



**Planning & Zoning Commission
Tuesday, March 15, 2022, 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 - TOEG – townofeagle2019

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

1. This will be an in-person meeting with access for the public to attend virtually via the Zoom link below.

[ACCESS THE ON-LINE MEETING HERE](#)

Please note: All virtual participants are automatically muted. In order to be called upon and unmuted, you will need to use the "Raise Hand" from the Reactions tab at the bottom of your screen. When it is your turn to speak, the moderator will unmute your line and you will have three (3) minutes for public comment.

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.

For technical difficulties, please email Nikki.Davis@townofeagle.org and we will do our best to assist you.

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 March 1, 2022

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: Work Session: Code Amendment to Chapter 4.08 Sign Code
File # LURA22-03
Applicant: Town of Eagle
Location: Town of Eagle
Staff Contact: Chad Phillips, Community Development Director/Town Planner
Request: For the Planning & Zoning Commission to review and provide feedback on the revised sign code.

COMMUNITY DEVELOPMENT DEPARTMENT AND TOWN COUNCIL UPDATE

Staff update to the Planning & Zoning Commission on recent work, upcoming files and decisions made by Town Council.

1. Department and Council Update: March 15, 2022

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.



Jessica Lake
Planner I



MEETING MINUTES
Planning & Zoning Commission
Tuesday, March 1, 2022, 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 - TOEE – ((TOEEWireless))

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

This was an in-person meeting with access for the public to attend via Zoom.

6:00 PM – REGULAR MEETING CALLED TO ORDER

Chair Hood called the meeting to order at 6:00 PM.

COMMISSIONERS PRESENT

Matt Hood, Bill Nutkins, Jesse Gregg
Keegan Winkeller, Kyle Hoiland,
Charlie Perkins

COMMISSIONERS ABSENT

Lani Webb

STAFF

Chad Phillips – Community Development Director
Dennis Wike – Town Engineer
Peyton Heitzman – Planner II
Tez Hawkins – Senior Planner
Nikki Davis - Administrative Tech II

APPROVAL OF MINUTES

1. Minutes dated February 15, 2022.

The February 15, 2022 meeting minutes were approved without change.

PUBLIC COMMENT

Public comment opened at 6:01 PM. There was no public comment.

PUBLIC HEARINGS

1. Project: Mountain Tots Preschool Special Use Permit
File #: SU22-01
Applicant: Mountain Tots Preschool

Location: 641 McIntire Street
Staff Contact: Tez Hawkins, Senior Planner
Request: To obtain a Special Use Permit to operate a childcare facility in the Residential Medium (RM) zone district.

Staff Presentation

Hawkins began by explaining that the Town Code requires a Special Use Permit (SUP) to operate a childcare facility in any residential zone district. He summarized the applicant's motivations for purchasing the property and obtaining the permit which includes increased indoor & outdoor space, increased parking & loading area, increased office space, and the property's desirable proximity to the Eagle Town Park and Eagle Public Library. The application was referred out to 11 agencies and departments for review including the Greater Eagle Fire Protection District and Eagle County Public and Environmental Health. A summary of the public comments revealed mixed opinions, though majority of the comments expressed support for the project. Those expressing opposition voiced concerns around building safety, alterations to the building, lowered property value, increased noise, and creating a precedent for commercial uses in residential areas.

Next, Hawkins reviewed the four standards for granting a SUP. First, the expansion of childcare and infant care facilities in commercial, mixed-use, and appropriate residential neighborhoods is supported by the Elevate Eagle Comprehensive Plan (Comprehensive Plan). As it relates to the Town's Code, childcare facilities are subject to the minimum use standards which are used to assess compatibility with existing and nearby approved uses such as visual impacts, noise, and traffic. Staff reviewed three existing childcare facilities in town for comparison and determined there are no childcare facilities that match the neighborhood context of this project. The third standard ensures there are adequate street improvements to accommodate traffic volumes and parking. The Town Code does not provide specific parking requirements for childcare facilities, therefore, staff looked to neighboring communities for examples. Working with the Town Engineer, staff determined that eight spaces would provide adequate parking for both employees as well as drop-off/pick-up. To help mitigate traffic impacts, the applicant proposed a metered drop-off/pick-up plan that limits each occurrence to a 10-minute rotation. Hawkins added that traffic circulation is recommended via McIntire Street with egress to the south, then left onto W 7th Street. Wike supported the applicant's metered drop-off/pick-up plan also adding that 3-4 parking spots for parents is sufficient. Traffic observations on McIntire Street during peak times in the morning and afternoon suggest this is a main thoroughfare road. However, staff determined the traffic generated from the childcare use was not excessive. The fourth standard requires that special conditions for specific uses are met and staff noted there are no special conditions for childcare facilities.

Staff recommended approval with two conditions.

Q & A

Hoiland asked if the Commission must include the requirements from Eagle County and the Fire Department into the conditions of approval. Hawkins replied no; those are related to the interior improvements of the property and will be assessed during the building permit phase.

Nutkins asked if there is public parking on McIntire Street. Wike described that the Town has 80 feet of right-of-way (ROW) so there is enough room for head-in parking. Since this is a change of use, the applicant is no longer allowed to continue using the ROW. The drop-off/pick-up spaces must be on the applicant's property.

Winkeller asked if it is possible to make angled parking in the direction of traffic. Wike replied that could be achieved through the parking fee in-lieu program, however, most improvements have been made by neighboring property owners. The applicant was not in a financial position to participate in the program, therefore, the best solution is to have parking on site. Hawkins reiterated that the conditions encourage drivers to enter McIntire Street from the north and exit to the south during peak times.

Gregg asked how staff determined eight parking spaces. Wike stated that other towns established a ratio of one parking space for every 8 kids. Staff determined that replicating this ratio provided adequate parking for this facility.

Perkins asked if Wike could expand on the metered drop-off/pick-up process. Wike confirmed the applicant has been tracking the number of cars coming and going at their existing facility but deferred to the applicant for further explanation. Perkins also asked for the average duration of the drop off/pick-up process and the applicant responded, about 5 minutes.

Applicant Presentation

Meghan Wilson, the applicant, is the Board President at Mountain Tots Preschool. Wilson explained that Mountain Tots remains one of the more affordable childcare facilities in town and that young adults are leaving Eagle because of the cost of childcare. Currently they are licensed for up to 30 children and have 68 children on their waitlist; there is a strong need for their services. Mountain Tots has read the public comments from surrounding neighbors regarding noise and increased traffic which Wilson addressed with mitigation plans. The facility's operating hours coincide with standard working hours and traffic plans would be communicated with parents and staff. Wilson developed the metering plan by observing drop-off/pick-up occurrences at their current facility over a three-week period. This study helped her establish an average time required for each scenario. Moreover, Wilson reiterated that by working with the Town Engineer, they were able to establish an agreeable number of parking spaces to satisfy the Town's requests. Wilson added they did not intend to park in the Town's ROW. Lastly, Wilson expressed they are open to feedback from the Town and neighbors.

Jessica Deerr, Executive Director at Mountain Tots Preschool, explained how the bell system would function. The sound is comparable to a holiday bell, not a customary school bell, and would be used to alert the children about their noise level. The bell system is part of their education structure and helps develop behavior expectations.

Q & A

Nutkins asked if there are other businesses in this area with a SUP. Phillips replied the nearest nonresidential use is the Forest Service.

Perkins asked what time of day the children will participate in outdoor activities. Deerr explained the level of outdoor activity varies throughout the year. The children utilize the outdoor space more frequently in the spring and summer, and less frequently in the winter. She included that bringing the classroom outside is a main part of their education style, it is not just free play.

Public Comment

Public comment opened at 6:36 PM.

Community members who are opposed to the project expressed concerns around increased traffic, inadequate parking, noise levels, appropriateness of location, setting a precedent for commercial use in residential areas, and the expansion of the property.

Community members who are in favor of the project expressed support for increasing affordable childcare facilities in the town and supporting small businesses.

Laurie Diversey, 624 McIntire Street – Opposed to the project and has obtained signatures from 37 neighbors who are also opposed.

Carmen Weiland, 335 McIntire Street – Opposed to the project.

Robin Spain, 543 McIntire Street – Supports expanding childcare facilities but concerned about increased traffic generation throughout town.

Natalie Bullard, 609 Washington Street – Supports expanding childcare facilities but concerned with appropriateness of location and creating a precedent for a commercial business in residential areas.

Tina Sanders, 24 Snow Owl Court – In support of the project.

Sara Ellis, 878 Gray Rock Drive – In support of the project.

Jeff Woods, 703 Bull Run – Woods suggested that all Bull Run residents should have received the adjacent property owner notices. He was also concerned with parking and increased traffic.

Laurel Broy, 401 W. 7th Street – Opposed to the project.

Robin Hoppin, 633 McIntire Street – Hoppin requested that the Town require sound mitigation and ensure that the property meets building code standards.

Silvana Flaherty 510 Palmer Loop – In support of the project.

Bryan Woods, 212 E. 3rd Street – Woods provided comment on parking downtown and concern that the project took away on-street parking spaces.

Jamie Woodworth, 760 Castle Drive – In support of the project.

Jackie Devens, 50 Bunker Way – In support of the project.

Carol Blevins, 309 W. 7th Street – Blevins expressed mixed opinions. While she supports increasing childcare facilities, she is concerned about expanding the property. Blevins had additional questions around the Forest Service property, how the Town can build more sidewalks, and when the final decision will be made on this application.

Public comment closed at 7:06 PM.

Members of staff and the applicant addressed questions received during Public Comment.

First, Wike explained there is an ongoing road study through the Grand Avenue Corridor Plan which conceptualizes the building of several roundabouts along Grand Avenue. Part of this access will be triggered by development in Haymeadow, though that is likely still many years out. Eagle County is trying to build affordable housing in West Eagle and is working with the Forest Service to establish connectivity on W 7th Street with output onto Grand Avenue. Most of the future access created on Grand Avenue is expected to be right-in and right-out only. Wike reaffirmed that the Town recognizes that increased traffic is a concern.

Next, Wike reiterated staff's suggestion to create on-site parking in the front yard of the property along McIntire Street. Staff does not recommend using W 7th Street for drop-off/pick-up and prohibits using the alley behind the property for school traffic. Through preliminary observation during peak traffic times, Wike stated that traffic around Bull Run does not appear to be a major concern.

Last, Wike explained that the parking fee in-lieu program requires funds to be allocated toward the construction of parking spaces, sidewalks, and storm water drainage. This is a new program and as the Town collects fees, Public Works will begin constructing sidewalks. Wike noted that the Town currently does not have a program specific to building sidewalks.

Hood noted that the Planning Commission makes a recommendation to Town Council and that this is not the final decision-making meeting. There will be public comment available during the Town Council meeting as well.

Phillips added that the standard for adjacent property owner notices is 250 feet from the property under consideration. The Town also publishes public hearing notices in the newspaper and on the Town's website.

Wilson explained the detached garage will be converted to an office, breakroom, and staff bathrooms. The State of Colorado requires facility square footage minimums per child. Wilson added they have a snow removal service through a contractor.

Q & A

Perkins asked if Mountain Tots has children with physical disabilities and if the State requires this building to accommodate ADA. Wilson replied no, they do not have any children with disabilities. Wilson added in addition to meeting State requirements, they must meet Fire Department and Environmental Health requirements as well. Perkins also asked if one of the parking spots would be reserved for ADA. Wike replied that would be vetted by the Building Official but that the parking fee in-lieu program requires ADA parking to be on property.

Nutkins asked Wike where the ROW starts and stops. Additionally, Nutkins asked if the Mountain Tots parking spaces would take away from the Town's ability to construct parking spaces in the ROW. Wike replied that cars pulling in and out would not trespass into neighbor's yards since technically it is still within the ROW.

Gregg asked if the number of parking spaces requires an access lane or a separate parking lot and if McIntire Street is considered an arterial road. Wike replied that other infill projects already underway are facing similar challenges where their parking spaces back up directly onto an alley or street. An access study forthcoming from the Grand Avenue Corridor Plan will shed light on recommended access and additional parking improvements around town. Wike added that McIntire Street is a local street, but it does handle more traffic than W 7th Street since it feeds into Bull Run.

Nutkins asked if Eagle County intends to extend W 7th Street to connect to Grand Avenue if they can acquire the Forest Service tract. Wike stated this plan is still very conceptual and the road would be a secondary means of access.

Phillips reframed the main question when reviewing a SUP application: is this use appropriate on this site? The crux of the staff report are findings that support the Comprehensive Plan and the Town Code. As for the noise concerns, Phillips explained there is an enforceable noise nuisance statute.

Perkins asked what the Town's Code requirement is on fence height. Wike said the existing fence at the property is about 5 feet tall.

Discussion

Perkins was not convinced the application satisfied standard #2 which addresses compatibility. He voted to deny the application.

Nutkins conveyed general support for the project, however, agreed with Perkins about the ability to meet standard #2. He was not as concerned with traffic but asked if this is the right location within this neighborhood. The facility is further away from a main road and Town center and is too deep in a residential area.

Hoiland noted there are three other daycares in town and none of them are really compatible with the surrounding approved uses. He argued that this is an appropriate location and this is a critical need for the community adding that the lack of childcare will impact our labor force. Hoiland noted this non-profit organization has been around for 50 years and is a staple of our town. Hoiland was in support of approving the application.

Gregg did not believe this is compatible with the surrounding neighborhood but stated there are other childcare facilities in town located in residential areas. Hood agreed stating there are four in-home daycares in The Terrace and it's very quiet. There are more daycares in residential areas than the public may be aware of. Gregg argued this is a larger operation.

Winkeller agreed with Hoiland's comments. He has experienced the challenges of searching for daycare and our community needs these services to thrive and grow. Winkeller noted that a quiet neighborhood would be safer compared to Grand Avenue or building a childcare facility on the fringes of a residential area. The children are supervised and the teachers would be actively trying to mitigate loud noises. Winkeller empathized with the applicant and the challenges of finding an affordable, viable property.

Hood also agreed with Hoiland but recognized the compatibility concerns. He suggested that the size of the facility is not that large and 26 drop-off/pick-up trips would be spread out over the course of an hour. He understood the concern with noise but the noted the use is appropriate given the time of day and the applicant's mitigation strategies. Hood asserted that staff condition the special use to mitigate noise levels. Last, the walkability to the Town Park is great and being able to walk through a residential street is much safer. Hood was in favor of supporting the project.

MOTION: HOILAND MOTIONED TO APPROVE FILE # SU22-01, MOUNTAIN TOTS PRESCHOOL SPECIAL USE PERMIT WITH THE FOLLOWING CONDITIONS:

- 1. ALL PICK-UP AND DROP-OFF VEHICLES SHALL ARRIVE AT THE PROPERTY FROM MCINTIRE STREET AND EXIT TO THE SOUTH ON MCINTIRE STREET USING 7TH STREET TO IMPROVE TRAFFIC CIRCULATION. DURING PEAK TIMES, DROP-OFF AND PICK-UP SHALL BE ENCOURAGED TO ENTER MCINTIRE FROM THE NORTH AND EXIT TO THE SOUTH. ALL PICK-UP/LOADING AND DROP-OFF/UNLOADING SHALL OCCUR IN THE PROPERTY'S FRONT YARD TO DISCOURAGE USING THE REAR ALLEY ASSOCIATED WITH THE PROPERTY.**
- 2. ALL PICK-UP AND DROP-OFF SHALL BE RESTRICTED TO FOUR SPOTS IN THE FRONT YARD. PICK-UP AND DROP-OFF SHALL NOT TAKE PLACE OUTSIDE OF THE FOUR DESIGNATED PARKING SPOTS LOCATED IN THE FRONT YARD.**

MOTION WAS SECONDED BY WINKELLER BUT DID NOT PASS. THREE COMMISSIONERS WERE IN FAVOR (HOOD, HOILAND, WINKELLER) AND THREE COMMISSIONERS WERE OPPOSED (PERKINS, NUTKINS, GREGG).

Hood closed file # SU22-01.

2. Project: Code Amendment to Section 4.07.140. Parking Exemption in the Central Business District (CBD)
File #: LURA22-02
Applicant: Town of Eagle
Location: Town of Eagle
Staff Contact: Peyton Heitzman, Planner II
Request: Amend Section 4.07.140 to modify parking requirements for a change in use for an existing building in the Central Business District (CBD).

Staff Presentation

Heitzman explained that the Town recently adopted the voluntary parking fee in-lieu program which offered developers options to meet the Town's parking requirements. As a result of adopting this program, modifications were made to the Town's parking standards, particularly in cases when there is a change in use to an existing building. The language that was removed exempted properties in the CBD or Broadway District to provide the required parking spaces if there was a change in use. Further analysis revealed that the change may have unintended consequences for this area where the ability to develop off street parking is limited. Heitzman noted that existing buildings face unique challenges meeting Town parking requirements. To further illustrate the implications downtown, staff provided two scenarios: 1) establishing outdoor dining; 2) and the financial burden the new regulations would have imposed on a new business owner moving into an existing building.

Based on these scenarios, staff recommended reinstating the exemption language and have the policy reexamined through ReCode Eagle.

Q & A

Nutkins asked if the Town has language that specifies what constitutes the construction of on-street parking spaces. Wike replied the parking fee in-lieu program requires the construction of the parking spaces, sidewalk, drainage, and lighting; the developer would have to meet the Town's standards. Nutkins also asked how long this policy will be in place. Phillips replied this will be included in Clarion's work, scheduled to conclude by the end of the year.

Gregg questioned if the Town was defaulting on what the parking fee in-lieu program was created to do. Phillips replied that the focus of the program was on parking and not necessarily the impacts on businesses.

Perkins asked if the parking in-lieu fee is going to a special fund or going towards the construction of a future parking garage. Phillips outlined the funds are collected for Public Works to construct and improve parking on the ROW on 5th Street, Howard Street, and Grand Avenue.

Hood agreed that a change in use was not considered, only new development. He was in favor of staff's recommendation and requested that it be re-evaluated through ReCode Eagle. Nutkins suggested adding language that addresses redevelopment.

Gregg asked if Broadway Station intends to take advantage of this change now that they are an existing use. Staff said they are grandfathered in through their development permit with the exception of outdoor seating. Gregg commented this makes sense for existing buildings but doesn't push forward the original intent of creating parking on side streets and making parking in this area more efficient.

Public Comment

Public comment opened at 8:13 PM.

Bryan Woods, 212 E. 3rd Street – Woods asserted that these parking requirements and fees will inhibit the growth of downtown. Also, that the Town may require too much parking when businesses have varying operating hours.

Public comment closed at 8:14 PM.

Discussion

Hoiland, Hood, Winkeller, Gregg expressed support for staff's recommendation.

Gregg suggested adjusting the parking in-lieu fee. Phillips noted that adjusting the fee will require a new study to understand the impacts.

Nutkins suggested enforcing the \$7,000 maintenance fee per space when there is a change in use since the new business will be impacting the area.

Hood noted that the Town needs to know what our parking needs are, which is part of ReCode Eagle. This policy seems prohibitive.

MOTION: HOILAND MOTIONED TO APPROVE THE RECOMMENDATION TO REINSTATE THE PARKING EXEMPTION LANGUAGE FOR THE CENTRAL BUSINESS DISTRICT (CBD) AND BROADWAY DISTRICT AND HAVE THE POLICY REEXAMINED THROUGH THE RECODE EAGLE PROCESS. MOTION WAS SECONDED BY NUTKINS AND PASSED UNANIMOUSLY.

Hood closed file # LURA22-02.

3. Project: Code Amendment to Section 4.04.070. Indoor Recreation in Nonresidential Zone Districts
 (continued from February 15, 2022)
- File #: LURA22-01
- Applicant: Town of Eagle
- Location: Town of Eagle
- Staff Contact: Peyton Heitzman, Planner II
- Request: Staff is requesting that the Planning & Zoning Commission review and provide feedback on a previous amendment to the Town of Eagle Municipal Code (Code), specifically Section 4.04.070, Schedule of uses permitted in nonresidential zone districts, and Section 4.03.040, Definitions.

Staff Presentation

Staff went through Town records and confirmed that Ordinance No. 12, Series 2016 had not been rescinded. Sometime after this ordinance was approved, the Municipal Code was converted from PDF and onto the online platform, MuniCode. It is likely that the approval was missed during this conversion. The Town attorney recommended that staff work with MuniCode to get the existing language added.

Public Comment

Public comment opened at 8:25 PM. There was no public comment.

Discussion

No further discussion.

MOTION: NUTKINS MOTIONED TO UPHOLD THE CODE AMENDMENTS FROM ORDINANCE NO. 12, SERIES 2016. MOTION WAS SECONDED BY GREGG AND PASSED UNANIMOUSLY.

Hood closed file # LURA22-01.

OPEN DISCUSSION

Hood noted that Commissioner Robert Townsend has resigned and asked what the next steps are. Phillips replied that staff will advertise to fill his vacancy immediately. Additionally, there will be a recommendation to move Winkeller from alternate to a regular member.

Nutkins asked if there are standards pertaining to community members presenting a community signed petition since neither the Commission nor staff know what kind of information is being shared with the petitioners. Hoiland advised it may need to be reviewed by the Town Clerk. Hawkins added that staff needs to verify property owners and their signatures before adding the petition into public record.

Nutkins asked if the Town has an ordinance related to beekeeping and if a property owner needs a SUP. Phillips suggested it would be an accessory use by right but if it became a nuisance, the Town could enforce.

ADJOURN

MOTION: NUTKINS MOTIONED TO ADJOURN. MOTION WAS SECONDED BY HOILAND AND PASSED UNANIMOUSLY.

MEETING ADJOURNED AT 8:38 PM.

APPROVED:

DATE:

Matthew Hood, Chairman

Nikki Davis, Administrative Tech II



To: Planning & Zoning Commission

From: Community Development

Date: March 15, 2022

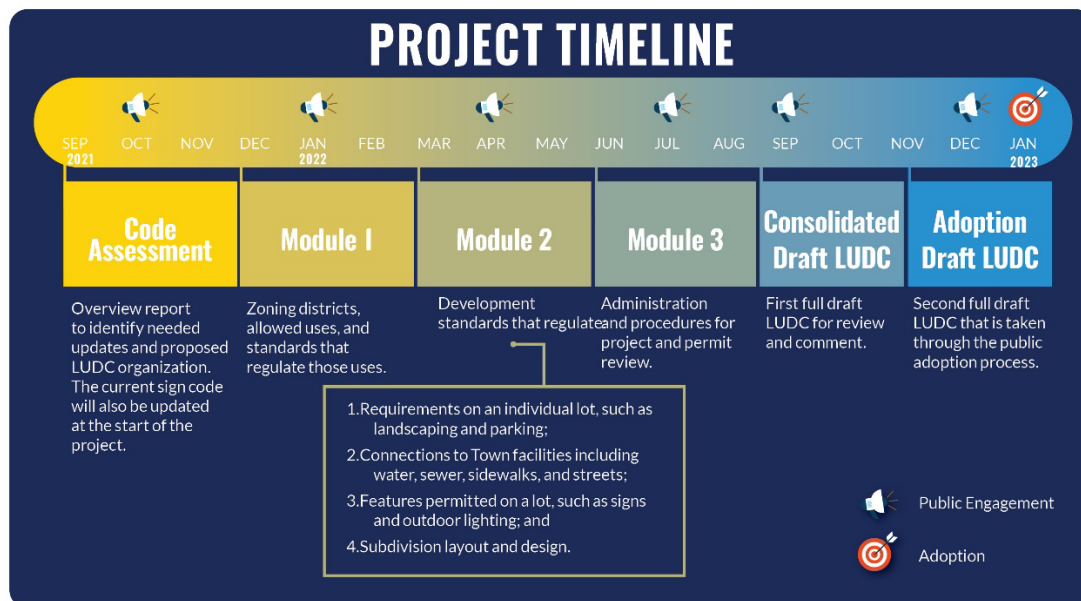
Agenda Item: Revised Sign Code Work Session

REQUEST:

For the Planning & Zoning Commission to review and provide feedback on the revised sign code.

INTRODUCTION:

ReCode Eagle, a comprehensive update to the Town of Eagle Land Use and Development Code (LUDC), is well underway. In the summer of 2021, the Town selected Clarion Associates, a Denver-based consultant firm, to assist with the update. ReCode Eagle aims to produce an adoption draft by January 2023. While the project is a heavy lift, Clarion has made the process manageable by releasing drafts of the new code through a series of installments referred to as modules. The general project timeline is shown below.



To-date, Clarion has provided the Town with an assessment of the LUDC that outlines areas for improvement and project approach. The Town has also received materials regarding affordable housing and the revised sign code; the latter being the subject of tonight's work session. All project materials and additional details on ReCode Eagle can be found on the Town of Eagle website through this [LINK](#).

The revised sign code is being presented ahead of the project modules in an effort to bring the Town regulations into compliance with the U.S. Supreme Court's decision in *Reed v. Town of Gilbert*. The *Reed* decision requires that sign regulations be content-neutral. The Town can regulate the size, location, lighting, etc. but not the content on the face of the sign except for limited circumstances. The *Reed* decision allows the Town the ability to ban obscene or indecent words or images, which can be found in the revised sign code under *Prohibited Content*. With the misalignment between existing regulations and the *Reed* decision, the revision of the sign code rose as a top priority.

ANALYSIS:

At a glance, it may look like the original sign code was completely scrapped. However, many elements from the original sign code have carried over into the revision including size, location, and types of signs permitted. The major differences between the existing sign code and the revised sign code include:

- Bringing Town regulations into compliance with *Reed v. Town of Gilbert* – removal of standards that regulate content.
- Reformatting the sign code to be user friendly and adding images/charts for clarity.
- Pulling sign regulations from other sections of the code so all standards live in one place.
- Allowing for Electronic Message Display (EMD) signs with standards (EMD signs currently exist throughout the Town but are not explicitly allowed under the existing sign code).
- Allowing for sandwich board signs (which currently exist throughout the Town but are not explicitly allowed under the existing sign code).
- Greater flexibility on sign materials permitted to keep up with new technology/trends in the sign industry.
- Updated and easier to enforce sign illumination standards.
- Allowance for internally illuminated signs on Chambers Avenue (previously limited to Eby Creek Road and Market Street).
- Clearer language around nonconforming signs, maintenance, and abandonment.
- Clearer language around measuring sign dimensions.
- Removal of sign variances.

Discussion Items

Discussion questions for Planning & Zoning Commission to consider while reviewing the revised sign code:

- Do the changes to the sign code maintain the character of the Town?
- Are there any concerns with the changes in the revised sign code?
- Does the new sign code achieve the goal of clarity and ease of use for the public?
- Does the sign code allow enough flexibility to accommodate emerging technology and trends without having to undergo continuous amendments?
- Some sign names and regulations have been changed to comply with U.S. Supreme Court requirements. Are the revised names and regulations understandable and are there any questions about these changes?
- Is the Commission comfortable with allowing a wider range of sign materials, provided they are durable?
- Is the Commission comfortable allowing internal halo lighting in addition to cabinet lighting?
- Are there any sign issues that are not addressed in this update?

COMMUNITY INPUT:

On December 6, 2021, Elizabeth Garvin with Clarion Associates held a stakeholder call with two individuals from the sign design and installation community to solicit feedback on the existing sign code. The Town invited seven sign companies in the area to this meeting. Feedback from meeting participants included the following:

- Lighting - Allowing halo lighting in areas other than properties adjacent to Eby Creek Road and Market Street. Businesses want to be seen especially during the short winter days.
- Materials - The need for the sign code to allow more materials such as acrylic. Paint and wood have short life spans in Colorado due to climate.
- Clarity – Needed for sign measurements, nonconforming signs, window decal, and temporary/event signage.

On January 10, 2022, the Land Use and Development Code Update Committee (Code Committee) held a meeting to discuss high level concepts regarding the sign code. The Code Committee discussed residential signage for home occupations, temporary signs for real estate and for rent signs, distinguishing art from signage, historically significant signs, billboards, lighting and materials, and electronic message displays. The minutes from the meeting are included as an attachment.

This sign code work session and the subsequent adoption hearings were noticed in the newspaper on February 17, 2022. On March 3, 2022, an email blast was sent to parties who have subscribed to the ReCode Eagle email announcements (over 120 individuals). No public comment has been received as of March 10, 2022.

COMPREHENSIVE PLAN ALIGNMENT:

The revised sign code aligns with the 2021 Amended Elevate Eagle Comprehensive Plan (Comprehensive Plan) through the following policies:

- *Policy 2-3.1.b. Prevent the degradation and loss of significant cultural assets.*
Staff Comment: The revised sign code accounts for historically significant signs, such as the pharmacy sign on Broadway. These signs, once designated historic by the Town, will be preserved provided they comply with standards regarding maintenance, public safety, and keeping with the historic character i.e. limiting the change in design.
- *Policy 2-3.3.c. Apply dark night sky standards consistently to all proposed outdoor lighting systems, and work to retrofit existing systems over time.*
Staff Comment: The revised sign code limits when illuminated signs can be lit to one hour following the close of business. The revised sign code also defers to the Town lighting standards in Section 4.07.010 which aim to *sustain a pristine nighttime sky by controlling glare, light trespass, and light pollution*. The lighting standards are subject to revisions through the ReCode Eagle process.
- *Policy 2-5.1. Maintain and enhance the sense of community in Eagle.*
Staff Comment: The revised sign code forwards many elements of the original sign code that aim to maintain and enhance the sense of community in Eagle. These elements include size, location, height, and sign type. The Town of Eagle's sense of community comes from its small-town feel. The allowance of billboards along Chambers Avenue or neon signs on Broadway

would be inconsistent with the sense of community the Town is trying to preserve, which is why the revised sign code generally allows similar sign elements as the preceding sign code.

This update to the sign code achieves Action Item 1.13 from the Comprehensive Plan that states, *create efficient regulations and processes that foster a supportive business environment*. By providing clearer sign regulations there will be efficiencies in designing, regulating, and processing sign permits.

RECOMMENDED ACTION OR PROPOSED MOTION:

None, staff is looking for feedback that will be incorporated into the revised sign code. Action will be requested at the recommendation hearing on April 5, 2022.

ATTACHMENTS:

- Revised Sign Code (March 2022)
- January 10, 2022, Code Committee Meeting Minutes



Town of Eagle

Land Use & Development Code Update

Chapter 4.08: Sign Code

Public Discussion Draft

March 2022

Chapter 4.08: Sign Code

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4.08.01. General Provisions

Drafting Comment: Current Section 4.08.010, General Provisions, has been updated to: (1) link the sign code to the comprehensive plan; (2) reflect the Town's broad range of purposes in regulating signs; (3) incorporate the Town's specific findings (regulatory reasons) for the sign regulations included in this chapter; (4) specify that non-commercial messages can be substituted for commercial messages, as required by law; and (5) clarify how time requirements, such as 30 days, are measured.

A. Purposes and Interests

This section establishes the standards for the design, location, installation, and maintenance of signs on private property. Signs are an important means of visual communication for both location identification and wayfinding. The intent of this section is to provide standards that result in a reasonable balance between private signage and the visual discord that can result from the proliferation of signs. Regulations contained in this section are a result of the consideration of the compatibility of signs with adjacent land uses and the total visual environment of a particular area within the entire community. The purposes of this chapter are to:

1. Promote and accomplish the vision and policies of the Comprehensive Plan and other relevant community plans;
2. Provide the public, property owners, and businesses with an opportunity for safe and effective means of communication;
3. Preserve resident and visitor's ability to enjoy the Town's scenic beauty;
4. Coordinate the location and type of signage with the existing and proposed scale and type of development in a manner that that contributes to the character, environmental quality, and economic health of the Town and reduces visual degradation of the attractiveness of the Town;
5. Recognize free speech rights by regulating signs in a content-neutral manner;
6. Promote the free flow of traffic and protect pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting and/or illegible signage;
7. Eliminate fire hazards caused by the size and placement of signs;
8. Reduce needless and destructive competition among signs as well as control and reduce insistent and distracting demand for attention from signs that can be injurious to the mental and physical well-being of the public and destructive to adjacent property values and the natural beauty of the Town;
9. Promote the health, safety, and public welfare of the Town, and its residents and visitors; and
10. Adopt clear and understandable regulations that enable the fair and consistent enforcement of this section.

B. Findings

The Town of Eagle finds that:

1. Content-neutrality, viewpoint neutrality, and fundamental fairness in regulation and review are essential to ensuring an appropriate balance between the important, substantial, and compelling interests set out in this section, and the constitutionally protected right to free expression.
2. The regulations set out in this section are unrelated to the suppression of constitutionally protected free expression, do not relate to the content of protected messages that may be displayed on signs, and do not relate to the viewpoint of individual speakers.
3. The incidental restriction on the freedom of speech that may result from the regulation of signs pursuant to this section is no greater than is essential to the furtherance of the important, substantial, and compelling interests that are set out in this section.
4. Regulation of the location, number, materials, height, sign area, form, and duration of display of temporary signs is essential to preventing visual clutter.
5. Temporary signs may be degraded, damaged, moved, or destroyed by wind, rain, snow, ice, and sun, and after such degradation, damage, movement, or destruction, such signs harm the safety and aesthetics of the public on the Town's streets or sidewalks if they are not removed.
6. Certain classifications of speech are not constitutionally protected due to the harm that they cause to individuals or the community.

C. Savings and Severability

If any clause, section, or other part of the application of these sign regulations shall be held by a court of competent jurisdiction to be unconstitutional or invalid, it is the intent of the Town that such clause, section, or specific regulation be considered eliminated and not affecting the validity of the remaining clauses, sections, or specific regulations that shall remain in full force and effect.

D. Noncommercial Message Substitution

Noncommercial copy may be substituted for commercial copy or other noncommercial copy on any legal sign, notwithstanding any other provision of this chapter.

E. Calculation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the Town, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the Town. References to days are calendar days unless otherwise stated.

4.08.02. Applicability

Drafting Comment: The applicability section carries forward and reorganizes current Sections 4.08.020, Applicability and 4.08.040.B, Administrative Review to separate and clarify: (1) when a sign permit is required, (2) when a sign permit is not required but other parts of the sign regulations still apply (such as where the sign can be installed or whether it can be illuminated), (3) which signs are completely exempt from the sign regulations, and (4) which types of signs and installation locations are prohibited.

A. Applicability

1. The regulations of this chapter shall apply to all signs in all zone districts, including signs that do not required a sign permit, but not including signs or notices that are exempt from regulation per 4.08.02.D, Exempt From Sign Regulations.
2. Any lawfully existing sign that predates the adoption of this section and that does not comply with this section shall be considered a legal nonconforming sign and shall be subject to 4.08.08, Nonconforming Signs.

B. Sign Permit Required

1. A sign permit is required for any sign to be erected, re-erected, constructed, altered, or maintained, except as provided in Sections 4.08.02.C, Sign Permit Not Required, and 4.08.02.D, Exempt From Sign Regulations.
 - a. A sign permit is required to convert a temporary sign to a permanent sign.
 - b. A sign permit is required to convert a non-Electronic Message Display (EMD) sign to an EMD sign, including where the EMD is replacing part of an existing or proposed non-EMD sign.
2. The following actions are exempt from this requirement:
 - a. Changing or replacing sign copy without changes to the sign structure,
 - b. Changes to copy on changeable copy signs and EMD signs, and
 - c. Change or replacement of window signs.
 - d. Changes in temporary signs that are allowed without a permit.
3. Changes to nonconforming signs require a sign permit and are subject to Section 4.08.08, Nonconformities.
4. When a sign permit is requested for a sign on a parcel where an illegal or prohibited sign(s) exists, the permit shall not be issued until all such signs are removed or brought into conformance with this Code. This provision does not apply when the applicant can demonstrate that an existing sign is nonconforming.
5. Sites or structures that will have more than one sign shall have a coordinated plan for all signs on the building and property

C. Sign Permit Not Required

Due to their small size, limited time duration, and limited aesthetic impact, the following signs may be erected without a sign permit, but shall otherwise comply with the provisions of this section and any other applicable Town, State of Colorado, or Federal requirements.:

1. Temporary signs, unless otherwise specified in 4.08.06, Standards for Temporary Signs.
2. Flags that are affixed to a permanent flagpole or structure. The total number of flags permitted on a lot is identified in Section 4.08.03, Permanent Sign Regulations by Zone District.
3. Internally oriented signs that are not readily legible beyond the boundaries of the lot or parcel on which they are located nor visible from any public right-of-way, including signs or banners on fences and structures within an arena, park, recreational complex,

or athletic field, provided such signs or banners face inward to the arena, park, recreational complex, or athletic field.

4. Access point, under canopy, and window signs that comply with the applicable standards for the zone district in Section 4.08.03, Permanent Sign Regulations by Zone District.
5. Signs that are carved into stone, concrete, or similar permanent materials and which are constructed as integral part of a structure.
6. Incidental signs that are less than one square foot in area and that are affixed to doors or entryways, machines, equipment, fences, gates, walls, gasoline pumps, or utility cabinets.
7. Signs that are no more than 2 square feet in area and are located along the perimeter of a property that are spaced as follows:
 - a. One sign per property frontage, regardless of the length of the frontage.
 - b. For property frontages that are longer than 100 linear feet, one sign per 50 linear feet.

D. Exempt From Sign Regulations

The following sign types are not subject to any standards in this chapter and may be installed or displayed without a sign permit.

1. Regulatory signs, including official public signs approved by a governmental body with jurisdiction over issues such as traffic safety, pedestrian safety, schools, railroads, or public notice, as well as signs required by the Manual of Uniform Traffic Controls.
2. Signs and notices required to be displayed, maintained, or posted by law or by any court or governmental order, rule, or regulation.

E. Prohibited Signs, Sign Locations, and Content¹

The following signs and sign elements are prohibited within the Town:

1. Signs that Create Safety Hazards

- a. Signs that create a danger to motorists, pedestrians, or other members of the public because they can be distracting, interfering, or confusing due to the signs' size, construction, location, movement, coloring, or manner of illumination.
- b. This prohibition includes signs that may be confused with or construed as official traffic control devices.

2. Signs Installed in Improper Locations or Manners

- a. Signs shall not be located within a required clear vision area per Section 4.04.100.H. Outside of the clear vision area, signs shall not be installed in a manner that;
 - i. Obstructs the view in any direction at an intersection, or
 - ii. Hides any official traffic control device from view.

¹ Current 4.08.050, Prohibited signs.

- b. Signs shall not be placed on or over public roads, public alleys, public rights-of-way, or utility easements. On private property, signs can be placed in private utility easements subject to removal by the easement holder.
- c. Signs shall not be mounted on or to natural features such as landscaping, trees, or rocks; or public/utility features such as traffic signage; utility and light poles; or other similar structures.
- d. Signs shall not be installed in a manner that causes glare or that may impair the vision of any motorist.
- e. Signs that are structurally unsound.

3. Prohibited Signs

- a. The following sign types and categories are prohibited in Eagle:
 - i. Signs that move, either mechanically or wind-driven, or that have any animated or moving parts, including, but not limited to, wind signs and other similar devices;
 - ii. Inflatable signs such as blimps, animals, inflatable representations of a product for sale and other inflatable devices used for the purposes of advertising or attracting attention, but not including ordinary balloons with a diameter of two feet or less that are used for temporary displays;
 - iii. Off-premises signs;
 - iv. Roof signs;
 - v. Billboards; and
 - vi. Carried signs.
- b. No sign shall be approved or disapproved based on the content or message it displays, except that the following content, without reference to the viewpoint of the speaker, shall not be displayed on signs: signs containing statements, words, or pictures of an obscene, indecent, or immoral character such as will offend public morals or decency in accordance with constitutional standards.

4.08.03. Permanent Sign Regulations by Zone District

Drafting Comment: This section carries forward, reorganizes, and clarifies current Section 4.08.070, Signs in residential zone districts, and Section 4.08.080, Signs in nonresidential zone districts. Relevant sign measurement standards have been organized in tables to make it easier for LUC users to find the types of signage and dimensions allowed in the Town's zone districts. New standards have been added for subdivision access signs in residential districts. A minimum permitted sign entitlement has been added for nonresidential district to ensure that commercial uses on smaller lots are allowed sufficient signage. Cross-references to changes allowed in specific districts, such as the CBD, have been included.

A. Residential Zone Districts

- The following signage is permitted by use or structure in residential zone districts:

TABLE 4.08-1: PERMANENT SIGNS IN RESIDENTIAL DISTRICTS					
Use or Structure	Sign Category	Max. Number	Height (max., ft.)	Area per Sign (max., s.f.)	Additional Standards
Residential					
Any Residential	Wall	1 per dwelling	Top of wall	8	Wall signs: 4.08.04.B.2
	Flag	n/a	Max. height for zone district	24	No permit required.
Subdivision Access	Wall or Monument	1 per vehicular entrance	Wall: Top of wall Monument: 5 feet	32	Wall signs: 4.08.04.B.2; Monument signs: 4.08.04.C.2
Nonresidential					
Nonresidential Use or Structure	Access Point	1 per vehicle entrance	3	3	No permit required. Access point signs: 4.08.04.C.1
	Flag	3 per lot	Max. height for zone district	24	No permit required.
	Wall	1 per lot [1]	Top of wall	12	Wall signs: 4.08.04.B.2
	Window	n/a	n/a	35% of window	No permit required. Window signs: 4.08.04.B.3

Notes:

[1] Or series of contiguous lots in common ownership in nonresidential use

- Sign illumination and EMD signs are prohibited in residential zone districts.

B. Nonresidential Zone Districts

1. Applicability

- The standards in this section shall apply to mixed-use, commercial, and industrial zone districts.
- Uses and structures identified in the Use or Structure Column include nonconforming uses and uses approved by special use review.

2. Maximum Total Allowed Sign Area

- The total sign area for all signs for which permits are required shall not exceed one square foot per lineal foot of property frontage along a public street. The maximum size for any individual sign may not exceed the size referenced in Table 4.08-2.
- Structures with more than one frontage on a public street (e.g., corner lot) are allowed to have the maximum total sign area on each frontage per 4.08.10, Definitions and Measurements, but only one frontage per lot may include a freestanding sign.
- The total sign area shall include all sign faces and shall be calculated according to the standards of 4.08.10, Definitions and Measurements.

3. Minimum Sign Area Entitlement

Where the maximum sign calculation only permits less than the following amount of signage, all non-residential properties are entitled to the following minimum signage:

- Each property shall be entitled to one freestanding sign per street frontage of 50 square feet per face and one wall sign per business of 32 square feet in size so long as all other requirements of this **Error! Reference source not found.** are met.
- For properties where the minimum sign area entitlement is applicable, maximum individual sign size shall be limited to the sizes permitted in 4.08.03.B.3.a, not the sign sizes based on lineal footage calculation above.

4. Allowed Signs

Table 4.08-2 identifies the types of signs allowed in Mixed-Use, Commercial, and Industrial districts, and the regulations associated with each sign type. If a sign type is not included in Table 4.08-2 or 4.08.02.D, Exempt From Sign Regulations, it is not allowed.

TABLE 4.08-2: PERMANENT SIGNS IN MIXED-USE, COMMERCIAL, AND INDUSTRIAL DISTRICTS					
Sign Category	Max. Number	Height (max., ft.)	Area per Sign (max., s.f.)	Illumination	Additional Standards
Residential					
See Table 4.08-1					
Nonresidential					
Attached					

TABLE 4.08-2: PERMANENT SIGNS IN MIXED-USE, COMMERCIAL, AND INDUSTRIAL DISTRICTS

Sign Category	Max. Number	Height (max., ft.)	Area per Sign (max., s.f.)	Illumination	Additional Standards
Wall or projecting	1 per tenant per frontage	20 [1]	Gen: 30 CBD: 20	External [2]	Location adjustments: 4.08.04.E
Under canopy	1 per public entrance	n/a	2	Not allowed	No permit required. Awning and Canopy signs: 4.08.04.A.1
<u>Window</u>	n/a	n/a	35% of window	Not allowed	No permit required. Window signs: 4.08.04.B.3
Freestanding					
Access Point	1 per vehicle entrance	6	4	External [2]	No permit required. Access point signs: 4.08.04.C.1
Flag	4 per lot	Max. height for zone district	24	External	No permit required.
Monument	1 per lot	Single tenant: 5 2 or more tenants: 10	Single tenant: 30 2 or more tenants: 50 CBD: 20	External [2]	Location adjustments: 4.08.04.E

Notes: [1] Or the height of the tallest building on the same lot, whichever is lower
[2] Internal lighting may be allowed pursuant to Section 4.08.04

4.08.04. Sign Type, Materials, and Location Standards

Drafting Comment: This new section has been created to help code users: (1) identify the different sign types referenced in the LUC; (2) find generally applicable standards, such as clearance requirements; and (3) understand what measurement approach the Town will use for the sign area. Window signs and structural canopy signs have been defined and described. New standards are recommended for determining appropriate sign materials, which will allow an applicant to show that the proposed materials will be durable for a sign located in Eagle.

A. Attached Signs

An attached sign is a sign that is mounted on, or attached to a structure, including a wall sign, awning sign, roof sign, or projecting sign.

1. Awning and Canopy Sign

- a. An awning sign is a sign that is mounted on a temporary shelter supported entirely from the exterior wall of the building and covered in a flexible material.
- b. A canopy sign is a sign affixed to an attached or detached structure, open on at least one side, which is designed to provide overhead shelter from the sun or weather but not covered with fabric or flexible material. Signs on detached canopies, such as service station canopies, are treated as freestanding signs.
- c. Under canopy signs (also referred to as arcade signs) require a minimum clearance of eight feet.
- d. Awning and canopy sign dimensions are typically measured in the locations shown in Figure 4.08-A:



Fig. 4.08-A: Awning and canopy sign measurement locations and examples

B. Projecting Signs

1. A projecting sign is a sign that is wall-mounted perpendicular to the building that may extend upwards along the façade and/or outwards and over a walkway or parking area.
2. All projecting signs require a minimum clearance of eight feet.
3. Projecting signs dimensions are typically measurement at the locations shown in Figure 4.08-B:



Fig. 4.08-B: Projecting sign measurement locations and examples

2. Wall Signs

- a. A wall sign is a sign attached to or erected against a wall of a building, with the face parallel to the building wall.
- b. Wall sign dimensions are typically measured at the locations shown in Figure 4.08-C:



Fig. 4.08-C: Wall sign measurement locations and sample

3. Window Signs

- a. Window signs may be affixed directly to the inside or outside window or hung/mounted inside the window from the top, side, or bottom of the window frame or similar architectural element.
- b. Window signs covering up to 35% of an individual window do not require a permit. Window signs covering more than 35% of an individual window are not allowed.

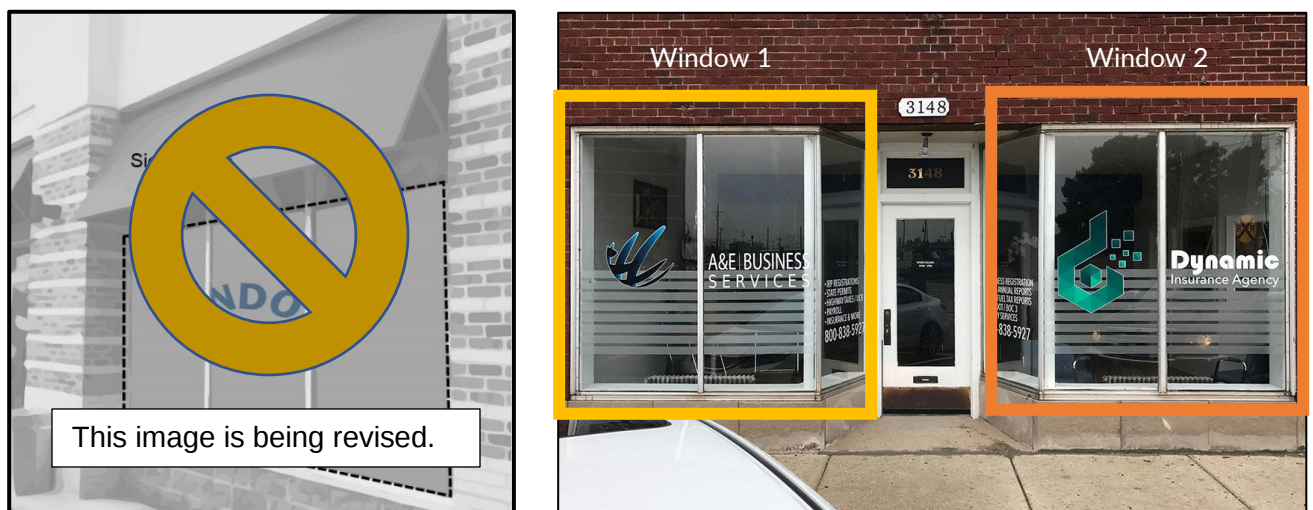


Fig. 4.08-D: Window sign measurement locations and samples

C. Freestanding Signs

A freestanding sign is a ground-mounted sign erected on a permanently set pole or poles, mast, or framework that is not mounted on or attached to a structure; includes an access point sign, monument sign, or pole sign.

1. Access Point Signs

- a. An access point sign is a sign located at a vehicular access point to a property. An access point sign located at a vehicular entrance to a subdivision or neighborhood is called a subdivision entry sign.
- b. Access point signs are typically measured as shown in Figure 4.08-E:



Fig. 4.08-E: Access point sign

2. Monument Signs

- a. A monument sign is a freestanding sign where the base of the sign structure is on the ground.
- b. Monument signs are typically measured as shown in Figure 4.08-F:

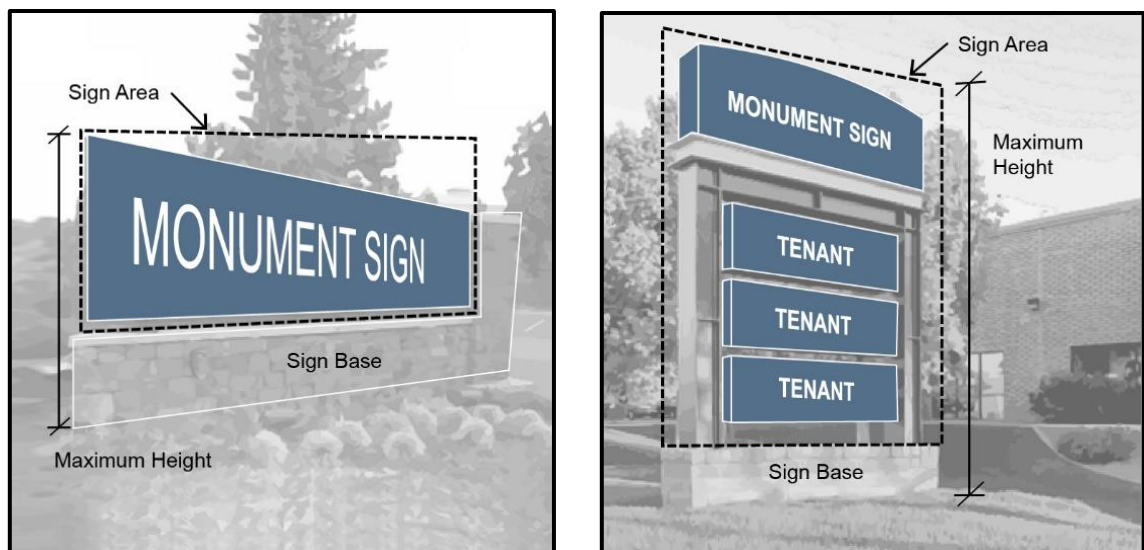


Fig. 4.08-F: Monument sign measurement locations and sample signs

3. Pole Signs

- a. A pole sign is a self-supported sign permanently attached directly to the ground supported by upright poles or posts or braces placed on or in the ground.
- b. Pole signs are typically measured as shown in Figure 4.08-G:

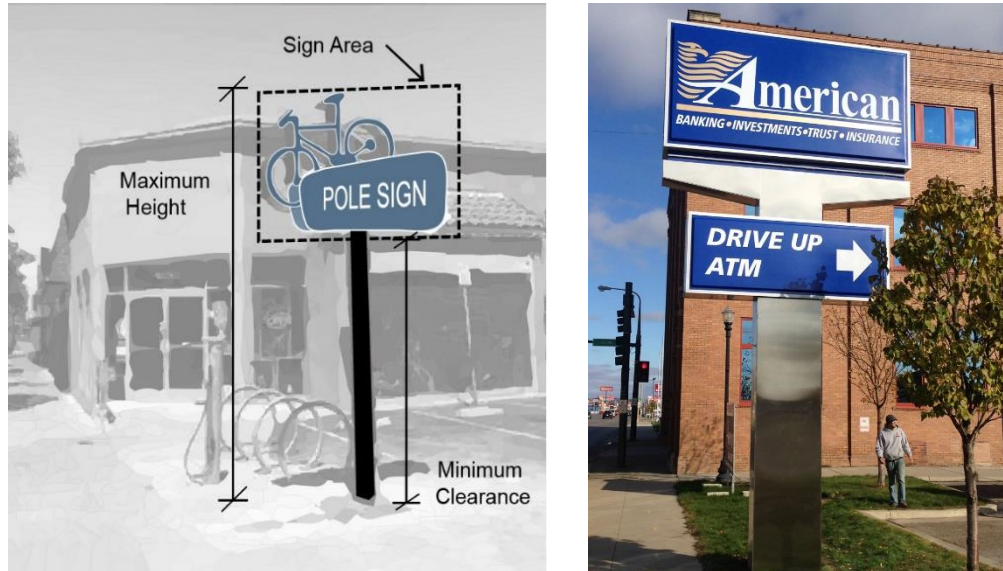


Fig. 4.08-G: Pole sign measurement locations and sample sign

4. Structural Canopy Signs (Detached Canopy)

- a. A structural canopy sign is a sign attached to a permanent, freestanding canopy, such as a service station or ATM canopy.
- b. Structural canopy signs are typically measured as shown in Figure 4.08-H:



Fig. 4.08-H: Structural canopy sign measurement locations and sample signs

D. Materials

Unless otherwise specified in this section, sign materials shall be:

- a. Compatible with building facade materials and must be sufficiently durable to withstand climatic effects of the area, including extended periods of heat, cold, and drought along with intense solar exposure.
- b. Painted wood or metal is preferred. Other materials may be allowed where the Director determines that the proposed material is compatible with the architectural character of the associated structure and where the applicant provides evidence that:
 - i. The proposed material will provide at least 15 years of outdoor durability in Eagle's climate, taking into account temperature extremes, wind, weather, and solar exposure; and
 - ii. The resulting sign can be maintained for the life of the materials at a relatively reasonable cost.
- c. Highly reflective materials are prohibited.

E. Site Plan and Landscaping

All freestanding signs shall be integrated with the overall site plan and any required landscaping, buffering, or screening.

F. Standards Applicable by Location or Zone District

The following standards are applicable in addition to or as a substitute for Table 4.08-2 based on the location of the structure for which the sign is allowed.

1. Properties that Adjoin the I-70 Right-of-Way

Drafting comment: we are creating a map for this section.

- a. No sign shall be located in a rear yard except on properties that adjoin the I-70 right-of-way, these properties shall be allowed one flat wall sign in the rear yard of up to 30 square feet per tenant in addition to other allowed signs.
- b. For properties fronting Eby Creek Road, each wall sign, projecting sign, or freestanding sign shall have a maximum sign area of 80 square feet and a maximum height of 15 feet.

4.08.05. Sign Illumination

Drafting Comment: This section carries forward current Section 4.08.060 and eliminates some redundancy with Section 4.07.010, Lighting Standards while allowing the Town to approve signs with halo lighting. Location-specific illumination standards have also been carried forward. New standards have been added to allow Electronic Message Display (EMD) (digital sign) lighting for specific signs. A full set of EMD standards have been proposed for Town review.

A. Applicability

Every sign that is illuminated shall comply with the requirements of this section and Section 4.07.010, Lighting Standards except that halo lighting is permitted wherever internal sign lighting is allowed provided the applicant can show that the halo lighting is compliant with equivalent internal lighting standards.

B. Where Allowed

1. Each tenant is limited to one static illuminated sign.
2. Internally illuminated signs are only permitted on properties adjacent to Eby Creek Road, Market Drive, Chambers Avenue area, and East Eagle.
3. EMD signs are allowed as follows:
 - a. EMD signs are allowed as part of the signage for the following uses:
 - i. Service stations
 - ii. Convenience stores with fuel pumps and EV charging stations
 - b. EMD signs shall be incorporated into a permanent attached or freestanding sign as follows:
 - i. EMDs incorporated into attached signs shall not be larger than 10 percent of the total square footage of the permanent graphic portion of the sign when compared as separate components. For purposes of determining the allowable total sign area, the permanent graphic portion of the sign and the EMD shall be included in the same perimeter and measured as a single sign, inclusive of any physical separation between the two components.
 - ii. In a freestanding sign, the EMD component shall be enclosed on all sides with a finish of approved materials, or the surface of the sign face. The enclosure shall extend not less than six inches from the electronic message display in any direction. EMDs shall make up not more than 10 percent of any freestanding sign, and the balance of the sign area shall utilize permanent copy.
4. In the Chambers Avenue Commercial Zone, Chambers Avenue Industrial Zone Area, North Interchange Area, and Highway 6 Corridor, lighting of signs shall be permitted during the period the commercial enterprise is open for business and for up to one hour following the close of business.

C. Electronic Message Display (EMD) Signs

1. EMD Signs Prohibited

EMD signs are prohibited in all residential zone districts.

2. EMD Display

- a. Signs shall contain static messages only and shall not have movement or the appearance or optical illusion of movement, including flashing, pulsating, scrolling, or similar actions, during the static display period of any part of the sign.
- b. Each static message shall not include flashing or the varying of light intensity and shall not scroll.
- c. The sign shall be programmed to display a blank screen if a malfunction occurs.
- d. The sign shall not include audio, pyrotechnic, bluecasting (bluetooth advertising), or other similar components.

3. Display Time

- a. Each static message on the sign shall be displayed for a minimum of 12 hours in duration.
- b. Message change shall be completed instantaneously.
- c. There shall be a direct change from one message to the next. All transition effects, such as motion, animation, fading, scrolling, or dissolving are prohibited.

4. Display Brightness

- a. No EMD may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. In no case may the brightness exceed 5,000 nits or equivalent candelas during daylight hours or 250 nits or equivalent candelas between dusk and dawn.
- b. EMDs must be equipped with an automatic image dimming capability (ambient light monitors). This feature must be enabled at all times, allowing the display to automatically adjust brightness based on ambient light conditions.
- c. The light from any sign shall be so shaded, shielded, or directed that the light intensity or brightness shall not be projected over the property lines into a residential district.

5. Display Technology

The technology currently being deployed for EMDs is LED (light emitting diode), but there may be alternate, preferred, and superior technology available in the future. Any other technology that operates under the brightness limits above shall not require an ordinance change for approval.

6. Installation

EMD sign faces shall be installed so the illuminated side of the sign does not face any adjacent residential use or residential zone district.

7. Sign Permit Conditions

The following conditions apply to all EMD sign permits. Failure to comply shall result in the Town requiring the sign cease operation until compliance occurs.

- a. The sign shall at all times be operated in accordance with Town codes and that the owner or operator shall provide proof of such conformance within 24-hours of a request by the Town;
- b. A Town inspector may access the property upon 24 hours' notice to the owner, operator, or permittee so that the Town may verify that the EMD has the automatic image dimming capability engaged. In the event of a citizen complaint regarding the EMD brightness, the owner, operator, or permittee may be required by the Town inspector to manually reduce the brightness to 4500 nits during daylight hours or 200 nits between dusk and dawn;
- c. Whether the sign is programmed from the site or from a remote location, the computer interface that programs the sign and the sign's operation manual shall be available to Town staff upon 24 hours' notice to the owner, operator, or permittee.
- d. Sign permit applications to install an EMD must include a certification from the owner or operator that the sign shall at all times be operated in compliance with the conditions set out in this Code. The owner, operator or permittee shall immediately provide proof of such conformance upon request of the Town.

4.08.06. Standards for Temporary Signs

Drafting Comment: The temporary sign regulations have been updated to make them compliant with the U.S. Supreme Court's content-neutral regulation requirement from *Reed v. Town of Gilbert*. Standards for the amount and location of temporary signs have been clarified, as well as the maximum time that temporary signs are allowed to be displayed. New standards have been proposed that allow the display of temporary signs off-premises in specific circumstances.

A. Purpose and Intent

The purposes of these temporary sign regulations are as follows:

1. Enhance opportunities for visual communication, including promoting the legibility of such communications;
2. Support an attractive economic and business climate within the Town;
3. Enhance and protect the physical appearance of all areas of the Town;
4. Identify permissible signage for temporary uses and temporary events, and
5. Reduce the distractions, obstructions, and hazards to pedestrian and automobile traffic caused by the excessive number, size, or height, inappropriate means of illumination or movement, indiscriminate placement, overconcentration, or unsafe construction of signs.

B. Permit

A temporary sign permit is not required unless otherwise specified in this section.

C. Display

1. Maximum Time and Number of Temporary Signs

- a. No temporary sign shall be erected, re-erected, or maintained for more than a cumulative 30 days per year, unless otherwise permitted in this chapter. For the purpose of this regulation, any sign of similar size and associated with the same temporary use or event erected subsequent to the original temporary sign shall be considered as the original sign for the time limitation contained herein
- b. Maximum number of temporary signs shall not exceed one sign per property frontage.

2. Off-Premises Display of Temporary Signs

Temporary event signs, including, but not limited to, those specified within this section, may be allowed off-premises on private property provided they meet the following requirements:

- a. The sign conforms to all requirements of this chapter;
- b. The sign does not interfere with automobile traffic or pedestrians;
- c. The sign is not placed in the public right-of-way or on public property;
- d. When a sign placed on private property, is done with the express permission of the property owner; and
- e. The sign is not a public danger or nuisance during high winds or inclement weather.

3. Location

- a. Temporary signs are subject to the prohibited sign locations identified in Section 4.08.02.E, Prohibited Signs, Sign Locations, and Content.
- b. No temporary sign shall cause unsafe ingress or egress or otherwise create traffic visibility problems.

D. Size and Placement Limitations:

The following size and placement limitations are generally applicable to temporary signs unless otherwise specified in this chapter.

1. Maximum height: unless otherwise specified, eight feet in commercial and industrial zone districts; six feet in residential zone districts.
2. Maximum sign area 32 square feet on each side of the display in commercial and industrial districts; one square feet on each side of the display in residential districts. Signs may be printed on both sides or two single-sided banners may be placed back-to-back. V-type configurations are not permitted.
3. Measuring one side of the display shall determine the square footage for purposes of computation.
4. Signs, except for sandwich board, shall be located at least 150 feet apart and a minimum of five feet behind all property lines on the parcel.

- a. Sandwich board signs shall be located within ten feet of a pedestrian entrance and shall be removed when the business is closed and during severe weather events.
- b. Sandwich board signs may be placed on the sidewalk or public right-of-way when this can be done safely without causing pedestrian or vehicular hazards.
5. Temporary signs shall not be illuminated.
6. Temporary signs shall not contain any electronic components or display any digital or electronically copy projected on the sign face.

E. Materials

All temporary signs shall be made of durable materials.

4.08.07. Temporary Signs Allowed by Temporary Use or Activity

Drafting Comment: Building on the changes made in the previous section, this section has been cleaned-up in compliance with the *Reed* decision. The Town can still regulate a variety of temporary sign types but this is done by reference to the permit or activity that the sign is associated with, not the content of the sign. A new category of “general” temporary signs has been created to further ensure opportunities for protected free speech.

A. Temporary Signs Allowed without a Permit

The temporary sign types listed in this section are named for the activity or use that the sign permit is associated with. This is done for ease of understanding by Code users. Pursuant to Section 4.08.01, General Provisions, the Town of Eagle does not regulate the content of allowed signage.

TABLE 4.08-3: TEMPORARY SIGNS ALLOWED WITHOUT A PERMIT

Activity, Use, or Event	Number of Signs Allowed	Sign Area (max., sf)	Duration
Active Real Estate Listing, Lot < 2ac			The sign may be placed when the real estate listing becomes active and shall be removed within 7 days of the closing of the sale of the property or when the listing is deactivated.
Residential	1	6	
Nonresidential	1	24	
Active Real Estate Listing, Lot >2 ac [1]	1	32	
Active Construction Permit	3	24 per sign	The sign may be placed when the construction permit is issued and must be removed within 14 days of the issuance of the certificate of occupancy.
Election Event	n/a	24 [2]	The sign may be placed for a period of 60 days prior to a state, local, or national election. Total signage in excess of the maximum amount allowed on the property during non-election periods must be removed

TABLE 4.08-3: TEMPORARY SIGNS ALLOWED WITHOUT A PERMIT

Activity, Use, or Event	Number of Signs Allowed	Sign Area (max., sf)	Duration
			within five days after the applicable election event.
General Temporary Sign	1-	3-	30 days.
Sandwich Board, Nonresidential Use Only	1 sign per primary public entrance, max six sf in area per side		Sandwich board signs are allowed to be used 365 days a year, are not subject to the 30-day duration limitation for temporary signs and shall be taken in daily at the close of business.
Small Sales Events (Estate/Garage/Yard Sale)	-	-	May be installed not more than seven days prior to the sale and shall be removed not more than two days after the sale

Notes:

- [1] Owner of a lot or contiguous lots under the same ownership that together exceed two acres
[2] Signs shall be located a minimum of eight feet from the nearest public street or alley.

B. Temporary Signs that Require a Permit

Drafting Comment: The street banner and temporary public event regulations have been carried forward from the current sign code. Staff and the consultant team are gathering internal input about how these provisions have been applied in the past in order to add more specificity and objectivity to these standards.

1. Street Banners

Street banners or pennants associated with a public event or a specific short term commercial event or occurrence may be displayed if specifically approved in writing by the Town Manager (or designee). The Town Manager (or designee) may impose requirements concerning the installation, location, height, weight, design, structure, support and allowable time for the display of banners.

2. Temporary Public Events

Temporary signs associated with a temporary public event may be installed for a period of not more than 21 days prior to the event and shall be removed within seven days after the event. Temporary event signs shall have a maximum sign area of 24 square feet.

C. Temporary Sign Substitution for Damaged Permanent Signs

In the event that a permanent sign is substantially damaged through fire, natural disaster, or similar emergency, or in the case of major construction projects, where existing permanent signage is removed for construction purposes, a temporary sign of the same

size may be allowed for display for a period of time not exceeding 60 days or until the completion of the construction project.

4.08.08. Nonconforming Signs

Drafting Comment: The Town's regulations for nonconformities have been revised in this section to be sign-specific. To encourage sign maintenance and reinvestment, nonconformities have been grouped into two categories: major and minor. Minor nonconformities, which should be most signs that fall into the nonconforming category, are treated in much the same manner as conforming signs, while signs with major nonconformities are "frozen in place" pending greater compliance with this code. A new category of historic signs has been created; these signs will be considered conforming from a regulatory perspective.

A. Nonconforming Signs

1. Where a lawful sign exists at the effective date or amendment of this chapter that would be illegal under the terms of this chapter, the use of such sign may be continued so long as it remains otherwise lawful, subject to the provisions of this section.
2. Signs that are individually or as part of a building designated by the Town as a historic landmark or a historically important sign are considered conforming to this chapter provided that:
 - a. The sign is kept in good repair;
 - b. The sign does not constitute a hazard to public safety; and
 - c. The original design of the sign does not change

B. Classification of Nonconformities

There are two types of legal, nonconforming signs: major and minor. Signs with multiple nonconforming elements are classified in the category of the most significant nonconformity.

1. Major Nonconforming Signs

Major nonconforming signs are those signs for which the nonconformity generates a nuisance per se, violates Town sign policy, or is incompatible with adjacent signs and/or applicable Town plans such that public policy favors their elimination from the zone if they are discontinued, abandoned, or destroyed. Major nonconforming signs include:

- a. Dangerous signs;
- b. Signs that exceed the maximum height or size permitted in the zone district by more than 20%;
- c. Nonconforming location that encroaches on or over a public right-of-way, clear vision area, or public access easement;
- d. Signs with nonconforming illumination;
- e. Nonconforming sign types; and

- f. Signs approved with a variance that permits any issue included in this major nonconformity list,

2. Minor Nonconforming Signs

Minor nonconforming signs are any nonconforming signs that are not classified as major nonconforming signs. Minor nonconforming signs include but are not limited to:

- a. Signs that exceed the maximum height or size permitted in the zone district by 20% or less;
- b. Nonconforming location that does not encroach on or over a right-of-way, and
- c. Off-premises signs.

C. Major Nonconformities

1. Alterations

- a. A major nonconforming sign or sign structure may not be altered in any way that increases any nonconformity. A proposed change to any nonconforming aspect of a major nonconforming sign shall require the entire sign to be brought into conformance with this chapter.
- b. General repairs, maintenance, and change to advertising copy that does not include replacing a static sign with an EMD are not considered alterations.

2. Replacement

- a. A major nonconforming sign that is voluntarily replaced shall be replaced with a conforming sign.
- b. A major nonconforming sign that loses its nonconforming status shall be replaced with a conforming sign.

D. Minor Nonconformities

1. Alterations

- a. A minor nonconforming sign may be altered in a manner that conforms to this LUDC while still maintaining the nonconforming elements. For example, a sign that is two feet over the height limit for the zone district may be altered provided the height is not increased.
- b. General repairs, maintenance, and change to advertising copy that does not include replacing a static sign with an EMD are not considered alterations.

2. Replacement

- a. A minor nonconforming sign that is voluntarily replaced shall be replaced with a conforming sign.
- b. A minor nonconforming sign that loses its nonconforming status shall be replaced with a conforming sign.

E. Sign Removal for Public Purposes

Any nonconforming sign temporarily removed by a public utility company, the Town, or any governmental agency to accommodate repair, maintenance, or expansion operations may be replaced, provided that there is no change in size, height, or location of the sign. If any

sign is moved as a direct result of a governmental or utility project, it may be relocated to a position determined by the Town engineer to be appropriate in relation to the project, and such a sign shall not be considered nonconforming for the reason of applicable separation standards. No permit shall be required for such replacement.

F. Loss of Nonconforming Status

A nonconforming sign shall lose its nonconforming designation and be required to come into compliance with this chapter if any of the following apply:

1. Any portion of the primary sign structure is replaced.
2. The primary structure on the site is replaced, renovated in a manner that expands the building footprint by more than 50%, or when the sign is required to be moved to accommodate building replacement or expansion in compliance with the zone district regulations.
3. A major nonconforming sign is removed, relocated, or replaced for any reason except towards compliance with this chapter.
4. If more than 50 percent of a nonconforming sign is damaged by any means, as measured by total replacement cost of both the sign and structure prior to such destruction, and the sign type is no longer permitted in the zone district, it shall be considered destroyed and shall not be brought back into service or use except in conformity with the provisions of this article.
5. The sign is voluntarily replaced in compliance with this chapter.
6. The sign is abandoned.

G. Maintenance and Repair

1. A nonconforming sign is subject to all requirements of this chapter regarding safety, maintenance, and repair.
2. Temporary removal of any portion of a sign for repairs or general maintenance shall not be considered to be in violation of this section, provided that no alterations are made to the sign or sign structure. Should such sign or sign structure be moved permanently for any reason and over any distance whatsoever, it shall thereafter conform to all regulations for the district in which it is located after it has been moved or relocated.
3. Maintenance shall not include the conversion of a nonconforming sign to an electronic message display sign. Any such conversions may only be made to a conforming sign and shall be subject to the permitting and fee requirements set forth in this LUDC.

H. Records

In addition to initial and construction inspections, signs may be inspected periodically by the Community Development Department to ensure continued compliance with this chapter. Sign owners shall maintain all records related to sign installation and maintenance and make them available for Town review as requested.

4.08.09. Maintenance and Abandonment

Drafting Comment: This section carries forward limited existing maintenance and abandonment standards and updates them by more clearly explaining the Town's regulatory requirements.

A. Maintenance

1. Good Condition

All signs shall be maintained in a state of security, safety, and good repair. It shall be the responsibility of every owner of real property and their tenant or other person in possession of such property with the consent of the owner to maintain every sign on such property in strict compliance with this Code.

2. Continuous Maintenance Required

- a. Any sign that has been approved or for which a permit that has been issued a permit shall be maintained by the owner or person in possession of the property on which the sign is located. Maintenance shall be such that the signage continues to conform to the conditions imposed by the sign permit.
- b. Any damaged sign base shall be repaired within 60 days.
- c. It is a violation of this Code to fail to repair any sign or advertising structure or supporting structure that is torn, damaged, defaced or destroyed.
- d. No person shall maintain or permit to be maintained on any premises owned or controlled by such person any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign or the owner of the premises.
- e. Any sign that has been damaged to such extent that it may pose a hazard to passersby shall be repaired or removed immediately.

B. Abandonment²

1. An abandoned sign is any sign, including support frames, where either:
 - a. The sign is no longer used by the property or sign owner, in which case discontinuance of sign use may be shown by expiration or revocation of a business license for the business located on the property, or cessation of use of the property where the sign is located for the use or purpose associated with the sign; or
 - b. The sign has been damaged, and repairs and restoration have not been started within 45 days of the date the sign was damaged, or, once started, are not diligently pursued to completion.
2. Temporary signs shall be considered abandoned if the associated permit has expired or if the sign fails to meet the maintenance requirements of this article.
3. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises.

² Current 4.08.100, Abandoned signs

- a. Abandoned permanent signs shall be removed or the advertising copy shall be painted or coated out. If the property owner or tenant fails to do so within 60 days after written notice from the Code Enforcement Officer of a determination of abandonment, the Code Enforcement Officer shall cause the sign to be removed or painted out and any expense incident thereto shall be paid by the owner or tenant.
4. All abandoned signs must be completely removed (including face, frame, structure, and any related components) within 180 days of the date of abandonment or business closure.
5. When a sign becomes an abandoned sign due to demolition or destruction of the structure in which the business was located, the sign structure shall be removed at the same time as the demolition of the structure, or within 45 days of a determination of abandonment by the Code Enforcement Specialist.
6. Where a successor to a business agrees in writing, prior to the demolition of the structure or as part of a determination of abandonment, to bring any sign into compliance with this chapter and to maintain the sign as provided in this chapter, the removal requirement shall not apply. The sign structure shall be brought into compliance prior to the issuance of a certificate of occupancy for use of any part of the associated structure or business

C. Enforcement

This chapter is subject to the provisions of Section 4.03.100, Enforcement.

4.08.10. Definitions and Measurements

Drafting Comments: The current definitions have been carried forward and updated as needed. New definitions have been added as needed. The Town's methods of sign measurement have been more clearly described to help both applicants and reviewing bodies understand how the sign code is applied to sign applications or violations.

A. Applicability

This section applies to all sign types and classifications

B. Measurement Instructions for All Sign Types

1. Building and Property Frontage

- a. Sign allowance shall be calculated on the basis of the length of the lot frontage which is most nearly parallel to the street it faces.
- b. If a lot fronts on two or more streets, the sign area for each street shall be computed separately. The area of signage allowed for each lot frontage shall be displayed on the frontage for which it was calculated and shall not be combined and placed on a single frontage unless otherwise provided in this section or when the structure has multiple tenants.
- c. Signage in multi-tenant structures shall first be calculated across all public street frontages to establish the overall permitted signage, and then allocated to each

tenant unit based on a sign plan created for the site and submitted with each sign permit application.

- d. If a building does not have frontage on a dedicated public street, the owner of the building may designate the one building frontage that shall be used for the purpose of calculating the sign allowance.

2. Clearance

- a. Clearance is the area under the sign that shall be free of obstructions to allow passage of pedestrians and vehicles.
- b. Clearance for pole and projecting signs shall be measured as the smallest vertical distance between the sign and the finished grade directly underneath the sign at the lowest point of the sign structure, including any framework or other structural elements.

3. Height

- a. Height is the vertical distance measured from ground level to the top of the sign measured at its highest point above existing or finished ground level, whichever is more restrictive.
- b. When the finished grade at the point of measurement is lower than the average elevation of the adjacent street finished grade parallel to the location where the sign will be installed, that portion of the sign below the street shall not be included in determining the sign's overall height.

4. Sign Area

- a. Sign area shall be measured by determining the total area of the face of a sign within the outermost edge or border of the face. The computation of freestanding letters not attached to a surface or plane shall be made by determining the area enclosed within the smallest geometric figure needed to completely encompass all of the letters, words, insignias, or symbols.
 - i. Individual letter signs using a wall as the background without added decoration or change in wall color shall be calculated by measuring the perimeter enclosing each letter. The combined total area of each individual letter shall be considered the total area of the sign.
 - ii. Sign copy mounted, affixed, or painted on a background panel or area distinctively painted, textured, or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest geometric figure that will enclose both the sign copy and the background
 - iii. Module signs consisting of more than one sign cabinet shall be computed by adding together the total area of each module.
 - iv. Window signs printed on a transparent film and affixed to a window pane shall be measured as freestanding letters or logos, provided that the portion of the transparent film around the perimeter of the sign message maintains the transparent character of the window.

- v. If elements of a sign are movable or flexible, such as a flag or banner, or if the sign includes any permitted copy extensions, the measurement is taken when the elements or extensions are fully extended and parallel to the plane of view.
- b. Sign area includes only one side of a double-faced sign, so the area of a two-sided sign equals the area of one side.
 - i. The second face may not exceed the area of the first face.
 - ii. If an angle of 30° for a “V” sign is exceeded, the area of both sign faces shall be included in the measurement of total sign area, except that the sign area for a sandwich board sign is measured on one face of the sign regardless of the distance between the sign faces.
- c. Window sign area percentage is measured for each architecturally distinct window by dividing the sign area by the window area.
- d. The area of a three-dimensional spherical, cubical, or polyhedral sign equals $\frac{1}{2}$ the total surface area.

5. Separation and Spacing

Any required linear distance between signs shall be measured along the property lines from the center of the sign.

6. Setback

Setback is measured at that portion of any sign or sign structure that is closest to the property line.

C. Definitions

Banner sign means a sign made of fabric or other similar non-rigid material with no enclosing framework or electrical components that is supported or anchored on two or more edges or at all four corners. Banners also include non-rigid signs anchored along one edge, or two corners, with weights installed that reduce the reaction of the sign to wind.

Billboard means any sign with at least one sign face that is greater than the largest maximum sign size for any type of sign allowed by permit in the district in which the sign is located.

Business means an activity concerned with the supplying and distribution of goods and services. For purposes of this section, the term "business" shall not include an activity which is accessory to a residential use, such as a home occupation.

Cabinet sign means a sign that contains all the text, artwork, logos and/or other information displayed within an enclosed cabinet.

Change of copy means the change of a logo, and/or message upon the face or faces of a legal sign.

Carried sign means a sign held or carried by a person.

Commercial speech means expression by a speaker for the purposes of commerce, where the intended audience is actual or potential consumers, and where the content of the message is commercial in character. Commercial speech typically advertises a business, business activity,

or proposed commercial transaction and may be further defined by a court of appropriate jurisdiction.

Copy means the wording on a sign surface, either in permanent, changeable, or removable form. Copy may include commercial speech or noncommercial speech.

Dangerous sign means a sign constituting a hazard to public safety because it no longer complies with some or all requirements of the building code or electrical code.

Direct Illumination means that the lighting element is exposed to the sign viewer without cover or reflection, such as exposed light bulbs, neon tubing, and LED lighting on EMD signs.

Electrical sign means a sign or sign structure in which electrical wiring, connections, and/or fixtures are used as part of the sign proper.

Electronic Message Display (EMD) means a sign that displays messages that can be controlled and changed remotely and that uses a direct illumination source.

Erects means to build, construct, attach, place, suspend, or affix, including the painting of a wall sign.

External Illumination means that a lighting element or lighting source is installed outside of the sign and directed toward the sign face.

Face of sign means the entire area or combination of areas of a sign on which a message is placed.

Flag means a sign made of fabric or other similar non-rigid material supported or anchored along only one edge or supported or anchored at only two corners. If any dimension of the flag is more than three times as long as any other dimension, it is classified and regulated as a banner regardless of how it is anchored or supported.

Flashing means a change of light intensity in a sudden transitory burst or that switches on and off in a constant pattern that is not constant being off at any one time.

Frontage means the measurement of the length of the property line or building front.

Halo Lighting is a method of internal sign illumination that consists of opaque sign elements with light projected behind them illuminating the mounting surface. The placement of halo lighting creates a “halo” or reflective rim effect around the mounted element.

Incidental sign means a small sign that is primarily oriented to pedestrians and intended for up-close viewing. Examples of incidental signs include: address sign, entrance/exit sign, open/closed sign, days/hours of operation sign, or restroom sign.

Internal Illumination means that a lighting element or lighting source is contained inside a sign cabinet, letter module, or sign body. Examples include cabinet signs and halo lit signs.

Nits means a unit of measure of brightness or luminance. One nit is equal to one candela/square meter.

Nonconforming sign means any sign lawfully constructed prior to the enactment of the ordinance codified in this Code, which fails to conform to the provisions of this chapter.

Off-premises sign means a sign that carries a message of any kind or directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located, or to which it is affixed.

On-premises sign means a sign advertising any product, service, use, or enterprise sold or offered at the location where the sign is physically located.

Pennant means a piece of fabric, plastic, or other flexible medium that may be in the shape of a triangle, rectangle, or other shape, is typically mounted to a flexible cord or rope that is stretched across two points, is mounted in quantity, and spaced along the cord or rope.

Perimeter means a shape required to enclose the sign area.

Public event means an event or activity held on private property that is open to the public or offered for general public enjoyment with or without an entrance fee,

Roof sign means a business sign erected upon or above a roof or parapet of a building or structure. Mansard roof signs shall be considered wall signs.

Sandwich Board Sign means a temporary, portable sign consisting of two sign faces placed together at an angle of 90 degrees or less to form an "A" shaped structure that tapers from a wide base to a narrow top that is readily movable and has no permanent attachment to a building, structure, or the ground.

Sign means a visually communicative image displayed in a place open to view by the public, including any device that streams, televises or otherwise conveys electronic visual messages, pictures, videos or images, with or without sound or odors, that by reason of its form, location, manner of display, color, working, design, or otherwise attracts or is designed to attract attention to the subject or to the property upon which it is situated. "Sign" shall not include:

- Works of art that do not include commercial speech.

- Products, merchandise or other materials which are offered for sale or used in conducting a business, when such products, merchandise, or materials are kept or stored in a location which is designed and commonly used for the storage of such products, merchandise or materials.

Sign structure means any structure supporting or capable of supporting any sign defined in this chapter. A sign structure may be a single pole or may or may not be an integral part of the building or structure.

Static Sign means a sign with a message that cannot or is not intended to be changed frequently or remotely like and EMD sign.

Temporary sign means a sign corresponding to a permitted temporary use or event and displayed for a limited period of time.

Tenant means a single incorporated use of a premises, which may include multiple units within a structure, for which a certificate of occupancy has been issued, which is separated from another business by demising walls and has a separate entrance.

Wind sign means a display of pennants, streamers, balloons, whirligigs, wind blades, or similar devices, activated by wind.

Window: An opening in a wall, door, or roof of a building that allows the passage of light, sound, and sometimes air. An individual window is defined by an architecturally distinct opening. Individual windows may be further divided by muntins, mullions, or decorative elements such as grilles.



MEETING MINUTES
Land Use and Development Code Update Committee
Monday, January 10, 2022, 6:00 PM
Public Meeting Room / Eagle Town Hall
200 Broadway, Eagle, CO 81631

ON-LINE MEETING

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

PUBLIC WIFI - TOEG – townofeagle2019

MEETING ACCESS INFORMATION

This was an on-line meeting with access provided through Zoom.

6:00 PM MEETING CALLED TO ORDER

1. Appoint committee Chairman and Vice Chairman

Pylman nominated Hoiland as Chairman and Schlosser nominated Kent as Vice Chairman.

MOTION: PYLMAN MOTIONED TO APPOINT HOILAND AS CHAIRMAN AND KENT AS VICE CHAIRMAN. SCHLOSSER SECONDED AND THE MOTION PASSED UNANIMOUSLY.

COMMITTEE MEMBERS PRESENT

Allison Kent, Rick Pylman, Scott Schlosser,
Dawn Koenig, Jack Albertson,
Kyle Hoiland

STAFF

Chad Phillips – Community Development Director
Peyton Heitzman – Planner I
Jessica Lake – Planner I
Elizabeth Garvin – Clarion Associates

COMMITTEE MEMBERS ABSENT

Scott Turnipseed, Lee Hoover

APPROVAL OF MINUTES

1. Minutes dated December 6, 2021

MOTION: PYLMAN MOTIONED TO APPROVE THE MINUTES. SCHLOSSER SECONDED AND THE MOTION PASSED UNANIMOUSLY.

DISCUSSION

1. Interim Sign Code draft

Garvin presented. First, Module 1 of the project will begin in February. This Module's focus includes zoning districts, allowed uses, and standards. It will be content-neutral but will aim to regulate hate speech identified by the Supreme Court. Off premise regulations may be the next thing the Supreme Court strikes down. The group continued onto the sign code draft. Primary discussion topics included:

- Residential Signage
 - Applicability to home occupation.
 - Lit signs as a work around.
- Temporary Signs
 - Lost animal posters being attached to public safety signs
 - Prohibiting temporary signs in the public right-of-way
 - Concerns with 'For Rent' signs becoming permanent in large apartment complexes or mixed-use buildings like Broadway Station
 - Enforcing a maximum size on real estate signs, perhaps by district
- How to distinguish art from signage.
- Adding language for identifying and managing signs of historical significance.
- Question 1: Billboards
 - Phillips commented on the decreased need for big signs with GPS.
 - Hoiland suggested a bigger sign allowance and consider what landowners may want.
 - Are billboards acceptable on I-70? Consider establishing a boundary and collect Colorado Department of Transportation's (CDOT) input.
- Question 2: Lighting and Materials
 - Pylman suggested that we highlight this for public comment with draft language.
 - Consider different lighting standards based on zone districts and what's allowed next to residential uses.
 - Albertson was in support of reinforcing dark skies regulations.
 - Hoiland asked if cabinet signs are permitted on Broadway.
- Question 3: Electronic Message Displays
 - Garvin suggested regulating by use.
 - Anticipating ongoing discussion on character and frame of the sign.

2. Future agenda items

The committee requested that the agenda and meeting materials are distributed by Thursday of the previous week to allow for more preparation.

The next meeting will cover zone districts and uses.

ADJOURN

MOTION: KENT MOTIONED TO ADJOURN. PYLMAN SECONDED AND THE MOTION PASSED UNANIMOUSLY.

Meeting adjourned at 8:00 PM.



To: Planning & Zoning Commission

From: Chad Phillips, Director/Town Planner, Community Development Department
Jessica Lake, Planner, Community Development Department
Peyton Heitzman, Planner, Community Development Department
Nikki Davis, Administrative Technician, Community Development Department

Date: March 15, 2022

Agenda Item: Community Development Department Update

LONG RANGE PLANNING

- **ReCode Eagle - The Land Use and Development Code (LUDC) Update**
 - The Code Committee held its third meeting on 2/7/22 to discuss various zoning fixes that would promote affordable housing in the community.
 - The next committee meeting is scheduled for 3/14/22 to review Module 1 (zoning districts, allowed uses, and standards that regulate those uses).
 - The draft sign code will be released to the community the first week in March to garner public input. Planning & Zoning will be discussing the draft during a work session scheduled for 3/15/22.
 - Staff has received (1) application to fill a vacancy on the LUDC committee and the submittal deadline was 2/28/22.
 - As public drafts of sections of the new code become available, community members can view these resources at www.Townofeagle.org/ReCodeEagle.
- **Grand Avenue Corridor Study**
 - A Phase 3 work plan meeting was held on 3/2/22 with the design team & consultants to review the adjusted schedule and proposed areas of focus. Topics included traffic model refinements, roundabout and corridor design, utilities & infrastructure plans, cost estimating, and establishing meetings and public engagement schedules.
 - Community members can follow project updates at eaglecolorado.mysocialpinpoint.com.
- **HB21-1271 DOLA Innovative Housing Strategies: Comprehensive Affordable Housing Assessment**
 - Background information: The Town is pursuing two initiatives with the grant funds. The first is an Affording Housing Assessment which will compile data such as housing inventory, current & projected housing needs, Town demographics, economic trends, and market conditions (ownership, rental, and short-term rentals). The findings of this assessment will help the Town develop subsequent action plans geared towards creating affordable housing opportunities. Staff has received (3) bids for the Housing Assessment project and the submittal deadline was 2/25/22. Proposal review is underway, and interviews will be scheduled for the week of 3/14/22. Staff anticipates the Housing Assessment to be completed mid to late summer.



- The second initiative is the Innovative Housing Strategies Report; a regulatory update to the Land Use and Development Code. This report will be produced concurrently with our Land Use Code update, ReCode Eagle, and will build upon data from the Affordable Housing Assessment. Clarion Associates is working with the Town to identify regulatory barriers that limit affordable housing and to find ways to encourage affordable housing through the Code update. The regulatory strategies from this work will be included in the Innovative Housing Strategies Report.

LAND USE APPLICATIONS IN PROGRESS

- **DR21-02 & PPFP21-01: Reserve at Hockett Gulch**
 - A Subdivision and Major Development Permit application. Staff received application resubmittal on September 13th and completeness review is ongoing.
 - The most recent project resubmittal was received in late February and referral agency review is ongoing.
- **DR21-04: Haymeadow Design Guidelines**
 - A Major Development review for establishing the Haymeadow Design Guidelines.
 - Town Council approved the Design Guidelines during the 3/8/22 meeting: *Resolution 13, Series 2022*.
- **DR222-01 & LLA22-02: Haymeadow RMF 1&2**
 - The first application is for a Major Development Permit for 74 multi-family dwelling units in 7 buildings in RMF-1 and 12 multi-family units in 3 buildings in RMF-2.
 - The second application is for a Lot Line Adjustment to replat the lot line between RMF-1 and RMF-2.
 - Public hearings schedule to be announced.
- **MS22-01 Haymeadow Minor Subdivision of Tract Z**
 - An application request to resubdivide Haymeadow Tract Z in order to plat the Cabin Parcel and the Conservation Fund Parcel.
 - Public hearing schedule:
 - Planning Commission 4/5/22
 - Town Council 4/26/22
- **SU22-01 Mountain Tots SUP (641 McIntire Street)**
 - Application to operate a childcare facility in the Residential Medium (RM) zone district.
 - Public hearing schedule:
 - Town Council 3/22/22 (continued from 3/8/22)



- **LURA22-03 Ordinance – Amendment to Chapter 4.08 – Sign Code**
 - New draft of the Sign Code is an expedited product of the Land Use Code Update (ReCode Eagle).
 - Public hearing schedule:
 - Planning Commission Work Session 3/15/22
 - Planning Commission Regular Meeting 4/5/22
 - Town Council 4/26/22
- **LURA22-02 Ordinance – Amendment to Section 4.07.140. Parking Standards**
 - An ordinance establishing parking exemption standards in the Central Business District (CBD).
 - Town Council approved the ordinance at the 3/8/22 meeting: *Ordinance 08, Series 2022*.

OTHER COMMUNITY DEVELOPMENT UPDATES

- Staff has begun advertising to solicit applications for the Planning & Zoning Commission vacancy. Information regarding the vacancy and application details have been published through the Vail Daily, Facebook, Eagle Today e-newsletter, Eagle Chamber of Commerce e-newsletter, and on the Town's website. Applications are being accepted until 3/28/22 and interested community members can find more information here:
 - www.townofeagle.org/PZCommission
 - www.townofeagle.org/PZApplication
- Staff would like to welcome and introduce Tez Hawkins, Senior Planner from Baseline Engineering. He is serving as a temporary Planner on staff until the Town's vacant Planner position is filled. Tez is a professional land planner with seven years of experience in the planning industry. Being an Eagle resident and having worked at Eagle County, Tez is familiar with the area and processes. He is often referred to as our rent-a-planner!
- The Town has established an internal Green Team Committee. The committee is comprised of six staff members from various departments who aim to support sustainable practices and brainstorm ways to improve the workplace and Town at large. The committee's first project is to establish an internal composting system at Town Hall and Public Works.

BUILDING DEPARTMENT UPDATE

- The Building Official and Permit Technician attended the 2022 Colorado Chapter ICC Educational Institute the week of March 7-11. Highlights from the conference will be shared in the Quarter 2 CTIX e-newsletter.
- The next edition of CTIX (Construction Trades Information Exchange) will be distributed on April 1st. CTIX is a way for the Community Development Department to communicate with the Contractor & Developer community. Read the 2022 First Quarter Edition today! ([LINK](#))



- The 2021 International Building Code (IBC) code adoption process has been postponed to Fall 2022. Staff is working to establish a project timeline ahead of beginning the procurement process for a consultant. The formation of a stakeholder committee is temporarily on hold.

MAJOR CONSTRUCTION PROJECTS UNDER REVIEW AND OVERSIGHT

- **Broadway Station: Mixed Use/Multi-Family**
 - The Town has released a Temporary Certification of Occupancy (TCO) and residential tenants have started occupying the building. There is punch list of items that need to be completed prior to the issuance of the Certificate of Occupancy (CO).
- **410 Broadway: Mixed Use/Multi-Family**
 - Building review is complete and awaiting approval/comments from other agencies.

The figures below show general activity levels not broken down by permit type (building, electrical, plumbing, mechanical, etc.)

TYPE OF WORK PERFORMED	NUMBERS PERFORMED IN 2021	NUMBERS PERFORMED TO-DATE 2022
Inspections (n/i planning/pw)	1,380	252
Permits Processed	359	65

TOWN COUNCIL AND PLANNING & ZONING COMMISSION MEETING SCHEDULE:

March 2022
March 14 th LUDC Committee • Module 1 Discussion – Zone Districts and Uses
March 15 th Planning & Zoning Commission • Sign Code Work Session • Community Development and Council Update
March 22 nd Town Council • Clarion Associates Professional Service Agreement (PSA) Amendment • LUDC Committee, new member appointment
April 2022
April 5 th Planning & Zoning Commission • Haymeadow Minor Subdivision of Tract Z • Sign Code Recommendation
April 12 th Town Council • No land use files scheduled at this time. • Community Development Department Update
April 19 th Planning & Zoning Commission • No land use files scheduled at this time.



• Community Development and Council Update
April 26 th Town Council • Haymeadow Minor Subdivision of Tract Z • Sign Code Adoption
May 2022
May 3 rd Planning & Zoning Commission • Grand Avenue Corridor Study work session (tentative)