



Land Use and Development Code Update Committee
Monday, June 6, 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 – Eagle Guest

MEETING ACCESS INFORMATION

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6:00 PM - MEETING CALLED TO ORDER

APPROVAL OF MINUTES

Minutes dated May 9, 2022

DISCUSSION

ReCode Eagle Project Update

ReCode Eagle: Installment 1 Overview

PUBLIC COMMENT

FUTURE AGENDA ITEMS

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.

Nikki Davis

Nikki Davis

Administrative Technician II



MEETING MINUTES
Land Use and Development Code Update Committee
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200 Broadway, Eagle, CO 81631

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PUBLIC WIFI – Eagle Guest

MEETING ACCESS INFORMATION

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

6:00 PM MEETING CALLED TO ORDER

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

COMMITTEE MEMBERS PRESENT

Kyle Hoiland, Rick Pylman, Scott Schlosser,
Dawn Koenig, Jack Albertson
Scott Turnipseed, Allison Kent (via Zoom)

COMMITTEE MEMBERS ABSENT

None

STAFF

Jim White – Interim Town Manager
Chad Phillips – Community Development Director
Dennis Wike – Town Engineer
Peyton Heitzman – Planner II
Jessica Lake – Planner I (via Zoom)
Nikki Davis – Administrative Tech II

APPROVAL OF MINUTES

1. Minutes dated April 11, 2022

The meeting minutes were approved without change.

DISCUSSION

1. Guest Speaker, Greater Eagle Fire Protection District (GEFPD)

District Chief Doug Cupp and Wildland Coordinator Hugh Fairfield-Smith were guest speakers.

Colorado has experienced the most destructive wildland fires in its history within the last two years. They do not use aircraft operations to battle wildland fires due to high wind conditions prevalent in the region. Their wildfire protection plan examines the three most common way structures burn:

1.) Ember transfers (accounts for nearly 50% or more of home loss)

A. Ways to mitigate ember transfer:

Upgrade windows to double pane

Armor the roof

Screen entry points

Armor the walls

Cover deck openings / minimize items stored under decks

Fence connections & gates / separation barriers

2.) Radiant heat – consider zone of protection/defensible space

A. Between 5-100' can cause windows to blow out and produce enough heat to melt siding.

B. Forest aspect is important, trees should be scattered.

C. Forest mitigation 200' past and beyond.

3.) Direct flame contact. Exterior sprinklers can have an effect on wildfire. Interior sprinkler systems are not as effective with limiting complete loss.

Historically, there has been a dilemma between the homeowner and federal land – who is responsible for forest mitigation?

2. Wildlife Urban Interface (WUI) & Wildfire Protection Standards

Currently, the Land Use Code (Code) does not have wildfire protection standards but if a referral agency were to recommend a strategy, that can be implemented. Standards would apply to an overlay zone. Generally, areas within a half mile of a forested/vegetation area are within considered within the WUI.

Wildfire models are used to estimate how far embers will travel based on topography, plant species, size of plant, etc. Studying these models can help determine about 90% of fire destruction outcome.

Examples of wildfire protection standards:

- Design standards for remodel or future development (prohibited materials).
- Creating a noncombustible buffer area around the home.
- All new homes need to be approved by a wildfire specialist before issuing a certificate of occupancy.
- Ensure landscape plan and standards are not too restrictive. Firewise USA has a list of recommended vegetation types for landscaping.
- Education process for those waiting for their building permit

The building inspection aspect can be considered another layer of approval. Wildfire protection standards can also be implemented into the new building code adoption process. Inspections would still be the responsibility of the Fire District, not the Building Official. Some committee members questioned if there are enough qualified professionals to provide inspections and plans review? GEPFD replied that currently, a home inspection process can take a couple hours because agencies are trying to educate homeowners.

Neighborhood design is also a factor (lot size, topography, landscaping). A utility assessment is done in subdivision review, which includes fire hydrants and fire protection though the Code currently doesn't have the same review requirements for Minor Development.

Lines are blurring between building code (construction type) and the land use code, but they need to be aligned.

GEFPD noted there are developers and builders that are designing alternative materials that are still attractive but practical.

There is also the oversight from insurance companies though agencies oftentimes have their own policies. There is no collaboration or industry standards.

East Eagle does not have the same water infrastructure as the rest of town; a new water tank is needed beyond Chambers Avenue. If we are talking about increasing densities, are we assessing fire protection standards as well?

How can we include an evacuation process in education? A simulation can help create a viable evacuation plan. However, one traffic snafu can severely delay road activity.

What are regional standards on fire pits? They are controversial especially when fire bans are implemented. A gas appliance is recommended and is a safer alternative. Decreases margin for human error and overall risk.

There was a suggestion for creating a Wildland Fire Protection / disaster preparedness packet for home and business owners. Education efforts can also focus on community building and creating connections within your neighborhoods.

3. Future agenda items

The next committee meeting is June 6, 2022. There will be a Council and Planning Commission joint work session on June 7, 2022 to discuss Installment 1 Overview.

ADJOURN

Meeting adjourned at 7:21PM.

RECODE EAGLE LAND USE AND DEVELOPMENT CODE UPDATE

Executive Summary of the Public Discussion Draft: Installment 1 Zone Districts and Uses



I. Key Content Updates

- A. Four new zone districts added to current district line-up to help implement Elevate Eagle and adopted land use plans.
 - 1. Downtown Neighborhood Mixed Residential (DNMR): residential only
 - 2. Commercial Mixed-Use 2 (CMX2): highway/arterial mixed-use
 - 3. Highway Commercial (CI2): heavy commercial and big box
 - 4. Public & Civic Open Space (P&C2): open space
 - 5. Additionally, the PA district has been updated to Public & Civic Campus (P&C1) that allows the creation of a residential campus in support of civic and institutional uses like schools and hospitals.
- B. Purpose statements added for each category of zone district (neighborhood, mixed-use, commercial and industrial, public and civic, rural) to help guide rezoning and development approvals. Zone district intent statements updated to help describe role of each district.
- C. Zone district dimensional standard revised to allow development densities and types recommended by Elevate Eagle. Allowing one story of additional height has been recommended in some mixed-use and commercial districts.
- D. Some current design standards updated into more specific dimensional standards for key zone districts. The remaining Central Business District (CBD) and other design standards will be updated in Installment 2.
- E. New mixed-use Neighborhood Protection Standards that help residential and commercial uses to be “good neighbors.”
- F. Primary permitted use table updated to include an additional level of detail (such as more specific uses or large/small size limits) to help address commonly requested uses and make it easier to interpret whether new uses are allowed in specific zone districts.
- G. Use “permissions” updated to allow more uses to be approved administratively (by staff), subject to new “use-specific standards” that will apply to approved uses.
- H. New category of /C/ permissions added for uses that require Planning & Zoning Commission approval (but not Town Council approval. P&ZC can refer complex/controversial cases to Council, and Council can also “call-up” those cases for Council action if needed.
- I. “Use-specific standards” updated to mitigate commonly regulated impacts of several uses.
- J. Standards for ADUs and non-residential accessory structures clarified and differentiated.

II. Key Organizational Updates

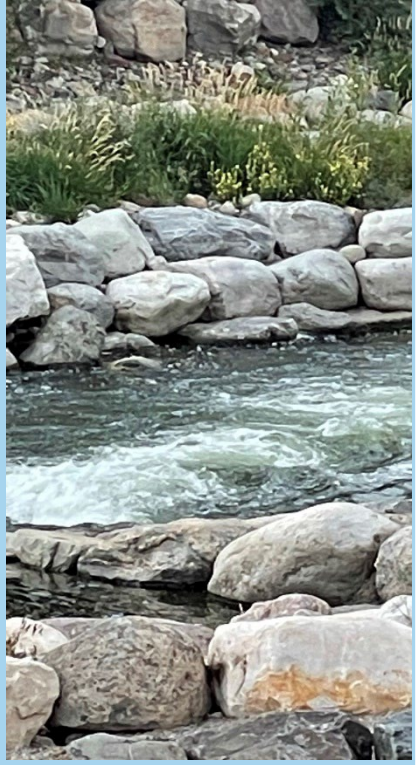
- A. Zone districts organized into five categories to allow easier links to development standards (such as parking, lighting, landscaping) that will be updated in Installment 2.
- B. Zone district-specific information (intent, dimensions, district-specific regulations) organized by district. Uses are still collected in a use table that is cross-referenced in each zone district section.
- C. Lot graphics added to each zone district to visually describe how the dimensional standards are applied.
- D. Explanatory graphics added to help explain concepts such as sight triangle and height step-down. Current graphics will be updated prior to the final draft.
- E. “Supplemental” standards section reorganized to group regulations with related content. For example, the accessory building regulations were moved to the Accessory Uses section.
- F. Measurements and definitions collected into single location and partially updated (this section will be updated along with each installment to collect the measurements and definitions from that installment).

III. Questions for Public Discussion

- A. With future residential development and redevelopment, is there enough developable area to require “soft” density transitions from low to medium to high density, or should the LUDC recognize that there will be some “hard” transitions from low to high intensity and include site design and buffering standards to help them fit together?
- B. Should single-family detached homes be allowed in the Central Business District (CBD) or should attached units with higher density be required here? If the district is changed, occupancy and sale of existing single-family homes will remain legal, and the homes will not have to be removed.
- C. Should accessory dwelling units (ADUs) be allowed in the CBD?
- D. Should there be a maximum building footprint size in the CBD and/or the new Downtown Neighborhood district?
- E. Are there any locations apart from Broadway where residential development should be limited to the second story or higher?
- F. Should the Town place any additional limits on short-term rentals?
- G. In what zone districts should child care centers be allowed with administrative approval (no public hearing)?

IV. Drafting Status and Next Steps

- A. Collect all Installment 1 comments and discuss with LUDC Update Committee and staff.
- B. Review findings of Eagle Housing Needs Assessment (estimated draft early August) and:
 - 1. Revise Inclusionary Residential Requirements for Local Employee Residency
 - 2. Draft any changes to zone districts and uses
- C. Draft Installment 2 for mid-September public discussion; include any affordable housing updates in that public outreach



RECODE EAGLE
LAND USE AND DEVELOPMENT CODE
Installment 1: Zone Districts and Uses
Public Discussion Draft | May 2022

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Chapter 4.01: General Provisions

4.02.1. Purpose and Intent

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Chapter 4.01: General Provisions

4.02.1. Purpose and Intent

Chapter 4.01	General Provisions	8
Chapter 4.02	Zone Districts: General Standards	8
4.02.1	Purpose and Intent	8
4.02.2	Applicability.....	9
4.02.3	Official Zoning Map.....	10
4.02.4	Dimensional Standards Applicable to All Zone Districts	10
4.02.5	Inclusionary Residential Requirements for Local Employee Residency.....	13
Chapter 4.03	Neighborhood Districts	17
4.03.1	Districts Established	17
4.03.2	Purpose and Intent	17
4.03.3	Neighborhood Estate (N1)	18
4.03.4	Neighborhood Traditional, Limited (N2)	19
4.03.5	Neighborhood Manufactured Home (NMH).....	20
4.03.6	Mixed Residential Traditional (NRX1).....	25
4.03.7	Mixed Residential Multiunit (NRX2)	26
4.03.8	Mixed Residential, High Density (NRX3)	27
4.03.9	Downtown Neighborhood Mixed Residential (DNRX)	28
Chapter 4.04	Mixed-Use Districts	30
4.04.1	Districts Established	30
4.04.2	Purpose and Intent	30
4.04.3	Generally Applicable Mixed-Use Standards	30
4.04.4	Neighborhood Commercial Mixed-use (CMX1)	33
4.04.5	Community Commercial Mixed-Use (CMX2).....	34
4.04.6	Central Business District (CBD)	36
Chapter 4.05	Commercial and Industrial Districts	41
4.05.1	Districts Established	41
4.05.2	Purpose and Intent	41
4.05.3	Generally Applicable Mixed-Use Standards	41
4.05.4	General Commercial (C&I1)	44
4.05.5	Highway Commercial (C&I2).....	45
4.05.6	Light Industrial (C&I3)	46
Chapter 4.06	Public and Civic Districts	47
4.06.1	Districts Established	47
4.06.2	Public and Civic Campus (P&C1)	47
4.06.3	Public and Civic Open Space (PC2).....	49

Chapter 4.01: General Provisions

4.02.1. Purpose and Intent OF

Chapter 4.07	Rural and Agricultural Districts	50
4.07.1	Districts Established	50
4.07.2	Resource (R)	50
4.07.3	Rural Residential (RR)	51
Chapter 4.08	Planned Unit Development	52
4.08.1	Authority, Description, and Process	52
4.08.2	Purposes	52
4.08.3	Standards and Requirements.....	53
Chapter 4.09	Use Standards	57
4.09.1	General Provisions.....	57
4.09.2	Use Table Organization	57
4.09.3	Uses by District	61
4.09.4	Uses Permitted by District (Use Table)	65
4.09.5	Standards Applicable to All Uses	78
4.09.6	Standards for Residential Uses.....	80
4.09.7	Standards for Public, Civic, and Institutional Uses.....	81
4.09.8	Standards for Commercial Uses.....	82
4.09.9	Standards for Marijuana Uses	89
4.09.10	Standards for Industrial, Wholesale, and Storage Uses	106
4.09.11	Standards for Agricultural Uses.....	110
4.09.12	Accessory Uses	111
4.09.13	Temporary Uses.....	118
Chapter 4.10	Site Layout and Structure Design Standards	119
Chapter 4.11	Landscaping, Buffering, and Screening Standards	119
Chapter 4.12	Parking and Loading Standards	119
Chapter 4.13	Outdoor Lighting	119
Chapter 4.14	Sustainability, Resilience, and Hazards	119
Chapter 4.15	Subdivision Design and Improvement Standards	119
Chapter 4.16	Signs	119
Chapter 4.17	Development Review Process	119
Chapter 4.18	Nonconformities	119
Chapter 4.19	Violations and Enforcement	119
Chapter 4.20	Measurements and Definitions	120
4.20.1	Term Inclusions	120
4.20.2	Rules of Construction	120

Chapter 4.01: General Provisions

4.02.1. Purpose and Intent

4.20.3	Rules of Interpretation.....	121
4.20.4	Measurement Descriptions and Instructions.....	122
4.20.5	General Definitions.....	127
4.20.6	Sign Definitions.....	164
4.20.7	Wireless Telecommunications Definitions.....	165

Chapter 4.01 General Provisions

[to be drafted in Installment 3]

Chapter 4.02 Zone Districts: General Standards

4.02.1 PURPOSE AND INTENT¹

A. Purposes

To carry out the purpose and provisions of this chapter, the incorporated area of the Town is hereby divided into the following zone districts, as further described in this LUDC:

Current Zone District	New District Name or New Zone District
Residential	
Residential Low (RL)	Neighborhood Estate (N1)
Residential Single Family (R1)	Neighborhood Traditional (N2)
Mobile Home Park (MHP)	Neighborhood Manufactured Home Park (NHP)
Residential Medium Density (RM)	Mixed Residential Traditional (NRX1)
Residential Multifamily (RMF)	Mixed Residential Multiunit (NRX2)
Residential High Density (RH)	Mixed Residential High Density (NRX3)
new	Downtown Neighborhood Mixed Residential (DNRX)
Mixed-Use	
Commercial Limited (CL)	Commercial Mixed-Use 1 (CMX1)
new	Commercial Mixed-Use 2 (CMX2)
Commercial Business District (CBD)	Central Business District (CBD)
Commercial and Industrial	
General Commercial (CG)	General Commercial (CI1)
new	Highway Commercial (CI2)
Light Industrial (I)	Light Industrial (CI3)
Public	
PA	Public & Civic Campus (P&C1)
new	Public & Civic Open Space (P&C2)
Rural	
Rural Residential	Rural Residential (RR)
Resource	Resource (R)

B. Comprehensive Plan Compliance

1. All approvals granted under this Code shall be consistent with the Town's comprehensive plan and adopted land use and sub area plans.
2. All rezonings and future land use map amendments shall ensure consistency between the zone district and the applicable future land use plan as outlined in Table 4.02-1.

¹ Current 4.04.010

Table 4.02-1: Future Land Use Plan Implementation																	
Plan Classification	Zone District																
	N1	N2	NMH	NRX1	NRX2	NRX3	DNRX	CMX1	CMX2	CBD	CI1	CI2	CI3	PC1	PC2	RR	R
Rural Residential															●	●	●
Low Density Residential	●	●													●		
Medium Density Residential				●	●									●	●		
High Density Residential					●	●								●	●		
Downtown						●			●						●		
Downtown Neighborhoods						●	●							●	●		
Mixed-Use								●	●					●	●		
Commercial								●	●		●				●		
Interstate Commercial											●	●	●		●		
Commercial/ Light Industrial												●	●		●		
Public/ Institutional														●	●		
Open Space															●		

4.02.2 APPLICABILITY²

Except as hereinafter provided, within the municipal boundaries of the Town:

- A. No building or structure shall be erected, nor shall any existing building or structure be moved, removed, altered or extended, nor shall any open space surrounding any building or structure be encroached upon or reduced in any manner except in conformity with the lot area, lot coverage, floor area ratio, setback and height provisions hereinafter provided in the district regulations for the district in which the land, building or structure is located.
- B. No lot area, frontage, yard or other open space or parking space provided about any building or structure for purposes of compliance with provisions of this Title shall be considered as providing lot area, frontage, yard or other open space for any other building or structure on the same lot or on any other lot except where multiple structures are permitted on a lot.
- C. In their application and interpretation, the provisions of this chapter shall be held to be minimum requirements. Nothing herein shall impair the obligations of or interfere with private agreements in excess of the minimum requirements. Where this chapter imposes a greater restriction than

² Current 4.04.040

that imposed by existing provisions of law, contract or deed, the provisions of this chapter shall control.

4.02.3 OFFICIAL ZONING MAP

A. Incorporation of Map

The location and boundaries of the zone districts established by this chapter are shown on the "Zone District Map" of the Town, which, together with all data shown on the map and all amendments to the map, is by incorporated into this chapter by reference. The zone district map shall be identified by signature of the Mayor of the Town and shall bear the date of adoption. Changes in zone districts shall be made only upon amendment to this chapter; and any such change shall be promptly entered on the zone district map, with an entry on the map identifying the amending ordinance; or a revised or supplementary zone district map shall be drawn up, showing the changes. The official zone district map shall be located in the Town hall offices. An electronic version of the Zoning District Map may be displayed on the Town of Eagle website or other online venue at the discretion of the Director.³

B. District Boundaries

The following rules shall be applied as necessary to interpret the official Zone District Map. Rules of interpretation may be applied either singularly or jointly, as needed.

1. Except where otherwise indicated, zone district boundaries shall follow municipal corporation limits, section lines, lot lines, centerlines of stream beds, and right-of-way centerlines or extensions thereof.
2. On unsubdivided land or where a zone district boundary divides a lot or parcel, the location of the boundary shall be determined by scale of the zone district map.
3. Where a zone district boundary coincides with a right-of-way line and the right-of-way is subsequently abandoned, the zone district boundary shall then follow the centerline of the former right-of-way.
4. Land not part of public right-of-way and which is not indicated as being in any zone district shall be considered to be included in the most restrictive adjacent zone district even when the district is separated from the land in question by a public right-of-way.

4.02.4 DIMENSIONAL STANDARDS APPLICABLE TO ALL ZONE DISTRICTS⁴

A. Clear Vision Areas

1. Description

A clear vision area is a triangular area, two sides of which are lot lines measured from the corner intersection of the property⁵ lot lines for a distance of 30 feet, or at an intersection including an alley, ten feet; where the lot lines have rounded corners, the lot lines shall be extended in a straight line to a point of intersection and so measured. The third side of the triangle shall be

³ Director is defined as the Town Community Development Director and includes the Director's designees.

⁴ Current 4.01.100.H

⁵ Drafting note: Some communities measure this along property lines and some along street centerlines as shown in the graphic. "Street lot line" doesn't seem to be a commonly used term in Eagle, so what approach would best reflect how the Town typically measures clear vision areas? The clear vision graphic will then be revised to identify the appropriate measurement locations on the lot.

the straight line across the corner of the lot connecting the non-intersecting ends of the other two sides.

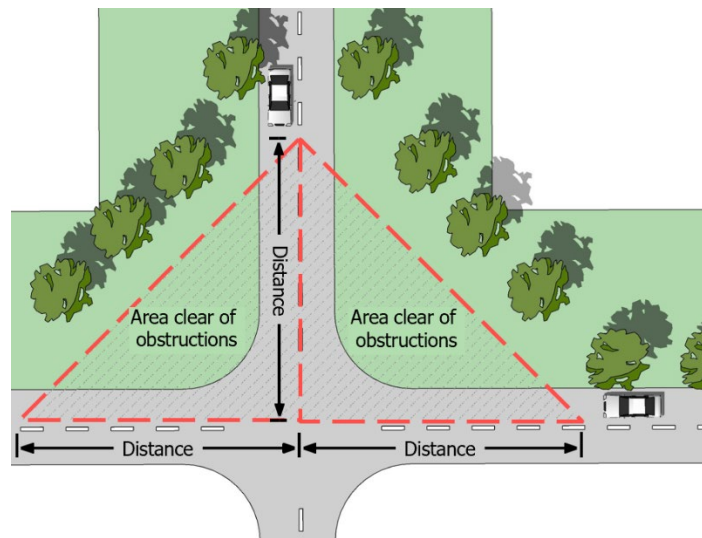


Fig. 4.02-A: Clear Vision Area

2. Applicability

- a. Clear vision areas shall be maintained on the corners of all property at the intersection of two streets, a street and an alley, or a street and a railroad except in zone districts with a required build-to zone or line.
- b. The maximum height for all potential visual obstructions in the clear vision area is 2.5 feet, including plants, fences, walls, structures, and any potential temporary visual obstructions such as parking. Trees exceeding 2.5 feet may be planted in a clear vision area, provided all branches and foliage can be removed to a height of eight feet above the grade when the tree is sufficiently established.
- c. No fence or wall shall be located so as to obstruct traffic sight distances. In a clear vision area, the maximum fence or wall height is 2.5 feet.
- d. The maximum height for any potential obstruction is measured from the top of the curb, or where no curb exists, from the established street centerline grade.

B. Projections and Encroachments

1. Setback encroachments are building and site elements that project into or are located on the “non-buildable” side of a setback line, typically in a required setback area.
2. Permitted encroachments, identified below, are allowed where the required dimension is measured by a setback line, not a build-to line.
3. Screening may be required as described in Chapter 4.11, Landscaping, Buffering, and Screening.
4. Measurement

Chapter 4.02: Zone Districts: General Standards

4.02.4. Dimensional Standards Applicable to All Zone Districts^{3F}

- a. Each setback encroachment shall be measured from the minimum required setback line towards the lot line; setback encroachments are always measured from the same point and are not cumulative.
 - b. No permitted setback encroachment shall be closer than two feet to any lot line with the exception of fences and walls and gardens and landscaping.
5. The following encroachments shall meet the specified standards:⁶

Table 4.02-1 Permitted Setback Encroachments		
Projection	Front or Street Side Setback (max, feet)	Internal or Rear Setback (max, feet)
Building Element		
Approved accessibility ramps	Any distance	Any distance
Bay windows	4	4
Belt courses, sills, lintels, pilasters, pediments	1	1
Breezeways, unenclosed	Not permitted	Not permitted
Chimneys not greater than 6 ft. in width	2	2
Eaves, roof overhangs, cornices, gutters, and downspouts	2	2
Porches, stoops, decks, terraces, balconies, and associated stairs (uncovered and no more than 30" above natural grade)	8	5
Shading devices such as awnings and canopies	5	5
Stairs and fire escapes (unenclosed)	4 (rear also)	1.5 (side only)
Window wells	Any distance	3
Site Elements		
Accessory Structure	Not Permitted	Not Permitted
Clothes lines and poles	Not permitted	Not Permitted
Fences and walls	Any distance	Any distance
Flagpoles and signs	Any distance	Any distance
Flatwork	Any distance	Any distance
Gardens and landscaping	Any distance	Any distance
Ornamental lights	Any distance	Any distance
Play equipment	Not permitted	Not Permitted
Swimming pools and hot tubs including mechanical equipment and deck	Not permitted	Not Permitted
Trash containers	Not permitted	Not Permitted
Mechanical, Electric, and Plumbing Elements		
Evaporative coolers or air conditioners (window)	2'	2'
Evaporative coolers or air conditioners (ground)	Not permitted	Not Permitted
Gas and electric meters	2'	2'
Solar energy collectors and heat storage units of up to 200 sq. ft. of collector surface area	Not permitted	Not Permitted
Transformers	Not permitted	Not Permitted

⁶ Drafting note: This new table has been included to provide a more comprehensive list of encroachments and is subject to further review and revision.

Chapter 4.02: Zone Districts: General Standards

4.02.5. Inclusionary Residential Requirements for Local Employee Residency^{7F}

C. Height Limit Exceptions⁷

1. Building height limit exceptions are building and site elements that project above the maximum height limit allowed in a zone district.
2. Screening may be required as described in Chapter 4.11, Landscaping, Buffering, and Screening.
3. Measurement
 - a. Each height encroachment shall be measured from the maximum building height.
 - b. Building height encroachments are not cumulative in that they are always measured from the same point.
4. The following building height encroachments shall meet the specified standards:

Projection	Height Increase, max (% or feet)
Chimneys, stacks, vents, and flues	30% over zone district max height
Antennas and towers (except as provided in Sec. xx, Wireless Communication Facilities)	30'
Emergency sirens and similar devices	Any distance
Mechanical, electrical, and plumbing equipment; solar panels; air conditioner and evaporative coolers	30% over zone district max height
Parapet walls, safety railings, and screening walls	4'
Architectural features such as unoccupied belfries, flagpoles, spires, silos, domes, and windmills	30% over zone district max height

D. Ground Level First Floor

New construction shall place the first floor at ground level.

4.02.5 INCLUSIONARY RESIDENTIAL REQUIREMENTS FOR LOCAL EMPLOYEE RESIDENCY⁸

Comment: This section will be revised following completion of the Eagle Housing Needs Assessment.

A. Purpose

1. The purpose of this section is to mitigate the impact of market rate housing construction on the limited supply of available land suitable for housing, and to increase the supply of housing that is affordable to a broad range of persons who live and/or work in the Town. In recent years, the cost of housing has increased at a rate much faster than the increases in the earnings of low to moderate income households. This section will prevent the Town's land use regulations applicable to residential development from having the effect of excluding housing that meets the needs of all economic groups within Eagle.
2. This section requires new residential development to provide at least ten percent of the housing that it produces to be affordable to lower and moderate income households as further defined

⁷ Drafting note: This new height exceptions table has been included to provide a more comprehensive list of exceptions and is subject to further review and revision.

⁸ Current 4.04.110

in the local employee residency requirements and guidelines. Local employee residences shall be obtainable by persons having lower and median incomes, paying not more than 33 percent of their household income for mortgage principal and interest payments, insurance, and property taxes, but excluding homeowners' association assessments. Local employee residences should be disbursed throughout the community and, when possible, integrated into the existing community fabric.

3. The Town recognizes that affordable housing is a valuable community resource that needs to remain available not only for current residents and employees, but also for those who may come to the area in the future. For this reason, deed restrictions or other methods that assure that prices remain affordable over time are necessary.

B. Applicability

Local employee residences shall be required as a condition of approval for all residential development including residential annexations, residential planned unit developments (PUDs) (Chapter 4.11), residential subdivisions (Chapter 4.12), and multifamily residential development permits (Chapter 4.06), as well as special use permits for high density multifamily dwellings in the Residential Multi-Family (RMF) and Central Business District (CBD) Zone Districts (Section 4.05.010).

C. Exemptions

The following development is exempt from the requirements of this section:

1. Development of local employee residences.
2. Proposed residential development of less than ten units or lots to be located on one or more contiguous parcels of land held under the same or substantially the same ownership.
3. Development which is exempt by virtue of a vested property right pursuant to a site-specific development plan as defined and established in accordance with C.R.S. § 24-68-103 and Chapter 4.17 prior to the effective date of the ordinance from which this section is derived, or which is otherwise specifically exempt pursuant to an ordinance of the Town.

D. Residential Development Requirements

1. Number of Local Employee Residences Required

All residential annexations, new residential subdivisions, new planned unit developments containing residential units, development permits for new multifamily residential developments and special use permits for high density multifamily dwellings, approved after the effective date of the ordinance from which this section is derived, containing ten or more residential units, shall set aside at least ten percent of those units as local employee residences as defined in this section and the Town's local employee residency requirements and guidelines. In addition, the developer of the project shall construct local employee residences in accordance with the Local employee residency requirements and guidelines. For those development of less than 30 units whose calculation results in a fraction of a unit, the local employee residence requirement shall be rounded down to the nearest integer. For those developments of 30 or more residential units whose calculation results in a fraction of a unit, the local employee residence requirement shall be rounded to the nearest integer (up or down).

2. Determination of Mix of Units

The mix of local employee residences available for purchase shall average a price affordable to households earning 90 percent of the maximum income limits as set forth in the Town's local

employee residency requirements and guidelines. The affordable price shall be calculated based on mortgage principal, interest, taxes, and insurance, not to exceed 33 percent of gross household income. The calculation shall assume a 95 percent loan to value ratio, and a 30-year mortgage at prevailing interest rates. The average price may be achieved by providing units affordable to households not greater than 100 percent of the maximum income limits as set forth in the Town's local employee residency requirements and guidelines.

3. Location and Character of Local Employee Residences

Local employee residences shall be distributed throughout the proposed development, to the extent possible. Off-site local employee residences may be approved, with the developer's consent in the Town's discretion, at a location to be determined by agreement of the Town and the developer. A cash payment in lieu of local employee residences may be permitted, with the developer's consent in the Town's discretion, in an amount to be determined by agreement of the Town and the developer. The proposed character and density of local employee residences shall be compatible with the surrounding land uses and neighborhood character, and suitable for the proposed site. Development and construction of local employee residences shall comply with all other requirements of this Title.

4. Schedule for Construction of Local Employee Residences

A developer shall construct the required local employee residences prior to, or concurrently and proportionally with, the production of market rate housing or the sale of market rate lots. Prior to receiving development approval, the developer shall provide the Town with a proposed construction schedule for approval by the Town that clearly delineates the start and completion dates of the production of market rate units and/or the sale of market rate lots and the construction of local employee residences in accordance with the Town's local employee residency requirements and guidelines.

5. Deed Restrictions

All local employee residences required by this section shall be deed restricted, in accordance with the requirements of the local employee residency requirements and guidelines, and as approved by the Town Attorney, as to rental or ownership and occupancy by persons and as to the resale price of the unit. The deed restriction shall be provided to the developer for review at the time of approval of the developer's local employee residency plan. Prior to the issuance of any building permit within the development, the Town shall have an approved, executed, and recorded deed restriction for all local employee residence lots or units in the project or phase of the project, if applicable. The deed restrictions shall not be subject to any recorded liens or encumbrances.

E. Local Employee Residency Plan

1. All applications for approval of a subdivision preliminary plan, planned unit development plan, development permit or special use permit for high density multifamily dwellings, containing ten or more residential units, shall be accompanied by a local employee residency plan, unless otherwise determined by the Town Planner. The plan shall contain sufficient information to allow the Town to determine the plan's compliance with this section and the Town's local employee residency requirements and guidelines. The local employee residency plan shall include, but shall not be limited to, the information specifically required by the Town's local employee residency requirements and guidelines.

Chapter 4.02: Zone Districts: General Standards

4.02.5. Inclusionary Residential Requirements for Local Employee Residency7F

2. Upon receipt of a complete proposed local employee residency plan, the Town Planner shall evaluate the plan for compliance with this section and the Town's local employee residency requirements and guidelines. The Town Planner may make a recommendation of approval, recommendation of approval with appropriate conditions, or a recommendation of denial. Following receipt of the Town Planner's recommendation, and as a part of the Town's procedures for review and final approval of any application for an annexation, planned unit development, subdivision, development permit, or special use permit for high density multifamily dwellings, containing ten or more residential units, the Town Board, Planning Commission or administrative staff member vested with authority to approve any such development may approve the plan, approve the plan with appropriate conditions consistent with the Town's local employee residency requirements and guidelines, or deny approval of the plan. No application for annexation, subdivision final approval, planned unit development plan approval, development permit approval, or special use permit approval for high density multifamily dwellings, containing ten or more residential units, shall be granted unless the local employee residency plan is approved or approved subject to conditions by the Town.

Chapter 4.03 Neighborhood Districts

4.03.1 DISTRICTS ESTABLISHED

The following Neighborhood Zone Districts are established in this LUDC, as summarized in Table 4.03-1. When the LUDC refers to “neighborhood” zone districts, these districts are included:

Abbreviation	Zone District Name	Legacy District
N1	Neighborhood Estate	Residential Low Density (RL)
N2	Neighborhood Traditional, Limited	Residential Single Family (R1)
NMH	Neighborhood Manufactured Home	Mobile Home Park (MHP)
NRX1	Mixed Residential Traditional	Residential Medium Density (RM)
NRX2	Mixed Residential Multiunit	Residential Multifamily (RMF)
NRX3	Mixed Residential, High Density	Residential High Density (RH)
DNRX	Mixed Residential, Downtown Neighborhood	new

4.03.2 PURPOSE AND INTENT

A. Purpose

The neighborhood zone districts are intended to:

1. Implement the vision, goals, policies, and actions of the adopted Eagle comprehensive plan and related subarea plans;
2. Provide appropriately located areas for residential development at scales and densities that support a vibrant, walkable community;
3. Protect the character of existing residential neighborhoods and the overall Eagle community;
4. Allow for the development of a range of housing types in appropriate locations across the Town; and
5. Discourage the inappropriate location of any use that would generate traffic or create congestion on neighborhood streets other than the typical traffic that serves the residents of the district.

4.03.3 NEIGHBORHOOD ESTATE (N1)

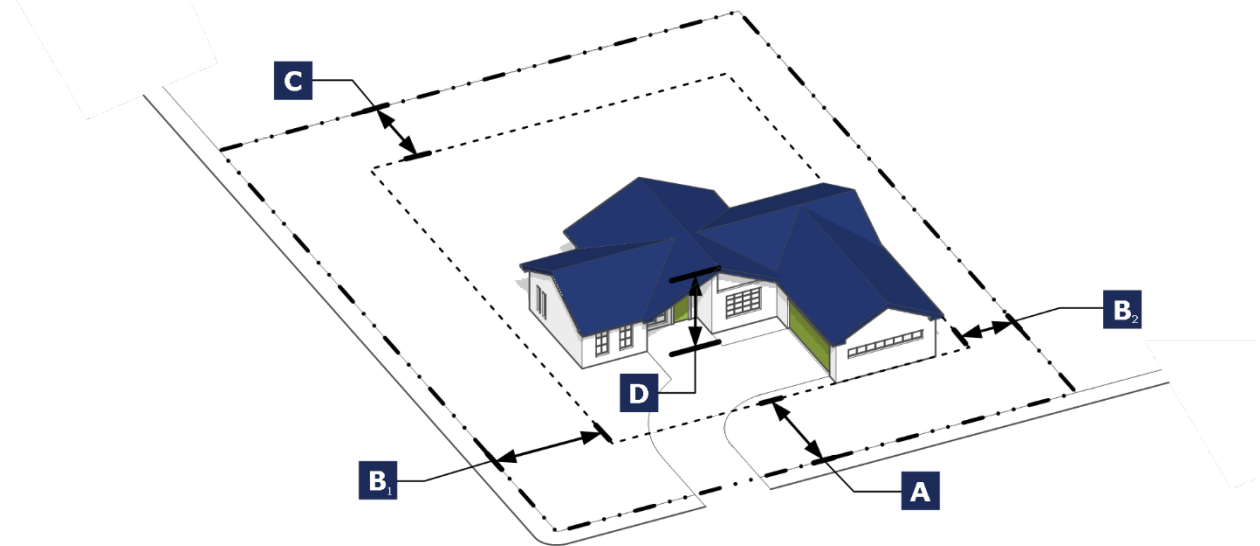
A. Intent

The Neighborhood Estate (N1) district is intended to provide for low-density single unit development at a range of up to four units per acre, depending on location. N1 is appropriate for existing neighborhoods developed at this scale and can serve as a transition between very low-density rural development patterns and smaller lot, denser residential areas.

B. Uses

Allowed uses are identified in Chapter 4.09.

C. Lot and Building Standards⁹



Lot Standards ¹⁰	
Density (max)	Up to 4 du/ac
Lot Area, total (min)	
Single Unit	10,000 sf
Two Unit (per structure)	10,000 sf
Lot Coverage (max) ¹¹	50%

Live Stream Setback	
No disturbance area	75 ft ¹²

Building Placement/Setbacks		
A	Front Setback	25
B2	Street-Adjacent Side	25 [1]
B1	Interior Side	12.5 [2]
C	Rear, Principal Bldg.	20 ft
	Rear, Accessory Bldg	7.5 ft

Building Standards		
Height, (ft, max)		
D	Principal Building	35 ft
	Accessory Building	

Table Notes:

[1] May match block face average where applicable. See Sec. 4.20.2.C.

[2] Or ½ building height, whichever is greater

⁹ Graphic updates: (1) add accessory structure rear setback and height measurement

¹⁰ Drafting note: Remove 25' minimum frontage standard from all zone districts to Chapter 4.05 and create flag lot standards.

¹¹ The current building coverage and other impervious coverage measurements have been combined into a single lot coverage measurement for ease of understanding.

¹² Drafting note: Add cross-ref to live stream setback section in Chapter 4.14 for all dimensional tables.

4.03.4 NEIGHBORHOOD TRADITIONAL, LIMITED (N2)

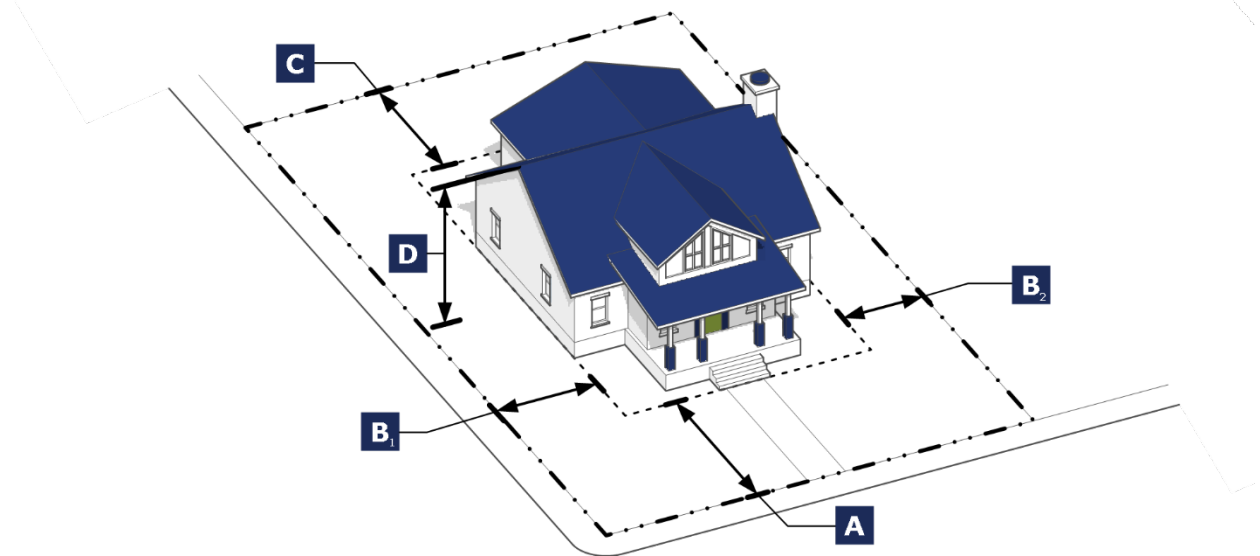
A. Intent

The Neighborhood Traditional, Limited (N2) district is intended to provide for single-unit residential development at a density range up to seven units per acre. N2 is appropriate for existing neighborhoods developed at this scale and can serve as a transition between lower density residential development patterns and smaller lot, denser residential areas.

B. Uses

Allowed uses are identified in Chapter 4.09.

C. Lot and Building Standards¹³



Lot Standards	
Density (max)	Up to 4 du/ac
Lot Area, total (min)	
Single Unit	6,000 sf
Two Unit (per structure)	6,000 sf
Lot Coverage (max)	60%
Live Stream Setback	
No disturbance area	75 ft

Building Placement/Setbacks		
A	Front	25
B2	Street-Adjacent Side	15 [1]
B1	Interior Side	12.5
C	Rear, Principal Bldg.	20 ft
	Rear, Accessory Bldg.	5 ft
Building Standards		
Height, (ft, max)		
D	Principal Building	35 ft
	Accessory Building	7.5 ft

Table Notes:

[1] May match block face average where applicable. See Sec. 4.20.2.

¹³ Graphic updates: (1) add accessory structure rear setback and height measurement

4.03.5 NEIGHBORHOOD MANUFACTURED HOME (NMH)

Comment: The current manufactured home park and subdivision standards do not align with existing parks and subdivisions. This section, carried forward from the current regulations, will be revised to reflect standards for existing manufactured home parks and subdivisions and to establish standards to allow the creation of new, small (up to 8 unit) manufactured home neighborhoods. This can include tiny homes that meet HUD or building code standards.

Terms included in Section 4.20, Measurements and Definitions: Mobile Home, Manufactured Home, Tiny Home

A. Intent

1. The Neighborhood Manufactured Home (NMH) district is intended to provide a means to review and accommodate manufactured and mobile home parks in those areas of the Town where the use will be compatible with existing and indicated future development. The NMH District should permit flexibility in park design to provide a quality living environment for park residents and appropriate buffering to adjoining land uses.
2. In order to further the health, safety and general welfare of the residents and the Town as a whole and to further the stated purposes of this Title, every manufactured home park and manufactured home subdivision shall be designed and operated in accordance with the provisions of this chapter, as well as other applicable chapters of this Title, including, and not limited to Chapters 4.11 and 4.13. All local and state regulations, including, but not limited to, those addressing all public facilities and utilities, shall apply. The provisions of this chapter shall take precedence.¹⁴

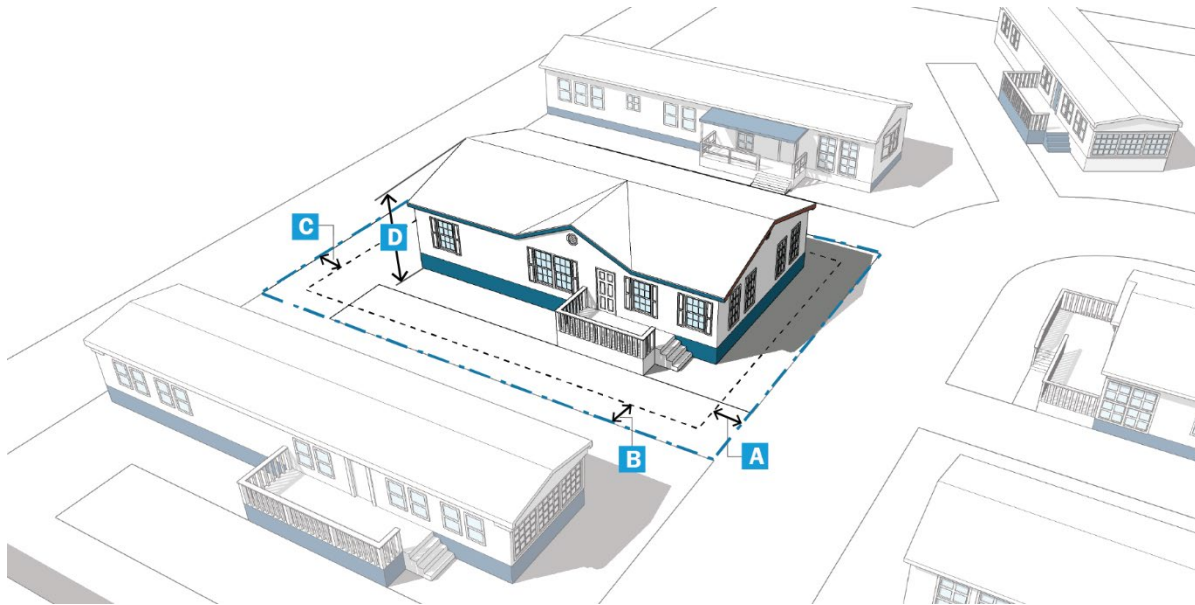
B. Applicability¹⁵

1. Manufactured home that are or can be occupied or otherwise used for dwelling, cooking, or sleeping purposes shall be located in a manufactured home park or subdivision constructed and operated in accordance with this chapter.
2. No person shall own, operate, create, or occupy a manufactured home park unless it is approved in accordance with this chapter. Any manufactured home park in existence on the effective date of this LUC may continue to operate and shall be considered a legal nonconforming use subject to the requirements of Chapter 4.xx, Nonconformities.
3. Establishment of a manufactured home park shall follow procedures for PUD as set forth in Chapter 4.11.
4. No manufactured home shall be maintained upon any private property in the Town when the same is used for living purposes except in compliance with this chapter, nor shall any manufactured home be stored in any front or side yard.

¹⁴ Current 4.09.010

¹⁵ Current 4.09.020

C. Park and Subdivision Design¹⁶



Lot Standards		
MH Park Total Area (min/max)		2/5 ac
Individual Lot Area, total (min)		
A	Single unit	4,000 sf
A	Double unit	6,000 sf
Lot Depth (min)		
Individual lot		100 ft
Lot Coverage (max)		35%

Exterior Boundary Setback (min)		
B	Any street-adjacent boundary	25 ft
D	Interior boundary	20 ft
Interior Setbacks (min)		
C	MH pad from paved street or drive	15 ft
	Between MH pads	20 ft
Required Storage Building		
Per each MH lot (min)		64 sf

1. Setbacks

- a. The setback area shall serve as a landscaped buffer and shall be bermed a minimum of three feet higher than the street elevation measured from a point of the nearest street surface or above natural grade in the case of boundaries not abutting a street. Setback landscaping shall meet the requirements of Section 4.07.020. landscaping
- b. Vehicular entrances and exits to the park shall be landscaped and shall provide a clear delineation of traffic flow patterns.

2. Uses

- a. Uses are identified in Chapter 4.09.
- b. Accessory service and other nonresidential uses may be allowed as accessory uses only, clearly for the use of manufactured home park residents, with no visible characteristics which would attract users from outside the park.

¹⁶ Current 4.09.030. This graphic will be revised to reflect standards used in current manufactured home parks.

3. Streets

- a. Street alignment. Streets shall be designed to take advantage of natural terrain features and shall be largely curvilinear. Streets shall be designed so that lot configuration promotes privacy and layout other than a strict grid pattern.
- b. Street construction, ownership, and maintenance. Every street in any manufactured home park or subdivision shall conform to the Town's street construction regulations and be public streets. Streets in manufactured home parks shall be private streets, maintained by the park operator, and hard surfaced.

4. Utilities

- a. Every manufactured home park shall be connected to the Town's water distribution and wastewater collection systems.
- b. Every manufactured home park shall be constructed and maintained in accordance with the International Plumbing Code provisions for manufactured home park water, sewerage, fuel, and any other provisions, and with any other applicable State and local regulations.

5. Common Facilities

a. Central Maintenance Shed

Central facilities for the storage of implements necessary for the maintenance of common areas, including landscaping, streets, and parking, shall be provided.

b. Outside Storage

- i. An outside storage area shall be provided and made available to all park occupants for the purpose of storing items like recreational vehicles, snowmobiles, boats, and other large items usually stored outdoors.
- ii. The outside storage area shall be of a size adequate to serve the population of the park.
- iii. Rules for the operation of the outdoor storage area shall be developed and enforced by the park operator or homeowners' association.
- iv. Adequate screening around the periphery of the outside storage area shall be provided.

c. Trash Receptacles¹⁷

- i. In manufactured home parks common trash receptacles shall be provided in an amount and place necessary to meet the needs of the population.
- ii. Areas for trash receptacles shall be designed so that the receptacle, as much as possible, cannot be viewed from the primary street in the park.
- iii. Access to the receptacles must be provided to allow easy ingress and egress by trash hauling vehicles.
- iv. All pick up areas shall have a concrete floor and be enclosed on three sides.

6. Open Space

- a. X-ref PUD 20% requirement

¹⁷ Drafting note: add rodent and bear-proof standards.

- b. In the case of a manufactured home park under one ownership, said owner may be designated as the organization responsible pursuant to this Subsection (D).

7. Municipal and Park Land Dedication (from PUD, incorporate)

Every PUD, including MHP/PUD, shall be subject to the requirements of Section 4.13.190 for municipal and park land dedication or fee, except that one-half of the requirement shall be waived in consideration of the active recreation development required in this chapter.

8. Manufactured Home Lots

Every manufactured home, whether in a manufactured home park or in a manufactured home subdivision, shall be placed on a manufactured home lot. A manufactured home lot shall contain no more than one manufactured home and shall meet size and setback requirements and shall provide required functional areas.

a. Placement

All manufactured home lots shall front on a public or private street as set forth in Section 4.09.030(B)(2). All manufactured home lots must be designated on the PUD zoning and preliminary plan and must designate whether the lot is to be used for placement of a singlewide manufactured home or a doublewide manufactured home.

b. Manufactured Home Lot Provisions

All manufactured home lots must make provisions for the following items:

i. Manufactured Home Pad

(a) The manufactured home pad shall be defined as the outline of the actual manufactured home, including the paved portion of any outdoor living area or attached deck area. If structural additions to a manufactured home are proposed or anticipated, such as carports, attached rooms, decks, and attached storage areas, they shall be considered part of the manufactured home pad.

(b) The pad shall provide for practical placement on and removal from the lot of the manufactured home and retention of the home on the lot in a stable condition and in satisfactory relationship to its surroundings.

(c) The manufactured home pad must be shown on the preliminary plan and final plat.

ii. Storage Buildings

Storage building materials used for the exterior facade shall be consistent with materials used in the park and with each other. Storage buildings shall be provided at the time of final certificate of occupancy for the park or individually when each lot becomes occupied.

iii. Utility Corridor

A minimum five feet wide utility corridor that is aligned adjacent and parallel to the manufactured home pad is required. Utility corridors must be shown on the preliminary plan.

iv. Parking

A minimum of two ten feet by 20 feet parking spaces per manufactured home lot are required. Parking spaces must be paved with a minimum of two inches of asphalt.

v. Landscaped Area

Chapter 4.03: Neighborhood Districts

4.03.5. Neighborhood Manufactured Home (NMH)

- (a) All areas of the manufactured home lot except the pad and parking lot must be landscaped pursuant to Section 4.07.020 landscaping. The landscaping must be in place before any certificate of occupancy for the park or subdivision is granted.
- (b) Landscaping on every manufactured home lot shall include, but not be limited to, live grass for all areas except the pad, parking area, and storage area; a minimum of one live three-inch caliper tree placed within 15 feet of the paved street surface, and five live 18 inch high shrubs that promote privacy, screening, utility screening and aesthetic appeal from the street view.

vi. Skirting

Skirting shall be applied to all manufactured homes within three months after manufactured homes have been moved onto manufactured home pads. Skirting shall be of an impervious material compatible with the exterior siding of the manufactured home.

4.03.6 MIXED RESIDENTIAL TRADITIONAL (NRX1)

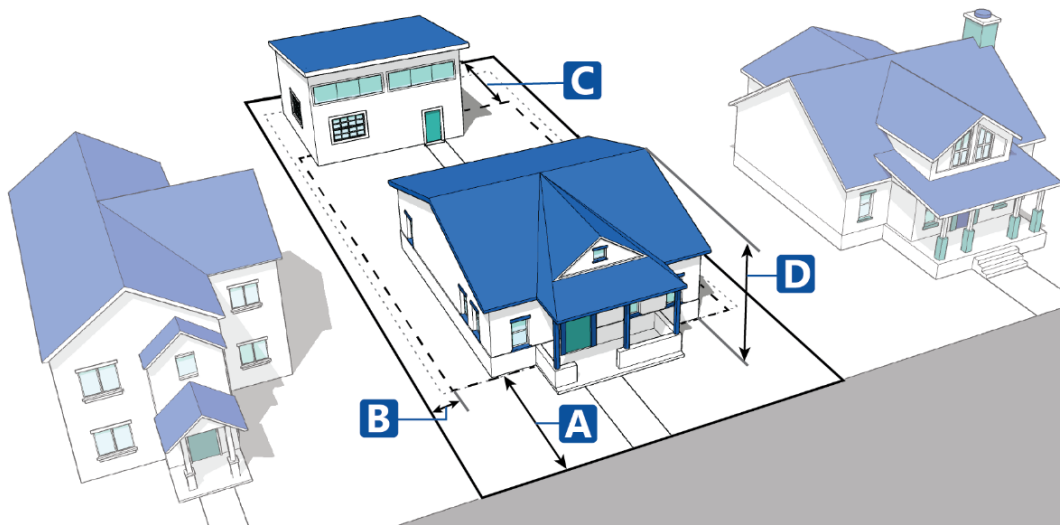
A. Intent

The Mixed Residential Traditional (NRX1) district is intended to provide for a range of housing types at an urban density in keeping with applicable land use plan densities. NRX1 is appropriate within areas developed at this density and characterized by a predominance of older residential homes and traditional neighborhood development, which typically will include smaller single unit residential lots, a grid street pattern, and alleys. NRX1 is also intended to be applied to new and infill areas of the community which are intended to be developed in a similar pattern. NRX1 is also an appropriate transition between lower density residential development and mixed-use or non-residential development.

B. Uses

Allowed uses are identified in Chapter 4.09.

C. Lot and Building Standards



Lot Standards	
Density (min/max)	4-16 du/ac
Lot Area, total (min)	
Single Unit	5,000 sf
Two Unit (per unit)	2,500 sf
Mansion House (per unit)	2,000 sf
Townhome (per unit)	2,000 sf
Lot Coverage (max)	70%
Live Stream Setback	
No disturbance area	75 ft

Building Placement/Setbacks		
A	Front	10
B	Street-Adjacent Side	10 [1]
B	Interior Side	5
C	Rear, Principal Bldg.	10 ft
	Rear, Accessory Bldg.	5 ft [2]
Building Standards		
Height, (ft, max)		
D	Principal Building	35 ft
	Accessory Building	

Table Notes:

[1] May match block face average where applicable. See Sec. 4.20.2.C.

[2] No setback required where there is an alley.

4.03.7 MIXED RESIDENTIAL MULTIUNIT (NRX2)

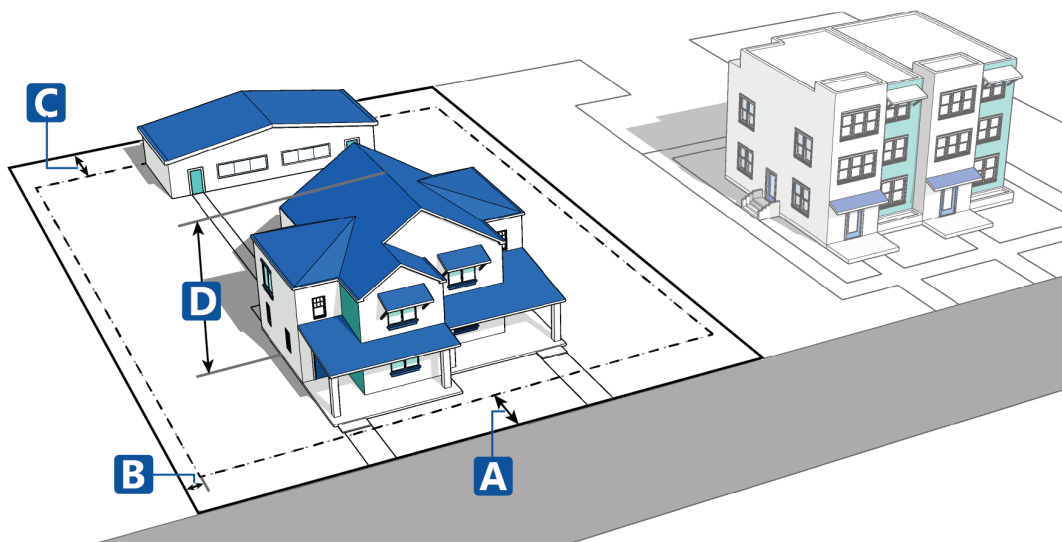
A. Intent

The NRX2 district is intended for a range of small- and mid-scale multiple-unit homes from three to eight units, in small neighborhood nodes. The buildings are oriented to the streets and designed in walkable blocks. A mix of lot sizes is allowed to establish development density in keeping with applicable land use plans. NRX2 is an appropriate transition between lower density residential development and mixed-use or non-residential development.

B. Uses

Allowed uses are identified in Chapter 4.09.

C. Lot and Building Standards¹⁸



Lot Standards	
Density (min/max)	4-16 du/ac
Lot Area, total (min)	
Single Unit	4,000 sf
Two Unit (per unit)	2,000 sf
Mansion House (per unit)	1,500 sf
Townhome (per unit)	1,000 sf
Multiunit Bldg, up to 8 units	n/a
Lot Coverage (max)	70%
Live Stream Setback	
No disturbance area	75 ft

Building Placement/Setbacks		
A	Front	10
B	Street-Adjacent Side	10 [1]
B	Interior Side	5 ft
C	Rear, Principal Bldg.	10 ft
	Rear, Accessory Bldg.	5 ft [2]
Building Standards		
Height, (ft, max)		
D	Principal Building	35 ft
	Accessory Building	

Table Notes:

- [1] May match block face average where applicable. See Sec. 4.20.2.C.
- [2] No setback required where there is an alley.¹⁹

¹⁸ Graphic edits: (1) add street side setback, (2) add accessory structure height

¹⁹ Discuss minimum alley setback.

4.03.8 MIXED RESIDENTIAL, HIGH DENSITY (NRX3)

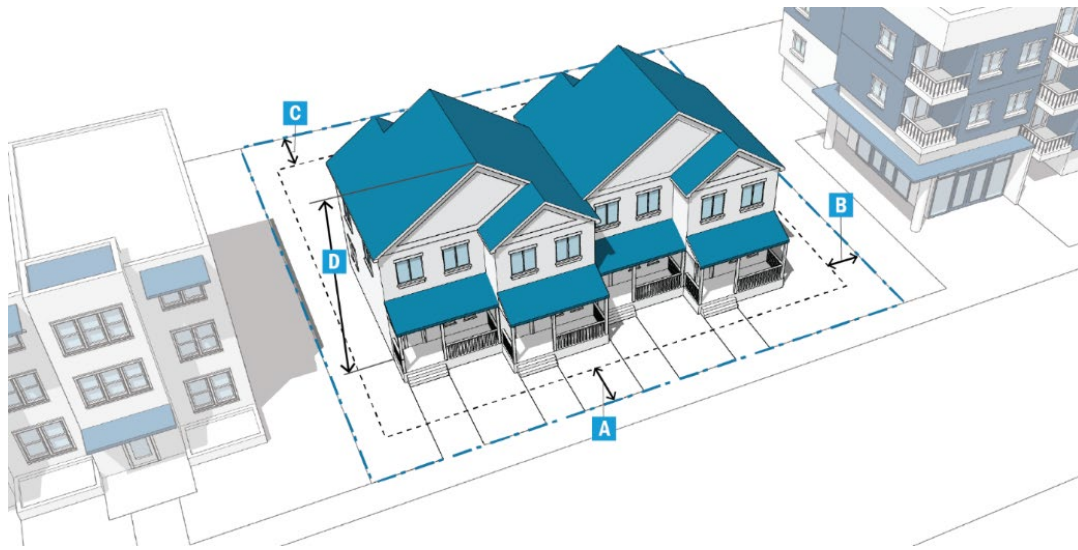
A. Intent

The NRX3 district is intended for a mix of attached units, large-scale multiple-unit homes in larger neighborhood nodes, and apartment buildings with more than eight units per structure. The development may have an internal private street system for access throughout the larger node with walkable blocks. Buildings are oriented to the street and parking/garages are located behind the buildings. Covered parking may include rows of canopies or enclosed garages. Common open space, shared recreational facilities, or central gathering spaces are generally provided for residents.

B. Uses

Allowed uses are identified in Chapter 4.09.

C. Lot and Building Standards²⁰



Lot Standards	
Density (min/max)	10-18 du/ac
Lot Area, total (min)	
Mansion House (per unit)	1,000 sf
Townhome (per unit)	1,000 sf
Multiunit Bldg, up to 8 units	n/a
9 or more units	n/a
Lot Coverage (max)	70%
Live Stream Setback	
No disturbance area	75 ft

Building Placement/Setbacks		
A	Front	10
B	Street-Adjacent Side	10 [1]
B	Interior Side	5
C	Rear, Principal Bldg.	10 ft
	Rear, Accessory Bldg.	5 ft [2]
Building Standards		
Height, (ft, max)		
D	Principal Building	45 ft
	Accessory Building	15 ft

Table Notes:

[1] May match block face average where applicable. See Sec. 4.20.2.C.

[2] No setback required where there is an alley.

²⁰ Graphic edits: (1) add street side setback, (2) add accessory structure height, (3) correct color

4.03.9 DOWNTOWN NEIGHBORHOOD MIXED RESIDENTIAL (DNRX)

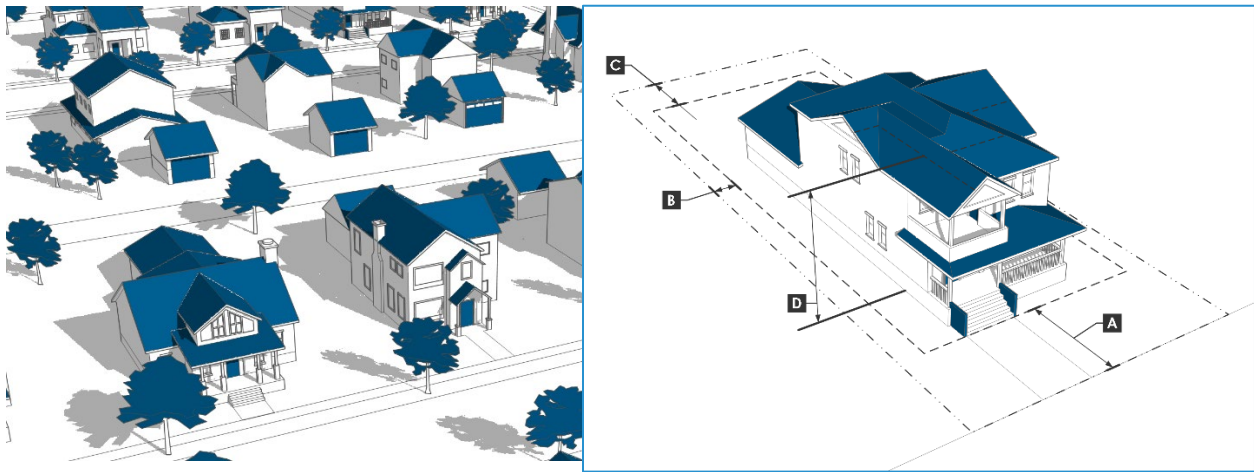
A. Intent

The DNRX district promotes traditional small lot residential in a highly walkable neighborhood setting adjacent to and around Downtown Eagle. Infill and residential redevelopment is permitted where the neighborhood building scale and street layout is maintained. Redevelopment from single-unit to multi-unit development may be approved where the new structure conforms to the lot and building standards.

B. Uses

Allowed uses are identified in Chapter 4.09.

C. Lot and Building Standards²¹



Lot Standards	
Density (min/max)	4-16 du/ac
Lot Area, total (min)	
Single Unit	3,500 sf
Two Unit (per unit)	1,750
Mansion House (per unit)	2,000
Townhome (per unit)	2,000
Multiunit Bldg, up to 8 units	n/a [3]
Lot Coverage (max)	70%
Live Stream Setback	
No disturbance area	75 ft

Table Notes:

- [1] May match block face average where applicable. See Sec. 4.20.2.C.
- [2] No setback required where there is an alley.
- [3] Shall comply with Section 4.02.03.B, Neighborhood Protection Standards.
- [4]

Building Placement/Setbacks		
A	Front	10
B	Street-Adjacent Side	10
B	Interior Side	5
C	Rear, Principal Bldg.	10
	Rear, Accessory Bldg.	5 [2]
Building Standards		
Height, (ft, max)		
D	Principal Building	45 ft [3]
	Accessory Building	15 ft

D. Infill and Redevelopment Standards

²¹ Graphic edits: (1) add neighborhood context to image with measurements, (2) correct color, (3) add measurement lines

Chapter 4.03: Neighborhood Districts

4.03.9. Downtown Neighborhood Mixed Residential (DNRX)

1. Lot Assembly

The maximum lot size permitted to be created through lot assembly is 6,000 square feet.

2. Building Footprint

The maximum building footprint size is 3,000 square feet.²²

²² Drafting note: This size should be adjusted to reflect appropriate max. footprint size based on neighborhood building scale.

Chapter 4.04 Mixed-Use Districts

4.04.1 DISTRICTS ESTABLISHED

The following Mixed-Use Zone Districts are established in this LUDC, as summarized in Table xx. When the LUDC refers to “mixed-use” zone districts, these districts are included:

Abbreviation	Zone District Name	Legacy District
CMX1	Commercial Mixed-Use 1: Neighborhood Commercial	Commercial Limited (CL)
CMX2	Commercial Mixed-Use 2: Community Commercial	new
CBD	Central Business District	Commercial Business District (CBD)

4.04.2 PURPOSE AND INTENT

A. Purpose

The mixed-use districts are intended to:

1. Implement the vision, goals, policies, and actions of the currently adopted Eagle comprehensive plan and related subarea plans;
2. Create and enhance neighborhoods with an intermixed variety residential and commercial uses at a scale that complements the established surrounding areas;
3. Provide for a variety of mixed use centers of activity that support but do not compete with each other;
4. Allow for different types of compatible land uses close together in appropriate locations to shorten transportation trips and facilitate multi-modal development; and
5. Encourage infill and redevelopment of commercial, residential, and mixed-use development within surrounding uses.

4.04.3 GENERALLY APPLICABLE MIXED-USE STANDARDS

A. Merchandise Display

Bufferyards and required landscaping shall not be used for the displaying of merchandise.

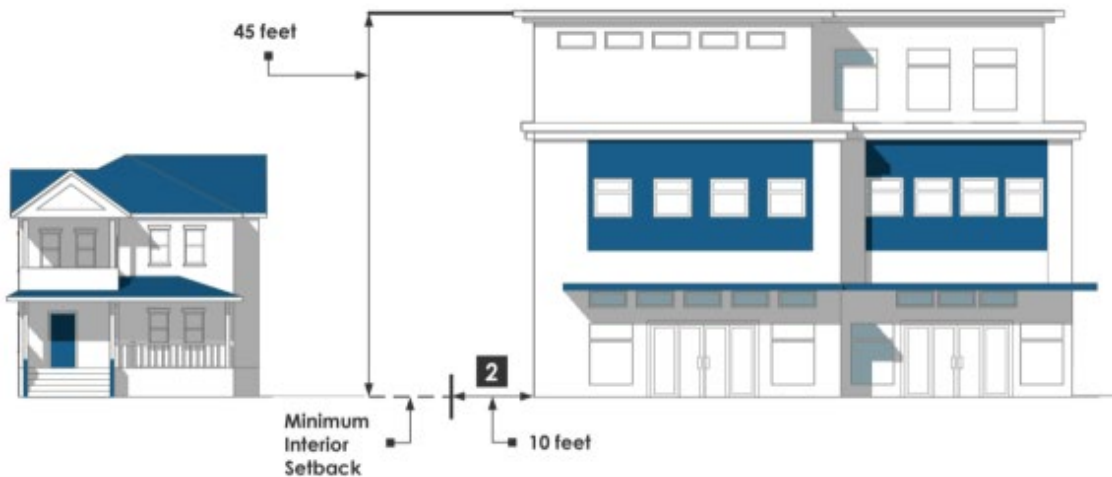
B. Neighborhood Protection Standards

All mixed-use districts located within 50 feet of any N1 or N2 zone district, including a planned development that allows single unit residential use, shall comply with these site development standards:

1. Building Height Stepdown

New primary buildings with a height greater than 35 feet shall reduce the perceived height of the building when viewed from the adjacent neighborhood residential lots by using at least one of the following techniques.

- a. “Stepping down” building height of any portion of the building within 20 feet²³ of the side and rear lot lines abutting a lot zoned in any neighborhood district to a maximum of 35 feet; or
- b. Increasing the side yard and rear yard setbacks abutting the neighborhood-zoned lots by at least 10 feet beyond that otherwise required.



2. Screening, Buffering, and Site Layout

- a. Mechanical equipment, including but not limited to air conditioning units, air-handling units, back-up power generators, installed at ground level or on a roof must be fully screened from view. The screening shall be at least the height of the mechanical equipment. Mechanical equipment that generates or is expected to generate noise in excess of 55 decibels within three feet of the equipment location must provide sound abatement or suppression, which may require the equipment to be enclosed in a structure.

²³ Drafting note: confirm that 20' distance allows sufficient solar exposure.

Chapter 4.04: Mixed-Use Districts

4.04.3. Generally Applicable Mixed-Use Standards

- b. Loading docks, if necessary or required by the operation, must be located the farthest distance practicable from the N1 or N2 district. However, if the property adjoins an arterial street, the loading dock must be set back far enough such that no trucks will be loading, unloading, or backing within the street. Loading shall be done from alleys when possible.
- c. Outdoor storage of merchandise or equipment must be within an area enclosed with a sight-obscuring fence at least six feet in height that is architecturally coordinated in color and design with the building. Vehicle sales lots and plant materials may be displayed outside of an approved building or enclosed area so long as they are on the same site wherein the business displays the bulk of its goods for sale. Outside promotional displays are allowed during business hours only.
- d. No outdoor waste storage shall be located within 30 feet of a property line that adjoins an N1 or N2 district or within 10 feet of a property line that parallels an N1 or N2 district. This requirement shall not apply where the mixed-use property is separated from an N1 or N2 district by an alley or street.

3. Sound

No outdoor announcement system or music system, whether permanent or temporary, is allowed in any mixed-use district but CBD.

4. Parking and Loading

- a. No auto-related site element, including parking area, drive-through lane, or vehicle circulation driveway, shall be located between a primary structure on the lot and any side or rear property line abutting an N1 or N2 zoning district.
- b. If the Planning Director determines that, due to site topography, soils, easements, or other constraints, compliance with Subsection B.5.a above is impracticable, the Director may approve a site design that locates a single or combination of auto-related site elements, between a primary structure and a side or rear property line abutting an N1 or N2 district, provided the site element(s) is located at least 10 feet from any applicable rear or side property lines.

C. Design Standards

Design standards applicable to mixed-use structures are located in Chapter 4.10.

4.04.4 NEIGHBORHOOD COMMERCIAL MIXED-USE (CMX1)

A. Intent

The CMX1 district is intended to accommodate a mix of uses located along walkable neighborhood corridors where shops and services are accessible to pedestrians. CMX1 development should include ground story uses focused on daily needs primarily for adjacent neighborhood residents, such as corner stores, personal services, and small restaurants. Upper stories can accommodate residential and/or office uses.

B. Uses

Allowed uses are identified in Chapter 4.09.

C. Lot and Dimensional Standards

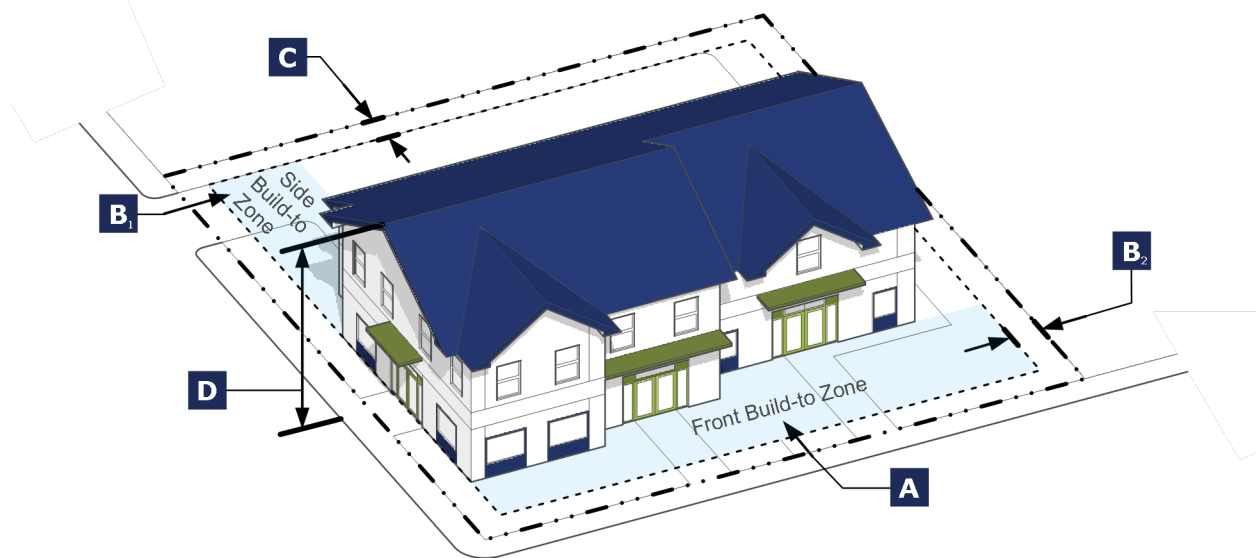


Table 4.04-2: Lot and Dimensional Standards			
Residential Dimensional Standards		Live Stream Setback	
Applicable district standards	NRX2	No disturbance area	75 ft
Mixed-Use Lot Standards		Building Standards	
Lot Area, total (min)	7,500 sf	D	Height (max)
Lot coverage, (max)	70%		35 ft [2]
Building Placement		Parking Standards	
Build-to/Setbacks		Location	Side or rear of building
A	Front Build-to Zone	Required parking	Sec. 4.12
	Front Build-to Line Coverage		
B1	Street Side Build-to Zone	Design Standards	
	Build-to Corner	Site layout	Sec. 4.10
B2	Interior Side Setback (min)	Mixed-use structures	Sec. 4.10
C	Rear Setback (min)	Residential structures	Sec. 4.10

Table Notes:

- [1] Percentage of the front building line that must be located within the build-to zone.
- [2] Abutting N1 or N2, see Sec. 4.04.3.

4.04.5 COMMUNITY COMMERCIAL MIXED-USE (CMX2)

A. Intent

The CMX2 district, generally located outside of the CBD along major commercial corridors and at community and employment activity centers, is established to encourage the primary development of auto- and transit-oriented commercial, tourism, and employment uses supplemented by medium to high density residential development located at the interior or to the rear of the site.

B. Uses

Allowed uses are identified in Chapter 4.09.

C. Lot and Building Standards²⁴

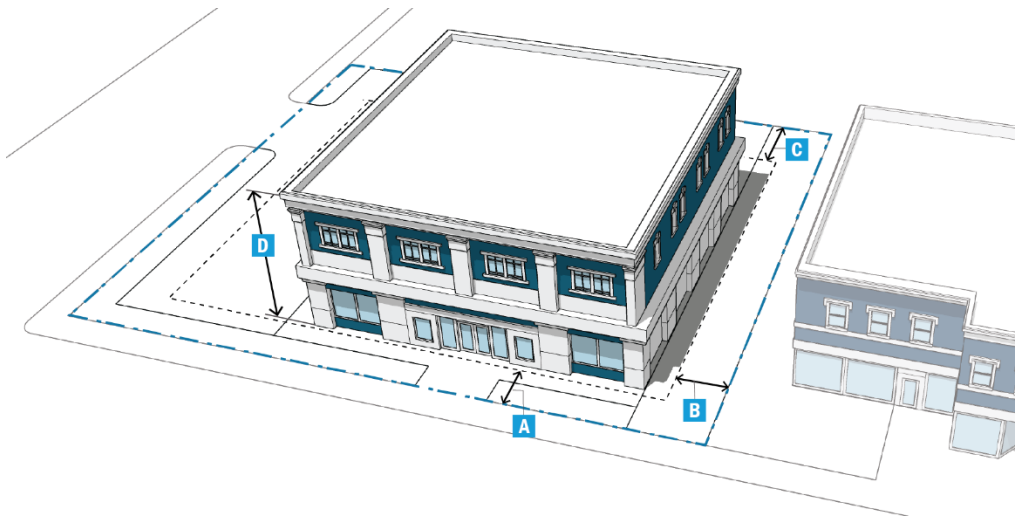


Table 4.04-3: Lot and Dimensional Standards

Residential Dimensional Standards			Live Stream Setback	
Applicable district standards	NRX2		No disturbance area	75 ft
Mixed-Use Lot Standards			Building Standards	
Lot Area, total (min)	7,500 sf		Height (max)	45 ft [2]
Lot coverage, (max)	70%			
Building Placement			Parking Standards	
Build-to/Setbacks			Location	Side or rear of building
A	Front Build-to Zone	10-20 feet	Required parking	Sec. 4.12
	Front Build-to Line Coverage	50% [1]		
	Street Side Build-to Zone	5-20 feet	Design Standards	
	Build-to Corner	Required	Site layout	Sec. 4.10
B	Interior Side Setback (min)	5 ft [2]	Mixed-use structure	Sec. 4.10
C	Rear Setback (min)	5 ft [2]	Residential structure	Sec. 4.10

Table Notes:

[1] Percentage of the front building line that must be within the front build-to zone.

[2] Abutting N1 or N2, see Sec. 4.04.3.

²⁴ Graphic edits: (1) correct color, (3) revise image to illustrate and label build-to zones and setback lines.

D. Standards Applicable to Grand Avenue²⁵

1. Building Setbacks

Facades and entrances should align from lot to lot and not disrupt the overall street edge created by existing building alignment along Grand Avenue.

²⁵ Drafting: Discuss standards needed to implement Grand Avenue Corridor Plan.

4.04.6 CENTRAL BUSINESS DISTRICT (CBD)²⁶

A. Intent

The CBD district is the downtown mixed-use core of Eagle. The CBD district is intended to guide growth and development in a manner that continues the existing character and design of the highly walkable downtown commercial area with storefronts on the ground story and upper story residential, lodging, and office uses.

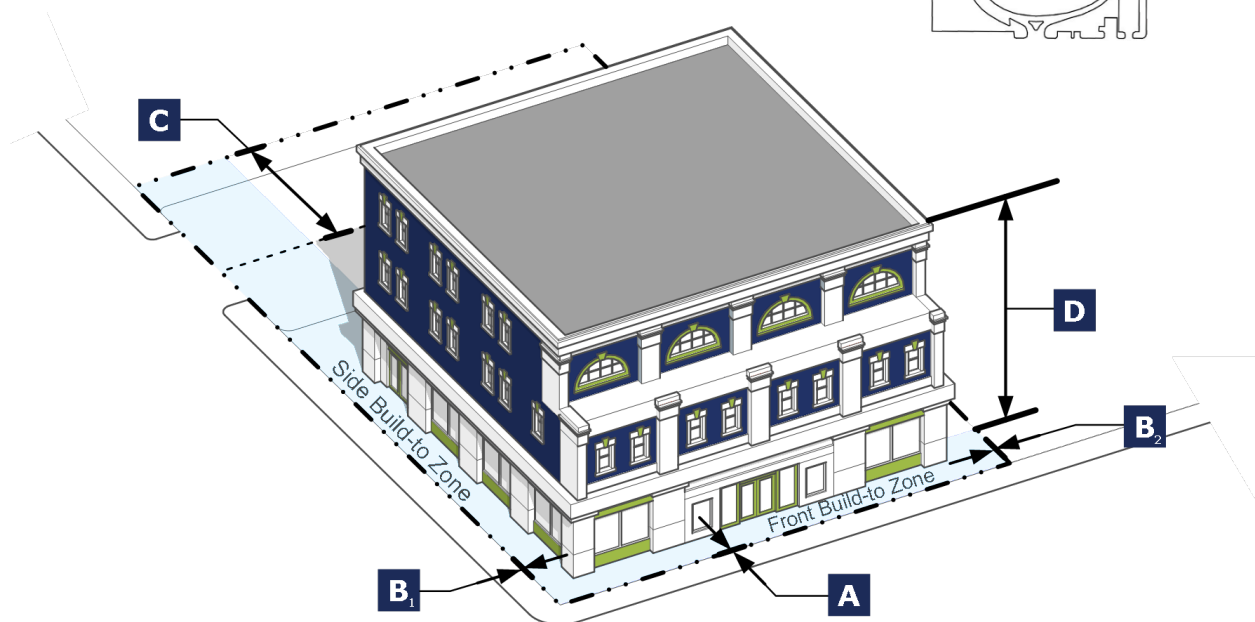
B. Applicability

1. The boundaries of the CBD and Broadway districts are identified on the Town of Eagle Zoning Map.²⁷
2. This section includes both CBD-applicable standards and Broadway District-applicable standards. Any standards identified as applicable to the CBD only are not applicable to the Broadway District.

C. Permitted Uses

Allowed uses are identified in Chapter 4.09.

D. Lot and Building Standards²⁸



²⁶ Drafting note: consider moving CBD to beginning of mixed-use section.

²⁷ Drafting note: the Broadway District boundaries map shown here will be moved to the Zone District Map.

²⁸ Drafting note: replace image with Eagle-specific graphic

Table 4.04-4: CBD Dimensional Standards

Dimensional Standards		CBD	Broadway	Additional Standards
Lot Standards				
Lot area (sf, min)		--	--	
Lot Coverage (% max)		80	100 [1]	
Building Placement[2]				
Build-to Zone				
A	Front Build-to Zone (feet)	0-10, match block face average (Sec. 4.20.2)	0-15	4.04.6.E.1
	Front Build-to Line Coverage (min, %)	70 [3]	70 [3]	
B1	Street Side Build-to Zone (feet)	0-15, match block face average (Sec. 4.20.2)	0-15	4.04.6.E.1
	Build to Corner	Required	Required	
Setbacks				
B2	Side Setback (feet)	0	0	
C	Rear Setback (feet)	25	25 [4]	
Building Standards				
Building Height (feet) [5]		45 ft	48 ft	
Bulk Plane Setback		--	4.04.6.E	
Building Footprint (sf, max)		[tbd]	[tbd]	
Parking Standards				
Surface parking location		At least 30' behind front façade	At least 30' behind front façade	xx.xx, Fee in-lieu

Table Notes:

[1] Building coverage may exceed the 80 percent maximum lot coverage in the Broadway District (refer to Section 4.07.060 for specific guidelines and standards).

[2] Sites with existing residential structures in the CBD but not within the Broadway District shall maintain the established setbacks of existing residential buildings where front yards and deeper setbacks are typical.

[3] Up to 30% or 50' (whichever is less) of the front façade may be courtyard.

[4] Broadway District rear setback may be reduced when parking is provided per Sec. 4.04.6.E.

[5] Corner treatments at street intersections may exceed the height limit when compliant with Section 4.04.6.E.

E. Additional Dimensional Standards Applicable to the Central Business District and Broadway District

1. Build-to Zone in the CBD

At the intersection of Grand Avenue and the Central Business District, building line locations may be varied to encourage a landscaped gateway treatment.²⁹

2. Building Height on Broadway

In order to maintain proper proportions and enhance the existing vertical to horizontal ratios of the Broadway District, there is a bulk plane setback requirement measured as follows:

- a. The first two stories shall be located on the property line but the third story must be stepped-back from the lot line at a 35-degree bulk plane angle measured from the centerline of Broadway.

²⁹ Drafting note: Revise per Broadway Streetscape Design Plan and potentially Grand Ave. Corridor Study.

Chapter 4.04: Mixed-Use Districts

4.04.6. Central Business District (CBD)25F

- b. The total height limit for the ground level and second story must not be greater than 30 feet. (Figure 4.04-B)³⁰
- c. The bulk plane setback for three story buildings shall apply to corner lots which front Broadway and a secondary street (2nd, 3rd, 4th, or 5th Streets), with the bulk plane angle measured from the centerline of both streets. (Figure 4.04-C)³¹

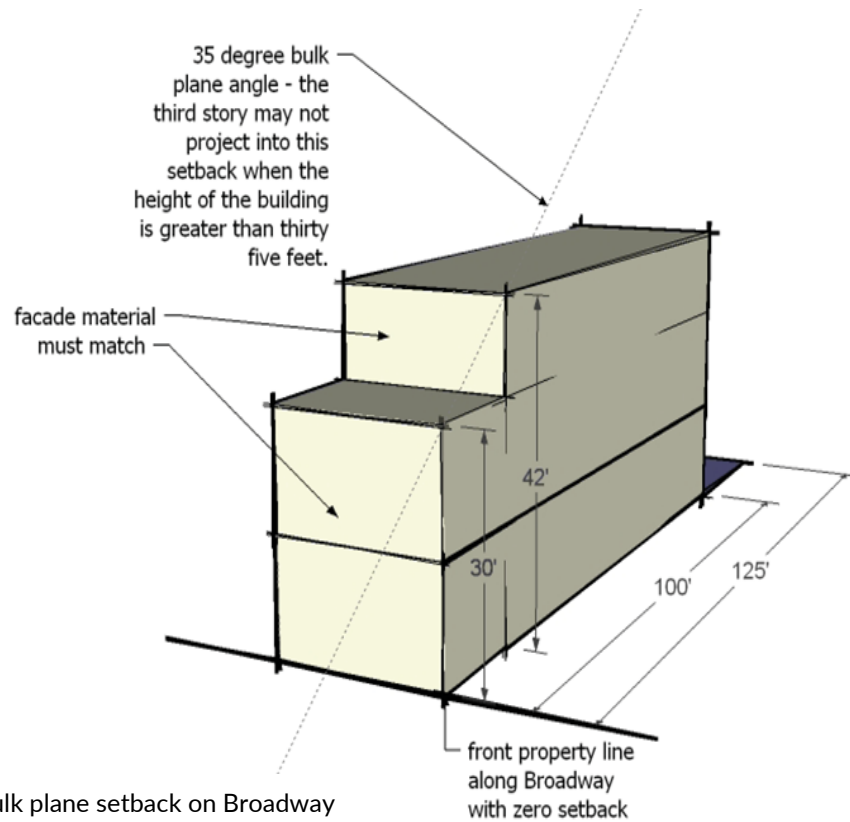


Fig. 4.04-B: Bulk plane setback on Broadway

³⁰ Drafting note: update graphic to reflect taller max height and Eagle graphic style.

³¹ Drafting note: update graphic to reflect taller max height and Eagle graphic style.

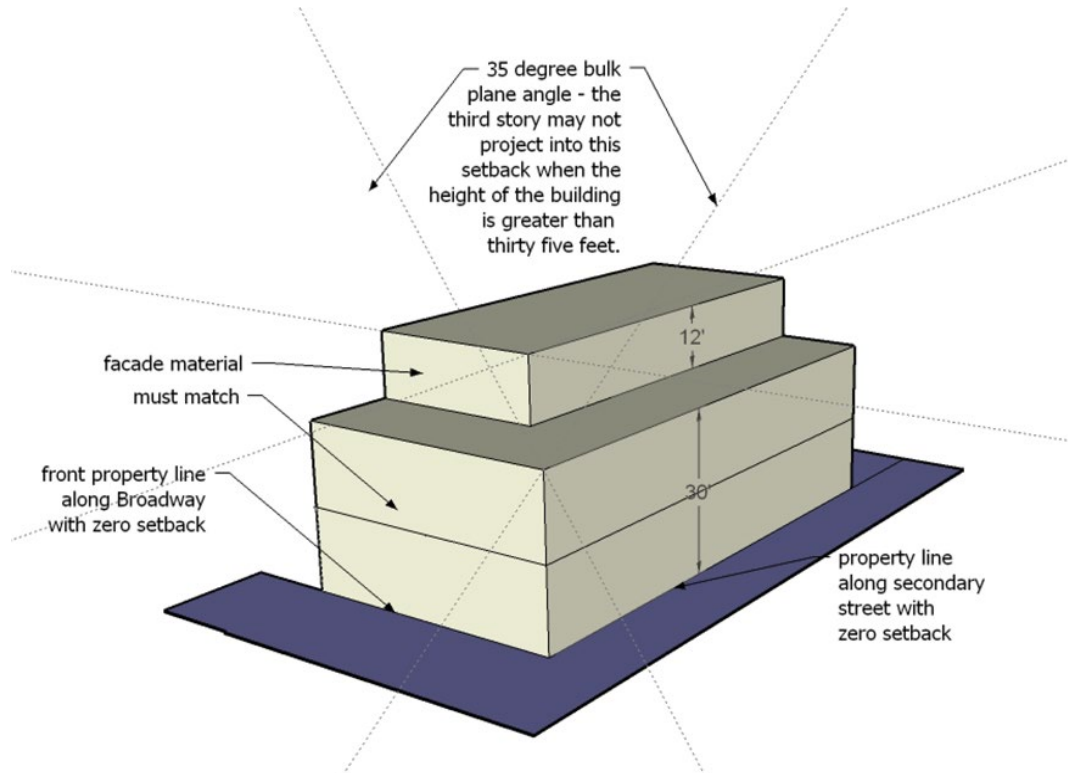


Fig.4.04-C: Bulk plane setbacks on Broadway and a cross street



Fig. 4.04-D: Image of second and third story setbacks

3. Height Limit for Corner Detail

- a. Corner treatments at street intersections may exceed the height limit by no more than 30 percent of the total building height.³²
- b. Additional height for corner treatments shall meet the following criteria:
 - i. Corner treatment elements or features shall be in scale with the building and district as a whole (Fig. 4.04.E).
 - ii. Corner treatments may exceed the height limit if the non-inhabitable architectural feature serves to add punctuation and significance³³ to the building and to the district.



Fig. 4.04-E, Example corner treatment in excess of building height

4. Rear Setback Reductions³⁴

Broadway District rear setback may be reduced to less than 25 feet if enclosed garage parking is proposed and the configuration of the garage allows for ingress and egress off of the property for residential parking and a service entrance to the ground floor retail space.

³² Drafting note: how should this work with the height exception for uninhabited architectural features in 4.02.4.C?

³³ Drafting note: how does the Town define punctuation and significance?

³⁴ Drafting note: Discuss adding standards allowing second story and higher to project over rear surface parking.

Chapter 4.05 Commercial and Industrial Districts

4.05.1 DISTRICTS ESTABLISHED

The following Commercial and Industrial Zone Districts are established in this LUDC, as summarized in Table 4.05-1. When the LUDC refers to “commercial and industrial” zone districts, these districts are included:

Table 4.05-1: Commercial and Industrial Districts		
Abbreviation	Zone District Name	Legacy District
C&I1	General Commercial	General Commercial (CG)
C&21	Highway Commercial	new
C&I3	Light Industrial	Industrial (I)

4.05.2 PURPOSE AND INTENT

A. Purpose

The commercial and industrial districts are intended to:

1. Implement the vision, goals, strategies, and actions of the currently adopted Eagle comprehensive plan and related land use plans;
2. Preserve important Town assets such as employment centers and active industrial areas;
3. Provide appropriate locations for a mix of industrial and intensive non-residential uses;
4. Prevent encroachment from residential structures and uses that are inappropriate in commercial and industrial districts;
5. Ensure the availability of appropriate locations with convenient access to existing and future arterial thoroughfares, railway lines, and the airport; and
6. Allow the development of large commercial sites to accommodate parking, screening and buffering.

4.05.3 GENERALLY APPLICABLE MIXED-USE STANDARDS

A. Merchandise Display

Bufferyards and required landscaping shall not be used for the displaying of merchandise.

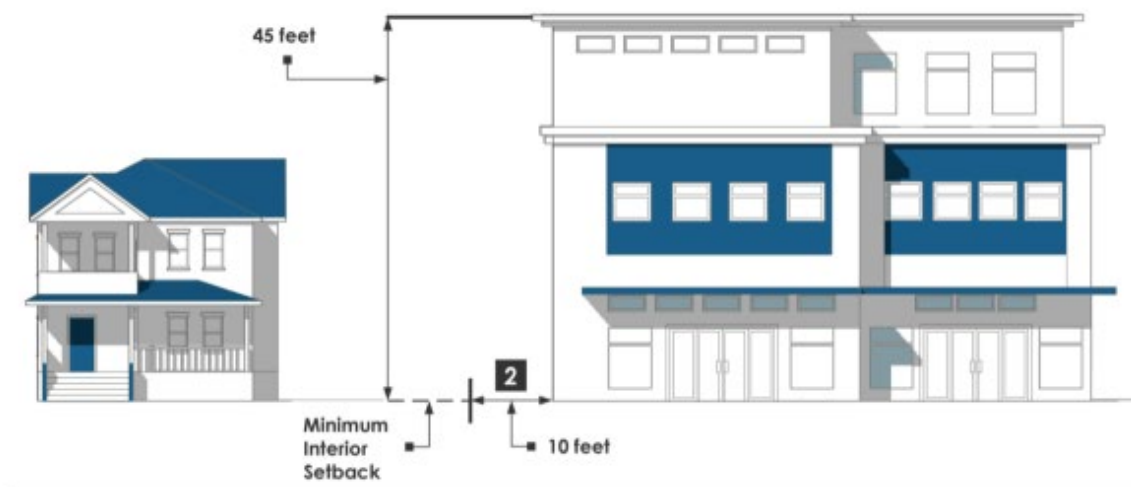
B. Neighborhood Protection Standards

All commercial and industrial districts located within 50 feet of any neighborhood zone district, including a planned development that allows residential use, shall comply with these site development standards:

1. Building Height Stepdown

New primary buildings with a height greater than 35 feet shall reduce the perceived height of the building when viewed from the adjacent neighborhood residential lots by using at least one of the following techniques.

- a. “Stepping down” building height of any portion of the building within 20 feet of the side and rear lot lines abutting the residential lot to a maximum of 35 feet; or
- b. Increasing the side yard and rear yard setbacks abutting the residential lots by at least 10 feet beyond that otherwise required.



2. Screening, Buffering, and Site Layout

- a. Mechanical equipment, including but not limited to air conditioning units, air-handling units, back-up power generators, installed at ground level or on a roof must be fully screened from view. The screening shall be at least the height of the mechanical equipment. Mechanical equipment that generates or expected to generate noise in excess of 55 decibels within three feet of the equipment location must provide sound abatement or suppression, which may require the equipment to be enclosed in a structure.
- b. Loading docks, if necessary or required by the operation, must be located the farthest distance practicable from the neighborhood district. However, if the property adjoins an arterial street, the loading dock must be set back far enough such that no trucks will be loading, unloading, or backing within the street. Loading shall be done from alleys when possible.
- c. No outdoor waste storage shall be located within 30 feet of a property line that adjoins a neighborhood district or within 10 feet of a property line that parallels a neighborhood district. This requirement shall not apply where the commercial or industrial property is separated from a neighborhood district by an alley or street.

3. Sound

No outdoor announcement system or music system, whether permanent or temporary, is allowed.

4. Parking and Loading

- a. No auto-related site element, including parking area, drive-through lane, or vehicle circulation driveway, shall be located between a primary structure on the lot and any side or rear property line abutting a neighborhood district.
- b. If the Planning Director determines that, due to site topography, soils, easements, or other constraints, compliance with Subsection B.4.a above is impracticable, the Director may approve a site design that locates a single or combination of auto-related site elements, between a primary structure and a side or rear property line abutting a neighborhood district, provided the site element(s) is located at least 10 feet from any applicable rear or side property lines.

4.05.4 GENERAL COMMERCIAL (C&I1)

A. Intent

The C&I1 district is intended for auto-oriented commercial and tourist uses, including lodging, dining, retail, and recreation facilities, and for internal use only artisan and light manufacturing uses. C&I1 districts may be located adjacent to other commercial, mixed-use, and high-density neighborhood districts.

B. Permitted Uses

Uses are identified in Chapter 4.09.

C. Lot and Building Standards

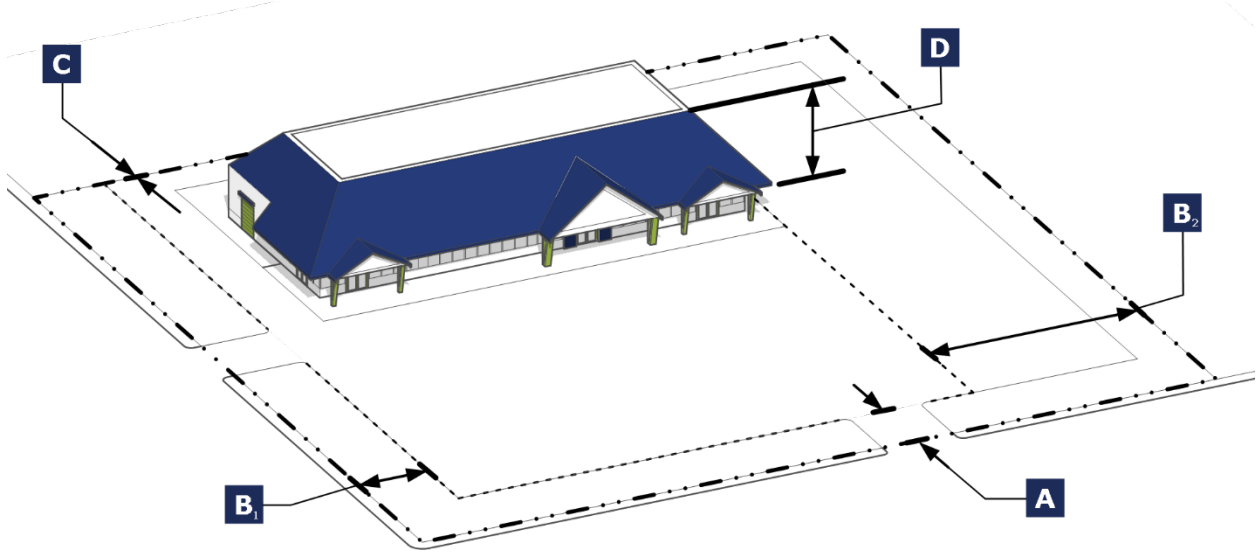


Table 4.05-2: General Commercial (C&I1) Dimensional Standards

Lot Standards		Building Standards		
Lot Area, total	--	D Height (max)	35 ft [1]	
Public Street Frontage (min)	25 lin. ft.	Building Footprint (max)	25,000 sf ³⁵	
Lot Coverage (max)	80%	Parking Standards		
Building Placement		Parking location	Side or rear yard	
Setbacks		Required parking	Sec. 4.12	
A	Front (min)	25 ft	Design Standards	
B1	Street Side (min)	15 ft	Site layout	Sec. 4.10
B2/C	Rear (min) or Interior Side		Mixed-use structures	Sec. 4.10
	Parking lot adjacent	0 ft	Residential structures	Sec. 4.10
	Com/Ind district adjacent	12.5 ft		
	Mixed-use district adjacent	25 ft		
	Neighborhood district adjacent ³⁶	75 ft		
Live Stream Setback				
	No disturbance area	75 ft		

Table Notes:

³⁵ Drafting note: Discussion about setting maximum footprint sizes.

³⁶ Drafting note: Could this be reduced with the 4.05.3.B Neighborhood Protection Standards?

4.05.5 HIGHWAY COMMERCIAL (C&I2)

A. Intent

The C&I2 district is intended for heavy commercial, wholesale, warehouse-distribution/flex space facilities, and contractor commercial uses. This district allows outdoor storage and accommodates truck traffic. The C&I2 district is intended to be located along corridors where proximity to residential and walkable mixed-use development is limited.

B. Uses

Permitted and accessory uses are identified in Chapter 4.09.

C. Lot and Building Standards³⁷

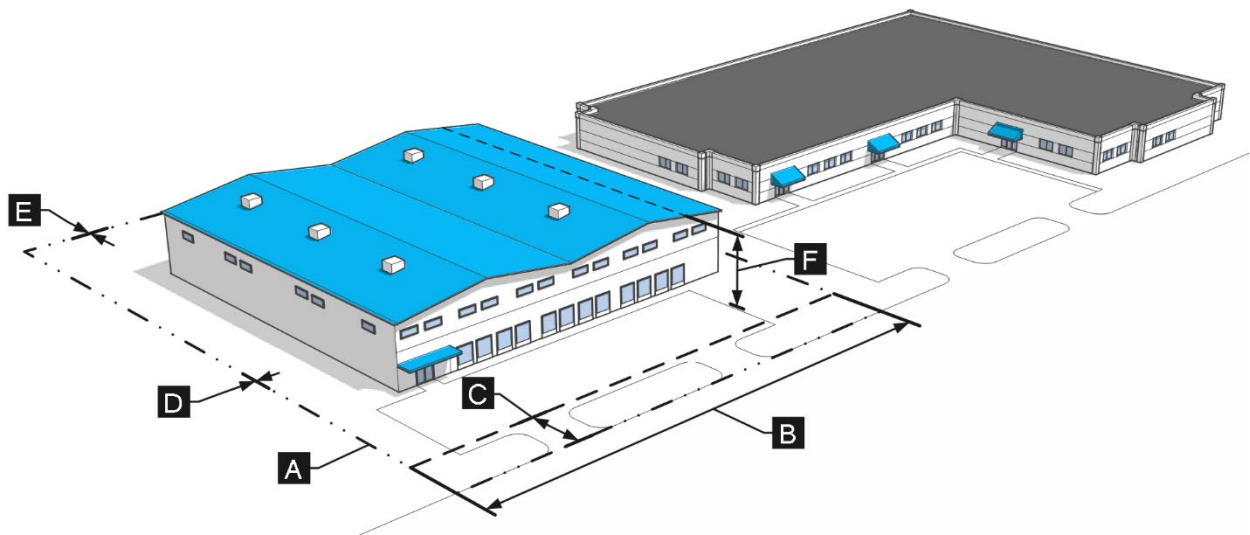


Table 4.05-3: Highway Commercial (C&I2) Lot and Building Standards		
Lot Standards		
	Lot Area, total	--
B	Public Street Frontage (min)	50 lin. ft.
	Lot Coverage (max)	80%
Building Placement		
Setbacks		
C	Front (min)	15 ft
	Street Side (min)	10 ft
D/E	Rear or Interior Side (min)	
	Parking lot adjacent	0 ft
	Com/Ind district adjacent	12.5 ft
	Mixed-use district adjacent	25 ft
	Neighborhood district adjacent	75 ft
Live Stream Setback		
	No disturbance area	75 ft
Building Standards		
F	Height (max)	35 ft [1]
Parking Standards		
	Parking location	Side or rear yard
	Required parking	Sec. 4.12
Design Standards		
	Site layout	Sec. 4.10
	Mixed-use structures	Sec. 4.10
	Residential structures	Sec. 4.10

Table Notes:

³⁷ Drafting note: Edit graphic to include Eagle colors

4.05.6 LIGHT INDUSTRIAL (C&I3)

A. Intent

The Light Industrial (C&I3) district is intended to provide for a variety of light, clean manufacturing businesses, including artisan or “maker” spaces, assembly, research and development, and a range of light manufacturing that takes place entirely indoors. This district may include supporting office and commercial uses where appropriate. The C&I3 district is intended to be located away from residential development but can be compatible with adjacent commercial zones. C&I3 zoning should provide locations directly accessible to arterial and other transportation systems that can conveniently serve both Town and Eagle County business and industrial centers.

B. Permitted Uses

Uses are identified in Chapter 4.09.

C. Lot and Building Standards

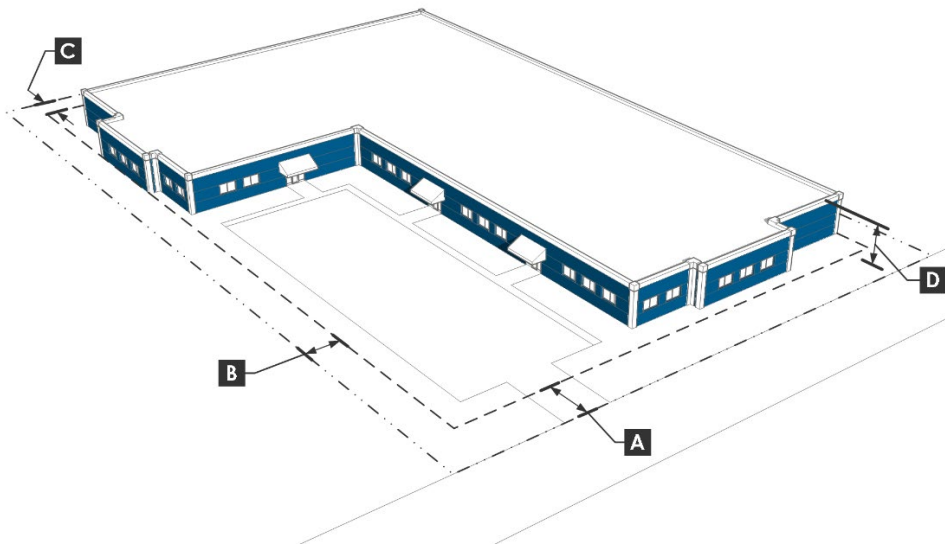


Table 4.05-4: Light Industrial (C&I3) Lot and Building Standards

Lot Standards		Building Standards	
Lot Area, total	--	Height (max)	35 ft [1]
Public Street Frontage (min)	50 lin. ft.	Parking Standards	
Lot Coverage (max)	80%	Parking location	Side or rear yard
Building Placement	[1]	Required parking	Sec. 4.12
Setbacks		Design Standards	
Front (min)	15 ft	Site layout	Sec. 4.10
Street Side (min)	10 ft	Mixed-use structures	Sec. 4.10
Rear or Interior Side (min)		Residential structures	Sec. 4.10
Parking lot adjacent	0 ft		
Com/Ind adjacent	12.5 ft		
Mixed-use adjacent	25 ft		
Neighborhood adjacent	75 ft		

Table Notes

[1] Abutting N districts, see Sec. 4.05.3.

Chapter 4.06 Public and Civic Districts

4.06.1 DISTRICTS ESTABLISHED

The following Public and Civic Districts are established in this LUDC, as summarized in Table xx. When the LUDC refers to “public and civic” zone districts, these districts are included:

Abbreviation	Zone District Name	Legacy District
P&C1	Public and Civic Campus	Public Area (PA)
P&C2	Public and Civic Open Space	new

4.06.2 PUBLIC AND CIVIC CAMPUS (P&C1)

A. Intent

For any use owned and/or operated by a public entity. The P&C1 district is intended to be used for small-scale civic and community service campuses with multiple structures and uses, such as religious assembly, medical, public safety facilities, or schools, along with associated structures and uses such as housing, training, or meeting facilities. A maximum of three principal buildings are permitted in a P&C1 district.

B. Permitted Uses

Uses are identified in Chapter 4.09.

C. Lot and Building Standards³⁸

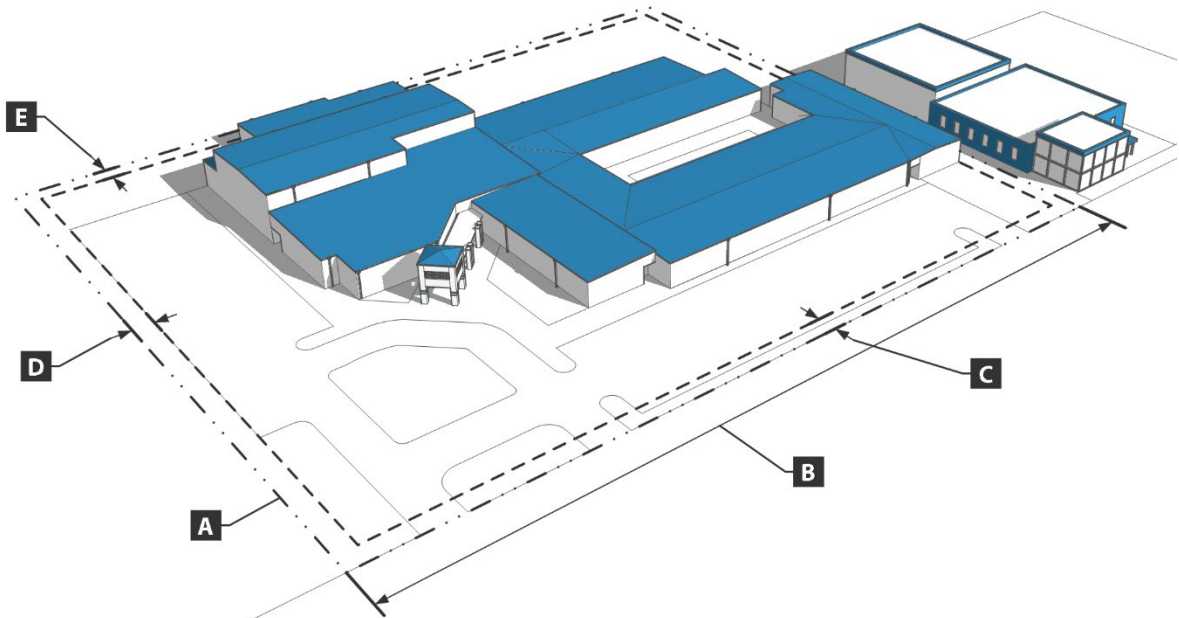


Table 4.06-2: Public and Civic Campus Standards

³⁸ Drafting note: update graphic to reflect preferred housing types.

Chapter 4.06: Public and Civic Districts
4.06.2. Public and Civic Campus (P&C1)

Residential Standards	
Residential development shall comply with NRX2 standards; single-unit residential structures are not allowed.	
Lot Standards	
Lot Area, total (sf, min)	7,500
Lot Coverage (% max)	80
Building Placement	
Setbacks	Measured at lot boundary only, internal building separation shall meet life safety code standards.
Front (ft, min)	25
Street Side (ft, min)	15
Interior Side (ft, min)	12.5
Rear (ft, min)	25
Live Stream Setback (ft, min)	75
Building Standards	
Height (ft, max)	35
Floor Area (% max)	150
Parking	
Location	Parking shall be located internal to the campus and at least 50 feet from any exterior property line.
Requirement	Sec. 4.xx
Table Notes:	

D. District Specific Standards

1. Permanent Structures

All buildings constructed in any P&C1 district must be permanent construction without a chassis, hitch, or wheels, or other features that would make the structure mobile, unless otherwise expressly stated in this Code.

2. Residential Unit

- a. P&C1 housing shall be used by campus employees.
- b. Residential structure may not be subdivided and sold separately from the public or civic campus.

4.06.3 PUBLIC AND CIVIC OPEN SPACE (PC2)

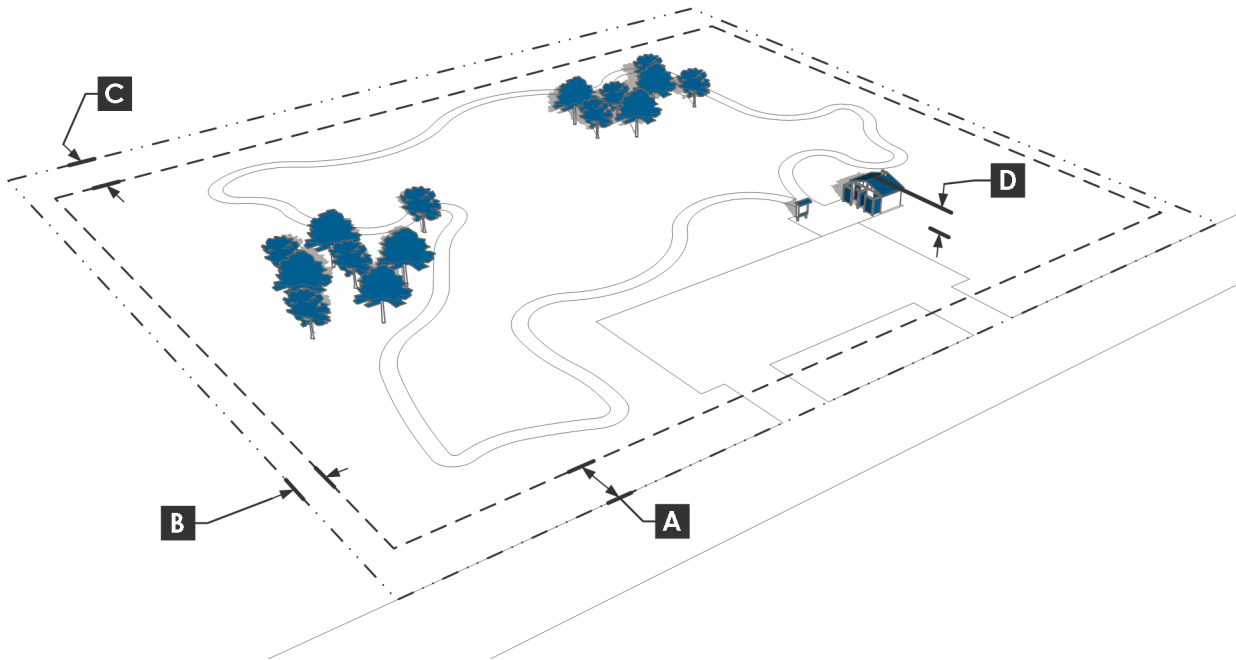
A. Intent

The PC2 district is intended to protect and preserve open spaces that are held in either public or private ownership. PC2 districts may include parks, open spaces, trails, wetlands, floodplains, environmentally sensitive areas, and unique habitats and landscapes. To preserve access to clean air, pure water, natural recreation areas, and scenic natural beauty, the subdivision and development of land is highly restricted in PC2 districts.

B. Permitted Uses

Uses are identified in Chapter 4.09.

C. Lot and Building Standards³⁹



³⁹ Drafting note: consider establishing lot size(s) for accessory use areas (picnic, active open space) and parking standards.

Chapter 4.07 Rural and Agricultural Districts

4.07.1 DISTRICTS ESTABLISHED

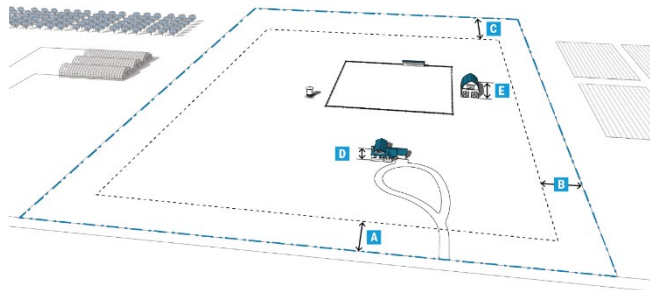
The following Rural and Agricultural zone districts are established in this LUDC, as summarized in Table 4.07-1. When the LUDC refers to “rural and agricultural” zone districts, these districts are included:

Abbreviation	Zone District Name	Legacy District
R	Resource	Resource (R)
RR	Rural Residential	Rural Residential (RR)

4.07.2 RESOURCE (R)

A. Intent

The Resource district is intended for applicability to maintain and protect the natural resources and appropriate existing uses in the undeveloped areas of Town, including agricultural land, water, hillsides and other open spaces, which areas may be available for future development. The R district is intended to be a setting for extremely low-density and very large lot residential development at a density of up to one unit per 35 acres.



B. Permitted Uses

Uses are identified in Chapter 4.09.

C. Lot and Building Standards⁴⁰

Lot Standards		
Lot Area, total (min)		35 acres
Lot Area per DU (min)		35 acres
Setbacks (min)		
A	Front	25 ft
B	Interior Side	25 ft
C	Rear	20 ft
Live Stream Setback		75 ft
Building Standards		
D	Height (max)	35 ft

⁴⁰ Drafting note: revise graphic to reflect Eagle colors and remove production agriculture images.

4.07.3 RURAL RESIDENTIAL (RR)

A. Intent

The Rural Residential district is intended for the creation of rural-density dwellings, compatible agricultural, and other open space uses, including recreation. The RR district is intended to provide for very low-density, large lot residential development at a density of up to approximately one unit per two acres. The RR district can be located on existing development at this density and designated as a transitional district between Resource development and smaller lot size residential development. Cluster development is permitted in this district to allow for smaller lot sizes in combination with preservation of open space and sensitive lands.

B. Permitted Uses

Uses are identified in Chapter 4.09.

C. Lot and Building Standards⁴¹

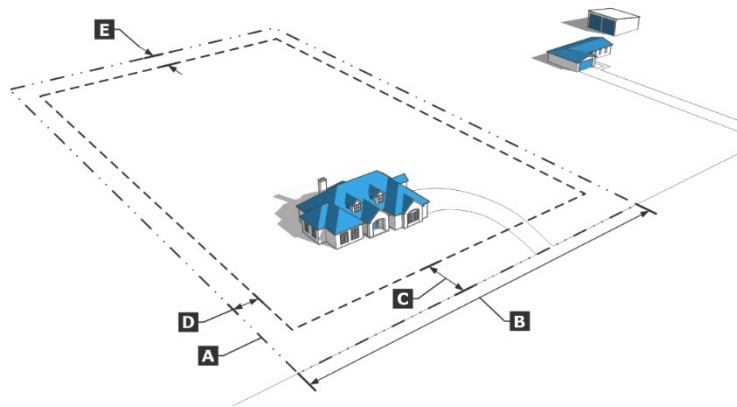


Table 4.07-3: Rural Residential Standards		
Lot Standards		
Lot Area, total (sf, min)		2 acres
Lot Area per DU (sf, min)		2 acres
Setbacks		
C	Front (ft, min)	25
D	Interior Side (ft, min)	25
E	Rear (ft, min)	20
Live Stream Setback (ft, min)		75
Building Standards		
	Height (ft, max)	35

⁴¹ Drafting note: edit graphic to reflect Eagle colors, add building height, and delete lot dimension measurements (A,B).

Chapter 4.08 Planned Unit Development⁴²

Comment: This chapter has been carried forward but not revised. Following Town discussion about the zone district line-up and potential changes to the zoning map, the consultant team will recommend changes to the PUD process for discussion in Installment 3, Administration and Procedures.

4.08.1 AUTHORITY, DESCRIPTION, AND PROCESS

A. Authority

This chapter is authorized by C.R.S. Title 24, Art. 67, as amended, the Planned Unit Development Act of 1972.

B. Description

1. A planned unit development (PUD) is a large land area designed for development as a unit, where uses and innovations in design and layout of the development provide public benefits over standard, uniform lot and block patterns and design features.
2. In a PUD, the various land use elements are designed so that they inter-relate cohesively with each other. The boundary between the PUD and adjacent land areas requires particular attention to ensure that land use patterns are compatible.

C. Process

The PUD review process includes two steps: the PUD zoning plan, which establishes zoning, densities, uses and their locations within the PUD; and development review, as set forth in Chapters 4.06 and 4.07. Where a PUD or any phase thereof involves a subdivision of land, the subdivision shall be reviewed under procedures set forth in Chapter 4.12. The review may run concurrently with development review, and the review of the PUD zoning plan may occur concurrently with subdivision concept plan review.

4.08.2 PURPOSES

The purposes of this chapter are to:

- A. Encourage innovations in residential, commercial and industrial development so that the needs of the population may be met by greater variety in type, design and layout of buildings and land uses and by the conservation and more efficient use of open space;
- B. Promote the most appropriate use of the land;
- C. Improve the design, character and quality of new development;
- D. Facilitate the adequate and efficient provisions of streets, utilities and government services;
- E. Facilitate efficient provision of solar access;
- F. Achieve beneficial relationships with the surrounding area;
- G. Preserve the unique, natural and scenic features of the landscape;

⁴² Current Chapter 4.11. The Manufactured Home Park (formerly mobile home)/PUD was separated and moved into the MHP district.

- H. Preserve open space as development occurs;
- I. Provide for necessary commercial, recreational and educational facilities conveniently located to housing; and
- J. Lessen the burden of traffic on streets and highways.

4.08.3 STANDARDS AND REQUIREMENTS

Every PUD shall be in conformance with this Code and the Town's ordinances, goals, policies, and plans. The standards and requirements of this section shall apply to all PUDs and shall take precedence over other standards and requirements. In a PUD, zone district regulations, as set forth in Chapter 4.04, and design standards, as set forth in Chapter 4.07, may be varied where the Planning Commission and Town Board find that the variation will produce a public benefit over strict application of the regulation varied from, and that the variation is not detrimental to the public good and does not impair the intent and purposes of this chapter.

A. Minimum Size

1. Every PUD shall have a minimum gross area of five acres.
2. Exception to this requirement may be made by the Town Board upon recommendation from the Planning Commission at the time of PUD zoning plan approval, provided both bodies find that the PUD size and zoning plan are in conformance with the intent and purposes of this chapter and the Town's goals, policies and plans.

B. Designation

Every PUD shall be divided into one or more PUD zone districts with one or more of the following designations. The zoning designation shall determine the range of uses potentially allowed in the zone district and the maximum building density allowed.

Abbreviation	PUD Name	Base District(s)
R/PUD	Residential PUD	
MF/PUD	Multifamily Residential PUD	
HD/PUD	High Density PUD	
C/PUD	Commercial PUD	
I/PUD	Industrial PUD	
P/PUD	Public PUD	

C. Uses

1. The uses potentially allowed within any PUD zone district shall be:
 - a. R/PUD, MF/PUD, and HD/PUD: permitted and special uses as set forth in Chapter 4.04 for the R, RR, RL, RM, RMF and RH zone districts, plus other uses which the Planning Commission and Town Board find to be compatible;

Chapter 4.08: Planned Unit Development41F

4.08.3. Standards and Requirements

- b. C/PUD: permitted and special uses as set forth in Chapter 4.04 for the CBD, CL and CG zone districts, plus other uses which the Planning Commission and Town Board find to be compatible;
 - c. I/PUD: permitted and special uses as set forth in Chapter 4.04 for the I zone district, plus other uses which the Planning Commission and Town Board find to be compatible;
 - d. P/PUD: permitted and special uses as set forth in Chapter 4.04 for the PA zone district, plus other uses which the Planning Commission and Town Board find to be compatible.
2. Within each PUD zone district, specific uses shall be allowed only as set forth in the approved PUD zoning plan and development permit. Conditions may be imposed on the uses by the Town, and any such conditions shall be set forth in the development permit.

D. Density

1. Maximum gross density to be allowed in any PUD zone district shall not exceed the following:

PUD Type	Maximum Gross Density (DU/acre)	Base Zone District Density (DU/acre)
Residential PUD	8	
Multifamily Residential PUD	15	
High Density PUD	20	
Commercial PUD	FAR 1.7:1	
Industrial PUD	FAR 1.3:1	
Public PUD	FAR 1.5:1	

2. Within each PUD zone district, land with a slope of 30 percent or greater and standing water bodies shall be excluded in calculating the maximum number of dwelling units and the maximum floor area allowed.

E. Open Space

1. How Provided

- a. It is recommended that a minimum of 20 percent of the total gross area of a PUD shall consist of common open space. The Town may consider a request by the applicant for less than 20 percent common open space when deemed appropriate because of size, location, or nature of the proposed development.
 - i. In its consideration of a reduction in the amount of open space, the Town may require compensation in the form of a cash-in-lieu of open space payment and/or construction of appropriate amenities, including off-site improvements.
 - ii. The payment of cash-in-lieu of open space and/or amenities shall be utilized by the Town or placed by the applicant to mitigate the reduction of open space or to fulfill the recreational needs of the neighborhood.
- b. 75 percent of the common open space contained in a PUD shall have a slope of 10 percent or less and shall be designed as common open space for recreational purposes. At least one-

half of the common open space shall be developed for active recreation which may include play fields, sport courts, picnic sites, boating areas, and similar recreation sites.

- c. Adequate water rights dedication and tap fee payment pursuant to Title 12 and irrigation system development shall be provided for open space areas.
 - i. For irrigation systems using treated water, tap fees shall be paid and water rights dedicated to the Town. Irrigation system development shall be conveyed to the entity responsible for the ongoing maintenance of the open space.
 - ii. For irrigation systems using raw water, water rights and irrigation system development shall be conveyed to the entity responsible for the ongoing maintenance of the open space.

2. Maintenance of Open Space

- a. An organization shall be established, subject to the approval of the Town Attorney, which is responsible for ownership, permanent care and maintenance of open spaces and recreational areas and facilities.
- b. The organization shall be established pursuant to an instrument recorded with the County Clerk and Recorder's office, setting forth the character, duration, rights, obligations and limitations of said organization.
- c. The instrument shall be recorded prior to the sale of any residence, and membership shall be mandatory for each property owner, and shall be considered a covenant running with the land.
- d. Open space restrictions shall be permanent.
- e. Said organization shall be responsible for utilities, maintenance, liability insurance and taxes on open space and recreational facilities.
- f. Said organization shall have the power to levy assessments which can become liens on individual properties for the purpose of financing the operation and maintenance of common facilities.
- g. In the event the organization established to own and maintain common open space, recreational areas or commonly owned facilities, or any successor organization, shall at any time fail to maintain the areas or facilities in reasonable order and condition in accordance with the approved PUD plan, the Town may take action as provided by C.R.S. § 24-67-101 et seq.

F. Municipal and Park Land Dedication

Every PUD, including MHP/PUD, shall be subject to the requirements of Section 4.13.190 for municipal and park land dedication or fee, except that one-half of the requirement shall be waived in consideration of the active recreation development required in this chapter.

G. PUD Perimeter

The boundary between a PUD and adjacent land uses shall be landscaped so as to adequately buffer potential incompatibility between land uses.

H. Street Standards

Every PUD shall be designed and constructed in conformance with the Town's street construction regulations.

I. Phasing

Where a PUD is developed in phases, a proportional amount of the required open space and recreation areas shall be included in each phase, such that the project as it is built will comply with the overall density and open space requirements of this chapter at the completion of each phase of development. Phasing shall be accomplished such that at the completion of any phase the development is consistent with the Town's goals and policies.

Chapter 4.09 Use Standards

4.09.1 GENERAL PROVISIONS

Except as hereinafter provided, within the municipal boundaries of the Town:

- A. No building or structure shall be erected and no existing building or structure shall be moved, removed, altered, or extended, nor shall any land, building or structure be used for any purpose or in any manner other than as provided among the uses hereinafter listed in the district regulations for the district in which the land, building or structure is located.
- B. Uses permitted by this chapter shall also be subject to provisions of other applicable Town, county and state regulations except as specifically provided herein. Where the provisions of this chapter impose a greater restriction than required by any other applicable regulation, the provisions of this chapter shall govern.

4.09.2 USE TABLE ORGANIZATION

A. Organization

1. To organize the uses in the Table 4.09-1, Primary Uses, land uses and activities are classified into general “use categories” that are based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. The use categories in Table 4.09-1 are:
 - a. Residential
 - b. Public, Civic, and Institutional
 - c. Commercial
 - d. Industrial, Wholesale, and Storage
 - e. Agriculture
2. Where there are also groups of uses with a use type, the use type may also be organized into “use groups” and “use type subgroups” where there are a number of possible variations of a use type, such as residential dwellings or group living. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts.
3. The use categories and use groups are described below for the purpose of providing a general description of each use category and use group along with examples of primary and some accessory uses that might be permitted within the category or group. Not all of these uses are permitted in every zone district. A few uses are primary uses in some zone districts and accessory uses other zone districts. To determine which uses are permitted in which district, see Table 4.09-1.

B. Residential Uses

1. Use Category Description

This is a category of uses offering habitation on a continuous basis that is established by property ownership or tenancy with a minimum term of at least 30 days. This use category also includes group residential facilities.

2. Use Types

- a. Household Living: This use type is characterized by residential occupancy of a dwelling unit. Uses where tenancy may be arranged for a shorter period are not considered residential; they are considered to be a form of transient lodging.
- b. Group Living: This use type is characterized by residential occupancy of a structure by a group of people who do not meet the definition of "Household Living". Generally, group living structures have a common eating area for residents. The residents may receive care, training, or treatment, and caregivers may also reside at the site.

C. Public, Civic, and Institutional Uses

1. Use Category Description

This is a use category for public, quasi-public, and private uses that provide unique services that are of benefit to the public at-large.

2. Use Types

- a. Assembly, Civic: Civic assembly uses are permanent places where persons regularly assemble for religious worship or secular activities,⁴³ and which are maintained and controlled by a body organized to sustain the religious or public assembly. Civic assembly uses include civic and social organizations such as private lodges, clubs, fraternities, and similar private membership organizations, as well as places of community assembly such as libraries and museums.
- b. Education: This use type includes institutions of learning that provide educational instruction to students. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care.
- c. Government and Public Safety: This use type includes structures and sites for services proved by governmental agencies.
- d. Health Care and Social Assistance: This use type is characterized by activities focusing on medical services, particularly licensed public or private institutions that provide primary health services and medical or surgical care to persons suffering from illness, disease, injury, or other physical or mental conditions. Accessory uses may include laboratories, outpatient, or training facilities, and parking, or other amenities primarily for the use of employees in the firm or building.
- e. Parks and Recreation: This use type includes uses that focus on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. These lands tend to have few structures. Accessory uses may include clubhouses, playgrounds, maintenance facilities, concessions, caretaker's quarters, and parking for cars and RVs as permitted by the Town.

⁴³ Drafting note: add RLUIPA process in administration section.

- f. **Transportation:** this is a use category that includes uses involving public and private modes of vehicular transportation.
- g. **Utilities and Public Facilities:** This use type includes structures and locations for public or private lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and facilities for the generation of electricity. Utility uses may or may not have regular employees at the site and the services may be public or privately provided.
- h. **Wireless Communication Facilities:** Uses and structures specified in Section 4.19.

D. Commercial Uses

1. Use Category Description

This is a use category for any retail, consumer service, or office use.

2. Use Types

- a. **Amusement and Recreation:** This use type includes a broad array of commercial establishments that operate indoor or outdoor facilities or provide services to meet varied artistic, cultural, entertainment, and recreational interests of their patrons. Uses within this category comprise: (1) establishments involved in producing, promoting, or participating in live performances, events, or exhibits intended for public viewing; (2) establishments that create, preserve and exhibit objects and sites of artistic, historical, cultural, sports or educational interest; and (3) establishments that operate facilities or provide services that enable patrons to participate in recreational activities or pursue amusement, hobby, or leisure time interests. Excluded are restaurants, bars, and night clubs that provide live entertainment in addition to the sale of food and beverages, which this code categorizes as “eating and drinking establishments.”
- b. **Animal Sales and Services:** This use category groups uses related to animal care.
- c. **Assembly, Entertainment and Trade:** These commercial assembly uses include convention centers, theaters, stadiums, arenas, and wedding venues.
- d. **Child Care:** This use type includes state-regulated child care uses.
- e. **Commercial Services:** This use category includes uses that provide for consumer or business services and for the repair and maintenance of a wide variety of products. Personal services are also included, characterized by establishments that provide individual services related to personal needs such as barber shops or dry cleaners.
- f. **Eating and Drinking Establishments:** This is a use category for businesses that prepare or serve food or beverages for consumption on or off the premises, such as restaurants and bars, along with specialty food and beverage production such as coffee roasting, microbreweries, and microdistilleries. Accessory uses may include outdoor seating, offices, and parking.
- g. **Financial Services:** This use category includes establishments that have a primary purpose of: providing custody, loans, exchange, or issuance of money; extending credit; and transmitting funds, including via drive-in facilities and automatic teller machines.

- h. Lodging:** Uses in this use type provide customers with temporary housing for an agreed upon term of less than 30 consecutive days; any use where temporary housing is offered to the public for compensation and is open to transient rather than permanent guests. This use type includes hotels, motels, bed and breakfast inns, and short-term rentals.
- i. Marijuana:** This use type includes all of the Town’s approved marijuana uses.
- j. Office:** This type includes uses where people are engaged primarily in on-site administrative, business, or professional activities. These uses are characterized by activities in an office setting that focus on the provision of off-site sale of goods or on-site information-based services, usually by professionals. This category may also include laboratory services that are conducted entirely within an office-type setting. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.
- k. Parking, Commercial:** This is the use category for non-accessory parking.
- l. Retail Sales:** This is a use type for businesses involved in the sale, lease, or rental of new or used products to the general public. Such uses may include, but are not limited to: convenience food store, drug store, grocery store, hardware store, general merchandise store, garden supplies, furniture, home furnishings, and equipment. Accessory uses may include offices, parking, storage of goods, and assembly, repackaging or repair of goods for in-site sales.
- m. Vehicle and Sales and Services:** This use type includes a broad range of uses for the maintenance, sale, or rental of motor vehicles and related equipment. Accessory uses may include incidental repair and storage and offices.

E. Industrial, Wholesale, and Storage

1. Use Category Description

This is a use category including uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage and handling of these products and the materials from which they are produced.

2. Use Types

- a. Alternative Energy Production:** This use type is for site or utility grade energy production.
- b. Industrial and Construction Services:** This use type is characterized by companies that are engaged in the repair or servicing of heavy machinery, equipment, products, or by-products, or the provision of heavy services including construction or contracting. Accessory activities and uses may include sales, offices, parking, and storage.
- c. Manufacturing, Assembly, or Processing:** A use type including establishments involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, constructed, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished, and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, such activity is a subordinate part of sales. Relatively few customers come to the manufacturing site. Accessory activities may include retail sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, and caretaker's quarters.

- d. Natural Resource Extraction: This use type is for various types of raw materials extraction.
- e. Warehouse and Storage Services: This use type includes facilities used for the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking, and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.
- f. Waste and Salvage: This is a use category for uses that collect, store, process, or sell waste or salvage materials, or collect and process recyclable material, for the purpose of marketing or reusing the material in the manufacturing of new, reused, or reconstituted products.

F. Agriculture

1. Use Category Description

This is a category of uses characterized by active and on-going agricultural uses, activities, and related uses. An agricultural use, in general, means the use of land for the growing and production of field crops, livestock, aquatic, and animal products for the production of income. Other agricultural uses might include fruit and vegetable stands, livestock sales, wholesale nurseries, and stables. Lands in agricultural uses and districts may also be held for preservation and conservation purposes.

2. Use Types

- a. Agriculture: Uses in this category are characterized by the cultivation of plants for consumption or commercial sale or the commercial breeding, raising, and/or keeping of fish, livestock, and/or any type of fowl for sale or use of the animal, their products, or byproducts. Accessory uses and structures: Farm dwelling, offices, indoor and outdoor storage, machine sheds and other farm outbuildings; feedlots; pasture.
- b. Stable: This use type includes private and public stable for horseback riding and associated facilities.
- c. Urban Agriculture: This use type includes: community gardens which are a parcel of land where members of the community have access to individual garden plots for the cultivation of fruits, flowers, vegetables, or ornamental plants; beekeeping; animal husbandry; indoor greenhouse gardening; and rooftop gardens and green walls.

4.09.3 USES BY DISTRICT

Land and buildings in each zone district may be used for any of the principal land uses authorized in for that district in Table 4.09-1 and according to the type of approval specified in that table.

A. Schedule of Use Regulations

The Primary Use Table shall be interpreted as follows:

1. Permitted Uses⁴⁴

Uses identified with a /P/ in a district column are permitted in the specific district, subject to compliance with any applicable use standards and all other provisions of this Code.

⁴⁴ Drafting note: Change this reference to Allowed Uses /A/, search and replace “permitted use” to “allowed use.”

Chapter 4.09: Use Standards

4.09.3. Uses by District

- a. Permitted uses must be in compliance with all applicable standards in this Land Use and Development Code.
- b. Uses Allowed with Limitations /AL/. Some uses have use-specific standards in Sections 4.09.xx to xx. These uses are designed AL and the standards are cross-referenced for convenience in Table 4.09-1.

2. Commission Review Uses

Uses identified with a /C/ in a district column may be allowed in a specific district upon review and approval by the Town Planning & Zoning Commission.

3. Special Review Uses

Uses identified with a /S/ in a district column may be permitted in the specific district only upon approval of a Special Use Permit by the Town Council accordance with the procedures and standards of Sec. 17.xx, Special Use Permits.

4. Use Not Permitted

Uses identified with a dash /- / in a district column are not allowed in the specific district. In the absence of a dash, any use that does not have a /P/, /AL/, /C/, or /S/ in a district column is not allowed the specific district.

B. Use Not Itemized⁴⁵

1. Classification of New or Unlisted Uses

Every type of potential use cannot be addressed or foreseen in this Code. When a use is proposed that is not specifically listed in the applicable use table, the following procedures shall be applied.

2. Uses Not Subject to Use Interpretation⁴⁶

a. The following categories of uses typically impose substantial impacts on a site, adjacent sites and structures, pedestrians or cyclists, the road network, or public infrastructure. Where a new use is proposed that is not identified in the applicable use table and that can be categorized into one of these categories, the applicant shall file an application for Sec.4.17, Land Use Code Interpretation, to determine if the use will be permitted. Through this process, the Town will have the opportunity to review and determine the impacts of the proposed use and establish any specific conditions that may be appropriate to allowing the use.

- i. Agricultural Uses
- ii. Industrial Services
- iii. Manufacturing, Processing, and Assembly
- iv. Waste and Salvage

3. Request for Use Interpretation

⁴⁵ Current 4.01.100.A

⁴⁶ Drafting note: The intent of this section is to require uses with potentially significant impacts to reviewed by the Town Council and not interpreted into the LUDC by staff. Is this an approach the Town would like to keep in the LUDC and should the list of uses be changed?

- a. Requests for a use not prohibited in the previous section and not specifically addressed in any zone district shall be submitted to the Director for review, based on the following standards.
- b. The Director shall determine whether the proposed use is listed in the applicable use table as a use permitted by right, with prescribed conditions, as a commission review, or as a special use in any zone district.
- c. If the use is not addressed in the appropriate use table, the Director shall select the use listed which most closely approximates the proposed use, using criteria such as:
 - i. Appropriate use category in Section 4.09.2;
 - ii. Conformance with the currently adopted comprehensive plan and purpose of the zone district in which the use is proposed;
 - iii. Types of equipment and/or processes to be used;
 - iv. Aesthetics, traffic characteristics, and potential nuisance effects (noise, vibration, dust, smoke, odor, glare, hours of operation) on adjacent and surrounding uses and structures;
 - v. Number of employees, visitors, or customers generated;
 - vi. Parking demands associated with the use; and
 - vii. Special public utility requirements for serving the proposed use type, including, but not limited to, electricity, water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures or infrastructure and communications towers or facilities;
- d. Once a similar use is determined, the Director shall issue a zoning determination letter and the proposed use shall comply with any conditions and review procedures that may apply to that use, including prescribed conditions, as applicable.
- e. If, based on the criteria identified above, and the Section 4.09.2, Use Categories, the Director determines that a use can reasonably be determined to be similar to more than one use or category of uses, the Director shall select the use or category of uses that provides the most exact, narrowest, and appropriate fit.
- f. The determination as to whether a proposed use is similar in nature and class to another use within a district shall be considered an expansion of the use regulations, not a variance applying to a particular situation. Any use determined by the Director to be similar shall be included in the use table via through a code amendment as soon as reasonably possible.

4. Determination of Non-Similarity

- a. The Director may determine that a proposed use is not substantially similar to any use identified in Table 4.09-1 because either:
 - i. The potential impacts of the use are significantly more impactful on the site, street, or neighborhood, than other permitted uses in the same use category and that the use would not otherwise be permitted without prescribed conditions or through a public review process; or
 - ii. There are no similar uses permitted on the site or in the applicable zone district;

Chapter 4.09: Use Standards

4.09.3. Uses by District

- b. When this is the case, the Director shall provide the applicant with a written determination of non-similarity within 14 business days of the request for interpretation.

5. Post-Decision Actions

- a. Following a determination of non-similarity, the applicant may submit an application for Sec. 4.17.xx, Land Use Code Text Amendment.
- b. The Director's decision is appealable to the Planning & Zoning Commission, but the Planning & Zoning Commission may not approve variances to Table 4.09-1

4.09.4 USES PERMITTED BY DISTRICT (USE TABLE)

A. Principal Use Table

The following uses are allowed as principal uses in the districts indicated in Table 4.09-1 subject to the applicable review and approval type described in Section 4.09.3, Uses by District.

Drafting Notes: (1) Current permissions are shown in black and recommended changes are shown in red. The public discussion draft shows both current and recommended changes for ease of comparison. This table will be updated following public discussion of Installment 1.
 (2) Use definitions are located in Section 4.20.3, General Definitions.

Table 4.09-1: Principal Use Table																		
Uses are defined in Sec. 4.20.	Residential Neighborhood							Mixed-Use			Comm/Indust.			Public		Rural		Add. Standards
Current districts	RL	R1	RM	RM F	RH	new	MH P	CL	new	CB D	CG	new	IND	PA	new	RR	RR	
Updated districts	N1	N2	NR X1	NR X2	NR X3	DN RX	NM H	CM X1	CM X2	CB D	CI1	CI2	CI3	PC 2	PC 1	RR	R	
Key: /P/ Permitted /PL/ Permitted with Limitations /S/ Special Use Permit Required /-/ Not Permitted⁴⁷																		
RESIDENTIAL [Category description: Section 4.09.2B]																		
Household Living [Subcategory description: Section 4.09.2B.2]																		
Dwelling Detached, Single Unit	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	P	P	
Dwelling Attached, Two Units	S	P	P	P	P	P	-	-	-	-	-	-	-	-	-	S	S	
Cottage Court ⁴⁸				PL	PL													4.09.6
Mansion House (up to 4 units/structure)	-	-	-	P	P	P	-	PL	PL	PL	-	-	-	P	-	-	-	
Townhouse (3+ units/structure)	-	-	-	P	P	P	-	PL	PL	P	-	-	-	P	-	-	-	

⁴⁷ Drafting note: This key and the table cells will be updated as follows: /A/ Allowed /AL/ Allowed with Limitations /C/ Commission Review /S/ Special Use Permit

⁴⁸ Drafting note: proposed new development type similar to co-housing that can be used for standard homes, tiny homes, or manufactured homes.

Chapter 4.09: Use Standards

4.09.4. Uses Permitted by District (Use Table)

Table 4.09-1: Principal Use Table																		
Uses are defined in Sec. 4.20.	Residential Neighborhood							Mixed-Use			Comm/Indust.			Public		Rural		Add. Standards
<i>Current districts</i>	RL	R1	RM	RM F	RH	new	MH P	CL	new	CB D	CG	new	IND	PA	new	RR	RR	
<i>Updated districts</i>	N1	N2	NR X1	NR X2	NR X3	DN RX	NM H	CM X1	CM X2	CB D	CI1	CI2	CI3	PC 2	PC 1	RR	R	
Key: /P/ Permitted /PL/ Permitted with Limitations /S/ Special Use Permit Required /-/ Not Permitted⁴⁷																		
Multi-Unit Building																		
3 to 8 units/structure	-	-	-	P	P	P	-	C	C	P	-	-	-	P	-	-	-	
More than 8 units/structure	-	-	-	-	P	-	-	C	C	P	-	-	-	P	-	-	-	
Manufactured Home, Standard or Tiny	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	
Mixed-Use Structure, dwelling units second story	-	-	-	-	-	-	-	PL	PL	PL	-	-	-	PL	-	-	-	
Timeshare/Fractional Ownership ⁴⁹																		
Tiny Home, Modular or Site-built ⁵⁰																		
Group Living [Subcategory description: Section 4.09.2B.2]																		
Group Home, Large			PL	PL	PL	PL	-	PL	PL	PL	PL	-	-	PL	-	-	-	4.09.6
Small	PL	PL	PL	PL	PL	PL	PL	-	-	-	-	-	-	-	-	-	-	4.09.6
Nursing Home	-	-	S	PL	PL	-	-	PL	PL	-	-	-	-	P	-	-	-	4.09.6
Retirement Home or Assisted Living Facility, Single Structure	-	-	S	PL	PL	-	-	PL	PL	-	-	-	-	P	-	-	-	4.09.6
PUBLIC, CIVIC, AND INSTITUTIONAL [Category description: Section 4.09.2C]																		
Assembly, Civic [Subcategory description: Section 4.09.2C.2]																		
Civic Assembly							-	P	P	P	P	-	-	P	-	S	-	

⁴⁹ Drafting note: New use in table, where should these be allowed?

⁵⁰ Drafting note: These structures are homes smaller than 800 sf that comply with local building code. Should they be allowed anywhere a single-unit detached dwelling is allowed?

Chapter 4.09: Use Standards

4.09.4. Uses Permitted by District (Use Table)

Table 4.09-1: Principal Use Table																		
Uses are defined in Sec. 4.20.	Residential Neighborhood							Mixed-Use			Comm/Indust.			Public		Rural		Add. Standards
Current districts	RL	R1	RM	RM F	RH	new	MH P	CL	new	CB D	CG	new	IND	PA	new	RR	RR	
Updated districts	N1	N2	NR X1	NR X2	NR X3	DN RX	NM H	CM X1	CM X2	CB D	CI1	CI2	CI3	PC 2	PC 1	RR	R	
Key: /P/ Permitted /PL/ Permitted with Limitations /S/ Special Use Permit Required /-/ Not Permitted ⁴⁷																		
Religious Assembly	S	S	S	S	S	S	-	S	S	S	S	-	-	P	-	S	-	4.09.7
Educational Facilities [Subcategory description: Section 4.09.2C.2]																		
School, College or University	-	-	-	-	-	-	-	-	P	S	P	P	-	P	-	-	-	
School, Preschool or Nursery	PL	PL	PL	PL	PL	PL	-	PL	-	-	-	-	-	PL	-	PL	-	
School, Primary and Secondary	S	S	S	S	S	S	S	S	S	S	S	-	-	P		S	-	
School, Trade, Business, Technology, Vocational	-	-	-	-	-	-	-	P	P	S	P	P	-	P	-	-	-	
Government and Public Safety [Subcategory description: Section 4.09.2C.2]																		
Correctional Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	
Emergency Services	S	S	S	S	S	S	S	PL	PL	S	P	P	P	S	-	S	S	
Government Buildings and Offices	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	
Government Facilities, Yards, and Storage	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	
Health Care and Social Assistance [Subcategory description: Section 4.09.2C.2]																		
Adult Day Care	-	-	-	-	-	-	-	P	P	S	P	P	-	-	-	-	-	
Emergency and Homeless Shelter	-	-	-	-	-	-	-	S	S	S	S	S	-	P	-	-	-	
Hospice Facility	-	-	-	-	P	-	-	P	P	-	P	P	-	-	-	-	-	
Hospital or Health Care Facility	-	-	-	-	-	-	-	S	P	S	P	-	-	P	-	-	-	
Long-Term Care Facility	-	-	-	-	P	-	-	P	P	S	P	P	-	-	-	-	-	

Chapter 4.09: Use Standards

4.09.4. Uses Permitted by District (Use Table)

Table 4.09-1: Principal Use Table																		
Uses are defined in Sec. 4.20.	Residential Neighborhood							Mixed-Use			Comm/Indust.			Public		Rural		Add. Standards
<i>Current districts</i>	RL	R1	RM	RM F	RH	new	MH P	CL	new	CB D	CG	new	IND	PA	new	RR	RR	
<i>Updated districts</i>	N1	N2	NR X1	NR X2	NR X3	DN RX	NM H	CM X1	CM X2	CB D	CI1	CI2	CI3	PC 2	PC 1	RR	R	
Key: /P/ Permitted /PL/ Permitted with Limitations /S/ Special Use Permit Required /-/ Not Permitted⁴⁷																		
Mental Health Center	-	-	-	-	P	-	-	P	P	S	P	P	-	-	-	-	-	
Outpatient Center for Surgical Services	-	-	-	-	P	-	-	P	P	S	P	P	-	-	-	-	-	
Residential Treatment Facility	-	-	-	-	P	-	-	P	P	S	P	P	-	-	-	-	-	
Parks and Recreation [Subcategory description: Section 4.09.2C.2]																		
Arboretums/Botanic Gardens/Zoos	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	-	-	
Golf Course or Swimming Pool, Public	P	P	P	P	P	P	P	P	P	-	P	-	-	P	P	-	-	
Public Parks and Playgrounds	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Public Recreation Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Trails for Ebikes⁵¹																		
Transportation [Subcategory description: Section 4.09.2C.2]																		
Airport Passenger Terminal	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-
Air Transportation Courier and Freight Services	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-
Bus/Public Transit Passenger Terminal	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-
Bus or Taxi Maintenance and Parking Shed	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-

⁵¹ Drafting note: Does the Town want to specifically allow ebike trails anywhere?

Chapter 4.09: Use Standards

4.09.4. Uses Permitted by District (Use Table)

Table 4.09-1: Principal Use Table																		
Uses are defined in Sec. 4.20.	Residential Neighborhood							Mixed-Use			Comm/Indust.			Public		Rural		Add. Standards
Current districts	RL	R1	RM	RM F	RH	new	MH P	CL	new	CB D	CG	new	IND	PA	new	RR	RR	
Updated districts	N1	N2	NR X1	NR X2	NR X3	DN RX	NM H	CM X1	CM X2	CB D	CI1	CI2	CI3	PC 2	PC 1	RR	R	
Key: /P/ Permitted /PL/ Permitted with Limitations /S/ Special Use Permit Required /-/ Not Permitted⁴⁷																		
Micromobility Device Parking	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	
Train Passenger Terminal	-	-	-	-	-	-	-	S	S	-	-	C	C	-	-	-	-	
Train/Railroad Freight Terminal, Switching Yard	-	-	-	-	-	-	-	-	-	-	P	-	S	-	-	-	-	
Utilities and Public Services [Subcategory description: Section 4.09.2C.2]																		
Major	S	S	S	S	S	S	S	-	S	-	S	S	S	S	S	S	S	
Minor	-	-	C	C	C	C	C	C	C	-	C	C	C	C	C	C	C	4.09.7
Offices, Buildings, Yards, and Land	-	-	-	-	-	-	-	-	-	-	-PL	PL	PL	-	-	-	-	4.09.7
Wireless Communication Facilities [Subcategory description: Section 4.09.2C.2]																		
[incorporate WCF stds from Sec. 4.19]																		Ch. 4.19
COMMERCIAL [Category description: Section 4.09.2D]																		
Amusement and Recreation [Subcategory description: Section 4.09.2D.2]																		
Amusement/Recreation, Indoor																		
Large	-	-	-	-	-	-	-	-	P	-	P	P	P	-	-	-	-	
Small	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	
Amusement/Recreation, Outdoor																		
Large	-	-	-	-	-	-	-	S	S	-	P	P	S	-	-	-	-	

Chapter 4.09: Use Standards

4.09.4. Uses Permitted by District (Use Table)

Table 4.09-1: Principal Use Table																		
Uses are defined in Sec. 4.20.	Residential Neighborhood							Mixed-Use			Comm/Indust.			Public		Rural		Add. Standards
Current districts	RL	R1	RM	RM F	RH	new	MH P	CL	new	CB D	CG	new	IND	PA	new	RR	RR	
Updated districts	N1	N2	NR X1	NR X2	NR X3	DN RX	NM H	CM X1	CM X2	CB D	CI1	CI2	CI3	PC 2	PC 1	RR	R	
Key: /P/ Permitted /PL/ Permitted with Limitations /S/ Special Use Permit Required /-/ Not Permitted⁴⁷																		
Small	-	-	-	-	-	-	-	S	S	S	P	P	S	-	-	-	-	
Sexually Oriented Business	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	
Animal Sales and Services [Subcategory description: Section 4.09.2D.2]																		
Boarding/Kennel, indoor	-	-	-	-	-	-	-	-	-	-	PL	PL	-	-	-	-	PL	4.09.8
outdoor	-	-	-	-	-	-	-	-	-	-	PL	PL	-	-	-	-	PL	4.09.8
General Sales and Services	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	
Public Animal Shelter	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	
Veterinary	-	-	-	-	-	-	-	PL	PL	PL-	PL	PL	PL	-	-	-	-	4.09.8
Assembly, Entertainment and Trade [Subcategory description: Section 4.09.2D.2]																		
Large	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	
Small	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	
Child Care [Subcategory description: Section 4.09.2D.2]																		
Child Care Center ⁵²	PL	PL	PL	PL	PL	PL	PL	P	PL	PL	PL	PL	-	P	-	PL	-	4.09.8
Family Child Care Home	S	S	S	S	S	S	S	S	S	S	-	-	-	S	-	S	S	4.09.8
Commercial Service [Subcategory description: Section 4.09.2D.2]																		
Business Service	-	-	-	-	-	-	-	P	P	P	P	P	S	-	-	-	-	
Cemetery/Crematorium/ Funeral Home	-	-	-	-	-	-	-	S	S	-	P	P	P	-	-	-	-	
Consumer Maintenance and Repair	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	
Personal Service	-	-	-	-	-	-	-	P	P	P	P	P	S	-	-	-	-	
Self-Service Storage	-	-	-	-	-	-	-	-	PL	-	-	PL	PL	-	-	-	-	4.09.8

⁵² Drafting note: Public discussion about where to allow child care centers through administrative approval.

Chapter 4.09: Use Standards

4.09.4. Uses Permitted by District (Use Table)

Table 4.09-1: Principal Use Table																		
Uses are defined in Sec. 4.20.	Residential Neighborhood							Mixed-Use			Comm/Indust.			Public		Rural		Add. Standards
Current districts	RL	R1	RM	RM F	RH	new	MH P	CL	new	CB D	CG	new	IND	PA	new	RR	RR	
Updated districts	N1	N2	NR X1	NR X2	NR X3	DN RX	NM H	CM X1	CM X2	CB D	CI1	CI2	CI3	PC 2	PC 1	RR	R	
Key: /P/ Permitted /PL/ Permitted with Limitations /S/ Special Use Permit Required /-/ Not Permitted⁴⁷																		
Studio or Instruction Service, Large (5,000 sf +)	-	-	-	-	-	-	-	P	P	S	P	P	P	-	-	-	-	
Small (<5,000 sf)	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	
Eating and Drinking Establishment [Subcategory description: Section 4.09.2D.2]																		
Restaurant/Food Service	-	-	-	S	S	-	-	P	-	P	P	-	-	-	-	-	-	
with drive-thru	-	-	-	-	-	-	-	-	S	-	P	P	-	-	-	-	-	
without drive-thru	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	
Tavern or Bar	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	
Financial Services [Subcategory description: Section 4.09.2D.2]																		
Financial Institution, no drive-thru	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	
with drive-thru	-	-	-	-	-	-	-	PL	PL	-	PL	PL	-	-	-	-	-	4.10
Alternative Financial Services	-	-	-	-	-	-	-	S	S	S	S	S	-	-	-	-	-	
Lodging [Subcategory description: Section 4.09.2D.2]																		
Bed and Breakfast Facility	PL	PL	PL	PL	-	PL	-	PL	PL	PL	-	-	-	-	-	PL	PL	4.09.8
Campground/RV Park	-	-	-	-	-	-	-	-	-	-	-	PL	-	-	PL	PL	PL	4.09.8
Hotel/Motel	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	
Extended Stay ⁵³								-	-	-	S	-	-	-	-	-	-	
Short-Term Rental ⁵⁴																		4.09.8

⁵³ Drafting note: Why is extended stay treated differently than hotel/motel? Can these be combined?

⁵⁴ Drafting note: Permissions to be discussed with updated short-term rental standards.

Chapter 4.09: Use Standards

4.09.4. Uses Permitted by District (Use Table)

Table 4.09-1: Principal Use Table																		
Uses are defined in Sec. 4.20.	Residential Neighborhood							Mixed-Use			Comm/Indust.			Public		Rural		Add. Standards
Current districts	RL	R1	RM	RM F	RH	new	MH P	CL	new	CB D	CG	new	IND	PA	new	RR	RR	
Updated districts	N1	N2	NR X1	NR X2	NR X3	DN RX	NM H	CM X1	CM X2	CB D	CI1	CI2	CI3	PC 2	PC 1	RR	R	
Key: /P/ Permitted /PL/ Permitted with Limitations /S/ Special Use Permit Required /-/ Not Permitted⁴⁷																		
Van ⁵⁵																		
Marijuana [Subcategory description: Section 4.09.2D.2]⁵⁶																		
Medical																		4.09.9
Medical Marijuana Business	-	-	-	-	-			-		-	S			S	-			
Cultivation in residential districts	PL	PL	PL	PL	PL		PL										PL	PL
Cultivation in residential units in residential districts	PL	PL	PL	PL	PL		PL										PL	PL
Cultivation in residential units in nonresidential districts								PL		PL	PL			PL	PL			
Cultivation in nonresidential units in nonresidential districts								-		-	-			PL	-			
Medical marijuana infused products manufacturer								-		-	S			S	-			
Optional medical cultivation premises								-		-	S			S	-			
Recreational																		

⁵⁵ Drafting note: How does the Town want to address van camping?

⁵⁶ Drafting note: Does the Town just want to extend the current marijuana permissions into the new zone districts or do we need to discuss these updated with the Town Attorney?

Chapter 4.09: Use Standards

4.09.4. Uses Permitted by District (Use Table)

Table 4.09-1: Principal Use Table																		
Uses are defined in Sec. 4.20.	Residential Neighborhood							Mixed-Use			Comm/Indust.			Public		Rural		Add. Standards
Current districts	RL	R1	RM	RM F	RH	new	MH P	CL	new	CB D	CG	new	IND	PA	new	RR	RR	
Updated districts	N1	N2	NR X1	NR X2	NR X3	DN RX	NM H	CM X1	CM X2	CB D	CI1	CI2	CI3	PC 2	PC 1	RR	R	
Key: /P/ Permitted /PL/ Permitted with Limitations /S/ Special Use Permit Required /-/ Not Permitted⁴⁷																		
Cultivation in residential units in nonresidential districts								PL		PL	PL			PL	PL			
Cultivation in nonresidential units in nonresidential districts								-		-	-			-	PL			
Retail marijuana cultivation facility								-		-	S			S	-			
Retail marijuana business (excluding testing facilities)								-		-	S			S	-			
Retail marijuana store								-		-	S			S	-			
Retail marijuana products manufacturing facility								-		-	S			S	-			
Other																		
Marijuana testing facility								-		-	S			S	-			
Office [Subcategory description: Section 4.09.2D.2]																		
Business or Professional	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	-
Research and Testing Laboratories	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-
Parking, Commercial [Subcategory description: Section 4.09.2D.2]																		
Commercial Parking Lot	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	-	-	-
Retail Sales [Subcategory description: Section 4.09.2D.2]																		

Chapter 4.09: Use Standards

4.09.4. Uses Permitted by District (Use Table)

Table 4.09-1: Principal Use Table																		
Uses are defined in Sec. 4.20.	Residential Neighborhood							Mixed-Use			Comm/Indust.			Public		Rural		Add. Standards
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Updated districts	N1	N2	NR X1	NR X2	NR X3	DN RX	NM H	CM X1	CM X2	CB D	CI1	CI2	CI3	PC 2	PC 1	RR	R	
Key: /P/ Permitted /PL/ Permitted with Limitations /S/ Special Use Permit Required /-/ Not Permitted⁴⁷																		
Limited with drive-thru	-	-	-	-	-	-	-	-	S	-	P	P	-	-	-	-	-	
without drive-thru	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	
General with drive-thru	-	-	-	-	-	-	-	C	C	-	P	P	S	-	-	-	-	
without drive-thru	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	
Large-Format	-	-	-	-	-	-	-	-	-	-	-	P	S	-	-	-	-	
Commercial Greenhouse/Nursery	-	-	-	-	-	-	-	-	-	-	S	P	P	-	-	-	-	
Vehicle Sales and Service, Personal [Subcategory description: Section 4.09.2D.2]																		
Car Wash	-	-	-	-	-	-	-	C	C	-	P	P	P	-	-	-	-	
Fueling Station, no convenience store	-	-	-	-	-	-	-	P	P	-	P	P	S	-	-	-	-	
with convenience store	-	-	-	-	-	-	-	P	P	-	P	P	P	-	-	-	-	
Vehicle Sales and Rental	-	-	-	-	-	-	-	S	S	-	S	S	S	-	-	-	-	
Vehicle Maintenance and Repair, Minor	-	-	-	-	-	-	-	P	P	-	P	P	P	-	-	-	-	
Vehicle Maintenance and Repair, Major	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	
INDUSTRIAL, WHOLESALE, AND STORAGE [Category description: Section 4.09.2E]																		
Alternative Energy Production [Subcategory Description: Section 4.09.2E.2]																		
Solar Power Array, large/commercial	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	S	S	
Wind Energy Conversion Systems, large/commercial	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	S	S	
Industrial and Construction Services [Subcategory Description: Section 4.09.2E.2]																		

Chapter 4.09: Use Standards

4.09.4. Uses Permitted by District (Use Table)

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Key: /P/ Permitted /PL/ Permitted with Limitations /S/ Special Use Permit Required /-/ Not Permitted⁴⁷																			
Auction House	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	4.09.10
Contractor Yard, General/Trade	-	-	-	-	-	-	-	-	-	-	-	-	-	PL	-	-	-	-	4.09.10
Industrial Sales and Services	-	-	-	-	-	-	-	-	-	-	-	-	-	PL	-	-	-	-	4.09.10
Truck, RV, and Heavy Equipment Rental, Sales, and Service	-	-	-	-	-	-	-	-	-	-	-	S	PL	-	-	-	-	-	4.09.10
Truck Stop/Wash	-	-	-	-	-	-	-	-	-	-	-	S	PL	-	-	-	-	-	4.09.10
Manufacturing, Assembly, or Processing [Subcategory Description: Section 4.09.2E.2]																			
Artisan/Craft	-	-	-	-	-	-	-	P	P	S	P	P	P	P	-	-	-	-	
Limited	-	-	-	-	-	-	-	-	-	-	-	S	P	-	-	-	-	-	
General	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	
Heavy	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	
Natural Resource Extraction [Subcategory Description: Section 4.09.2E.2]																			
Oil and gas	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	
Minerals	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	S	
Warehouse and Storage Services [Subcategory Description: Section 4.09.2E.2]																			
Outdoor Storage	-	-	-	-	-	-	-	-	-	-	S		PL	S					4.10
Trucking and Transportation Service	-	-	-	-	-	-	-	-	-	-	S		S	-					
Warehouse	-	-	-	-	-	-	-	-	-	-			P	-	-	-	-	-	
Wholesale and Distribution	-	-	-	-	-	-	-	-	-	-	P	P	P	-					

Chapter 4.09: Use Standards

4.09.4. Uses Permitted by District (Use Table)

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Uses are defined in Sec. 4.20.	Residential Neighborhood							Mixed-Use			Comm/Indust.			Public		Rural		Add. Standards
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Key: /P/ Permitted /PL/ Permitted with Limitations /S/ Special Use Permit Required /-/ Not Permitted⁴⁷																		
Chemical Products	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-
Petroleum Products	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-
Waste and Salvage [Subcategory Description: Section 4.09.2E.2]																		
Junk or Salvage Yard	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-
Recycling Collection Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-
Refuse Hauling Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-
Solid Waste Facility/Landfill	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-
Waste or Recycling Transfer Station or Dumpster Location	-	-	-	-	-	-	-	PL	PL	-	PL	PL	PL	-	-	-	-	4.09.10
AGRICULTURE [Category description: Section 4.09.2F]																		
Agriculture [Subcategory description: Section 4.09.2F.2]																		
Livestock and Crops	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Farmers' Market	-	-	-	-	-	-	-	PL	PL	PL	PL	PL	-	PL	-	-	-	4.09.11
Farm Stand	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	P	P
Greenhouse, Non-Commercial	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Stable, Commercial [Subcategory description: Section 4.09.2F.2]																		
Commercial	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	S	S	S
Private	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Urban Agriculture [Subcategory description: Section 4.09.2F.2]																		
Community Gardens	PL	PL	PL	PL	PL	PL	PL	-	-	-	-	-	-	-	-	PL	-	-

Chapter 4.09: Use Standards

4.09.4. Uses Permitted by District (Use Table)

Comment: The following sections are focused on providing use-specific standards. Standards related to structure design, site layout, landscaping, and outdoor lighting will be provided in later chapters and typically address a full range of issues related to use impact. Where topic-specific standards such as landscaping or screening are not specific enough to address the impacts of specific uses, this section may be edited again to include additional use-specific standards.

4.09.5 STANDARDS APPLICABLE TO ALL USES⁵⁷

A. Applicability⁵⁸

In all zone districts, except as otherwise specified herein, all uses shall be designed and operated in compliance with the following minimum standards:

B. Water and Sanitation Service

All uses shall have water and sanitation service based on accepted engineering standards and approved by the Town and the State Department of Public Health and Environment.

C. Operational Performance Standards⁵⁹

1. Applicability

- a. All uses in any district of the Town shall conform in operation, location and construction to the subjective performance standards herein specified so that the public health, safety, and welfare will be protected.
- b. The Director shall require such evidence of ability to comply with appropriate performance standards and mitigation measures as deemed necessary by the Director prior to issuance of a building permit and certificate of occupancy.

2. Exemption

The following are exempt from the performance standards of this section:

- a. Temporary construction, excavation and grading associated with development for which applicable permits have been issued and with the installation of streets or utilities; and
- b. Demolition activities that are necessary and incidental to permitted development on the same lot, on another of several lots being developed at the same time or in the public right-of-way or easement.

3. General

- a. The location, size, design, and operating characteristics of all uses shall minimize adverse effects, including visual impacts, on surrounding properties.
- b. Bounding property line is defined as the far side of any street alley, stream or other permanently dedicated open space from the noise source when such open space exists between the property line of the noise source and adjacent property. When no such open

⁵⁷ Current 4.04.100.J

⁵⁸ Drafting note: this standard will be moved to the parking and loading section: "A.Loading and unloading of vehicles shall be conducted on private property and not on any street or alley, except in the CBD, where it may be from a designated loading zone or alley."

⁵⁹ Drafting note: additional standards related to sensitive lands, hazard areas, and wildlife will be included in Chapter 4.14, Sustainability, Resilience, and Hazards.

space exists, the common line between two parcels of property shall be interpreted as the bounding property line.

4. Noise

At no point shall the sound pressure level of any use, operation or plant produce noise of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property. Noise shall be measured at the bounding property line.

5. Air Quality

- a. Uses that emit any air contaminant as defined by the federal government, State of Colorado, Eagle County, or Town, shall comply with all applicable federal, state, and county standards concerning such emissions and with any other emission standards adopted by the Town.
- b. No zoning approval or special use permit issued with respect to any use requiring a permit from a federal, state, county, or Town agency with jurisdiction shall be valid until it has been certified to the Town that the appropriate permits have been issued to the user and that the use is in compliance with all applicable air pollution laws.
- c. No operation or use in any district shall at any time create smoke and particulate matter that, when considered at the bounding property line of the source of operation creates a nuisance or distracts from the use and enjoyment of adjacent property.

6. Odorous Matter

No use shall be located or operated in any district that involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line or any point beyond the tract on which such use or operation is located. The odor threshold shall be the concentration of odorous matter in the atmosphere necessary to be perceptible to the olfactory nerve of a normal person.

7. Fire and Explosive Hazard Material

a. Explosives

No use involving the manufacture or storage of compounds or products that decompose by detonation shall be permitted in any district, except that chlorates, nitrates, phosphorus and similar substances and compounds in small quantities for use by industry, school laboratories, druggists or wholesalers may be permitted when approved by the Fire Marshal as not presenting a fire or explosion hazard.

b. Flammables

The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents and petroleum products shall be permitted only when such storage or use conforms to the standards and regulations of the Town.

8. Toxic and Noxious Matter

No operation or use in any district shall emit a concentration across the bounding property line of the tract on which such operation or use is located of toxic or noxious matter that will exceed the threshold limits set forth by the Colorado Department of Health.

9. Vibration

No operation or use in any district shall at any time create earth-borne vibration that, when considered at the bounding property line of the source of operation creates a nuisance or distracts from the use and enjoyment of adjacent property.

10. Glare

No use or operation in any district shall be located or conducted so as to produce intense glare or direct illumination across the bounding property line from a visible source of illumination nor shall any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property.

4.09.6 STANDARDS FOR RESIDENTIAL USES

A. Cottage Court Development

1. Maximum project size is two acres.
2. No cottage court development may be located within one-quarter mile of another cottage development, measured at the closest points on the property boundaries.
3. The maximum density shall be no more than 16,000 square feet of gross floor area in cottage units per acre of project site area.
4. A shared private common space containing at least 10 percent of the project area shall be provided.
5. Individual cottage lots or portions of the project may not be subdivided for sale.
6. Zone district lot and setback requirements shall apply to the project site as a whole, but not to individual co-housing dwelling sites.
7. Each project site shall maintain a vegetated buffer, meeting the standards in [insert x-ref in later installment] as applicable to multifamily dwellings, along each side and rear lot line, and no portion of any primary or accessory structure may be located in that buffer area.
8. The applicant shall submit a Site Plan identifying individual cottage development sites, streets, parking areas, storm drainage facilities, common areas and facilities, and any other features required to be identified by this LUDC.

B. Group Home

1. A large group home may be established in any neighborhood zone district or portion of a mixed-use zoning district or PD district that permits multi-unit residential dwellings, subject to all applicable state and local licensing requirements.
2. A small group home may be established in any neighborhood zone district or portion of a mixed-use zoning district or PD district that permits residential dwellings, subject to all applicable state and local licensing requirements.
3. Group homes shall comply with all applicable local, state, or federal health, safety, fire, and building codes.

C. Nursing Home/Assisted Living Facility

1. Access shall be designed to minimize traffic in residential areas.
2. Uses shall be located so as not to take access from or channel a majority of the traffic generated by the use onto a local residential street.

Chapter 4.09: Use Standards

4.09.7. Standards for Public, Civic, and Institutional Uses

3. If access to the site is to be provided from a frontage road, the frontage road must be a through road, or, if a dead end, its intersection must be with a nonresidential street or a collector or higher order street.

D. Mixed-Use Structure, Second Story Residential

1. In the CBD, dwelling units shall be located either above the ground floor or on the ground floor at least 30 feet from (behind) the front façade,
2. Where permitted in any P&C1 campus district, dwelling unit availability, regardless of ownership, is limited to residents associated with the district's primary institution. For example, a medical campus could provide dwelling units for patient families, visiting medical staff, and hospital employees.⁶⁰

4.09.7 STANDARDS FOR PUBLIC, CIVIC, AND INSTITUTIONAL USES

A. Government Buildings and Offices

1. Access shall be designed to minimize traffic in residential areas.
2. Uses shall be located so as not to take access from or channel a majority of the traffic generated by the use onto a local residential street.
3. If access to the site is to be provided from a frontage road, the frontage road must be a through road, or, if a dead end, its intersection must be with a nonresidential street or a collector or higher order street.

B. Hospital or Health Care Facility

1. Access shall be designed to minimize traffic in residential areas.
2. Uses shall be located so as not to take access from or channel a majority of the traffic generated by the use onto a local residential street.
3. If access to the site is to be provided from a frontage road, the frontage road must be a through road, or, if a dead end, its intersection must be with a nonresidential street or a collector or higher order street.

C. Public Utilities, Major and Minor

1. Access

- a. Access shall be designed to minimize traffic in residential areas.
- b. Uses shall be located so as not to take access from or channel a majority of the traffic generated by the use onto a local residential street.
- c. If access to the site is to be provided from a frontage road, the frontage road must be a through road, or, if a dead end, its intersection must be with a nonresidential street or a collector or higher order street.

2. Utility Transmission

⁶⁰ Drafting note: add campus layout and design standards to Chap. 4.10, Site and Structure Layout Standards.

Chapter 4.09: Use Standards

4.09.8. Standards for Commercial Uses

- a. Nothing in these regulations shall be construed to prohibit construction or installation of a public utility use or structure necessary for transmission of commodities or services of a utility company, through mains or distribution lines, in any zone district.
- b. Storage, maintenance facilities, substation or exchanges, and business offices shall be restricted to their appropriate zone district.
- c. Location of power transmission lines with a capacity of 69 KV or greater or pipelines for major transmission shall be subject to special use procedures as set forth in Chapter 4.05.

D. Religious Assembly

1. Supplemental Review Standards:

- a. Religious assembly uses shall be reviewed as a special use in all neighborhood residential zones.
- b. Access shall be provided as follows: 1-200 seats shall have access from local or residential streets; 201-1000 seats shall have access from a collector street or higher; 1001 seats and over shall have access from an arterial street or highway.

2. Site Standards

- a. Uses accessory to the religious assembly shall meet the standards applicable to the use as if the use is a principal use. Uses accessory to a religious assembly use in a residential district, other than shelter facilities, may only operate between 7:00 AM and 10:00 PM by right.
- b. Parking for the religious assembly use, and any accessory use, shall be for the use that has the greatest parking requirement.

3. Shelter

Religious institutions may provide temporary shelter as an accessory use that does not exceed 50% of the gross floor area of the primary structure.

4.09.8 STANDARDS FOR COMMERCIAL USES

A. Animal Sales and Service with Outdoor Facilities

Any outdoor activity areas such as kennels, runs or exercise areas shall be subject to the following:

1. General Requirements

The facilities shall:

- a. Only be used between the hours of 7:00 AM and 10:00 PM;
- b. Be supervised by qualified personnel;
- c. Be located at least 300 feet from any residential zone;
- d. Not cause loud and incessant noise or fouling of the air by odor thereby creating annoyance or discomfort to the neighbors or others in close proximity;
- e. Not foster an excessive number of flies or other insects; and
- f. Not otherwise cause any unsanitary conditions in the enclosure(s) or the surroundings where the animals are kept.

2. Kennel

- a. All facilities, including pens, kennels, cages and exercise runs, in the CMX1 and CMX2 districts shall be maintained within a completely enclosed, soundproof building so that, to the maximum extent feasible, noise and odor are not detectable off-premises.
- b. Facilities in the R district may have outdoor facilities, including runs and exercise areas, but such facilities must not be located within 1,000 feet of any neighborhood district.

3. Veterinary Services (with outdoor facilities)

Facilities in the C&I2 and C&I3 districts may have outdoor facilities, including runs and exercise areas, but such facilities must not be located within 1,000 feet of any residential district.

B. Child Care

Child care facilities shall meet the following standards:

- 1. The applicant shall provide documentation of preliminary approval from the State of Colorado, Department of Human Services; and
- 2. Outdoor play areas shall be buffered through the use of fencing or a landscape screen in compliance with Chapter 4.11, Landscaping, Buffering, and Screening.

C. Commercial Services

1. Self-Service Storage

- a. No business activity other than rental of storage units shall be conducted within a self-service storage unit.
- b. In CMX1, CMX2, C&I1, and C&I2, individual self-storage units, unit doors, loading areas or other service areas shall be screened from a public right-of-way and any adjacent non-industrial districts.
- c. Security fencing or gates shall be located behind any required landscaping area.
- d. Security gates shall be located so that two vehicles awaiting entry do not stack into the public right of way or any pedestrian path. This may be reduced to one vehicle for facilities with fewer than 25 units or where security gates are only locked outside of normal business hours.
- e. Exterior doors serving individual units shall not be oriented towards a public right of way unless located behind other structures.
- f. Individual units accessed from outdoors shall be located at least 100 feet from a front or street side property line.
- g. No self-service storage facility shall exceed 3 acres in size.

D. Lodging

1. Bed and Breakfast

- a. A bed and breakfast facility is an owner-occupied, single-family residential dwelling unit that contains no more than three guest bedrooms where overnight lodging, with or without meals, is provided for compensation. Kitchen and dining facilities serve only residents and guests and are not operated or used for any commercial activity other than that necessary for bed and breakfast purposes;

Chapter 4.09: Use Standards

4.09.8. Standards for Commercial Uses

- b. The bed and breakfast use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the residential character thereof;
- c. There shall be no advertising display or other indication of the bed and breakfast use on the premises other than a single six square foot unlighted sign that is otherwise in compliance with the provisions of Chapter 4.08;
- d. A minimum of one parking space per guest and resident bedroom shall be required and shown on a site plan. Additional landscape screening may be required;
- e. Basement bedrooms shall have adequate egress;
- f. The bed and breakfast facility shall comply with all building codes adopted by the Town, and any requirements in fire codes adopted by the Greater Eagle Fire Protection District;
- g. The bed and breakfast facilities shall be subject to the street improvement fee set forth in Section 4.13.220, the fire protection impact fee set forth in Section 4.13.230, and the lodging occupation tax set forth in Chapter 5.05;
- h. It shall be the responsibility of the applicant to demonstrate that the relevant subdivision's, covenants, condition or restrictions allow for a bed and breakfast use and/or associated signing; and
- i. Existing uses in addition to that of a dwelling unit (e.g., home occupation, accessory dwelling unit, etc.), if any, will be considered as part of the special use review.

2. Campground⁶¹

3. Extended Stay Temporary Lodging Facilities⁶²

All extended stay temporary lodging facilities permitted in the Commercial General (CG) Zone District shall comply with the following requirements:

- a. The operator of an extended stay temporary lodging facility shall lease the lodging units on a daily or week to week basis only. No person shall be permitted to reside in an extended stay lodging facility for more than 150 days within a consecutive 12-month period, except the resident manager who may reside on the premises.
- b. Upon request by the Town, the owner or operator of an extended stay lodging facility shall make available to the Town within ten business days all rental records or other business records necessary for the Town to verify that no person has in fact resided within the facility for no more than 150 days within a period of 12 consecutive months.
- c. Prior to the issuance of a special use permit for an extended stay temporary lodging facility, the owner shall submit to the Town a schedule designating the maximum capacity of each of the units contained within the lodging facility. Each unit in the lodging facility containing a gross floor area of less than 250 square feet shall have a maximum capacity of not more than three persons, including no more than two persons over the age of 18. Units containing a gross floor area of more than 250 square feet shall have a maximum capacity of not more than four persons, including no more than two persons over the age of 18.

⁶¹ Drafting note: Does the Town want to establish standards for campgrounds separately from RV parks or as part of an RV park?

⁶² Current 4.04.100.O

- d. The owner of an extended stay temporary lodging facility shall provide at all times an adequate number of beds within each unit contained in the lodging facility for the stated capacity of each respective unit. The owner of the lodging facility shall not permit persons in excess of the stated capacity for each unit to reside in the respective units.

4. Recreational Vehicle Park⁶³

a. Purpose

In order to further the health, safety and general welfare of the residents, the Town as a whole, and visitors, and to further the stated purposes of this Title, every recreational vehicle park shall be designed and operated in accordance with the provisions of this chapter as well as other applicable chapters.

b. Applicability

- i. No recreational vehicle shall be occupied or otherwise used for dwelling, cooking or sleeping purposes within the Town except in a recreational vehicle park approved and operated pursuant to this chapter; except that on a private residential lot, no recreational vehicle shall be so used for more than 14 consecutive days.⁶⁴ No person shall own, operate, create or occupy a recreational vehicle park unless it is approved pursuant to this chapter.
- ii. No recreational vehicle shall remain in any RV park for more than six months in any 12-month period. A shorter occupancy period may be set as a condition of the development permit.
- iii. Establishment of a recreational vehicle park shall require a special use permit, pursuant to Chapter 4.05.

c. Design and Operation⁶⁵

i. Size and Density

The minimum area for an RV park shall be two acres. The overall gross density in any RV park shall not exceed 20 campsites per acre.

ii. Setbacks

The minimum setback along the periphery of a RV park shall be 50 feet from an arterial street, 25 feet from a local street and 20 feet along any boundary not abutting a street.

iii. Campsite

Each campsite shall contain a minimum of 1,500 square feet, and shall be adequate to accommodate a recreational vehicle, an additional motor vehicle, and outdoor cooking and eating facilities. Each campsite for tent camping only shall have a minimum area of 750 square feet.

iv. RV Placement

⁶³ Current 4.10. Drafting Note: Update to include private campsites using similar model as short-term rentals (e.g., sites accessed through apps such as Hipcamp or The Dyrty)? Also, should this RV park standard update allow permanent shelter such as cabins or yurts?

⁶⁴ Drafting note: move to parking standards and evaluate enforcement options.

⁶⁵ Drafting note: update these standards to work with environmentally sensitive areas and wildlife habitat requirements.

- (a) Every campsite shall abut on a roadway with unobstructed access to a street.
- (b) Every RV and any accessory structure, attached or detached, shall be placed on the campsite so that:
 - (i) It is completely within the campsite;
 - (ii) There is a minimum of ten feet between any two RVs;
 - (iii) It does not obstruct any roadway or walkway or easement in the RV park; and
 - (iv) It is not located within ten feet of any roadway in the RV park.

v. Vehicular Circulation

- (a) Roadways within the RV park shall provide access to each campsite, shall provide for continuous forward movement, shall connect with a street or highway, and shall have a minimum width of 15 feet per lane or 25 feet for two lanes. Curves and turning radii shall be adequate to accommodate the RV in a continuous forward motion.
- (b) Roadways shall be surfaced with compacted gravel or pavement, shall minimize dust and erosion, and shall be designed and constructed to facilitate maintenance.

vi. Parking

In addition to the recreational vehicle placement space in Subsection (d) of this section, a minimum of one automobile parking space per campsite shall be provided on or within ten feet of the campsite. An additional 0.5 parking spaces per campsite shall be provided in a convenient parking area designed in accordance with Section 4.07.140.

vii. Landscaping

Every RV park shall be in conformance with landscaping and fencing requirements of Chapter 4.11. In addition, entrances and exits to the park shall be landscaped so as to provide a clear delineation of traffic flow patterns. Landscaping shall be used to provide a buffer between the park and adjacent land uses.

viii. Accessory Uses

Any accessory uses in an RV park shall be clearly incidental to RV use and shall be designed and located to blend with the park's design and natural setting. Any commercial facilities shall be for use by the RV park occupants only and shall not present any visible characteristics that would attract customers from outside the park. Tent camping shall be allowed.

ix. Outdoor Recreation Areas

- (a) At least ten percent of the total gross area of every RV park shall be provided for outdoor recreational use. Recreational areas may include play fields, picnic sites, swimming pools, tennis courts and similar recreational uses, and shall not include parking areas, utilities, clothes drying areas, storage areas, campsites, roadways, nor any required setback area.
- (b) RV parks shall not be subject to the park land dedication requirement of Section 4.07.020.

x. Health and Sanitation

Every RV park shall be designed and operated in accordance with the adopted Uniform Plumbing Code provisions for recreational vehicle parks, and with the State Department of Public Health and Environment's "Standards and Regulations for Campgrounds and Recreation Areas," including the following sections as revised from time to time: 6.0 Water Supply, 7.0 Sewage Disposal, 8.0 Sewage Collection,⁶⁶ 9.0 Refuse Disposal, 10.0 Insect and Rodent Control, 11.0 Fires, Cooking, and Eating Facilities, 12.0 Sanitary Facilities, 13.0 Service Buildings, 14.0 Privies, and 15.0 Safety.

xi. RV Parks in Areas Subject to Flooding.

Any RV park located in a floodplain or any other area subject to flooding shall be designed, constructed, and operated in accordance with Chapter 4.16 and Town approved flood studies and with regard to the health and safety of park occupants and downstream property. The park shall be closed and the park operator shall evacuate all occupants upon notice of threat of imminent flooding, as determined by the Town Manager, the Eagle Police Department, or any federal, state or county agency.

5. Short-Term Rentals⁶⁷

a. Registration Required

A current, valid registration is required for each STR in the Town, as well as a Town business license pursuant to Section 5.04.020.

b. Registration Procedure

i. At least ten (10) days prior to any advertising of an STR, the owner or property management firm shall register the STR with the Community Development Director or designee, on forms supplied by the Town. For professionally managed STRs, registration for multiple STRs may be made by filing a complete list of all the STRs in the Town managed by such firm, on forms supplied by the Town, and the list shall be updated at least quarterly.

ii. The fee for STR registration shall be set by resolution of the Town Council.

iii. If the STR is located within a unit that shares a wall with another unit, the registration form shall include a copy of a written notice of the proposed STR use provided by the owner or property manager to the last known address of the record owner of the adjoining residential dwelling unit. The written notice shall be sent by first-class mail or electronic mail at least seven (7) days prior to registering the STR.

iv. No registration form shall be accepted without an affidavit, signed by the owner or the property management firm, under penalty of perjury, certifying that the STR is in habitable condition and complies with the health and safety standards set forth in Section 5.17.060.

v. Each STR registration is nontransferable.

vi. An STR registration shall expire on December 31 of each calendar year, or when title of the STR transfers to a new owner, whichever occurs first. Each change in ownership of a STR shall require a new registration

⁶⁶ Drafting note: confirm with Public Works.

⁶⁷ Current standards, adopted in 2020

c. Local Representative Required

Each owner or property management firm shall appoint a natural person who remains within a sixty (60) minute distance of the STR and is available twenty-four (24) hours per day, seven (7) days per week, to serve as the local representative for the STR. The owner or property management firm shall notify the Community Development Director or designee in writing of the appointment of a local representative within five (5) days of such appointment or modification of any such appointment, including contact information.

d. Health and Safety Standards

Each STR shall comply with all of the following standards, at a minimum, at all times while the STR is occupied:

- i. Buildings, structures or rooms shall not be used for purposes other than those for which they were designed or intended;
- ii. Roofs, floors, walls, foundations, ceilings, stairs, handrails, guardrails, doors, porches, all other structural components and all appurtenances thereto shall be capable of resisting any and all forces and loads to which they may be normally subjected and shall be kept in sound condition and in good repair;
- iii. Smoke detectors, carbon monoxide detectors and fire extinguishers shall be installed and operable, and all wood-burning fireplaces and stoves shall be cleaned on an annual basis;
- iv. Each STR shall comply with local building and fire codes;
- v. An operable toilet, sink, and either a bathtub or shower shall be located within the same building, and every room containing a toilet or bathtub/shower shall be completely enclosed by walls, doors, or windows that will afford sufficient privacy;
- vi. There shall be a sufficient number of trash receptacles to accommodate all trash generated by the occupants;
- vii. Occupancy of an STR shall comply with Title 4, Chapter 4.04. of this Code;
- viii. The use of portable outdoor fireplaces is prohibited;
- ix. Electrical panels shall be clearly labeled; and
- x. All pets shall be subject to Title 8, Chapter 8.12. of this Code.

e. Parking

Parking for each STR shall comply with all applicable provisions of the Code. All vehicles shall be parked in designated parking areas, and parking is prohibited in any landscaped area.

f. Sign

An owner or property management firm shall post a sign conspicuously inside each STR. The sign shall include the local representative's current contact information, the street address of the STR and the STR registration number. All exits shall be clearly identified.

g. Advertising

Advertising for an STR shall include the STR registration number or, for all professionally managed STRs, the Town business license number, immediately following the description of the STR.

h. Taxes

- i. For each STR, all applicable Town sales and lodging taxes shall be timely collected and remitted.
- ii. Professionally managed STRs may submit one tax payment for multiple properties, so long as there is sufficient supporting information to identify each individual STR and the taxes collected on such STR.

i. Notice

Any notice required by this Chapter is sufficient if sent by first-class mail or electronic mail to the address provided by the owner or property management firm on the most recent registration form or registration list, provided that notice to the local representative shall also be sufficient to satisfy any required notice to the owner under this Chapter.

j. Liability

- i. An owner shall be liable for any and all violations occurring on the STR.
- ii. A property management firm shall be jointly and severally liable for any and all violations occurring on any of its professionally managed STRs in the Town.

k. Initial Complaints

Initial complaints concerning a short-term rental property shall be directed to the local representative. The local representative shall take reasonable steps to resolve the issue within sixty (60) minutes, including visiting the site if necessary.

6. Vehicle Sales and Service

Canopies, such as over gasoline pumps, shall be equipped with skirts and/or under-canopy lighting shall be recessed sufficiently to direct lighting downward to prevent light being broadcast beyond the site.

4.09.9 STANDARDS FOR MARIJUANA USES⁶⁸

A. Medical Marijuana Businesses

1. Limitation on the Number of Medical Marijuana Centers within the Town

- a. The number of medical marijuana centers permitted within the Town is based on population. A maximum of one medical marijuana center shall be permitted for every 5,000 people or fraction thereof. Population shall be determined by the most recent data available from the U.S. Census Bureau and the State demographer's office.
- b. In the event more than one land use application for a medical marijuana center of the same classification are submitted to the Town in close proximity to one another, the applications comply with all the requirements of this chapter and the Colorado Medical Marijuana Code, but the Town is not permitted to approve all of the applications because of the limitations set forth in this Subsection (P), the Board of Trustees shall first review for approval the application which was first submitted and determined to be complete by the Town Planner, or their designee.

⁶⁸ Current 4.04.100.P to .U

2. Limitation on the Number of Optional Medical Marijuana Cultivation Premises within the Town.

- a. The number of optional medical marijuana cultivation premises permitted within the Town is based on population. A maximum of one optional medical marijuana cultivation premises shall be permitted for every 5,000 people or fraction thereof. Population shall be determined by the most recent data available from the U.S. Census Bureau and the State demographer's office.
- b. In the event more than one land use application for an optional medical marijuana cultivation premises of the same classification are submitted to the Town in close proximity to one another, the applications comply with all the requirements of this chapter and the Colorado Medical Marijuana Code, but the Town is not permitted to approve all of the applications because of the limitations set forth in this Subsection (P), the Board of Trustees shall first review for approval the application which was first submitted and determined to be complete by the Town Planner, or their designee.

3. Limitation on the Number of Medical Marijuana Infused Products Manufacturers within the Town

- a. The number of medical marijuana infused products manufacturers permitted within the Town is based on population. A maximum of two medical marijuana infused products manufacturers shall be permitted for every 5,000 people or fraction thereof. Population shall be determined by the most recent data available from the U.S. Census Bureau and the State demographer's office.
- b. In the event more than one land use application for a medical marijuana infused products manufacturer of the same classification are submitted to the Town in close proximity to one another, the applications comply with all the requirements of this chapter and the Colorado Medical Marijuana Code, but the Town is not permitted to approve all of the applications because of the limitations set forth in this Subsection (P), the Board of Trustees shall first review for approval the application which was first submitted and determined to be complete by the Town Planner, or their designee.

4. Permitted Locations

- a. Medical marijuana centers and optional medical marijuana cultivation premises shall only be located in the Commercial General (CG) and Industrial (I) Zone Districts and are located a minimum of 1,750 feet from the centerline of Eby Creek Road pursuant to a special use permit. Refer to map at the end of this section labeled Exhibit A.
- b. Medical marijuana infused products manufacturer shall only be located on properties along Chambers Avenue that are within the Commercial General (CG) and Industrial (I) Zone Districts and are located a minimum of 1,750 feet from the centerline of Eby Creek Road pursuant to a special use permit. If any portion of the property is within the required minimum distance from Eby Creek Road, no medical marijuana infused products manufacturer shall be permitted on that property. Refer to map at the end of this section labeled Exhibit A.

5. Distance from Schools, Licensed Child Care Facilities, Alcohol or Drug Treatment Facilities and College Campus

All medical marijuana businesses shall be located a minimum of 1,000 feet from schools, as defined in the Colorado Medical Marijuana Code, licensed child care facilities, alcohol or drug treatment facilities, and the campus of a college or university.

6. Distance from Residential Zone District

All medical marijuana businesses shall be located a minimum of 100 feet from any residential zone district which shall be measured from the zone district boundary line to the subject property line.

7. Restrictions on Mobile Facilities and Delivery of Marijuana Products

No medical marijuana business shall be located in a movable or mobile vehicle or structure and no medical marijuana products shall be delivered in the Town unless such delivery is specifically permitted by the Colorado Medical Marijuana Code.

8. Hours of Operation

Medical marijuana businesses shall limit their hours of operation to 8:00 a.m. to 12:00 midnight, Monday through Sunday, or as otherwise provided in the special use permit.

9. Operation of Multiple Businesses at a Single Location

A person may operate any medical marijuana business and any retail marijuana business permitted by this section at the same location if in full compliance with the requirements of the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code.

10. Specific Requirements for a Medical Marijuana Center.

- a. Small samples of medical marijuana products offered for sale may be displayed on shelves, counters and display cases. All bulk marijuana products shall be locked within a separate vault or safe (no other items in this safe), securely fastened to a wall or floor, as approved by the Police Department.
- b. A medical marijuana center may sell "marijuana paraphernalia," as that term is defined in Chapter 9.15, to patients only and shall be exempt from the prohibitions contained in said chapter.

11. Specific Requirements for an Optional Medical Marijuana Cultivation Premises

If co-located with an optional medical marijuana cultivation premises, the area of the proposed licensed marijuana premises utilized for cultivation shall be physically separated from the area of the premises open to the public or to patients. Walls, barriers, locks, signage and other means shall be employed to prevent the public or patients from entering the area of the licensed marijuana premises utilized for cultivation of marijuana.

12. No Products to be Visible From Public Places

Marijuana plants, products, accessories, and associated paraphernalia contained in any medical marijuana business shall not be visible from a public sidewalk, public street or right-of-way, or any other public place.

13. No Beer or Alcohol on Premises

No fermented malt beverages and no alcohol beverages, as defined in the Colorado Beer Code and the Colorado Liquor Code, respectively, shall be kept, served or consumed on the premises of a medical marijuana business.

14. Storage of Products

All products and accessories shall be stored completely indoors and on-site.

15. Consumption of Marijuana Prohibited

No consumption or smoking of any medical marijuana products shall be allowed or permitted on the premises or adjacent grounds of a medical marijuana business.

16. Storage of Currency

All currency over \$1,000.00 shall be stored within a separate vault or safe (no marijuana in safe), securely fastened to a wall or floor, as approved by the Police Department.

17. Prevention of Emissions and Disposal of Materials

- a. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids, and other substances from exiting the business premises shall be provided at all times. In the event that any debris, dust, fluids, or other substances shall exit the business premises, the property owner and operator shall be jointly and severally responsible for the full cleanup immediately.
- b. Businesses shall properly dispose of all materials and other substances in a safe and sanitary manner in accordance with State regulations and county landfill regulations.
- c. As applicable, medical marijuana businesses shall be equipped with ventilation systems with carbon filters sufficient in type and capacity to eliminate marijuana odors emanating from the interior to the exterior of the premises discernible by reasonable persons. The ventilation system must be inspected and approved by the Building Official.
- d. If carbon dioxide will be used in any cultivation area, sufficient physical barriers or a negative air pressure system shall be in place to prevent carbon dioxide from moving into the ambient air, into other units in the same building or into an adjacent building in a concentration that would be harmful to any person, including persons with respiratory disease, and shall be inspected and approved by the Building Official and the Greater Eagle Fire Protection District.
- e. All State regulations concerning ventilation systems shall be followed.

18. Compliance with Other Codes

Any medical marijuana business and the adjacent grounds of the medical marijuana business shall comply with all zoning, health, building, fire, and other codes and ordinances of the Town as shown by completed inspections and approvals by the Town Planner, Building Department, Greater Eagle Fire Protection District, and the County Health Department, if applicable.

19. No Harm to Public Health, Safety or Welfare

The licensed marijuana premises and adjacent grounds of a medical marijuana business shall be operated in a manner that does not cause any substantial harm to the public health, safety and welfare.

20. Additional Requirements

At the time a special use permit is granted, amended, or the Board of Trustees approves a major change to a medical marijuana business, the Board of Trustees may impose on the applicant any conditions related to the proposed use that is reasonably necessary to protect the public health, safety, or welfare, including, but not limited to, the following:

- a. Additional security requirements;
- b. Limits and requirements on parking and traffic flows;

- c. Requirements for walls, doors, windows, locks and fences on the licensed marijuana premises and adjacent grounds;
- d. Limits on medical marijuana products that may be sold;
- e. Requirements and limits on ventilation and lighting;
- f. Limits on noise inside the licensed premises or on the adjacent grounds;
- g. Prohibitions on certain conduct in the medical marijuana business;
- h. Limits on hours of operation that are more restrictive than prescribed by Subsection (P)(8) of this section;
- i. A requirement that the applicant temporarily close the medical marijuana business to the public until certain changes, inspections or approvals are made; and
- j. A limitation on the square footage of the medical marijuana business.

21. Penalty for Violation

Any violation of the provisions of this Subsection (P) or the conditions of the special use permit granted by a medical marijuana business shall be punishable by a civil fine of up to \$1,000.00. Each day that a violation is committed, exists or continues shall be deemed a separate and distinct offense. In addition, any violation of the provisions of this Subsection (P) or any conditions imposed by the special use permit may result in the revocation of the special use permit.

B. Cultivation of Medical Marijuana by Patients and Primary Caregivers in Residential Dwelling Units.

The cultivation, production, or possession of marijuana plants for medical use by a patient or primary caregiver, as such terms are defined by Article XVIII, Section 14 of the State Constitution, shall be allowed in residential dwelling units subject to the following conditions:

- 1. The cultivation, production or possession of marijuana plants shall be in full compliance with all applicable provisions of Article XVIII, Section 14 of the State Constitution, the Colorado Medical Marijuana Code, C.R.S. § 1243.3-101 et seq., and the Medical Marijuana Program, C.R.S. § 251.5-106.
- 2. Marijuana plants that are cultivated, produced or possessed shall not exceed the presumptive limits of no more than two ounces of a useable form of marijuana unless otherwise permitted under Article XVIII, Section 14 of the State Constitution, and no more than six marijuana plants, with three or fewer being mature, flowering plants that are producing a useable form of marijuana shall be cultivated or permitted within a primary residence.
- 3. The cultivation, production or possession of marijuana plants shall be limited to the following space limitations within a residential unit:
 - a. Within a single-family dwelling unit (Group R-3 as defined by the International Building Code, as adopted in Chapter 22, Section 131): a secure, defined, contiguous area not exceeding 150 square feet within the residence of the licensed patient or registered caregiver.
 - b. Within a multifamily dwelling unit (Group R-2 as defined by the International Building Code, as adopted in Chapter 22, Section 131): a secure, defined, contiguous area not exceeding 100 square feet within the residence of the licensed patient or registered caregiver.

4. Marijuana plants shall not be grown in the common area of a multifamily residential structure.
5. If a licensed patient or primary caregiver elects to cultivate quantities of marijuana in excess of the amounts permitted under Subsection (Q)(2) of this section, as permitted in Article XVIII, Section 14(4)(b) of the State Constitution, the patient must be in full compliance with the Colorado Medical Marijuana Program as provided in C.R.S. § 25-1.5-106(10) and may grow medical marijuana for personal use as a patient or as a primary caregiver for licensed patients as a use by right within the Industrial (I) Zone District only.
6. The cultivation of medical marijuana plants in a residential unit shall meet the requirements of all adopted Town building and safety codes. Any licensed patient or registered primary caregiver cultivating medical marijuana in a primary residential unit shall have an initial building and safety inspection conducted by the Town, shall comply with any conditions of said inspection, and shall submit to an annual building and safety code inspection thereafter. The names and locations of patients and caregivers shall not be made available to the general public in accordance with C.R.S. § 24-72-204(3)(a)(I), as contained in the Colorado Open Records Act.
7. The cultivation of medical marijuana plants shall not be permitted on the exterior portions of a residential lot. The cultivation, production or possession of marijuana plants in a residential unit must not be perceptible from the exterior of the residence and shall comply with the following:
 - a. Any form of signage shall be prohibited; unusual odors, smells, fragrances or other olfactory stimulants shall be prohibited; light pollution, glare, or brightness resulting from grow lamps that disturbs adjacent residents shall be prohibited; and excessive noise from ventilation fans shall be prohibited.
 - b. Marijuana plants shall be used exclusively by a licensed patient for the patient's personal use and solely to address a debilitating medical condition.
8. Any primary caregiver cultivating medical marijuana for licensed patients and providing said marijuana to patients for consideration such as a monetary sum shall obtain a business license from the Town pursuant to Chapter 5.02. Any primary caregiver transferring medical marijuana to a licensed patient for consideration shall also obtain a sales tax license and shall comply with the requirements of Chapter 3.04 concerning collection and payment of municipal sales tax.
9. Cultivation of medical marijuana in a residential unit that is not a primary residence is not permitted.
10. For the purposes of this Subsection (Q), the term "primary residence" means the place that a person, by custom and practice, makes his principal domicile and address to which the person intends to return, following any temporary absence, such as a vacation. Residence is evidenced by actual daily physical presence, use and occupancy of the primary residence and the use of the residential address for domestic purposes, such as, but not limited to, slumber, preparation of and partaking in meals, vehicle and voter registration, or credit, water and utility billing. A person may only have one primary residence. A primary residence shall not include accessory buildings.
11. For the purpose of this Subsection (Q), the term "secure area" means an area within the primary residence accessible only to the patient or primary caregiver. Secure premises shall be locked or partitioned off to prevent access by children, visitors, or anyone not licensed and authorized to possess medical marijuana.

C. Cultivation of Medical Marijuana by Patients and Primary Caregivers in Nonresidential Zone Districts.

The cultivation, production, or possession of marijuana plants for medical use by a patient or primary caregiver, as the terms are defined by Article XVIII, Section 14 of the State Constitution, shall be allowed in nonresidential units or structures in the Industrial (I) Zone District as a permitted use as well as in permitted residential dwelling units located in the Central Business District (CBD), Commercial Limited (CL), Commercial General (CG), Public Area (PA), and Industrial (I) Zone Districts⁶⁹ subject to the following conditions:

1. cultivation, production or possession of marijuana plants shall be in full compliance with all applicable provisions of Article XVIII, Section 14 of the State Constitution, the Colorado Medical Marijuana Code, C.R.S. § 12.43.3-101 et seq., and the Medical Marijuana Program, C.R.S. § 25-1.5-106.
2. Marijuana plants that are cultivated, produced or possessed shall not exceed the presumptive limits of no more than two ounces of a useable form of marijuana and no more than six marijuana plants, with three or fewer being mature, flowering plants that are producing a useable form of marijuana per patient, unless otherwise permitted under Article XVIII, Section 14 of the State Constitution, shall be cultivated. Within any nonresidential unit located in the Industrial (I) Zone District, a caregiver may cultivate medical marijuana for no more than five licensed patients. Two or more primary caregivers shall not join together for the purpose of cultivating medical marijuana within any nonresidential unit located in the Industrial (I) Zone District. In residential units within nonresidential zone districts, marijuana plants that are cultivated, produced or possessed shall not exceed the presumptive limits of no more than two ounces of a useable form of marijuana unless otherwise permitted under Article XVIII, Section 14 of the State Constitution, and no more than six marijuana plants, with three or fewer being mature, flowering plants that are producing a useable form of marijuana shall be cultivated or permitted.
3. The cultivation, production or possession of marijuana plants within a permitted residential dwelling unit shall be limited to the following space limitations within the residential unit:
 - a. Within a single-family dwelling unit (Group R-3 as defined by the International Building Code, as adopted in Chapter 22, Section 131): a secure, defined, contiguous area not exceeding 150 square feet within the residence of the licensed patient or registered caregiver.
 - b. Within a multifamily dwelling unit (Group R-2 as defined by the International Building Code, as adopted in Chapter 22, Section 131): a secure, defined, contiguous area not exceeding 100 square feet within the residence of the licensed patient or registered caregiver.
4. Marijuana plants shall not be grown in the common area of any commercial or industrial building.
5. The cultivation of medical marijuana plants in any building or unit within the Central Business District (CBD), Commercial Limited (CL), Commercial General (CG), Public Area (PA), and the Industrial (I) Zone Districts⁷⁰ shall meet the requirements of all adopted Town building and safety codes. Any licensed patient or registered primary caregiver cultivating medical marijuana shall have an initial building and safety inspection conducted by the Town, shall comply with any conditions of said inspection, and shall submit to an annual building and safety code inspection thereafter. The names and locations of patients and caregivers shall not be made

⁶⁹ Drafting Note: These references will be updated following finalization of the zone district lineup.

⁷⁰ Drafting Note: These references will be updated following finalization of the zone district lineup.

Chapter 4.09: Use Standards

4.09.9. Standards for Marijuana Uses^{67F}

available to the general public in accordance with C.R.S. § 24-72-204(3)(a)(I), as contained in the Colorado Open Records Act.

6. Cultivation of medical marijuana in a residential unit that is not a primary residence is not permitted.
7. For the purposes of this **Subsection (R)**, the term "primary residence" means the place that a person, by custom and practice, makes his principal domicile and address to which the person intends to return, following any temporary absence, such as a vacation. Residence is evidenced by actual daily physical presence, use and occupancy of the primary residence and the use of the residential address for domestic purposes, such as, but not limited to, slumber, preparation of and partaking in meals, vehicle and voter registration, or credit, water and utility billing. A person may only have one primary residence. A primary residence shall not include accessory buildings.
8. The cultivation of medical marijuana plants shall not be permitted on exterior portions of a lot. The cultivation, production or possession of marijuana plants within a building or unit located in the Central Business District (CBD), Commercial Limited (CL), Commercial General (CG), Public Area (PA), and Industrial (I) Zone Districts⁷¹ must not be perceptible from the exterior of the building or unit.
9. Any form of signage shall be prohibited; unusual odors, smells, fragrances or other olfactory stimulants shall be prohibited; light pollution, glare or brightness resulting from grow lamps that disturbs adjacent property shall be prohibited; and excessive noise from ventilation fans shall be prohibited.
10. Any primary caregiver cultivating medical marijuana for licensed patients and providing said marijuana to patients for consideration such as a monetary sum shall obtain a business license from the Town pursuant to Chapter 5.02. Any primary caregiver transferring medical marijuana to a licensed patient for consideration shall also obtain a sales tax license and shall comply with the requirements of Chapter 3.04 concerning the collection and payment of municipal sales taxes.

D. Cultivation of Marijuana for Personal Use in Residential Dwelling Units in Both Residential and Nonresidential Zone Districts

1. Purpose. This **Subsection (S)** is intended to apply to the growing of marijuana in residential dwelling units for personal use to the extent authorized by Article XVIII, Section 16 (3)(b) of the State Constitution.
2. Any person, for purposes of this **Subsection (S)** and consistent with Article XVIII, Section 16(3)(b) of the State Constitution, who is 21 years of age or older that is cultivating marijuana plants for his own use, may possess, grow, process or transport no more than six marijuana plants with three or fewer being mature, flowering plants, subject to the following requirements:
 - a. The possessing, growing, processing, or transporting of marijuana plants for personal use must be in full compliance with all applicable provisions of Article XVIII, Section 16 of the State Constitution.
 - b. Except as provided below, the marijuana plants shall be possessed, grown, or processed within the primary residence of the person possessing, growing or processing the marijuana

⁷¹ Drafting Note: These references will be updated following finalization of the zone district lineup.

Chapter 4.09: Use Standards

4.09.9. Standards for Marijuana Uses67F

- plants for personal use, as defined by **Subsection (S)(4)** of this section. No more than six marijuana plants may be cultivated in a primary residence. If persons living in a primary residence desire to cultivate more than six marijuana plants, the persons may cultivate no more than a total of six marijuana plants per person for personal use as a permitted use in nonresidential units or structures in the Industrial (I) Zone District only. No sales, or barter of cultivated marijuana is permitted. See **Subsection (T)** of this section.
- c. The possession, growing and processing of the marijuana plants must not be observable from the exterior of the primary residence, including, but not limited to:
 - i. Common visual observation, including any form of signage;
 - ii. Unusual odors, smells, fragrances, or other olfactory stimulus;
 - iii. Light pollution, glare, or brightness that disturbs others.
 - iv. Marijuana plants shall not be grown or processed in the common areas of a planned community or of a multifamily or attached residential development or commercial or industrial buildings.
 - d. The cultivation, production, growing and processing of marijuana plants shall be limited to the following space limitations within a primary residence:
 - i. Within a single-family dwelling (Group R-3 as defined by the International Building Code): a secure, defined, contiguous area not exceeding 150 square feet within the primary residence of the person possessing, growing or processing the marijuana plants for personal use.
 - ii. Within a multifamily dwelling unit (Group R-2 as defined by the International Building Code) or a residential dwelling unit in a commercial or industrial building: a secure, defined, contiguous area not exceeding 100 square feet within the primary residence of the person possessing, growing, or processing the marijuana plants for personal use.
 - iii. The possession, growing and processing of marijuana plants shall not occur in any accessory structure.
 - e. The possession, growing and processing of marijuana plants shall meet the requirements of all adopted Town building and life/safety codes, including requirements concerning electrical systems and ventilation systems, as the same may be amended from time to time. In addition to these above-referenced codes and requirements, all marijuana plants shall be grown in mold resistive rooms with hard surfaces. Any person cultivating marijuana for personal use shall have an initial building and safety inspection conducted by the Town Building Official, shall comply with any conditions of said inspection, and shall submit to periodic building and safety code inspections thereafter. No odor shall be permitted to emanate from the premises.
 - f. Pursuant to C.R.S. § 9-7-113, the use of a compressed flammable gas as a solvent in the extraction of THC or other cannabinoids is prohibited.
 - g. The possession, growing and processing of marijuana plants shall meet the requirements of all adopted water and wastewater regulations promulgated by the Town.
3. Cultivation of marijuana in a residential unit that is not a primary residence is not permitted.

4. For the purposes of this **Subsection (S)**, the term "primary residence" means the place that a person, by custom and practice, makes his principle domicile and address to which the person intends to return, following any temporary absence, such as a vacation. Residence is evidenced by actual daily physical presence, use and occupancy of the primary residence, and the use of the residential address for domestic purposes, such as, but not limited to, slumber, preparation of meals, package delivery, vehicle and voter registration, or credit and utility billings. A person shall have only one primary residence. A primary residence shall not include accessory buildings.
5. For purposes of this **Subsection (S)**, the term "secure area" means an area within the primary residence accessible only to the person possessing, growing or processing the marijuana plants for personal use. Secure premises shall be locked or partitioned off to prevent access by children, visitors, or anyone not authorized to possess marijuana.

E. Cultivation of Marijuana for Personal Use in Nonresidential Units or Buildings in Nonresidential Zone Districts.

The cultivation, production, or possession of marijuana plants for personal use by a person 21 years of age or older, as permitted by Article XVIII, Section 16 of the State Constitution, shall be allowed in nonresidential units or buildings in the Industrial (I) Zone District⁷² as a permitted use subject to the following conditions:

1. The cultivation, production or possession of marijuana plants shall be in full compliance with all applicable provisions of Article XVIII, Section 16 of the State Constitution.
2. No more than six marijuana plants, with three or fewer being mature, flowering plants per person may be cultivated.
3. Marijuana plants shall not be grown in the common area of any commercial or industrial building.
4. The cultivation of marijuana plants in any building or unit within **Industrial (I)** Zone District shall meet the requirements of all adopted Town building and safety codes. In addition to these codes, these personal grow operations shall meet State standards for retail or medical marijuana grow operations. Any person cultivating marijuana for personal use shall have an initial building and safety inspection conducted by the Town, shall comply with any conditions of said inspection, and shall submit to a periodic building and safety code inspection thereafter.
5. All cultivation shall be located within a secure building. Grow operations in permanent or temporary greenhouses are not permitted.
6. No more than 36 plants may be grown in any industrial unit.
7. The cultivation of marijuana plants shall not be permitted on exterior portions of a lot or a building. The cultivation, production or possession of marijuana plants within a building or unit must not be perceptible from the exterior of the building or unit.
8. Any form of signage shall be prohibited; unusual odors, smells, fragrances or other olfactory stimulants shall be prohibited; light pollution, glare or brightness resulting from grow lamps that disturbs adjacent property shall be prohibited; and excessive noise from ventilation fans shall be prohibited.
9. Pursuant to C.R.S. § 9-7-113, the use of a compressed flammable gas as a solvent in the extrication of THC or other cannabinoids is prohibited.

⁷² Drafting Note: This reference will be updated following finalization of the zone district lineup.

F. Retail Marijuana Businesses

1. Limitation on the Number of Retail Marijuana Stores Within the Town

- a. The number of retail marijuana stores permitted within the Town is based on population. A maximum of one retail marijuana store shall be permitted for every 5,000 people or fraction thereof. Population shall be determined by the most recent data available from the U.S. Census Bureau and the State demographer's office.
- b. In the event more than one land use application for a retail marijuana store of the same classification are submitted to the Town in close proximity to one another, the applications comply with all the requirements of this chapter and the Colorado Retail Marijuana Code, but the Town is not permitted to approve all of the applications because of the limitations set forth in this **Subsection (U)**, the Board of Trustees shall first review for approval the application which was first submitted and determined to be complete by the Town Planner, or their designee.

2. Retail Marijuana Cultivation Facilities Within the Town

- a. The number of retail marijuana cultivation facilities permitted within the Town is based on population. A maximum of one retail marijuana cultivation facility shall be permitted for every 5,000 people or fraction thereof. Population shall be determined by the most recent data available from the U.S. Census Bureau and the State demographer's office.
- b. In the event more than one land use application for a retail marijuana cultivation facility of the same classification are submitted to the Town in close proximity to one another, the applications comply with all the requirements of this chapter and the Colorado Retail Marijuana Code, but the Town is not permitted to approve all of the applications because of the limitations set forth in this Subsection (U), the Board of Trustees shall first review for approval the application which was first submitted and determined to be complete by the Town Planner, or their designee.

3. Limitation on the Number of Retail Marijuana Products Manufacturing Facilities Within the Town

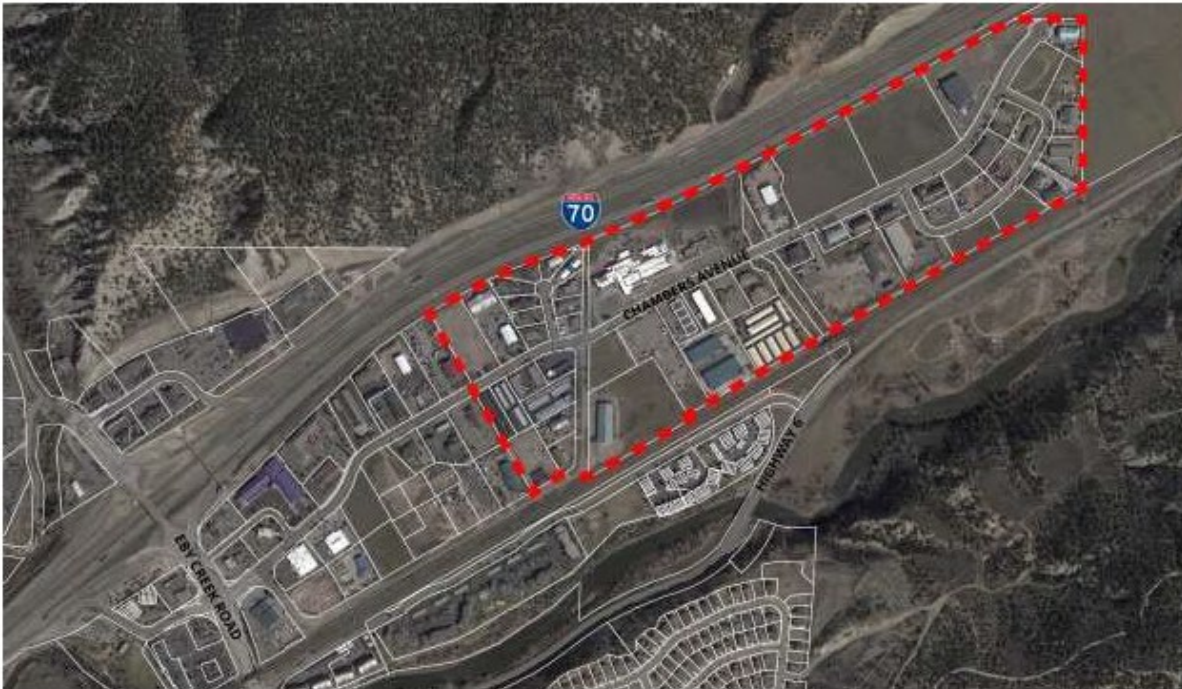
- a. The number of retail marijuana products manufacturing facilities permitted within the Town is based on population. A maximum of two retail marijuana products manufacturing shall be permitted for every 5,000 people or fraction thereof. Population shall be determined by the most recent data available from the U.S. Census Bureau and the State demographer's office.
- b. In the event more than one land use application for a retail marijuana products manufacturing facility of the same classification are submitted to the Town in close proximity to one another, the applications comply with all the requirements of this chapter and the Colorado Retail Marijuana Code, but the Town is not permitted to approve all of the applications because of the limitations set forth in this Subsection (U), the Board of Trustees shall first review for approval the application which was first submitted and determined to be complete by the Town Planner, or their designee.

4. Permitted Locations

Chapter 4.09: Use Standards

4.09.9. Standards for Marijuana Uses^{67F}

- a. Retail marijuana stores and retail marijuana cultivation facilities shall only be located in the Commercial General (CG) and Industrial (I) Zone Districts⁷³ and are located a minimum of 1,750 feet from the centerline of Eby Creek Road pursuant to a special use permit. Refer to map at the end of this section labeled Exhibit A.
- b. Retail marijuana products manufacturing facilities shall only be located on properties along Chambers Avenue that are within the Commercial General (CG) and Industrial (I) Zone Districts and are located a minimum of 1,750 feet from the centerline of Eby Creek Road pursuant to a special use permit. If any portion of the property is within the required minimum distance from Eby Creek Road, no retail marijuana products manufacturing facility shall be permitted on that property. refer to map at the end of this section labeled Exhibit A.



⁷³ Drafting Note: These references will be updated following finalization of the zone district lineup.

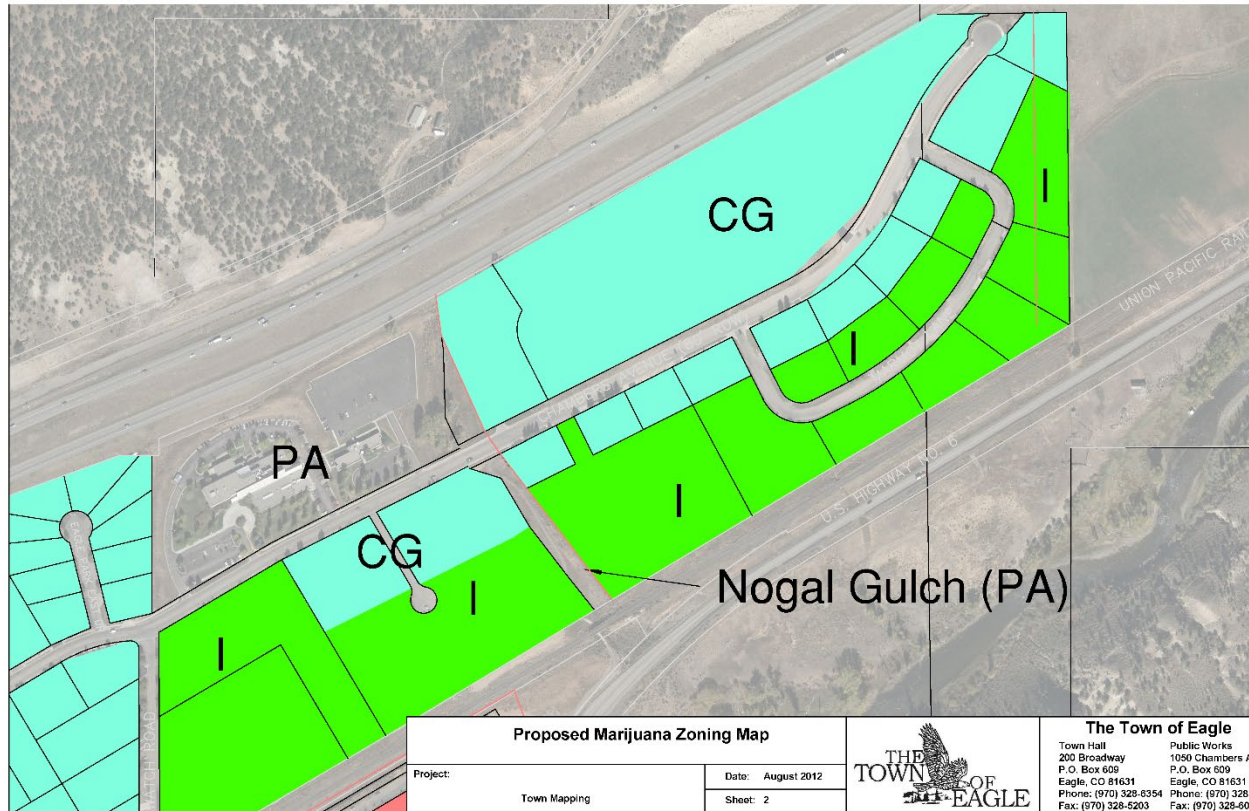


Exhibit A: Area Where Medical Marijuana Businesses, Retail Marijuana Businesses, and Marijuana Testing Facilities are Permitted

5. Distance from Schools, Licensed Child Care Facilities, Alcohol or Drug Treatment Facilities, and College Campus.

All retail marijuana businesses shall be located a minimum of 1,000 feet from schools, as defined in the Colorado Retail Marijuana Code, licensed childcare facilities, alcohol or drug treatment facilities, and the campus of a college or university.

6. Distance from Residential Zone District

All retail marijuana businesses shall be located a minimum of 100 feet from any residential zone district which shall be measured from the zone district boundary line to the subject property line.

7. Restrictions on Mobile Facilities and Delivery of Marijuana Products

No retail marijuana business shall be located in a movable or mobile vehicle or structure and no retail marijuana products shall be delivered in the Town unless the delivery is specifically permitted by the Colorado Retail Marijuana Code.

8. Hours of Operation

Retail marijuana stores shall limit their hours of operation to 8:00 a.m. to 12:00 midnight, Monday through Sunday, or as otherwise provided in the special use permit.

9. Operation of Multiple Businesses at Single Location

A person may operate any medical marijuana business and any retail marijuana business permitted by this section at the same location if in full compliance with the requirements of the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code.

10. Specific Requirements for a Retail Marijuana Store

A retail marijuana store may only sell retail marijuana, retail marijuana products, marijuana accessories and non-consumable products such as apparel, and marijuana related products such as childproof packaging containers. Retail marijuana stores shall be prohibited from selling or giving away any consumable product, including, but not limited to, tobacco products or alcohol, or edible products that do not contain marijuana, including, but not limited to, sodas, candies or baked goods.

11. No Products to be Visible from Public Places

Marijuana plants, products, accessories, and associated paraphernalia contained in a retail marijuana business shall not be visible from a public sidewalk, public street or right-of-way, or any other public place.

12. No Beer or Alcohol on Premises

No fermented malt beverages and no alcohol beverages, as defined in the Colorado Beer Code and Colorado Liquor Code, respectively, shall be kept, served, or consumed on the premises of a retail marijuana business.

13. Consumption of Marijuana Prohibited

No consumption or smoking of any retail marijuana products shall be allowed or permitted on the premises or adjacent grounds of a retail marijuana business.

14. Storage of Products

All products and accessories shall be stored completely indoors and on-site.

15. Prevention of Emissions and Disposal of Materials

- a. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting the business premises shall be provided at all times. In the event that any debris, dust, fluids or other substances shall exit the business premises, the property owner and operator shall be jointly and severally responsible for the full cleanup immediately.
- b. Businesses shall properly dispose of all materials and other substances in a safe and sanitary manner in accordance with State regulations and county landfill regulations.
- c. As applicable, retail marijuana businesses shall be equipped with ventilation systems with carbon filters sufficient in type and capacity to eliminate marijuana odors emanating from the interior to the exterior of the premises discernible by reasonable persons. The ventilation system must be inspected and approved by the Building Official.
- d. If carbon dioxide will be used in any cultivation area, sufficient physical barriers or a negative air pressure system shall be in place to prevent carbon dioxide from moving into the ambient air, into other units in the same building or into an adjacent building in a concentration that would be harmful to any person, including persons with respiratory disease, and shall be inspected and approved by the Building Official and the Greater Eagle Fire Protection District.
- e. All State regulations concerning ventilation systems shall be followed.

16. Compliance with Other Codes

Any retail marijuana business and the adjacent grounds of the retail marijuana business shall comply with all zoning, health, building, fire and other codes and ordinances of the Town as shown by completed inspections and approvals by the Town Planner, Building Department, Greater Eagle Fire Protection District, and the County Health Department, if applicable.

17. No Harm to Public Health, Safety or Welfare

The licensed marijuana premises and adjacent grounds of a retail marijuana business shall be operated in a manner that does not cause any substantial harm to the public health, safety and welfare.

18. Additional Requirements

At the time a special use permit is granted, amended or any time the Board of Trustees approves a major change to a retail marijuana business, the Board of Trustees may impose on the applicant any conditions related to the proposed use that is reasonably necessary to protect the public health, safety or welfare, including, but not limited to, the following:

- a. Additional security requirements;
- b. Limits and requirements on parking and traffic flows;
- c. Requirements for walls, doors, windows, locks and fences on the licensed marijuana premises and adjacent grounds;
- d. Limits on retail marijuana products that may be sold;
- e. Requirements and limits on ventilation and lighting;
- f. Limits on noise inside the licensed premises or on the adjacent grounds;
- g. Prohibitions on certain conduct in the retail marijuana business;
- h. Limits on hours of operation that are more restrictive than prescribed by **Subsection (U)(8)** of this section;
- i. A requirement that the applicant temporarily close the retail marijuana business to the public until certain changes, inspections or approvals are made; and
- j. A limitation on the square footage of the retail marijuana business.
- k. Penalty for violation. Any violation of the provisions of this Subsection (U) or the conditions of the special use permit granted by a retail marijuana business shall be punishable by a civil fine of up to \$1,000.00. Each day that a violation is committed, exists or continues shall be deemed a separate and distinct offense. In addition, any violation of the provisions of this **Subsection (U)** or any conditions imposed by the special use permit may result in the revocation of the special use permit.

G. Marijuana Testing Facilities

1. Limitation on the Number of Marijuana Testing Facilities within the Town.

- a. The number of marijuana testing facilities permitted within the Town is based on population. A maximum of one marijuana testing facility shall be permitted for every 5,000 people or fraction thereof. Population shall be determined by the most recent data available from the U.S. Census Bureau and the State demographer's office.

- b. In the event more than one land use application for a marijuana testing facility of the same classification are submitted to the Town in close proximity to one another, the applications comply with all the requirements of this chapter, the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code, but the Town is not permitted to approve all of the applications because of the limitations set forth in this Subsection (V), the Board of Trustees shall first review for approval the application which was first submitted and determined to be complete by the Town Planner, or their designee.

2. Permitted Locations

Marijuana testing facilities shall only be located on properties along Chambers Avenue that are within the Commercial General (CG) and Industrial (I) Zone Districts and are located a minimum of 1,750 feet from the centerline of Eby Creek Road pursuant to a special use permit. If any portion of the property is within the required minimum distance from Eby Creek Road, no marijuana testing facility shall be permitted on that property. Refer to map at the end of this section labeled **Exhibit A**.

3. Distance from Schools, Licensed Child Care Facilities, Alcohol or Drug Treatment Facilities and College Campus

All marijuana testing facilities shall be located a minimum of 1,000 feet from schools, as defined in the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code, licensed child care facilities, alcohol or drug treatment facilities, and the campus of a college or university.

4. Distance from Residential Zone District

All marijuana testing facilities shall be located a minimum of 100 feet from any residential zone district which shall be measured from the zone district boundary line to the subject property line.

5. Restrictions on Mobile Facilities and Delivery of Marijuana Products

No marijuana testing facility shall be located in a movable or mobile vehicle or structure and no marijuana products shall be delivered in the Town unless the delivery is specifically permitted by the Colorado Medical Marijuana Code or the Colorado Retail Marijuana Code.

6. Hours of Operation

Marijuana testing facilities shall limit their hours of operation to 8:00 a.m. to 12:00 midnight, Monday through Sunday, or as otherwise provided in the special use permit.

7. Operation of Multiple Businesses at Single Location

A person may operate any medical marijuana business and any retail marijuana business permitted by this section at the same location if in full compliance with the requirements of the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code.

8. No Products to be Visible from Public Places

Marijuana plants, products, accessories, and associated paraphernalia contained in a marijuana testing facility shall not be visible from a public sidewalk, public street or right-of-way, or any other public place.

9. No Beer or Alcohol on Premises

No fermented malt beverages and no alcohol beverages, as defined in the Colorado Beer Code and Colorado Liquor Code, respectively, shall be kept, served or consumed on the premises of a marijuana testing facility.

10. Consumption of Marijuana Prohibited

No consumption or smoking of any marijuana products shall be allowed or permitted on the premises or adjacent grounds of a marijuana testing facility.

11. Storage of Products

All products and accessories shall be stored completely indoors and on-site.

12. Prevention of Emissions and Disposal of Materials

- a. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting the business premises shall be provided at all times. In the event that any debris, dust, fluids or other substances shall exit the business premises, the property owner and operator shall be jointly and severally responsible for the full cleanup immediately.
- b. Testing facilities shall properly dispose of all materials and other substances in a safe and sanitary manner in accordance with State regulations and county landfill regulations.
- c. As applicable, marijuana testing facilities shall be equipped with ventilation systems with carbon filters sufficient in type and capacity to eliminate marijuana odors emanating from the interior to the exterior of the premises discernible by reasonable persons. The ventilation system must be inspected and approved by the Building Official.
- d. All State regulations concerning ventilation systems shall be followed.

13. Compliance with Other Codes

Any marijuana testing facility and the adjacent grounds of the marijuana testing facility shall comply with all zoning, health, building, fire and other codes and ordinances of the Town as shown by completed inspections and approvals by the Town Planner, Building Department, Greater Eagle Fire Protection District, and the County Health Department, if applicable.

14. No Harm to Public Health, Safety or Welfare

The licensed marijuana premises and adjacent grounds of a marijuana testing facility shall be operated in a manner that does not cause any substantial harm to the public health, safety and welfare.

15. Additional Requirements

At the time a special use permit is granted, amended or any time the Board of Trustees approves a major change to a marijuana testing facility, the Board of Trustees may impose on the applicant any conditions related to the proposed use that is reasonably necessary to protect the public health, safety or welfare, including, but not limited to, the following:

- a. Additional security requirements;
- b. Limits and requirements on parking and traffic flows;
- c. Requirements for walls, doors, windows, locks and fences on the licensed marijuana premises and adjacent grounds;
- d. Requirements and limits on ventilation and lighting;
- e. Limits on noise inside the licensed premises or on the adjacent grounds;
- f. Prohibitions on certain conduct in the marijuana testing facility;
- g. Limits on hours of operation that are more restrictive than prescribed by **Subsection (V)(6)** of this section;

Chapter 4.09: Use Standards

4.09.10. Standards for Industrial, Wholesale, and Storage Uses

- h. A requirement that the applicant temporarily close the marijuana testing facility to the public until certain changes, inspections or approvals are made; and
- i. A limitation on the square footage of the marijuana testing facility.

H. Fueling Station

1. Site Layout

- a. The minimum width for driveways shall be 35 feet. The width shall be expanded to 45 feet whenever the driveway accesses a street with a width of, or with a planned ultimate width of, 84 feet or greater. Driveways shall be no closer than 150 feet from the nearest intersecting point of street right-of-way lines.
- b. Structures shall observe the height limits of the underlying zoning district, except that canopies constructed over pump islands located outside the buildable area of the lot shall not exceed a maximum height of 17 feet.
- c. A fuel pump canopy shall utilize the same architectural design and materials as the principal building(s) on the lot. Fuel pumps shall be no closer than 15 feet from any right of way line or property line.
- d. Vehicular service bays, including garages and car wash bays, shall not be located on the front facade, unless otherwise permitted by the frontage type.

2. Outdoor Uses and Storage

- a. Disabled or inoperable vehicles and those awaiting pick-up may be stored outdoors if:
 - i. The vehicles are not stored for more than two days.
 - ii. The storage area is located in the rear yard screened from view of the front lot line.
 - iii. The storage area is screened using the side and rear yard buffer outlined in Section 4.11.xx.
- b. All repairs or washing activities must occur inside a structure.
- c. Vacuuming activities may occur in open air but must be located in the side or rear yards, screened from the front lot line.
- d. Temporary outdoor display of seasonal items, such as windshield wiper fluid or ice remover, is permitted during business hours under the canopy and adjacent to the principal structure.

4.09.10 STANDARDS FOR INDUSTRIAL, WHOLESALE, AND STORAGE USES

A. Generally Applicable Industrial Use Standards⁷⁴

All industrial and commercial uses operating within the Town shall comply with the following standards so that the uses do not create any danger to safety in surrounding areas, do not cause water pollution and do not create offensive noise, vibration, smoke, dust, odors, heat, glare or other objectionable influences beyond the boundaries of the property in which the uses are located, and do not constitute a public nuisance or hazard:

⁷⁴ Current 4.01.100.L

1. Volume of Sound

Every use shall be so operated that the volume of sound inherently and recurrently generated does not exceed 60 decibels with a maximum increase of five decibels permitted for a maximum of 15 minutes in any one hour at any point on any boundary line of the property on which the use is located.

2. Vibration

Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point on any boundary line of the property on which the use is located.

3. Smoke

Every use shall be so operated that it does not emit smoke exceeding a density of No.1 on the Ringlemann Chart.

4. Particulate Matter

Every use shall be so operated that it does not emit particulate matter exceeding 0.2 grains per cubic foot of the flue gas at a stack temperature of 500 degree Fahrenheit.

5. Heat, Glare, Radiation and Fumes

Every use shall be so operated that it does not emit an obnoxious or dangerous degree of heat, glare, radiation, or fumes beyond any boundary line of the property on which the use is located.

6. Storage

- a. The outdoor storage of flammable or combustible liquids shall conform to the requirements of the adopted fire code. No outdoor storage of flammable or combustible liquids shall occupy any part of a front yard;
- b. Underground storage of flammable or combustible liquids shall conform to all of the requirements of the adopted fire code;
- c. No materials or wastes shall be deposited upon a property in such form or manner that they may be transferred off the property by natural causes or forces;
- d. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents or insects shall be stored outdoors in closed containers.

7. Water Pollution

No water pollution shall be emitted by the manufacturing or other processing. In a case in which potential hazards exist, it shall be necessary to install safeguards acceptable to the County Health Officer and in compliance with the laws of the environmental protection agency, State Department of Public Health and Environment and Chapter 12.22 before operation of the facilities may begin. All percolation tests or groundwater resources tests which may be required by local or State Health Officers must be met before operation of the facilities may begin.

B. Industrial Services

All industrial services shall comply with the following standards:

1. Access

- a. Access shall be designed to minimize traffic in residential areas.

- b. Uses shall be located so as not to take access from or channel a majority of the traffic generated by the use onto a local residential street.
- c. If access to the site is to be provided from a frontage road, the frontage road must be a through road, or, if a dead end, its intersection must be with a nonresidential street or a collector or higher order street.

2. Buffering and Screening

Buffering and screening shall comply with Chapter 4.11, Landscaping, Buffering, and Screening.

C. Warehousing and Storage

1. Storage for All Uses

All storage of materials except merchandise displayed for retail sale shall be within a building or in the rear yard and obscured from view from surrounding properties by a fence in conformance with **Subsection (H)(6) of this section**;

2. Outside Storage Standards

Items, including, but not limited to, vehicles, excavation equipment, machinery, utility service supplies, fabrication materials, and general supplies, which are stored outside on a regular, permanent, semi-permanent, or seasonal basis, and which occupy more than 1,000 square feet on any one lot, are subject to the following requirements:

a. Location of Storage Area

As a general rule, outside storage areas shall be situated in the rear yard.

b. Buffer

Outside storage areas in the front yard or on lots with no, or minimal, structures shall be required to provide a front street buffer as provided in **Section 4.07.020(B)**.

c. Auto Sales and Nurseries

Auto sales and nurseries are exempt from the standards contained in this section.

d. Display Area

Businesses that sell, rent, or lease outside storage items may create a display area in the front yard not to exceed a single area 25 feet by a length of 25 percent of the lot frontage for the purpose of displaying representative items. All other outside storage items are subject to the requirements in Subsections (M)(1) and (2) of this section.

e. Outside Storage Adjoining the I-70 Right-of-Way

Any outside storage areas located in the rear yards of lots adjoining the I-70 right-of-way shall create a buffer using the standards as found in **Subsection (M)(2)** of this section.

3. Truck and Transportation Services

a. Parcel Size

Minimum parcel size shall be 10 acres subject to the following requirements:

- i. The primary parcel of the truck stop shall be not more than 500 feet from the right-of-way limits surrounding a freeway or expressway intersection, with at least 200 feet of direct frontage along the arterial to the property boundary of the primary parcel;
- ii. No more than one truck stop shall have primary access from any freeway or expressway intersection; and,

Chapter 4.09: Use Standards

4.09.10. Standards for Industrial, Wholesale, and Storage Uses

- iii. The minimum distance between truck stops shall be 7,000 feet, measured from property line to property line.

b. Fuel

- i. Any fuel dispenser, perimeter of underground storage tanks or pumps shall be a minimum of 100 feet from any residential zoning district, and at least 40 feet from any property line or public right of way line.
- ii. Fueling areas for automobiles and fueling areas for trucks must be separated. Pump island canopies shall not exceed 22 feet in height.

c. Site Design

- i. A 15-foot wide landscaped buffer area shall be provided along all property lines. There shall be no parking permitted within this landscaped buffer area.
- ii. A masonry sound attenuation wall at least six feet tall shall be installed along all property lines that abut or are adjacent to a residential zoning district or use.
- iii. Subsidiary business activities may include scales, truck wash, tire repair and sales, barber shop, bar, restaurant, showers, convenience store, truckers lounge, mini-theater, laundry and gasoline and propane dispensing. Subsidiary business uses at truck stops shall comply with the following standards:
 - (a) All activities and operations shall be conducted entirely within an enclosed structure, except the dispensing of petroleum products, water and air from pump islands and the provision of emergency service of a minor nature.
 - (b) A truck wash shall be designed with a water collection and recycling system;
 - (c) Vehicle service areas shall be completely enclosed;
 - (d) Service bays shall not open toward public rights-of-way; and
 - (e) A minimum of four showers shall be provided at truck stops with more than 100 truck parking spaces.

d. Overnight Parking

Overnight parking is not allowed unless Electrified Parking Spaces (EPS), also known as truck stop electrification, is installed for each overnight space to allow truck drivers to provide power to necessary systems such as heating, air conditioning, or appliances, without idling the engine.

e. Spill Mitigation

A plan must be submitted showing how the truck stop/travel plaza is designed to prevent any spill from the facility, or from vehicles utilizing the facility, from contaminating soil or migrating off-site. The facility shall fully comply with all federal and state regulations regarding the reporting and containment of spills and releases of petroleum and hazardous substances.

4.09.11 STANDARDS FOR AGRICULTURAL USES

A. Community Gardens

1. Location

- a. Community gardens shall not be located on designated or dedicated park or open space land without approval from the Planning & Zoning Commission. Exceptions may be granted for park or open space land that does not contain sensitive habitat and is not contiguous to open space land with sensitive habitat.
- b. Community gardens shall be located in areas that receive adequate sunlight for the intended purpose without the removal or excessive trimming of trees.

2. Use Standards

- a. The site shall be designed and maintained so that water and fertilizer will not drain to adjacent property.
- b. A minimum three foot wide, clearly marked entrance path shall be provided from the public right-of-way to the garden.
- c. Community gardens shall be located on land that is level enough to support the intended use and meet all Americans with Disabilities Act requirements without the use of retaining walls that exceed three feet in height.
- d. Unless permitted by the underlying zoning district, on-site sale of community garden products is prohibited except when permitted as an approved temporary use.
- e. Lawn and garden equipment of the type customarily used by consumers for household lawn and garden care is the only type of motorized equipment allowed. The use of motorized equipment is restricted to hours beginning at 7:00 AM and ending at 9:00 PM.
- f. An on-site trash storage container must be provided and located as close as practicable to the rear lot line. Compost bins or piles must also be located as close as practicable to the rear lot line. Trash must be removed from the site at least once a week.
- g. The keeping of animals is prohibited.
- h. The property must be maintained free of tall weeds and debris. Dead garden plants must be regularly removed and, in any instance, no later than November 15 of each year.
- i. Within a residential zoning district, operating hours for community garden activities are restricted to between 5:00 AM and 11:00 PM daily.
- j. Customary accessory uses are regulated in the accessory use section.

B. Farmer's Markets

1. Operating Hours

Shall only operate, including any setup or breakdown activities, a total of 12 hours per day between the hours of 7:00 AM and 10:00 PM.

2. Setbacks and Parking

Shall meet the zone district required setbacks and off-street parking.

3. Operating Rules

Each farmer's market shall have an established set of operating rules addressing the governance structure of the market, hours of operation, maintenance, insurance, security requirements and responsibilities, and appointment of a market manager who directs the operation of all vendors.

4.09.12 ACCESSORY USES

A. General Provisions

1. Time of Construction or Establishment

No accessory structure or use shall be constructed prior to the time of completion of the construction or establishment of the principal structure or use to which it is accessory.

2. Interpretation of Unidentified Accessory Uses and Structures

The Director shall evaluate applications for accessory uses that are not identified in this section on a case-by-case basis. If the request meets the criteria identified below, the Director is authorized to determine the most similar, and thus most appropriate accessory use category and apply the regulations for the similar accessory use to the application.

- a. The definition of "accessory use" in this section, and the general accessory use standards and limitations established in this section;
- b. The purpose and intent of the district in which the accessory use is located;
- c. Potential adverse impacts the accessory use or structure may have on other lots, compared with other accessory uses permitted in the district; and
- d. The compatibility of the accessory use with other principal and accessory uses permitted in the district.

3. Compliance with this Code

- a. All accessory uses and structures shall be subject to the dimensional requirements of the zone district in which they are located except as specifically provided in this section. In the case of any conflict between the accessory use/structure standards of this section and any other requirement of this Code, the more restrictive standards shall control.
- b. Accessory uses shall comply with all standards of this Code applicable to the principal use with which they are associated. Parking requirements shall be met for both the principal use and any accessory use when operating at the same time.

4. Location

- a. The accessory use or structure shall be conducted or located on the same lot(s) as the principal use.
- b. No accessory building shall be erected in any required setback nor within five feet of any other building except as specified in this section.

B. Accessory Use Table

Table 4.09-2, Accessory Uses, identifies the accessory uses that may be permitted in each zone district subject to applicable standards.

Chapter 4.09: Use Standards

4.09.12. Accessory Uses

1. Permitted /P/. These accessory uses are permitted by-right in the zone districts in which they are listed. Permitted accessory uses are required to comply with applicable use-specific standards identified in this article.
2. Permitted with Limitations /PL/. These accessory uses are permitted in the districts in which they are listed, provided that they comply with use-specific standards.
3. Commission review /C/. These accessory uses are not allowed in the district but may be allowed through the Commission review process.
4. Accessory uses that are not permitted are indicated by a dash /-/.

Chapter 4.09: Use Standards

4.09.12. Accessory Uses

Table 4.09-2: Accessory Use Table																			
	Residential Neighborhood							Mixed-Use			Commercial/Ind.			Public		Rural			
Current districts	RL	R1	RM	RM F	RH	new	MH P	CL	new	CBD	CG	new	IND	PA	new	RR	RR	Add. Standard	
New districts	N1	N2	NR X1	NR X2	NR X3	DN RX	NM H	CM X1	CM X2	CBD	C&I 1	C&I 2	C&I 3	PC2	PC1	RR	R		
Dwellings																			
Accessory Dwelling Unit ⁷⁵	P	P	P	P	P	P	-	?	?	?						P	P	4.09.12C	
Caretaker Dwelling Unit	-	-	-	-	-	-	-	-	-	-	PL	PL	PL	-	PL	PL	PL		
Emergency Shelter	-	-	-	-	-	-	-	P	P	-	P	P	P	P	-	-	-		
Structures																			
Accessory Structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	4.09.12.D
Greenhouse	P	P	P	P	P	P	P	P	P	-	P	P	P	P	-	P	P		
Kennel	-	-	-	-	-	-	-	S	S	-	PL	PL	PL	-	-	-	-	4.09.12.G	
Remote Bedroom	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Wind/Solar Energy Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	P		
Uses																			
Child Care Center	PL	PL	PL	PL	PL	PL	PL	P	P	P	P	P	P	P	-	-	-	4.08.xx	
Commercial Service	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-		
Drive-thru	-	-	-	-	-	-	-	P	P	-	P	P	P	-	-	-	-	Unless otherwise specified in Table 4.09-1	

⁷⁵ Drafting note: Community discussion question about allowing ADUs in districts with multiunit residential, such as the CBD.

Chapter 4.09: Use Standards

4.09.12. Accessory Uses

Table 4.09-2: Accessory Use Table																		
	Residential Neighborhood							Mixed-Use			Commercial/Ind.			Public		Rural		
<i>Current districts</i>	RL	R1	RM	RM F	RH	<i>new</i>	MH P	CL	<i>new</i>	CBD	CG	<i>new</i>	IND	PA	<i>new</i>	RR	RR	Add. Standard
<i>New districts</i>	N1	N2	NR X1	NR X2	NR X3	DN RX	NM H	CM X1	CM X2	CBD	C&I 1	C&I 2	C&I 3	PC2	PC1	RR	R	
Home Occupation	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	-	-	-	PL	-	PL	PL	4.09.12
Office	-	-	-	-	-	-	-	P	P	-	PL	P	PL	P	-	-	-	
Outdoor and Sidewalk Seating	-	-	-	-	-	-	-	P	P	P	P	PL	-	P	-	-	-	4.09.12
Outdoor Sales Lot	-	-	-	-	-	-	-	-	-	-	S	S	S	-	-	-	-	
Outdoor Storage	-	-	-	-	-	-	-	S	S	S	S	S	S	S	-	-	-	
Park/ Playground	P	P	P	P	P	P	P	P	P	P	P	-	-	P	P	P	P	
Recreational Vehicle Park	-	-	-	-	-	-	-	-	-	-	-	S	S	S	S	-	-	
Restaurant	-	-	-	-	-	-	-	P	P	PL	-	P	P	P	P	-	-	
Retail Sales	-	-	-	-	-	-	-	P	P	P	P	P	P	-	P	-	-	

C. Accessory Dwelling Units

ADUs are permitted in any residential district, subject to the following standards:

1. One ADU is allowed on each lot containing a single-family dwelling.
2. An ADU may be located in a single-family dwelling, attached to a single-family dwelling, detached from a single-family dwelling, or in an accessory building.
3. Each ADU shall be a complete, separate dwelling unit, with its own ingress, egress, and access.
4. The owners of the property in which the ADU is located shall occupy at least one of the dwelling units on the premises as a full-time residence except for bona fide temporary absences. Both units on a property may not be rented simultaneously.
5. An ADU shall not exceed 850 square feet, using the following means of measurement: measure the area within the inside face of the perimeter walls of the ADU, including habitable space in the basement. The following shall be excluded from the calculation: stairs, typical mechanical rooms, garages, and decks and porches that are not enclosed.
6. The accessory apartment shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single-family residence. In general, new entrances shall be located on the side or the rear of the building.
7. Maximum lot coverage may not be exceeded.
8. Off-street parking spaces shall be provided pursuant to Section 4.07.140.
9. The design and size of the apartment shall conform to all other applicable standards and requirements.

D. Accessory Buildings, Not Habitable

1. Unless otherwise specified in a zone district, a non-dwelling accessory building may be located in a required rear yard as follows:
 - a. Required rear and side setbacks: 7½-feet from the lot line shall be maintained.
 - b. The section of Town that lies within the boundaries of Grand Avenue, McIntire Street, 7th Avenue, and Church Street, accessory buildings shall observe a two-foot setback from the rear lot line and 2½-foot setback from the side lot lines.⁷⁶

E. Drive-Through (Thru) Facility

The following standards shall apply to businesses that contain a drive-through establishment, regardless if the drive-through is part of another use (e.g., restaurant or financial institution) or if it is a stand-alone use (e.g., automatic teller machine).

1. Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments located within 50 feet of any neighborhood residential zone district shall not be audible beyond the subject property line.
2. All drive-through areas, including but not limited to menu boards, stacking lanes, trash receptacles, loudspeakers, drive up windows, and other objects associated with the drive-through area shall be located in the side or rear yard of a property to the maximum extent feasible, and shall not cross, interfere with, or impede any public right-of-way.

⁷⁶ Drafting Note: change this reference to applicable zone districts after SRD.

F. Home Occupation Standards⁷⁷

A home occupation shall be allowed in certain zone districts, as provided herein, provided all of the following conditions are met:

1. The use is conducted entirely within a dwelling or accessory building and carried on by the inhabitants living there;
2. The use is clearly incidental to and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof;
3. There is no exterior storage on the premises of material or equipment used as a part of the home occupation;
4. There is no advertising display or other indication of the home occupation on the premises other than provided for by Chapter 4.08;
5. There is no offensive noise, vibration, smoke, fume, dust, odor, heat or glare noticeable at or beyond the property line;
6. The home occupation will not adversely affect traffic flow and parking in the neighborhood; and
7. The home occupation provides additional off-street parking pursuant to Chapter 4.xx, Off-Street Parking, to accommodate all needs created by the home occupation.

G. Kennel, Outdoor (Private)

1. Accessory Use

- a. All outdoor kennels must be established as an accessory use to a single-family residential use.
- b. In multifamily and RMH districts, outdoor kennels shall only be allowed when accessory to a single or two-unit development that is permitted within the district.

2. Location

Accessory structures or enclosures used for the kennel must be located only in the rear yard of the site.

3. Setback

The setback of any accessory structure or enclosure associated with the kennel shall be no closer than 5 feet to any side or rear property line.

4. Maximum Area

The area of the outdoor kennel site shall be limited to 10 percent of the total area of the lot.

H. Outdoor Displays and Sales

1. Outside display and sale of merchandise is permitted only if the merchandise is related to the principal use of the property. Merchandise shall be removed each night into an enclosed structure except that the continuous outside display of merchandise is permitted when the principal use of property is:
 - a. Lumber and construction materials,
 - b. Vehicle and heavy equipment sales and rentals,

⁷⁷ Current 4.04.100.K

- c. RV and manufactured home sales and service,
 - d. Wholesale and retail nurseries,
 - e. Lawn and garden supply,
 - f. Fueling stations, or
 - g. Retail or wholesale open 24 hours,
2. Display areas shall be located outside of drive aisles; required parking areas, including access; required landscape areas; and pedestrian ways.
 3. In addition to the outdoor display and sales area, store front sidewalks excluding any public sidewalks, shall be allowed for outdoor display and sales provided these outdoor display and sales areas comply with all provisions of applicable zoning ordinances, building codes, and other city codes and regulations.
 4. All outdoor display and sales areas shall be maintained in a neat, clean, orderly fashion to avoid pedestrian hazards and ensure personal safety.
 5. Display areas shall not exceed eight feet in height unless a single unit of the merchandise exceeds eight feet (e.g., RVs, manufactured homes, or trucks).

I. Outdoor and Sidewalk Seating

1. Eating and drinking establishments may provide accessory outdoor seating areas, including rooftop seating, that meet the following generally applicable criteria:
 - a. Outdoor seating areas outside of the CBD may not occupy required landscape area, required parking spaces, or required parking area access aisles.
 - b. An outdoor seating area exceeding 25% of the indoor building floor area is counted as floor area for purposes of determining off-street parking and loading requirements.
 - c. The use of mechanically produced sound, amplified sound, or live music shall only be permitted in conformity with the Town's noise standards.
 - d. All outdoor uses shall be maintained free of garbage and other debris.
 - e. The hours of operation for the outside seating shall be consistent with the hours of operation of the inside use.
 - f. The outdoor seating area shall not obstruct any fire exit, fire escape, or other required ingress or egress.
2. Public sidewalk seating may be permitted by Town Engineering in compliance with the following conditions:
 - a. The area of occupancy must be abutting and contiguous to the restaurant in which food preparation, sanitation and related services for the sidewalk cafe will be performed.
 - b. Sidewalk seating may not be enclosed by fixed walls, unless such walls are necessary to comply with requirements to serve alcohol, and shall be open to the air, except that it may have a canopy.

Chapter 4.09: Use Standards

4.09.13. Temporary Uses^{77F}.

- c. There shall be a minimum width of four feet of clear, unimpeded sidewalk remaining for pedestrians between the curb and the area of sidewalk seating.
- d. The sidewalk seating shall be located a minimum of five feet from driveway and alleys, and ten feet from intersections.
- e. All curbs, alleys, sidewalks and public rights-of-way adjacent to the sidewalk seating shall be kept in a clean and orderly condition.
- f. All outdoor seating shall be maintained free of garbage and other debris.

J. Outdoor Storage

Accessory outdoor storage occupies less than 1,000 sf on a single lot.

4.09.13 TEMPORARY USES⁷⁸.

Temporary uses may be requested and are reviewed the Sec. 4.xx, Temporary Use Permit.

⁷⁸ Current 4.04.100.B

The following chapters will be drafted in Installments 2 and 3:

Chapter 4.10 Site Layout and Structure Design Standards

Chapter 4.11 Landscaping, Buffering, and Screening Standards

Chapter 4.12 Parking and Loading Standards

Chapter 4.13 Outdoor Lighting

Chapter 4.14 Sustainability, Resilience, and Hazards

Chapter 4.15 Subdivision Design and Improvement Standards

Chapter 4.16 Signs

Chapter 4.17 Development Review Process

Chapter 4.18 Nonconformities

Chapter 4.19 Violations and Enforcement

Chapter 4.20 Measurements and Definitions

4.20.1 TERM INCLUSIONS

- A. The term “person” includes a firm, association, organization, partnership, trust, company or corporation, as well as, an individual.
- B. The term “used” or “occupied” includes the words “intended, designated, or arranged to be used or occupied.”
- C. The term “lot” includes the words “plot,” “tract,” or “parcel.”
- D. The term “building” includes the term “structure.”
- E. The term zone means zone or zoning district.
- F. The term Town means the Town of Eagle, Colorado.

4.20.2 RULES OF CONSTRUCTION

The following words, terms and phrases, when used in this Code, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning.

A. Meanings and Intent

All provisions, terms, phrases, and expressions contained in this Code shall be construed according to this Code's stated purpose and intent. All provisions, terms, phrases, and expressions contained in this Code shall be construed according to the general and specific purpose statements set forth throughout this Code. When, in a specific section of this Code, a different meaning is given for a term defined for general purposes in this chapter, the specific section's meaning and application of the term shall control.

B. Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this Code and any heading, caption, figure, illustration, table, or map, the text shall control.

C. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and shall not be interpreted as exhaustive lists of all possibilities.

D. Computation of Time⁷⁹

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.

⁷⁹ Drafting note: conform to Town Code.

E. References to Other Regulations/Publications

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

F. Delegation of Authority

Any act authorized by this Code to be carried out by a specific town official or staff member may be carried out by a designee of such official. For example, the planning director may delegate the preparation of a staff report to a member of the planning staff.

G. Technical and Nontechnical Terms

Words and phrases not otherwise defined in this Code shall be construed according to the common and approved usage of the language, but technical words and phrases not otherwise defined in this Code that may have acquired a particular and appropriate meaning in law shall be construed and understood according to such meaning.

4.20.3 RULES OF INTERPRETATION

A. Mandatory and Discretionary Terms

The words "shall," "must," or "will" are always mandatory, and the words "may" or "should" are always discretionary.

B. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items, conditions, provisions, or events shall apply; and
2. "Or" indicates that one or more of the connected items, conditions, provisions, or events shall apply.

C. Tenses and Plurals

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.

D. Interpretation

The Director has authority to determine the interpretation or usage of terms used in this Land Use and Development Code. Appeal of an interpretation made by the planning director shall be to the Planning & Zoning Commission.

E. Undefined Terms

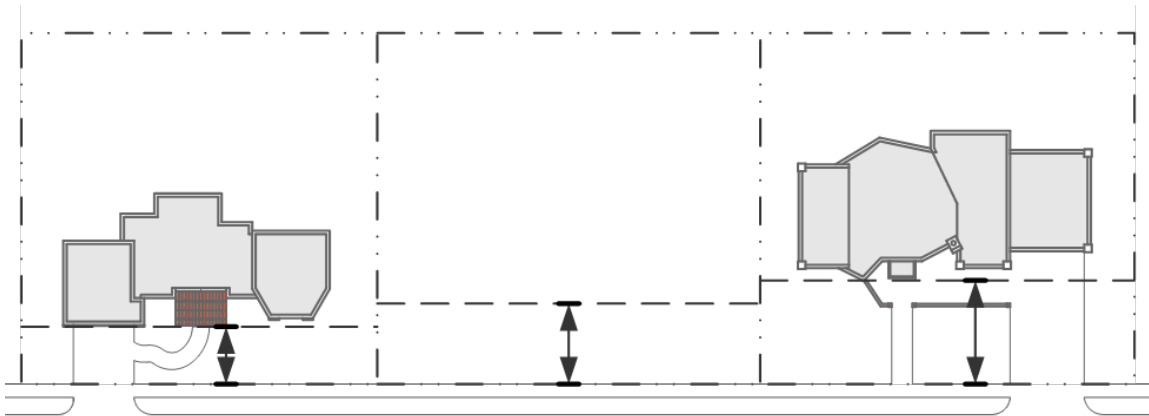
The planning director has the authority to provide the definition for a term where it is not defined in this Zoning Code. Appeal of a definition provided by the planning director shall be to the Planning & Zoning Commission.

4.20.4 MEASUREMENT DESCRIPTIONS AND INSTRUCTIONS

A. Block Face Averaging

The block face setback or build-to average shall be calculated as follows:

1. Front Lots: The average of the front setbacks of the next two lots on each side of the lot on the same side of the street. If any applicable lots are vacant, the minimum front setback or build-to zone from the site and structure regulations of the district shall be used in the calculation.
2. Street Side Lots. The average of the front setbacks of the next two lots adjacent to the lot with the same street frontage as the lot in question. If any applicable lots are vacant, the minimum front build-to zone shall be used in the calculation.



B. Building Footprint

The gross floor area of an individual structure on a lot measured to the furthest exterior wall face at the ground floor.

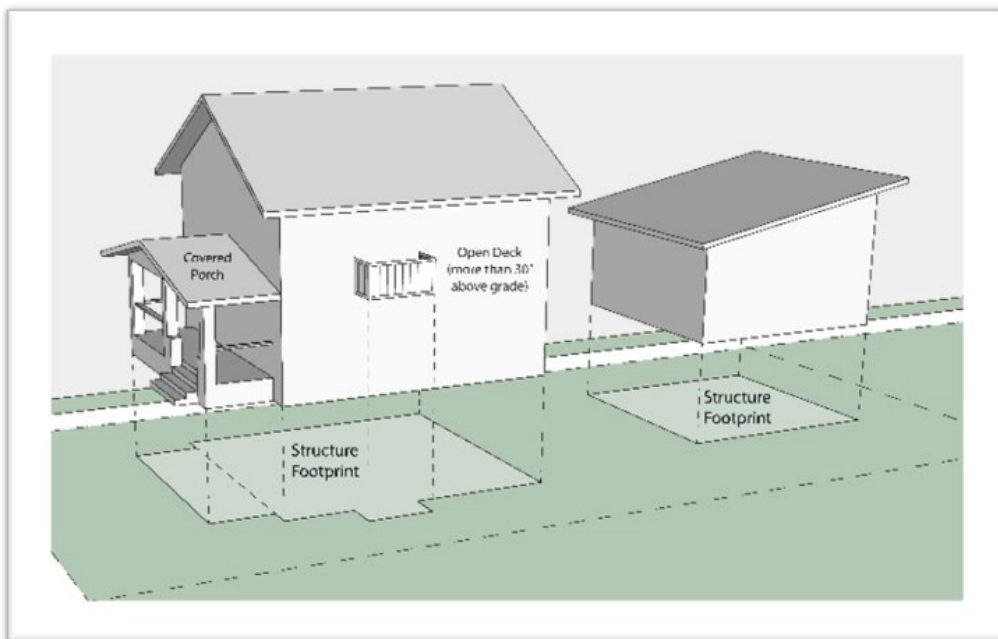
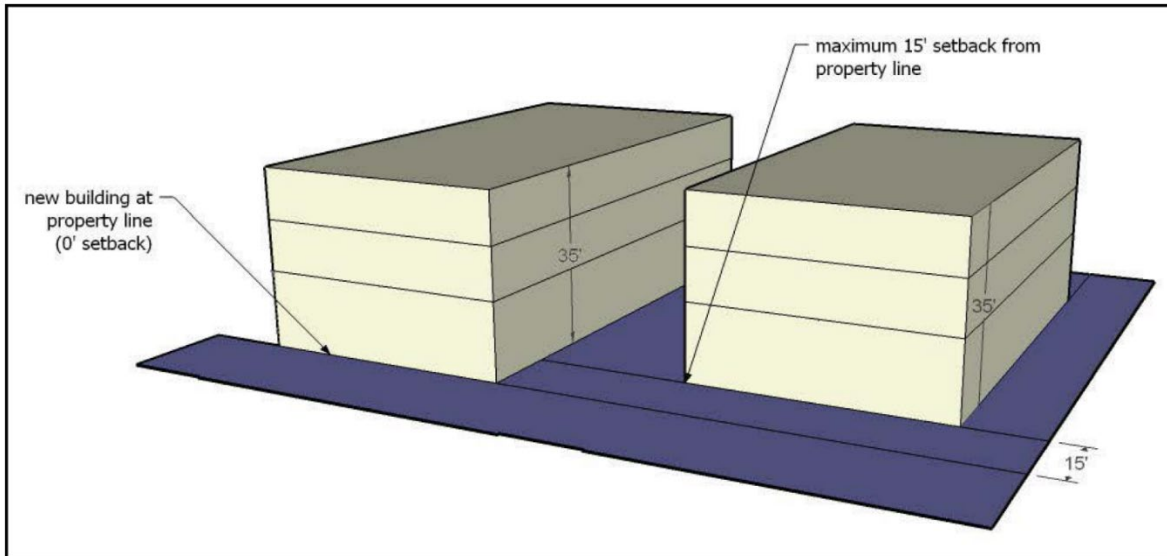


Fig. 4.20.x: Building footprint

C. Build-to Zone

1. An area in which the front or street side facade of a building shall be placed; it may or may not be located directly adjacent to a lot line. The zone dictates the minimum and maximum distance a structure may be placed from a lot line.
2. Measurement. The build-to zone for all frontages is measured from the lot line parallel to the frontage, unless otherwise stated in the building and site regulations. When additional streetscape area is required per the building and site regulations, the build-to zone is measured from the edge of the required streetscape onto the site.



D. Bulk Plane Setback

1. Intent

Bulk plane standards lower the permitted height of development near front, side and/or rear property lines by establishing an inclined plane over which buildings may not protrude. By pushing taller building elements towards the center of a lot, a bulk plane may be used to reduce looming impacts on neighboring properties and promote access to light and air.

2. Measurement

A bulk plane may be measured from the property line or minimum setback and may start either at ground level or a specified starting height above ground level. From the starting height, the bulk plane projects towards the center of the lot at a specified angle until it intersects the overall height limit or a bulk plane projected from another side of the lot.

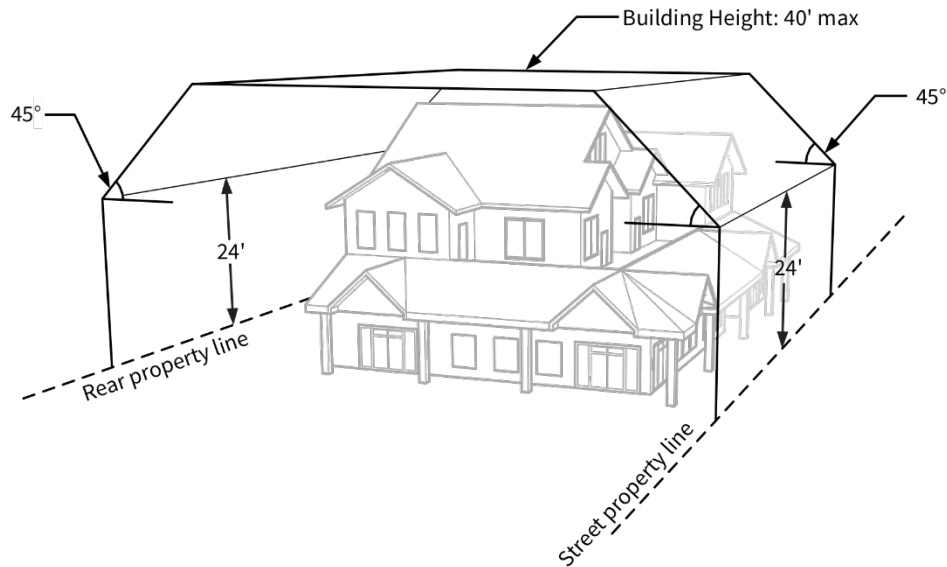


Fig. 4.20-x: Bulk plane setback measurement illustration (measurement standards may vary by location)

E. Density

1. Net Density

Net density shall be calculated by dividing the number of dwelling units by the net site area. Net density shall be used when calculating density on parcels where no additional street connections are required.

2. Gross Density

Gross density shall be calculated by dividing the number of dwelling units by the gross site area. Gross density shall be used when calculating density on parcels of land not previously developed and where street dedications are necessary for roadway connectivity.

3. Minimum Density Required⁸⁰

The intent of this Code is not to prevent incremental development of a parcel in conformance with the comprehensive plan or to mandate a timeline for an applicant to complete future development. Development that does not meet the minimum density can be permitted as long as a concept plan showing future development on the site to meet the minimum development standards is approved and actions, as determined by the Director, are taken to preserve that land for future development. Any necessary design exceptions to accommodate future development should be approved with the initial approval to remove barriers to future growth.

- a. All new development that is over 50 percent residential (by square footage) shall meet the minimum density requirement of the applicable zone district. This can be done by either building the required units or demonstrating that the units can feasibly be constructed within future phases of the project.

⁸⁰ Drafting note: delete this section if minimum densities are not established.

- b. The following land can be excluded from the calculation to determine required minimum density:
 - i. Land that is preserved for public use or natural preservation (deed restriction or zoned PC2);
 - ii. Land that is necessary for roads, utilities, or other necessary infrastructure; and
 - iii. Land that is unbuildable due to topography issues such as being in the flood plain or steep slopes
- c. The minimum density requirement can be waived by the Director for:
 - i. Existing parcels under 1 acre
 - ii. Where redevelopment or expansion of existing structures makes providing the required density infeasible.

4. Maximum Density Not Guaranteed

The number of dwelling units allowed on a site is based on the presumption that all other applicable standards shall be met. The maximum density established for a zone district is not a guarantee that such densities may be obtained, nor a valid justification for varying other dimensional or development standards.

F. Grade

- 1. Existing grade is defined as the natural topography that exists prior to any improvements being made.
- 2. Finished grade is the final elevation of the surface material that adjoins the building.

G. Height

- 1. Building height is measured as follows: The maximum vertical rise from the lowest grade on the perimeter of the building to the highest point of the building. Measurement shall be from existing or finished grade, whichever is more restrictive. The perimeter of the building shall include any and all attached decks. An additional 10 feet (h) over and above the maximum height will be allowed for deck piers. Antennae (except those exempted from federal regulations), chimneys, flues, vents and similar unoccupied appurtenances shall not extend over five feet (5') above the maximum height limit. Those unoccupied appurtenances on the roof shall not exceed five percent (5%) of building footprint area.
- 2. Fence and wall height shall be measured vertically from undisturbed grade.

H. Lot Coverage and Usable Open Space⁸¹

- 1. Lot coverage is measured as the percentage of the gross lot area covered by buildings and impervious surface. It is calculated by dividing the gross area of building footprints, measured to the furthest exterior face of the structure including above-grade enclosed projections, by the area of the lot. The following shall be counted as covered areas for purposes of determining building coverage:

⁸¹ "Building coverage" and "other impervious surface" coverage have been combined into the single concept of "lot coverage." The lot area that remains open and not included in required setbacks is now measured as "usable open space."

- a. Areas covered by swimming pools and hot tubs;
 - b. Decks, stoops, patios, porches, and their associated stairs that are 30 inches or more above grade;
 - c. Any portion of a lot or site covered by materials forming an unbroken surface impervious to water, including streets, driveways, and parking lots;
 - d. Structures covered by a roof; and
 - e. Structures that are more than six feet tall and enclosed on three or more sides with walls that are less than 25 percent open.
2. Usable open space is measured as a percentage of the lot area, by dividing the total usable open space by the lot area. Usable open space shall not include areas used for driveways, parking areas, or minimum required setbacks.

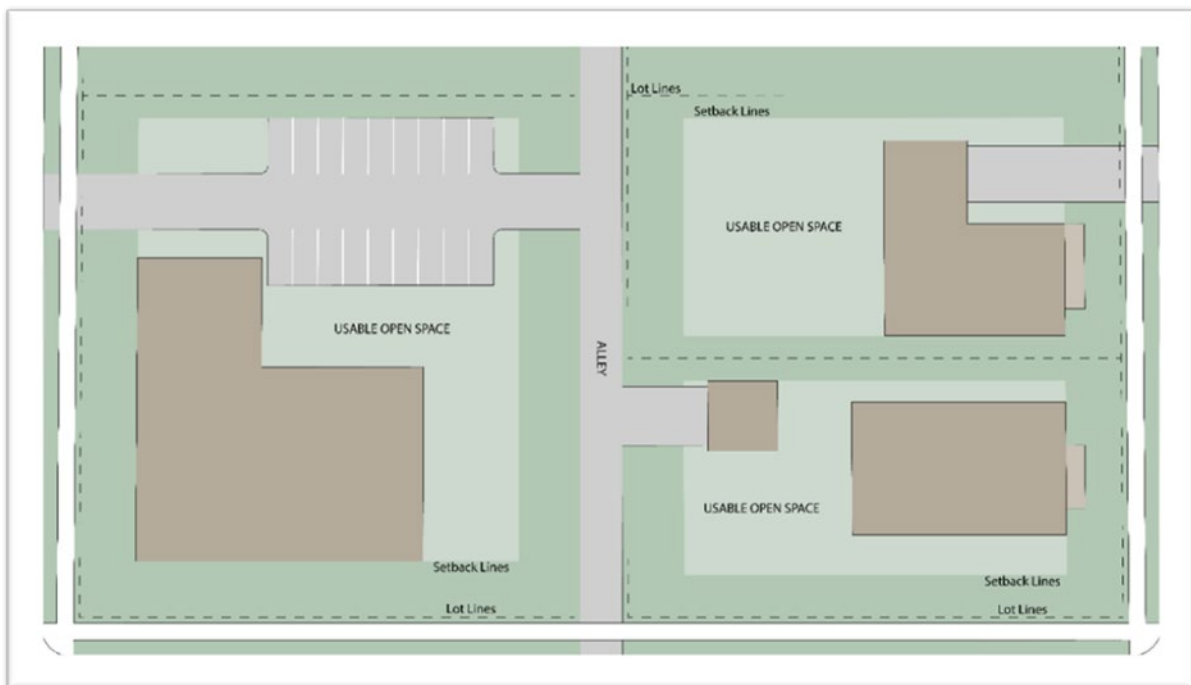


Fig. 4.20-x: Usable Open Space

I. Setbacks

1. Duplexes, Townhouses, Condominiums

For the purpose of setback calculations, any such building, regardless of multiple ownership, shall be considered one building occupying one lot.

4.20.5 GENERAL DEFINITIONS

A. A Terms

Abut (or Abutting)

To touch or share a contiguous boundary or border.

Accessory apartment to owner-occupied single-family dwelling

An individual dwelling unit subordinate to, and contained within or adjacent to, a single-family dwelling.

Accessory building or structure

A detached subordinate building located on the same lot as the principal building, the use of which is incidental and subordinate to and customarily associated with the principal building or use of the lot.

Accessory use

A use subordinate to and customarily associated with the use of the lot.

Addition

Any activity that expands the enclosed footprint or increases the square footage of an existing structure.

Adjacent

Lying near or in the immediate vicinity, e.g. across a street or alley, or diagonally across from.

Adopted level of service

The level of service (LOS) standards as adopted by the Town.

Adult day care center

An adult day care center is a facility that provides the staff assistance to clients that each requires for activities of daily living, including but not limited to eating, walking, and grooming.

Affordable Housing and Attainable Housing

[to be included following completion of Eagle Housing Needs Assessment]

Agricultural-farm/ranch

The use of a tract of land for the production of plants, animals or horticultural products for commercial purposes.

Alley

A public right-of-way providing only secondary access to the rear of a property and not intended for general travel.

Alluvial fan flooding

A fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars, and recently abandoned channels. Alluvial fans are predominantly

Chapter 4.20: Measurements and Definitions

4.20.5. General Definitions

formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.

Alterations

A change or rearrangement of the structural parts of existing facilities, or an enlargement by extending the sides or increasing the height or depth or the moving from one location to another. In buildings for business, commercial, industrial or similar uses, the installation or rearrangement of partitions affecting more than one third of a single floor area shall be considered an alteration.

Alternative financial services

The use of a site for the provision of alternative financial services such as vehicle title loans, check cashing, payday advance/payday loan, or money transfer as defined below. An alternative financial services establishment does not include state or federally chartered banks, savings and loans, and credit unions. An alternative financial establishment does not include an establishment that provides financial services that are accessory to another main use.

Applicant

The property owner, or duly designated representative of the property owner who submits an application for development approval.

Application for development approval

An application for approval of a subdivision preliminary or final plan, approval of a planned unit development, approval of a development permit, or approval of a special use permit.

Area median income

Median family income estimates and program income limits compiled and released annually by the U.S. Department of Housing and Urban Development. The figures shall be utilized by the Town in the establishment of initial maximum sales proceeds for local employee residences.

Area of shallow flooding

A designated zone AO or AH on a community's flood insurance rate map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Arboretum/botanic gardens/zoo

A group of uses that provide educational and cultural services to the public as part of their scientific collection and study of the subject that is the purpose of the establishment.

Assembly

A room or place such as a ballroom, auditorium, party room, gaming room, or convention hall that is intended or used to accommodate people in a group and is further divided into the following types:

Civic

A building or structure, or group of buildings or structures, that by design and construction are primarily intended for the conducting of organized meetings, or other activities and accessory uses associated therewith, for non-commercial purposes.

Entertainment and Trade

Chapter 4.20: Measurements and Definitions

4.20.5. General Definitions

A building or portion thereof used for groups of people to gather for an event, or regularly scheduled program. General assembly uses include arenas, auditoriums, banquet facilities, conference and reception centers, concert halls and theaters.

Religious

A facility or area for people to gather together for public worship, religious training, or other religious activities including a church, temple, mosque, synagogue, convent, monastery, or other structure, together with its accessory structures, including a parsonage or rectory. This use does not include home meetings or other religious activities conducted in a privately occupied residence. Accessory uses may include meeting rooms and childcare provided for persons while they are attending assembly functions. Schools and other childcare services are not accessory uses and shall require approval as separate principal uses.

Auction house

An establishment where the real or personal property of others is sold by a broker or auctioneer to persons who attend scheduled sales or events.

Automobile or vehicle salvage or wrecking yard

The dismantling or wrecking of motor vehicles or trailers, or the storage, sale or dumping of dismantled, or partially dismantled, obsolete, or wrecked vehicles or their parts or any establishment or place of business which is maintained or used for the storage, keeping, buying or selling of wrecked, scrapped or dismantled motor vehicles or motor parts. The presence on any lot or parcel of land of two or more motor vehicles, which, for a period exceeding thirty days, have not been capable of operating under their own power and from which parts have been removed for reuse or sale, shall constitute a salvage or wrecking yard.

B. B Terms

Bank

Any financial institution.

Base flood elevation (BFE)

The elevation shown on a FEMA flood insurance rate map for zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Basement

Any area of a building having its floor sub-grade (below ground level) on all sides.

Bed and breakfast facility

An owner-occupied, single-family residential dwelling unit that contains no more than three guest bedrooms where overnight lodging, with or without meals, is provided for compensation. Kitchen and dining facilities serve only residents and guests and are not operated or used for any commercial activity other than that necessary for bed and breakfast purposes.

Board, Town Board or Town Board of Trustees

The Board of Trustees of the Town of Eagle.

Boarding, animal

Chapter 4.20: Measurements and Definitions

4.20.5. General Definitions

The feeding, housing, and exercising of animals not owned by the owner of the property and for which the property owner may receive compensation.

Building

Any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, not including a mobile home as defined herein, a porch, deck, fence, retaining wall or similar non-enclosed structure.

Building envelope

Lines enclosing a horizontal space in which a building is to be constructed, which lines indicate the maximum exterior dimensions of the proposed building but which do not necessarily depict the shape of the exterior walls of the building.

Building lot

A lot which meets the applicable zone district requirements for construction of a building in the zone district, and upon which one principal building may sit.

Building, principal

The primary building(s) on a lot that accommodates the principal use(s) to which the premises are devoted.

Bus or taxi maintenance and parking shed

A facility where buses, taxis, and similar modes of transportation are stored and maintained.

Business

A building in which commercial activities are conducted and where the business is structurally separated from other businesses and has its own entrance, either exterior or interior.

Business service

Services such as building repair and maintenance, the installation of plumbing, electrical, air conditioning and heating equipment, janitorial services, and exterminating services. The retail sale of supplies is permitted as an accessory use.

C. C Terms

Canopy

A permanent roof-like structure affording shelter or shading and constructed of a durable material such as metal, glass, rigid plastic, or canvas.

Capacity

The maximum demand that can be accommodated by a public facility without exceeding the adopted level of service standards for such facility.

Capital improvement

Transportation planning, preliminary engineering, engineering design studies, land surveys, right-of-way acquisition, engineering, permitting, and construction of all the necessary features for any street construction project, including, but not limited to:

1. Construction of new through lanes;

Chapter 4.20: Measurements and Definitions

4.20.5. General Definitions

2. Construction of new turn lanes;
3. Intersection improvements including the construction of round-a-bouts;
4. Construction of new drainage facilities, sidewalks, bicycle lanes, curbs, gutters, and landscaping in conjunction with new street construction;
5. Purchase and installation of traffic signalization; and
6. Relocation of utilities to accommodate new street construction.

Capital improvements program

A program adopted by the Town for providing public facilities, including the Town's street improvements plan.

Car wash

A building or area that provides facilities for washing and cleaning motor vehicles, excluding semi-tractors and/or semi-trailers, which may use production line methods with a conveyor, blower, other mechanical devices, or hand labor in the cleaning of the vehicle.

Caretaker Quarters

A dwelling constructed inside a principal building used to accommodate a caretaker or security person and their family.

Cemetery/Crematorium

A facility or area used or intended to be used for the burial of the dead, including crematories, mausoleums, and mortuaries when operated in conjunction with, and within the boundaries of such cemetery.

Channel

The physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

Channelization

The artificial creation, enlargement or realignment of a stream channel.

Child care facility

A facility for child care in a building which is maintained for the whole or part of a day for the care of seven or more children under the age of 16 years and not related to the owner, whether such facility is operated with or without compensation for such care and with or without stated education purposes. The term shall include facilities commonly known as "day care centers," "day nurseries," "nursery schools," "kindergartens," "pre-schools," "play groups," "day camps," "summer camps," "centers for mentally retarded children" and any facilities which give 24-hour care for dependent and neglected children. The term shall include those facilities for children under the age of six years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial elementary school system of at least six grades. "Kindergarten" shall mean any facility providing an educational program for children only for the year preceding their entrance to the first grade, whether such facility is called a kindergarten, nursery school, pre-school, or any other name.

Collector or collector street

A street so designated in the Town's major street plan which is designed to facilitate movement of traffic from local streets to arterial streets.

Commercial general

Any premises that is devoted to any commercial purpose or public or governmental purpose not included within the definitions of retail, bank, restaurants, convenience store office, or industrial development set forth herein.

Commission or Planning Commission

The Planning and Zoning Commission of the Town of Eagle.

Common open space

Open areas of land or water or a combination thereof within a development designed and intended primarily for the use and enjoyment of residents, owners, employees or customers of the development.

Community

Any political subdivision in the State that has authority to adopt and enforce floodplain management regulations through zoning, including, but not limited to, cities, Towns, unincorporated areas in the counties, Indian tribes and drainage and flood control districts. "Community" includes the Town.

Community garden

An area managed and maintained by a group of individuals to grow and harvest food crops, or non-food crops, for personal or group consumption, for donation, or for sale that is incidental in nature

Conditional letter of map revision (CLOMR)

FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

Condominium unit

An individual air space unit consisting of any enclosed room(s) occupying all or part of a floor(s) in a building of one or more floors used for residential, professional, commercial, or industrial purposes, together with the interest in the common elements appurtenant to that unit.

Consumer maintenance and repair

A use category that includes uses that provide the repair and maintenance of a wide variety of consumer products.

Convenience store

A retail store that is designed and stocked to sell primarily food, beverages and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). It is designed to attract, and depends upon, a large volume of stop-and-go traffic. Illustrative examples of convenience stores are those operated by the "7-11" and "Loaf 'N Jug" chains. These stores may also include pumps and/or storage tanks from which fuels are dispensed at retail. No servicing, maintenance or repair work shall be conducted on the business premises. This definition shall exclude truck stops.

Correctional Facility

A facility for the judicially required detention or incarceration of people, where inmates and detainees are under 24-hour supervision by professionals, except when on approved leave.

Cornice

The cornice is the uppermost section of moldings along the top of a wall or just below a roof.

Cottage Court Development

A cluster of at least five attached or detached single-unit dwellings located within a common development that use shared access, parking, and common spaces. Cottage developments can include homes on individual lots, homes owned as condominiums, or leased homes. This use can include communities of five or more factory-built dwellings, provided that each home meets applicable Building Codes or HUD-Code.

County

Eagle County, Colorado.

Courtyard

An outdoor area enclosed by a building or buildings on at least three sides for at least 75 percent of the length of each side, and open to the sky.

Craft Alcohol

The production of small batches of wine, hard cider, beer, or distilled alcoholic beverage as licensed by Colorado law.

Critical facility

A structure or related infrastructure, but not the land on which it is situated, as specified in Section 4.16.070(H), that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood. See Section 4.16.070(H).

Cutoff angle (of fixture)

The angle measured upward from the vertical at which the bare source is completely blocked from view.

D. D Terms

Determination of adequacy

A determination that each public facility will or will not be available concurrent with the impacts of the proposed development of special use at the adopted levels of service standards or will be available subject to certain conditions. A determination of adequacy shall be made by the Town Council, Planning Commission or administrative personnel that is vested with authority pursuant to this Title to review and render a final approval of an application for development approval.

Developer

A person commencing a land development activity which generates traffic and which requires the approval of a subdivision final plat, except lot line adjustments pursuant to Chapter 4.12; approval of a

Chapter 4.20: Measurements and Definitions

4.20.5. General Definitions

planned unit development pursuant to Chapter 4.11; approval of a development permit pursuant to Chapter 4.06; or issuance of a special use permit pursuant to Section 4.05.010.

Development approval

The approval of any final subdivision plat, except lot line adjustments; planned unit development; development permit; or special use after December 1, 1997.

Development

The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any excavation or other land disturbance; or any use or extension of use that alters the character of the property.

Development (Flood Hazard)

Any manmade change in improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Development permit

A permit issued by the Town which certifies that a proposed development has undergone and completed the required development review procedures and which confers permission to apply for a building permit. The development permit may include one or more conditions, which conditions shall apply to any future development of the land, regardless of ownership changes, unless a new development permit is obtained.

DFIRM Database

The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases. (usually spreadsheets containing data and analyses that accompany DFIRMs).

Digital flood insurance rate map (DFIRM);

FEMA digital floodplain map. These digital maps serve as regulatory floodplain maps for insurance and floodplain management purposes.

Discomfort glare

Glare producing discomfort. It does not necessarily interfere with visual performance or visibility.

Director

The Town of Eagle Community Development Director. When an action is performed by the Director, this term also includes the Director's designees.

Drive-in service

A use whose character is dependent on a driveway approach, a drive-through and/or parking space for motor vehicles to either serve customers while in the vehicle or permit consumption of food or beverages in a vehicle obtained on the premises.

Dripline

A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

Drive-through (thru)

Chapter 4.20: Measurements and Definitions

4.20.5. General Definitions

The use of land, buildings, or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant, window or automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane. This definition does not include a vehicle washing facility, a vacuum cleaning station accessory to a vehicle washing facility, or a service station.

Duplex

See Dwelling, two unit

Dwelling

A building or portion thereof or a manufactured home used for residential occupancy, not including motels, hotels, or other overnight lodging accommodations.

Dwelling, attached

A structure where the dwelling units share a common separation such as a ceiling, wall, etc. (including, without limitation, the wall of an attached garage or porch) and where access cannot be gained between the units through an internal doorway.

Dwelling, detached

A dwelling that is free of any shared walls and stands alone.

Dwelling, multiple-family

One building containing three or more dwelling units.

Dwelling, single unit

One building containing only one dwelling unit.

Dwelling, two unit

One building on one lot designed to be occupied by two families living independently of each other.

Dwelling unit

A building or part of a building providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation as defined by the IRC (International Residential Code), for not more than one family.

E. E Terms

Easement

An ownership interest in real property entitling the holder thereof to use, but not possess, that real property.

Educational Facility

A use category for public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, or trade or business schools that provide educational instruction to students.

Elevated building:

1. "Elevated building" means a non-basement building:

Chapter 4.20: Measurements and Definitions

4.20.5. General Definitions

- A. Built, in the case of a building in zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water; and
 - B. Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.
2. In the case of zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

Enclosed structure

A building that protects the contents thereof from the elements, including sight-obscuring walls on all sides and a roof.

Existing grade

The natural topography that exists prior to any improvements being made

Existing manufactured home park or subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion of capacity of a street

Applies to all street and intersection capacity enhancements and includes, but is not limited to, extensions, widening, intersection improvements, construction of round-a-bouts, signalization, and expansion of bridges.

Expansion to an existing manufactured home park or subdivision

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

F. F Terms

Facade

The exterior face of a building, including but not limited to the wall, windows, windowsills, doorways, and design elements. The front facade is any building face adjacent to the front lot line.

Family

A single individual or a collective body of persons in a domestic relationship based upon blood, marriage, adoption or legal custody, living as a separate, independent housekeeping unit, or a group of not more than five unrelated persons, all living together as a separate housekeeping unit.

Notwithstanding the foregoing, a family shall be deemed to include five or more persons (but not in excess of twelve (12) persons) that are not related by blood, marriage, adoption, or legal custody occupying a residential Dwelling Unit and living as a single housekeeping unit if the occupants are handicapped persons as defined in title III of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, or disabled persons as defined by § 24-34-301, C.R.S. A household that includes five or more persons identified above shall not be excluded from the definition of "family"

Chapter 4.20: Measurements and Definitions

4.20.5. General Definitions

by the residence in the household of additional necessary persons (and their families) employed in the care and supervision of such handicapped or disabled persons..

Farm stand

A temporary structure not permanently affixed to the ground and is readily removable in its entirety, which is used solely for the display or sale of agricultural products resulting from agricultural operations that are conducted on the principal use site on which the farm stand is located.

Farmers' Market

A publicly or privately operated, open-air establishment where primarily agricultural products such as raw vegetables, fruits, herbs, flowers, plants, nuts, honey and eggs are sold.

FEMA

The Federal Emergency Management Agency of the United States, the agency responsible for administering the National Flood Insurance Program.

Fence

A barrier composed of posts connected by boards, rails, panels or wire for the purpose of enclosing space to separate parcels of land. This term also includes a masonry wall.

Financial institution

Establishments that provide retail banking services, mortgage lending, and similar financial services to individuals and businesses. Accessory uses may include automatic teller machines, offices, and parking. The use may or may not be allowed to have a drive-through facility, depending on the zone district.

Fire protection

The prevention and extinguishments of fire; the protection of life and property from fire; and the enforcement of municipal, county, district and State Fire Prevention codes.

Flood or flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of water from channels and reservoir spillways;
- B. The unusual and rapid accumulation or runoff of surface waters from any source; or
- C. Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

Flood control structure

A physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Flood insurance rate map (FIRM)

An official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood insurance study (FIS)

Chapter 4.20: Measurements and Definitions

4.20.5. General Definitions

The official report provided by the Federal Emergency Management Agency. The report contains the flood insurance rate map as well as flood profiles for studied flooding sources that can be used to determine base flood elevations for some areas.

Floodplain or flood prone area

Any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

Floodplain administrator

The community official designated by title to administer and enforce the floodplain management regulations.

Floodplain development permit

A permit required before construction or development begins within any special flood hazard area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community, including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this chapter.

Floodplain management

The operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations

Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing

Any combination of structural and/or non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway (regulatory floodway)

The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). Letters of map revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

Floor area

The total gross horizontal area of all floors in a building measured to the interior of the exterior wall.

Floor area ratio

The relationship of the floor area of a building to the total lot area.

Footcandle

The basic unit of illuminance (the amount of light falling on a surface)

Freeboard

The vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

Frontage or property

frontage means the entire length of the boundary line of any one tract of real property adjacent to a public right-of-way.

Fuel sales

A facility engaged in the storage, distribution, and retail sales of vehicle fuels for personal vehicles, fleet vehicles, and/or trucks.

Full-cutoff fixture

A fixture that allows no emission of light above horizontal.

Full shielding

Internal and/or external shields and louvers provided to prevent brightness from lamps, reflectors, refractors and lenses from causing glare at normal viewing angles.

Functionally dependent use

A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Funeral home

A building or part thereof used for human funeral services. Such building may contain space and facilities for: (a) embalming and the performance of other services used in the preparation of the deceased for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; (d) the storage of funeral vehicles, and(e) facilities for cremation.

G. G Terms

Golf course

A tract of land, either public or private, laid out for at least 9 holes for playing the game of golf, and improved with trees, greens, fairways, and hazards. Golf course may include related facilities such as clubhouses, golf schools, and driving ranges and accessory uses such as restaurants/bars, and pro shops, but does not include disc golf courses.

Glare

The sensation of annoyance, discomfort, or loss in visual performance and visibility due to bright or uncontrolled light sources.

Government offices and buildings

An office of a governmental agency that provides administrative and/or direct services to the public, including but not limited to, employment offices, public assistance offices, motor vehicle licensing, and registration services.

Greenhouse

A building or structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of fragile or out-of-season plants for subsequent sale or for personal enjoyment.

Gross area

The horizontal area within the exterior boundaries of the subject property, including any streets and required improvements, easements, reservations, or dedications.

Group Home, Large

A residential dwelling or facility where more than eight persons, including staff, live as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of citizens protected by the provisions of the federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the State, including but not limited to facilities providing housing for people with disabilities.

Group Home, Small

A residential dwelling or facility where eight or fewer persons, including staff, live as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of citizens protected by the provisions of the federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the State, including but not limited to facilities providing housing for people with disabilities.

H. H Terms

High water mark

The waterline at the point of high discharge with a recurrence interval of ten years.

Highest adjacent grade

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure

Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

Chapter 4.20: Measurements and Definitions

4.20.5. General Definitions

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. By an approved State program as determined by the Secretary of the Interior; or
2. Directly by the Secretary of the Interior in states without approved programs.

Home occupation

Any use for gain or compensation carried on within a dwelling in accordance with the provisions of Section 4.09.

Hospice

A facility where palliative and supportive care are provided to meet the needs of a terminally ill patient and the patient's family according to the requirements of Colorado law.

Hospital

A facility providing, by or under the supervision of licensed physicians, services for medical diagnosis, treatment, rehabilitation, and care of injured, disabled, or sick individuals. Except as otherwise provided by law, services provided must include medical personnel available to provide emergency care onsite 24 hours a day and may include any other service allowed by state licensing authority. A hospital has an organized medical staff that is on call and available within 20 minutes, 24 hours a day, 7 days a week, and provides 24-hour nursing care by licensed registered nurses. The term includes: (i) hospitals specializing in providing health services for psychiatric, developmentally disabled, and tubercular patients; and (ii) specialty hospitals.

Hotel

A building, or portion thereof, designed or used for temporary lodging, being less than 30 days, where lodging with or without meals is provided for compensation. A central dining room, banquet meeting hall, kitchen, plus accessory shops and services catering to the general public can be provided.

I. I Terms

IESNA

The Illuminating Engineering Society of North America, an organization that establishes standards for the lighting industry.

Illuminance

A measure of the amount of light incident on a surface, expressed in footcandles.

Individual business

One business on one parcel provided that the parcel is not part of a multiple business complex; and also provided the parcel is not part of a group of multiple contiguous parcels under the same ownership. See also Tenant.

Indoor recreation facility

A commercial recreational use conducted entirely within a building, including arcade, arena, art gallery and studio, art center, assembly hall, athletic and health clubs, auditorium, bowling alley, community center, conference center, exhibit hall, gymnasium, library, movie theater, museum, performance theater, pool or billiard hall, skating rink, swimming pool, and tennis court. Accessory uses may include limited retail, concessions, parking, and maintenance facilities.

Industrial development

Any premises devoted primarily to manufacturing, processing, assembly or storage of tangible personal property, warehouses, distribution and wholesale uses, utility service facilities, and other accessory buildings reasonably required for maintenance or security of the above uses.

Industrial sales and service

A use category of firms that are engaged in the sale, repair, or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Contractors and similar users perform services off-site. Few customers come to the site. Accessory activities may include sales, offices, parking, and storage.

J. J Terms

Junk

Any worn out cast off or discarded article or material that is ready for destruction or has been collected or stored as salvage, for conversion to some other use or for reduction into components. Junk includes but is not limited to, old or scrap brass, rope, rags, batteries, paper, tires, rubber debris or waste, iron, steel and other old or scrap ferrous or non-ferrous material.

Junkyard

An open area where wastes, or used or secondhand materials are bought, sold, exchanged, stored, processed or handled, which are not intended to be recycled. Materials shall include, but are not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles.

K. K Terms

Kennel

A facility licensed to house dogs, cats or other pet animals where single or multi-day day overnight boarding, including daytime for multi-day boarding, is conducted for a fee or compensation.

L. L Terms

Land development activity generating traffic

Any change in land use or any construction of buildings or structures, or any change in the use of a structure that attracts or produces vehicular trips.

Land development activity requiring additional fire protection services

Any change in land use or any construction of buildings or structures, or any change in the use of a structure that could require the rendering of additional fire protection services over and above the previous use. When a change of use, redevelopment or modification of an existing use requires development approval, the impact fee shall be based upon the net increase in the impact fee for the new use as compared to the previous use.

Landscaping, landscaped area, landscape materials

Is as defined in Chapter 4.07.

Lease

An agreement or act by which an owner gives to a tenant, for valuable consideration, possession and use of property or a portion thereof for a definite term, at the end of which term the owner has an absolute right to retake control and use of the property.

Letter of map revision (LOMR)

FEMA's official revision of an effective flood insurance rate map (FIRM), or flood boundary and floodway map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations (BFEs), or the special flood hazard area (SFHA).

Letter of map revision based on fill (LOMR-F)

FEMA's modification of the special flood hazard area (SFHA) shown on the flood insurance rate map (FIRM) based on the placement of fill outside the existing regulatory floodway.

Levee

A manmade embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.

Levee system

A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Level of service

The same meaning as set for the in the Transportation Research Board's Highway Capacity Manual, Special, Report 209 (1994), or as otherwise defined in the Town's most recent transportation study.

Licensed marijuana premises

means the premises specified in an application for a license pursuant to the Colorado Medical Marijuana Code or Colorado Retail Marijuana Code that are owned or in possession of the marijuana licensee and within which the marijuana licensee is authorized to cultivate, manufacture, distribute, sell, or test medical or retail marijuana in accordance with the provisions of this Code, Colorado Medical Marijuana Code and/or Colorado Retail Marijuana Code.

Light trespass

Any form of artificial illumination emanating from a light fixture or illuminated sign that penetrates another property, either directly or indirectly.

Local Employee Residence

A residential lot or separate dwelling unit that is deed restricted in accordance with the Town's local employee residency requirements and guidelines, and in accordance with a deed restriction approved by the Board of Trustees or its designee.

Local Employee Residency Requirements and Guidelines

The requirements and guidelines adopted by resolution of the Board of Trustees, from time to time, which may include, but shall not be limited to, standards concerning the procedure for qualifying to own or rent local employee residences; the requirements (e.g., residency) for qualifying to own or rent local employee residences; forms of approved deed restrictions; limitations on appreciation of sale prices of local resident housing; procedures for sale of local employee residences; priorities for persons

Chapter 4.20: Measurements and Definitions

4.20.5. General Definitions

bidding to purchase local employee residences; occupancy requirements; size, rental, and sales price limitations; maximum sales and rental rate increases; standards for the number of residents per dwelling unit; quality of construction requirements for new local employee residences; and possible incentives for the construction of local employee residences. The local employee residency requirements and guidelines, and any subsequent amendments thereto, shall be adopted following a duly noticed public hearing at which the guidelines are considered.

Lodging, extended stay,

Overnight sleeping accommodations which are managed with the intent of providing extended stay occupancy, generally more than three weeks, to fee-paying transients. Extended stay lodging accommodations may be leased on a daily or week to week basis only, and no transient is permitted to reside in an extended stay lodging accommodation for more than 150 days within a consecutive 12-month period.

Lodging, temporary

Overnight sleeping accommodations which are managed with the intent of providing short-term occupancy, generally less than three weeks, to fee-paying transients.

Lot

A measured portion of a subdivision or other parcel of land created by deed or plat intended as a unit for transfer of ownership.

Lot area

The total horizontal land area within the boundaries of a lot.

Lot, Buildable

A lot or parcel that meets all applicable requirements for building including but not limited to: wastewater disposal, well and septic spacing, setbacks, access, zoning and building requirements and any site specific restrictions imposed as part of a Town development approval; provided that it meets one or more of the following criteria:

1. Was created by deed or plat recorded in the Office of the Eagle County Clerk and was not created in violation of Colorado state law or the Town LUDC and met the minimum lot area required for the Zone District in which it was located when it was created.
2. Qualifies as a nonconforming lot.

Lot or site coverage

The portion of a lot or site covered by materials forming any unbroken surface impervious to water, including:

- A. Buildings, decks, patios, structures;
- B. Streets, driveways, parking lots, and other impervious materials.

Lot line, front

The property line of a lot dividing the lot from the front-side adjoining street.

Lot line, rear

The property line of a lot opposite the front lot line.

Lot line, street side

The property line of a lot abutting a non-front street.

Lot line, interior side

Any lot property line that is not a front, street-side, or rear lot line.

Lowest floor

The lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

Luminance

The apparent brightness of a light fixture or lamp as viewed from a specific direction. The luminance of a fixture can vary as the viewing angle varies.

M. M Terms

Major street plan

An advisory planning document officially adopted by resolution of the Town Council, which document classifies existing and proposed streets according to size and use.

Mansion House

A structure on one lot designed to appear like a single unit residence but that is divided into three to four units, each with an individual entry.

Manufactured Home

A manufactured home which is certified to meet the most current H.U.D. standards or which complies with the International Building Code for commercial buildings and the International Residential Code for residential buildings, as adopted by reference by the Town, shall be permitted in any zone district where single-family homes are allowed; provided, however, the manufactured home shall meet all other requirements pertaining to single-family homes.

Manufactured home park or subdivision

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufacturing

Establishments involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, constructed, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants,

Chapter 4.20: Measurements and Definitions

4.20.5. General Definitions

or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, such activity is a subordinate part of sales. Relatively few customers come to the manufacturing site. Accessory activities may include retail sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, and caretaker's quarters.

Artisan

Spaces used by artists for the creation of art or the practice of their artistic endeavors.

Limited

The creation of a unique or customized product, such as hats, boots, or knives, in fulfillment of a customer order.

Light

An establishment engaged in fabrication, assembly, processing, or manufacturing that generally do not create significant impacts on surrounding areas.

Heavy

An establishment engaged in fabrication, assembly, processing, or manufacturing that have the potential to create significant impacts on surrounding areas due to the types of materials used, byproducts created, hours of operations, volumes of heavy truck or rail traffic, or other factors.

Marijuana

shall have the same meaning as set forth in Section 16(2)(f) of Article XVIII of the State Constitution.

Marijuana accessories

shall have the same meaning as set forth in Section 16 (2)(g) of Article XVIII of the State Constitution.

Marijuana licensee

Any person licensed or registered pursuant to the Colorado Medical Marijuana Code and/or Colorado Retail Marijuana Code.

Marijuana testing facility

A public or private laboratory licensed and certified, or approved by the State marijuana enforcement division, to conduct research and analyze medical and/or retail marijuana, medical and/or retail marijuana infused products, and medical and/or retail marijuana concentrate for contaminants and potency.

Material safety data sheet (MSDS)

A form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

Mean sea level

For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's flood insurance rate map, are referenced.

Medical marijuana business or medical marijuana establishment

A medical marijuana center, an optional medical marijuana cultivation premises, a medical marijuana infused products manufacturer, or a medical marijuana testing facility. For the purpose of this definition, a patient that cultivates, produces, possesses or transports medical marijuana, or a primary caregiver that cultivates, produces, sells, distributes, possesses, transports, or makes available marijuana in any form to one or more patients shall not be deemed a medical marijuana business.

Mental health center

A facility providing services for the prevention or diagnosis of mental illness, the care and treatment of mentally ill patients, the rehabilitation of mentally ill individuals, or any combination of these services in accordance with the requirements of Colorado law.

Merchandise

All items of movable personal property offered for sale to the public for which no title is required to be registered with or issued by the state.

Microbrewery (craft brewery, brew pub)

A facility for the production and packaging of up to 10,000 barrels a year of malt beverages of alcoholic content for on or off premises distribution, retail, or wholesale in conformance with Colorado state law. The facilities typically include a tasting room and may include accessory food preparation and sales, as well as sales of promotional merchandise such as growlers, T-shirts, and hats.

Microdistillery

A facility for the limited production of distilled spirits, making up to 25,000 gallons per year, for on or off premises distribution, retail, or wholesale in conformance with Colorado state law. The facilities typically include a tasting room and may include accessory food preparation and sales, as well as sales of promotional merchandise such as T-shirts and hats.

Micromobility Devices

Lightweight vehicles such as bicycles or scooters, especially electric ones that may be borrowed as part of a self-service rental program.

Mobile home

A structure manufactured partially or entirely in a factory, designed for long-term residential use and transported to its occupancy site, which is 12 feet or more in width, is a minimum of 600 square feet and constructed in accordance with the National Mobile Home Construction and Safety Standards Act of 1974 and is licensed by the State Department of Motor Vehicles as a mobile home.

Modular home

A home built in a factory setting in units, transported to the home site, placed on a permanent foundation, and joined. Modular homes are required to meet the Town's adopted building code.

Motion sensor device

A device that will sense motion electronically and switch on security lighting for a brief duration.

Motor vehicle

Chapter 4.20: Measurements and Definitions

4.20.5. General Definitions

A two or more wheeled or track vehicle designed to transport one or more persons or properties from one location to another including without limitation: trucks, buses, cars, motorcycles, scooters, farm and industrial equipment.

Mixed-Use Structure

A structure designed to accommodate housing and one or more other types of uses.

N. N Terms

National Flood Insurance Program (NFIP)

FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable federal regulations promulgated in 44 CFR. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

New manufactured home park or subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Nonconforming Lot

A lot that was lawful prior to the adoption, revision, or amendment of this Code, but that fails by reason of such adoption, revision, or amendment, to conform with the present lot requirements for the zone district in which the lot is located.

Nonconforming Structure

A structure or building that was lawful prior to the adoption, revision, or amendment of this Code, but which fails by reason of such adoption, revision, or amendment, to conform to the present requirements for a conforming or compliant structure in the zone district in which such structure or building is located.

Nonconforming Use

A use or activity that was lawful prior to the adoption, revision, or amendment of this Code, but which by reason of such adoption, revision, or amendment, is no longer permitted in the zone district in which such use or activity is located.

Nonconforming Site Characteristic

A site characteristic that was lawful prior to the adoption, revision, or amendment of this Code, but that fails by reason of such adoption, revision, or amendment, to conform with the present location or dimension requirements for the zone district in which the lot is located.

No-rise certification

A record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A no-rise certification must be supported by technical data and signed by a registered State Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the flood insurance rate map (FIRM) or flood boundary and floodway map (FBFM).

Non-cutoff fixture

A fixture that includes no optics to prevent light emission above horizontal.

Nuisance glare

Glare that causes complaints.

Nursing home

A home for the aged, chronically ill, or incurable persons who are unable to care for themselves and in which three or more persons not of the immediate family are kept or provided with food and shelter or care for compensation; but not including hospitals, clinics, or other similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

O. O Terms

Occupied space

Interior building space occupied by the building users. It does not include storage areas, utility space, or parking.

Office, business and professional

Premises devoted primarily to office use and includes single tenant office buildings, multi-tenant office buildings, medical clinics and offices, veterinary clinics, research facilities, and experimental or testing laboratories. This use includes contractors and others who perform services off-site only if major equipment and materials are not stored at the site and fabrication or similar work is not carried out on the site.

Open storage

The storage for a period of five consecutive days or more of junk, salvage, trash, inoperable vehicles and/or merchandise outside of an enclosed structure.

Outdoor sales lot

Use of land for retail product sales where the majority of the goods are stored or displayed outside during both business and non-business hours. Outdoor sales lots include automobile and truck sales and rental; boat and recreational vehicle sales and rental; and manufactured home dealerships.

Outdoor Recreation Facility

An outdoor facility providing recreation, with or without charge, including amusement parks, batting cages, golf driving ranges, miniature golf courses, go-cart tracks, skating rinks, skateboard parks, swimming pools, tennis courts, sports courts, water parks, zoological parks and similar uses, but not including auto or horse race tracks.

Outside storage

Items, including, but not limited to, vehicles, excavation equipment, machinery, utility service supplies, fabrication materials, and general supplies, which are stored outside on a regular, permanent, semi-permanent, or seasonal basis.

Owner of record

The owner of real property within the Town as recorded by the County Clerk.

P. P Terms

Parapet Wall

A parapet is a low wall projecting from the edge of a platform, terrace, or roof.

Parking area

The total square footage within a contiguous area provided for parking, including driveways, access ways, turnaround space, areas of landscaping, snow storage areas, and other ancillary space, in addition to actual vehicle parking spaces.

Parking, commercial

A use category including the commercial assembly or standing of vehicles, either in a garage structure or on a surface lot.

Personal service

A use category for establishments providing non-medical services to individuals as a primary use.

Pervious surface

Also referred to as pervious material. A material or surface that allows for the absorption of water into the ground or plant material, such as permeable pavers or a vegetated roof.

Phasing means

A plan for construction of a development in portions over time, which time ranges shall be specified in the development permit.

Physical map revision (PMR)

FEMA's action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations, and/or planimetric features.

Planned capital improvements

A capital improvement or an extension or expansion of a capital improvement which does not presently exist, but which is included within a capital improvements program.

Planned unit development

An area of land, controlled by one or more landowners, to be developed under unified control or unified plan of development for a number of dwelling units, commercial, educational, recreational, or industrial uses, or any combination of the foregoing, the plan for which does not correspond in lot size, bulk, or type of use, density, lot coverage, open space, or other restriction to the existing land use regulations.

Plat or subdivision plat

A map and supporting materials of certain described land, prepared in accordance with applicable regulations as an instrument for recording of real estate interests with the County Clerk and Recorder.

Primary residence

The place that a person, by custom and practice, makes his principal domicile and address to which the person intends to return, following any temporary absence, such as a vacation.

Primary public entrance

Chapter 4.20: Measurements and Definitions

4.20.5. General Definitions

An entrance to a business that is open to the public during its normal and customary hours of operations and the entrance is used as the primary ingress and egress to the business by the public.

Principal building

3. A structure accommodating the principal use to which the property is devoted. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings. A campus may also have more than one principal building or principal use. Campuses may include buildings or uses that would be principal if located off-campus, but which are accessory to the principal use of the campus.
4. The building in a multi-unit multifamily development located at the main access to the complex or where the office functions are provided for the complex.

Principal building entrance

A street-level primary point of public pedestrian access into a building. The phrase “principal building entrance” does not include doors used principally as emergency exits, or doors that provide restricted access (e.g., for employees or deliveries).

Principal use

The primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

Print shop

A retail establishment that provides duplicating services using off-set printing equipment.

Private

In reference to a building, structure, utility, facility or use, "private" means owned by someone other than a unit of government, or an agency of a government, unless the context clearly indicates that "private" is being used in the broader sense of something not available to the general populace.

Professional Property Management

An entity comprised of one or more professional property managers with all required licenses in good standing.

Professionally Managed Short-Term Rental

An STR that is managed, operated, or controlled by a professional property management firm.

Proof of ownership

A notarized affidavit executed by fee simple title holder.

Public buildings

A facility or structure owned or operated by a public, quasi-public, private, or cooperative electric, fuel, communications, sewage, or water company for the generation, transmission, distribution, processing, and disposal of its products. This may include but is not limited to electrical substations and switching stations; natural gas regulating and distribution facilities; public water system wells, treatment plants and storage; telephone switching facilities; wastewater treatment plants, and settling ponds and disposal fields, as well as accessory offices, but not customer service centers (which are an office use), and equipment and material storage yards.

Public facilities⁸²

Capital improvements provided by the Town or another governmental entity, including, but not limited to, facilities for providing water, wastewater, fire protection, emergency services, public schools, parks, and transportation facilities which are required by this chapter to be adequate and available as a condition of development or special use approval. In the case of schools, public facilities may also include land owned by the county school district or land to be dedicated that is specifically intended for the construction of schools.

Public recreation facility

Facilities or equipment that are used for public recreational or natural resource purposes that have a relatively low flood damage potential, and do not involve a structure. This includes, without limitation: bicycle, equestrian or pedestrian trails and paths, benches, ball fields, tennis and basketball courts, interpretive facilities, and golf courses.

Public safety services

The services undertaken by the Eagle Police Department for the welfare and protection of the general public to maintain public order and safety, including without limitation enforcing the law, conducting neighborhood patrols, providing for traffic calming, responding to medical emergencies, disasters, and threats of violence, performing welfare checks, and preventing, detecting, and investigating criminal activities.

Q. Q Terms

Quality restaurant

A restaurant that usually has a turnover of one hour or longer, does not have carry out service, and usually does not operate under a franchise and is not part of a chain.

R. R Terms

Recreational vehicle

A vehicular-type unit designed primarily as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle, and which is licensed in any state as a recreational vehicle, travel trailer, camping trailer, truck camper, motor home, or similar title.

Recreational vehicle (Flood Hazard)

A vehicle which is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

⁸²Drafting note: add definition of private improvements.

Recreational Vehicle Park

Any area or tract of land designed or used that contains two or more spaces that are available for rent to the general public for parking or placement of temporary recreational vehicles. This term does not include a parcel composed of individually platted lots.

Recycling processing facility

A facility that is not a junkyard and in which recoverable resources, such as newspaper, glassware and metal cans are collected, stored, flattened, crushed or bundled. This term does not include automobile or vehicle salvage or wrecking yards.

Re-facing

Any alteration to the face of a sign involving the replacement of materials. Re-facing does not refer to replacing the entire sign structure or the removal of the sign.

Research and testing laboratory

A facility for conducting medical or scientific research, investigation, testing, or experimentation; however, this does not include facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. This definition includes electronic and telecommunications laboratories, including assembly.

Residential treatment facility

A facility operated for the primary purpose of providing residential psychiatric care to individuals under 21 years of age in accordance with the requirements of Colorado law.

Restaurant

An establishment where food and drinks are available to the general public, primarily for consumption within a structure on the premises

Fast food restaurant

A restaurant with a large carry out business, and that typically is open long hours, serves three meals a day, has a turnover of one hour or less, and fills orders in ten minutes or less. Such a restaurant very often has a drive-through window.

High turnover sit down restaurant

A moderately priced restaurant with a turnover of less than one hour and usually serves three meals per day. Such a restaurant has very little or no carry out business and frequently operates under a franchise or is part of a chain.

Retail

Any premises devoted primarily to the sale of merchandise to the general public, including, but not limited to, small establishments, large or "big box" stores, and grocery stores and supermarkets.

Retail sales

A use category for businesses involved in the sale, lease, or rental of new or used products to the general public. Accessory uses may include offices, parking, storage of goods, and assembly, repackaging or repair of goods for on-site sale. Marijuana sales are not included in this category.

General retail

Chapter 4.20: Measurements and Definitions

4.20.5. General Definitions

An establishment engaged in the sale of good to the public at retail and that have the potential to create impacts on surrounding residential areas due to the scale of the building, hours of operations, volumes of automobile or truck traffic, or other factors.

Large-format retail

A physically large retail store that is typically part of a retail chain. A large-format store is characterized by a large amount of floor space (generally more than 50,000 square feet) and a wide array of items available for sale, either as general merchandise or in a specialty category such as books or consumer electronics,

Limited retail

An establishment engaged in the retail sales of convenience goods and other goods serving the day to day needs of the immediate neighborhood within one half (1/2) mile of the site, and not including major purchase items, and that generally do not create significant impacts on surrounding residential areas due to the small size of the establishment and more limited automobile and/or truck traffic.

Retail marijuana

Shall have the same meaning as defined in Section 16(2)(f) of Article XVIII of the State Constitution that is cultivated, manufactured, distributed, or sold by a licensed retail marijuana establishment.

Retail marijuana business or retail marijuana establishment

A retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturer, or a retail testing facility.

Retail marijuana cultivation facility

Shall have the same meaning as "marijuana cultivation facility" as in Section 16(2)(h) of Article XVIII of the State Constitution that is licensed pursuant to the Colorado Retail Marijuana Code, C.R.S. § 44-12-101, et seq.

Retail marijuana products

"Marijuana products" as defined in Section 16(2)(k) of Article XVIII of the State Constitution that are produced at a retail marijuana products manufacturer.

Retail marijuana products manufacturer

Shall have the same meaning as a "marijuana product manufacturing facility" as in Section 16(2)(j) of Article XVIII of the State Constitution that is licensed pursuant to the Colorado Retail Marijuana Code, C.R.S. § 44-12-101, et seq.

Retail marijuana store

Shall have the same meaning as in Section 16(2)(n) of Article XVIII of the State Constitution that is licensed pursuant to the Colorado Retail Marijuana Code, C.R.S. § 44-12-101, et seq.

Retail marijuana testing facility

Shall have the same meaning as a "marijuana testing facility" as in Section 16(2)(l) of Article XVIII of the State Constitution that is licensed pursuant to the Colorado Retail Marijuana Code, C.R.S. § 44-12-101, et seq.

S. S Terms

Salvage yard

A lot or portion of a lot where junk, waste, discarded or salvaged materials are bought, sold, exchanged, baled, stored, packed, disassembled or handled, including auto wrecking activities, building wrecking activities, used lumber places and places for storage of salvaged building materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building. This definition includes junkyard.

School

An institution of learning which offers instruction in the several branches of learning and study required to be taught in the schools by the Colorado State Board of Education; includes public, private and parochial schools.

School, college or university

A public or private institution for higher learning (beyond grade 12) providing instruction as approved by the Colorado Department of Education or a national collegiate or university accreditation agency. This definition also includes higher learning facilities for religious institutions.

School, trade, business, technology, or vocational

A vocational / technical school, trade school, language school, business school, training center, beauty school, culinary school, and comparable advanced or continuing education facilities. The phrase does not include music schools, fitness centers, sports instruction, swimming instruction, or martial arts instruction

Self-service storage facility

A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractor's supplies.

Secure area

An area within the primary residence accessible only to the patient or primary caregiver.

Semi-cutoff fixture

A fixture that emits some light above horizontal, but less than a non-cutoff fixture.

Service bay

An interior space designed for the repair of vehicles and which has unrestricted ingress and egress.

Service establishment

A commercial business that primarily renders personal or commercial services rather than the sale of goods as the principal use of the property, such as printing, copy, hairdressing, shoe repair, appliance repair, upholstery, roofing, plumbing and janitorial services, etc. Activities incidental to the primary service business are permitted as accessory uses.

Setback

The minimum dimension of a required yard.

Sexually Oriented Business

See Chapter 5.14, Sexually Oriented Businesses

Shelter, Animal

A facility that is used to house or contain animals and is owned, operated, or maintained by a nonprofit corporation for the purpose of providing temporary kenneling and care for the animals and finding permanent adoptive homes for them.

Short-Term Rental

A residential dwelling unit, or any room therein, available for lease for a term of less than thirty (30) consecutive days, but excluding bed and breakfasts.

Sign.

See Section 4.21.4.

Site Characteristic

An aspect of a site that is regulated by this Code but is not a structure, use, or lot. Site features include site elements such as landscaping, parking, access location, and uses not located in a structure, such as wind or solar energy systems.

Site-specific development plan

A plan describing with reasonable certainty the type and intensity of use proposed for a specific parcel or parcels of property, which plan shall create a vested property right.

Solid waste facility

A facility principally or solely used for the processing or disposal of solid waste and subject to compliance with all applicable federal, state, and local regulations.

Special flood hazard area

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

Special review use

A use which may be allowed in a specified zone district only upon review and approval by the Planning Commission and Town Board and which may be allowed subject to certain conditions as established by the Planning Commission and Town Board.

Stable

An establishment or area for keeping horses or other domestic animals other than for the property owner's personal use, for compensation, hire, boarding, riding or show

Start of construction

The date the building permit was issued, including substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such

Chapter 4.20: Measurements and Definitions

4.20.5. General Definitions

as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Street, private,

A designated right-of-way, other than an alley, which provides primary vehicular access to adjacent property.

Street, public,

A dedicated public right-of-way, other than an alley, which provides primary vehicular access to adjacent property.

Structure

A walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

Structure, principal

A structure accommodating the principal use to which the property is devoted.

Studio or instruction service

A small-scale facility for the production of or education in a fine art, dance, fitness, or performance program. Examples of these facilities include individual and group instruction and training in the arts and production rehearsal, photography and the processing of photographs produced only by users of the studio facilities, martial arts training studios, and gymnastics instruction and fitness centers. Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists.

Subdivision

Any parcel of land which is to be used for condominiums, apartments, or any other multiple-dwelling units, unless such land was previously subdivided and the filing accompanying such a subdivision complied with municipal regulations applicable to subdivisions of substantially the same density, or the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. Unless one of the following is accomplished with the purpose of evading the existing provisions of this Title, "subdivision" or "subdivided land" shall not apply to any division of land:

5. Which is created by order of any court in this State or by operation of law, so long as the Town is notified of any such court action;
6. Which is created by a lien, mortgage, deed of trust, or other security instrument;
7. Which is created by a security or unit of interest in any investment trust regulated under the laws of this State or any other interest in an investment entity;
8. Which creates cemetery lots;

Chapter 4.20: Measurements and Definitions

4.20.5. General Definitions

9. Which creates an interest in oil, gas, minerals or water which is severed from the surface of real property;
10. Which is created by the acquisition only of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common; any such interest shall be deemed for the purposes of this section as only one interest; or
11. The dedication, conveyance or vacation of land to or from the Town for right-of-way or other public uses or purposes.

Substantial damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure just prior to when the damage occurred.

Substantial improvement

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before start of construction of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or
- B. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

T. Terms

Temporary structure

A structure established for a fixed period of time as established by permit.

Temporary use

A use established for a fixed period of time as established by permit.

Tenant

A single incorporated use of a premises for which a certificate of occupancy has been issued, which is separated from another business by demising walls and has a separate entrance.

Theater

A structure that is open to the public and is used for dramatic, operatic, musical, motion picture, or other performance or entertainment related activities, where admission is charged per performance or event, and where there is no audience participation other than as spectators.

Threshold planning quantity (TPQ)

A quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

Timing device

Chapter 4.20: Measurements and Definitions

4.20.5. General Definitions

A switching device, a part of which is a clock, set to the prevailing time, that will control the period of operation for outdoor lighting fixtures and signs.

Timeshare/Fractional Ownership

Any arrangement, schedule, plan, scheme, or similar device, whether by agreement, sale, lease, deed, license, right to use agreement, or by any other means, whereby an owner of the property or a fraction thereof, receives ownership rights in, or the right to use, the property for a period of time less than a full year. Other factors include but are not limited to centralized management, advanced reservations via electronic/app reservation systems, maximum stay limits on each owner's overall reservation/use of the property, and fixed management subscription fee as part of initial purchase [although subscription may be canceled]

Tiny Home

A dwelling that has no more than 800 square feet⁸³ of habitable space that is designed for year-round occupancy, is connected to water, sewer, and electric utilities, and meets one of the following: (1) Department of Housing and Urban Development (HUD) manufactured home construction standards as shown by a red certification label, (2) modular construction that complies with the Colorado Division of Housing Building Codes and Standards requirements, or (3) currently adopted Town building code.

Town

Town means the Town of Eagle.

Townhouse

A unit, together with the lot appurtenant thereto, held in fee simple ownership sharing a common wall(s) with another townhouse(s) which comprises at least ten percent of the linear measurement around the perimeter of the unit.

Towing service and storage yard

Any lot, structure, or the use of any portion of such lot or structure for the temporary outdoor storage of towed vehicles that are to be claimed by the titleholders or their agents.

Truck, RV, and heavy equipment rental, sales, and service

A facility or area for the display, sale, and rental of tools, heavy machinery, dump trucks or commercial and heavy equipment not used in offices, such as used in building construction, farming, restaurant, or manufacturing. Sales may either be retail or wholesale.

Truck stop

Any occupancy that provides a service for highway travel directly or indirectly related to the servicing, repairing, and/or refueling of semi-trucks (also commonly known as tractors), semi-trailers, and their components. A truck stop is a point at which semi-trucks may stop for refueling or where truck drivers can park their trucks, trailers and components and seek lodging and/or food services, as well as, other services related to highway trucking needs.

⁸³ Drafting note: This definition is derived from the Colorado Department of Local Affairs Tiny Houses Fact Sheet available here: <https://drive.google.com/file/d/0B-vz6H4k4SESTTzQnZkQXhabWc/view?resourcekey=0-gpDDUdqW1V-KJAehrOIZvA>

Truck wash

A building or area that provides facilities specifically designed for washing and cleaning semi-tractors and/or semi-trailers and recreational vehicles, which may use production line methods with a conveyor, blower or other mechanical devices. This term also includes facilities that require hand labor in the cleaning of the vehicle.

U. U Terms

Urban agriculture

The practice of cultivating, processing, and distributing food in or around urban areas.

Useable open space

The open area of a lot designed and developed for uses, including, but not limited to, recreation, courts, gardens, parks, and landscaping, which open space may include a maximum of 20 percent of non-living materials such as walks, decks, terraces, water features and decorative rock.

Use

The purpose for which a building, lot, sign, or other structure is arranged, intended, designed, occupied or maintained.

Utility

A use category for the use of land for public or private lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and facilities for the generation of electricity.

Utilities, major facilities/service yard

Infrastructure services that have substantial land use impacts on surrounding areas. Typical uses include, but are not limited to, water and wastewater treatment facilities, major water storage facilities and electric generation plants. This definition also includes service yards for utility providers.

Utilities, minor facilities/office

Infrastructure facilities and services that need to be located in the area where the service is to be provided such as water and sewer pump stations, electrical transforming substations, wind energy conversion systems, solar collector systems, water conveyance systems or gas regulating stations.

Utility, public

A private business organization performing some public service and subject to special governmental regulations or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, water supply, electric power, gas and transportation for persons and freight.

Utility Substation

A facility used to convert electric power, natural gas, telephone signals, water from a form appropriate for transmission over long distances to a form appropriate for residential household or commercial use, or vice versa. This use includes but is not limited to: Electric substations, natural gas regulator stations, telephone switching stations, water pressure control facilities, and sewage lift stations.

V. V Terms

Variance (Flood Hazard)

A grant of relief to a person from the requirement of this chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this chapter. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

Vehicle sales and rental

A facility used primarily for the sale or rental of consumer-oriented motor vehicles, such as automobiles, pick-up trucks, and motorcycles.

Vehicle maintenance and repair

Major

Vehicle repair consisting of assembly or disassembly of engine parts, body parts, transmission, chassis, axles, etc. and/or the process of painting or upholstering.

Minor

Repairs consisting of a minor nature, such as, tune up, oil change, chassis lubrication, tire change or repair, wheel alignment, muffler repair or installation that meet the following:

1. Repairs are made in fully enclosed bays; and
2. Repairs are of a type that is typically completed in less than eight hours (e.g., oil changes, brake service, tire rotation and balancing, glass repair, tire replacement, fluid checks and replacement, muffler service, spark plug replacement, and comparable services); and
3. Vehicles are generally not stored on-site, and on the occasion when overnight storage is necessary, vehicles are stored indoors or an enclosed yard that has a sight-obscuring fence.

Vehicular use area

The area of a site devoted to vehicular parking and driving aisles.

Veterinary services

A facility, including an animal hospital for the diagnosis and treatment of pets and other large or small animals including, but not limited to, dogs, cats, birds, and horses; incidental grooming, boarding, or breeding of animals may also be provided.

Violation

The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

Vested property right

The right to undertake and complete the development and use of property under the terms and conditions of a site-specific development plan and shall be deemed established upon approval of such site-specific development plan.

W. W Terms

Warehousing

The storing of goods, wares, and merchandise, whether for the owner or others.

Water Impoundments

Water surface elevation

The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Wholesale

An establishment primarily engaged in the sale of goods and merchandise for resale instead of for direct consumption.

X. X Terms

Xeriscape

Landscape methods that conserve water by drought-tolerant plants and planting techniques.

Y. Y Terms

Yard

An open space other than an interior court unobstructed from the ground upward, except as otherwise provided in this Title.

Yard, front

A yard extending the full distance of the building lot, the depth of which is measured in the least horizontal distance between the front lot line and the nearest wall of the principal building, such distance being known as the front yard setback.

Yard, rear

A yard extending the full distance of the building lot, the depth of which is measured in the least horizontal distance between the rear lot line and the nearest wall of the principal building, such depth being known as the rear yard setback.

Yard, side

A yard extending from the front yard to the rear yard, the distance of which is measured in the least horizontal distance between the side lot line and the nearest wall of the principal building.

Yard, service or storage (contractor)

Any land or buildings used primarily for the storage of equipment, vehicles, machinery, or materials.

Z. Z Terms

[reserved]

AA. Number Terms

100-year flood

Chapter 4.20: Measurements and Definitions

4.20.5. General Definitions

A flood having a recurrence interval that has a one percent chance of being equaled or exceeded during any given year (one-percent-chance-annual-flood). "One-hundred-year flood" and "one percent chance flood" are synonymous with the term "100-year flood." The term does not imply that the flood will necessarily happen once every 100 years.

100-year floodplain

The area of land susceptible to being inundated as a result of the occurrence of a 100-year flood.

500-year flood

A flood having a recurrence interval that has a 0.2 percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual-flood). The term does not imply that the flood will necessarily happen once every 500 years.

500-year floodplain

The area of land susceptible to being inundated as a result of the occurrence of a 500-year flood.

4.20.6 SIGN DEFINITIONS

[insert from sign code]

4.20.7 WIRELESS TELECOMMUNICATIONS DEFINITIONS

[insert from Section 4.19]

ZONED OR REZONED TO

- A** Light Industrial (CI3)
- B** Highway Commercial (CI2)
- C** Commercial General (CI1)
- D** Commercial Mixed-Use 1 (CMX1)
- E** Commercial Mixed-Use 2 (CMX2)
- F** Mixed Residential High Density (NRX3)
- G** Downtown Neighborhood Mixed Residential (DNRX)
- H** Public & Civic 2 Open Space (P&C2)
- I** Mixed Residential Traditional (NRX-1)

DISCLAIMER:

The zoning information shown on this map is provided as a public resource for general purposes only. The representation of locations on the map cannot be substituted for actual legal surveys. Use of this information is the sole responsibility of the user and the Town of Eagle assumes no liability with the use or misuse of the information.

LEGEND

- Town Boundary
- Zone District**
- Central Business District (CBD)
- Commercial General (CG)
- Commercial Limited (CL)
- Industrial (I)
- Residential Medium (RM)
- Residential High Density (RH)
- Residential Multi-Family (RMF)
- Rural Residential (RR)
- Planned Unit Development (PUD)
- Public Area (PA)
- Resource (R)
- Broadway Overlay District

PUD LIST

1. Eagle Ranch
2. The Terrace
3. Cedar Ridge
4. Golden Eagle Elderly Housing
5. The Bluffs
6. The Lofts on Eagle River
7. Nock Subdivision
8. Lot 2/Eagle Interchange South
9. Brooks Lane Subdivision
10. Art's Court
11. Eagle Landing
12. Haymeadow PUD
13. Soleil Homes
14. Reserve at Hocket Gulch
15. Red Mountain Ranch



TOWN OF EAGLE ZONING MAP

