

NOTICE IS GIVEN THAT THE GEORGETOWN BOARD OF SELECTMEN AT ITS MARCH 28, 2023, MEETING, PASSED THE FOLLOWING ORDINANCE NO.1, (SERIES 2023), ON FIRST READING. NOTICE IS FURTHER GIVEN, THAT A PUBLIC HEARING WILL BE HAD PRIOR TO SECOND AND FINAL READING AND CONSIDERATION OF ADOPTION AT 6:00 P.M. ON TUESDAY, APRIL 11, 2023, AT THE BOARD OF SELECTMEN MEETING CONTACT THE TOWN HALL AT 303-569-2555 EXT. 2

FOR QUESTIONS/CONCERNS.

MEETINGS ARE STREAMED LIVE AT WWW.TOWNOFGEORGETOWN.US

ORDINANCE NO. 1

(Series 2023)

AN ORDINANCE AMENDING THE GEORGETOWN MUNICIPAL CODE BY THE ADDITION OF A NEW CHAPTER 17.49, CONCERNING AFFORDABLE HOUSING

WHEREAS, the Town of Georgetown is a Colorado municipal corporation operating under a Territorial Charter and governed by its Board of Selectmen; and

WHEREAS, the Georgetown Board of Selectmen (“Board”) is authorized by the Territorial Charter and the Colorado Revised Statutes to enact ordinances for the preservation of the public health, safety, and welfare; and

WHEREAS, the Board finds it is necessary to amend the municipal code to ensure that housing is available for all economic groups within the Town such that employees and others have a reasonable opportunity to live and work within the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SELECTMEN OF THE TOWN OF GEORGETOWN, COLORADO:

Section 1. The Georgetown Municipal Code is hereby amended by the addition of a new chapter 17.49 entitled Affordable Housing, to read in its entirety as follows:

**CHAPTER 17.49
AFFORDABLE HOUSING**

17.49.010. Purpose.

The purpose of this Chapter is to mitigate the impact of free-market housing construction and the limited supply of available land suitable for such housing within the Town, thus preventing the Town zoning regulations from having the effect of excluding housing that meets the needs of all economic groups within the Town. The Board of Selectmen finds this Chapter is necessary to promote owner-occupied and rental unit, deed-restricted affordable housing and local employee housing in residential developments that will serve all segments of the community.

17.49.020. Definitions.

When used in this Chapter, the following words and phrases shall have the specific meaning as defined:

Affordable housing shall mean housing available to households earning at or below 120% of AMI.

AMI shall mean the median annual income for Clear Creek County, as adjusted for household size, that is calculated and published annually by the Department of Housing and Urban Development (HUD) or any successor index.

Deed restriction or covenant shall mean an enduring covenant placed on housing units and which identifies the conditions of ownership and occupancy of the units for eligible households and controls the prices of for-sale units initially and upon resale, and the rental rates for rental units.

Development shall mean the entire plan to construct or place _____ () or more dwelling units on a particular parcel or contiguous parcels of land within the Town which land is under common ownership or control by a single applicant, including without limitation, a planned unit development or subdivision approval, or site plan approval under Title 17 of the Code. A *development* is contiguous if the commonly owned properties are contiguous at any point. Contiguity of a *development* shall not be affected if commonly owned properties are separated by a public or private right-of-way or utility corridor, or by real property owned by the applicant. *Development* excludes dwelling units constructed by a school, hospital, local government, or similar public institution for the exclusive use of its employees, patients, or enrolled students.

Gross income shall mean the total income of the household derived from employment, business, trust, or other income producing assets including wages, alimony and child support, distributions, and before deductions for expenses, depreciation, taxes, and similar allowances.

Household shall mean one or more persons who intend to live together.

Local employee housing shall mean housing units restricted to ownership or rental by persons earning at least 80% of their gross income in Clear Creek County, as detailed in Section 17.49.070.

17.49.030 Applicability.

The requirements of this Chapter shall apply to all “development” as defined at section 17.49.020 whether attached or detached, proposed for approval or construction on and after the effective date of this Chapter: _____, 2023.

17.49.040. Affordable housing and local employee housing requirements.

Any development that includes Triplexes (3) or more dwelling units shall comply with one of the following alternatives:

- (1) The developer shall reserve at least 10% of the total number of residential units in the development, rounded up, as affordable housing.
- (2) The developer shall reserve at least 50% of the affordable housing units in the development, rounded up, as affordable local employee housing units, for ownership and occupancy by local employees pursuant to Section 17.49.070.
- (3) The percentages of affordable housing and local employee housing required by this Chapter shall apply equally to both for sale developments and rental developments.

- (4) As alternative means of satisfying the required reservation of affordable housing and/or local employee housing units, the developer may offer to the Town a substitute percentage of such housing units to be built by a third party at another location within the Town, or may deed restrict existing units pursuant to Section 17.49.080.

17.49.050. Location and design of affordable housing and local housing.

All affordable housing and/or local employee housing required within the development shall be located throughout the boundaries of the development unless the requirements of this Chapter are met with existing units as deed restricted affordable housing and/or local employee housing as described in section 17.49.080 below.

- (1) If the zoning and subdivision requirements or size of the development site makes it unfeasible to provide all or any portion of the required local employee housing and/or affordable housing units within the boundaries of the development, the Board may, in its discretion, authorize the developer to construct and reserve local housing and/or affordable housing units outside the development's boundaries to meet those requirements.
- (2) Regardless of the type of housing proposed (e.g. single-family, multifamily, duplex mobile home) the same proportion of each housing type shall be reserved for local employee housing and/or affordable housing.
- (3) The floor area, design, and quality of construction of the affordable and local employee housing required by this Chapter shall be substantially equal to the non-restricted housing units in the development.

17.49.060 Deed restriction; covenant.

The developer shall record with County Clerk & Recorder either a deed or covenant that limits the use of the affordable housing and/or local employee housing units in the appropriate portion of the subject property. Such deed or covenant shall be in perpetuity, shall be approved by the Town Attorney prior to recordation, and shall provide that the Town may enforce the restrictions contained therein.

- (1) Examples of a qualifying deed restriction or covenant shall be maintained by the Town and provided upon request.
- (2) The deed restriction or covenant shall provide that the Town shall have an option to purchase the unit should the property ever be subject to a foreclosure sale.

17.49.070 Eligible occupants: local employee housing.

Eligible occupants of local employee housing units shall be those who, at a minimum:

- (1) do not exceed 120% AMI in gross income;
- (2) earn 80% of their income from a Clear Creek County business or a government employer;
- (3) have worked in the County for at least three of the past five years;
- (4) own no other developed residential land or rental units and no residential land for owner-occupied units; and
- (5) live in the local employee housing unit.

17.49.080 Satisfying requirements with existing units.

The developer may satisfy all or a portion of the requirements for local employee housing or for affordable housing by restricting existing units in the Town. To satisfy this requirement, such existing units must be subject to a deed restriction or a covenant as described in section 17.49.060.

17.49.090 Development incentives.

Upon request at the time of a development application, the Town Administrator may grant a reduction or waiver of development application review fees as an incentive for development of affordable housing and local employee housing units. Subsequent to development approval, the Town Administrator may grant a reduction or waiver of building permit fees for the development. No such waiver or reduction is an entitlement.

17.49.100 Administration and enforcement; appeals.

The provisions of this Chapter shall be administered by the Town Administrator. No development falling within the scope of this Chapter may be approved, and no plat, site plan or building permit approved, recorded, or issued for the same, until the Town Administrator certifies its compliance with requirements of this Chapter. Decisions of the Town Administrator may be appealed to the Board of Selectmen by the filing of a written appeal with the Town Clerk no later than thirty (30) days after the date of the decision being appealed. The Board of Selectmen shall hold a hearing within 30 days after the filing of an appeal and may affirm or reverse the Town Administrator’s decision in whole or in part. The Town Administrator may take any enforcement action deemed necessary to enforce this Chapter, including without limitation the withholding of permits and approvals, and the filing of appropriate actions in the Municipal Court.

Section 2. Effective Date. This ordinance shall take effect upon final adoption as provided by Section 5.26 of the Territorial Charter.

INTRODUCED, READ, APPROVED AND ORDERED POSTED IN FULL ON FIRST READING on the 28th day of March, 2023.

INTRODUCED ON SECOND READING, FINALLY ADOPTED AND ORDERED POSTED UP AFTER PUBLIC HEARING on the _____ day of _____, 2023.

TOWN OF GEORGETOWN

By: _____

Lynette Kelsey, Police Judge

ATTEST:

Jennifer Yobski, Town Clerk

Posted up in full on the Town's website and at Town Hall and two (2) other designated posting locations within the limits of the Town after final adoption, in accordance with Section 5.26 of the Territorial Charter.

Jennifer Yobski, Town Clerk

Date: _____