

**TOWN OF ERIE
ORDINANCE NO. ____-2020**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF ERIE
AMENDING VARIOUS SECTIONS OF TITLE 10 OF THE ERIE
MUNICIPAL CODE, THE TOWN'S UNIFIED DEVELOPMENT CODE**

WHEREAS, the Board of Trustees wishes to amend various sections of Title 10 of the Erie Municipal Code, the Town's Unified Development Code (the "UDC"), to reflect updates recommended by Town staff due to changing conditions in the Town;

WHEREAS, on March 4, 2020, following a properly-noticed public hearing, the Planning Commission recommended that the Board of Trustees approve the proposed amendments to the UDC;

WHEREAS, on March 24, 2020, the Board of Trustees held a properly-noticed public hearing on the proposed amendments to the UDC;

WHEREAS, the proposed amendments to the UDC are consistent with the Town's Comprehensive Plan; and

WHEREAS, based on the recommendation of Town staff and the Planning Commission, and considering any public comment received, the Board of Trustees finds that it is in the best interest of the public health, safety and welfare to amend the UDC as set forth herein.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO, AS FOLLOWS:

Section 1. Section 10.2.2.E. of the Erie Municipal Code is hereby amended to read as follows, and Table 4-1.A. of Section 10.4.1 is also hereby amended accordingly:

10.2.2: RESIDENTIAL DISTRICTS:

* * *

E. Low-Density Residential (LR).

1. Purpose. To provide areas for residential uses of an urban character, at a gross density not to exceed 5 dwelling units per acre, *and at a minimum gross density of 3 dwelling units per acre.*

* * *

Section 2. The following Sections of the Erie Municipal Code, related to Density Bonuses, are hereby deleted in their entirety: Section 10.2.2.E.2.b.; Section 10.2.2.F.2.b.; and Section 10.2.2.G.b.

Section 3. Table 3-1 in Section 10.3.1.E. of the Erie Municipal Code is hereby amended as follows:

COMMERCIAL USES

Agricultural	Agricultural Cultivation	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S	P	3.2.C.2
	Agricultural Grazing	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P		S	3.2.C.2

Section 4. Section 10.3.2.C. of the Erie Municipal Code is hereby amended as follows:

2. *Agricultural Cultivation/Grazing. Agricultural cultivation and grazing shall only be permitted as a special review use on a parcel, tract or lot of at least five (5) acres in size. The raising of hogs, pigs or other livestock fed from silage, garbage or offal is prohibited as part of this use.*

Section 5. Table 3-2 in Section 10.3.3.E. of the Erie Municipal Code is hereby amended by the addition of the following new text, to appear in the table in alphabetical order:

Detached residential living space	P	P	P	P	P	P	P					P	P		P			3.3.G.12
Pool House	P	P	P	P	P	P	P					P	P		P			3.3.G.13
Residential Guest House	P	P	P	P	P	P	P					P	P		P			3.3.G.14

Section 6. Section 10.3.3.G. of the Erie Municipal Code is hereby amended by the addition of the following new subsections 12, 13 and 14:

12. **Detached Residential Living Space.** A detached residential living space is allowed as an accessory structure on the same lot as a detached single-family dwelling unit. A detached residential living space may consist of bedrooms, living rooms, and bathrooms, but shall not contain a full kitchen. Each detached residential living space shall comply with the Accessory Use General Standards set forth in Section 10.3.3.F.

13. **Pool House.** A pool house is allowed as an accessory structure to a permitted principal dwelling unit on the same lot as the detached single-family dwelling unit. A pool house may contain detached residential living space. A pool house shall comply with the Accessory Use General Standards set forth in Section 10.3.3.F.

14. **Residential Guest House.** A residential guest house is allowed as an accessory structure on the same lot as a detached single-family dwelling unit. A residential guest houses may include bedrooms, living rooms and bathrooms, but shall not contain a full kitchen. A residential guest house shall comply with the Accessory Use General Standards set forth in Section 10.3.3. F.

Section 7. Section 10.5.4.E.6 of the Erie Municipal Code is hereby amended as follows:

6. Each residential lot shall be provided with lot frontage on a street *or garden court*. Non-residential lots shall be provided with lot frontage on a street or private drive.

Section 8. Section 10.6.5.F.1.c.i of the Erie Municipal Code is hereby amended as follows:

- i. All sidewalks, ~~as required above,~~ shall be detached from the adjacent street and ~~separated by a tree lawn that is a minimum of 8 feet in width~~ *comply with the Town's Standards and Specifications for Design and Construction of Public Improvements, as amended.*

Section 9. Section 10.6.7.E.1.d. of the Erie Municipal Code is hereby deleted in its entirety.

Section 10. Section 10.7.2.A.7. of the Erie Municipal Code is hereby deleted in its entirety.

Section 11. Section 10.7.6.D.8.e. of the Erie Municipal Code is hereby amended as follows:

- e. Recording Following approval of the PUD rezoning ~~and approval of the Final Plat for the property,~~ the PUD rezoning ~~and Final Plat~~ shall be signed by the Mayor or other authorized Town representative. The Town shall record the PUD rezoning ~~concurrently with the Final Plat~~ and other associated documents to the approvals in the office of the appropriate County Clerk and Recorder. The developer shall be responsible for all required recording fees. ~~Amendments to the PUD rezoning shall not be subject to concurrent recordation with a plat.~~

Section 12. Section 10.7.12.B.1.f. of the Erie Municipal Code is hereby deleted in its entirety.

Section 13. Section 10.7.12.B.2. of the Erie Municipal Code is hereby amended as follows:

- a. A single-family home on an approved single-family lot; ~~that is larger than 5,000 square feet, except for a change of use as noted above;~~
- b. ~~A single family home on a lot that is larger than 5,000 square feet, in an approved subdivision that has already met the requirements for subdivision approval; and~~
- b. A duplex dwelling on an approved lot; and

Section 14. Section 10.11.3 of the Erie Municipal Code is hereby amended by the addition of the following new definitions:

Garden Court. Common landscape and pedestrian way areas within tracts in residential subdivisions, facing dwelling units, which are a minimum of 30 feet in width.

Kitchen, Full. A room or an area equipped for preparing and cooking food, including all of the following standard appliances: stove, oven, refrigerator and sink.

Section 15. Sections 10.7.2.F.4.a., 10.12.3.E.2.b.ii.(A), 10.12.3.E.6.a.ii.B.(1) and 10.12.4.C.1.b.iii. of the Erie Municipal Code are hereby amended to increase the distance for required notices from 300 feet to 500 feet.

Section 16. Severability. If 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 Board of Trustees 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 17. Safety. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

Section 18. Effective Date. This Ordinance shall take effect 30 days after publication following adoption.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 24th day of March, 2020.

Jennifer Carroll, Mayor

ATTEST:

Heidi Leatherwood, Town Clerk