

TOWN OF EAGLE, COLORADO
ORDINANCE NO. __
(Series of 2022)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO,
REPEALING AND REENACTING SECTION 4.04.030 OF THE EAGLE MUNICIPAL CODE,
TO ALLOW FOR ONE PARCEL TO BE LOCATED IN MORE THAN ONE ZONE DISTRICT
IN LIMITED CIRCUMSTANCES

NOW BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO AS
FOLLOWS:

Section 1. Section 4.04.030 of the Eagle Municipal Code is hereby repealed in its
entirety and reenacted as follows:

Section 4.04.030. - District boundaries.

A. Except as otherwise expressly provided in this Section, zone district
boundaries shall follow municipal corporation limits, section lines, lot lines,
centerlines of stream beds, and right-of-way centerlines or extensions thereof.

B. No single lot or parcel shall be located within more than one zone district.
Notwithstanding the foregoing, the Town Council may approve a rezoning that
allows for one parcel or lot to be located in more than one zone district if all of the
following conditions are satisfied:

1. The parcel is vacant land;

2. The entire parcel is subject to a development agreement approved
by the Town Council and executed by all owners of the parcel;

3. The development agreement prohibits any development on the
parcel until the parcel is lawfully subdivided so that each subdivided lot or parcel
is only located in one zone district;

4. The development agreement provides that the owner(s) of the
parcel indemnify and defend the Town against any legal challenge related to the
rezoning; and

5. The Town Council finds and determines that the rezoning is in
furtherance of a public purpose, such as attainable housing.

C. Where a zone district boundary coincides with a right-of-way line and said
right-of-way is subsequently abandoned, the zone district boundary shall then
follow the centerline of the former right-of-way.

D. Land not part of a public right-of-way and not indicated as being in any zone district shall be considered to be included in the most restrictive adjacent zone district even when such district is separated from the land in question by a public right-of-way.

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 Town Council 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. This Ordinance is deemed necessary for the protection of the public health, safety and welfare.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED ON JANUARY 11, 2022.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk