

**Town of Erie
Ordinance No. 017-2023**

**An Ordinance of the Board of Trustees of the Town of Erie
Amending Chapters 6, 7, and 11 of Title 10 of the Erie Municipal
Code to Provide Alternative Standards for Affordable Housing
Projects, and Adopting Corresponding Definitions**

Whereas, the Town has experienced a high rate of growth and increase in population during the past ten years;

Whereas, during that period, the cost of housing has increased at a much higher rate than income, causing housing to be unaffordable for low- and moderate-income households;

Whereas, longer approval times for an application can increase development costs;

Whereas, many types of development standards such as restrictions on density, setbacks, lot size, and height increase the cost of housing;

Whereas, modifying Title 10 of the Erie Municipal Code (the "UDC") to allow for streamlined approvals and flexible development standards for certain affordable housing projects will reduce the costs of housing and make affordable housing projects less cost prohibitive in the Town; and

Whereas, the Board of Trustees finds it in the best interest of the public health, safety and welfare to modify the UDC to allow for streamlined approvals and modified development standards for certain affordable housing projects.

Now Therefore be it Ordained by the Board of Trustees of the Town of Erie, Colorado, as follows:

Section 1. Chapter 6 of Title 10 of the Erie Municipal Code is hereby amended by the addition of the following new Section 10-6-15:

10-6-15 – Alternative standards for affordable housing.

A. *Purpose:* This Section establishes alternative standards to encourage the development of affordable housing projects in the Town.

B. *Procedure:* Requests for alternative standards for an affordable housing project shall be made at the time of and as a part of an administrative site plan application or subdivision application.

C. *Alternative standards.* For an affordable housing project:

1. The maximum residential density may be increased up to twenty-five (25) percent over that allowed by the zone district in which the underlying property is located.

2. There shall be no minimum lot size.

3. The required setbacks and lot width may be reduced by up to twenty-five (25) percent of that required by the zone district in which the underlying property is located.

4. Pursuant to Section 10-6-1(C), alternative equivalent compliance shall be available for parks, open space and trails, transportation and access and off-street parking and loading.

Section 2. Section 10-7-7(F)(1) of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

10-7-7 – Subdivision.

* * *

F. *Procedure for review of minor subdivisions:*

1. Applicability:

a. The procedure set forth in this Section shall apply to:

i. Subdivisions that create ten (10) or fewer lots in any zone district; or

ii. Affordable housing projects.

b. Review procedure and submittal requirements: See Table 7.1, Section 10-7-2.

* * *

Section 3. Section 10-7-10(C) of the Erie Municipal Code is hereby amended as follows:

10-7-10 – Site plan.

* * *

C. *Types of site plan review:*

1. *Administrative review.* The following types of projects may be approved by the Director using the administrative site plan approval process:

- a. A single use proposed in a structure that is less than twenty-five thousand (25,000) square feet in building size for that use, not including a single-family detached or duplex dwelling unit;
- b. A combination of uses proposed in a single structure, such as a shopping center, that is less than twenty-five thousand (25,000) square feet in building size, not including a single-family detached or duplex dwelling unit; and
- c. Multiple buildings proposed where the combined total of all structures will not exceed twenty-five thousand (25,000) square feet in building size, not including single-family detached or duplex dwelling units on lots larger than 5,000 square feet; and
- d. Affordable housing projects.

2. Neighborhood meeting: The Director may require a neighborhood meeting for administrative site plans that are likely to create a substantial deviation from the existing character of the neighborhood surrounding the property, as determined by the Director. The neighborhood meeting shall comply with Section 10-7-2.D.

3. *Planning Commission review:* The following types of projects shall require site plan review by the Planning Commission:

- a. Any development that exceeds does not meet the size threshold criteria for administrative site plan approval; and
- b. Any administrative site plan referred to the Planning Commission by the Director.

4. *Review of site plan with subdivision:* At the option of the applicant, a subdivision application may be submitted concurrent with a site plan application for the following types of projects:

- a. Property in Old Town in which the site plan includes more than one (1) legal lot;
- b. A site plan on property that does not have a legal building lot platted within the Town; and
- c. A site plan on property that is identified by the Town as needing to dedicate or convey easements, right-of-way, or other property dedication; and
- d. An affordable housing project.

* * *

Section 4. Section 10-11-3 of the Erie Municipal Code is hereby amended by the addition of the following definitions, to appear in alphabetical order:

Affordable Housing Project means a development in which twelve (12) percent or more of the total residential units will be restricted, by a recorded deed restriction in a form approved by the Town, as follows: (a) for ownership units, initial occupancy shall be restricted to households with incomes at or below one hundred twenty (120) percent of AMI; and (b) for rental units, occupancy shall be restricted to households with incomes at or below eighty (80) percent of AMI.

Area Median Income ("AMI") means the area median income annually calculated by the U.S. Department of Housing and Urban Development for Boulder County, Colorado.

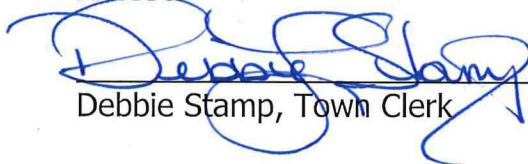
Section 5. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 6. Safety. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

Section 7. Effective Date. This Ordinance shall take effect 30 days after publication following adoption.

Introduced, Read, Passed and Ordered Published this 25th day of July, 2023.

Attest:


Debbie Stamp, Town Clerk


Justin Brooks, Mayor



TOWN OF ERIE
RESOLUTION NO. 20-140

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF
ERIE ADOPTING THE BOULDER COUNTY REGIONAL HOUSING
PARTNERSHIP'S PRIORITIES AND STRATEGIES FOR EXPANDING
ACCESS TO DIVERSE HOUSING FOR OUR COMMUNITY**

WHEREAS, Boulder County is in a housing crisis pressured by restrained supply and built up demand resulting in home prices and rents that are unaffordable;

WHEREAS, the social, economic and environmental well-being of the community is enhanced when workforce housing is available, and existing residents with changing or special housing needs are served;

WHEREAS, evidence demonstrates safe and stable housing is an essential social determinant of physical and mental health and well-being;

WHEREAS, diverse housing types and housing affordability supports social and economic diversity, increases public safety, expands availability of social services, and reduces environmental impacts;

WHEREAS, the housing affordability challenge is regional and is shared by each jurisdiction;

WHEREAS, regional cooperation and joint action is needed to produce additional accessible and affordable housing and distribute it across the county where affected populations live and work;

WHEREAS, Boulder County communities and residents are committed to and have made strong investments in housing affordability; and

WHEREAS, the Town is committed to working with others throughout Boulder County and especially with neighboring cities and towns to collectively create and dedicate the resources needed to successfully govern and implement the regional housing plan using a range of tools and policies to aggressively address the housing needs of the community.

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF
THE TOWN OF ERIE, COLORADO, THAT:**

1. The Board of Trustees hereby adopts the Boulder County Regional Housing Partnership's Priorities and Strategies for Expanding Access to Diverse Housing for the Community, including the recommended goals for percent of affordable housing stock by 2035.

2. The Board of Trustees pledges to support regional actions to create and preserve housing affordability while implementing local housing strategies that address the housing affordability needs of the Town, thus benefiting the Boulder County region as a whole.

ADOPTED this 25th day of August, 2020.

ATTEST:

Heidi Leatherwood, Town Clerk



Jennifer Carroll, Mayor

**Town of Erie
Planning Commission
Resolution No P23-05**

**A Resolution of the Planning Commission of the Town of Erie
Recommending that the Board of Trustees Adopt an Ordinance
Amending Chapters 6 and 7 of Title 10 of the Erie Municipal Code
to Provide Alternative Standards for Affordable Housing Projects,
and Adopting Corresponding Definitions**

Whereas, the Town has experienced a high rate of growth and increase in population during the past ten years;

Whereas, during that period, the cost of housing has increased at a much higher rate than income, causing housing to be unaffordable for low- and moderate-income households;

Whereas, longer approval times for an application can increase development costs;

Whereas, many types of development standards such as restrictions on density, setbacks, lot size, and height increase the cost of housing;

Whereas, modifying Title 10 of the Erie Municipal Code (the "UDC") to allow for streamlined approvals and flexible development standards for certain affordable housing projects will reduce the costs of housing and make affordable housing projects less cost prohibitive in the Town; and

Whereas, the Planning Commission finds it in the best interest of the public health, safety and welfare to modify the UDC to allow for streamlined approvals and modified development standards for certain affordable housing projects.

Now, Therefore, be it Resolved by the Planning Commission of the Town of Erie, Colorado, that:

Section 1. The Planning Commission hereby recommends that the Board of Trustees adopt an Ordinance amending Chapters 6 and 7 of Title 10 of the Erie Municipal Code to provide alternative standards for affordable housing projects as attached in **Exhibit A**.

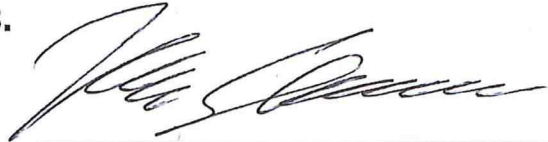
Section 2. **Severability.** If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this

Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 3. Safety. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

Section 4. Effective Date. This Ordinance shall take effect 30 days after publication following adoption.

Adopted this 5th day of July 2023.



Kyle Swikoski, Chair

Attest:



Melinda Helmer, Secretary

**Town of Erie
Planning Commission
Resolution No. P23-06**

**A Resolution of the Planning Commission of the Town of Erie
Recommending that the Board of Trustees Adopt an Ordinance
Amending Chapter 7 of Title 10 of the Erie Municipal Code Related
to the Process for Creating, Adopting, and Amending the Town's
Comprehensive Plan**

Whereas, the approval criteria for an amendment to Title 10 of the Erie Municipal Code (the "UDC") are set forth in Section 10-7-18(C)(9);

Whereas, pursuant to Section 10-7-18 of the Municipal Code, the Planning Commission is required to review and make a recommendation to the Board of Trustees regarding whether to approve an amendment to the Unified Development Code - UDC; and


Whereas, on June 21, 2023, the Planning Commission reviewed an ordinance proposing amendments to Chapter 7 of the UDC to add a new Review and Approval Procedure for creating, adopting, and amending the Town's Comprehensive Plan.

Now, Therefore, be it Resolved by the Planning Commission of the Town of Erie, Colorado, that:

Section 1. The Planning Commission hereby recommends that the Board of Trustees approve the ordinance amending Chapter 7 of the UDC to add a new Comprehensive Plan Review and Approval Procedure, as presented to the Planning Commission, for the following reasons:

- a. The proposed amendment promotes the public health, safety, and general welfare;
- b. The proposed amendment is consistent with the Town's Comprehensive Master Plan and the stated purposes of the UDC; and
- c. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.

Adopted this 5th day of July, 2023.



Kyle Swikoski, Chair

Attest:

A handwritten signature in cursive script, appearing to read 'Melinda Helmer', written over a horizontal line.

Melinda Helmer, Secretary