

ORDINANCE NO. 26

Series 2024

**A BILL FOR AN ORDINANCE AMENDING POLICY 24A SOCIAL
COMMUNITY REGARDING EMPLOYEE GENERATION**

WHEREAS, in 2020, the Town adopted subsection C. Policy 9-1-19-24A Social Community which required new uses to mitigate 35 percent of the employees generated by such use per square footage calculation;

WHEREAS, new use square footage or an increase in intensity of use increases the number of employees in the community, resulting in additional need for attainable workforce housing in the community;

WHEREAS, regulating a percentage of employees generated by new uses or an increase in intensity of existing uses allows for the use to pay a portion of the new workforce housing demand generated by the use;

WHEREAS, when the policy was adopted, impacts to businesses from COVID were ongoing and an accurate reflection of employee generation could not be realized through a nexus study at that time and the adopted policy included the employee generation numbers established by a Town of Vail nexus study completed in 2016. Now that the effects of the pandemic have subsided and employment rates in businesses have stabilized, best practice dictates a Town specific nexus study be conducted and adopted.

WHEREAS, the Town engaged Economic Planning Systems, Inc. (EPS) to conduct a nexus study utilizing Breckenridge businesses;

WHEREAS, the nexus study reflects the employee generation rates of local businesses, based on a survey of local businesses;

WHEREAS, regulating employee generation is another policy to help mitigate the gap in attainable workforce housing in the Town's numerous workforce housing programs and policies; and,

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
BRECKENRIDGE, COLORADO:**

Section 1. That subsection B. of 9-1-19-24A be amended by deleting the language stricken and adding the language underlined to read as follows:

B. Employee Housing Impact Mitigation:

1. The purpose of this subsection B is to ensure that new development or changes in the intensity of use provide a reasonable amount of employee housing to mitigate the impact on available employee housing caused by such development.

2. Subsections B through H, inclusive, of this policy shall apply to all new development and changes of use of the following land uses:

- a. Commercial Use
- b. Industrial Use
- c. Mixed Use
- d. Recreation and Leisure Amenities

e. The following Residential Uses:

i. Boarding House

ii. Condominium/Hotel

iii. Divisible Unit

iv. Hotel/Lodging/Inn

v. ~~Multi-Unit Residential~~

vi. Timeshare Interests Unit

vii. ~~Townhomes~~

3. This policy does not apply to institutional uses.

Section 2. That a new employee generation rates by type of use table be added to subsection C.1. of section 9-1-19-24A underlined to read as follows:

Type of Use	Employee Generation Rate
<u>Restaurant (Food Service)</u>	
Fast food/counter service	3.26 employees per 1,000 sq. ft.
<u>Sit Down/table service-outdoor space up to 25% of indoor size*</u>	<u>8.34 employees per 1,000 sq. ft.</u>
<u>Sit down/table service-outdoor space greater than 25% of indoor size*</u>	<u>12.78 employees per 1,000 sq. ft.</u>
Outdoor additions**	4.44 employees per 1,000 sq. ft.
Taphouse/Brewery/Bar (without food service)	2.73 employees per 1,000 sq. ft.
<u>Health and wellness (e.g. yoga, fitness, gym, physical therapy)</u>	<u>3.41 employees per 1,000 sq. ft.</u>

<u>Personal service (e.g. salon, spa, nailcare, skincare)</u>	<u>5.54 employees per 1,000 sq. ft.</u>
Retail	2.95 employees per 1,000 sq. ft.
Office	6.26 employees per 1,000 sq. ft.
<u>Hospitality (e.g. Condominium/hotel, divisible unit, hotel/lodging/inn, timeshare interests)</u>	<u>0.23 employees per room/unit/divisible unit</u>

*Rate applied to indoor square footage

**Rate applied only if previous outdoor space was less than or equal to 25% of indoor size

Section 3. That subsection C.1. of section 9-1-19-24A is hereby repealed and replaced.

Section 4. That subsection C.3. of section 9-1-19-24A be amended by deleting the language stricken and adding the language underlined to read as follows:

3. Each development shall mitigate its impact on available employee housing by providing new employee housing for thirty five percent (35%) of the employees generated by the project, in accordance with the table "Employee Generation Rates by Type of Use Table," above, and the requirements of this policy.

For example, for a new fast food/counter service restaurant ~~indoor eating and drinking establishment/restaurant and bar~~ proposing 2,500 square feet of new area, the required employee housing would be calculated as follows:

~~([2,500 square feet/1,000 square feet] x [3.26][40.2]) = 8.15 25.5 new employees generated x 35% = 2.85 8.9 employees to be housed; and~~

~~A new exterior food and beverage area of 1,000 square feet would require employee housing calculated as follows: ([1,000 square feet/1,000 square feet] x [5.11]) = 5.1 new employees generated x 35% = 1.79 employees to be housed.~~

Section 5. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 8th day of October, 2024.

This ordinance was published in full on the Town of Breckenridge website on October 10, October 11, October 12, October 13 and October 14, 2024.

A public hearing on this ordinance was held on October 22, 2024.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 22nd day of October, 2024. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE

Helen Cospolich, CMC, Town Clerk

Kelly Owens, Mayor

APPROVED IN FORM

Town Attorney Date

This Ordinance was published on the Town of Breckenridge website on October 24, October 25, October 26, October 27 and October 28, 2024. This ordinance shall become effective on November 27, 2024.

