

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 08
(Series of 2024)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO AMENDING TITLE 4 OF THE EAGLE MUNICIPAL CODE REGARDING OCCUPANCY RESTRICTIONS, SPECIAL USE PERMITS, PARKING LOCATION AND DESIGN, RIPARIAN SETBACKS, RECREATIONAL VEHICLES, AND EMPLOYEE RESIDENTIAL UNITS

WHEREAS, Colorado House Bill 24-1007 (the “Act”) prohibits local governments from basing housing occupancy limits on familial relationships under C.R.S. § 29-20-111;

WHEREAS, the Town recently adopted a new Land Use and Development Code, codified as Title 4 of the Eagle Municipal Code (the “LUDC”);

WHEREAS, since the adoption of the LUDC, Town staff have identified several provisions of the LUDC that require clarification; and

WHEREAS, the Town Council desires to amend the LUDC to comply with the Act and clarify various provisions.

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

Section 1. Section 4.04.040(D) of the Eagle Municipal Code is hereby repealed in its entirety and replaced as follows:

D. Parking Location

1. Unless approved by the Director of Public Works, alleyways shall not be used as the primary access to a parking area.
2. On-site parking for new developments shall be located in the rear of the primary building, except for single-family residences and duplexes.

Section 2. Sections 4.04.050(D) of the Eagle Municipal Code is hereby repealed in its entirety and replaced as follows:

D. Parking Location

1. Unless approved by the Director of Public Works, alleyways shall not be used as the primary access to a parking area.
2. On-site parking for new developments shall be located in the rear of the primary building, except for single-family residences and duplexes.

Section 3. The Use-Specific Standard column in Table 4.09-2 of Title 4 of the Eagle Municipal Code is hereby amended as follows:

1. The Solar Panel Ground Mounted and Solar Panel Roof Mounted row reads: "4.09.100K";
2. The Employee Dwelling Unit row reads: "4.09.100L"; and
3. The Outdoor Storage of One RV row reads: "4.09.100M".

Section 4. Table 4.09-2 of Title 4 of the Eagle Municipal Code is hereby amended by the addition of an "A" to the IND column of the Employee Dwelling Unit row.

Section 5. Section 4.09.100 of the Eagle Municipal Code is hereby amended by the addition of a new subsections to read as follows:

4.09.100 Accessory Uses and Structures

* * *

M. Storage of One Recreational Vehicle

1. No more than one recreational vehicle shall be stored on each property.
2. Recreational vehicles stored inside a building or in a rear yard shall not create secondary driveways or paths of any kind that disturb landscaping. Recreational vehicles in the front yard shall be shored on a designated parking space or drive.

Section 6. Section 4.10.030(A)(1)(b) of the Eagle Municipal Code is hereby repealed in its entirety and replaced as follows:

- b. To the maximum extent possible, primary access shall be taken from an alley where an alley exists except in the CMU 1 and CMU 2 districts.

Section 7. Section 4.11.060(B)(4) of the Eagle Municipal Code is hereby repealed in its entirety.

Section 8. Section 4.14.050(C) of the Eagle Municipal Code is hereby repealed in its entirety and replaced as follows:

C. Riparian Setback

1. Except as stated below, no disturbance of any kind including the construction of any improvements, dumping, filling, dredging, excavating,

removal of or modification to vegetation, or any activity that disturbs the land shall be permitted within:

- a. 75 feet landward of any natural waterway measured from the ordinary high-water mark of the waterway as determined by a qualified professional and approved by the Town Engineer; or
- b. The mapped 100-year floodplain, whichever creates the greatest distance from the water's edge.

2. The following improvements and activities shall be exempt from the riparian setback:

- a. Town-approved flood control structures;
- b. Town-approved stream restoration improvements;
- c. Selected removal of dead, hazardous, or invasive vegetation or vegetation management in accordance with Town operational procedures or an approved landscape plan;
- d. Unpaved public pedestrian trails;
- e. Town-owned public facilities; and
- f. Roads and utilities where no reasonable alternative exist. Roads and utilities shall cross streams and riparian areas as perpendicular to the flow path as possible to reduce the area of disturbance. Construction plans shall include provisions to ensure bank stability, and all construction scars shall be promptly smoothed and revegetated.
- g. Maintenance of irrigation structures having adjudicated water rights, including headgates, irrigation ditches, reservoirs and ponds.

3. Upon a demonstration by the applicant that no adverse impacts will occur to the environment, the Director may reduce the riparian setback to 50 feet.

Section 9. Section 4.17.080(E)(2) of the Eagle Municipal Code is hereby amended as follows:

2. Applicability

This Section shall apply to any use that is classified as a Special Use in Table 4.09-1 or elsewhere in this LUDC. Only one special use permit shall be permitted for each property.

Section 10. The definition of "Family" in Section 4.20.020 of the Eagle Municipal Code are hereby amended as follows:

Family

A single individual or a collective body of persons ~~in a domestic relationship based upon blood, marriage, adoption, or legal custody, occupying one dwelling unit and living as a separate, independent housekeeping unit, or a group of not more than five unrelated persons, all living together as a separate housekeeping unit. Notwithstanding the foregoing, a family shall be deemed to include 5 or more persons (but not in excess of twelve (12) persons) that are not related by blood, marriage, adoption, or legal custody occupying a residential Dwelling Unit and living as a single housekeeping unit if the occupants are handicapped persons as defined in title III of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, or disabled persons as defined by § 24-34-301, C.R.S. A household that includes five or more persons identified above shall not be excluded from the definition of "family" by the residence in the household of additional necessary persons (and their families) employed in the care and supervision of such handicapped or disabled persons.~~

Section 11. Section 4.20.020 of the Eagle Municipal Code is hereby amended by the addition of the following term to appear in alphabetical order:

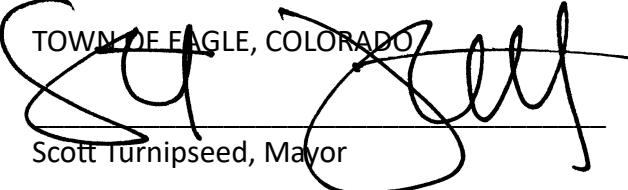
Natural Waterway

Any body of water that flows year-round in a channel with banks and a bed that is a part of the natural topography and hydrology of the area.

Section 12. 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 13. Safety. This Ordinance is deemed necessary for the protection of the public health, safety and welfare.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED ON OCTOBER 8, 2024.


TOWN OF EAGLE, COLORADO
Scott Turnipseed, Mayor

ATTEST:


Jenny Rakow, Town Clerk



PROOF OF PUBLICATION

STATE OF COLORADO)
)
COUNTY OF EAGLE)

I, Jenny Rakow, Town Clerk for the Town of Eagle, do solemnly swear and affirm that I published in full a true and correct copy of Ordinance **08, 2024 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO AMENDING TITLE 4 OF THE EAGLE MUNICIPAL CODE REGARDING OCCUPANCY RESTRICTIONS, SPECIAL USE PERMITS, PARKING LOCATION AND DESIGN, RIPARIAN SETBACKS, RECREATIONAL VEHICLES, AND EMPLOYEE RESIDENTIAL UNITS.** on the Town of Eagle's web site, www.townofeagle.org, on the 28th day of October 2024.

Witness my hand and seal this 28th day of October 2024.

Jenny RakowTown
Clerk



Ordinance Effective Date:

November 7, 2024