

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 2025-4

**AN EMERGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE,
COLORADO AMENDING THE LAND USE AND DEVELOPMENT CODE IN TITLE 4 OF THE
EAGLE MUNICIPAL CODE RELATED TO RESIDENTIAL DENSITY RESTRICTIONS.**

WHEREAS, pursuant to C.R.S. § 31-15-103, municipalities shall have power to make and publish ordinances which are necessary and proper to provide for the safety, to preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of such municipality and the inhabitants thereof not inconsistent with the laws of this state; and

WHEREAS, the Town of Eagle (the "Town") is a home-rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Eagle Home Rule Charter (the "Charter"); and

WHEREAS, pursuant to Section 1.01.080 of the Eagle Town Code (the "Code"), the Town Council may amend the Code and pursuant to Section 4.17.120 of the Code, the Town may amend the Land Use and Development Code (the "LUDC"); and

WHEREAS, pursuant to Section 6.04 of the Charter, "the [Town] Council may adopt an emergency ordinance if necessary for the immediate preservation of public property, health, welfare, peace, or safety"; and

WHEREAS, the Town of Eagle Comprehensive Plan, Elevate Eagle, addresses height and density restrictions in different zone districts; and

WHEREAS, pursuant to C.R.S. § 29-20-104.2, municipalities may not enact a land use law that explicitly decreases the permitted residential density or residential uses of land to a lower residential density or fewer residential uses than were allowed by the land's usage and zoning as of July 1, 2025, without ensuring a corresponding increase of residential density or residential uses elsewhere in the jurisdiction; and

WHEREAS, because provisions of this ordinance may be interpreted as decreasing the permitted residential density or residential uses of land, the Town Council wishes to enact these amendments as an emergency ordinance prior to July 1, 2025; and

WHEREAS, at a public hearing held on Tuesday, June 17, 2025, the Planning and Zoning Commission considered the proposed amendments and recommended Town Council not approve the resolution as written; and

WHEREAS, Town Staff amended the ordinance following the June 17, 2025 public hearing in front of the Planning and Zoning Commission and such changes are reflected in this ordinance herein; and

WHEREAS, the Town Council wishes to amend Title 4 of the Code with the addition of building footprint restrictions in commercial mixed-use zone districts and residential density restrictions in various zone districts; and

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WHEREAS, the Town Council declares the subject matter of this ordinance to be an emergency and reasonably necessary for the immediate preservation of public property and to promote the legitimate public purposes of the public health, safety, and welfare.

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

Section 1. Recitals. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Amendment to Code – Table 4.04-2. Table 4.04-2 in Section 4.04.040. – Commercial Mixed-Use (CMU1) of the Code is hereby amended with the addition of building footprint restrictions, as follows:

Table 4.04-2: CMU1 Lot and Dimensional Standards					
		Live Stream Setback			
		No disturbance area		75 ft	
Mixed-Use Lot Standards		Building Standards			
Lot Area, total (min)	6,250 sf	D	Height (max)	35 ft [2]	
Lot coverage (max)	70%		Minimum distance between principal buildings on a single lot	10 ft	
Building Placement		Parking Standards			
Build-to/Setbacks		Location		Section 4.04.040 D.	
A	Front Build-to Zone	5-20 feet	Required parking	Section 4.12	
Front Build-to Line Coverage		65% [1]			
B ₁	Street Side Build-to Zone	5-20 feet	Accessory Structure Setbacks		
B ₂	Interior Side Setback (min)	5 ft [2]	Side, Interior	2.5 ft	
C	Rear Setback (min)	5 ft [2]	Rear	2 ft	
Building Standards					
Building Footprint (sf, max)		7,000 sf			

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Table Notes:

[1] Percentage of the front building line that must be located within the build-to zone.
[2] Abutting R1 or N2, see Section 4.04.030 A.

Section 3. Amendment to Code – Residential Density. Table 4.05-4 in Section 4.05.040 – Commercial General East (CGE) and Table 4.05-6 in Section 4.05.050. – Commercial Interchange (CI) – of the Code are hereby amended with the addition of residential restrictions in the zone districts, as follows:

Table 4.05-4: CGE Lot and Dimensional Standards

Lot Standards		Building Standards	
Lot Area, total	100,000 sf	D	Height (max) 35 ft
Public Street Frontage (min)	50 lin. ft.	Parking Standards	
Lot Coverage (max)	80%	Required parking	Section 4.12
Building Placement			
Setbacks		Design Standards	
A	Front (min)	15 ft	Site layout Section 4.10
B ₁	Street Side (min)	10 ft	Mixed-use structures Section 4.10
B ₂ /C	Rear or Interior Side (min)		Residential structures Section 4.10
Adjacent to:	Parking lot	0 ft	
	Com or Ind district	12.5 ft	
	Mixed-use district	25 ft	
	Residential district	75 ft	
Live Stream Setback			
No disturbance area	75 ft		
<u>Residential Density [1]</u>			

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<u>Mixed Use / Commercial</u>	<u>1.21 units per 1,000 sf</u>	
<u>Industrial</u>	<u>0.468 units per 1,000 sf</u>	
<u>Hotel / Lodging</u>	<u>5.4 units per 50 hotel/lodging rooms</u>	
<u>Public, Civic, and Institutional Uses</u>	<u>1.21 units per 1,000 sf</u>	
<u>Open Space and Recreation</u>	<u>1.21 units per 1,000 sf</u>	

Table Notes:

[1] Fractions shall be rounded to the nearest whole number based on the sum of dwelling units.

* * * *

Table 4.05-6: CI Lot and Dimensional Standards

Lot Standards		Building Standards		
Lot Area, total	—	B ₂ D	Height (max)	35 ft
Public Street Frontage (min)	25 lin. ft.		Building Footprint (max)	25,000 sf
Lot Coverage (max)	80%	Parking Standards		
Building Placement		Parking location	Max. 30% front [1], remainder side or rear yard	
Setbacks		Required parking	Chapter 4.12	
A	Front (min)	25 ft	Design Standards	
B ₁	Street Side (min)	15 ft	Site layout	Chapter 4.10
B ₂ /C	Rear (min) or Interior Side		Mixed-use structures	Chapter 4.10
Adjacent to:	Parking lot	0 ft	Residential structures	Chapter 4.10
	Com/Ind district	12.5 ft		
	Mixed-use district	25 ft		

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Residential district	50 ft
Live Stream Setback	
No disturbance area	75 ft
Residential Density [2]	
<u>Mixed Use / Commercial</u>	<u>1.21 units per 1,000</u> <u>sf</u>
<u>Industrial</u>	<u>0.468 units per 1,000</u> <u>sf</u>
<u>Hotel / Lodging</u>	<u>5.4 units per 50</u> <u>rooms</u>
<u>Public, Civic, and Institutional Uses</u>	<u>1.21 units per 1,000sf</u>
<u>Open Space and Recreation</u>	<u>1.21 units per 1,000</u> <u>sf</u>
Table Notes:	
[1] Measured between the front building line and the public right-of-way across the entire front side of the lot.	
[2] Fractions shall be rounded to the nearest whole number based on the sum of dwelling units.	

Section 4. Amendment to Code – Accessory Uses and Structures. Section 4.09.100. – Accessory uses and structures is hereby amended with the addition of use standards for Employee Dwelling Units, as follows:

Section 4.09.100. - Accessory uses and structures.

L. Employee dwelling units.

1. Employee Dwelling Units shall be located on the same lot as the nonresidential use to which the employee housing is offered and shall not be subdivided.
2. Employee Dwelling Units shall have separate exterior access.
3. A deed restriction, in a form approved by the Town, shall be required for each Employee Dwelling Unit restricting occupancy with first priority to full time employees of the nonresidential use on the lot to which it is located, then second priority to a local employee resident, as defined in this Title 4.
4. The maximum number of Employee Dwelling Units allowed shall be calculated at 1.21 units per 1,000 sf for Mixed Use/Commercial uses, 0.468 units per 1,000 sf for industrial

uses, 5.4 units per 50 rooms for lodging uses, and 1.21 units for Open Space and Recreation uses.

5. Except for Public, Civic, and Institutional uses, Employee Dwelling Units shall not exceed 1,200 square feet.

Section 5. Emergency. Pursuant to Section 6.04 of the Code, the Town Council hereby declares that the subject matter of this ordinance is an emergency and this Ordinance is immediately necessary for the preservation of public property, health, welfare, peace, and safety in order to comply with state law limiting local government authority to reduce residential density as of July 1, 2025.

Section 6. Safety Clause. This Ordinance is deemed necessary for the protection of the public health, safety, and welfare.

Section 7. Severability. If any provision of this Ordinance or portion thereof is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision which can be given effect without the invalid portion.

Section 8. Conflicts. All prior ordinances, resolutions, or other acts, or parts thereof, by the Town of Eagle in conflict with this Ordinance are hereby repealed, except that this repeal shall not be construed to revive any previously repealed or expired act, ordinance or resolution, or part thereof.

Section 9. Effective Date. This Ordinance shall become effective immediately upon adoption as an emergency ordinance.

INTRODUCED AS AN EMERGENCY ORDINANCE, READ, MOVED, AND ORDERED PUBLISHED ON JUNE 24, 2025.

TOWN OF EAGLE, COLORADO

By: _____

Scott Turnipseed, Mayor

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ATTEST:

By: _____

Camille Deering, Town Clerk



PROOF OF PUBLICATION

STATE OF COLORADO)
)
COUNTY OF EAGLE)

I, Camille Deering, Town Clerk for the Town of Eagle, do solemnly swear and affirm that I published in full a true and correct copy of ORDINANCE 04, SERIES 2025 "AN EMERGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO AMENDING THE LAND USE AND DEVELOPMENT CODE IN TITLE 4 OF THE EAGLE MUNICIPAL CODE RELATED TO RESIDENTIAL DENSITY RESTRICTIONS" on the Town of Eagle's website, www.townofeagle.org, on the 25th day of June 2025.

Witness my hand and seal this 25th day of June 2025.

Camille Deering,
Town Clerk



Ordinance Effective Date:

June 24, 2025