

CHAPTER 1: GENERAL PROVISIONS

10.1.1 TITLE AND EFFECTIVE DATE

The Unified Development Code of the Town of Erie, Colorado, may be referred to throughout this document as "this UDC."

10.1.2 AUTHORITY

This UDC is enacted pursuant to the powers granted and limitations imposed on municipalities by the laws of the State of Colorado, including without limitation C.R.S. §29-20-101 *et seq.* (Local Government and Land Use Enabling Act). This UDC has been adopted by reference into the Erie Municipal Code (Ordinance 20-2012).

10.1.3 PURPOSE OF THIS TITLE

A. General Purpose

This UDC has as its general purpose the promotion of the health, safety, and general welfare of the Town of Erie ("Town").

B. Specific Purposes

The provisions of this UDC are specifically intended to:

1. Foster quality, compatible, and efficient relationships among land uses;
2. Promote a healthy and convenient distribution of population by regulating and limiting the density of development;
3. Ensure greater public safety and accessibility through quality physical design and location of land use activities;
4. Encourage the efficient use of the available land supply;
5. Promote a balanced supply of residential, commercial, industrial, institutional, and transportation land uses that are substantially compatible with adjacent land uses and that have good access to transportation networks;
6. Preserve the character and quality of the Town's residential neighborhoods;
7. Promote a balanced, diverse supply of affordable, quality housing located in safe and livable neighborhoods;
8. Enhance the appearance, visual scale, orientation, quality, and mix of land uses of new developments;
9. Ensure that developments are substantially compatible with the Town's Comprehensive [Master Plan](#);
10. Promote the vitality and development of the Town's major employment centers, town centers, and its other commercial and mixed-use districts;
11. Manage traffic congestion in the streets;
12. Ensure the provision of adequate open space for light, air, and fire safety;
- ~~13. Preserve the value of buildings and land;~~
- ~~14.~~~~13.~~ Manage the preservation of existing trees and vegetation, wetlands, floodplains, wildlife and habitat, stream corridors, scenic views, and other areas of scenic and environmental significance from adverse impacts of land development;

- ~~15.14.~~ Encourage development of a sustainable and accessible system of recreational facilities, parks, trails, and open space that meets year-round neighborhood and community-wide needs;
- ~~16.15.~~ Facilitate and cooperate with other governments to provide adequate and safe provision of transportation, water, wastewater, storm drainage, schools, parks, and other public facilities;
- ~~17.16.~~ Provide a clear, timely, business friendly development processing atmosphere; ~~particularly for retail and commercial developments;~~
- ~~18.17.~~ Provide appropriate development incentives to achieve an economically balanced and diverse community; and
- ~~19.18.~~ Ensure that service demands of new development will not exceed the capabilities of existing streets, utilities, or other public facilities and services.

10.1.4 APPLICABILITY AND JURISDICTION

A. General Applicability

The provisions of this UDC shall apply to all land, buildings, structures, and land uses thereof located within the Town, unless an exception is provided by the terms of this UDC.

B. Jurisdictional Area

The territorial jurisdiction of this UDC shall include all land located within the legal boundaries of the Town or to a limited extent those lands that desire to annex to the Town through a formal petition process.

C. Application to Governmental Agencies

To the extent permitted by law, the provisions of this UDC shall apply to all land, buildings, structures, and uses owned by government agencies in the Town. Where the provisions of this UDC do not legally apply to such land, buildings, structures, and uses owned by government agencies, such agencies are encouraged to meet the provisions of this UDC.

D. Compliance Required

No building or structure shall be erected, converted, enlarged, reconstructed, or altered for use, nor shall any land, building, or structure be used or changed, except in accordance with all of the applicable regulations established by this UDC. No lot of record that did not exist on the effective date of this UDC shall be created, by subdivision or otherwise, that does not conform to the applicable requirements of this UDC.

~~10.1.5~~ EASEMENTS

~~Development or encroachment within any easement area shall require authorization from the easement holder. Development within any easement owned by or benefiting the Town shall require~~

~~10.1.6~~ INTERPRETATION

~~specific written permission from the Town.~~

~~The provisions of this UDC shall be held to be minimum requirements adopted for the promotion of the public health, safety, and welfare.~~

~~10.1.7~~ LIABILITY FOR DAMAGES

This UDC shall not be construed to hold the Town or its authorized representatives responsible for any damage to persons or property by reason of inspection or reinspection authorized in this UDC or failure to inspect or reinspect, or by reason of issuing a building permit as provided in this UDC.

10.1.86 CONFLICTING PROVISIONS

A. Conflict with Other Public Laws, Ordinances, Regulations, or Permits

This UDC is intended to complement other Town, State, and Federal regulations that affect land use. This UDC is not intended to revoke or repeal any other Town, State or Federal law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of this UDC are either more restrictive or less restrictive than comparable standards imposed by any other Town, State or Federal law, ordinance, or regulation, the provisions that are more restrictive or that impose higher standards or requirements shall govern.

B. Conflict with Private Agreements

This UDC is not intended to revoke or repeal any easement, covenant, or other private agreement. In no case shall the Town be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

10.1.9 TRANSITIONAL REGULATIONS

A. Purpose

The purpose of transitional regulations is to resolve the status of properties with pending applications or recent approvals, as those terms are used below, and properties with outstanding violations, at the time of the adoption of this UDC.

B. Violations Continue

Any violation of the previous Zoning Regulation or Subdivision Regulation of the Municipal Ordinance shall continue to be a violation under this UDC and shall be subject to the penalties and enforcement set forth in Chapter 10, unless the use, development, construction, or other activity complies with the provisions of this UDC. Payment shall be required for any civil penalty assessed under the previous codes, even if the original violation is no longer considered a violation under this UDC.

C. Uses, Structures, and Lots Rendered Conforming

A use, structure, or lot not in conformance with the Municipal Code prior to the adoption of this UDC or modifications thereto, is deemed lawful and conforming as of the effective date of this UDC, provided it conforms to all of the requirements of this UDC.

D. Uses, Structures, and Lots Rendered Nonconforming

1. When a building, structure, or lot is used for a purpose that was a lawful use before the effective date of this UDC or modifications thereto, and this UDC no longer classifies such use as a permitted use in the zoning district in which it is located, such use shall be considered legally nonconforming and shall be controlled by Chapter 9.
2. Where any building, structure, or lot that legally existed on the effective date of this UDC or modifications thereto, does not meet all standards set forth in this UDC, such building, structure, or lot shall be considered legally nonconforming and shall be controlled by Chapter 9.

E. Processing of Applications Commenced or Approved Under Previous Ordinances

1. Pending Applications

- a. Any complete application that has been submitted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this UDC, shall be reviewed in accordance with the ordinance in effect on the date the application was deemed complete. If the applicant fails to

~~comply with any applicable required period for submittal or other procedural requirements, the application shall expire and subsequent applications shall be subject to the requirements of this UDC. Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.~~

- ~~b. An applicant with a complete application that has been submitted for approval, but upon which no final action has been taken prior to the effective date of this UDC, may request review under this UDC by a written letter to the Community Development Director/Director of Planning and Development.~~

2. Preliminary Approvals

~~An application for which preliminary approval of a plat or planned unit development (PUD) was granted prior to the effective date of this UDC may be processed for a final decision in accordance with the preliminary approval, and applicable terms of the UDC in place at the time of preliminary approval, even if the application does not comply with 1 or more requirements set forth in this UDC. Preliminary approvals granted under the previous Zoning Code may be extended no more than once, and for no longer than 6 months.~~

3. Approved Projects

- ~~a. Special Review Use permits, Preliminary and Final Plats, Site Plan approvals, grading permits, building permits, stormwater quality permits, sign permits, and Variances that are valid upon the adoption of any updates to this UDC, shall remain valid until their expiration date. Projects with valid approvals or permits may be completed with the development standards in effect at the time of approval.~~
- ~~b. Any building or development for which a building permit was granted prior to the effective date of any updates to this UDC may be permitted to proceed to construction.~~
- ~~c. If the development for which the building permit is issued prior to the effective date of any updates to this UDC fails to comply with the time frames for development established for the building permit, the building permit shall expire and future development shall comply with the requirements of this UDC.~~

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10.1.107 SEVERABILITY

- A.** If any court of competent jurisdiction invalidates any provision of this UDC, then such judgment shall not affect the validity and continued enforcement of any other provision of this UDC.
- B.** If any court of competent jurisdiction invalidates the application of any provision of this UDC, then such judgment shall not affect the application of that provision to any other building, structure, or use not specifically included in that judgment.
- C.** If any court of competent jurisdiction judges invalid any condition attached to the approval of an application for development approval, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.