



**Planning & Zoning Commission
Tuesday, October 1, 2024, 6:00 PM
Public Meeting Room / Eagle Town Hall
200 Broadway, Eagle, CO 81631**

This agenda and the meetings can be viewed at www.Townofeagle.org.

PUBLIC WIFI – Eagle Guest

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

1. This will be an in-person meeting with access via Microsoft Teams. First-time users of Teams will need to download the app.

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Please Note: All participants must remain muted until they are requested to speak. This will reduce background noise disruptions for all meeting attendees. When it is your turn to speak, you will have three (3) minutes for public comment. For technical difficulties, please email denise.cardoza@townofeagle.org and we will do our best to assist you.

PUBLIC COMMENTS: If you are unable to attend, public comments regarding any items on this agenda can be submitted to the Planning Department at Planning@townofeagle.org and will be included as part of the record.

6:00 PM - REGULAR MEETING CALLED TO ORDER

APPROVAL OF MINUTES *Approval of minutes from the following meeting(s) of the Planning & Zoning Commission.*

1. Minutes dated September 17, 2024 (*to be approved at October 10, 2024 meeting*)

PUBLIC COMMENT

Citizens are invited to comment on any item not on the agenda subject to a public hearing. Please limit your comments to three (3) minutes per person. Those who are speaking are requested to state their name & address for the record.

PUBLIC HEARINGS

1. Project: LUDC24-02 Text Amendment to the Land Use & Development Code
File # LUDC24-02
Applicant: Planning Department
Location Town of Eagle
Staff Contact: Peyton Heitzman, Community Development Director
Request: LUDC text amendment to simplify and improve clarity for 6 items in the LUDC.
 - a. Resolution 3, Series 2024, A Resolution of the Planning and Zoning Commission of the Town of Eagle, Colorado Recommending Approval of Proposed Amendments to the Eagle Municipal Code

OPEN DISCUSSION

ADJOURN

I hereby certify that the above Notice of Meeting was posted by me in the designated location at least 24 hours prior to said meeting.

Denise Cardoza

Denise Cardoza
Administrative Technician II



To: Planning & Zoning Commission

From: Planning Department

Date: October 1, 2024

Agenda Item: LUDC text amendment to simplify and improve clarity for five (5) items within the Land Use and Development Code (LUDC) and one (1) item that responds to recent state legislation regarding the definition of "Family".

REQUEST

For the Planning Commission to review and approve staff proposed modifications to the Land Use and Development Code.

BACKGROUND

Staff brought forth the proposed changes to the LUDC to the Planning Commission at the September 17 public hearing. Staff's full analysis of those changes is included in the September 17 staff memo [linked here](#).

By Code, adjustments and corrections to the LUDC require review and recommendation from the Planning and Zoning Commission, followed by adoption of an ordinance by Town Council. This round of suggested code amendments includes the following:

1. Adjustment regarding the use of alleyways to access properties.
2. Improved definition and guidance regarding Employee Dwelling Units in Commercial and Industrial Zone Districts.
3. Adjustment to the screening requirements for RV's parked on private lots
4. Simplification and clarification of the Town's stream and riparian setback standards.
5. Clarification as to the number of Special Use Permits that can exist on a single property.
6. Modification to the definition of a family, as required by Colorado House Bill 24-1007 ("HB 1007").

Staff's analysis remains the same for Amendments 2, 3, 5, and 6. Staff has provided additional analysis for Amendments 1 and 4 below.

There were two public comments at the September 17 Planning Commission meeting. One comment was spoke to the importance of the proposed language change around alley access and site design and the impacts to their property. The other comment proposed adding a FONSI (Finding of No Significant Impact) element to the Riparian Buffer Code language to provide relief from the standards when proposed development extends into the existing 75-foot setback.

ANALYSIS

1. Clarification of Use of Alleyways to Access Properties (Section 4.04.040.D, *Parking Location* for CMU1, 4.04.050.D, *Parking Location* for CMU2, and 4.10.030.A.1.b, *Site Design, Access and Connectivity*)

After discussion with legal counsel, staff removed standards from these sections that were redundant with existing language found in other parts of the Code. Staff continued discussing the intent of the standards based on policy direction from the ReCode process. Staff also believe the intent of the standard is to support the aesthetics of the streetscape by bringing the buildings to the front of the lot, and parking to the rear.

Within the Site Design section, staff also redacted the existing language to clarify intent that whenever possible access should be taken from existing alleys except for the Commercial Mixed Use 1 (CMU1) and Commercial Mixed Use 2 (CMU2) zone districts. The Town's zoning map can be accessed at this [link](#) for reference.

4.4.040.D. *Parking Location* (for CMU1 zone district)

- ~~1. Alley access to parking is required for lots where an alley exists.~~
 - ~~2. Lots without an alley are permitted to access rear or side parking from a local or arterial street.~~
 - ~~3. Up to 30 percent of parking may be located between the front lot line and the front of the primary structure.~~
- 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.*

4.4.050.D. *Parking Location* (for CMU2 zone district)

- ~~1. Alley access to parking is required for lots where an alley exists.~~
 - ~~2. Lots without an alley are permitted to access rear or side parking from a local or arterial street.~~
 - ~~3. Up to 30 percent of parking may be located between the front lot line and the front of the primary structure.~~
- 1. Unless approved by the Director of Public Works, alleyways shall not be used as the primary access to a parking area. Per Section 4.10.050.C(d), access shall be taken from a side street whenever feasible and shall be consistent with the Grand Avenue Corridor Plan.*
 - 2. On-site parking for new developments shall be located in the rear of the primary building, except for single-family residences and duplexes.*

4.10.030.A *Site Design*

- 1. Access and Connectivity**
 - ~~b. On single structure sites, primary access shall be from the alley, when an alley exists. In neighborhoods or streets without alleys, primary access shall then be from the street frontage facing the main entrance of the building.~~
 - b. To the greatest extent possible, primary access is taken from an alley where an alley exists, except in CMU 1 and CMU 2.*
- 4. Revisions to Riparian Setback standards (Section 4.14.050.C, *Riparian Setback and Buffer*, Section 4.20.020 *Definitions*)**

Staff removed the phrase “or seasonally” from the proposed definition of a natural waterway. Staff heard the Planning Commission request more leniency against this standard and provided the proposed standard 3 as a response to this. Staff would like a response from the Planning Commission if this proposed standard addresses that request?

4.14.050.C Riparian Setback and Buffer

1. ~~When Required~~

~~A riparian setback and buffer are required for the following:~~

- ~~a. In all zone districts on each side of any perennial stream or river, water body, or wetland as established by the mapped floodplain area, or from the Ordinary High Water Mark (OHWM), or as determined by a qualified professional geologist or geotechnical engineer.~~
- ~~b. Classifications of surface waters as perennial or intermittent streams, or as a lake or pond, shall be as indicated on the most recent version of the United States Geological Survey (USGS) 1:24,000 (7.5 minute) scale topographic maps, or the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture (USDA). If there exists a discrepancy between these maps that would affect a required buffer, the classification requiring the most stringent buffer shall be applied.~~

1. ~~Minimum Total Width of Water Body Setback~~

~~No improvement, building, structure, private ramp access, excavation, dumping, or backfill shall be placed, built, undertaken or approved within a 75-foot setback area measured horizontally from the AHWL of any river or live stream, except for improvements permitted in Section 4.14.020.C.3. The location of the required setback is determined by the minimum total width of the area within the riparian buffer. This shall be the width of the mapped floodplain, or where the floodplain is not mapped or is narrower than 75 linear feet from the AHWL on both sides.~~

2. ~~Riparian Buffer Zones~~

a. ~~Streamside Zone – Zone 1~~

- ~~i. Zone 1 shall begin at each edge of any identified riparian area and shall occupy a margin of land on each side, each with a minimum width of 25 feet from any wetland, water body, or any perennial stream. Where very steep slopes (30 percent or greater) are located within, and extend beyond such margin, Zone 1 shall extend to include the entirety of the very steep slopes up to a maximum dimension of 50 feet.~~
 - ~~ii. No disturbance of land shall be allowed within Zone 1 including without limitation dumping, filling, dredging, new construction, excavating, substantial improvements or modifications, scraping by motorized equipment, removal of native vegetation or root systems, or transferring materials that will reduce the natural storage capacity of the land, interfere with the natural flow pattern of any watercourse, or degrade the quality of surface or ground water.~~
- ~~(a) Exceptions to these restrictions include:~~
- ~~(i) Approved flood control structures;~~
 - ~~(ii) Approved stream restoration practices;~~
 - ~~(iii) Selected removal of dead, hazardous, or invasive vegetation or vegetation management in accordance with an approved landscape plan;~~
 - ~~(iv) Unpaved public pedestrian trails; and~~

- ~~(v) Roads where no economically feasible alternative exists. Roads should cross streams and riparian areas as perpendicular to the flow path as possible to reduce the area of disturbance.~~
- ~~(b) Underground utilities or public park structures may be allowed as a Special Use, provided that the Planning and Zoning Commission and Town Council find that:~~
 - ~~(i) There is no practical alternative location for the utilities or public park structures; and~~
 - ~~(ii) That adequate provision is made to ensure that all construction scars are revegetated.~~
 - ~~(ii) Utilities should cross streams and riparian areas as perpendicular to the flow path as possible to reduce the area of disturbance.~~

~~b. Outer Buffer Zone Zone 2~~

- ~~i. Zone 2 provides for limited uses in a buffer between development and Zone 1. It also provides separation between areas of intense human use and riparian features associated with intermittent or ephemeral streams.~~
- ~~ii. The minimum width of Zone 2 for wetlands, waterbodies, and perennial streams shall be from the edge of Zone 1 to the limit of the mapped floodplain. The width of Zone 2 when applied to intermittent streams is 50 feet.~~
- ~~iii. No significant disturbance of land shall be allowed within Zone 2 buffers including without limitation dumping, filling, dredging, new construction, excavating, substantial improvements or modifications, scraping by motorized equipment, removal of native vegetation or root systems, or transferring materials that will reduce the natural storage capacity of the land or interfere with the natural flow pattern of any watercourse or degrade the quality of surface or ground water. The following are permitted in the riparian transition buffer:~~
 - ~~(a) Any use permitted in the Zone 1 buffer,~~
 - ~~(b) Non-agricultural open fencing,~~
 - ~~(c) Unpaved biking or hiking trails;~~
 - ~~(d) Stormwater management facilities with the approval of a qualified engineer; and~~
 - ~~(e) Recreation uses with the approval of the Floodplain Administrator.~~

Proposed replacement text:

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 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 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.

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.

The Town's new code provides a definition for "High Water Mark" and "Stream" in Section 4.20.020, *General Definitions and Measurement Descriptions*. A detailed definition for the "Ordinary High-Water Mark" is also listed in Section 4.29.030, *Flood Damage Prevention Definitions*. In support of the proposed riparian setback language, staff is suggesting a definition for "Natural Waterway" be added alphabetically to Section 4.20.020, *General Definitions and Measurement Descriptions*.

 **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.

PUBLIC COMMENT/OUTREACH

These proposed changes to the new code were noticed in local papers on Thursday, August 29th. An initial public hearing was held at the Planning & Zoning Commission meeting on September 17, 2024 with a continuance to the October 1, 2024 meeting. The Town Council meeting date is not yet determined, where the public may comment on the proposed amendments. Details about the proposed changes are also available on the Town's website.

As of September 27, 2024, no public comment has been received.

STAFF RECOMMENDATION

Staff recommends approval of P&Z Resolution No. 002, Series 2024, approving amendments to the Town of Eagle Municipal Code, File LUDC24-2. This recommendation is based on compliance with applicable provisions of the Municipal Code and the goals and policies of the 2021 Elevate Eagle Comprehensive Plan.

RECOMMENDED MOTION

I move the Planning and Zoning Commission **approve P&Z Resolution 003, Series 2024**, recommending approval of amendments to the Town of Eagle Municipal Code, File LUDC24-2.

ATTACHMENTS

- Planning and Zoning Commission Resolution 3, Series 2024

**TOWN OF EAGLE, COLORADO
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 003
(Series of 2024)**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE TOWN OF
EAGLE, COLORADO RECOMMENDING APPROVAL OF PROPOSED AMENDMENTS
TO THE EAGLE MUNICIPAL CODE

WHEREAS, the Town of Eagle 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;

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, requiring amendment to the LUDC;

WHEREAS, the Town's municipal code requires the Planning and Zoning Commission to review proposed code revisions, and forward findings and recommendations to the Town Council;

WHEREAS, on September 17, 2024, the Commission held a properly noticed public hearing on various proposed amendments to the LUDC, and recommended continuing the hearing to October 1, 2024; and

WHEREAS, on October 1, 2024, the Commission held a properly noticed public hearing on various proposed amendments to the LUDC.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF EAGLE, COLORADO AS FOLLOWS:

Section 1. Findings. The Planning and Zoning Commission finds that the proposed clarifications to the Eagle Municipal Code comply with applicable provisions of the Eagle Municipal Code and that approval of the text amendments is in the best interest of the public health, safety, and welfare.

Section 2. Decision. Based on the foregoing findings, the Planning and Zoning Commission recommends approval of the amendments to the LUDC.

Section 3. 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 4. 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 5. 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 6. Table 4.09-2 of Title 4 of the Eagle Municipal Code is hereby amended by the addition of an "S" to the IND column of the Employee Dwelling Unit row.

Section 7. Section 4.09.100 of the Eagle Municipal Code is hereby amended by the addition of two new subsections to read as follows:

4.09.100 Accessory Uses and Structures

* * *

L. Employee Dwelling Units

1. A maximum of one employee dwelling unit shall be permitted per lot.

2. 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.

3. Employee dwelling units shall have separate exterior access.

4. Employee dwelling units shall provide a minimum of one dedicated off-street parking space.

5. A deed restriction, in a form approved by the Town, shall be required for each employee dwelling unit restricting occupancy to full-time employees of the nonresidential use on the lot to which it is located.

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.

Section 8. 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 9. Section 4.11.060(B)(4) of the Eagle Municipal Code is hereby repealed in its entirety.

Section 10. 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 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 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.

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 11. 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 12. The definition of “Employee dwelling unit” and “Family” in Section 4.20.020 of the Eagle Municipal Code are hereby amended as follows:

Employee dwelling unit

A dwelling unit that is located on the same lot as a primary nonresidential use that is restricted for occupancy to households where at least one person of that household is a full-time employee, working an average of 30 hours per week, at the nonresidential use located on the same lot. ~~within or attached to a nonresidential development, but with a separate entrance from the nonresidential portion of the development; may also be located at an approved site location different than the site of the employment generation or detached from the nonresidential development but located on the same lot, parcel or subdivision; and is not accessed from any other residential dwelling.~~

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 13. 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.

INTRODUCED, READ, PASSED AND ADOPTED ON OCTOBER 1, 2024.

TOWN OF EAGLE, COLORADO

Matt Hood, Chair

ATTEST:

Denise Cardoza, Administrative Technician