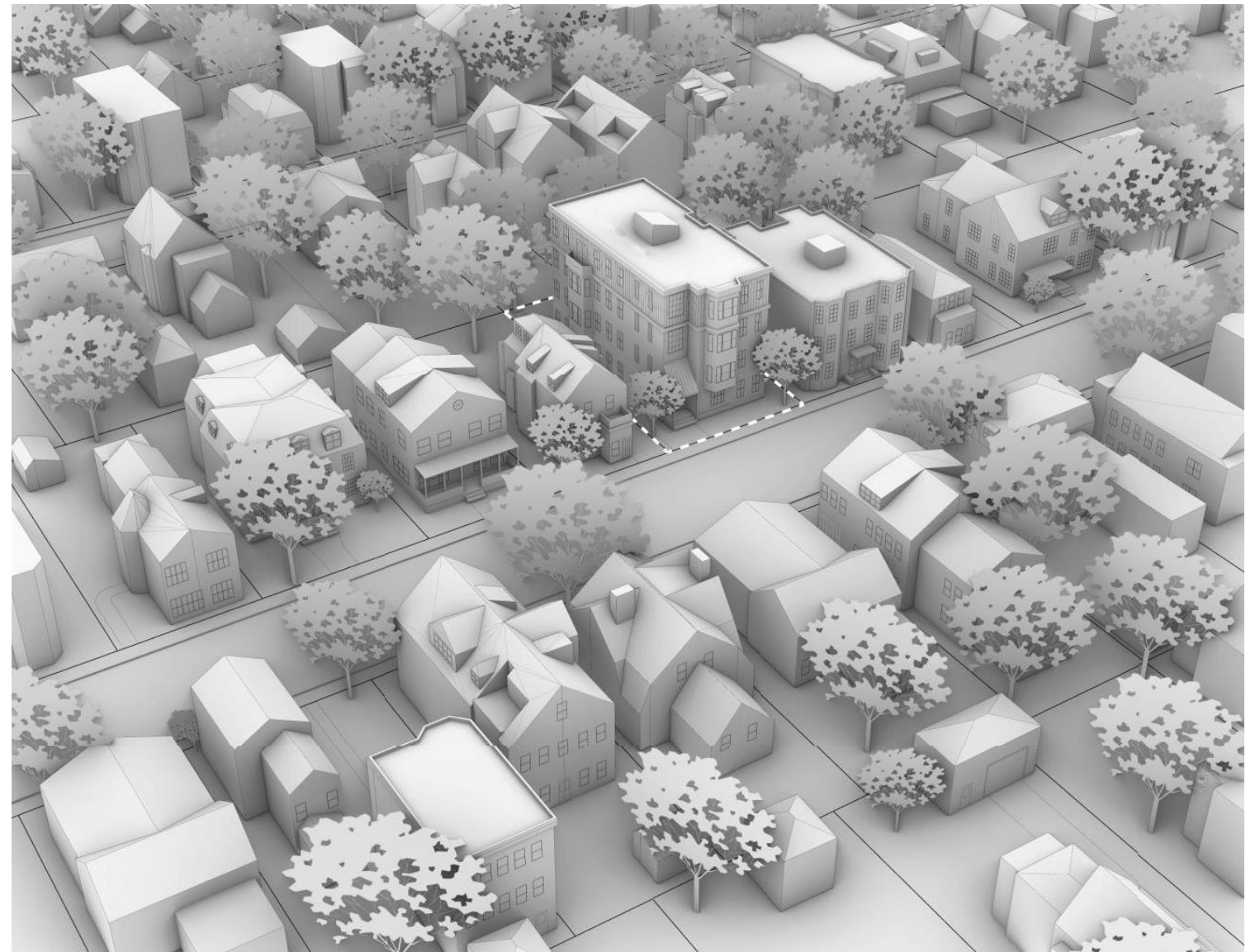
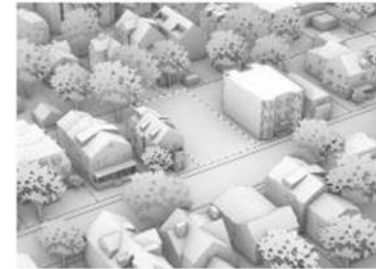
Each example site includes a development alternative with off-street parking at a ratio of 0.4 space per dwelling unit and an alternative without off-street parking, to illustrate the difference in outcomes. Under the current AHO petition text, projects could waive their parking requirement if they meet standards for proximity to transit or historic preservation, or if the project would otherwise require four or fewer parking spaces.

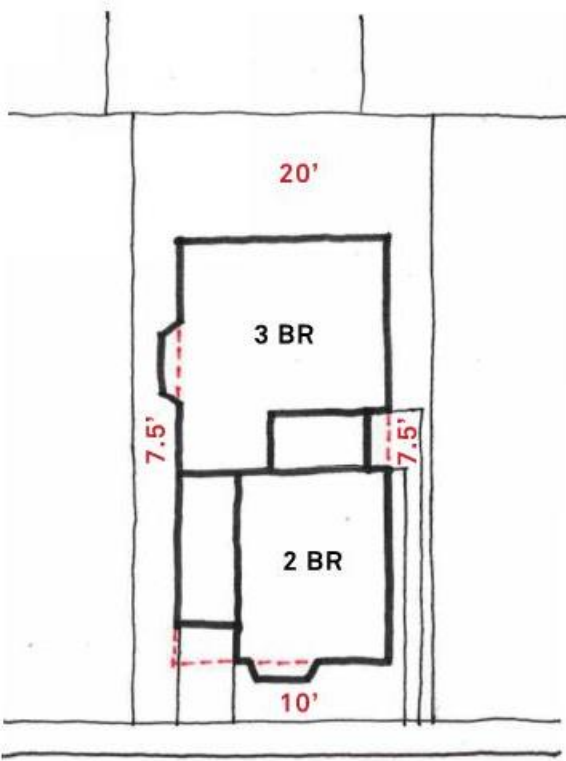
Credits: Images and calculations on Pages 2-5, 8-9, and 12-19 by HMFH Architects. Images and calculations on Pages 6-7 and 10-11 by Cambridge Community Development Department.

Site 1, Alternative A

This prototypical 5,000 square-foot lot has a width of 50 feet and depth of 100 feet, which is a standard lot dimension in the Residence B, C, and C-1 districts. The width of the street (including sidewalks) is about 40 feet. These districts vary throughout the city but are generally characterized by a mix of single-family, two-family, and multifamily housing at a prevailing scale of 2-3 stories.

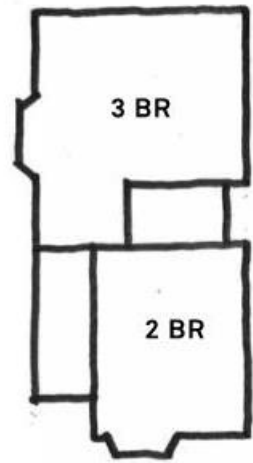
The model alternative assumes an empty lot with a new 4-story housing development and no on-site parking spaces. The setbacks are consistent with proposed AHO development standards in lower-scale residential zoning districts.





Ground Floor Plan

0' 32'



Upper Floors Plan (2-4)

0' 32'

Dimensional Characteristics (ALL FIGURES APPROXIMATE)

Stories Above Grade	4
Building Height	45 feet
Front Yard Setback	10 feet
Side Yard Setbacks	7.5 feet
Rear Yard Setback	20 feet
Building Footprint	2,450 square feet
Gross Floor Area (GFA)	9,800 square feet
Floor Area Ratio (FAR)	2.0
Dwelling Units	8 (4 two-bedroom, 4 three-bedroom)
Lot Area Per Dwelling Unit	625 square feet
Open Space Ratio	49%
Parking Spaces	0



Street view from front

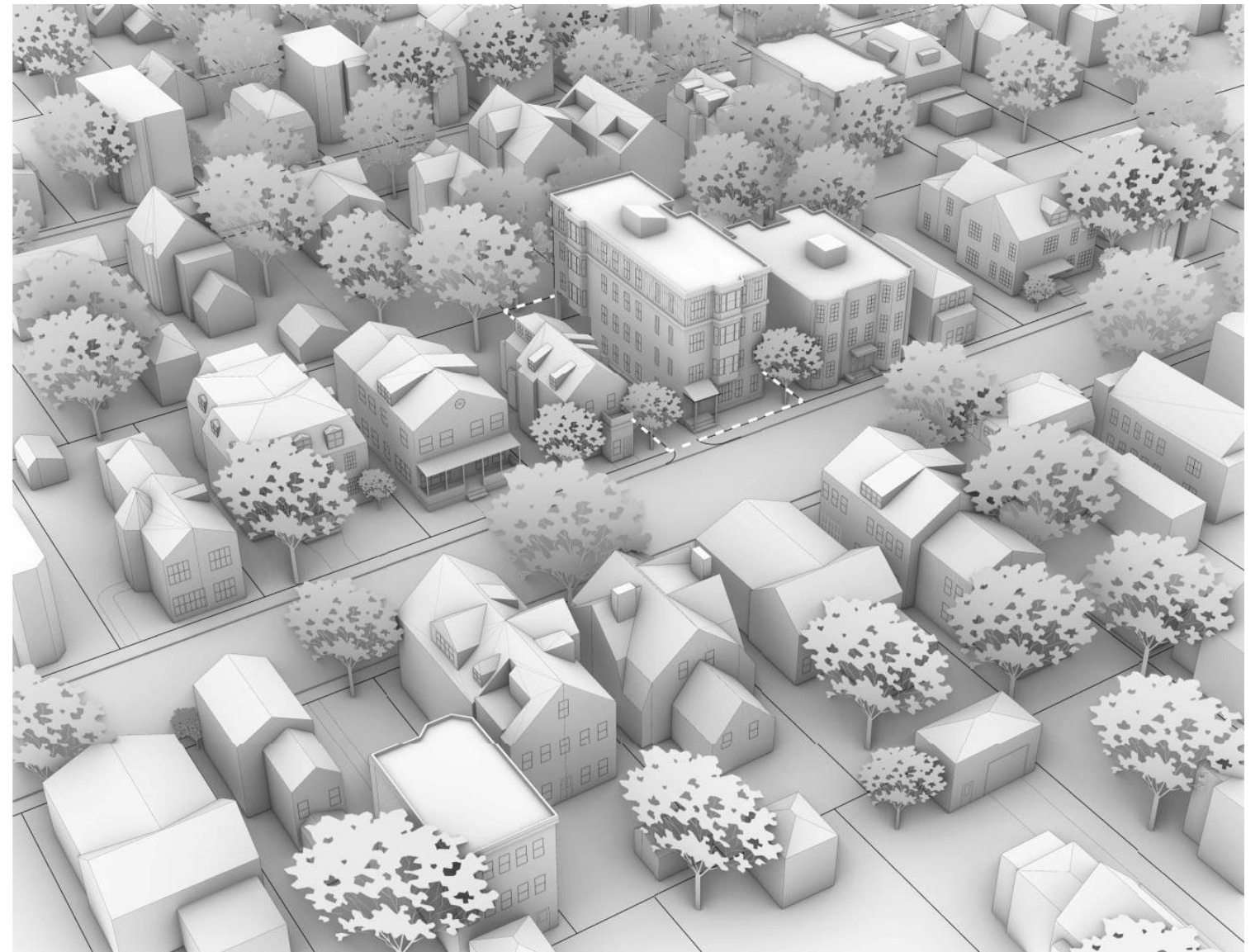
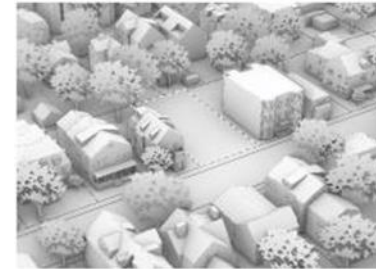


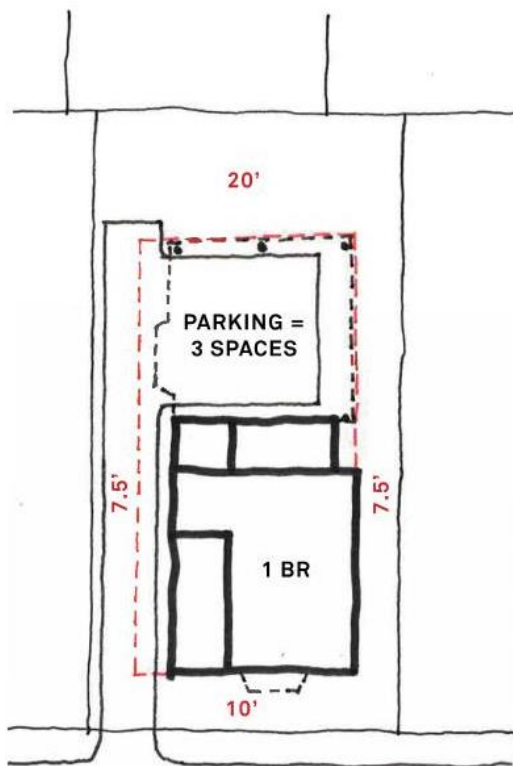
Street view from rear

Site 1, Alternative B

This prototypical 5,000 square-foot lot has a width of 50 feet and depth of 100 feet, which is a standard lot dimension in the Residence B, C, and C-1 districts. The width of the street (including sidewalks) is about 40 feet. These districts vary throughout the city but are generally characterized by a mix of single-family, two-family, and multifamily housing at a prevailing scale of 2-3 stories.

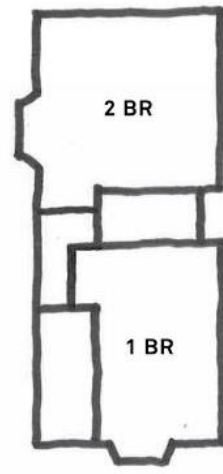
The model alternative assumes an empty lot with a new 4-story housing development and includes off-street parking spaces at a ratio of 0.4 space per dwelling unit. The setbacks are consistent with proposed AHO development standards in lower-scale residential zoning districts.





Ground Floor Plan

0' 32'



Upper Floors Plan (2-4)

0' 32'

Dimensional Characteristics (ALL FIGURES APPROXIMATE)

Stories Above Grade	4
Building Height	45 feet
Front Yard Setback	10 feet
Side Yard Setbacks	7.5 feet
Rear Yard Setback	20 feet
Building Footprint	2,120 square feet
Gross Floor Area (GFA)	7,560 square feet
Floor Area Ratio (FAR)	1.5
Dwelling Units	7 (4 one-bedroom, 3 two-bedroom)
Lot Area Per Dwelling Unit	714 square feet
Open Space Ratio	42%
Parking Spaces	3



Street view from front



Street view from rear

Site 1, Alternative C

This prototypical 5,000 square-foot lot has a width of 50 feet and depth of 100 feet, which is a standard lot dimension in the Residence B, C, and C-1 districts. The width of the street (including sidewalks) is about 40 feet. These districts vary throughout the city but are generally characterized by a mix of single-family, two-family, and multifamily housing at a prevailing scale of 2-3 stories.

The model alternative assumes the preservation of an existing building on the lot, with space for a rear addition. The existing building is about 1,000 square feet in floor area and would be converted to three affordable units. The addition would be four stories and no off-street parking would be included. The setbacks for the addition are consistent with proposed AHO development standards in lower-scale residential zoning districts.





Dimensional Characteristics (ALL FIGURES APPROXIMATE)	
Stories Above Grade	3-4
Building Height	45 feet
Front Yard Setback	10 feet (existing)
Side Yard Setbacks	7.5 feet (addition)
Rear Yard Setback	20 feet (addition)
Building Footprint	1,000 square feet (existing) + 1,230 square feet (addition)
Gross Floor Area (GFA)	7,500 square feet (total)
Floor Area Ratio (FAR)	1.5
Dwelling Units	7 (1 one-bedroom, 5 two-bedroom, 1 three-bedroom)
Lot Area Per Dwelling Unit	714 square feet
Open Space Ratio	55%
Parking Spaces	0



Street view from front



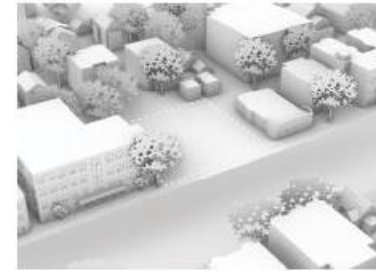
Street view from rear

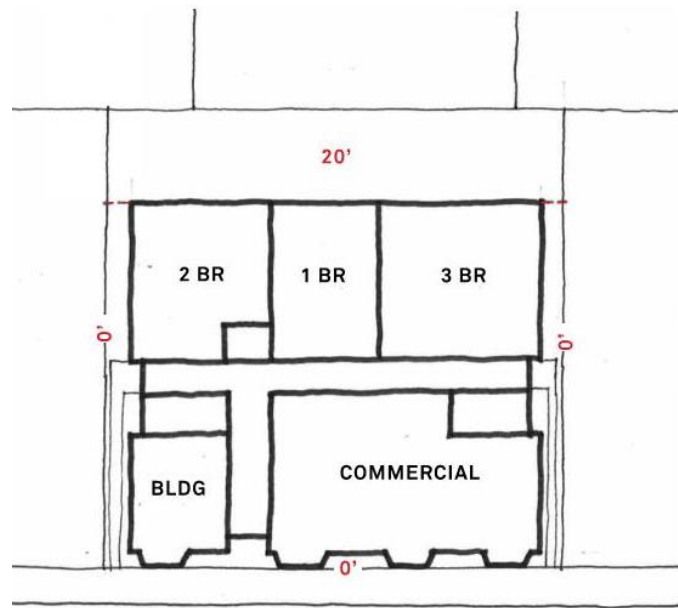
Site 2, Alternative A

This prototypical 10,000 square-foot lot has both a width and depth of 100 feet, which is typical in higher-scale residential and mixed-use districts, although there tends to be a wide variation in lot sizes and dimensions in those districts. The width of the street (including sidewalks) is about 100 feet. The area is generally assumed to be a mixed-use corridor with a variety of commercial and multifamily residential building types ranging from one to four stories, though some districts might have taller existing buildings. Behind this mixed-use corridor, offset from the main road by about 100 feet, is a residential neighborhood of 2-3 story buildings.

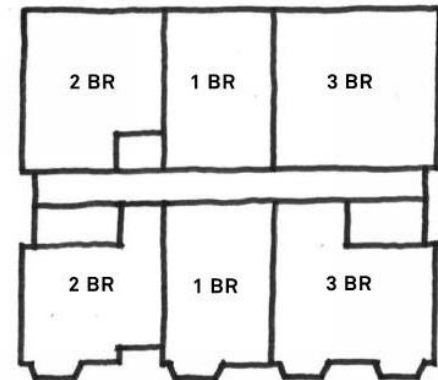
The model alternative assumes an empty lot with a new 7-story housing development, stepping down to 5 stories within 35 feet of the abutting residential area consistent with the proposed AHO standards. A ground-floor commercial space is included and there are no on-site parking spaces.

This model assumes no required front or side yard setbacks, though in some districts the AHO might require a front yard setback of 5-10 feet and side yard setbacks of up to 7.5 feet. Despite the lack of required setbacks, the model assumes a side yard of about 5 feet given building code requirements where windows are provided.

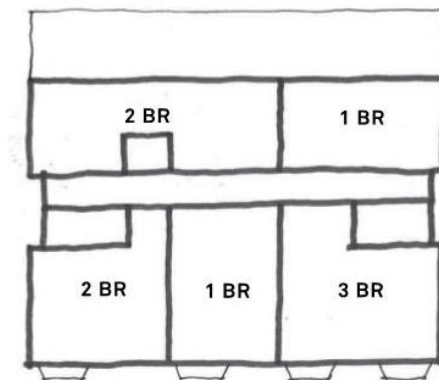




Ground Floor Plan
0' 32'



Upper Floors Plan (2-5)
0' 32'



Upper Floors Plan (6-7)
0' 32'

Dimensional Characteristics (ALL FIGURES APPROXIMATE)

Stories Above Grade	7
Building Height	80 feet
Front Yard Setback	0 feet
Side Yard Setbacks	5 feet (approx.)
Rear Yard Setback	20 feet
Building Footprint	6,860 square feet
Gross Floor Area (GFA)	46,670 square feet
Floor Area Ratio (FAR)	4.7
Dwelling Units	37 (13 one-BR, 13 two-BR, 11 three-BR)
Lot Area Per Dwelling Unit	270 square feet
Open Space Ratio	31%
Parking Spaces	0



Street view from front



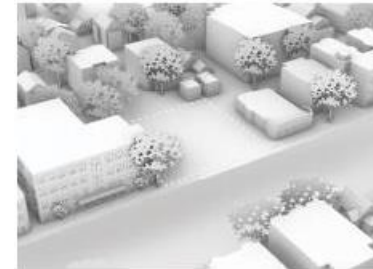
Street view from rear

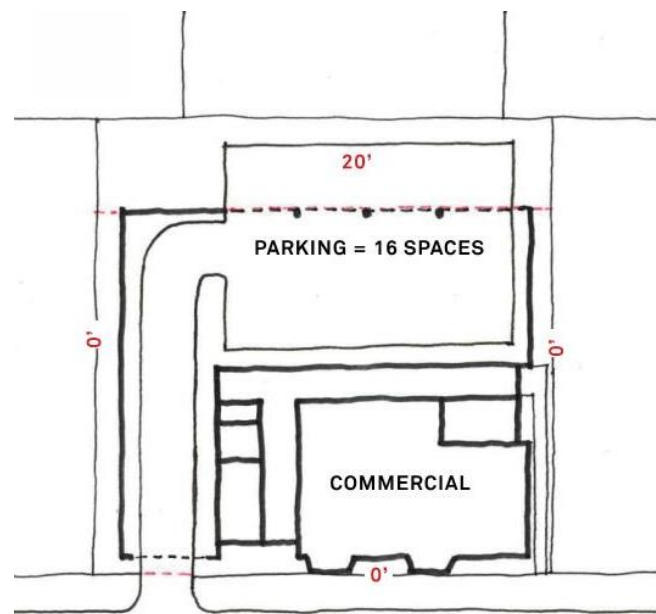
Site 2, Alternative B

This prototypical 10,000 square-foot lot has both a width and depth of 100 feet, which is typical in higher-scale residential and mixed-use districts, although there tends to be a wide variation in lot sizes and dimensions in those districts. The width of the street (including sidewalks) is about 100 feet. The area is generally assumed to be a mixed-use corridor with a variety of commercial and multifamily residential building types ranging from one to four stories, though some districts might have taller existing buildings. Behind this mixed-use corridor, offset from the main road by about 100 feet, is a residential neighborhood of 2-3 story buildings.

The model alternative assumes an empty lot with a new 7-story housing development, stepping down to 5 stories within 35 feet of the abutting residential area consistent with the proposed AHO standards. A ground-floor commercial space is included and parking spaces are provided at a ratio of 0.4 space per dwelling unit. This alternative also includes a variation on the top floor design, suggesting a “mansard” approach.

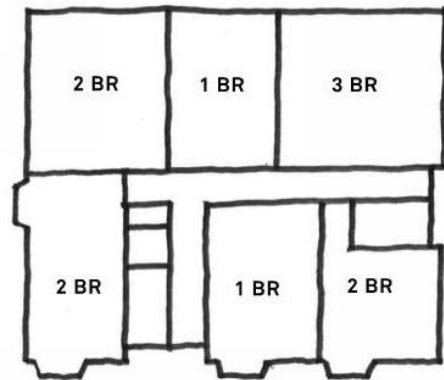
This model assumes no required front or side yard setbacks, though in some districts the AHO might require a front yard setback of 5-10 feet and side yard setbacks of up to 7.5 feet. Despite the lack of required setbacks, the model assumes a side yard of about 5 feet given building code requirements where windows are provided.





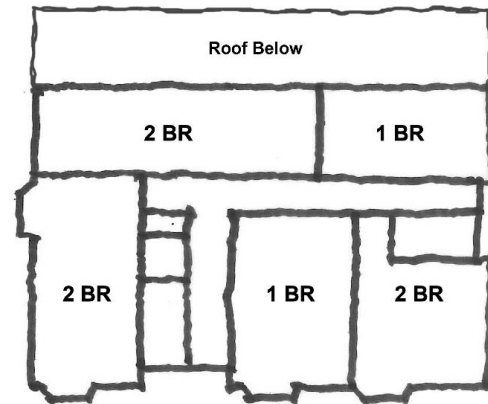
Ground Floor Plan

0' 32'



Upper Floors Plan (2-5)

0' 32'

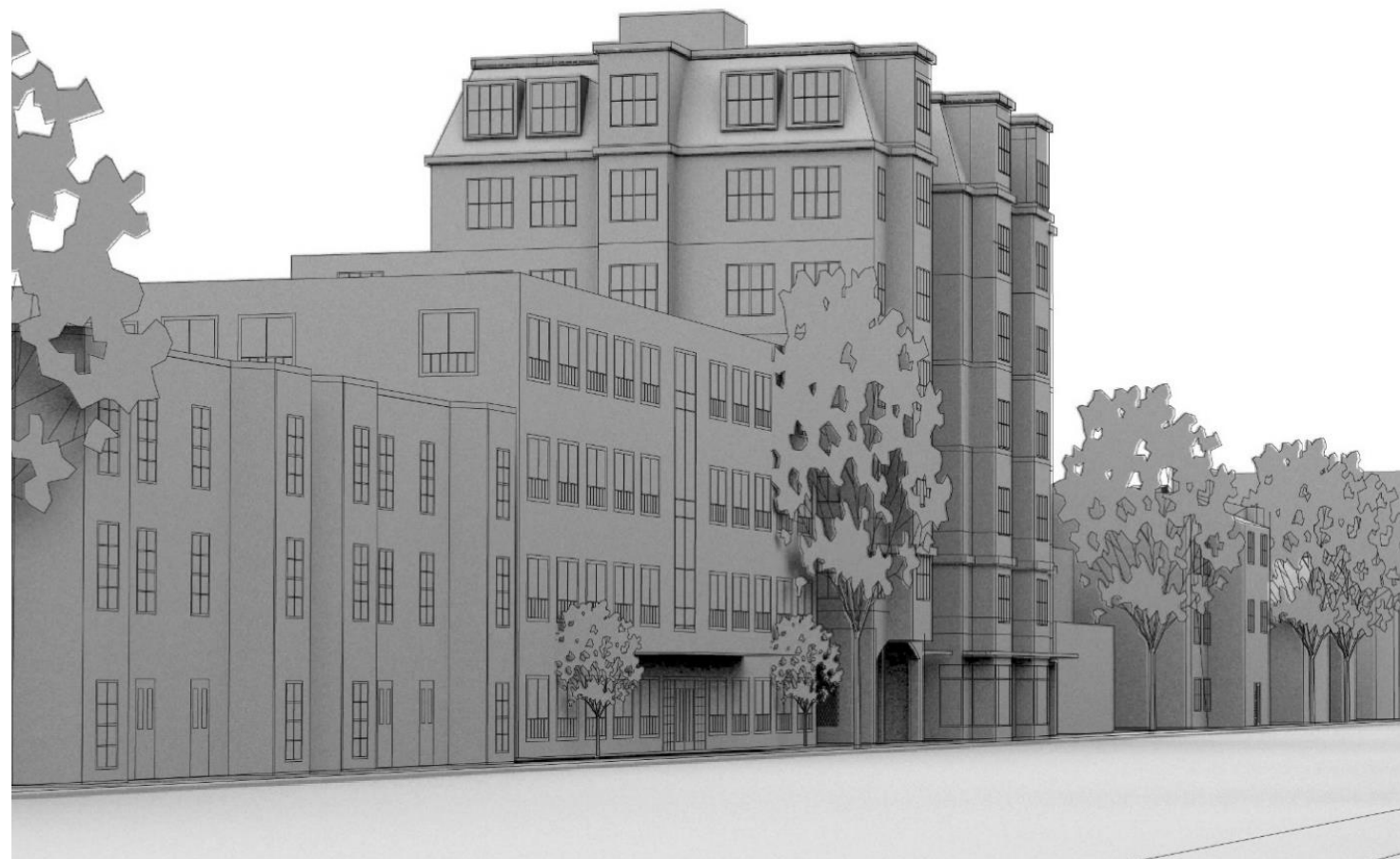


Upper Floors Plan (6-7)

0' 32'

Dimensional Characteristics (ALL FIGURES APPROXIMATE)

Stories Above Grade	7
Building Height	80 feet
Front Yard Setback	0 feet
Side Yard Setbacks	5 feet (approx.)
Rear Yard Setback	20 feet
Building Footprint	6,860 square feet
Gross Floor Area (GFA)	42,470 square feet
Floor Area Ratio (FAR)	4.2
Dwelling Units	34 (12 one-BR, 18 two-BR, 4 three-BR)
Lot Area Per Dwelling Unit	294 square feet
Open Space Ratio	22%
Parking Spaces	16



Street view from front



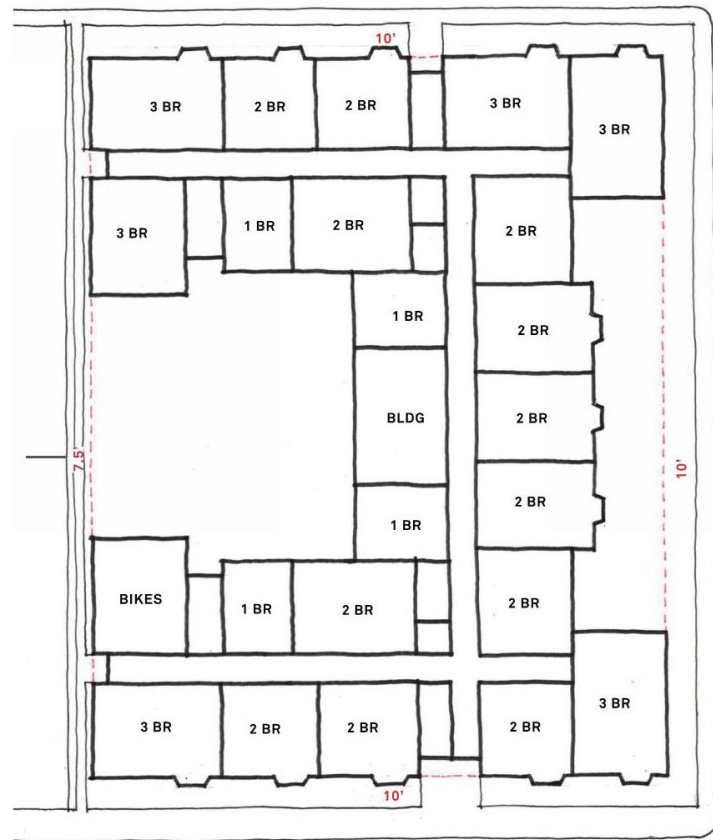
Street view from rear

Site 3, Alternative A

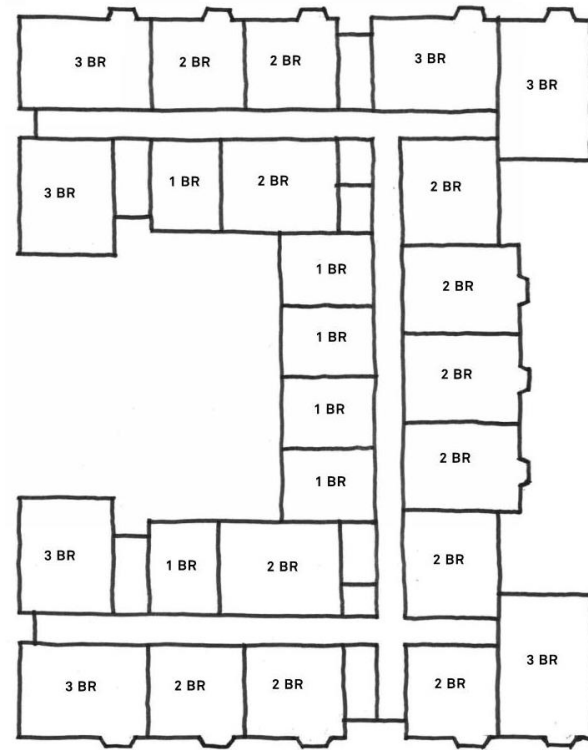
This prototypical 50,000 square-foot lot is located on a corner and has a width of 200 feet and depth of 250 feet. It is assumed to be an atypically large lot in a Residence A-1, A-2, B, C, or C-1 district, and approximates about the largest-size lot on which an affordable housing development might occur in those districts. The fronting streets are about 70 feet and 40 feet wide (including sidewalks). The context is a mix of single-family, two-family, and multifamily housing at a prevailing scale of 2-3 stories.

The model alternative assumes an empty lot with a new 4-story housing development and no on-site parking spaces. The massing of the building is articulated to provide courtyard breaks, which also provide light into the residential units. The setbacks are consistent with proposed AHO development standards in lower-scale residential zoning districts.





Ground Floor Plan
0' 32'



Upper Floors Plan (2-4)
0' 32'

Dimensional Characteristics (ALL FIGURES APPROXIMATE)

Stories Above Grade	4
Building Height	45 feet
Front Yard Setbacks	10 feet
Side Yard Setback	7.5 feet
Rear Yard Setback	N/A
Building Footprint	31,120 square feet
Gross Floor Area (GFA)	124,480 square feet
Floor Area Ratio (FAR)	2.4
Dwelling Units	98 (23 one-BR, 48 two-BR, 27 three-BR)
Lot Area Per Dwelling Unit	510 square feet
Open Space Ratio	38%
Parking Spaces	0



Street view from front



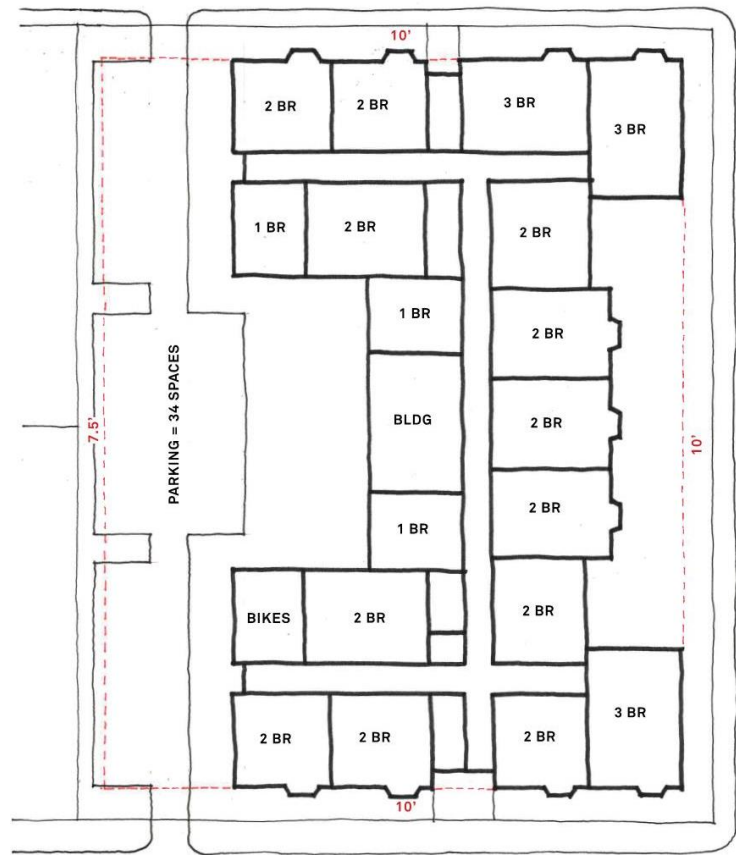
Street view from corner

Site 3, Alternative B

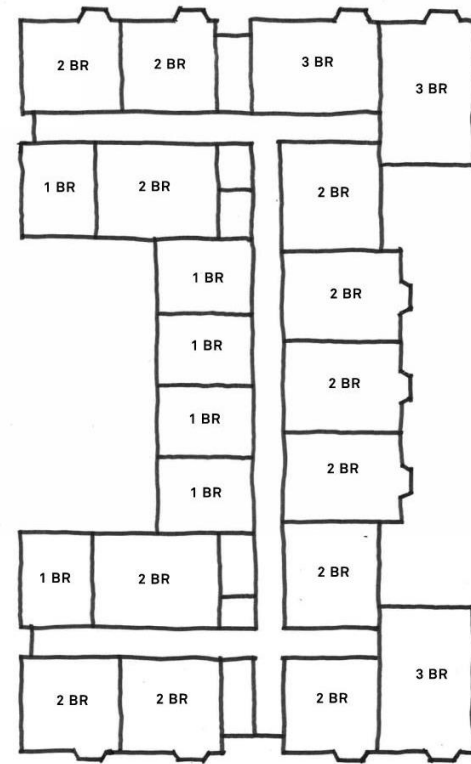
This prototypical 50,000 square-foot lot is located on a corner and has a width of 200 feet and depth of 250 feet. It is assumed to be an atypically large lot in a Residence A-1, A-2, B, C, or C-1 district, and approximates about the largest-size lot on which an affordable housing development might occur in those districts. The fronting streets are about 70 feet and 40 feet wide (including sidewalks). The context is a mix of single-family, two-family, and multifamily housing at a prevailing scale of 2-3 stories.

The model alternative assumes an empty lot with a new 4-story housing development and off-street parking spaces provided in a surface parking lot at a ratio of 0.4 space per dwelling unit. The massing of the building is articulated to provide courtyard breaks, which also provide light into the residential units. The setbacks are consistent with proposed AHO development standards in lower-scale residential zoning districts.





Ground Floor Plan



Upper Floors Plan (2-4)

Dimensional Characteristics (ALL FIGURES APPROXIMATE)

Stories Above Grade	4
Building Height	45 feet
Front Yard Setbacks	10 feet
Side Yard Setback	7.5 feet
Rear Yard Setback	N/A
Building Footprint	25,230 square feet
Gross Floor Area (GFA)	100,920 square feet
Floor Area Ratio (FAR)	2.0
Dwelling Units	82 (22 one-BR, 48 two-BR, 12 three-BR)
Lot Area Per Dwelling Unit	609 square feet
Open Space Ratio	34%
Parking Spaces	33



Street view from front

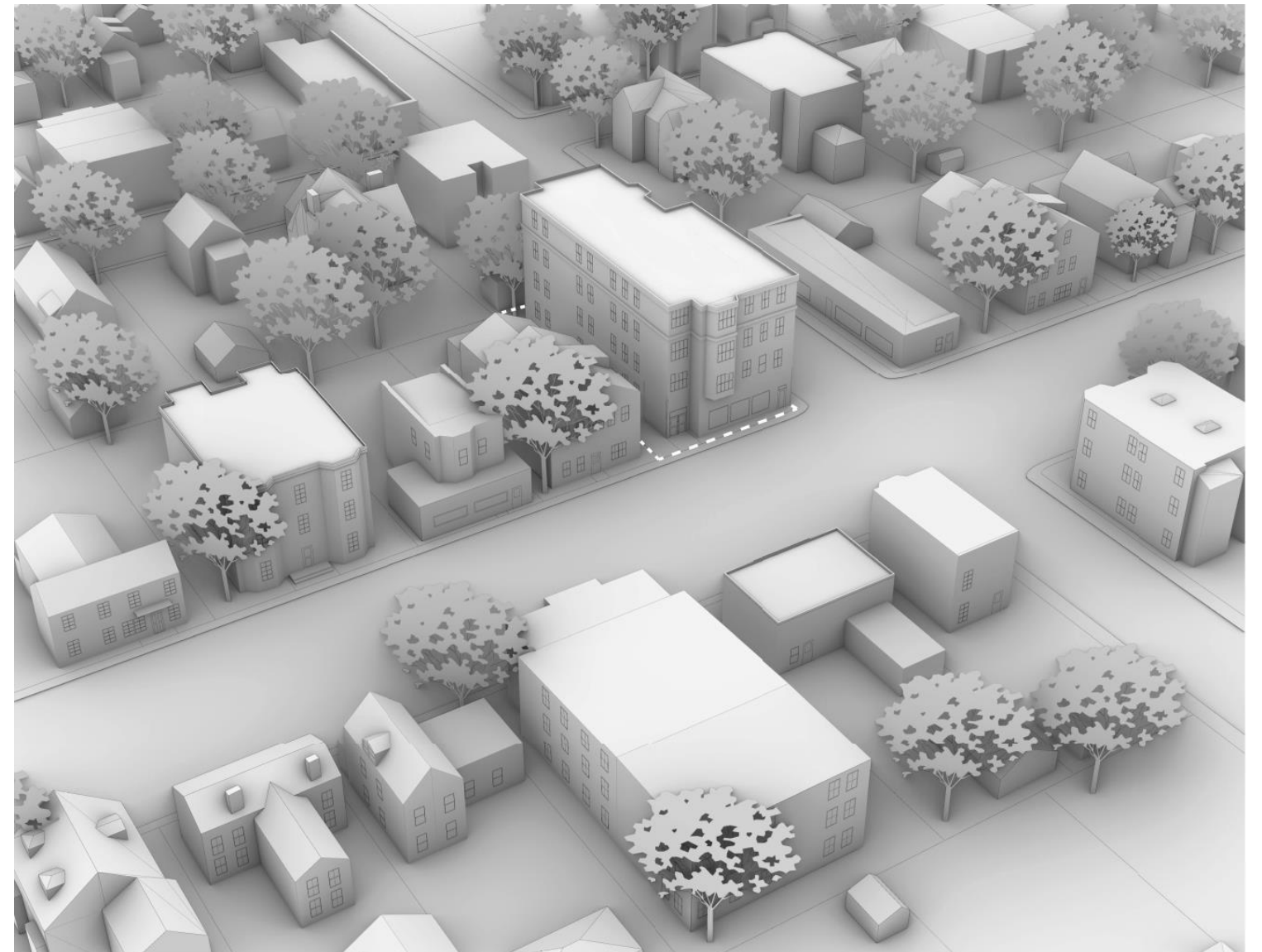
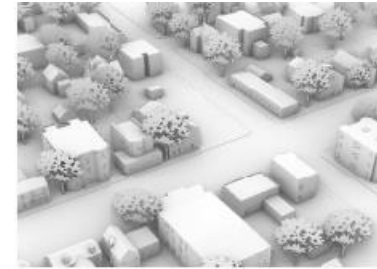


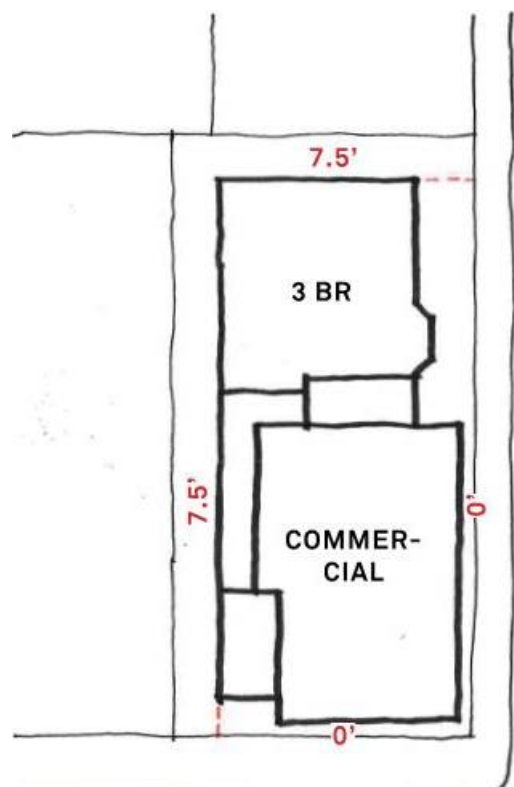
Street view from corner

Site 4, Alternative A

This prototypical 5,000 square-foot lot is located on a corner and has a width of 50 feet and depth of 100 feet, which is a standard lot size in lower-scale hybrid commercial/residential district, such as Office 1 or Business A-1. The fronting streets are about 70 feet and 40 feet wide (including sidewalks). The context is a mix of single-family, two-family, and multifamily housing at a prevailing scale of 2-3 stories.

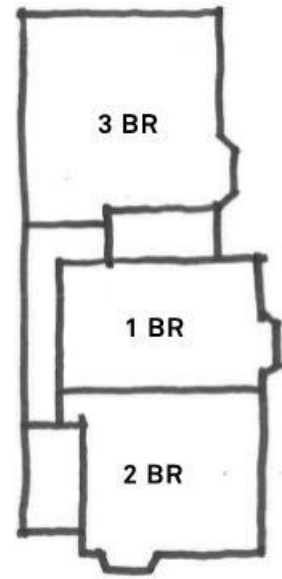
The model alternative assumes an empty lot with a new 4-story housing development and no on-site parking spaces. The ground floor contains a commercial space, resulting in a slightly taller ground floor and overall height. The setbacks are consistent with proposed AHO development standards in lower-scale mixed-use zoning districts.





Ground Floor Plan

0' 32'



Upper Floors Plan (2-4)

0' 32'

Dimensional Characteristics (ALL FIGURES APPROXIMATE)

Stories Above Grade	4
Building Height	50 feet
Front Yard Setbacks	0 feet
Side Yard Setbacks	7.5 feet
Rear Yard Setback	N/A
Building Footprint	3,325 square feet
Gross Floor Area (GFA)	13,300 square feet
Floor Area Ratio (FAR)	2.7
Dwelling Units	10 (3 one-BR, 3 two-BR, 4 three-BR)
Lot Area Per Dwelling Unit	500 square feet
Open Space Ratio	33%
Parking Spaces	0



Street view from front

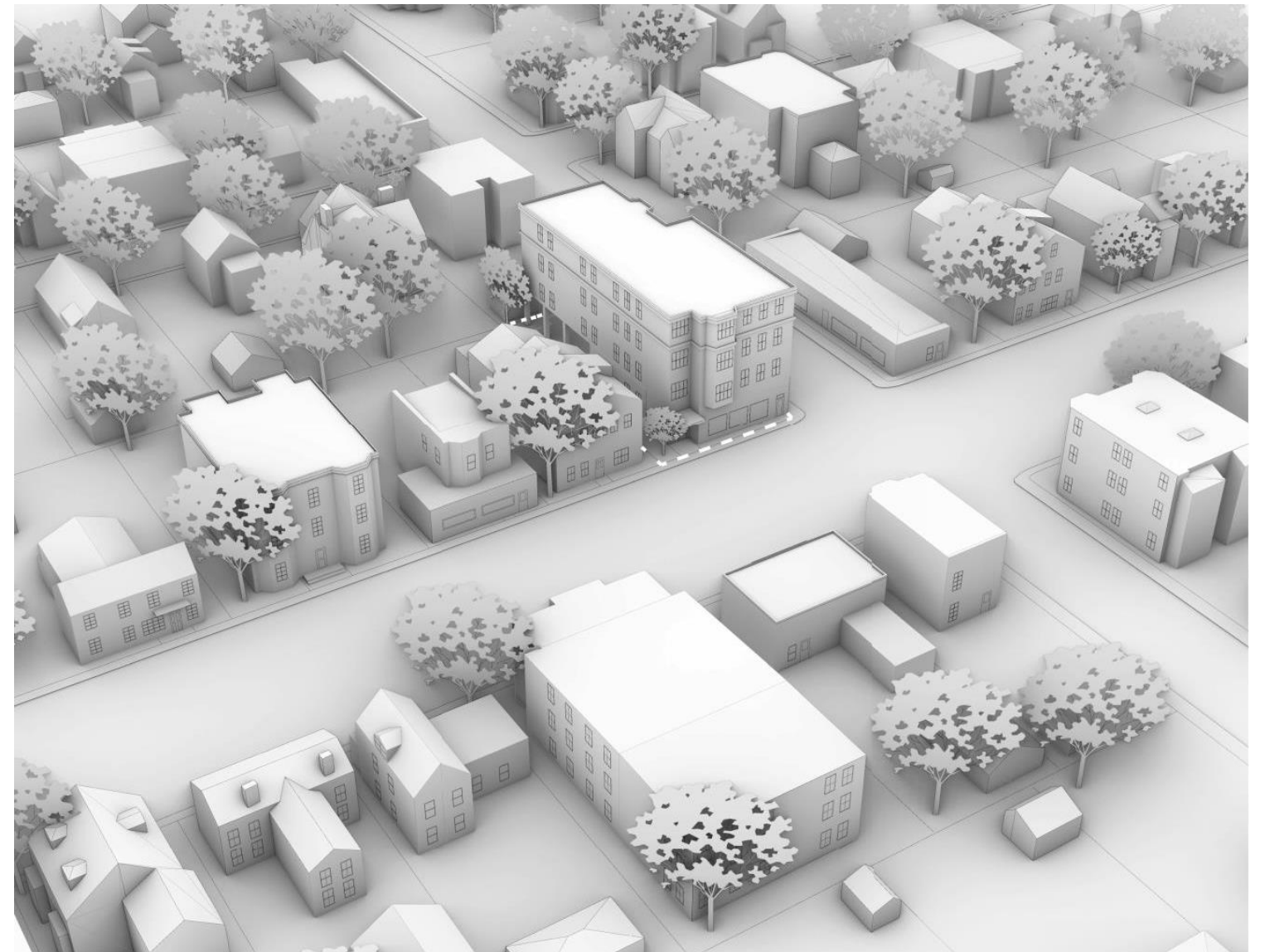


Street view from rear

Site 4, Alternative B

This prototypical 5,000 square-foot lot is located on a corner and has a width of 50 feet and depth of 100 feet, which is a standard lot size in lower-scale hybrid commercial/residential district, such as Office 1 or Business A-1. The fronting streets are about 70 feet and 40 feet wide. The context is a mix of single-family, two-family, and multifamily housing at a prevailing scale of 2-3 stories.

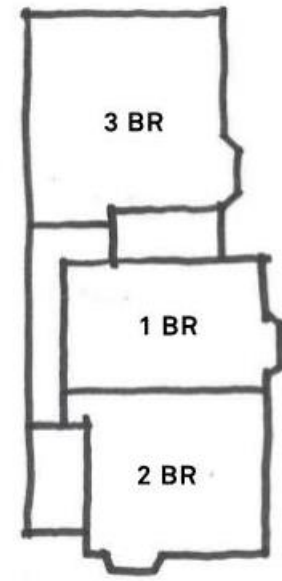
The model alternative assumes an empty lot with a new 4-story housing development and off-street parking spaces provided at a ratio of 0.4 space per dwelling unit in a parking lot underneath part of the structure. The ground floor contains a commercial space, resulting in a slightly taller ground floor and overall height. The setbacks are consistent with proposed AHO development standards in lower-scale mixed-use zoning districts.





Ground Floor Plan

0' 32'



Upper Floors Plan (2-4)

0' 32'

Dimensional Characteristics (ALL FIGURES APPROXIMATE)

Stories Above Grade	4
Building Height	50 feet
Front Yard Setbacks	0 feet
Side Yard Setbacks	7.5 feet
Rear Yard Setback	N/A
Building Footprint	3,325 square feet
Gross Floor Area (GFA)	12,180 square feet
Floor Area Ratio (FAR)	2.4
Dwelling Units	9 (3 one-BR, 3 two-BR, 3 three-BR)
Lot Area Per Dwelling Unit	555 square feet
Open Space Ratio	32%
Parking Spaces	4



Street view from front



Street view from rear

Appendix B
Berkeley California
AHOZ

Chapter 23.328

INCLUSIONARYHOUSING

Sections:

- 23.328.010 Chapter Purpose and Applicability.**
- 23.328.020 General Requirements.**
- 23.328.030 Payment of In-Lieu Fees as an Alternative to Providing Inclusionary Units.**
- 23.328.040 Requirements Applicable to All Inclusionary Units.**
- 23.328.050 Inclusionary Unit Requirements for Rental Housing Projects.**
- 23.328.060 Inclusionary Unit Requirements for Ownership Projects.**
- 23.328.070 Special Requirements for Avenues Plan Area.**
- 23.328.080 Administrative Regulations.**
- 23.328.090 Fees.**

23.328.010 Chapter Purpose and Applicability.

A. *Purpose.* The purpose of this chapter is to:

1. Promote Housing Element goals to develop affordable housing for households with incomes below the median, as defined in this chapter, or, in the case of limited equity cooperatives, households with incomes below 120 percent of the median.
2. Require the inclusion of affordable dwelling units in specified proposed developments ("projects").

B. *Applicability.*

1. The following types of projects must comply with the inclusionary housing requirements of this chapter:
 - (a) Residential housing projects constructing five or more dwelling units.
 - (b) Residential housing projects constructing one to four new dwelling units when:
 - i. Such units are added to an existing one to four-unit property developed after August 14, 1986; and
 - ii. The resulting number of units totals five or more.
 - (c) Residential housing projects proposed on lots with a size and zoning designation that allows construction of five or more dwelling units.
2. This chapter does not apply to dormitories, fraternity and sorority houses, boarding houses, residential hotels, or live/work units.

3. Live/work units are subject to low income inclusionary provisions in Section [23.312](#) (Live/Work).
4. This chapter sets forth specific inclusionary housing requirements for the Avenues Plan Area, which prevails over any conflicting requirements set forth elsewhere. (Ord. 7787-NS § 2 (Exh. A), 2021)

23.328.020 General Requirements.

A. Minimum Percent of Units.

1. Any project subject to this chapter is required to include at least 20 percent of the total number of dwelling units within the project as inclusionary units, except that limited equity cooperatives are required to include at least 51 percent of their units as inclusionary units.
2. In applying the percentages above, any decimal fraction above a whole number of dwelling units shall be paid as an in-lieu fee as stated in Section [23.328.040](#) (Requirements Applicable to All Inclusionary Units).

B. Median Income Levels. For the purpose of determining the median income levels for households under this chapter, the City shall use the Oakland Primary Metropolitan Statistical Area (PMSA) statistical figures that are available to the City from the most recent U.S. Census. (Ord. 7787-NS § 2 (Exh. A), 2021)

23.328.030 Payment of In-Lieu Fees as an Alternative to Providing Inclusionary Units.

A. Applicability.

1. As an alternative to providing inclusionary units required in an ownership project, the applicant may elect to enter in an agreement with the City to pay fees as set forth in this section in-lieu of providing units that are not required to be provided at below market prices pursuant to Government Code Section [65915](#).
2. This section applies to projects for which all required permits have already been issued, as long as no units within such a project have been sold.

B. Deposit. The fee shall be deposited in the City's Housing Trust Fund.

C. Fee Amount.

1. The in-lieu fee shall be 62.5 percent of the difference between the permitted sale price for inclusionary units and the amounts for which those units are actually sold by the applicant.
2. The fee shall be calculated and collected based on the sales prices of all of the units in a project to which the inclusionary requirement applies, such that the fee as charged shall be a percentage of the difference between the actual sales price for each unit, and the sales price that would have been permitted had that unit been an inclusionary unit.

3. The percentage shall be determined using the following formula: the number of units for which an in-lieu fee is substituted for an inclusionary unit divided by the total number of units to which the inclusionary ordinance applies, multiplied by 62.5 percent.
4. This fee shall only apply to units in a project that are counted in determining the required number of inclusionary units in a project and shall not apply to any units provided as a density bonus.
5. If the City Manager determines that an actual sales price does not reflect the fair market value of a unit, the City Manager shall propose an alternate price based on the fair market value of the unit.
6. If the developer and the City Manager cannot agree on a fair market value, the City Manager shall select an appraiser to prepare an appraisal of the unit and the appraised value shall be used as the market value.

D. *Calculation of Inclusionary Sales Price.*

1. The allowable inclusionary sales price for the purpose of calculating the in-lieu fee amount shall be three times 80 percent of the Area Median Income (AMI) last reported as of the closing date of the sale of the unit, with the exception that if the developer has already been authorized to charge an inclusionary sale price based on development costs pursuant to Ordinance [6,790-N.S.](#) (adopted January 27, 2004, sunsetted February 19, 2006) the allowable inclusionary sale price for the purposes of this section shall be the price permitted under that ordinance.
2. Area median income (AMI) shall be calculated in accordance with the affordability regulations established by the City Manager pursuant to Section [23.328.080](#) (Administrative Regulations).

E. *Time of Payment of Fee.* The developer shall pay the in-lieu fee no later than the closing date of the sale of a unit as a condition of the closing. (Ord. 7787-NS § 2 (Exh. A), 2021)

23.328.040 Requirements Applicable to All Inclusionary Units.

A. *Recipient Requirement.*

1. All inclusionary units other than those in limited equity cooperatives shall be sold or rented to:
 - (a) The City or its designee; or
 - (b) Low income, lower income, or very low-income households.
2. Units in limited equity cooperatives shall be sold or rented to households whose gross incomes do not exceed 120 percent of the Oakland PMSA median.

B. *Agreement.* The applicant shall execute a written agreement with the City indicating the number, type, location, approximate size, and construction schedule of all dwelling units and other information as required to determine compliance with this chapter.

- C. *Timing.* All inclusionary units in a project and phases of a project shall be constructed concurrently with, or before, the construction of non-inclusionary units.
- D. *Criteria.* All inclusionary units shall be:
1. Reasonably dispersed throughout the project;
 2. Of the same size and contain, on average, the same number of bedrooms as the non-inclusionary units in the project; and
 3. Comparable with the design or use of non-inclusionary units in terms of appearance, materials, and finish quality.
- E. *In-Lieu Fee Requirement.* In projects where calculating the inclusionary requirement results in a fraction of a unit, the fraction shall be paid in the form of an in-lieu fee to the City.
1. Where Government Code Section [65915](#) does not apply, the in-lieu fee shall be the fractional value of the difference between development cost (excluding marketing costs and profit) and actual sales price for the average comparable unit in projects.
 2. Where Government Code Section [65915](#) does apply, the in-lieu fee shall be the difference between affordable cost for an appropriately-sized household and the fractional value of the average comparable actual sales price for the fraction of the unit in projects to require a density bonus or equivalent incentive.
- F. *Use of In-Lieu Fees.*
1. The in-lieu fee shall be used by the City or its designee (such as a non-profit housing development corporation) to provide, construct, or promote the creation or retention of low-income housing in Berkeley.
 2. The use of in-lieu fees for specific housing programs shall be brought before the Housing Advisory and Appeals Board for review and approval.
- G. *Exceptions.* Where the applicant shows, and the City agrees, that the direct construction and financing costs of the inclusionary units, excluding marketing cost and profit (and also excluding land costs if a density bonus or equivalent incentive is provided), exceeds the sales prices allowed for inclusionary units by this chapter, the Zoning Adjustments Board (ZAB) may approve one or more of the following measures to reduce costs or increase profitability:
1. Reduce the floor area or the interior amenities of the inclusionary units, provided that such units conform to applicable building and housing codes.
 2. Increase the number of bedrooms in the inclusionary units.
 3. In a home ownership project, construct rental units in a number required to meet the inclusionary provisions of this chapter applicable to rental housing projects.
 4. Waive the in-lieu fees for fractions of units. (Ord. 7787-NS § 2 (Exh. A), 2021)

23.328.050 Inclusionary Unit Requirements for Rental Housing Projects.

A. General Rental Requirements.

1. All inclusionary units shall be occupied by low, lower, or very low-income households.
2. The maximum rental price for inclusionary units shall be affordable to an appropriate-sized household whose income is 81 percent of the Oakland PMSA median.
3. In projects requiring more than one inclusionary unit, at least 50 percent of those units shall be rented at a price that is affordable to low or lower-income households, provided that the City can make available rental subsidies through the federal Section 8 Existing Housing Program or an equivalent program.
4. When there is an uneven number of inclusionary units, the majority of units shall be priced to be affordable to a household at 50 percent of median income if subsidies are available.
5. If no rental subsidies are available, all inclusionary unit prices shall be affordable to households at 81 percent income of the Oakland PMSA median.
6. If an applicant agrees to provide 10 percent lower income inclusionary units, the rental price for such units shall be affordable to a household with income that is 60 percent of the Oakland PMSA median.
7. Dwelling units designated as inclusionary units shall remain in conformance with the regulations of this section for the life of the building.
8. The City or its designee shall screen applicants for the inclusionary units and refer eligible households of the appropriate household size for the unit.
9. For purposes of occupancy, the appropriate household size standards used by the housing authority for the federal Section 8 Existing Housing Program or any future equivalent program shall be used.
10. The applicant or owner shall retain final discretion in the selection of the eligible households referred by the City.
11. The owner shall provide the City with data on vacancies and other information required to ensure the long-term affordability of the inclusionary units by eligible households.

B. Affordability Defined. A unit shall be considered affordable if the rent (including utilities) does not exceed 30 percent of a household's gross income.

1. Gross household income and utility allowance shall be calculated according to the guidelines used by the Berkeley Housing Authority for the federal Section 8 Existing Housing Program.
2. For purposes of calculating rent, appropriate household size shall be determined by using the schedule contained in the administrative regulations developed for this chapter. (Ord. 7787-NS § 2 (Exh. A), 2021)

23.328.060 Inclusionary Unit Requirements for Ownership Projects.

A. *General Sale Requirements.* Inclusionary units in ownership projects shall be sold as set forth below:

1. Inclusionary units in ownership projects shall be sold at a price that is affordable to an appropriate-sized household whose income is no more than 80 percent of the area median income reported for the Oakland PMSA for households of that size, unless the cost of development of the unit is greater than the affordable sales price.
2. Appropriate sizes of household and the ratio of income to sales price for affordable units shall be defined by City Manager regulation.
3. Inclusionary ownership units shall be affirmatively marketed to tenants with Section 8 housing vouchers, and who are known to be interested in participating in the Section 8 homeownership program, or other equivalent program(s) of the City, which are in effect at the time the units are offered for sale by the developer.

B. *Right of First Refusal and Purchaser Preference.*

1. The applicant for a project other than a limited equity housing cooperative is required to give right of first refusal to purchase any or all new inclusionary units to the City or a City designee for a period of not less than 60 days as evidenced by issuance of a certificate of occupancy.
2. Should the City choose not to exercise its right of first refusal, it shall provide the applicant or owner with a purchaser or with a list of eligible purchasers within a period of not less than 60 days.
 - (a) If the list is not provided, the applicant may select a low-income purchaser of the applicant's choice as long as the City verifies income eligibility and the unit is sold at an affordable price as described in this chapter.
 - (b) The City shall maintain a list of eligible low-income households and review the assets and incomes of prospective purchasers of the inclusionary units on a project-by-project basis and refer potential purchasers to the applicant or owner.
3. All purchasers of inclusionary units shall be first-time home buyers from low, lower, or very low-income households.
4. Purchasers are also required to occupy the unit except that such requirement may be waived with the approval of the City. In such cases, the unit shall be rented to a low, lower, or very low-income household at a rent affordable by such households.
5. Preference of inclusionary units are as follows:
 - (a) First preference will be given to eligible Berkeley residents.
 - (b) Second preference will be given to eligible persons employed in Berkeley.

(c) Other preferences may also be established administratively, with Planning Commission review, to help meet the City's Housing Element goals.

6. The City shall advise all prospective purchasers on the City's eligibility list of the resale restrictions applicable to ownership of inclusionary units and shall provide purchasers with a Declaration of Restrictions applicable to ownership of inclusionary units.
7. Purchasers of inclusionary units in limited equity cooperatives at time of first occupancy shall be first time home buyers with gross incomes no greater than 120 percent of the Oakland PMSA median.
8. Subsequent purchasers of inclusionary units in limited equity cooperatives shall be first time home buyers whose yearly gross income is no more than 44 percent of the cost of a unit at the time of sale, provided that such income is no more than 110 percent of the Oakland PMSA median.

C. *Resale Restrictions.* All inclusionary units developed under this chapter except for those in limited equity cooperatives are subject to the resale restrictions set forth below.

1. Home ownership inclusionary units offered for sale or sold under the requirements of this chapter shall be offered to the City or its designee for a period of at least 60 days by the first purchaser or subsequent purchasers from the date of the owner's notification to the City of intent to sell.
2. The resale price of the unit shall not exceed the original price and customary closing costs, except to allow for:
 - (a) The lower of any increase of either the Consumer Price Index (CPI) for all urban consumers (as produced by the U.S. Bureau of Labor Statistics or its successor agencies) applicable to the Oakland PMSA; or
 - (b) The increase as measured in household income guidelines published annually by the U.S. Department of Housing and Urban Development (or its successor agencies) for the Oakland PMSA.
3. The resale formula shall supersede and replace the earlier resale formula in deed restrictions executed between February 19, 1987 (adoption date for Ordinance [5791-N.S.](#)) and May 23, 2006.
 - (a) The City, or its designee, shall notify each such owner of this change to the resale formula contained in their deed restriction within 60 days of adoption of this section.
 - (b) All other terms and conditions of these deed restrictions shall remain in effect.
4. If the City does not act on its right of first refusal, the same procedure for new inclusionary units shall be used for selection of a purchaser.
5. The seller shall not levy or charge any additional fees nor shall any finders fee or other monetary consideration be allowed, other than customary real estate commissions if the services of a licensed real estate agent are employed.
6. The City or its designee may monitor resale of inclusionary units in limited equity cooperatives.

7. The City or its designee shall monitor the resale of ownership of inclusionary units.
8. The owners of any inclusionary units shall attach, lawfully reference in the grant deed conveying title of any such inclusionary ownership unit, and record with the County Recorder a Declaration of Restrictions provided by the City, stating the restrictions imposed pursuant to this chapter. Violators of any of the terms may be prosecuted by the City. (Ord. 7787-NS § 2 (Exh. A), 2021)

23.328.070 Special Requirements for Avenues Plan Area.

A. *City Council Findings.* The City Council finds and determines that:

1. The Avenues Plan process identified several regional and Berkeley-specific barriers to housing development.
2. Among the Berkeley-specific barriers were:
 - (a) High land prices;
 - (b) Lengthy, difficult, and uncertain permit processes; and
 - (c) Insufficient financing, especially for affordable housing projects.
3. The Avenues Plan area represents a core area of Berkeley where it is particularly appropriate to encourage housing development because of the area's generally good access to workplaces, transit service, senior services, and retail stores.
4. The policy to encourage housing in this area is reflected in several documents, including, but not limited to, the City's Housing Element of the General Plan, the Concept Plan for the General Plan revision, the Downtown Plan, the South Berkeley Area Plan, the West Berkeley Plan, and the University Avenue statement of planning of goals.
5. Despite the City's support for housing in this area, new housing development here has been limited and this has hindered revitalization of the area.
6. As part of a multi-pronged experimental strategy to create incentives to encourage housing development, relaxation of various inclusionary zoning requirements within the Avenues Plan area as set forth in this section is appropriate.
7. These changes will also assist the buyer of below market rate inclusionary units, by allowing buyers to gain greater appreciation on their investments (market conditions permitting), making the investment more similar to conventional home ownership, while retaining the long term affordability of inclusionary units.
8. The changes will also encourage the construction of larger family-sized units, rather than the smaller units which have generally been built in multi-family developments.

9. These changes in inclusionary zoning will be followed by mechanisms to make more financing available and changes in zoning standards and permit processes.

10. The success of these changes will be reviewed annually until the five-year time period of the Avenues Plan experiment expires July 1, 2000.

B. *Applicability.*

1. This section shall remain in effect until July 1, 2000, at which time the Planning Commission, in consultation with other relevant commissions, shall re-examine its effectiveness. At that time the Commission may initiate modifications to, or an extension of, this section.

2. This section applies on the streets and the addresses listed in Table 23.328-1. The area of applicability consists of the entire C-DMU District and portions of the C-C, C-U, C-SA, C-W, C-N, R-2A, R-3, and R-4 districts as indicated in the table. Within this area, this section supersedes any inconsistent provisions in this chapter.

Table 23.328-1. AVENUE AREAS PLAN AREA: STREET AND ADDRESS RANGE

Street	Address
Acton	1940--2100
Addison	841--1145 odd, 1846 up
Adeline	All
Alcatraz Avenue	1700--1937
Allston Way	1901--1999 odd, 2000 up
Ashby Avenue	1830--2117, 2118--2198 even
Bancroft Way	2000--2300
Berkeley Square	All
Berkeley Way	1200--1800 even only, 1800--1920, 1920--2000 even only, 2000 up
Blake	1800--2100
Bonar	2000--2099
Bonita	1900--1950 even, 1950--1999
Browning	portion of West Campus only
California	1950--2009

Table 23.328-1. AVENUE AREAS PLAN AREA: STREET AND ADDRESS RANGE

Street	Address
Carleton	2000--2117
Center	All
Channing Way	1800--1850 even, 2000--2200, 2200--2300 odd
Cowper	All
Chestnut	1910--1950 even, 1950 up
Curtis	1900--2100, portion BUSD
Delaware	1041--1112, 2000--2200 even
Derby	2000--2113
Dover	All
Durant Avenue	2000--2300
Dwight Way	1800--1850 even, 1850--2200
Ellis	3124--3320 odd
Emerson	2000--2111
Essex	1901--2106
Fairview	1750 up
Fulton	2200--2400, 2400--2606 even
Grant	1800--1900 odd, 1900--2050, 2501--2599 odd
Harold Way	All
Harmon	1750 up
Harper	2901--3123 odd
Haste	1900--1998 even, 2000--2200
Hearst	1032--1200, 1800--2000 even, 2000--2200
Henry	1900 up

Table 23.328-1. AVENUE AREAS PLAN AREA: STREET AND ADDRESS RANGE

Street	Address
Jefferson Avenue	2000--2050
King	3221 up, odd
Kittredge	All
Martin Luther King Jr. Way	1900--2050, 2051--2199 odd, 2400--2450 even, 2450--2600, 2900 up
McGee Avenue	1900--2050
McKinley Avenue	2400--2500 odd
Milvia	1800--1950 odd, 1950--2199, 2200--2450 odd, 2450--2550, 2550--2900 odd only
Newbury	All
Oregon	2000--2122
Otis	All
Oxford	1800--2200
Parker	1800--1998 even, 2000--2200
Prince	1830--2105
Russell	1820--2000 even, 2000--2117
Sacramento	1900--2000, 2050--2100 even
San Pablo Avenue	1800--2199
Shattuck Avenue	1800 up
Shattuck Square	All
Stuart	2100--2107
Tremont	All
University Avenue	840 up
Walnut	1800 up

Table 23.328-1. AVENUE AREAS PLAN AREA: STREET AND ADDRESS RANGE

Street	Address
West	1950--1999
Whitney	All
Woolsey	1750--2110
6th	1916--2099
7th	1912--2099
8th	1910--2099
9th	1910--2099
10th	1908--2099
62nd	1700 up
63rd	1700 up

C. *Definitions.* For purposes of this section, the following definitions apply:

1. "Project" means the total number of housing units planned to be built on a single lot or on a grouping of contiguous, commonly owned, or controlled lots, regardless of whether those units are all built simultaneously.
2. "Affordable family-sized unit" means a unit which:
 - (a) Is at least 850 square feet in area if two bedrooms or 1,100 square feet if three bedrooms or more;
 - (b) Contains at least two lawful bedrooms;
 - (c) Contains at least as many bathrooms as the corresponding two-bedroom market rate units; and
 - (d) Is sold at a price that is affordable to an appropriate sized household whose income is no more than 80 percent of the metropolitan area median as reported by the Department of Housing and Urban Development (HUD).

D. *Number of Inclusionary Units Required.*

1. The number of inclusionary units required are shown in the Table 23.328-2.

Table 23.328-2. NUMBER OF INCLUSIONARY UNITS REQUIRED

Total Number of Units Built	Number of Required Inclusionary Units
10--14	1
15--19	2
Each additional multiple of 5 units	1 additional

2. For every five units which the applicant can show with bona fide sales documents have been sold at a price at or below that affordable to an appropriately sized household with an income of 100 percent of metropolitan area median, the applicant is released of the obligation to provide one inclusionary unit.
3. For every 10 affordable family-sized units, the applicant is released of the obligation to provide one inclusionary unit sold at a price at or below that affordable to an appropriately sized household with an income of 100 percent of metropolitan area median.
4. Within the area of applicability for that portion of a project wherein both the inclusionary and the non-inclusionary units contain at least as many bathrooms as the corresponding two-bedroom market rate units, only 10 percent of units must be inclusionary.

E. *Pricing Requirements.*

1. The first inclusionary unit in projects with units for sale shall be sold at a price that is affordable to an appropriately sized household whose income is no more than 80 percent of the Oakland PMSA median as reported by HUD.
2. Except as otherwise provided in Section [23.328.070.C.2.d](#) above, the second inclusionary unit shall be sold at a price that is affordable to an appropriate sized household whose income is no more than 100 percent of the PMSA median and subsequent inclusionary units shall be sold alternately at these price levels.
3. Inclusionary sale units in projects in the Avenues Plan Area shall be sold at a price such that first year housing cost (including homeowners' association dues, if any) for a household of appropriate size with an income at the targeted level shall not exceed 33 percent of income.
4. This cost shall be calculated assuming that the buyer makes a 10 percent down payment, which shall not be considered a portion of the cost.
5. The housing cost shall be calculated for each project at the time the condominium association budget is approved by the California Department of Real Estate and shall not be changed after that time for that project, regardless of future changes in cost.
6. The resale price of inclusionary units within the Avenues Plan Area may increase at the rate of increase of the Consumer Price Index for all urban consumers (CPI-U) applicable to the metropolitan area. (Ord. 7787-NS § 2 (Exh. A), 2021)

23.328.080 Administrative Regulations.

The City Manager or the City Manager's designee shall promulgate rules and regulations pertaining to this chapter, including but not limited to setting and administering gross rents and sale prices, requiring guarantees, entering into recorded agreements with applicants and taking other appropriate steps necessary to ensure that the required low income and very low income dwelling units are provided and occupied by low income households. (Ord. 7787-NS § 2 (Exh. A), 2021)

23.328.090 Fees.

The City Council, by resolution, may establish fees for the administration of this chapter. (Ord. 7787-NS § 2 (Exh. A), 2021)

The Berkeley Municipal Code is current through Ordinance 7849-NS, passed December 13, 2022.

Disclaimer: The City Clerk's Office has the official version of the Berkeley Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.berkeleyca.gov](http://www.berkeleyca.gov)

[Code Publishing Company](#)

Chapter 19.62

PRIORITY PERMIT PROCESSING FOR HOUSING FOR LOW AND MODERATE INCOME PERSONS

Sections:

- 19.62.010** Legislative findings.
- 19.62.020** Definitions.
- 19.62.030** Authority of the City Manager.
- 19.62.040** Notification of and review by the City Council.
- 19.62.050** Review of Projects Receiving Berkeley Affordable Housing Trust Fund monies.

19.62.010 Legislative findings.

The City Council finds and determines as follows:

- A. That the creation of low and moderate income housing is a goal of the City of Berkeley, as reflected in the 1985 Housing Element and other documents;
- B. That creation of low and moderate income housing can be facilitated by the waiving of fees for City permits and by processing applications for such permits on a priority basis;
- C. That the City has in the past waived such fees when appropriate. (Ord. 7573-NS § 1 (part), 2017; Ord. 5892-NS § 1, 1988)

19.62.020 Definitions.

- A. "Housing project" means:
 - 1. The creation of housing units, by new construction or other means, in a proposal considered by the Board of Adjustments under a single use permit or a group of use permits considered together; or
 - 2. The rehabilitation of existing housing units, in one or more structures which are on one parcel or contiguous parcels; or
 - 3. The rehabilitation of existing housing units, not necessarily on one or contiguous parcels, subject to a single loan agreement or regulatory agreement with the City of Berkeley, state of California, or United States government.
- B. "Low income household" means a household with income not in excess of eighty percent of the median income in the Oakland Primary Metropolitan Statistical Area as determined by HUD or its successor agency.

- C. "Low income housing" means any housing wherein:
1. Its cost is affordable to a low income household, under standards promulgated by the United States Department of Housing and Urban Development (HUD) or its successor agency; and
 2. The City has set forth requirements that the housing shall be occupied by low income households (as defined above) and affordable to low income households (as defined above). These requirements shall be set forth in any of the following:
 - (a) A regulatory agreement; or
 - (b) A loan agreement; or
 - (c) A use permit which requires that a regulatory agreement be entered into.
- D. "Moderate income household" means a household with income not in excess of one hundred twenty percent of the median income in the Oakland Primary Metropolitan Statistical Area as determined by HUD or its successor agency.
- E. "Moderate income housing" means any housing wherein:
1. Its cost is affordable to a moderate income household, under standards promulgated by the United States Department of Housing and Urban Development (HUD) or its successor agency; and
 2. The City has set forth requirements that the housing shall be occupied by moderate income households (as defined above) and affordable to moderate income households (as defined above). These requirements shall be set forth in any of the following:
 - (a) A regulatory agreement; or
 - (b) A loan agreement; or
 - (c) A use permit which requires that a regulatory agreement be entered into.
- F. "Permit" means any permit required by the City of Berkeley in connection with residential construction and any associated demolition, including but not limited to demolition permits, zoning permits, building, plumbing, and electrical permits.
- G. "Permit fees" means any fee charged by the City of Berkeley for any permit in connection with residential construction and any associated demolition. (Ord. 7573-NS § 1 (part), 2017; Ord. 5892-NS § 2, 1988)

19.62.030 Authority of the City Manager.

- A. Notwithstanding any contrary provision of any other Chapter, the City Manager is hereby granted the authority to waive the payment, or defer the payment until a later date, of any permit fees, except for new connection sewer fees, for any housing project in which at least twenty-five percent of its units are low and/or moderate income housing as defined above.

B. The City Manager is hereby granted the authority to expedite or prioritize the processing for any permit of any housing project in which at least twenty-five percent of its units are low and/or moderate income housing as defined above. (Ord. 7573-NS § 1 (part), 2017; Ord. 5892-NS § 3, 1988)

19.62.040 Notification of and review by the City Council.

A. The City Manager shall notify the City Council of any request for fee waiver, deferment or priority permit processing, and of the Manager's response to that request.

B. The City Council may review the City Manager's action on any such request, and may, for any project for which the City Manager is authorized in this chapter to grant a fee waiver, deferment or priority permit processing, instruct the City Manager to grant, wholly or in part, or deny such request. (Ord. 7573-NS § 1 (part), 2017; Ord. 5892-NS § 4, 1988)

19.62.050 Review of Projects Receiving Berkeley Affordable Housing Trust Fund monies.

Projects receiving funds from Berkeley's Affordable Housing Trust Fund shall receive automatic expedited and prioritized processing for all permits, inspections and other City of Berkeley administrative processes, and are exempt from the requirements of BMC § [19.62.040](#). (Ord. 7573-NS § 1 (part), 2017)

The Berkeley Municipal Code is current through Ordinance 7849-NS, passed December 13, 2022.

Disclaimer: The City Clerk's Office has the official version of the Berkeley Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.berkeleyca.gov](http://www.berkeleyca.gov)

[Code Publishing Company](#)

Appendix C
Princeton New Jersey
AHOZ

ORDINANCE #2020-17

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 17A, ARTICLE XI OF THE PRINCETON CODE, ENTITLED “LAND USE” AND THE PRINCETON ZONING MAP, TO CREATE AN “AHO-1 AFFORDABLE HOUSING OVERLAY ZONE”, AN “AHO-2 AFFORDABLE HOUSING OVERLAY ZONE”, AND AN “AHO-3 AFFORDABLE HOUSING OVERLAY ZONE AND THE REGULATIONS ASSOCIATED THERETO IN THE MUNICIPALITY OF PRINCETON

Section 1. Chapter 17A, Article XI. ZONING, Section 17A-202 of the Princeton Code entitled “Districts Generally Established; Enumerated” is hereby supplemented and amended to add the following new zone districts to the list of zone districts:

- Section 17A-202(i) Affordable Housing Districts
- AHO-1 Affordable Housing Overlay-1
- AHO-2 Affordable Housing Overlay-2
- AHO-3 Affordable Housing Overlay-3

Section 2. Chapter 17A, Article XI, Section 17A-203 District Map is hereby supplemented and amended to delineate the Affordable Housing Overlay-1 (AHO-1), Affordable Housing Overlay-2 (AHO-2) and Affordable Housing Overlay-3 (AHO-3) districts on the “Zoning Map, Borough of Princeton”, as amended. These shall be overlay zones that are supplemental to the underlying zone districts and constitute optional development regulations as an alternative to the underlying development regulations. The following properties shall be included in the AHO zones:

(a) AHO-1 Affordable Housing Overlay-1 zone shall include the following properties:

- (1) Block 27.02 Lots 42-47
- (2) Block 27.03 Lots 52-57
- (3) Block 30.01 Lots 1, 36, 37, 85 and 94
- (4) Block 30.02 Lots 38, 39.01, 39.02, 78 through 83, 86, 87, 89, and 92
- (5) Block 33.01 Lots 1, 24 and 96
- (6) Block 47.01 Lots 23, 24, 25, & 26
- (7) Block 47.02 Lots 18 through 29 and 38
- (8) Block 48.01 Lots 4 through 6, 16, 18, 21 and 22
- (9) Block 51.02 Lot 41
- (10) Block 51.03 Lot 18

- (b) AHO-2 Affordable Housing Overlay-2 zone shall include the following properties:
 - (1) Block 32.01 Lots 1, 167, 171 through 173, 213 through 215, and 221 through 223
 - (2) Block 34.01 Lots 13, 14 and 32
 - (3) Block 52.01 Lot 67
 - (4) Block 53.01 Lots 11, 78, 80 through 83 and 85
- (c) AHO-3 Affordable Housing Overlay- 3 zone shall include the following property:
 - (1) Block 56.03 Lot 170

Section 3. Chapter 17A, Article XI, is hereby supplemented and amended to create a new division, entitled “Division 10 Affordable Housing Zones”.

Section 4. Chapter 17A, Article XI, is hereby supplemented and amended to create a new subdivision within “Division 10 Affordable Housing Zones”, entitled “Subdivision 1: Affordable Housing Overlay (AHO) Zones”

Section 5. Chapter 17A, Article XI, Section 17A-409 Purpose. The Affordable Housing Overlay Zones are to provide a realistic opportunity for the construction of affordable housing pursuant to the New Jersey Fair Housing Act and thereby comply with the Municipality’s constitutional obligation to provide such housing to for low-and moderate-income households. More specifically, the AHO-1 and AHO-2 zones are established to incentivize redevelopment consisting of multi-family residential uses, with an affordable housing set-aside, along with ground-level retail, service, commercial and office uses to reinforce the existing development pattern of the corridor defined, primarily, by Nassau Street. The AHO-3 Zone is established to incentivize redevelopment consisting of multi-family residential uses with an affordable housing set-aside.

Section 6. Chapter 17A, Article XI, Section 17A-410 Mandatory Affordable Housing Set-Aside. Within the Affordable Housing Overlay Zones, a minimum of 20 percent of all dwellings, rounded up to the next whole dwelling unit, shall be deed restricted for occupancy by low- and moderate-income households and shall comply with the following:

- (a) Affordable dwelling units shall be constructed and sold or rented in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. and the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq.
- (b) Affordable dwelling unit household income breakdown shall comply with the following:
 - (1) At least 13% of the affordable units shall be affordable to very low income (VLI) households at 30% of the median income;
 - (2) At least 50% of the affordable units shall be made affordable to low income units (the 50% requirement is inclusive of the 13% VLI requirement); and

- (3) The balance of units permitted at moderate income up shall not exceed maximum of 50% of all affordable units.
- (c) Affordable dwelling bedroom distribution: Bedroom distribution shall be in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq., the Fair Housing Act (FHA) and all other applicable law.
- (d) The range of affordability, pricing and rent of units, affirmative marketing, 30-year minimum affordability controls and construction phasing with the market rate units developed on the tract shall also be in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq., the Fair Housing Act (FHA) and all other applicable law.
- (e) The Municipal Housing Liaison shall be responsible to affirmatively market, administer and certify the occupant of each affordable unit, with all administrative costs to be paid by the Developer.

Section 7. Chapter 17A, Article XI, Section 17A-411 Affordable Housing Overlay-1 (AHO-1) Regulations.

Section 8. Chapter 17A, Article XI, Section 17A-412 Affordable Housing Overlay-1 (AHO-1) Historic Building Retention Required. The AHO-1 district contains properties with buildings that are eligible for designation as a historic building or as a contributing structure within a planned historic district. Furthermore, these buildings represent significant contributions to the existing desirable character of the Nassau Street corridor. The AHO-1 regulations are not intended to incentivize the removal of such buildings. Therefore, utilization of the AHO-1 regulations on the following properties requires the retention of the street-fronting buildings, in existence at the time of the adoption of this ordinance, on the following properties that are located within the AHO-1 zone. Only those proposals that comply with this requirement shall be permitted to develop pursuant to the AHO-1 regulations:

AHO-1 Required Building Retention		
Address	Block	Lot
195 Nassau Street; 9-11 Charlton Street	47.01	23, 26
199-201 Nassau Street	47.01	24, 25
6-8 Charlton Street	47.02	18
203-205 Nassau St	47.02	19
209 Nassau St	47.02	20
211-213 Nassau St	47.02	21, 22
215 Nassau Street	47.02	23
217 Nassau Street	47.02	24
219 Nassau Street	47.02	25
221-223 Nassau Street	47.02	26
229-231 Nassau Street	47.02	29
2-4 Charlton St	47.02	38
21 Wiggins St	27.02	42, 43, 44

54 N Tulane St	27.02	45
50 N Tulane St	27.02	46
40-42 N Tulane St	27.02	47
47 N Tulane St	27.03	52
51 N Tulane St	27.03	53
57 N Tulane St	27.03	55
61 N Tulane St	27.03	56
25 Wiggins St	27.03	57
230 Nassau St	30.01	1
236 Nassau St	30.01	36
234 Nassau St	30.01	37
6, 8 Chestnut St	30.01	85, 94
238-240 Nassau Street	30.02	38, 83
254-258 Nassau Street	30.02	78
252 Nassau Street	30.02	79, 80
242,244, 246 Nassau Street	30.02	81, 82, 92
14 Pine St	30.02	86
250 Nassau Street	30.02	87
260-262 Nassau Street	33.01	1
264 Nassau Street	33.01	24, 96
239 Nassau Street	48.01	4
245-247 Nassau Street	48.01	5
257 1/2 Nassau St. Alley	48.01	16

Section 9. Chapter 17A, Article XI, Section 17A-413 Affordable Housing Overlay-1 (AHO-1) Permitted principal uses. Within the AHO-1 zoning district the following principal uses shall be permitted:

- (a) Floors above the ground floor/street level floor: multi-family residences
- (b) Ground floor/street level floor:
 - (1) Retail sales and services
 - (2) Office
 - (3) Restaurants

Section 10. Chapter 17A, Article XI, Section 17A-414 Affordable Housing Overlay-1 (AHO-1) Permitted accessory uses. Within the AHO-1 zoning district the following accessory uses shall be permitted:

- (a) Residential management office

- (b) Common rooms/areas, including for meetings, recreation, laundry and storage
- (c) Communications infrastructure,
- (d) Maintenance and storage
- (e) Off-street parking and loading
- (f) Street/ site furnishings
- (g) Home occupations
- (h) Fences and walls
- (i) Landscape amenities and open space
- (j) Pedestrian circulation elements
- (k) Signs
- (j) Storm water management facilities and other utilities
- (m) Other customary uses which are clearly incidental and subordinate to a permitted principal use

Section 11. Chapter 17A, Article XI, Section 17A-415 Affordable Housing Overlay-1 (AHO-1) Site Development Regulations:

- (a) Minimum yard requirements:
 - (1) Front yard: 0 feet
 - (2) Side yard: 0 feet
 - (3) Rear yard: 15 feet
- (b) Maximum front yard setback: 10 feet
- (c) Maximum impervious coverage: 90%
- (d) Building height: Minimum height is 2.5 stories, not to exceed 45 feet
- (e) Maximum number of buildings: Multiple buildings per lot are permitted
- (f) Off-street parking
 - (1) Residential uses:
 - [a] Up to five dwelling units, inclusive of existing and new: no off-street parking is required
 - [b] One off-street parking space shall be provided for each new dwelling unit in excess of five dwelling units.
 - [c] On-street parking credit. Off-street parking requirements shall be reduced by the number of new on-street parking spaces created
 - (2) Non-residential uses: no off-street parking required

- (g) Minimum landscape buffers to residential zones: 15 feet
- (h) Illumination. Illumination of sites and buildings shall be regulated pursuant to Section 17A-365.1 Lighting.
- (i) Signs. Signs shall be regulated pursuant to Section 17A-368 Accessory Signs-Permitted in business districts.

Section 12. Chapter 17A, Article XI, Section 17A-416 Affordable Housing Overlay-2 (AHO-2) Regulations.

Section 13. Chapter 17A, Article XI, Section 17A-417 Affordable Housing Overlay-2 (AHO-2) Historic Building Retention Required. The AHO-2 district contains properties with buildings that are eligible for designation as a historic building or as a contributing structure within a planned historic district. Furthermore, these buildings represent significant contributions to the existing desirable character of the Nassau Street corridor. The AHO-2 regulations are not intended to incentivize the removal of such buildings. Therefore, utilization of the AHO-2 regulations on the following properties requires the retention of the street-fronting buildings, in existence at the time of the adoption of this ordinance, at on the following properties that are located within the AHO-2 zone. Only those proposals that comply with this requirement shall be permitted to develop pursuant to the AHO-1 regulations:

AHO-2 Required Building Retention		
Address	Block	Lot
342 Nassau St	34.01	14
338 Nassau St	34.01	32
341 Nassau St	52.01	67
360 Nassau Street	32.01	1
366 Nassau Street	32.01	173
366 Nassau Street	32.01	213
344 Nassau Street	32.01	214
350-352 Nassau Street	32.01	215
364 Nassau Street	32.01	221
354 Nassau Street	32.01	222
351-353 Nassau Street	53.01	78
343-345 Nassau Street	53.01	80
347-349 Nassau Street	53.01	81
357-359 Nassau Street	53.01	82
361 Nassau Street	53.01	83
1-5 Peck Place	53.01	85

Section 14. Chapter 17A, Article XI, Section 17A-418 Affordable Housing Overlay-2(AHO-2) Permitted principal uses. Within the AHO-2 zoning district, the following principal uses shall be permitted:

- (a) Floors above the ground floor/street level floor: multi-family residences

(b) Ground floor/street level floor:

- (1) Retail sales and services
- (2) Office
- (3) Restaurants

Section 15. Chapter 17A, Article XI, Section 17A-419 Affordable Housing Overlay-2 (AHO-2) Permitted accessory uses. Within the AHO-2 zoning district the following accessory uses shall be permitted:

- (a) Residential management office
- (b) Common rooms/areas, including for meetings, recreation, laundry and storage
- (c) Communications infrastructure,
- (d) Maintenance and storage
- (e) Off-street parking and loading
- (f) Street/ site furnishings
- (g) Home occupations
- (h) Fences and walls
- (i) Landscape amenities and open space
- (j) Pedestrian circulation elements
- (k) Signs
- (j) Storm water management facilities and other utilities
- (m) Other customary uses which are clearly incidental and subordinate to a permitted principal use

Section 16. Chapter 17A, Article XI, Section 17A-420 Affordable Housing Overlay-2 (AHO-2) Site Development Regulations:

- (a) Minimum yard requirements:
 - (1) Front yard: 0 feet
 - (2) Side yard: none required, but if a side yard is provided it shall be a minimum of 10 feet
 - (3) Rear yard: 15 feet
- (b) Maximum front yard setback: 10 feet
- (c) Maximum impervious coverage: 80%

- (d) Building height: Minimum height is 2.5 stories, not to exceed 45 feet
- (e) Maximum number of buildings: Multiple buildings per lot are permitted
- (f) Off-street parking
 - (1) Residential uses:
 - [a] Up to five dwelling units, inclusive of existing and new: no off-street parking is required
 - [b] 1.1 off-street parking spaces shall be provided for each new dwelling unit in excess of five dwelling units.
 - [c] On-street parking credit. Off-street parking requirements shall be reduced by the number of new on-street parking spaces created
 - (2) Non-residential uses: shall comply with the requirements of the underlying zone
- (g) Minimum landscape buffers to residential zones: 15 feet
- (h) Illumination. Illumination of sites and buildings shall be regulated pursuant to Section 17A-365.1 Lighting.
- (i) Signs. Signs shall be regulated pursuant to Section 17A-368 Accessory Signs-Permitted in business districts.

Section 17. Chapter 17A, Article XI, Section 17A-421 Affordable Housing Overlay-3 (AHO-3) Regulations.

Section 18. Chapter 17A, Article XI, Section 17A-422 Affordable Housing Overlay-3 (AHO-3) Permitted principal uses. Within the AHO-3 zoning district the following principal uses shall be permitted:

- (a) Multi-family dwellings

Section 19. Chapter 17A, Article XI, Section 17A-423 Affordable Housing Overlay-3 (AHO-3) Permitted accessory uses. Within the AHO-3 zoning district the following accessory uses shall be permitted:

- (a) Residential management office
- (b) Common rooms/areas, including for meetings, recreation, laundry and storage
- (c) Communications infrastructure,
- (d) Maintenance and storage
- (e) Off-street parking and loading
- (f) Street/ site furnishings
- (g) Home occupations

- (h) Fences and walls
- (i) Landscape amenities and open space
- (j) Pedestrian circulation elements
- (k) Signs
- (j) Storm water management facilities and other utilities
- (m) Other customary uses which are clearly incidental and subordinate to a permitted principal use

Section 20. Chapter 17A, Article XI, Section 17A-424 Affordable Housing Overlay-3 (AHO-3) Site Development Regulations:

- (a) Minimum yard requirements:
 - (1) Front yard: 10 feet
 - (2) Side yard: 20 feet
 - (3) Rear yard: 25 feet
- (b) Maximum front yard setback: 15 feet
- (c) Maximum impervious coverage: 70%
- (d) Maximum Building height: 35 feet
- (e) Maximum number of buildings: Multiple buildings per lot are permitted
- (f) Off-street parking: 1.3 space per dwelling unit
- (g) On-street parking credit. Off-street parking requirements shall be reduced by the number of new on-street parking spaces created
- (h) Minimum landscape buffers to residential zones: 15 feet
- (i) Illumination. Illumination of sites and buildings shall be regulated pursuant to Section 17A-365.1 Lighting.
- (j) Signs. Signs shall be regulated pursuant to Section 17A-368 Accessory Signs-Permitted in business districts.

Section 21. The properties in the overlay zones identified herein are entitled to be developed pursuant to their underlying zoning districts, and may also be developed pursuant to the overlay zone regulations set forth herein for the overlay zones.

Section 22. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

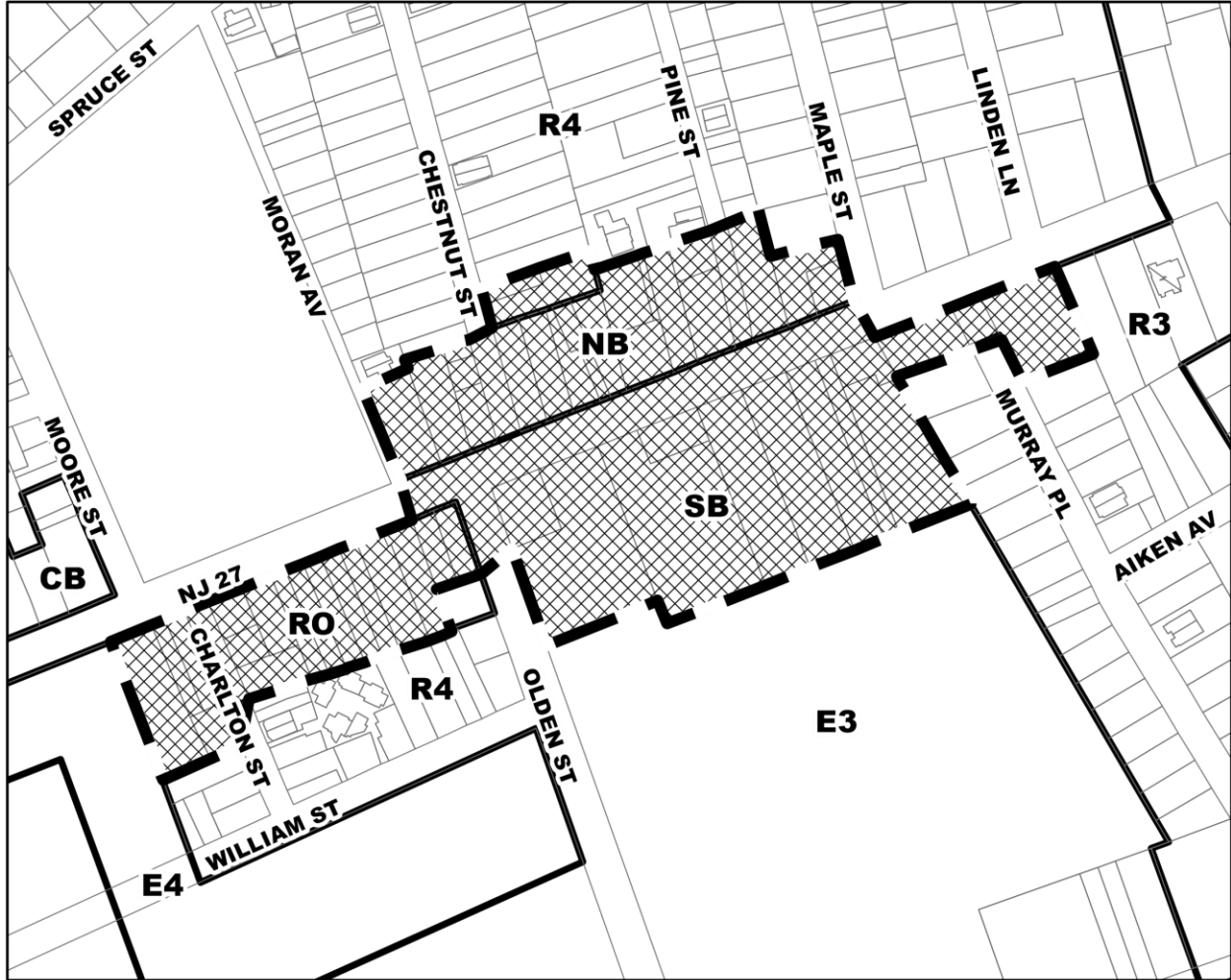
Section 23. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the general ordinances are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 24. The Municipal Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Mercer County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).



Section 25. After introduction, the Municipal Clerk is hereby directed to submit a copy of the within Ordinance to the planning board for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The planning board is directed to make and transmit to the governing body, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the board deems appropriate.

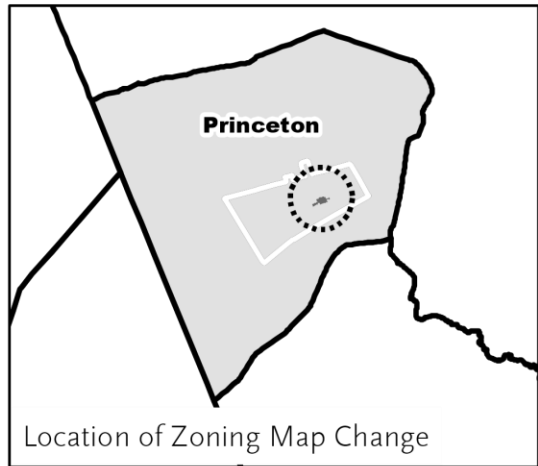
Section 26. This Ordinance shall be presented to the Mayor for her approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either her approval or objection to same within ten (10) days after it has been presented to her, then this Ordinance shall be deemed approved.

Section 27. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Mercer County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Municipal Tax Assessor as required by N.J.S.A. 40:49-2.1.



Legend

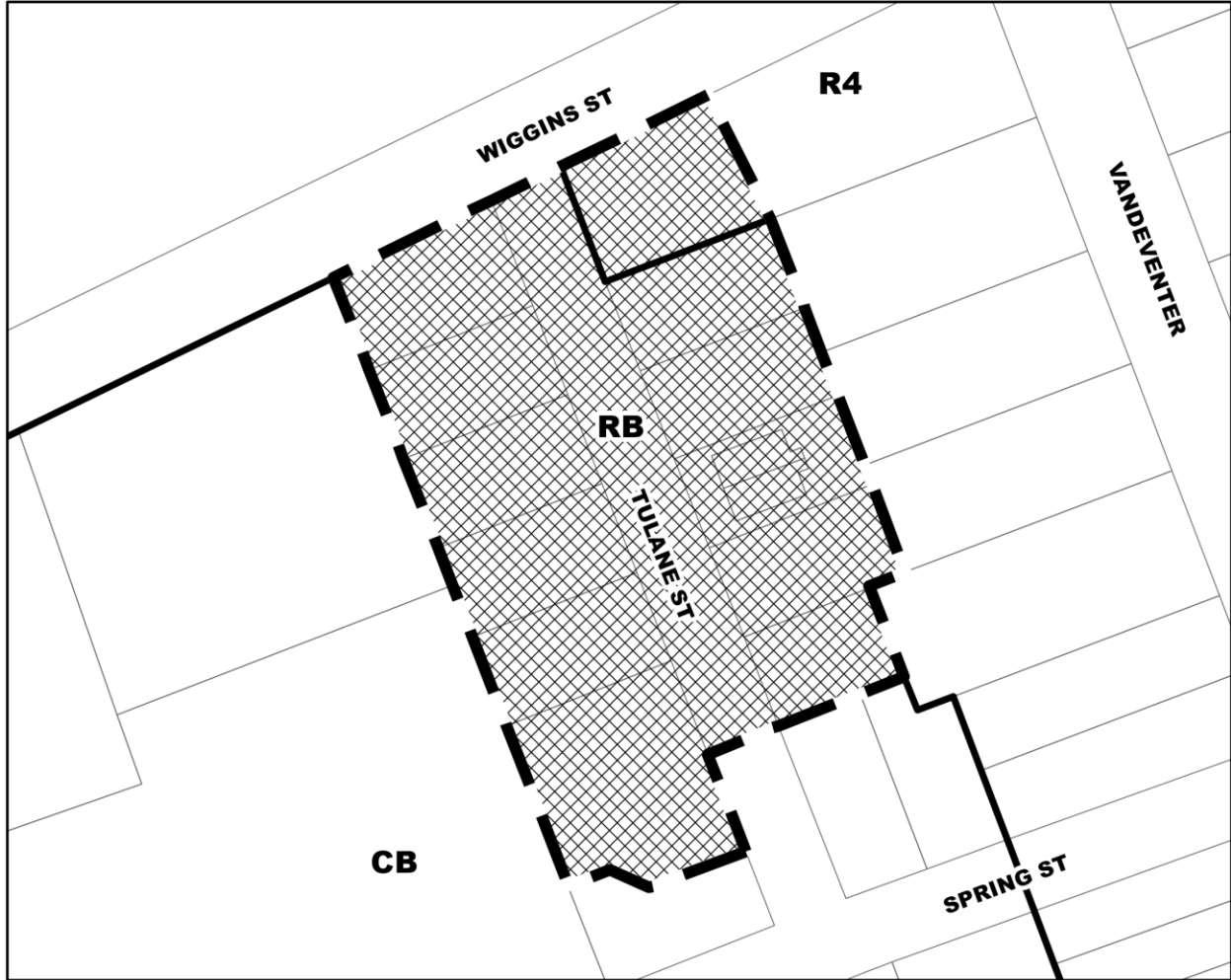
-  Affordable Housing Overlay - 1 (AHO-1)
-  Existing Zoning Boundaries





Zoning Map Amendment

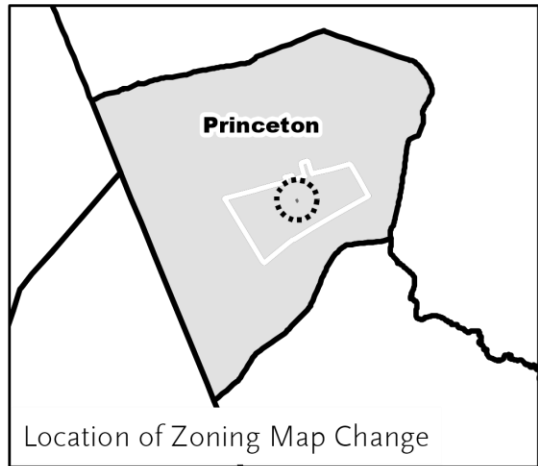
Affordable Housing Overlay - 1 Zone (AHO-1)

Princeton, Mercer County, NJ



Legend

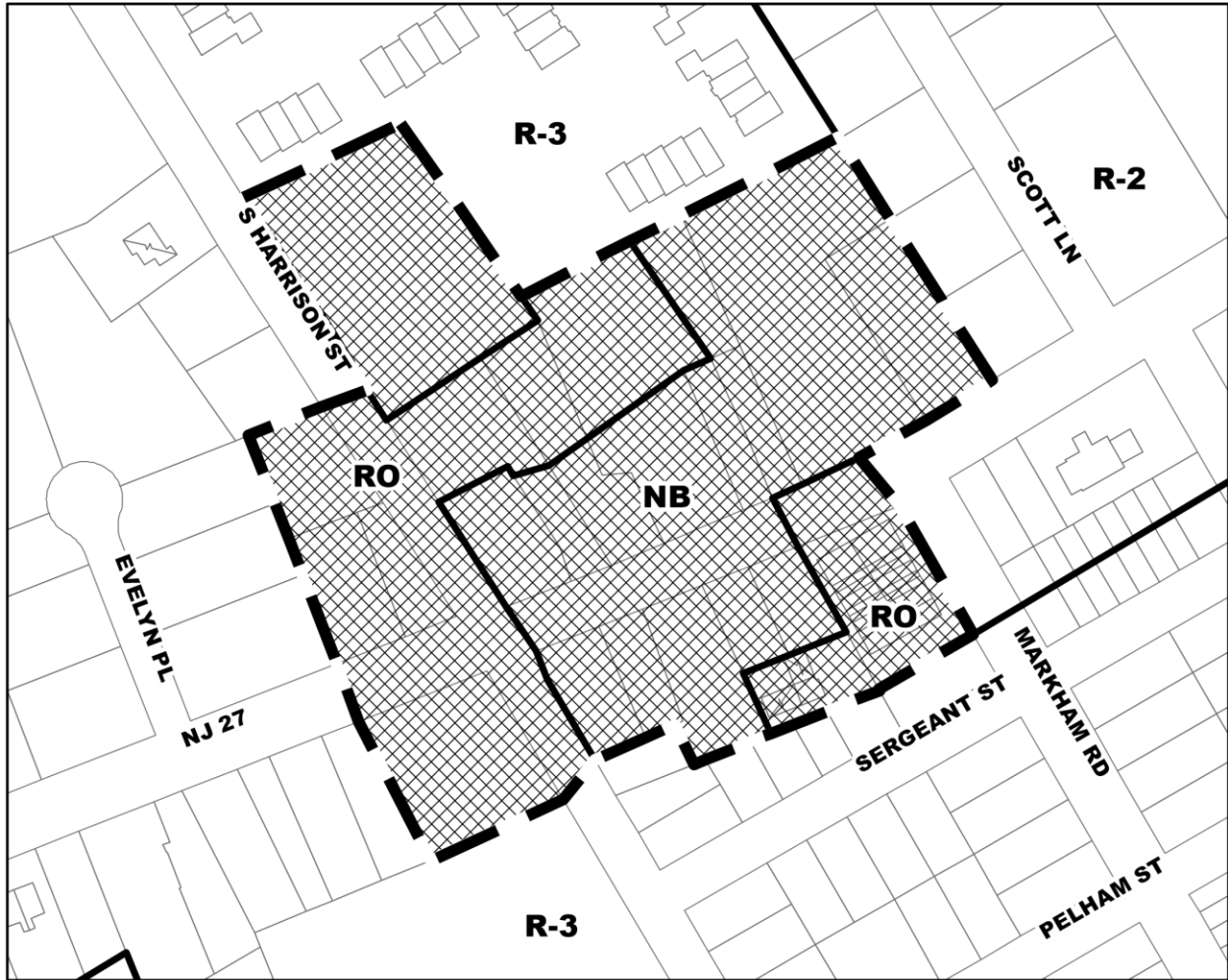
-  Affordable Housing Overlay - 1 (AHO-1)
-  Existing Zoning Boundaries





Zoning Map Amendment

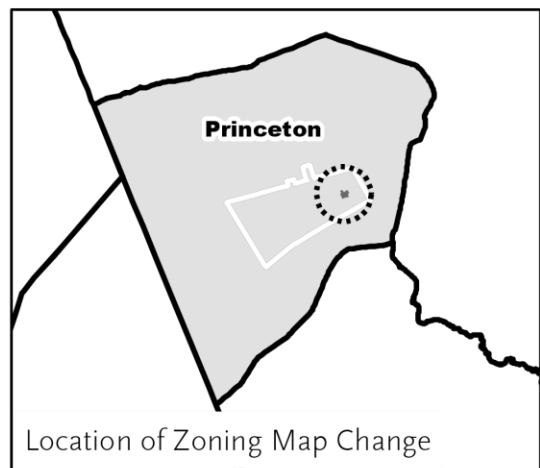
Affordable Housing Overlay - 1 Zone (AHO-1)

Princeton, Mercer County, NJ



Legend

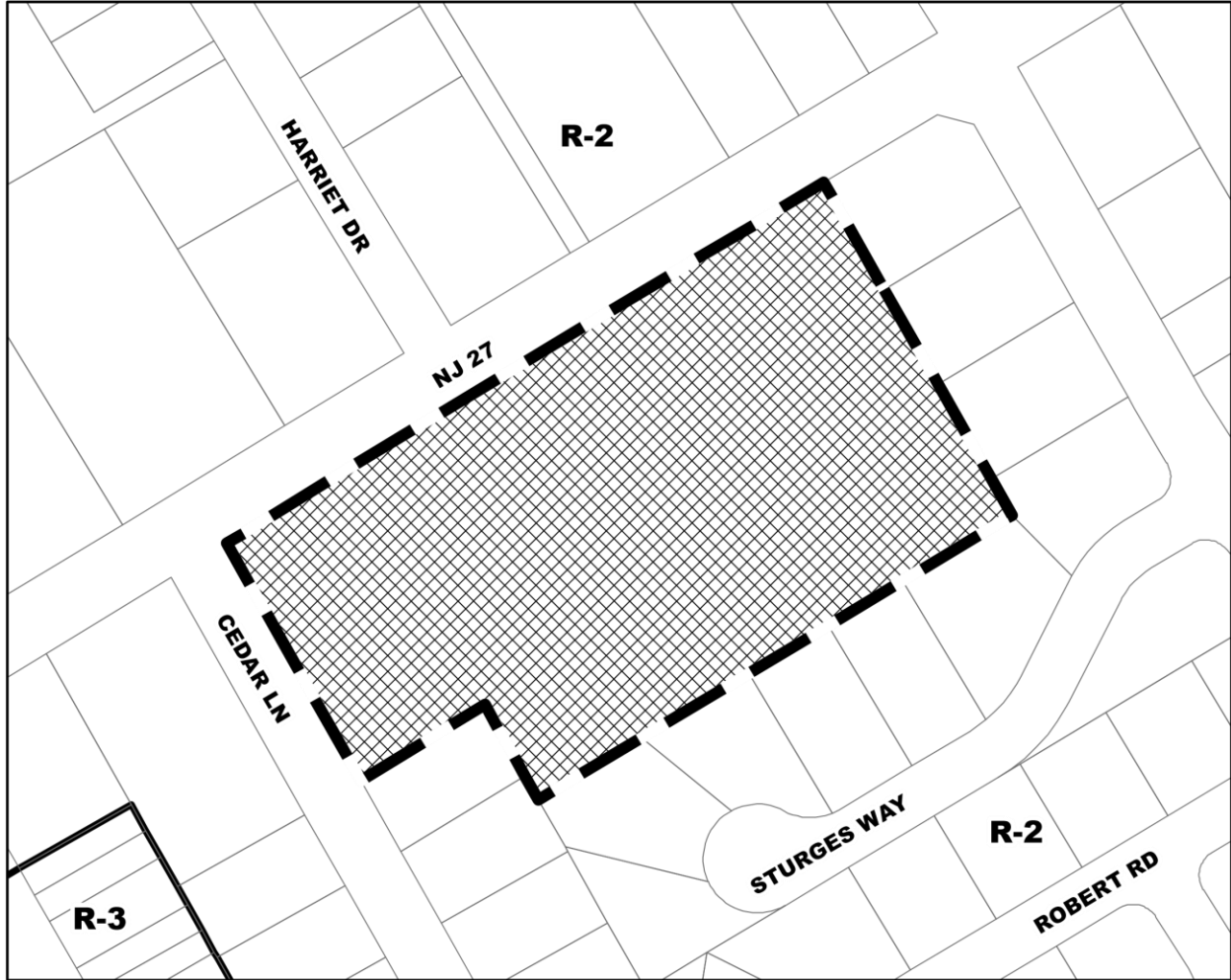
-  Affordable Housing Overlay (AHO-2)
-  Existing Zoning Boundaries





Zoning Map Amendment

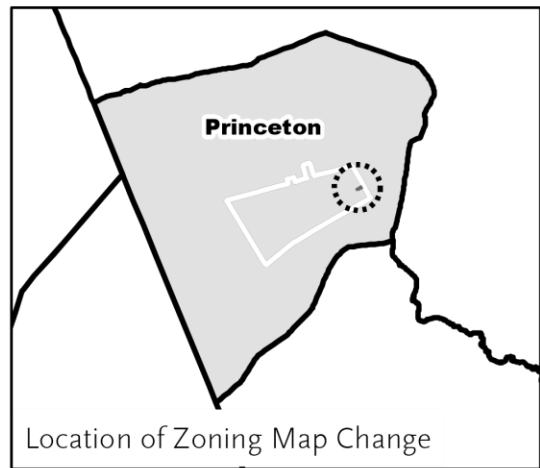
Affordable Housing Overlay - 2 Zone (AHO-2)

Princeton, Mercer County, NJ



Legend

-  Affordable Housing Overlay - 3 (AHO-3)
-  Existing Zoning Boundaries



Zoning Map Amendment

Affordable Housing Overlay - 3 Zone (AHO-3)

Princeton, Mercer County, NJ

Appendix D

Massachusetts Housing Partnership

Inclusionary Zoning Worksheet



INCLUSIONARY ZONING

Getting Started

Why does your community want to adopt Inclusionary Zoning?

- Documented Community Need for Affordable Housing
- Housing Production Plan (HPP) or Master Plan Goal
- Socioeconomic Integration
- Add to Subsidized Housing Inventory (SHI)
- Workforce Retention
- Anti-Displacement/Gentrification

Whatever the reason, it is important to be realistic about possible outcomes. Inclusionary Zoning (IZ) is an important tool, but it cannot alone fully address a community’s need for affordable housing. For example, Massachusetts communities that are motivated by the desire to use IZ to reduce the threat of 40B developments should also consider adopting a Housing Production Plan, which allows a community to attain a 1-2 year “Safe Harbor” following the creation of a certain number of affordable units.

BACKGROUND RESEARCH

When exploring the need for Inclusionary Zoning, communities should make data-driven decisions. It is important to have a clear understanding of the existing housing landscape in your community. MHP’s DataTown is a tool that communities can use to look at demographic trends, housing production, stock in your municipality, and even compare that to neighboring or comparable communities.

Answers to the next several questions can be found at mhp.net/datatown

Inventory: what kind of housing currently exists?

Total Number of Housing Units _____

Approximate percentage (%) housing by building type

- Single Family _____%
- 2-Family _____%
- 3-4 Units _____%
- 5-9 Units _____%
- >10 Units _____%

Rate of development or production *(number of net new units built)*

2000-2009 _____

2010-2020 _____

Inclusionary zoning is most effective in communities where growth is occurring or projected, and housing is being built.

Tenure mix

Renter Households _____%

Homeowners _____%

Does the tenure mix address the housing needs of your community? Are there rental options available for those who might need or prefer that option?

Affordability

Cost Burdened Renter _____%

Cost Burdened Homeowner _____%

Severely Cost Burdened Renter _____%

Severely Cost Burdened Owner _____%

Who needs affordable housing in your community? Is the IZ intended to serve a certain income level? Is it feasible for private developer in this market to include units for low income households without some form of additional subsidy?



Massachusetts Housing Partnership

Moving affordable housing forward

www.mhp.net

617-330-9955 info@mhp.net

[@mhpousing](https://twitter.com/mhpousing) [@mhpdata](https://twitter.com/mhpdata)

Crafting the By-Law

Type of Inclusionary Zoning

- Mandatory
- Incentive-based

“Mandatory” IZ requires market rate housing developments to include a certain percentage of affordable units. Voluntary IZ gives a developer the option of including affordable units in exchange for incentives intended to offset the loss of revenue.

Incentives

- No Incentives
- Density Bonus
- Parking Ratio Reduction
- Fee Reductions
- Expedited Permitting

The most common type of incentive is a density bonus, which allows for the construction of a small number of additional, market-rate units in exchange for the provision of affordable units. Reductions in parking, setback, and permitting fees are other effective incentives.

Compliance alternatives

- None Available
- Off-Site Development of Affordable Units
- Payment-in Lieu (PIL)
- Donation of Land or Housing

For an off-site option, the by-law should require units to be comparable in quality and size, and provisions put in place to ensure that they get built.

While there is no “rule of thumb” for determining the PIL amount, it should be roughly comparable to the amount that the developer would save by not building the affordable unit.

For a payment-in-lieu option, provisions should be put in place to ensure that funds be used to support the community’s affordable housing goals.

Municipalities with IZ that provides for a PIL option often take the step of creating a Municipal Affordable Housing Trust (MAHT), which allows them to segregate PIL payments out of the general budget and into a trust fund for use on local initiatives aimed at creating and preserving affordable housing.

For more information, see MHP’s guidebook on Municipal Affordable Housing Trusts: <https://www.mhp.net/writable/resources/documents/municipal-affordable-housing-trust-guidebook.pdf>

APPLICABILITY

Types of development

Check ALL that will be subject to inclusionary requirement

- Single Family Development
- Multi-Family Development (>3 Units)
- Mixed-use Development
- Accessory Dwelling Units
- Rehabilitation Projects (i.e. Motel Conversion)

In order to get the most “bang for your buck” from IZ, communities should consider requiring it for areas zoned for higher density.

Geographic coverage

- Entire Municipality
- One or More Zoning District
- Overlay District(s)

Have community planning documents identified areas where higher density development is preferred and would be most feasible? Things to consider include availability of water and sewer, and proximity to transit and a mix of commercial and service uses.

Minimum size threshold

- 4-6 Units
- 6-10 Units
- 10+ Units
- Varies depending on type of development (single family vs. multi-family for example)

Identify the minimum size project for which the inclusionary requirement would be applicable. What is the typical size development currently being proposed in your community? Is it feasible for a developer to build a small project if one or more affordable units are required? Keep in mind that if the threshold is set at, say, 7, it may be easier for a developers to limit the size of their development to 6.



Crafting the By-Law

AFFORDABILITY DESIGN

Percentage of units which must be affordable

- 5-10%
- 11-15%
- 15-20%
- Other

MHP generally advises that anything higher than 20% will make a project financially infeasible. Some IZ's require different percentages for different types or sizes of development

Affordability level

- 0-30% AMI (*Area Median Income*)
- 31-50% AMI
- 51-80% AMI
- 81-100% AMI (*Not eligible for SHI*)
- 101-120% AMI (*Not eligible for SHI*)
- Combination

The US Department of Housing and Urban Development (HUD) establishes income limits that determine eligibility for assisted housing programs. <https://www.huduser.gov/portal/datasets/il.html>

By-Laws can allow for different levels of affordability for different districts or type of housing. They can also allow for alternative affordability mixes (say, 15% @ 80% AMI or 7.5% @ 50% AMI.)

Keep in mind that it is extremely challenging to develop extremely low income housing (targeted at households earning less than 30% AMI) without additional federal, state or locally provided subsidy.

Duration of affordability requirements

- 5-15 years
- 16-30 years
- Perpetuity
- Other

DHCD generally requires that units be subject to an affordability restriction for at least 30 years in order to be eligible for inclusion on the SHI. Before adopting IZ, municipalities should develop a strategy and identify an individual (municipal staff person or outside agency or consultant) who will be responsible for tracking ongoing compliance with affordability and eligibility requirements.



Massachusetts Housing Partnership

Moving affordable housing forward

www.mhp.net

617-330-9955 info@mhp.net

[@mhpousing](#) [@mhpdata](#)

Best Practices

Get help from a consultant, or make sure the group working on the IZ has the right skill set

While it is important to look at the IZ requirements for neighboring communities to make sure that what you are proposing is competitive in the local market, do not simply duplicate a by-law from another community.

Conduct a feasibility study

In order to develop an IZ “formula” that results in the creation of affordable housing and is financially feasible for developers, it should be based on the factors influencing the cost of development in your specific community, including:

- Rate of development
- Land acquisition costs
- Availability of water and sewer
- Construction costs/square foot
- Average market rents/sales prices
- Typical unit sizes for your market
- Land acquisition costs
- Local zoning (lot sizes, parking ratios, dimensional requirements, open space requirements-all of which affect the cost of housing.)
- New construction vs. adaptive reuse? The numbers will be different!

Get legal review

Have municipal council or a consultant attorney review the proposed by-law for consistency with existing state and local laws and regulations.

Consult with DHCD

Affordable units created through IZ get onto the Subsidized Housing Inventory (SHI) as Local Action Units (LAUs) through DHCD’s Local Initiative Program (LIP). We recommend strongly that communities considering IZ consult with staff from the LIP program early in the process of developing an IZ by-law.

MHP’s “Local Action Units Guidance” can be found here:

<https://www.housingtoolbox.org/writable/files/resources/LAU-Guide-2018.pdf>

Plan ahead for monitoring and compliance

The municipality, in coordination with DHCD, plays an important role in the ongoing monitoring of affordable units created through IZ. Before proceeding with the development of IZ, therefore, communities should be up to speed on exactly what is required in terms of long term compliance, and identify who will be responsible!

Revisit your IZ By-Law every 2-5 years

The model on which IZ should be based is only good for a moment in time, and should be re-examined in light of changing market conditions, rate of development, an in response to effectiveness to date, and community planning goals. Some IZ by-laws include a provision requiring a mandatory “look back” provision.

