

Inclusionary Zoning Process Checklist for the Owner/Developer

February 2008

1. Present Concept to City's Development Assistance Team

Owner presents basic development concept to staff group that includes all related City agencies (from Planning to Engineering, Traffic, Parks, Metro, Fire, Police, Real Estate, CDBG, and Business Assistance), and receives initial feedback. Lead is City Planning (266-4635).

2. Submit Zoning Application and IZ Dwelling Unit Plan

Owner submits written application, including IDUP to City Planning staff. The IDUP should describe how the owner will meet the goals of the IZ ordinance, and the types of City incentives the owner seeks for the development, such as greater density, parkland credit, parking requirement variations, street tree planting or a cash subsidy. Some of the incentives may require a specific application or decision by the City policy body governing that topic, such as the Park Commission. If owner concludes that the development cannot be financially feasible and meet the 15% affordable unit requirement, developer may seek a "waiver" of the requirement. Owner would need to complete a financial pro-forma and submit this to the CDBG Office (267-0740).

3. Formal Review by City's Development Assistance Team

City's Development Assistance Team reviews written application materials and makes formal recommendations concerning Plan Commission adoption, with specific contingencies. Owner may meet with individual agencies to follow through on specific issues or requests for incentives under the Inclusionary Zoning ordinance. Planning Unit will compile City staff comments and provide them to the owner one week prior to the Plan Commission meeting.

4. Formal Review by Plan Commission

City Plan Commission reviews formal application and written staff comments. Developer may present site plans and additional material to Plan Commission. Plan Commission takes action on the application, and may recommend specific conditions of acceptance. If owner seeks a waiver of the IZ provisions, the Plan Commission would act on request for waiver, based on staff review of request and choice of alternative means to comply with ordinance, such as off-site units, payment to IZ Reserve Fund, or alternate developer. City Zoning staff will file a land use restriction on the individual parcels designated as IZ dwelling units to assure compliance with the ordinance during the construction phase; Engineering will require a performance bond to assure compliance for site development issues.

5. Appeal Plan Commission Decision to Common Council (optional)

Owner may appeal Plan Commission decision to Common Council. Council would need 2/3 vote to overrule Plan Commission.

6. Submission of Land Use Restriction document.

Sign Land Use Restriction Document and submit to Director of Planning and Development for signature and filing with Register of Deeds.

Note date you do this _____ (add date).

7. Comply with Approved Inclusionary Dwelling Unit Plan

The IDUP agreement will outline various responsibilities for the owner to fulfill during the rent-up or sales phase, including marketing, notification to the City of available inclusionary units, and establishment of sales/rental prices for the inclusionary dwelling units.

8. Construct Development According to Inclusionary Dwelling Unit Plan

Owner arranges site preparation and construction according to approved plans and the Subdivision Agreement (if applicable), including the exterior appearance and scattered siting of the inclusionary dwelling units. Building Inspection and Engineering staff will monitor the status of the site development.

As part of the approved IDUP, the owner may arrange for the City to purchase completed lots or dwelling units at this stage for transfer to a qualified non-profit or the Community Development Authority, as a way to meet the affordable unit goals. For all designated inclusionary dwelling units intended for sale/purchase OR rental, the City will register a deed restriction on the property as a means to enforce the approved IDUP.

9. Submit Marketing Data (1st period dates)

Submit formal letter of 1st marketing period start date to City Planning Department. Use the marketing letter on the IZ website to make sure you include all the pertinent information.

Note date you do this _____ (add date). Maintain a record of all marketing efforts for the IZ units.

NOTE: Per the ordinance, your marketing period does not start until at least one dwelling unit is sold (closed), a completed unit is available to walk through or view in a virtual presentation, and the Director of Planning and Development receives notice that the completed unit is available to walk through or view in a virtual presentation.

10. IZ Development Rate

Assure development of IZ units/lots is done at the same time as market rate units.

11. Verification of Qualifying Household Income of Purchaser

- Include income of all household members over age 19.
- Collection of signed income certification from all household members over age 19.
- Collection of most recent tax return or 3 most recent pay stubs.

12. Submit Purchaser Information

If this is a for sale unit, prior to sale owner must provide the following to the City, thirty business days before closing: Purchaser name, current address, purchase price, closing date so City Mortgage, Note, and Option to Purchase can be prepared. Use the *IZ Unit Sale Notification Form* on the City's IZ website. Send to:

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