



**Planning & Zoning Commission
Tuesday, April 5, 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 15, 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: Haymeadow Minor Subdivision of Tract Z
File # MS22-01
Applicant: Abrika Properties, LLC
Location Tract Z
Staff Contact: Jessica Lake, Planner I

Request: A resubdivision of Haymeadow Tract Z in order to plat the Cabin Parcel and the Conservation Fund Parcel.

2. Project: 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 make a recommendation to the Town Council to adopt and ratify an update to Chapter 4.08. - Sign Code.

OPEN DISCUSSION

ADJOURN

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



Jessica Lake
Planner I



MEETING MINUTES
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 - 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 6:06 PM.

COMMISSIONERS PRESENT

Matt Hood, Keegan Winkeller,
Kyle Hoiland, Charlie Perkins,

COMMISSIONERS ABSENT

Jesse Gregg, Bill Nutkins, Lani Webb

STAFF

Chad Phillips – Community Development Director
Dennis Wike – Town Engineer
Peyton Heitzman – Planner II
Jessica Lake – Planner I (via Zoom)
Nikki Davis - Administrative Tech II
Elizabeth Garvin – Clarion Associates

APPROVAL OF MINUTES

1. Minutes dated March 1, 2022

The March 1, 2022 minutes were approved without change.

PUBLIC COMMENT

Public commented opened at 6:05 PM. There was no public comment.

PUBLIC HEARINGS

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.

Garvin summarized the major highlights of the revised sign code. The key updates included changes to make the regulations content-neutral; proposed changes to lighting types and material choice(s); reorganization; and addressing missing content. Garvin added this effort was not an overhaul of the existing sign code.

To provide deeper context, Garvin explained the need for the Town's sign code to come into compliance with *Reed v. Town of Gilbert*. This U.S. Supreme Court case ruled that communities cannot have content-based regulations because signs are a protected form of speech. Alternatively, content-based regulation can be problematic when reviewing temporary signs, sign names, definitions, and sign descriptions. Because of this, Clarion worked to uncover and redraft content-based regulations, shifting the focus on understanding the sign's intent.

The proposed changes to lighting included the allowance of halo lighting and adding standards to accommodate electronic message display (EMD) signs. The primary focus of the latter would be around brightness and the duration of the message display. Garvin included their team also worked on cleaning up definitions and adding more images for reference.

As for proposed changes to materials standards, Garvin highlighted creating a system that allows consideration of other sign materials with specific review criteria like compatibility, durability, and maintenance.

The last components of the revision addressed applicability, creating a more robust definition section and measurement specifications, categorizing sign types by zone districts, and updating nonconformity standards.

Wike and Garvin discussed a variety of questions related to window signs, float-or-fly signs, enforcing temporary signs, vehicle signs, Colorado Department of Transportation (CDOT) signs, incidental signs such as signs on doors, and mural art.

Perkins asked how the Town's sign code overlaps with Eagle County's code. Garvin replied this has not been explored but noted they are their own municipal government.

Perkins asked if the Central Business District (CBD) will have its own regulations and if neon signs are permitted. He added that Downtown Broadway should be more liberal with their sign standards to accommodate tasteful backlit signage. Winkeller agreed with this suggestion as long as we limit upward trespass and mitigate conflicts against the Town's dark sky standards.

Wike suggested regulating different sign colors. Garvin replied that topic will be reviewed under the Lighting Standards.

Hood closed file # LURA22-03.

COMMUNITY DEVELOPMENT DEPARTMENT AND TOWN COUNCIL UPDATE

1. Department and Council Update: March 15, 2022

OPEN DISCUSSION

No other discussion items.

ADJOURN

MOTION: HOILAND MOTIONED TO ADJOUR. MOTION WAS SECONDED BY PERKINS AND PASSED UNANIMOUSLY.

MEETING ADJOURNED AT 7:30 PM.

APPROVED:

DATE:

Matthew Hood, Chairman

Nikki Davis, Administrative Tech II



STAFF REPORT AND CERTIFICATE OF RECOMMENDATION

TO: Planning & Zoning Commission

FROM: Community Development Department

DATE: April 5, 2022

PROJECT: Haymeadow Minor Subdivision of Tract Z

REQUEST: A resubdivision of Haymeadow Tract Z, in order to plat the Cabin Parcel and the Conservation Fund Parcel.

FILE NUMBER: MS22-01

APPLICANT: Brandon Cohen of ABRIKA Properties, LLC

REPRESENTATIVE: Rick Pylman, Pylman & Associates

LOCATION: Tract Z of the Haymeadow PUD

CODE: Chapter 4.12 Subdivision Review
Chapter 4.05 Zoning Review

ZONING: Planned Unit Development (PUD) Zone District

EXHIBITS: A: Project Application and Narrative
B: Final Plat

PUBLIC COMMENT: Staff has not received any letters of public comment as of April 1, 2022. Letters received after this time will be gathered and entered into the public record at the hearing.

STAFF: Jessica Lake, Planner – jessica.lake@townofeagle.org

INTRODUCTION

The Haymeadow property is roughly 660 acres and extends south and east from the current intersection of Brush Creek Road and Sylvan Lake Road. Haymeadow was annexed, zoned PUD, and initially platted in 2014. Since the original approvals, the Annexation and Development Agreement and PUD have been amended multiple times, and the Final Plat for Filing 1 has been recorded. On May 22, 2021, the Town of Eagle approved an amendment to the Haymeadow PUD that included the use of an existing cabin located at the east end of the property for special events along with the requirement that it be subdivided so that the cabin was located on a privately owned lot. The land shown as the Cabin Parcel and the 194.33-acre Tract Z2 are currently under contract with the Conservation Fund.



The existing Tract Z, consisting of 508.131 acres of land for future development, was subdivided in 2019 with the Haymeadow Filing 1 Final Plat. Brandon Cohen of ABRIKA Properties, LLC (Applicant) is requesting a subdivision of Tract Z. The proposed plat includes 1) the 5.8-acre Cabin Parcel, 2) a 194.33-acre Tract Z2 – the Conservation Fund Parcel, and 3) a 309.52-acre Tract Z1 for future development.

STANDARDS FOR A MINOR SUBDIVISION

Section 4.12.060. - An application for a minor subdivision shall follow the review procedures as set forth for lot line adjustment in **Section 4.12.040.**

STANDARD #1: The final subdivision plat conforms to the Town's regulations, goals and policies.

Regulations

Staff Comment: The Municipal Code requires that the application's plat meet all requirements in Section 4.12.020.C. The Final Plat has been reviewed by the Town Engineer, Planning, Town Attorney, and a 3rd party surveyor to ensure the document has been prepared to meet all requirements set forth by the Municipal Code. All comments have been shared with the applicant and addressed in the application. As there may be additional comments that come as a result of the public hearing process, staff has included a condition of approval that any additional technical comments will be addressed prior to recording of the Final Plat.

While the preservation of the Cabin Parcel and Tract Z2 are not in compliance with the current PUD, approval of the proposed plat would not necessarily be contrary. If the land is preserved under a conservation easement, the PUD would have to be amended to reflect the change to how the land is used.

If the Cabin Parcel is to be developed as approved under the amended PUD, a Development Permit will be required. The Development Permit is a requirement under the recorded Development Agreement that was part of the 2nd PUD Amendment. The criteria included as part of Chapter 4.13 Subdivision Design, Improvements, and Dedications shall be addressed at that time. Since Tracts Z1 and Z2 include lands involving future subdivision under the current PUD, all subdivision criteria will be evaluated at time of re-subdivision.

Goals and Policies

Staff Comment: Staff reviewed the application against the goals and policies in the Elevate Eagle Comprehensive Plan (2021 Amendment). The process of subdividing Tract Z is not specifically addressed by policies in the Comprehensive Plan. However, the Applicant intends to sell the newly established Cabin Parcel and Tract Z2 to the Conservation Fund. If the contract goes through, the 200-acres that make up the parcels will be preserved in their existing agricultural/open state rather than be developed as approved in the PUD. Approval of this minor subdivision is a critical step to allow for the sale. The establishment of a conservation easement on these parcels supports and opposes multiple goals and policies in the Comprehensive Plan. Compliance regarding the changes in land use will be evaluated with a future application to amend the PUD.

STAFF RECOMMENDATION

Staff recommends APPROVAL with Conditions of File #MS22-01 the Haymeadow Minor Subdivision of Tract Z based on compliance with Section 4.12.060 of the Municipal Code. Specifically, that the application:

1. Meets the technical criteria for a Final Plat; and
2. The request is supported by goals and policies in the Elevate Eagle Comprehensive Plan.

PLANNING AND ZONING COMMISSION POTENTIAL MOTIONS

Below are the Planning and Zoning Commission options related to a re-subdivision of Haymeadow Tract Z, File # MS22-01:

1. Approve the application with no conditions.
2. Approve the application with conditions.
3. Continue (table) the application. (Provide staff and the application detail regarding information needed for a decision).
4. Deny the application. (Cite all Code sections and/or Plan policies that resulted in motion for denial)

SUGGESTED MOTION:

I move to recommend approval of file #MS22-01 the Haymeadow Minor Subdivision of Tract Z with the following finding and conditions.

FINDINGS OF FACT

The application meets the requirements for Title 4 of the Land Use and Development Code and supports the Elevate Eagle Comprehensive Plan (2021 Amendment) and the subdivision is not contrary to the approved PUD.

IF APPROVED, THE P&Z COMMISSION MAY CONSIDER THE FOLLOWING SUGGESTED CONDITIONS OF APPROVAL:

1. Within 30 days of approval, the Final Plat shall be revised to reflect any additional technical comments from the Public Hearings, Town Staff, or referral agencies.
2. If the Cabin Parcel and Tract Z2 are preserved and the development potential approved in the PUD is removed as a result, the landowners shall apply for amendment of the PUD within six (6) months of closing.
3. If the Cabin Parcel is to be developed as approved under the amended PUD, a Development Permit will be required. The criteria included as part of *Chapter 4.13 Subdivision Design, Improvements, and Dedications* (as amended) shall be addressed at that time.



TOWN OF EAGLE
COMMUNITY DEVELOPMENT
200 BROADWAY • PO BOX 609 • EAGLE, CO 81631
PHONE: 970-328-9655 • FAX: 970-328-9656
www.townofeagle.org

LAND USE & DEVELOPMENT APPLICATION

Pursuant to the Land Use & Development Code, Title 4

ZONING REVIEW	DEVELOPMENT REVIEW	SUBDIVISION REVIEW
☐ Special Use Permit ☐ Zoning Variance ☐ Rezoning ☐ Temporary Use Permit ☐ Amendment to Zone District Regulations ☐ Encroachment Permit	☐ Minor Development Permit ☐ Major Development Permit PLANNED UNIT DEVELOPMENT (PUD) REVIEW ☐ PUD Zoning Plan ☐ PUD Development Plan	☐ Concept Plan ☐ Preliminary Plan ☐ Final Plat ☐ Lot Line Adjustment ☐ Condominium / Townhouse ☒ Minor Subdivision

PROJECT NAME Haymeadow Minor Subdivision of Tract Z

PRESENT ZONE DISTRICT PUD **PROPOSED ZONE DISTRICT** PUD
(if applicable)

LOCATION

STREET ADDRESS To be determined

PROPERTY DESCRIPTION

SUBDIVISION Haymeadow Filing 1 **LOT(S)** Tract Z **BLOCK** _____
(attach legal description if not part of a subdivision)

DESCRIPTION OF APPLICATION/PURPOSE _____
see attached application narrative

APPLICANT NAME ABRIKA Properties, LLC **PHONE** 352-854-7753

ADDRESS 8250 SW 27th Ave Ocala FL 34476 **EMAIL** brandon@abrika.com

OWNER OF RECORD same as above **PHONE** _____

ADDRESS _____ **EMAIL** _____

REPRESENTATIVE* Scott Schlosser **PHONE** 9703909223

ADDRESS PO Box 5607 Eagle CO 81631 **EMAIL** scottschlosser66@gmail.com

*A representative must submit an affidavit or power of attorney signed by the property owner of record authorizing the representation.

APPLICATION SUBMITTAL ITEMS:

The following submittal materials must be submitted in full before the application will be deemed complete (please check all items that are being submitted):

- ☒ Applicable fees and deposits.
- ☒ Project Narrative, describing the project, its compliance with any applicable review criteria, any impacts to the surrounding area, and any other relevant information.
- ☒ Surrounding and interested Property Ownership Report (see project specific checklist for more information).
- ☒ Proof of Ownership (ownership & encumbrance report) for subject property.
- ☐ Site Plan, drawn to scale and depicting the locations and boundaries of existing and proposed lots and structures.
- ☐ Project specific checklist.

FEES AND DEPOSITS:

See Eagle Municipal Code Section 4.03.080

1. Application fees shall be paid in full at the time of the filing of the application and unless paid, the application shall not be deemed complete. All fees are nonrefundable.
2. As described in Eagle Municipal Code § 4.03.080, third-party consultants may be necessary for the review and processing of applications. These costs ("pass-through costs") must be paid by the applicant. If pass-through costs are expected, the applicant must pay a deposit at the time the application is filed. If at any time the deposit does not fully cover the pass-through costs, the applicant must pay another subsequent deposit before the Town will continue processing the application.
3. The Town may withhold the recording of any Subdivision Final Plat or Development Plan or the signing of any Resolution or Ordinance until all pass-through fees are paid in full.
4. Within 30 days of approval or denial of an application, any remaining deposit shall be returned to the applicant. If an application is withdrawn, any remaining deposit shall be returned to the applicant within 60 days.

I have read the application form and certify that the information contained herein is correct and accurate to the best of my knowledge. I understand that it is my responsibility to provide the Town with accurate information related to this application. I UNDERSTAND THAT FILING AN APPLICATION IS NOT A GUARANTEE THAT THE APPLICATION WILL BE APPROVED.

Signature

 _____
Date

3/2/22

FOR OFFICE USE ONLY

DATE RECEIVED _____ BY _____ FILE NUMBER _____
REVIEW FEE _____ DATE PAID _____ RECEIVED BY _____
DATE CERTIFIED COMPLETE _____ BY _____
P&Z HEARING DATE _____ DECISION _____
BOT HEARING DATE _____ DECISION _____

Haymeadow Cabin and Conservation Fund Parcels, a Minor Subdivision of Tract Z of the Haymeadow Subdivision Filing 1

Application Narrative

The Haymeadow Filing 1 Final plat was approved by Ordinance #4 of 2019. This initial final plat of Haymeadow defined the project boundary and created open space parcels, school and park land dedication parcels, road rights-of-ways, easements, alleys, common parcels, four multi-family development tracts, eight single family lots, five duplex lots and future development parcels.

The two Future Development parcels, particularly Tract Z, represent future phases of Haymeadow and will be subdivided, as those phases are designed and initiated, into development parcels and open space areas in compliance with the approved Haymeadow PUD Development Plan. Currently Tract Z is a 508 acre parcel that represents the majority of the Haymeadow 660 acre total area.

On May 22, 2021 the Town of Eagle approved Ordinance No. 7, Series of 2021, authorizing an amendment to the Haymeadow PUD. This amendment included a change in use and a designation of a new parcel for the existing cabin located in the east end of the property, within Tract Z.

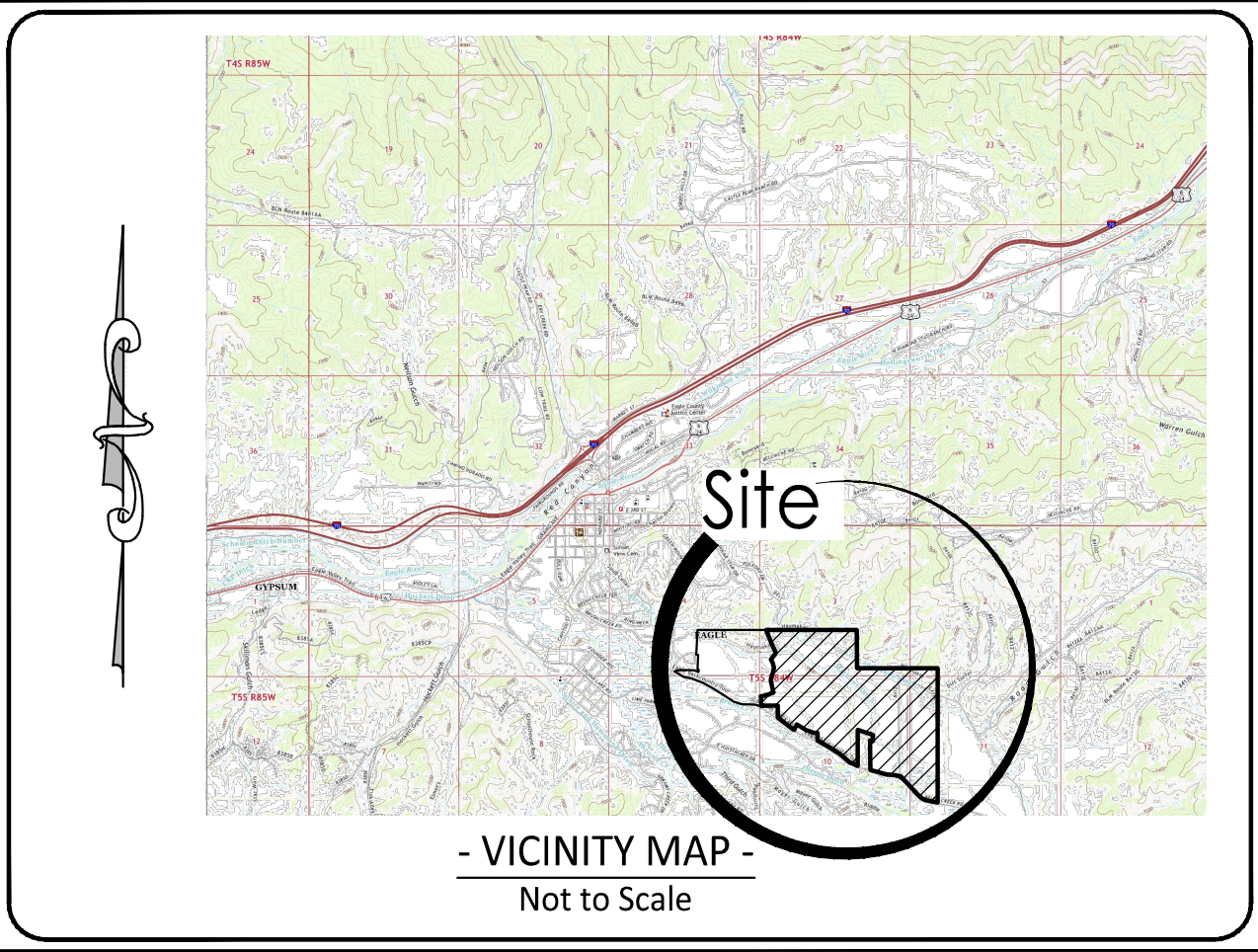
This proposed minor subdivision represents two changes to the approved Filing 1 final plat, both affecting Tract Z.

Condition G of Ordinance 7 requires the applicant to submit a final plat for the cabin parcel within one year of the date of the Ordinance 7 approval. This application fulfills that condition of approval. The proposed plat creates the 5.8 acre cabin parcel as designated and described in the 2021 PUD Amendment.

The second revision to Tract Z is the creation of a lot line that subdivides the existing 508 acre parcel (minus the 5.8 acre cabin parcel) into two separate parcels. The remaining Tract Z1 is 307.95 acres in size. The new Tract Z2 will consist of 194.33 acres.

Both the cabin parcel and the 194.33 acres are currently under contract to The Conservation Fund. This plat creates the two parcels and is necessary to allow conveyance of the land to The Conservation Fund.

The Tract Z1 parcel will remain under ABRIKA ownership and will remain as a Future Development parcel. Should the conservation easement sales contract fail to close the Tract Z2 parcel will remain under ABRIKA ownership and remain designated as Future Development. The cabin parcel, if the conservation sale does not close, will also remain under ABRIKA ownership and is in full conformance with the approved PUD Guide and PUD Development Plan.



Haymeadow Cabin and Conservation Fund Parcels

A Minor Subdivision of Tract Z

of the Haymeadow Subdivision Filing 1

Situated in Tracts 37, 38, 55, 59, 61, and 62 of Sections 2, 3, 10 and 11,
Township 5 South, Range 84 West of the Sixth P.M.
Town of Eagle, County of Eagle, Colorado

TOWN COUNCIL CERTIFICATE
This plat of Haymeadow Cabin and Conservation Fund Parcels, A Minor Subdivision of Tract Z of the Haymeadow Subdivision Filing 1 is approved by Town Council of the

Town of Eagle, Colorado, this ____ day of _____

20____, for filing with the Clerk and Recorder of Eagle County, Colorado, and for conveyance or dedication to the Town of Eagle the public dedications shown hereon; subject to the provisions that approval in no way obligates the Town of Eagle for financing or constructing of improvements on said lands, streets or easements dedicated to the public except as specifically agreed to by the Town Council of the Town of Eagle. Further, said approval in no way obligates the Town of Eagle for maintenance of public improvements until construction of said improvements has been completed in accordance with the Town of Eagle's specifications and the Town of Eagle has agreed to accept said improvements. This approval does not guarantee that the size, soil conditions, sub-surface geology, ground water conditions, or flooding conditions of any lot shown hereon are such that a building permit, development permit, or any other required permit will be issued. This approval is with the understanding that all expenses involving required improvements for all utility services, paving, grading, landscaping, curbs, gutters, sidewalks, road lighting, road signs, flood protection devices, drainage structures, and all other improvements that may be required shall be the responsibility of the owners designated hereon and not the Town of Eagle, unless otherwise specifically agreed to in writing by the Town Council.

TOWN OF EAGLE, COLORADO

By: _____
Mayor

Witness my hand and seal of the Town of Eagle, Colorado

ATTEST: _____
Town Clerk

MORTGAGEE OR LIENHOLDERS CERTIFICATE
_____ does hereby certify that it is the holder of

against the lands shown on this plat and hereby consents to the subdivision of the lands shown hereon.

Executed this ____ day of _____, 20____.

Mortgagee or Lienholder

CERTIFICATE OF TAXES PAID
I, the undersigned, do hereby certify that the entire amount of taxes and assessments due and payable as of

_____ upon all parcels of real estate described on this plat of Haymeadow Cabin and Conservation Fund Parcels, A Minor Subdivision of Tract Z of the Haymeadow Subdivision Filing 1 are paid in full.

Dated this ____ day of _____, A.D. 20____.

Treasurer of Eagle County, Colorado

PLANNING COMMISSION CERTIFICATE
This plat of Haymeadow Cabin and Conservation Fund Parcels, A Minor Subdivision of Tract Z of the Haymeadow Subdivision Filing 1 is recommended for approval by the Town of Eagle Planning Commission this ____ day of _____, 2022.

Chair

EAGLE COUNTY CLERK AND RECORDER CERTIFICATE
This plat of Haymeadow Cabin and Conservation Fund Parcels, A Minor Subdivision of Tract Z of the Haymeadow Subdivision Filing 1, was filed for record in the office of the Eagle County Clerk

and Recorder at ____ o'clock ____ M. on the
_____ day of _____, 20____, and is duly recorded at

Reception No. _____

EAGLE COUNTY CLERK & RECORDER

By: _____
Deputy

Declarations or Protective Covenants are filed in Book ____ at Page ____, as Document No. _____.

Eagle County File Number: _____

CERTIFICATE OF DEDICATION AND OWNERSHIP
We, the undersigned, the sole owner(s) in fee simple of all that real property described as follows:

Tract Z as depicted in the plat of Haymeadow Filing 1 recorded at Reception No. 201907561 and Haymeadow Filing 1 First Amendment, Reception No. 202115650

Surveyed Legal Description:

A parcel of land situated in Tracts 37, 38, 55, 59, 61 and 62 of Sections 2, 3, 10 and 11, Township 5 South, Range 84 West of the Sixth Principal Meridian in the County of Eagle and State of Colorado, all bearings shown hereon being based on an assumed bearing of N89°57'47"E the line between Corner 2 of Tract 38 a 2 1/2" USGL0 Brass Cap on a 1" diameter iron pipe and Corner 1 of said Tract 38 a 2 1/2" Aluminum Cap on a 3/4" rebar, said tract of land being more particularly described as follows:

COMMENCING at said Corner 2 of Tract 38 thence along the north line of said Haymeadow Filing 1, also being the North line of said Tract 38 N 89°57'47" E a distance of 2404.93 feet to a 5/8" rebar and 1.25" orange plastic cap stamped LS 38182 and the POINT OF BEGINNING;

Thence the following five (5) courses along the northerly and easterly lines of said Haymeadow Filing 1:
1. N 89°57'47" E along the North Line of Tract 38 a distance of 414.51 feet to corner 2 of said Tract 37;
2. N 89°58'44" E along the North Line of said Tract 37 a distance of 2779.22 feet to corner 1 of said Tract 37;
3. S 00°14'15" E along the East Line of said Tract 37 a distance of 1346.39 feet to corner 2 of said Tract 62;
4. S 89°57'23" E along the North line of said Tract 62 a distance of 2838.60 feet;
5. S 00°02'37" W a distance of 4712.91 feet to a point on the North line of Tract R-6 as depicted on said plat of Haymeadow Filing 1;

Thence the following six (6) courses along the northerly lines of said Tract R-6:
1. N 79°18'50" W a distance of 442.12 feet;
2. 204.28 feet along a curve to the right, having a radius of 442.47 feet, a central angle of 026°27'09", the chord of which bears N 59°21'09" W a distance of 202.47 feet;
3. N 43°33'18" W a distance of 1004.24 feet;
4. N 77°06'35" W a distance of 240.37 feet;
5. N 86°50'43" W a distance of 269.89 feet;
6. N 74°27'53" W a distance of 586.28 feet to a point on a westerly line of said Haymeadow Filing 1, also being the easterly lines of that parcel of land as described at Reception No. 201705825;

Thence the following five (5) courses along the coincidental limits of said Haymeadow Filing 1 and said Reception No. 201705825:
1. N 00°27'52" W a distance of 1042.62 feet;
2. S 72°09'52" E a distance of 105.30 feet;
3. N 00°27'52" W a distance of 226.55 feet;
4. N 72°09'52" W a distance of 565.27 feet;
5. S 00°27'52" E a distance of 1263.78 feet to a point on the North line of Tract R-5 as depicted on said plat of Haymeadow Filing 1;

Thence the following four (4) courses along the northerly lines of said Tract R-5:
1. N 66°34'10" W a distance of 324.41 feet;
2. N 49°39'25" W a distance of 450.18 feet;
3. N 57°05'19" W a distance of 371.82 feet;
4. N 59°58'33" W a distance of 536.59 feet to a point a westerly line of said Haymeadow Filing 1, also being the easterly line of the Peters Subdivision as recorded at Reception No. 420364;

Thence the following six (6) courses along the coincidental limits of said Haymeadow Filing 1 and said Peters Subdivision:
1. N 00°12'04" E a distance of 264.72 feet;
2. N 85°52'11" W a distance of 171.57 feet;
3. N 62°02'32" W a distance of 50.05 feet;
4. N 71°56'16" W a distance of 192.31 feet;
5. N 58°31'55" W a distance of 390.77 feet;
6. S 25°22'18" W a distance of 210.65 feet to a point on the North line of said Tract R-4;

Thence the following two (2) courses along the northerly lines of Tract R-4:
1. N 53°59'19" W a distance of 170.99 feet;
2. N 52°54'31" W a distance of 555.72 feet to a point on the East line of Tract 58 being coincidental with the easterly line of that parcel of land as described at Reception No. 200617118 and a westerly line of said Haymeadow Filing 1;

Thence N 00°05'18" E along said East line of Tract 58 a distance of 419.93 feet to Corner No. 1 of said Tract 58;
Thence S 89°04'38" W along the North limit of said Tract 58 a distance of 579.73 feet to a point on the East line of Tract OS-2 as depicted on said plat of Haymeadow Filing 1;
Thence N 00°47'54" W along said easterly limit of Tract OS-2 a distance of 332.26 feet to a point of non-tangency;

Thence the following four (4) courses along the southerly and easterly lines of Tract R-1 as depicted on said plat of Haymeadow Filing 1:
1. 180.15 feet along the arc of a curve to the left, having a radius of 640.00 feet, a central angle of 016°07'42", the chord of which bears N 77°49'49" E a distance of 179.56 feet;
2. N 69°45'58" E a distance of 212.75 feet;
3. 65.35 feet along the arc of a curve to the right, having a radius of 620.00 feet, a central angle of 006°02'22", the chord of which bears N 72°47'09" E, a distance of 65.32 feet;
4. N 14°11'40" W a distance of 80.00 feet to a point on the easterly line of Tract X as depicted on said plat of Haymeadow Filing 1;

Thence the following six (6) courses along the easterly lines of said Tract X:
1. N 14°11'40" W a distance of 138.29 feet;
2. N 10°58'59" W a distance of 218.29 feet;
3. N 15°33'02" E a distance of 310.27 feet;
4. N 11°13'21" E a distance of 153.59 feet;
5. N 14°18'05" W a distance of 174.78 feet;
6. N 28°45'23" W a distance of 137.77 feet to a point on the easterly line of Tract OS-3 as depicted

on said plat of Haymeadow Filing 1;
Thence the following four (4) courses along the easterly lines of said Tract OS-3:
1. N 39°15'41" E a distance of 203.58 feet;
2. N 21°03'55" E a distance of 109.20 feet;
3. N 26°46'01" W a distance of 173.59 feet;
4. N 22°39'32" W a distance of 673.48 feet to the POINT OF BEGINNING,
Containing 509.68 Acres (22,201,732 square feet), more or less.

Less and Except:
Tract G of Haymeadow Filing 1 Subdivision as recorded at Reception No. 201907561.
Containing 1.60 Acres (69,782 square feet), more or less.

Said Parcel containing a Total of 508.08 Acres (22,131,950 square feet), more or less.

Have by these presents laid out, platted and subdivided the same into parcels and tracts as shown on this plat and designate the same as Haymeadow Cabin and Conservation Fund Parcels, A Minor Subdivision of Tract Z of the Haymeadow Subdivision Filing 1 in the Town of Eagle, County of Eagle, State of Colorado; and do hereby grant, convey, dedicate and set apart to the Town of Eagle, County of Eagle, Colorado, for public use the streets shown hereon, including avenues, drives, courts, places and alleys, the public lands shown hereon for their indicated public use and the utility and drainage easements shown hereon for utility and drainage purposes only.

We hereby accept the responsibility for the completion of all required public improvements for the Subdivision, and further, hereby grant the right to install and maintain all necessary structures to the entity responsible for providing the services for which the easements are established.

We further state that this subdivision shall be subject to the protective covenants filed on recorded for this subdivision in the offices of the Clerk and Recorder of Eagle County, Colorado, in Book ____ at Page ____, as Document No. ____.

Executed this ____ day of _____, 20____.
Owner: Abrika Properties LLC
By: _____
Name: _____

STATE OF COLORADO)
_____) ss.
COUNTY OF EAGLE)

The foregoing Certificate of Dedication and Ownership was acknowledged before me this ____ day of _____, 20____, by _____ as _____ of: Abrika Properties LLC

Witness my hand and official seal _____
My commission expires: _____ Notary Public

OWNER'S ADDRESS
Abrika Properties LLC
P.O. Box 772289
Ocala, FL 34477

TITLE CERTIFICATE
Land Title Guarantee Company does hereby certify that it has examined the title to all lands shown on this plat of Haymeadow Cabin and Conservation Parcels, A Minor Subdivision of Tract Z of the Haymeadow Subdivision Filing 1, Town of Eagle, County of Eagle, State of Colorado., and that title to such lands is vested in Abrika Properties LLC is free and clear of all liens, and encumbrances, except as follows:

Executed this ____ day of _____, 20____.

By: _____
Title Examiner

- NOTES:**
- The purpose of this plat of Haymeadow Cabin and Conservation Fund Parcels, A Minor Subdivision of Tract Z of the Haymeadow Subdivision Filing 1 is to lay out, dedicate and plat the lots and easements as shown hereon.
 - Basis of Bearings: Bearings shown hereon are based on an assumed bearing of N89°57'47"E the line between Corner 2 of Tract 38 a 2 1/2" USGL0 Brass Cap on a 1" diameter iron pipe and Corner 1 of said Tract 38 a 2 1/2" Aluminum Cap on a 3/4" rebar as shown hereon.
 - Survey date: July 2021.
 - Units of linear measurements are displayed in US Survey Feet.
 - SGM is not responsible for changes made to this document after it leaves our possession. Any copy, facsimile, etc., of this document must be compared to the original signed, sealed and dated document to insure the accuracy of the information shown on any such copy, and to insure that no such changes have been made.
 - Property descriptions shown hereon are based on the record document recorded at Reception Number 201907561 as Final Plat Haymeadow Filing 1.
 - The property shown hereon is subject to all easements, rights-of-way, building setbacks or other restrictions of record, as such items may affect this property. This survey does not represent a title search by this surveyor to determine ownership or to discover easements or other encumbrances of record. All information pertaining to ownership, easements and other encumbrances of record has been taken from the final plat Haymeadow Filing 1, Reception Number 201907561 and those depicted in Haymeadow Filing 1 First Amendment, Reception No. 202115650.
 - Flood Zone Classification: Zone X according to FIRM Map Number 08037C0393D with an effective date of December 4, 2007 whose elevation datum is relative to NAVD 88.
 - All Parcels and Tracts located within this plat of Haymeadow Cabin, A Minor Subdivision of Tract Z of the Haymeadow Subdivision Filing 1 are subject to the Town of Eagle, Colorado Resolution No. 7 (series of 2021) recorded at Reception No. 202114804, the Town of Eagle, Colorado Resolution No. 12 (series of 2021) recorded at Reception No.2021011274 and the First Amended PUD Guide for the Haymeadow Planned Unit Development recorded at Reception No. 202114805.
 - Abrika Properties, LLC dedicates and vacates the easements as shown hereon to the town for various uses including but not limited to:
A. Public Access Easements on, over, above, across and through those areas designated hereon as "Public Access Easements" for the use of the public for pedestrian and non-motorized vehicular traffic.
B. General use utility easements on, over, under, above, across and through those areas designated hereon as "Utility Easements" for the purposes of the installation, use, repair, replacement, improvement and maintenance of public utilities.
C. The private road easement as described at Reception No. 440409 in Book 544 Page 264 is vacated by this Plat. There is no road in the location described in the exhibit and the terms of the record easement document have expired.

- Abbreviations: Aluminum = Alum.; Angle Point = AP; Center line = CL; Diameter= dia.; Land Surveyor = LS; Metropolitan = Metro; Public Land Survey System = PLSS; Principal Meridian = P.M.; Reception Number = Reception No. or Rec.No. or Rec.; Tract = TR; Utility Easement = EU; United States Government Land Office= USGL0;

SURVEYOR'S CERTIFICATE
I, Scott A. Hemmen, do hereby certify that I am a Professional Land Surveyor licensed under the laws of the State of Colorado, that this plat of Haymeadow Cabin and Conservation Fund Parcels, A Minor Subdivision of Tract Z of the Haymeadow Subdivision Filing 1 of the Town of Eagle is a true, correct, and complete as laid out, platted, dedicated and shown hereon, that each plot was made from an accurate survey of said property by me and under my supervision and correctly shows the location and dimensions of the lots, staked upon the ground in compliance with the laws of the State of Colorado.

Scott A. Hemmen
PLS 38182 for and
on the behalf of SGM

Haymeadow Cabin and Conservation Fund
Parcels, A Minor Subdivision of Tract Z of
the Haymeadow Subdivision Filing 1
Town of Eagle, Colorado

#	Revision	Date	By
1	rec.conservation parcel	11/22/2021	scg
2	correct only comments	01/28/22	
3	rec.platman		
4			
5			
6			
7			
8			
9			

Job No. 2016-277-008
Drawn by: 11/02/2021
Date: 11/02/2021
Approved: -- J PLS: SAH
File: HaymeadowMinor-T2Conservation

Title: Haymeadow Cabin
and Conservation
Parcels
A Minor Subdivision

Sheet No.

1

Of: 2

SGM
118 West Sixth Street, Suite 200
Glenwood Springs, CO 81601
970.945.1004 www.sgm-inc.com

#	Reviewers	Date	By
1	raised to reflect only comments	3/16/22	
2	grammar comments	3/28/22	
3			
4			
5			
6			
7			
8			
9			

Notice: According to Colorado law, you must commence any legal action based upon any alleged violation of this survey within three years after your first discovery that defect in no event more than five years after the date of the survey. If you are not sure, please consult with an attorney. The date of certification shall be the date the survey is commissioned more than ten years after the date of the survey.

Job No: 2016-277-0000

Drawn by: MEW

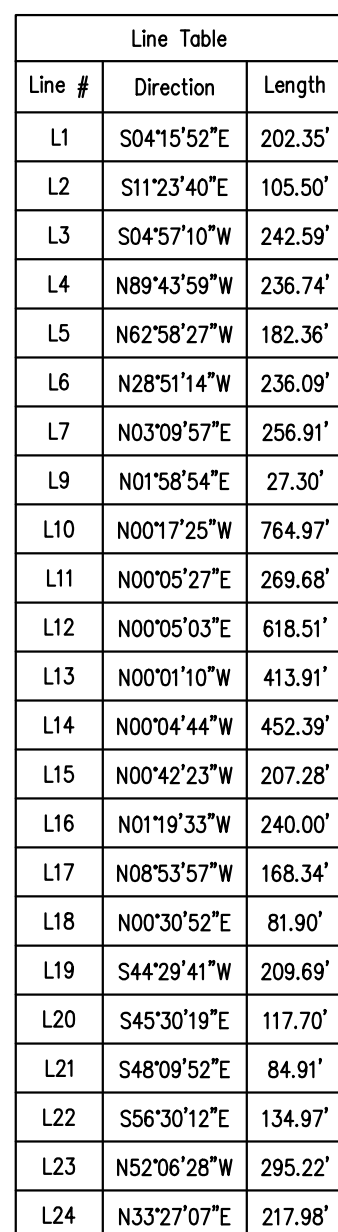
Date: 11/02/2022

CAIQC - [PLS]

File: HaymesdowMnrc172Conservation

Sheet No. _____

Of - 2



REVIEW COPY



To: Planning & Zoning Commission

From: Community Development

Date: April 5, 2022

Agenda Item: Revised Sign Code Recommendation Hearing

REQUEST:

For the Planning & Zoning (P&Z) Commission to consider a recommendation for the adoption of the revised sign code.

INTRODUCTION:

On March 15, 2022, the P&Z Commission held a work session to discuss the revised sign code. Clarion, the consultant hired by the Town to update the Land Use and Development Code, shared an overview of key changes between the existing sign code in Chapter 4.08 and the revised sign code. During the meeting, Clarion requested feedback from the P&Z Commission to incorporate into the adoption draft that is being presented at this public recommendation hearing. The consultant team has put together a document that outlines the goals of the update, key changes, outreach, and next steps. This document is included as an attachment in the packet.

ANALYSIS:

While the updates in the adoption draft of the revised sign code largely reflect what was presented to the Commission on March 15th, revisions were made to clarify window signage (see pages 12 + 15) and fluttering signs (see pages 9 + 33). The Commission provided additional feedback that will be addressed at a later stage of the code update. This feedback includes sign standards specific to the Central Business District, neon lighting in the Town, sign lighting and maintaining dark skies, and vehicle signs and parking.

COMMUNITY INPUT:

The 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, outside of town schedule community outreach, has been received as of April 1, 2022.

Community outreach for the sign code includes the following:

- December 6, 2021, Elizabeth Garvin with Clarion Associates, held a stakeholder call with individuals from the sign design and installation community to solicit feedback on the existing sign code.
- 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.
- March 15, 2022, Planning & Zoning Commission work session to discuss draft revised sign code.

COMPREHENSIVE PLAN ALIGNMENT:

The revised sign code aligns with the 2021 Amended Elevate Eagle Comprehensive Plan (Comprehensive Plan) through the following policies. This analysis was provided with the March 15, 2022 staff report ([LINK](#)).

- *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 large 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 AND PROPOSED MOTION:

Staff recommends that the Planning & Zoning Commission recommend **APPROVAL** of the revised sign code to the Town Council.

"I move to recommend approval to the Town Council the revised Sign Code, as included in the April 5th staff report."

ATTACHMENTS:

- Revised Sign Code (Adoption Draft)
- Sign Code Update Overview
- Public Comment
- PZ Meeting Minutes



Town of Eagle

Land Use & Development Code Update

Chapter 4.08: Sign Code

Adoption Draft

April 2022

Chapter 4.08: Sign Code

4.08.01. General Provisions	5
A. Purposes and Interests.....	5
B. Findings.....	5
C. Savings and Severability	6
D. Noncommercial Message Substitution.....	6
E. Calculation of Time.....	6
4.08.02. Applicability	6
A. Applicability	7
B. Sign Permit Required	7
C. Sign Permit Not Required.....	7
D. Exempt From Sign Regulations	8
E. Prohibited Signs, Sign Locations, and Content.....	8
4.08.03. Permanent Sign Regulations by Zone District	10
A. Residential Zone Districts.....	10
B. Nonresidential Zone Districts.....	11
4.08.04. Sign Type, Materials, and Location Standards.....	12
A. Attached Signs	12
B. Projecting Signs	14
C. Freestanding Signs	16
D. Materials.....	18
E. Site Plan and Landscaping.....	18
F. Standards Applicable by Location or Zone District.....	18
4.08.05. Sign Illumination	20
A. Applicability	20
B. Where Allowed	20
C. Electronic Message Display (EMD) Signs.....	21
4.08.06. Standards for Temporary Signs.....	22
A. Purpose and Intent	22
B. Permit.....	23
C. Display	23
D. Size and Placement Limitations:.....	23
E. Materials.....	24
4.08.07. Temporary Signs Allowed by Temporary Use or Activity	24

A. Temporary Signs Allowed without a Permit	24
B. Temporary Signs that Require a Permit.....	25
C. Temporary Sign Substitution for Damaged Permanent Signs	26
4.08.08. Nonconforming Signs	26
A. Nonconforming Signs	26
B. Classification of Nonconformities.....	26
C. Major Nonconformities.....	27
D. Minor Nonconformities.....	27
E. Sign Removal for Public Purposes	28
F. Loss of Nonconforming Status.....	28
G. Maintenance and Repair	28
H. Records.....	29
4.08.09. Maintenance and Abandonment.....	29
A. Maintenance.....	29
B. Abandonment.....	29
C. Enforcement.....	30
4.08.10. Definitions and Measurements	30
A. Applicability	30
B. Measurement Instructions for All Sign Types.....	30
C. Definitions	32

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 Content

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.

- 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. Flutter-flag signs
 - iv. Off-premises signs;
 - v. Roof signs;
 - vi. Billboards; and
 - vii. 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 chapter 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
Window	n/a	May not be installed above ground story	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

4.08.04. Sign Type, Materials, and Location Standards

- 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.
- 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.
- Under canopy signs (also referred to as arcade signs) require a minimum clearance of eight feet.
- 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.

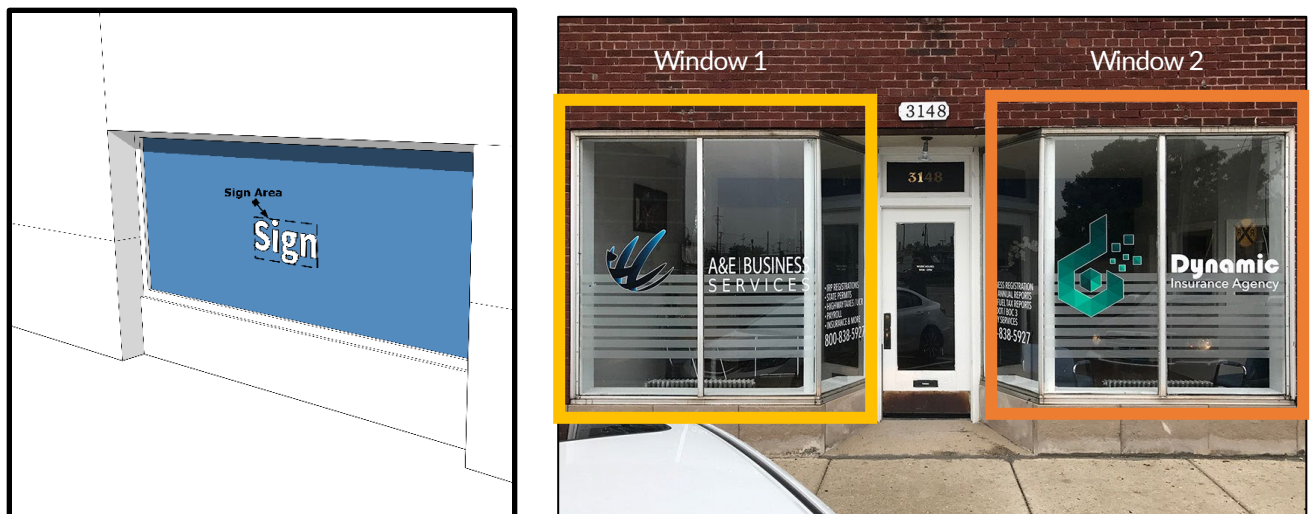


Fig. 4.08-D: Window sign measurement locations and samples

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:

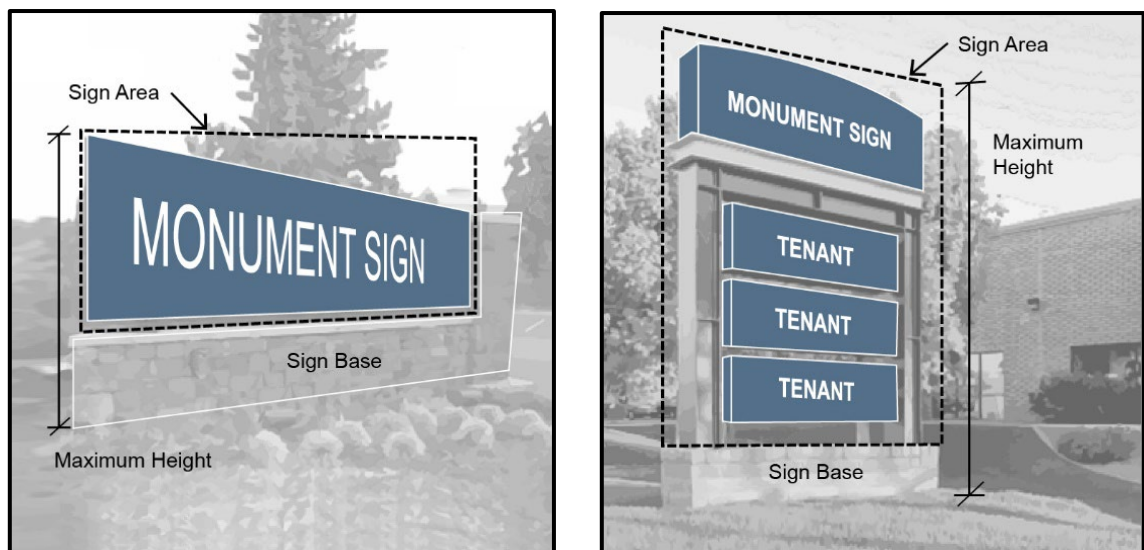


Fig. 4.08-F: Monument sign measurement locations and sample signs

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:

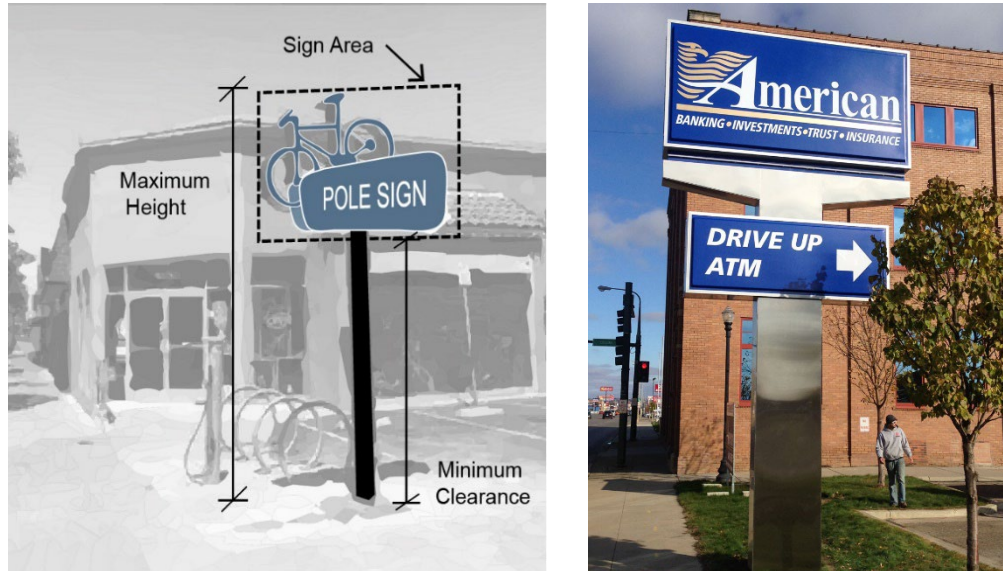


Fig. 4.08-G: Pole sign measurement locations and sample sign

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.

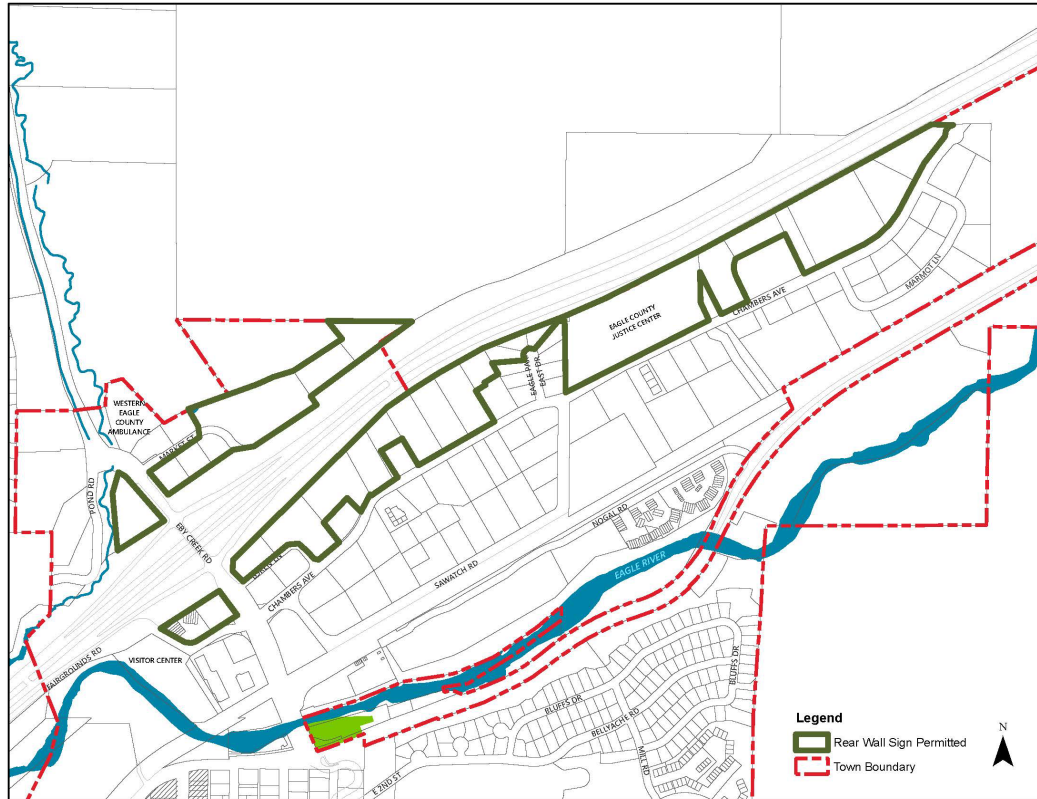
E. Site Plan and Landscaping

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



- 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 15 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 15 percent of any freestanding sign, and the balance of the sign area shall utilize permanent copy.



Fig. 4.08-I: Example EMD that is approximately 12% of the sign area, not including the base.

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.

4.08.07. Temporary Signs Allowed by Temporary Use or Activity

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 when this can be done safely without blocking ADA-required clear areas or 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	The sign may be placed when the construction permit is issued and must be
Active Construction Permit	3	24 per sign	

TABLE 4.08-3: TEMPORARY SIGNS ALLOWED WITHOUT A PERMIT

Activity, Use, or Event	Number of Signs Allowed	Sign Area (max., sf)	Duration
			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 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. Abandonment¹

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

¹ Current 4.08.100, Abandoned signs

- 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.
 - 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.

Flutter flag means a piece of cloth or other similar material, varying in size, color, and design, that is attached to a pole or staff, and may be in the shape of a vertically-oriented rectangle, teardrop, or similar, where typically the cloth or material is supported by wire to maintain the shape of the flag.

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.

Town of Eagle

Land Use & Development Code Update

Sign Code Update Overview



Goals of the Sign Code Update:

1. Update the sign code to comply with Reed v. Town of Gilbert
2. Create a complete set of sign regulations by filling in regulatory gaps and cleaning up redundant standards
3. Clarify incomplete or poorly drafted regulations

This update is not focused on changing the amount of signage allowed on a property or in a zone district, nor is it focused on changing the types of signs allowed in Eagle.

Key Updates:

1. The sign regulations were revised to make them content-neutral, i.e., signs are not regulated based on their proposed or actual content. This change was made to make the code Reed compliant. There were only a few types of signs, primarily temporary signs, that potentially fell into this category so these changes may not be readily apparent to a casual reader.
2. The sign code was reorganized to make it easier to use. This included organizing the amount and types of signage allowed by zone district into tables and clarifying what measurement approach will be applied for those aspects of the regulations that require measurement. As the consultant team and staff reorganized the sign code, we identified regulatory gaps, conflicts, and confusing phrasing that we were able to clean-up or revise as needed.
3. The updated sign code includes sign-specific regulations addressing nonconformities, a status that is applied if a legal sign no longer conforms to the Town's regulations after the regulations are updated. For the most part, sign owners are allowed to keep and maintain their nonconforming signs unless the sign becomes dangerous or is abandoned.
4. Three important substantive changes have been proposed in this draft:
 - a. Allowing halo lighting as a form of illumination when it can be done within Town lighting standards;
 - b. Allowing fueling station and convenience store signs to include a small area with an electronic message display (EMD, digital or electronic signage); and
 - c. Allowing applicants to propose a wider range of sign materials provided the materials can be shown to be durable given the climate and solar conditions of Eagle.

Outreach

Staff and the consultant team discussed potential sign code updates with local sign manufacturing representatives and the LUDC Update Committee. Staff posted a copy of the draft updated sign code on the project website in early March. We also shared a draft of the full update with the Eagle P&Z and participated in work session meeting to discuss the draft and collect their feedback. Members who were not able to participate in the work session were provided a follow-up draft and asked if they had any comments to share.

Two changes were made to the draft sign code based on P&Z Commission review:

1. The difference between wind signs and flutter flags was clarified with a new definition of flutter flags and both sign types are identified as prohibited signs.
2. Window signs installation was limited to ground story windows only.

Next Steps

This version of the sign code can be adopted and integrated into the current Eagle LUDC. Staff and the consultant team anticipate a second round of sign code edits will be needed to align the sign code with the rest of the LUDC update. Additional potential changes were raised by the Eagle P&Z, including:

1. Creating sign standards that are specific to the CBD district,
2. Exploring the use of neon lighting in some parts of Eagle, and
3. Addressing the relationship between vehicles with signs and parking.

Nikki Davis

From: Rich Grayson <rich@firstchairdesigns.com>
Sent: Wednesday, March 16, 2022 10:52 AM
To: Planning Department
Subject: re-code question - internally lit signs

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

Looking at the public discussion draft I see that the area allowing internally-lit signs has been slightly expanded to include more businesses in the Chambers avenue area. Is there any possibility of including some form of internally-lit signage along Broadway, Grand ave or in the Capitol St business areas? The movie theatre already has a halo-lit sign. It makes sense not to permit face-lit signs like cabinet boxes, but reverse-lit (halo) individual letters and logos have such a clean, classy appearance and produce considerably less light pollution than goose neck and bullet lights.

Let me know if I just missed something in the re-code. If not, please include in the current comments.

Thank you,
Rich Grayson

First Chair Designs, inc.
Edwards, Colorado

www.firstchairdesigns.com
rich@firstchairdesigns.com
970-446-6395 – office
970-390-0325 – mobile



MEETING MINUTES
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 - 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 6:06 PM.

COMMISSIONERS PRESENT

Matt Hood, Keegan Winkeller,
Kyle Hoiland, Charlie Perkins,

COMMISSIONERS ABSENT

Jesse Gregg, Bill Nutkins, Lani Webb

STAFF

Chad Phillips – Community Development Director
Dennis Wike – Town Engineer
Peyton Heitzman – Planner II
Jessica Lake – Planner I (via Zoom)
Nikki Davis - Administrative Tech II
Elizabeth Garvin – Clarion Associates

APPROVAL OF MINUTES

1. Minutes dated March 1, 2022

The March 1, 2022 minutes were approved without change.

PUBLIC COMMENT

Public commented opened at 6:05 PM. There was no public comment.

PUBLIC HEARINGS

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.

Garvin summarized the major highlights of the revised sign code. The key updates included changes to make the regulations content-neutral; proposed changes to lighting types and material choice(s); reorganization; and addressing missing content. Garvin added this effort was not an overhaul of the existing sign code.

To provide deeper context, Garvin explained the need for the Town's sign code to come into compliance with *Reed v. Town of Gilbert*. This U.S. Supreme Court case ruled that communities cannot have content-based regulations because signs are a protected form of speech. Alternatively, content-based regulation can be problematic when reviewing temporary signs, sign names, definitions, and sign descriptions. Because of this, Clarion worked to uncover and redraft content-based regulations, shifting the focus on understanding the sign's intent.

The proposed changes to lighting included the allowance of halo lighting and adding standards to accommodate electronic message display (EMD) signs. The primary focus of the latter would be around brightness and the duration of the message display. Garvin included their team also worked on cleaning up definitions and adding more images for reference.

As for proposed changes to materials standards, Garvin highlighted creating a system that allows consideration of other sign materials with specific review criteria like compatibility, durability, and maintenance.

The last components of the revision addressed applicability, creating a more robust definition section and measurement specifications, categorizing sign types by zone districts, and updating nonconformity standards.

Wike and Garvin discussed a variety of questions related to window signs, float-or-fly signs, enforcing temporary signs, vehicle signs, Colorado Department of Transportation (CDOT) signs, incidental signs such as signs on doors, and mural art.

Perkins asked how the Town's sign code overlaps with Eagle County's code. Garvin replied this has not been explored but noted they are their own municipal government.

Perkins asked if the Central Business District (CBD) will have its own regulations and if neon signs are permitted. He added that Downtown Broadway should be more liberal with their sign standards to accommodate tasteful backlit signage. Winkeller agreed with this suggestion as long as we limit upward trespass and mitigate conflicts against the Town's dark sky standards.

Wike suggested regulating different sign colors. Garvin replied that topic will be reviewed under the Lighting Standards.

Hood closed file # LURA22-03.

COMMUNITY DEVELOPMENT DEPARTMENT AND TOWN COUNCIL UPDATE

1. Department and Council Update: March 15, 2022

OPEN DISCUSSION

No other discussion items.

ADJOURN

MOTION: HOILAND MOTIONED TO ADJOUR. MOTION WAS SECONDED BY PERKINS AND PASSED UNANIMOUSLY.

MEETING ADJOURNED AT 7:30 PM.

APPROVED:

DATE:

Matthew Hood, Chairman

Nikki Davis, Administrative Tech II