Planning & Zoning Commission
Tuesday, May 2, 2023, 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 AND PUBLIC PARTICIPATION

1. This will be an in-person meeting with access via Microsoft Teams. First-time users of Teams will need to download the app.

Microsoft Teams meeting

Join on your computer or mobile app: Click here to join the meeting
Or call in (audio only): +1 469-770-0416,,122048615# United States, Dallas
Phone Conference ID: 122 048 615#

Please Note: All participants must remain muted until they are requested to speak. This will reduce background noise disruptions for all meeting attendees. When it is your turn to speak, you will have three (3) minutes for public comment. For technical difficulties, please email Nikki.Davis@townofeagle.org and we will do our best to assist you.

PUBLIC COMMENTS: If you are unable to attend, public comments regarding any items on this agenda can be submitted to the Planning Department at Planning@townofeagle.org and will be included as part of the record.

6:00 PM - REGULAR MEETING CALLED TO ORDER

APPROVAL OF MINUTES *Approval of minutes from the following meeting(s) of the Planning & Zoning Commission.*

1. Minutes dated April 18, 2023

PUBLIC COMMENT

Citizens are invited to comment on any item not on the agenda subject to a public hearing. Please limit your comments to three (3) minutes per person. Those who are speaking are requested to state their name & address for the record.

PUBLIC HEARINGS

1. Project: North Broadway Sketch Review
   File # SS23-01
   Applicant: Elmington Capital Group and Alexis Kensinger
   Location 101 and 102 Ping Lane and 404 Brooks Lane, north of downtown Eagle
   Staff Contact: Cliff Simonton, Senior Planner

Request: A review of Conceptual Plan for Mixed Use Development.

PRESENTATIONS

1. ReCode Eagle Draft: Parking Standards and Use Standards

OPEN DISCUSSION

ADJOURN

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

Nikki Davis
Administrative Technician II

MEETING MINUTES
Planning & Zoning Commission
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PUBLIC WIFI – Eagle Guest

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

This was an in-person meeting with option for the public to attend via Teams.

6:00 PM - REGULAR MEETING CALLED TO ORDER & ROLL CALL

Hood called the meeting to order at 6:02 PM.

COMMISSIONERS PRESENT

Keith Montag, Keith Klesner,
Keegan Winkeller, Weston Arbogast
Jennifer Filipowski,
Matt Hood, Bill Nutkins,
Jamie Woodworth Foral

COMMISSIONERS ABSENT

None

STAFF

Chad Phillips – Community Development Director
Cliff Simonton – Senior Planner
Peyton Heitzman – Planner II
Jessica Lake – Planner II
Dennis Wike – Town Engineer
Nikki Davis – Admin Tech
Elizabeth Garvin – Clarion (via Teams)

APPROVAL OF MINUTES

1. Minutes dated April 4, 2023

The minutes were approved as presented.

PUBLIC COMMENT

There was no public comment.

DRAFT

PRESENTATION

1. ReCode Eagle Draft: Use Chart and Zoning Map

Clarion Presentation

The public comment draft went live the morning of April 18, 2023. Staff and Clarion are nearly 90% complete with the code revisions. One of the main goals is to finalize the new zoning map to be adopted simultaneously with the new code. The Use Table is organized with large land use categories. Within the land use categories, there is a listing of common uses the Town is asked to approve. Within the table, there will be active links that direct readers to the use-specific standards. Another goal is to define each use within the Use Table. Notably, some of the zone districts have been renamed.

Use Table comments:

Van Life – The Commission thought this use required more research and was not a priority for staff to pursue. Clarion will pull this out and address later, although it may be worth considering entry-level standards. This use seems to have a low probability of approval. Consider inviting stakeholders to participate and inform. Enforcement will be time consuming.

Recreational Vehicle Park/Camping – Majority of the Commission indicated this use should be a 'C' or 'S' in East Eagle.

Zone District Map comments:

Broadway District – Consider more flexibility rather than confining commercial development to just Broadway. What about a mixed-use designation to flank Wall St. and Capitol. See more multi-family on Capitol.

Potentially affected property owners will have an opportunity to express their opinions in the public process.

Nutkins asked when the East Eagle gateway will be added to the zoning map.

West Eagle comments:

There is an active land use file within West Eagle, therefore comments were minimal.

Public Comment (Downtown)

Bryan Woods, 212 E Third Street – Consider more flexibility in the Land Use Code; there is a reason businesses have successfully developed along Capitol St; Downtown is going to grow in this direction. Woods suggested allowing mixed-use buildings in this area. The Downtown Development Authority might be negatively impacted as their funding relies on TIF generation within their District boundary. Also, consider how to best utilize or redevelop standards lots in Old Eagle.

Dawn Koenig 328 Capitol St – Advocated for preserving manufactured homes as a form of affordable housing in town. There is limited business activity on the 300 block; commercial uses can remain as non-conforming. Koenig was in favor of seeing an expansion of Broadway versus mixed-use. Limiting the Commercial use to Broadway will create vibrancy in the downtown district. Next, Koenig requested that ReCode address the different piece-meal zoning in West Eagle. There is a lot of manufactured housing on Castle Drive with some classified as a mobile home park.

Public Comment (East Eagle)

Nick Turner, 388 Ring Neck – There is a major elk migration corridor in East Eagle but more housing should be considered in that area to make an impact in the community.
Turner expressed that the group consider what makes Eagle Special and let the community design what they want. For example, establish nice trails along the river and secure easements from future developers. This is not just for recreation but to allow for the river to change.

COMMUNITY DEVELOPMENT DEPARTMENT & TOWN COUNCIL UPDATE

No other discussion items.

OPEN DISCUSSION

No other discussion items.

ADJOURN

MOTION: NUTKINS MOTIONED TO ADJOUR. MOTION WAS SECONDED AND PASSED UNANIMOUSLY.

Meeting adjourned at 7:45 PM.

DRAFT

STAFF REPORT AND
CERTIFICATE OF RECOMMENDATION

TO:	Planning & Zoning Commission
FROM:	Community Development Department
DATES:	Planning & Zoning, May 2, 2023 Town Council, May 23, 2023
PROJECT:	North Broadway Subdivision Sketch Plan
FILE NUMBER:	SS23-01
APPLICANT:	Elmington Acquisitions, LLC, and Alexis Kensinger
LOCATION:	101 Ping Lane, 102 Ping Lane, and 404 Brooks Lane
ZONING:	Rural Residential, MHP PUD, and Eagle County Resource (existing), PUD and Mixed-use Commercial (proposed)
CODE:	Chapter 4.12 Subdivision Review Chapter 4.13 Subdivision Design and Development Standards
EXHIBITS:	A: Project Narrative B: Plan Drawing Packet C: Referral Responses
PUBLIC COMMENT:	No public comments received as of April 27, 2023
STAFF:	Cliff Simonton, Planner cliff.simonton@townofeagle.org
REQUEST:	Conceptual review and comment for a proposed multifamily residential development on 17 acres located north of Downtown Eagle between the railroad tracks and the Eagle River. 135 rental units and 57 townhomes are proposed on the Case and Brooks Lane properties with a significant affordable component. The proposal includes a new access road that crosses the Johnson property as well, but no other development is currently proposed for that 7.2 acre parcel.

INTRODUCTION

The Proposal

Elmington Acquisitions, LLC, and Alexis Kensinger (the "Applicants") are requesting feedback for a conceptual plan for mixed use development on land located north of Eagle's Central Business District between the railroad and the Eagle River. The North Broadway project targets 17 acres that includes approximately 3.8 acres located in the Eagle River floodplain. North Broadway is proposed as an affordable housing proposal, with 135 rental units in a single large building and 57 for sale townhomes located in adjacent structures. One, two and three-bedroom rental unit configurations would be priced at or below 80% AMI; the for-sale townhomes would have prices restricted from 80% to 140% AMI.

Site Plan

Three contiguous parcels known locally as the Johnson property (east), the Case property (center) and the Brooks Lane property (west) are involved in the proposal. The rental units and townhomes in the current application would be located on the 11.5-acre Case property and the 5.5-acre Brooks Lane property; development on the Johnson property other than a portion of the access road would come under a separate future application. The inclusion of all three properties as part of the proposed subdivision is essential to support the proposed alignment of the access road. A new railroad crossing permit will be required at the eastern entry of the project near the north end of Broadway, and the RR crossing at Brooks Lane will need to be upgraded. It is anticipated that the existing Ping Lane driveway and crossing will be removed/vacated. Parking is proposed in surface lots, in spaces along the access road, and in covered areas beneath townhome structures.

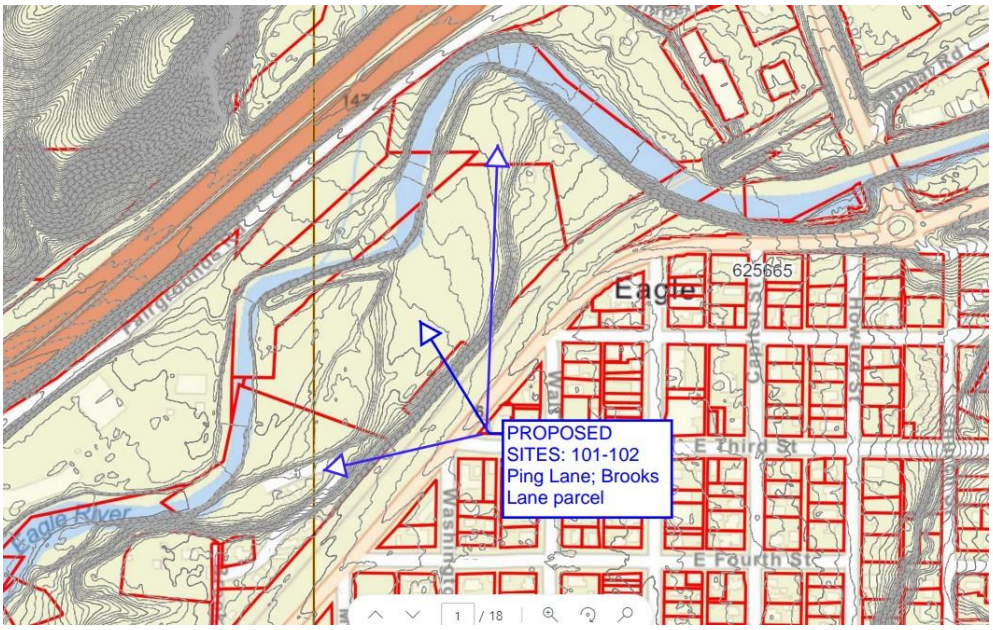
The North Broadway conceptual plan includes a promenade river trail within a 75-foot river setback, and other trails and shared surfaces supporting internal biking and walking. Sidewalks up Brooks Lane would allow pedestrians to access the Eagle County Regional Trail, located at the far west end of the site. A signal activated pedestrian crossing across Grand Avenue is available at that location (5th Street). Access north to the

Fairgrounds and services available near the I-70 interchange would require a pedestrian bridge over the Eagle River, which while shown on submitted plans is not proposed to be constructed as part of this project. Open space will be provided along the river and in a 3+ acre riverside park that will be developed in the southwest corner floodplain. Specific preservation and/or recreational amenities for the project have not been detailed at this early stage of plan development.

Perspective from vantage point D

The Property

The three properties are bounded on the high side to the south by the Union Pacific Railroad (which parallels Grand Avenue), and on the low side to the north by the Eagle River. The Johnson/Case property is strongly benched, stepping down north and west from the railroad toward the river in three relatively flat plateaus separated by steep banks that trend generally northeast to southwest across the property. The development site rises from the lower bench to the west through the Brooks Lane Subdivision, eventually matching the elevation of Grand Avenue at its intersection with Brooks Lane. There is approximately 50 feet of elevation change southeast to northwest across the property.



The three parcels with topography

Excepting areas in the floodplain and along the existing and previous river edge, the Johnson and Case properties are generally devoid of large trees or shrub groupings. Old ranch structures are present on the Johnson property, and the Case property supports an active ranch, with a home, outbuildings, corrals, and irrigated pastures. The Case and Johnson properties are zoned Rural Residential (RR), and the more heavily forested Brooks Lane property accommodates the Brooks Lane Mobile Home Park, a Planned Unit Development (PUD zoning) that contains nine (9) mobile home sites. Portions of the Case and Brooks Lane properties are in Eagle County; these areas will need to be annexed into the Town prior to the assignment of new zoning.

Development on the site is subject to provisions of the Eagle River Corridor Sub-area Master Plan, which identifies the Johnson and Case properties as the "North Broadway Neighborhood", and the Brooks Lane property as the "Brooks Lane Neighborhood". The collective properties border lands owned by Eagle County to the north; the County owns land integral to the development of the proposed river promenade and the proposed river park. The Eagle River Whitewater Park is centered on the Case property, which contains a portion of the river and the Park's southern bank.

DISCUSSION ITEMS

1. Overall, does the proposal comply with the Comprehensive Plan and Sub-area plan? Will there be any major regulatory issues?
2. Will the proposed development meet the River Corridor Plan goal of creating an "Extension of Broadway", and can this be determined without plans for development on the eastern (Johnson) property?
3. Are proposed improvements appropriately "fit" to the property, considering topographic features and other physical attributes of the land?
4. Will the proposed development meet expectations for character, identity, and sense of place? Is the scale, form, massing and positioning of structures compatible with and complimentary to the Town's existing western slope character and feel?
5. Will the natural resource attributes of the land and the river corridor be adequately protected, preserved, and showcased?
6. Will parking be adequate, and will it be conveniently located for all user groups?
7. Will the space allocated for on-site recreational amenities be adequate to serve the anticipated residential population, and visitors to the river and Whitewater Park?

THE REVIEW PROCESS FOR SUBDIVISION SKETCH PLAN

Sections 4.12.020 and 4.12.030 of the Land Use and Development Code state that the purpose of the Subdivision Sketch Plan is to provide the Town the opportunity to describe the community's vision to the applicant, and to give the applicant an opportunity to indicate how proposed plans will further that vision. Through a collaborative discussion, the Planning and Zoning Commission should work with the applicant to ensure that the proposed development is consistent with community goals, and that issues are identified early in the development process. The Commission shall make comments and recommendations to the applicant regarding the proposal which should be considered by the applicant in preparation of the preliminary plan.

Recommendations by the Commission regarding the proposal and its conformance with the Town's goals, policies, plans and design standards will be forwarded to the Town Council for its consideration at a similarly formatted meeting. Such recommendations may relate to the potential impacts of the proposal on the town, its population, services and facilities, environment, character, existing and potential land uses, and the economy.

PROJECT ANALYSIS

Staff analyzed the proposed development utilizing the Town's Comprehensive Plan, Eagle River Corridor Plan, and applicable provisions of the Municipal Code. The applicant has outlined the project in an application narrative, and with site plan studies and perspective drawings; please note the application materials included in your packet for that information.

CONFORMANCE TO MASTER PLANS, the Elevate Eagle Comprehensive Plan

At the sketch plan stage of design, conformance to relevant master plan documents is perhaps most instructive. The following are observations by staff regarding alignment of the proposal to relevant policies of the Elevate Eagle Comprehensive Plan, organized by topics salient to a conceptual plan review.

Residential Land Use

Policy 1-1.1. Ensure a healthy mix of housing types and densities (e.g. Single-family, duplex, multifamily, mixed use, and accessory dwelling units) to allow for greater diversity.

Policy 1-2.1. Provide opportunities that increase the likelihood of the Town's citizens to work within Eagle.

Policy 1-2.5. Provide opportunities for a balanced mix of housing and services to support local businesses, employees, residents, and visitors.

Policy 2-1.10. Encourage, where appropriate, increased density near the Downtown core.

Staff Comment The proposed North Broadway project includes residential development only, with 135 deed restricted rental units and 57 townhomes of varying sizes and price points located on the Case and Brooks Lane properties. If approved, a diversity of attainable housing opportunities for local workers in close proximity to the downtown core would result. In their referral response dated April 21, 2023, Eagle County indicated alignment with housing provisions in the County's 2005 Comprehensive Plan, and encouraged the developer and the town to work with their Housing and Resilience Department to determine the appropriate mix of deed restrictions or other cost control mechanisms as the project moves forward. As presented, the Residential Land Use objectives of the Elevate Eagle Plan should be generally met by the proposal.

Commercial Land Use

Policy 1-2.2. Promote commercial development that fits the desired character of the community and its character areas.

Policy 2-2.1. Encourage and support additional commercial and vertical mixed-use development that is reflective of the history of Eagle and the Western Slope Region.

Policy 2-5.3. Support vertical mixed use, horizontal mixed use or a combination of mixed-use patterns in appropriate areas (such as the Broadway Street extension into the River Corridor Sub Area). Minimize the extension of mixed-use areas away from the Town Center to promote Broadway Street as the heart of the community.

Policy 1-2.6. As development occurs, ensure the Town's overall mix of land uses remains aligned with community goals.

Staff Comment Community goals for this property are expressed in both the Elevate Eagle Comprehensive Plan and the Eagle River Corridor Plan, with the latter providing specific direction for higher density mixed use development in the North Broadway Neighborhood, and primarily residential development in the Brooks Lane Neighborhood. A mixed-use environment like that on Broadway is not proposed. Future commercial and mixed-use commercial/residential structures on the Johnson property could be designed in a manner that fits the desired character of an "extension of Broadway to the north" and related outcomes detailed by the River Corridor Plan, but development on the Johnson property is not presently planned.

With the target of just residential development, master plan objectives for higher density mixed-use are not met. Furthermore, the lack of mixed-use structures on the Case and Brooks Lane properties creates potential "conformance pressure" for future development on the Johnson property, requiring a significant commercial element which may not align with the goals of the Johnson Family, et al. Staff finds the scale, massing and layout of development proposed does not reflect the character of mixed-use buildings and streetscapes in Eagle's historic downtown area, nor is the design reflective of the history of Eagle and the Western Slope region.

Design and Character

Policy 2-1.1. New development, additions, and renovations should aim to mimic the scale, architectural style, and character of existing and surrounding historic buildings.

Policy 2-2.5. Preserve Eagle's historic street grid to retain the character and walkability of the Town core.

Policy 2-3.2. Preserve and enhance each of Eagle's unique character areas (i.e. Downtown; the Chambers Avenue Area; Market Street; Eagle Ranch Commercial Core; Eagle River Corridor; US Highway 6/Grand Avenue Corridor; the Western and Eastern Gateway Areas; and the Brush Creek Area).

Policy 2-3.3. Ensure new development builds upon and adds value to Eagle's unique community character through adherence to high quality standards of design and construction.

Policy 5-3.3. Encourage a compact development pattern.

Staff Comment The residential development proposed will be compact, placing 192 residential units on 13 acres of developable land, resulting in a net density of 14.8 units per acre. In terms of layout, it is readily evident that the steeply benched topography of the land does not support the use of a gridded street pattern like that indicated on page 13 of the River Corridor Plan. Plans submitted abandon this approach, pursuing instead a linear pattern with a single main road and several dead-end spurs serving multifamily structures.

Building, access, and parking improvements generally fill all developable portions of the Case and Brooks Lane properties, seemingly overriding terrain features. Four and five story structures are located in close proximity to the river front. Significant stands of vegetation that could serve as visual screens will be removed to accommodate the development footprint. Active recreational facilities sized to support the anticipated residential population are not evident, and improvements to the southern bank of the town's whitewater park are not planned. Parking spaces proposed for the variety of residential units fall short of the number required by Town Code by approximately 88 spaces, and parking spaces will be further reduced when parking lot landscaping standards are applied. In his referral response dated April 10, 2023, Police Chief Derek Bos cited concern for adequate turning space for larger emergency service vehicles, and the apparent lack of access points for emergency service vehicles to river front amenities. Greater Eagle Fire Protection Division Chief Randy Cohen indicated in his response that fire apparatus roads must be 26 feet wide and will be required to meet all applicable provisions of the 2021 International Fire Code. Adding areas for active recreation, landscaping, parking, and roads properly configured and dimensioned for emergency service access will take up space within the development footprint, which seems in short supply.

Regarding character, and as earlier expressed, the scale, style and layout of development proposed is a significant departure from Eagle's existing downtown look and feel. While development on the lower bench of the property will be isolated by distance from the Town's Broadway experience, the intent of guiding documents is that improvements in the North Broadway and Brooks Lane Neighborhoods should work together to create a "place" that is compatible with and complimentary to the Historic Downtown. Buildings on the lower bench will be strong foreground elements of the Eagle River Whitewater Park and will dominate views of the town from the I-70 corridor. Building heights will be amplified to users in the whitewater park, which sits 15 to 20 feet lower than the base elevation of the proposed structures. Perspective drawings indicating building size and design intent have been included

in the application packet.

How the layout of improvements, and the form, scale and architecture of buildings proposed will add value to Eagle's unique community character is a matter of concern and a suggested topic of discussion. Staff believes a modified grid street pattern with smaller blocks of development better fit to the terrain and a stronger mix of uses throughout would benefit the character, fit and functionality of the proposal. Additional study is warranted in this regard.

Community Amenities

Policy 2-1.8. Create new and enhance existing gathering spaces for social interaction.

Policy 2-4.1. Enhance pedestrian access and amenities, and public gathering areas to promote social interaction.

Policy 2-5.1. Maintain and enhance the sense of community in Eagle.

Policy 2-5.2. Enhance gateways and streetscapes to reflect the Town's unique identity, providing a clear sense of arrival.

Policy 3-3.1. Ensure residents have access to recreation amenities.

Staff Comment Residents of the housing proposed will be locals who enjoy living, working, and playing in Eagle, contributing positively to the Town's sense of community. Plans include sidewalks and trails that will support on-site pedestrian and biking mobility. Connection to off-site pedestrian trail systems will be limited, however, to a sidewalk along Brooks Lane allowing access to the Eagle County Regional Trail at the far western end of the project. The regional trail does not otherwise cross in front of the three properties. Requirements for the dedication of open space based on the number of units proposed will be approximately 5.8 acres, which could be met through the setting aside of lands in the floodplain and the area within the river setback. Only the upper floors and roofs of the residential buildings proposed will be visible from Grand Avenue. As such, the project proposed will not contribute significantly to the sense of arrival at the north end of Broadway.

A central stairway feature and plaza intended to serve as a social gathering area are proposed, and areas associated with the river promenade trail could also serve this purpose. Roads, buildings, and parking lots otherwise fill much of the property's usable space. Given its environmental sensitivity and goals for preservation, the river park located in the floodplain should not be designed to serve as an area for active recreation or social events. Off-site recreational sites are not within comfortable walking distance of the property, which is isolated by the walking barriers of Grand Avenue to the south and the Eagle River to the north. Given the size and nature of the anticipated residential population, Staff is concerned regarding a lack of on-site recreational facilities and places suitable for children (and adults) to play.

Amenities supporting access to the river park, promenade and viewing areas adjacent to the whitewater park by visitors are not evident on plan sheets, although that level of design is not necessary at conceptual review. Parking dedicated to the public for visiting river front amenities is also not indicated. Additionally, opportunities to implement improvements on the south shore of the whitewater park including seating areas, landscaping enhancements, safety features, and bank stabilization measures are not indicated. Further downstream, Eagle County owns the river edge of the proposed river park in the flood plain, which will need to be addressed through purchase or use agreements as the plan moves forward. In their referral response of April 21, 2023, Eagle County suggested the possibility of a land exchange between the owner(s) of the property and the County to better align property boundaries with the proposed development footprint. Until boundaries have been adjusted, any development activity on County lands will require approval from Eagle County Engineering.

Access and Connectivity

Policy 3-3.2. Improve the safety and efficiency of bicycle and pedestrian crossings throughout Town; with

additional improvements along Grand Avenue/Highway 6.

Policy 3-5.4. Require new development to provide trail (hiking, biking, motorized) connections to local and regional destinations or existing trail systems

Policy 4-3.6. Encourage site designs and alternative transit incentives that reduce the demand for automobile trips in the area.

Policy 5-2.1. Ensure adequate access to and appropriate mobility options within the Town.

Policy 5-3.2. Ensure efficient multimodal connectivity between all residential areas and public destinations.

Staff Comment Two points of vehicular access are proposed. A new road will be constructed from Grand Avenue near Broadway across the railroad tracks onto the upper bench of the Johnson property, where it will turn and descend to the lower bench, traveling west at the foot of the steep hillside and then connecting with the existing alignment of Brooks Lane back to Grand Avenue. Grade and width specifications should be able to be met, as will emergency service requirements for dual access. A new public railroad crossing will be required at the eastern entrance, and an updated crossing permit will be required to the west. In his referral response dated April 10, 2023, Town Engineer Dennis Wike indicated that the Traffic Report submitted does not adequately address impacts from the possible reactivation of the rail line. Future reports and plans must include related discussions and proposed measures to minimize potential impacts from rail use reactivation.

Roads and trails internal to the project will be privately owned and maintained. As stated earlier, there is concern regarding adequate space for emergency vehicle movements and turnarounds. A river promenade with other sidewalks, trails and shared paved surfaces should accommodate internal pedestrian and bike mobility options for local residents. A sidewalk along Brooks Lane will allow walking access to the Eagle County Regional Trail and the signaled pedestrian crossing of Grand Avenue at 5th Street. Staff would assert that this single point of connection at the far western end of the project is not sufficient to meet off-site pedestrian connectivity requirements. Walking distances out Brooks Lane to any service or business destination will be considerable, and the 30+ foot elevation change between the lower bench and the signaled crossing will add the challenge of a significant climb. Public transportation options will not be conveniently available; measured from a mid-point on the property it is a ½ mile walk up Brooks Lane and across Grand Avenue to reach the Eco Transit bus stop located on 5th Street. In the County's referral response, Eagle County Transit noted the lack of bus service to the area and offered to work with involved parties to study the possibility of new transit stops along Grand Avenue as the project is further developed.

As presented and lacking connectivity improvements, access to and from the North Broadway project will be predominantly by car. Town engineer Wike noted that the traffic report submitted identifies several locations where the Level of Service (LOS) will be lower than the Town's Municipal Code allows. Future reports and plans must address any adverse LOS situations and must provide greater detail on expected impacts and measures to reduce those impacts. Police Chief Bos observed that an access road connecting Brooks Lane to a future roundabout at Broadway might be used by the general public as a way of leapfrogging future traffic congestion on Grand Avenue. This possibility will similarly need to be addressed.

The isolated nature of the property in terms of multimodal access is a suggested topic for further discussion, especially given the higher densities and affordable nature of residential development proposed. Staff believes that a strategically located pedestrian bridge across the Eagle River and a safe pedestrian crossing option at Grand Avenue and Broadway are needed for the benefits of development in the North Broadway Neighborhood to be fully realized. Eagle County Engineering has noted that the location and construction of any bridge across the river will require direct involvement with the County and may necessitate off-site easements for connecting pathways.

Natural Resources

Policy 2-5.4. Preserve viewsheds and view corridors in key areas throughout Town. Work to preserve high quality agricultural lands, rural lands as appropriate, public lands, wildlife resources, water resources and forest resources when evaluating new development and/or annexations.

Policy 4-1.4. Maintain and work to enhance the quality of valued viewsheds and view corridors.

Policy 4-1.2. Protect and preserve wildlife habitat, movement corridors, and other sensitive lands.

Policy 4-1.3. Mitigate impacts to the natural environment and native species.

Policy 4-1.5. Protect lands of high conservation or recreation value as open space.

Policy 4-2.1. Preserve and protect the quality of and integrity of wetlands, rivers, streams, and riparian areas.

Policy 4-4.1. Development should avoid natural hazards and impacts on environmentally sensitive and hazard-prone areas.

Staff Comment The agricultural lands and ranching structures that will be replaced by development north of Broadway are a visible and valuable part of the area's history, but they have been within the Town's municipal boundary since it was first platted in 1905, and development befitting a location so close to downtown has long been anticipated. Designs for development should be responsive, however, to the site's multi-generational ownership and rich agricultural heritage.

Much of the subject property is significantly below the grade of Grand Avenue and does not contribute to viewshed enjoyed by travelers passing by the Downtown area. The upper floors and roof tops of four and five story buildings on the lower bench will be visible to travelers on Grand Avenue. Future development on the Johnson property, when and if it occurs, will be a prominent element of the entrance to old town and the Broadway business district.

Development on the lower bench will be prominently on display to viewers on I-70 corridor and will serve as an immediate visual backdrop to the Eagle River Whitewater Park. Scale, form, space, and architecture should be given the highest priority, as should the preservation of vegetation along the river and on the margin between the lower bench and the floodplain that can serve to lessen the impact of tall buildings. A full visual analysis will be required at application for subdivision preliminary plan and zoning.

The river corridor along the site's northern boundary has been impacted by historic ranching. Functional riparian vegetation and habitats are presently limited to the floodplain area, the river setback, and the eastern facing riverbank of the Johnson property. Wetlands and areas in the flood plain are proposed to be set aside as open space, and vertical construction will be located outside a 75' setback from the high-water mark of the Eagle River. A river corridor promenade is proposed within the 75' setback. Staff would note an opportunity for the replanting and restoration of riparian areas previously impacted, enhancing related habitats and the passive open space experience of the river park.

While attempts to protect environmentally sensitive lands on the property can be implemented, development footprints and the introduction of a significant residential population to the area may significantly impact riparian habitats. Strategic positioning of trails and fencing, strict dog control and other measures should be incorporated to protect sensitive lands as plans are further refined. Applications for subdivision and zoning will require a full environmental analysis and detail regarding preservation strategies.

The extent of impervious surfaces and their close proximity to active wetlands and the Eagle River elevates the importance of stormwater management on the property. In their referral response dated April 19, 2023, the Eagle River Watershed Council cited a concern for water quality leaving the site and noted that the quick

release of storm water to "beat the peak", as proposed, may not adequately address the treatment of polluted runoff. The proposed bioswales and infiltration gardens below the promenade path, while innovative, may not be enough to handle stormwater loads. Active treatment such as vaults, filters and separators will likely be needed at various locations throughout the site. Surface hazards outside of the flood plain are not apparent on the property, but subsurface hazards may exist. A full geotechnical report and hazards assessment will be required at application for subdivision and zoning.

Process Requirements

Policy 4-1.1. Accommodate development inside the Urban Growth Boundary (UGB) only after annexation has occurred.

Staff Comment As rezoning must include the entirety of a property, those portions of the Case and Brooks Lane properties that are presently outside the municipal boundary of the Town will need to be annexed to the Town prior to the application of the new proposed PUD zone district.

CONFORMANCE TO MASTER PLANS, the Eagle River Corridor Plan

The Future Land Use Map (FLUM) of the Elevate Eagle Comprehensive Plan directs the reader to the Eagle River Corridor Plan for more specific information on land use opportunities and expectations. The applicant has responded to relevant sections of the Eagle River Corridor Plan in their application narrative. The following comments address the fit and conformance of this proposal to the Eagle River Corridor Plan. Chapter 1 of the Corridor Plan provides a list of six Plan Themes:

Theme 1 – Conservation: *Protect water quality of the Eagle River; create a network of open space along the Eagle River to preserve important wetlands, riparian areas, and wildlife habitat, while allowing for active recreation in select areas.*

Staff Comment Best practices for storm water management are proposed for the project, which will be critical given the extent of proposed impervious surface and proximity to wetlands and the river. A three-acre open space park is planned in the floodplain area at the western end of the Case property that, if properly designed and managed, could help protect wetlands and riparian habitats, although negative impacts to the quality of sensitive lands and habitats are likely unavoidable given the intensity of proposed development. Stands of vegetation that could provide screening and wildlife habitat are proposed to be removed to accommodate proposed improvements. As proposed, the floodplain park and areas set aside within the river setback will meet open space dedication standards. Space for active recreation appears limited and should be a high priority given the lack of comfortable pedestrian access to off-site facilities. Improvements to the south shore of the new River Whitewater Park are not yet indicated as part of this project. Staff believes that conformance to outcomes envisioned by the River Corridor's Conservation theme is mixed at best.

Theme 2 - Economic Development: *Facilitate private and public sector investment within the river corridor that results in economic growth and community place-making.*

Staff Comment The residential development proposed represents a significant investment that could help stimulate other development and investment in the town. Place-making should draw on the unique characteristics of the property, including its interface with riparian environments, the whitewater park, and its proximity to and association with the unique character of downtown Eagle. A build-out scenario including the Johnson property that includes an appropriate mix of commercial uses could meet Economic Development objectives envisioned by the River Corridor Plan. Development on the Johnson property is not proposed at this time.

Theme 3 - Recreation: *Provide high quality, river-oriented recreation amenities that allow for a wide variety of user groups to enjoy the Eagle River and its immediate environs.*

Staff Comment A paved trail (promenade) along the river and a 3+ acre river park in the floodplain are

proposed. Given sensitive lands and riparian habitats in the floodplain, the river park would not be an appropriate location for developed recreational facilities, and staff is concerned with the apparent lack of space devoted to this use. In short, and as noted earlier, there does not appear to be adequate recreation amenities for the number of children and adults expected to live on-site. Access to the water's edge in the river park will require collaboration with Eagle County, as they own the river edge property. No improvements are proposed at this time to the southern bank of the Eagle River Whitewater Park; parking spaces for public visitation are not specifically identified. Staff believes that outcomes envisioned by the Recreation theme are not fully met by the proposed design.

Theme 4 - Place Making: *Create authentic and memorable places along the Eagle River for both residents and visitors.*

Staff Comment A unique opportunity exists on the subject properties to create authentic and memorable small-town places around structures, pathways, and areas adjacent to the southern shore of the Eagle River. Staff is concerned, however, that the proposed large multifamily buildings and expansive parking surfaces may create spaces that feel more urban than intimate. Means for public access to the river and the nature of the river promenade and river park has not been fully detailed and may help in this regard. Mature tree groupings along the river and at the margin of the floodplain add significantly to the existing character of the corridor experience, but some are proposed to be removed. Space for developed recreational facilities and social gatherings and events seem lacking. The degree to which the proposed plan meets Place Making objectives remains questionable.

Theme 5 - Transportation and Access: *Provide safe and convenient public access from Eagle's neighborhoods to the Eagle River.*

Staff Comment A new road will be constructed from Grand Avenue near the north end of Broadway, traveling through the property to connect with Brooks Lane to the west. Dual points of access and appropriate road widths and grades should satisfy emergency service access requirements, but emergency service agencies have noted a potential lack of access points and vehicle turn around space. While new bus stops may be developed, there are presently no transit service locations in close proximity to the site.

Parking is proposed in various lots, under townhome structures, and in spaces on either side of the access road. A cursory calculation of parking required by Code indicates a shortfall of approximately 88 spaces. Parking for visitors and recreationalists over and above that required for the residential units is not indicated on submitted plans. A signaled pedestrian crossing of Grand Avenue is presently available at Brooks Lane (5th street), but this involves a relatively long walk with a 30 foot elevation climb for residents on the lower bench. Safe and convenient pedestrian movement across Grand Avenue to and from the Broadway business area is not presently planned. A bridge across the Eagle River that would provide access to services in the I-70 interchange area is shown on site drawings, but it is not intended as part of the proposed development. As presented, outcomes envisioned by the Transportation and Access theme are not fully met.

Theme 6 - Education and Awareness: *Use elements of the Eagle River and adjacent land to promote understanding of the river ecosystem and other qualities of the river corridor. Integrated signage celebrating the sustainable features including the preservation of the natural habitat, wayfinding and other educational interests identified in the process will be prepared with thoughtful engagement by appropriate non-profit organizations, local schools and the representatives overseeing trails and open space.*

Staff Comment A riverside trail is proposed, as is a river park where educational signage and programs could be offered. Areas near the river impacted by historic ranching should be replanted with riparian species to enhance habitat, create shade, and buffer river edge experiences from nearby dwelling units. Access and landscaping improvements to the south shore of the whitewater park should be included, and dedicated public parking should be provided to accommodate visitors, including education-oriented

individuals and organizations. Incorporating these changes into the development program for this property will improve the likelihood that outcomes envisioned by the Education and Awareness theme can be met.

The FUTURE LAND USE MAP (FLUM) provided by the River Corridor Plan assigns a future land use designation of "Riverside Mixed Use" to the three properties, and more specifically defines the "North Broadway Neighborhood" and the Brook Lane Neighborhood. The Corridor Plan devotes considerable narrative to design and/or functional objectives for the two neighborhoods (pages 12 thru 17 of the Plan) which staff has summarized and listed below. The applicant has addressed and responded to many of these objectives in their application narratives. Staff's analysis and response follows.

1. ***Provide an "extension of Broadway to the north", with development serving as a connection between downtown Eagle and the Eagle River. Foster high quality visual and functional relationships between the North Broadway Neighborhood and the Central Business District***

   Staff Comment Staff believes that development consistent with the River Corridor Plan on the Johnson property is essential to reach objectives related to creating an "Extension of Broadway". At this time, however, and with the exception of a new access road across their land, the owners of the Johnson property have not indicated an intent to develop. The present application includes improvements that will be substantially different in scale, form, layout, and appearance than that found in the Broadway area. As proposed, the Extension of Broadway Objective is not met.

2. ***Development should include high density multifamily residential units with a wide range of price points, including affordable entry-level rental and for-sale housing.***

   Staff Comment A higher density multifamily residential development with a range of sizes and price points is proposed, including affordable entry-level rental and for-sale housing at or below 80% AMI. As presented, the Residential objective is met.

3. ***Development should include a mix of commercial uses, either stand-alone or incorporated into mixed-use structures. Commercial spaces should specifically be located adjacent to the river side park.***

   Staff Comment No commercial space is proposed, and the creation of a commercial frontage along the river front across from the River Whitewater Park is not a part of the development program. As presented, the Mixed-use objective is not met.

4. ***A gridded block pattern of streets and buildings should be developed, generally reflecting that of present-day downtown Eagle. Given site constraints, smaller blocks may be appropriate. Alleys should be encouraged. Streets should be oriented to create view corridors and facilitate solar exposure.***

   Staff Comment A gridded block pattern of streets and buildings is not proposed; the terraced nature of the site creates significant challenge in this regard. Staff believes, however, that portions of the benched property would support a smaller block and street pattern, enhancing walkability and solar access and views, and creating a character more closely resembling the existing downtown area. As presented, intentions associated with the Gridded Street Pattern objective are not met.

5. ***Safe comfortable and efficient movement for bikes and pedestrians across Grand Avenue and the rail corridor is a key element. Pedestrian bridge connection across the Eagle River to the Fairgrounds property is also important, allowing pedestrians and bikes to travel from the CBD through the North Broadway Neighborhood to the Fairgrounds, and to facilities, services and public transportation options near the I-70 interchange.***

   Staff Comment Excepting the existing signal activated pedestrian crossing at Brooks Lane and 5th St., the above listed connectivity elements are not included in submitted plans for development. As previously discussed in this report, pedestrians and bikes will not be able to move safely and

comfortably between this project and the Central Business District, and a bridge crossing the Eagle River to allow access to the Fairgrounds and destinations near the I-70 interchange, while shown, is not proposed to be installed. As presented, the Pedestrian Connectivity objective is not met.

6. ***A street connection between the North Broadway Neighborhood and Brooks Lane should be developed to create redundant access and ensure riverside neighborhoods function as one larger river front development.***

   Staff Comment A street connection between the North Broadway Neighborhood and Brooks Lane is proposed, creating redundant points of access and tying developed sites together. Development is not proposed on the Johnson property at this time, however, which will serve as a key functional element of river corridor development. As presented, the connected One River Front Development objective may only be partially met.

7. ***Lacking a reliable second point of access, one of the pedestrian bridges across the Eagle River should be designed to accommodate emergency service vehicles.***

   Staff Comment Two points of access are proposed, and as such this objective is not fully applicable. However, should rail activity return to the valley, there is the possibility of a long train slowing or stopping and closing both proposed entrances to the property. In that scenario, a bridge across the river capable of providing emergency vehicular access would be a very good idea.

8. ***Provide development designs that respond appropriately to the high visibility of the property from the I-70 corridor, creating a "wow factor" that will invite travelers to visit the town.***

   Staff Comment The proposed project includes a significant multifamily apartment structure that incorporates a scale and massing unlike any presently found in Eagle. The degree to which this urban-like structure and associated townhome frontages will create a "wow factor" inviting travelers to visit the Town is a question best left to the discretion of the P&Z.

9. ***Parking should be on-street, with shared parking facilities encouraged. Large expanses of surface parking should be discouraged.***

   Staff Comment. Surface level parking is proposed in separate lots, under townhome structures, and adjacent to primary travel routes. A cursory review of proposed parking numbers found the present plan short by 88 spaces, not including those that might be required for public visitation. No mention is made in the application for shared spaces, and none is assumed. Parking numbers will be further diminished when landscaping requirements for parking areas are imposed. As presented, the On-street Parking design objective is met, however, the number of on-site spaces proposed will not meet Town requirements.

10. ***A riverside park should be developed as a sinuous open space area that parallels the southern edge of the Eagle River. The Park should include a hard surface promenade and should transition from more developed features in the North Broadway Neighborhood area to more natural features to the west (downstream). The park should include landscaping, seating areas, plazas and public gathering areas to increase user enjoyment***.

    Staff Comment A paved promenade is planned within the river setback, transitioning to lesser trails downstream in a larger park. The degree to which the promenade could be labeled as a "sinuous park along the river's edge" is not apparent at this conceptual level of review. A centerpiece courtyard on the promenade is proposed, potentially serving as a public gathering area. Landscaping details are limited at this level of review, but no riparian or landscaping enhancements to the southern bank of the Whitewater Park are indicated as part of this development. As presented, it is not clear that the Riverside Park objective will be met.

11. ***Lands in the river floodplain should be set aside as open space, accommodating a mix of active and***

passive open space uses

Staff Comment The river floodplain on the Case and Brooks Lane properties is shown as a riverside park, and affected lands are included in the proposed open space land dedication. The presence of wetlands and other sensitive habitats will limit the use of the floodplain area for active recreation. Otherwise, and as presented, the Floodplain Preservation objective should be met.

12. ***Storm water management systems should be specifically designed to protect water quality in the Eagle River.***

    Staff Comment Plans propose the use of best stormwater management practices, with space allocated on site drawings for large bioswale facility. In their referral response the Eagle River Watershed Council cited a concern for a system that may not adequately address the treatment of polluted runoff. The proposed bioswales and infiltration gardens below the promenade path, while innovative, may not be enough to handle stormwater loads. As presented, it is not clear that the Stormwater Management objective will be met.

Conformance to Subdivision Design and Development Standards

Chapter 4.13, *Subdivision Design, Improvements and Dedications*, provides standards related to Subdivision Design and Development Standards. Detail on many of these topics is not required at application for Sketch Review, so many of the following comments reflect the potential for the project to meet expectations as it is further developed.

4.13.030 Lands Subject to Natural Hazards Development appears to avoid visible or mapped surface hazards, like steep slopes and the flood plain, but the nature of subsurface hazards, if they exist, has not been sufficiently investigated. A detailed soils and geotechnical report will be required at application for subdivision and zoning.

4.13.040 Fire Protection Greater Eagle Fire Protection District indicated in their referral response that fire apparatus roads must be 26 feet wide and that all related facilities will be required to meet applicable provisions of the 2021 International Fire Code. Hydrants and water service systems will need to provide adequate fire flows, which will be determined once the type of construction and square footage of buildings is known. Applicable standards and any issues identified by *GEFPD* must be fully addressed at application for subdivision and zoning.

4.13.050 Drainage The site features a significant elevation drop from south to north and harbors sensitive wetlands and riparian habitats in lower areas where storm water management facilities are proposed. In their referral response the Eagle River Watershed Council cited a concern for a system that may not adequately address the treatment of polluted runoff. The proposed bioswales and infiltration gardens below the promenade path, while innovative, may not be enough to handle stormwater loads. A full drainage study will be required, and applicable standards will need to be fully addressed at application for subdivision and zoning.

4.13.060 Erosion and Sediment Control Related standards should be able to be met as the plan is further developed.

4.13.070 Lot and Block Design Required railroad crossing will be public, but roads within the property boundary will be privately owned and maintained. No structure is proposed within 50 feet of the railroad right of way. Standards for lot frontages, setbacks and lot sizes should be met or may be accommodated through variances requested as a part of the application for subdivision and zoning.

4.13.080 School Land Dedication It is anticipated that school land dedication requirements will be met through cash in lieu, amount to be determined at application for subdivision and zoning.

4.13.090 Streets and Alleys Plans presented do not indicate a traditional lot and block design. Instead, a single through road with short dead-end spurs is proposed to provide access to multifamily apartments and townhomes. Significant grading will be required to fit improvements to the terrain, and Staff questions whether the street pattern proposed demonstrates the "logical relationship to the topography of the site" envisioned by this standard. Full conformance will be required at application for subdivision and zoning.

4.13.100 Easements Related standards should be met as plans are further developed.

4.13.110 Sidewalks and Bikeways Internal sidewalks and trails are proposed, some routes sharing space with automobile traffic. Connection to sidewalk and bike facilities on adjacent properties is limited, however. Related standards must be met as plans are further developed.

4.13.120 Access Vehicular access will be provided by a new road constructed from Grand Avenue near the north end of Broadway that will serve and connect through the property to Brooks Lane. Dual points of access and appropriate road widths and grades should satisfy emergency service access requirements. The Eagle Police Department has cited concern for adequate turning space for larger emergency service vehicles, and the apparent lack of access points for emergency service vehicles to river front amenities. The traffic report submitted does not adequately address impacts should the rail line become active and shows some locations that will not meet the Town's Level of Service standards.

The traffic on Grand Avenue is expected to increase and the road is slated for conversion to four lanes at some time in the future. Speeds are high and sight distance limited in some areas. While a signaled pedestrian crossing is available to at Brooks Lane and 5th St., Grand Avenue is considered by Staff to be a significant barrier to safe and convenient pedestrian and bike movement between the Town's Central Business District and future improvements in the North Broadway and River Corridor area. No plans have been submitted for a separated or signaled pedestrian crossing of Grand at Broadway. A pedestrian bridge across the Eagle River is indicated near the whitewater park, but it is referred to as "constructed by others". Given the lack of pedestrian options, the North Broadway area is not "walkable" as that term is commonly defined. Residents will need to own or have access to a vehicle. All applicable standards for access will need to be addressed at application for subdivision and zoning.

4.13.130 Off-street Parking Given the lack of muti-modal access options, parking numbers for development on this property should meet or exceed Town standards. The parking summary outlined on sheet SKP-02 indicates 334 spaces for the multifamily structures proposed. A calculation applying Town standards generates the need for 422 spaces. This does not include parking that should be created for public visitation to the river corridor, nor does it consider the loss of proposed spaces that will occur when required intermittent landscape islands are added to the mix. This is a significant space issue, as there appears to be little room within the proposed development footprint to accommodate additional parking. Parking standards will need to be fully addressed at application for subdivision and zoning.

4.13.140 Water Distribution Town water can be made available to the project, however, concerns related to water service, water rights, water dedications and related fees will need to be addressed. As indicated in the referral response from the Town Engineer, utility services and the impacts from development to existing service systems must be fully detailed at the application for subdivision and zoning.

4.13.150 Wastewater Collection Details on wastewater collection are not required at the conceptual review level. Detailed plans for wastewater collection will be required at application for subdivision and zoning.

4.13.160 Underground Utilities Details on underground utilities is not required at the conceptual review level. Utility services for the project, and the impacts from development to existing service systems, must be fully detailed at the application for subdivision and zoning.

4.13.170 Boundary Survey and Monumentation Stated standards address requirements for the final plat for the project and are not applicable at this level of review.

4.13.180 Dedications, General Dedications for easements, streets and other public facilities are not applicable at the conceptual review level, but will need to be addressed at application for subdivision and zoning.

4.13.190 Municipal Park Land Dedication A three acre park and lands within the river setback are proposed to be dedicated to the Town, which, if accepted, should meet open space dedication standards. Demonstration of conformance will be required at application for subdivision and zoning.

4.13.200 Design Variance Specifics on any variances that may be requested will be required at application for subdivision and zoning.

STAFF RECOMMENDATION

Staff does not provide a formal recommendation for the Sketch Plan Subdivision application since the process is designed to foster a collaborative conversation between the applicant and the Planning & Zoning Commission. Some Master Plan objectives are met by the proposed project; however, many Master Plan objectives are not, and some are only partially satisfied. Plans submitted also have potential compliance issues with select Subdivision Design and Development Standards, as detailed in this report. If this project were to continue with either a Preliminary Subdivision or PUD Zoning Plan application, all application elements required by Code will need to be submitted for referral and review. Staff would recommend that such application(s) include the following in addition to required application materials to better address community expectations and potential master plan and regulatory compliance issues:

- A narrative supporting the development of a low-income affordable housing project at this location in the Town, and the conformance of that land use element with the vision of the River Corridor Plan.
- A study indicating why a traditional or modified grid street layout fit to the flat portions of land on the property will not work.
- A modification to the scale and form of buildings and public spaces that is more compatible with buildings and spaces that presently exist in Eagle's historic downtown.
- Graphic and/or fly through materials indicating the visual impact of proposed development on the views experienced by river users at the Whitewater Park, travelers on I-70, travelers on Grand Avenue, and from other points of high visibility.
- Plans indicating adequate space for developed sites supporting active recreation, commensurate to the anticipated residential population.
- A plan to adjust boundary lines to exclude County owned properties from the proposed development footprint, or a different strategy to reach an acceptable outcome in this regard.
- A study to determine the best location for a pedestrian bridge over the Eagle River, including plans and/or strategies for its construction as a component of this project.
- Stronger focus on meeting all stated objectives of the Riverside Mixed Use FLUM designation, including mixed use structures and commercial services available on the river front in proximity to the Eagle River Whitewater Park and pedestrian bridge connections, creating the attractive "Wow" factor.
- Plans for pedestrian connection to and safe pedestrian crossing of Grand Avenue linking the North Broadway Neighborhood directly to the existing Broadway business district.

PLANNING AND ZONING COMMISSION ACTION

1. Given stated outcomes of the Subdivision Sketch Plan review discussion, the Planning and Zoning Commission should clearly detail its opinions, positions and or concerns regarding the various categories and specific elements of the application, providing a clear recommendation to the Applicant for how the plan should be adjusted prior to formal application for subdivision and zoning. No motion is required for the Sketch Subdivision Plan.

2. According to the Development code, the outcome of this meeting is to: …*to ensure that all new development is consistent with the community's goals and that issues are identified…* If shortcomings are too numerous for the P&Z Commission to fully discuss or resolve in the time allotted, the P&Z Commission may continue the review to a future date. In that event, the P&Z should detail topics not fully covered under a tabling motion. Under this option, a suggested motion could be: I move to continue this hearing to (date) in order for the applicant to provide more information or modify the application to address the following Comprehensive Plan and regulatory issues: (insert items – possibly from staff's list above)

Once finalized, the Planning and Zoning Commission's suggestions and recommendation will be forwarded to the Town Council for its consideration in advance of a similar sketch review discussion.

ELMINGTON
AFFORDABLE

1. Development Narrative Summary: North Broadway Neighborhood

The North Broadway Neighborhood project in Eagle, Colorado provides an opportunity to develop previously underutilized land to create a higher density mixed use community that offers a diversity in housing types with affordability that is consistent with the future master plan land use designation of Riverside Mixed-Use (RMU) as outlined in the Town of Eagle's 2015 Eagle River Corridor Plan (ERCP). The site is along the hillside adjacent to the Eagle River and close to both downtown Eagle and the Eagle River Park; we have embraced the site's unique challenges to ensure an inviting gateway development for the Town of Eagle that will support pedestrian and trail connectivity goals; respect the adjacent watershed; deliver critical new workforce community housing units; create active open space amenities; and promote economic vitality through thoughtful mixed-use design and density to define a true sense of place.

The proposed preliminary subdivision plan will set the necessary framework for a phased neighborhood scale development while celebrating the site's natural features and location. From the hillside, there are excellent views to the north and west of the river and opposing hillside with good sun exposure from the south and west that will allow us to orient buildings for passive and active solar energy. The lower portions of the site adjacent to the river are natural amenities that include a flood plain and wetlands we intend to protect and that will duly serve as an amenity that will be inviting to both the residents and community members. Access will be made possible with the introduction and inclusion of pedestrian paths to the park and future network of trails. The concept plan will also provide two points of access to ensure life safety and fire apparatus vehicle access from both Brooks Lane and the proposed extension at Broadway are accomplished as outlined in the ERCP.

The concept site plan is designed consistent with the ERCP guidance and will support higher density, more compact, walkable and connected communities. Higher density buildings located along the tracks and at lower elevations will further advance this effort by ensuring visibility from Grand Ave as the ERCP also suggests. The concept land use plan is diverse with offerings that will consist of multifamily rental buildings, for-sale townhome buildings, mixed-use commercial and residential zones, and public/visitor parking that is knit together with shared infrastructure providing access to the new public amenities and spaces created by the development. The design and massing of the buildings will provide an attractive mix of buildings that will blend into and represent the character of the Town of Eagle by including attractive roof lines and allowing natural light to penetrate all aspects of the site.

The site plan strategy is to develop a neighborhood that is contextual and that will prominently feature the site while remaining welcome to all visiting the Town of Eagle. The multifamily buildings will be designed to reduce the visual scale of the buildings and to relate to the human scale when viewed from the street. Additionally material choices and color will be used to further break up the buildings so that they do not appear to be monolithic and in turn allow the buildings to relate to the human scale and the scale of the surrounding buildings on the site. The buildings will relate to each other and have common elements but will not be identical to one another and vary in size and scale. Our engineering for the site is focused on minimizing the overall the impact to the environment and will minimize the amount of cut and fill during construction by utilizing the natural topography but also to ensure proper drainage and water filtration are adequately sized to manage the overall site implications.

Connecting the Town to the Eagle River

Page 8 - Town of Eagle River Cooridor Plan (RCP)

The ERCP did not appear to factor the topography of the site into its plan guidance although it is briefly mentioned as an incentive for additional height in certain areas and as such, did not address the realistic site constraints for development. The concept plan has located multiple building structures throughout that have been strategically located to traverse the grade change while maximizing the use of the existing grade to balance and minimize the grading work that needs to occur within the site. Additionally, all new grading and landscape features will aim to be terraced and planted to minimize retaining walls and to maintain a natural feel to the site. This will allow for a seamless

interface with the railroad and further investigations will be warranted to ensure the exact technical requirements are met.

We understand that a 75'-0" setback is desired for this development along the river and have accommodated this with our building footprints in the majority of the site plan where feasible to ensure we can create an accessible safe pedestrian/bike walkways to connect the Town's CBD and existing whitewater park amenities. Currently, the plan will preserve the existing wetlands alongside the open space that will be dedicated and will carefully manange the river high-water mark in conjunction with the majority of the planned land use for Tract 6 but because of site limitations, steep grades and required road access to the west end of Tract 6, a proposed 50'-0" setback from the high-water mark is shown to maintain an achievable development outcome.

This project presents a unique opportunity for the Town of Eagle: an opportunity to develop the local trail network, improve access to the river from downtown Eagle, and provide mixed use multi-residential and affordable housing to the people of Eagle. This project, located at a prominent location along the Eagle River and seen from I-70, will be a great example of a project delivering on the numerous goals of several master planning efforts that envision Eagle's future while preserving the community's unique character and history.

2. Description of current site conditions

- The assemblage of 3 different parcels has made this site concept plan possible and thye are currently zoned Rural Residential for the Johnson and Case properties (101 & 102 Ping Lane) and PUD Mobile Home Park for Steven Peters parce at Brooks Lane (404 Brooks Lane). ECG Acquisitions LLC currently has 404 Brooks Lane and 101 Ping Lane under contract and are working towards finalizing terms for development with the balance of owners at the site. All existing structures and fixed assets will be demolished during the construction efforts for each respective phase and prior notice will be issued well in advance of our planned construction start. Owner's and or Tenant's of the properties including the mobile home properties have been notified of the sale and will be extended options to remain in the new community long term.
- The site has a steep topographic change from the eastern side sloping down to a plateau before it gently lowers itself to the river along the center and then returns back up to elevation on the west side at Brooks Lane. This amount of grade change did not appear to be studied in the ERCP. There is also a floodplain and wetlands in the northwestern section of the site.

- The property associated with 404 Brooks Lane and 101 Ping Lane that falls outside the Town boundaries will be annexed into the Town of Eagle on separate application by each respective owner. Subsequent to the approval of the annexation, a revised plat and map will be submitted creating and subdividing the parcels/tracts of land identified in the concept plan. The creation of separate parcels/tracts will include the parcels/tracts of land identified as open space that will be dedicated with the recordation of the new map and plat and successful PUD.
- The County will be an instrumental partner on this development and creation of affordable housing at this site. All applications, requests for zoning, potential coordination of access points are contingent upon the outcome of the concept plan and an application will be submitted to the county prior to formal submittal. The use of the County owned land along the river, including prospects of bridge connectivity will also be discussed at that time and any formal requests can be jointly applied for if desired by either party.
- The existing mobile home park, required notifications and statutory requirments associated with a sale and purchase of a mobile home park are noteworthy issues that will be dealt with on a case by case basis with each owner/tenant to ensure the best possible outcome available is pursued. Currently the individual owners of the mobile homes have a statutory option to pursue acquiring the site and preserving. At a minimum ECQ Acquistions LLC will offer each resident a right to return to the community when completed and will work to minimize displacement.

3. Proposed site development general overview

- Create zone lots for multifamily residential, for sale townhomes, mixed use commercial, parks and open-space dedication, and neighborhood infrastructure improvements.
- Townhomes (mix of for-sale deed-restricted serving 80%-140% AMI and Market), and Multifamily 4 to 5-story buildings (two across the proposed 'Parcel/Tract 4') will include 135 total units with a mix of 1, 2 and 3 bedrooms at or below 80% AMI.
- Site is currently 24.18 acres combined between three ownership parcels with approximately 20.4 acres of usable land area (not within the watershed or south of the subject site).
- IFC compliant-emergency vehicle access with grading that meets requirements of the Town of Eagle fire department.

- Public at Grade Crossing-Vehicular entry from Grand Ave must cross a railroad to access the site.
- Site Amenities that allow access to the river, wider trail system and green space. *Please reference the attached Subdivision Concept Site Plan Exhibits for more details.*

4. Site integration (Features/constraints)

a. The Eagle River bordering the site is the town's greatest asset and creates the opportunity for access for both the residents of this development and the greater public. Through the North Broadway development we can improve the eastern side of the Eagle River and provide broad community access via a future trail way in the 75' setback area along the river. Walking and biking paths will also be added to allow for access to the eastern side of the Eagle River and connect to existing trail networks.

b. Railroad line is a barrier to entry to the site but the anticipated development will support the master plan concepts of connectivity to both the river and Broadway. There are no planned dwelling units within 50 feet of Railway with the proposed roadway and landscaped buffer located adjacent to railway so there are no issues with the Subdivision Design Compliance code.

c. Grading – The multimodal drive navigates to the proposed base level of the residential development as you transverse from east to west. The steeper grade changes from north to south will be retained by the multimodel drive infrastructure and proposed building structures, allowing parking and lower floors of the multifamily development to be hidden from Grand Ave.

d. Sunlight – There is a wealth of sunlight coming from the west and the south; taller buildings sit at lower elevation to deliberately break up the massing at different locations and to capture as much sun as possible in the winter months.

e. Traffic – The traffic study of the site and surrounding roads concluded that the North Broadway Neighborhood will be successfully incorporated into the existing and future roadway work. From the traffic study and "Grand Avenue Corridor Study", there are several recommendations to the surrounding area including adding a roundabout with two through lanes at 3rd Street and Grand Avenue and Broadway Street and Grand Avenue. According to the Study, the intersection of Grand Ave. and Eby Creek Road is anticipated to be reconfigured with continuous approach both east and westbound which will convert the exiting westbound right lane to a shared through/right turn movement. Finally, the existing intersection at Ping Lane will be eliminated along the exiting corridor as a part of the Grand Ave improvements. *A complete Traffic Study will be provided*

with a formal submission and will account for max density and vehicular traffic expected for the full North Broadway and Brooks Lane Neghborhood build-out.

f. Landscape – The site will be developed with pedestrian access and connectivity in mind. Our vision is to create an inviting pedestrian friendly experience between the different structures and uses with landscape buffers througout. The River Corridor Plan notes requirements for a pedestrian promenade with strategic views onto the river and amenity or gathering areas spaced throughout. These goals and features will be incorporated into the river promenade designs as it aligns through the property. The park land area will be developed as a passive recreation area with trails, picnicking areas and unprogrammed activities to meet the towns vision for this area. A trail along the causeway will be developed as an overlook onto the river and Eagle River Park. A bioswale and WQ Rain area is located between the townhomes and river to capture and infiltrate any storm water runoff.

g. There are no commercial mineral deposits located on the property.

5. Subdivision Design Compliance 4.13

a. 4.13 Compliance
    i. 4.13.040 (Fire Protection) - We will be in compliance
    ii. 4.13.070 (Lot and Block Design)
        1. A – Townhomes are 20 feet wide but reside on a private road, so the exception applies to us.
        2. B – We will be in compliance - Current design has maximum solar access (both for outdoor resident/pedestrian spaces and photovoltaic production)
        3. C – Does not apply, requesting new zoning.
        4. D – We are in compliance. No dwelling unit within 50 feet of Railway ROW. Landscaped buffer adjacent to railway
    iii. 4.13.090 (Streets and Alleys) - We will be in compliance and the main multimodel roadway will not exceed 6% slope
    iv. 4.13.110 (Sidewalks and Bikeways) – All pedestrian modes of transportation associated with the site including bike trails will be in compliance with any requirements but will also look to enhance the safety and experience of those enjoying the sidewalks and bike trails. The connectivity of the site will be a top priority while addressing the needs of accessibility including Sec. 504/UFAS/ADA as baselines for conformance. We will also look to incorporate the appropriate level of lighting throughout these corridors to ensure night time safety as well.

v. 4.13.120 (Access) – We will be in compliance
vi. 4.13.130 (Off Street Parking) – We will be in compliance
    1. Parking will be accommodated around the site with a combination of surface parking lots, structured parking and 90-degree parking stalls adjacent to the apartment and townhomes sites. The surface parking lots, and parking structure will serve both multifamily buildings as well as the community and neighborhood amenity spaces identified in the plan. Loading zones and some short term parking will be reserved at the southwestern multifamily building to allow for residents to unload their vehicles, welcome visitors, despite the majority of resident and overflow parking located further away. *Please reference attached plan exhibits for a detailed depiction and proposed parking counts.*

       Access to the public amenities, including the river park and open space will be accessed by future pedestrian bridge(s) crossing the Eagle River and connecting to parking at the fairgrounds. The bridges are incorporated by reference in the RCP and our site plan will accommodate these future amenities envisioned by the community. Additionally, the public will be able to access these amenities via multimodal streets and park trails and pathways through the site connecting to the downtown area of Eagle at Ping and Brooks Lane.

b. School district dedicated land Multifamily and townhome units (192 x .002676 acres) = 0.514 acres dedication requirements
c. Streets and Alleys
    i. Logical relationship to topography and building footprints
    ii. Maximum solar access to each building
    iii. Sidewalks and bikeways to be provided by developer for pedestrian access
d. Park/Open-Space dedication (135 of units multifamily and 57 townhomes x 2.5): 480 x 0.012 acres = 250,906sf (5.76 acres) of land needs to be dedicated per code. Currently there is a total of 326,687sf (7.5 acres) identified as either future open space dedication or expected to be unimproved areas within the appropriate river set backs. See Exhibit Concept Subdivision *Overall Site Plan (Land Use & Building Schedules)* for the combined land use area calculations.

6. The concept subdivision plan submittal anticipates that a subsequent PUD application will be submitted to accommodate the proposed mixed-income affordable development project planned for Tract 4, 5, and 6 for special considerations. All other tracts identified herein will be pursuing zoning classifications from the pending ReCode adoption expected later this year. The subdivision concept plan and Ping Lane PUD will ultimately reflect the vision and goals of the 2015 Eagle River Corridor Plan for Riverside Mixed-Use, and the Elevate Eagle Comprehensive Plan, as amended in 2021, with new zoning, providing higher density housing and uses than is currently available in Eagle. Further, the planned multifamily development will specifically target the Town's growing affordable housing needs for essential workforce and family renters (including 3.0 person household and serving a range of incomes prodominately at 60% AMI per the recently published *Comprehensive Affordable Housing Assessment Report (CAH)*. The proposed affordable multifamily development would qualify for a "density bonus" for at least one-story, per the recommended strategies published in the CAH Report [*page 42, 'Density Bonus'*]. In addition to the proposed affordable housing essential to expanding the "economic vitality" of the Town, the project will be a catalyst to support other vital infrastructure for an expanded and sustainable pedestrian and bike experience with newly created access to the Eagle River for the entire community's benefit. The proposed Concept Plan(s) begins to outline how the formal Subdivision and PUD application(s) will substantially conform with the River Corridor Plan in the following ways:

   Chapter 1, Page 4-5, Plan Themes:

1. ***Conservation:*** *Protect water quality of the Eagle River; create a network of open space along the Eagle River to preserve important wetlands, riparian areas, and wildlife habitat, while allowing for active recreation in select areas.*

We are utilizing best practices for storm water management and treatment (BMP's) on the slope to protect natural habitat and wetlands; we have provided access for motorists and pedestrians alike while ensuring safety standards are adhered to and offer the flexibility in our site to accommodate future growth. We are providing open space and trails for connectivity and educational experiences that will preserve and celebrate the native habitats as places for making opportunities.

2. ***Economic Development:*** *Facilitate private and public sector investment within the river corridor that results in economic growth and community place-making.*

We are providing a mix of uses that will serve as a catalytic development in the Development Core that will stimulate investment, future growth and connectivity to the historic downtown in future phases; we are providing access to recreation and dedicated park land to secure the future civic beachfront investment has a place to grow.

3. ***Recreation:*** *Provide high quality, river-oriented recreation amenities that allow for a wide variety of user groups to enjoy the Eagle River and its immediate environs.*

We are providing an extensive network of trails and access points including a new dedicated ROW street for neighborhood connections that will enhance access to the park and river park.

4. ***Place Making:*** *Create authentic and memorable places along the Eagle River for both residents and visitors.*

Fully-engaged neighborhood development of mountain modern-style architecture for a diverse mixed use residential neighborhood that will captivate the curiosity of anyone passing by or visiting the Town of Eagle and its river park and recreation.

5. ***Transportation and Access:*** *Provide safe and convenient public access from Eagle's neighborhoods to the Eagle River.*

Fire and Life Safety access and slopes are adhered to, flexible adaptability and connectivity to surrounding properties flanking either side of the parcel, park access, and future pedestrian bridge connectivity done with environmental sensitivity.

6. ***Education and Awareness:*** *Use elements of the Eagle River and adjacent land to promote understanding of the river ecosystem and other qualities of the river corridor.*

Integrated signage celebrating the sustainable features including the preservation of the natural habitat, wayfinding and other educational interests identified in the process will be prepared with thoughtful engagement by appropriate non-profit organizations, local schools and the representatives overseeing trails and open space.

In summary the Town of Eagle has a tremendous need and has the vision in place to support this development. We look forward to staff, referral agency and Planning Commission consideration of our Sketch Plan submittal and answering any questions prior to incorporating feedback into our formal Subdivision Plan and PUD application(s).

ELMINGTON
AFFORDABLE

LIST OF ATTACHMENTS & EXHIBITS

I. NORTH BROADWAY SUBDIVISION – PROPERTY SURVEY(S):
- I.1. 102 Ping Lane
- I.2. 101 Ping Lane
- I.3. 404 Brooks Lane

II. NORTH BROADWAY SUBDIVISION – TITLE COMMITMENTS:
- II.1. 102 Ping Lane
- II.2. 101 Ping Lane
- II.3. 404 Brooks Lane

III. NORTH BROADWAY SUBDIVISION – PROPERTY OWNERSHIP
- III.1. CONTACT LIST
- III.2. LAND USE AUTHORIZATION FORMS – Letters of Consent
- III.3. VICINITY MAP – Adjacent Parcel Ownership County Records

IV. NORTH BROADWAY SUBDIVISION – CONCEPT PLAN SUBMITTAL EXHIBITS
- IV.1. NORTH BROADWAY SUBDIVISION - CONCEPT SITE PLAN
  - IV.1.1. NORTH BROADWAY SUBDIVISION - CONCEPT TRACT PLAN
- IV.2. NORTH BROADWAY SUBDIVISION - SITE ISOMETRIC PLAN
- IV.3. NORTH BROADWAY SUBDIVISION - OVERALL SITE PLAN (Land Use & Building Schedules)
- IV.4. NORTH BROADWAY SUBDIVISION – EVALUATION OF EXISTING VEGETATION
  - IV.4.1. NORTH BROADWAY SUBDIVISION – LANDSCAPE VISION GRAPHIC SITE PLAN
- IV.5. NORTH BROADWAY SUBDIVISION - PERSPECTIVE A (from Interstate 70)
- IV.6. NORTH BROADWAY SUBDIVISION - PERSPECTIVE B (Pedestrian Park View)
- IV.7. NORTH BROADWAY SUBDIVISION - PERSPECTIVE C (Public Plaza & Bridge)
- IV.8. NORTH BROADWAY SUBDIVISION - PERSPECTIVE D (Courtyard west view)
- IV.9. NORTH BROADWAY SUBDIVISION - ROAD CONCEPT GRADING (Southwest Site Plan)
- IV.10. NORTH BROADWAY SUBDIVISION - ROAD CONCEPT GRADING (Northeast Site Plan)
- IV.11. NORTH BROADWAY SUBDIVISION – CONCEPT LEVEL 1 PLAN (Affordable Multifamily)
- IV.12. NORTH BROADWAY SUBDIVISION – CONCEPT LEVEL 2 PLAN (Affordable Multifamily)
- IV.13. NORTH BROADWAY SUBDIVISION – CONCEPT LEVEL 3 PLAN (Affordable Multifamily)
- IV.14. NORTH BROADWAY SUBDIVISION – CONCEPT LEVEL 4 PLAN (Affordable Multifamily)
- IV.15. NORTH BROADWAY SUBDIVISION – CONCEPT LEVEL 5 PLAN (Affordable Multifamily)

WILSON & COMPANY
HIGHER RELATIONSHIPS
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Denver, CO 80209
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303 297 2693 f
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March 23, 2023

RE: North Broadway Subdivision Civil Engineering Concept Plan Narrative

Section3:

- IFC compliant emergency vehicle access has been incorporated into the concept plan, that includes maximum 150-foot length roadways meeting standards for emergency vehicles for dead-end access. All connecting streets have been designed with the appropriate 26-foot curb return radius and a minimum of 24 feet wide. It is the intent of this concept plan to meet all requirements for the IFC roadway access for the project. Grades for emergency access will have a maximum longitudinal slope of less than 6 percent.

Section 4-c; Grading

- The project site has over 50 feet of topographic relief across the site between the floodplain of the Eagle River and the Denver & Rio Grande Western railroad right-of-way. The site will maintain the same historic runoff patterns, with flattening building paid areas and providing access for major public streets to less than 6 percent longitudinal slope. The use of retaining walls and building structures used to absorb grades will be used. All proposed residential and commercial/recreational areas will meet ADA access guidelines and standards.

Section 4-e-a.; On-site Roadways

- A main public street is proposed for the backbone for pedestrian and vehicular access for the entire neighborhood is proposed. The intersection at Broadway along Grand Avenue to Brooks Lane will be designed and developed. This access will meet the previously mention longitudinal slopes, will provide two lanes of travel, 2 points of emergency access, will have a pedestrian sidewalk, curb/gutter and be a minimum of 30 feet wide. This pedestrian and vehicular spine will also have 90-degree parking, allowing for slower traffic calming, allowing a more urban neighborhood safe purpose roadway. The associated permits for the improved rail crossing will also be studied and included in the required infrastructure for the project.

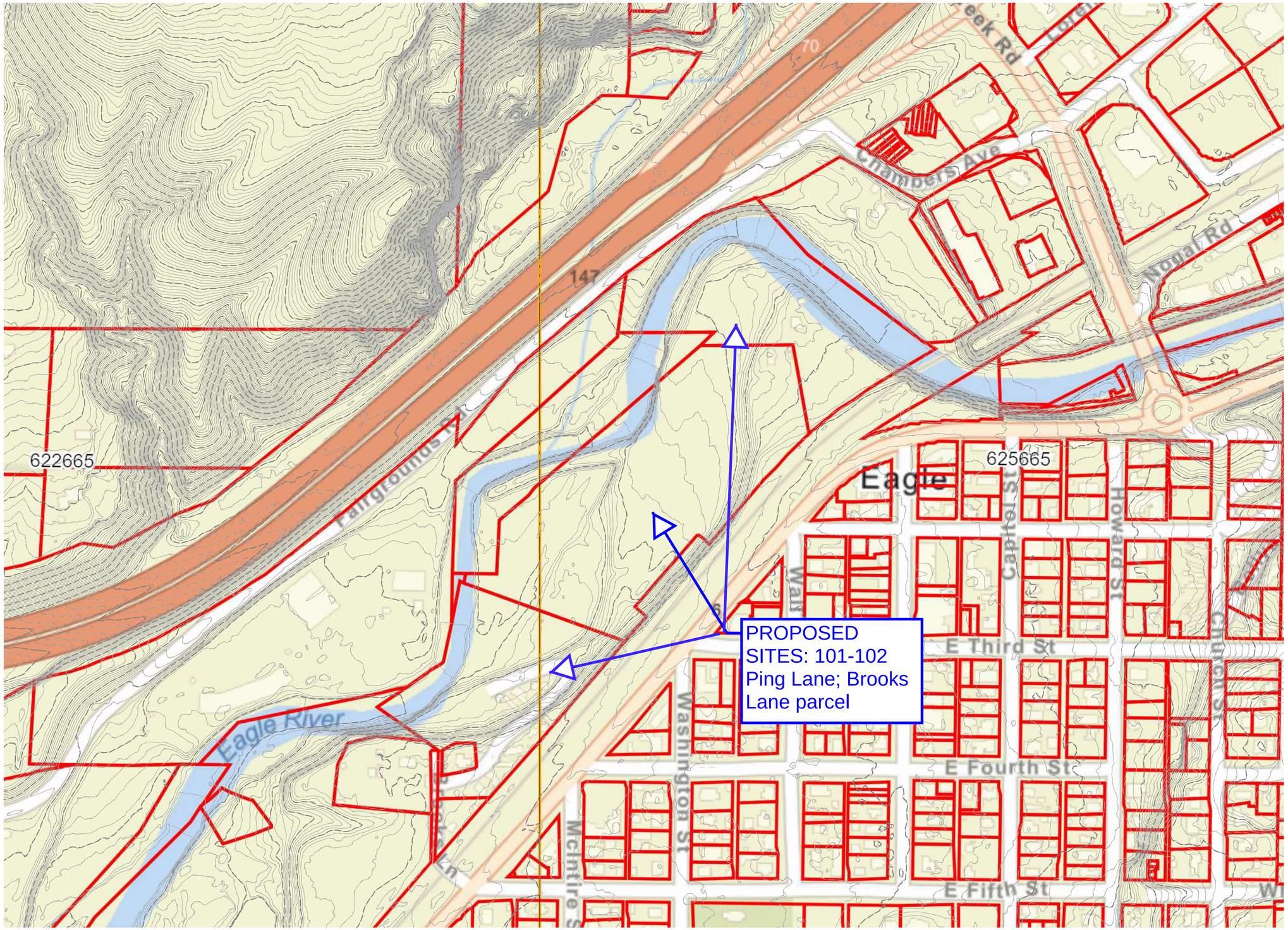
Section 4-g; Wet Utilities

- Sanitary sewer and potable water will be provided through the site with a water main connection to Broadway and the existing connection within Brooks Lane. Sanitary will also be provided by a trunk line from our site also serving the Johnson site to the north and connecting with the existing system within Brooks Lane. Both lines will be located within the public street serving the project.

Drainage

The overall drainage design concepts will implement both conventional WQ and Detention facility but will also incorporate best management practices within the landscaping for a higher density project as outlined by both the State of Colorado, and other municipalities. It will be our intent to design the following to preserve the integrity of clean runoff reaching the Eagle River as to provide a maintainable design objective for the project and the environment. The premise for this design will be to use the southwesterly area of the non-conveyance overflow area of the Eagle River floodplain that is adjacent to

the site for our detention and water quality facility. We are proposing to build an environmentally sensitive 10-year detention and water quality facility; and release the 100-year storm undetained from our site. This is a similar stormwater design being used along the Blue River in Silverthorne. The proper hydrological term is beat the peak of the adjacent major drainageway. Environmental sensitive wetlands have been located and marked in this area, and all proposed stormwater improvements will be located outside of these areas. We will be designing the facilities and most of the infrastructure to provide for future runoff from the Johnson property to the north of our site as well as the volume from the 101 Ping Lane site: thus, incorporating a complete District or Neighborhood solution for stormwater management. This design will help facilitate the detailed and desired mixed use commercial uses of the North Broadway neighborhood and the Towns vision of the area.



N

150 0 150 300
SCALE 1"=150' FEET

101 PING LANE

VICINITY MAP WITH
CONTOURS

3/8/2022

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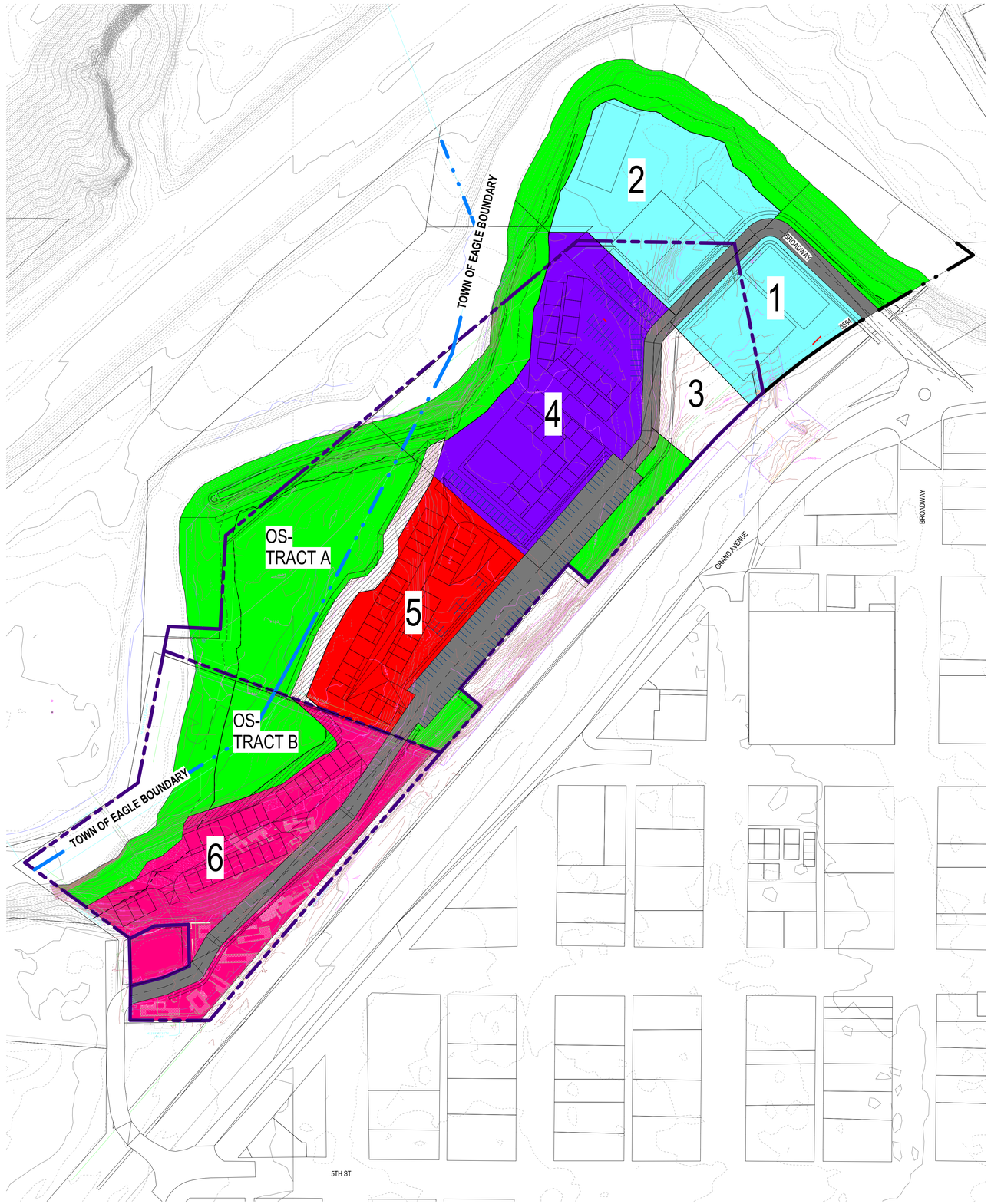

SITE LEGEND	
PUBLIC ROW (NEW STREETS, TRUNK INFRASTRUCTURE)	
SIDEWALKS	
STORM WATER QUALITY AREA	
OPEN SPACE (DEDICATED OR PUBLIC ACCESS EASEMENT)	
101 PING LANE PROPERTY LINE (PARCELS A, B, D)	
102 PING LANE PROPERTY LINE (PARCELS C1, C2)	
BROOKS LANE PROPERTY LINE (PARCEL E)	
50'-0" RIVER SETBACK	
75'-0" RIVER SETBACK	

USE LEGEND	
COMMERCIAL MIXED USE	
MULTIFAMILY (HIGH-DENSITY MF ZONE DISTRICT)	
TOWNHOMES (MEDIUM-DENSITY MF ZONE DISTRICT)	

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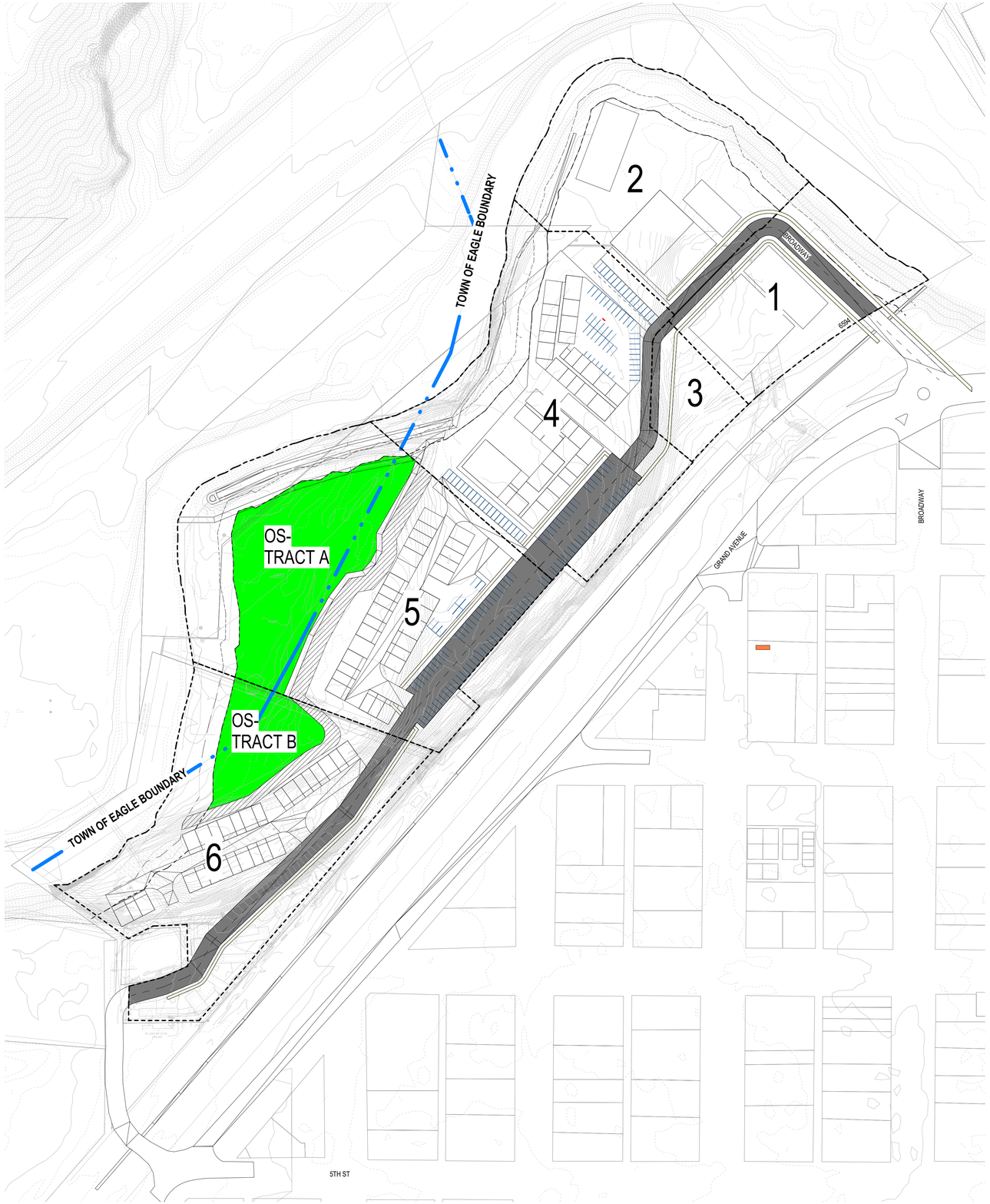
DHM DESIGN

1 SKETCH PLAN - OVERALL PARCEL PLAN
1" = 100'-0"

PROJECT NORTH BROADWAY SUBDIVISION

TITLE CONCEPT PLAN 12/20/22

SKP - 01



1 OVERALL TRACT PLAN
1" = 100'-0"

TRACT LEGEND	
PUBLIC ROW (NEW STREETS, TRUNK INFRASTRUCTURE)	
SIDEWALKS	
OPEN SPACE DEDICATION	
TRACT BOUNDARY	
50'-0" RIVER SETBACK	
75'-0" RIVER SETBACK	

DEDICATED OPEN SPACE AREA	
TRACT	AREA
OS-TRACT A:	1.72 ACRES
OS-TRACT B:	.64 ACRES
TOTAL OS AREA:	2.36 ACRES*
	*APPROX. 19% OF DEVELOPABLE LAND AREA

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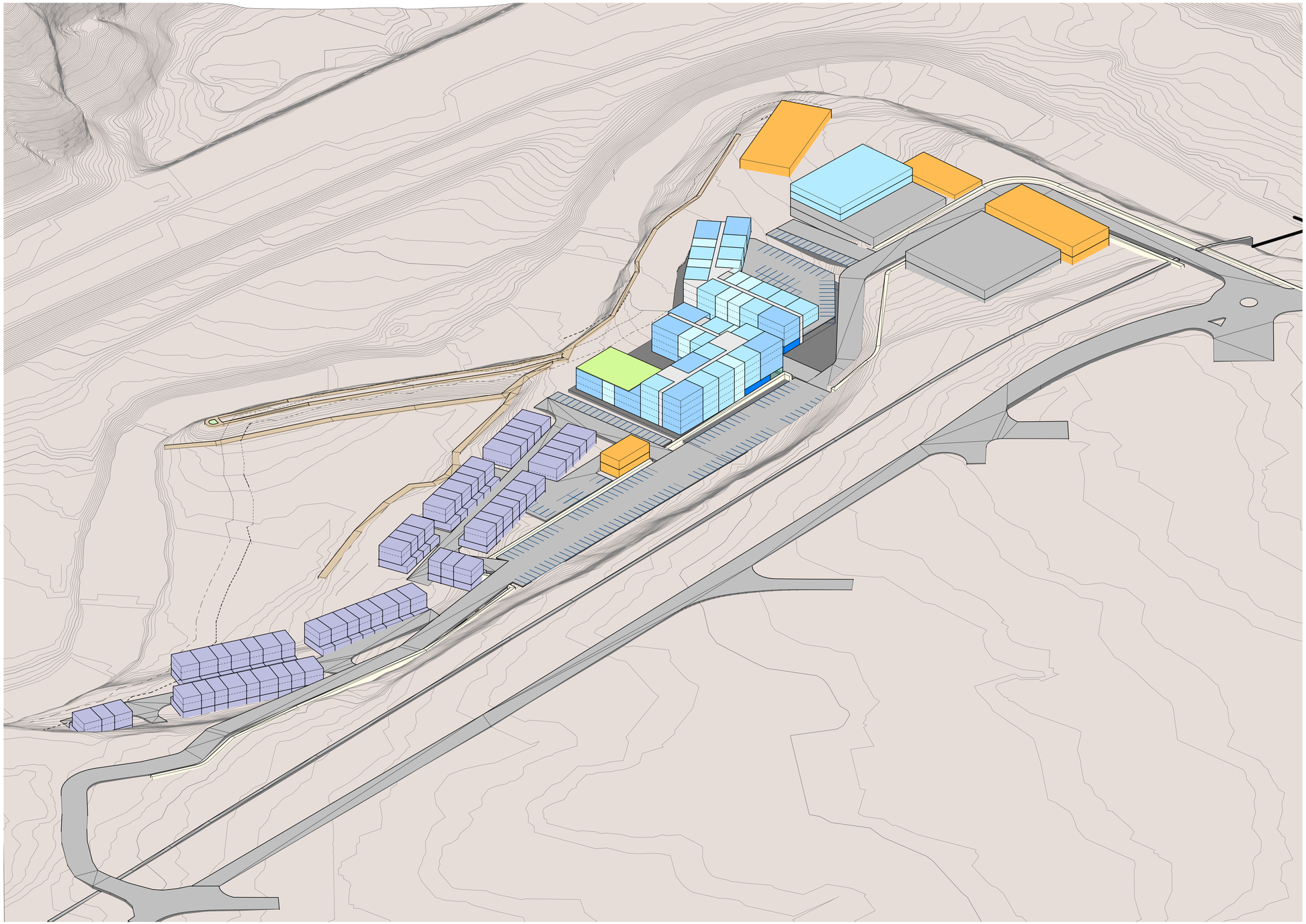
PROJECT	NORTH BROADWAY SUBDIVISION	SKP - 1.1
TITLE	TRACT PLAN 03/31/23	



DEVELOPMENT PLAN					
PROPERTY	PARCEL	TYPE	PROPOSED STORIES ABOVE GRADE	ACRES	UNITS
101 PING LANE ASEEMBLAGE	TRACT - 4	APT/MIXED USE	5	3.16	135
	TRACT - 5 + OS-TRACT A	APT/MIXED USE	5	2.45	30
	TRACT - 3			0.60	
JOHNSON PROPERTY	TRACT - 2	RETAIL / CONDO MIXED USE	3 - 4	2.08	21
	TRACT - 1	RETAIL / COMMERCIAL	3 - 4	1.48	44
BROOKS LANE	TRACT - 6 OS-TRACT B	TOWNHOMES	3	2.48	27
			TOTALS	12.25	257

PARKING SCHEDULE	
Site Section	Count
Site A North Building Multi-Residential Parking	110
Site A Primary Street Nose-in Parking	65
Site A South Building Multi-Residential Parking	83
Site B Associated Parking with Leasing Building	5
Site B Primary Street Nose-in Parking	71
TOTAL PARKING: 334	

TOWNHOME PARKING: GARAGES IN UNITS

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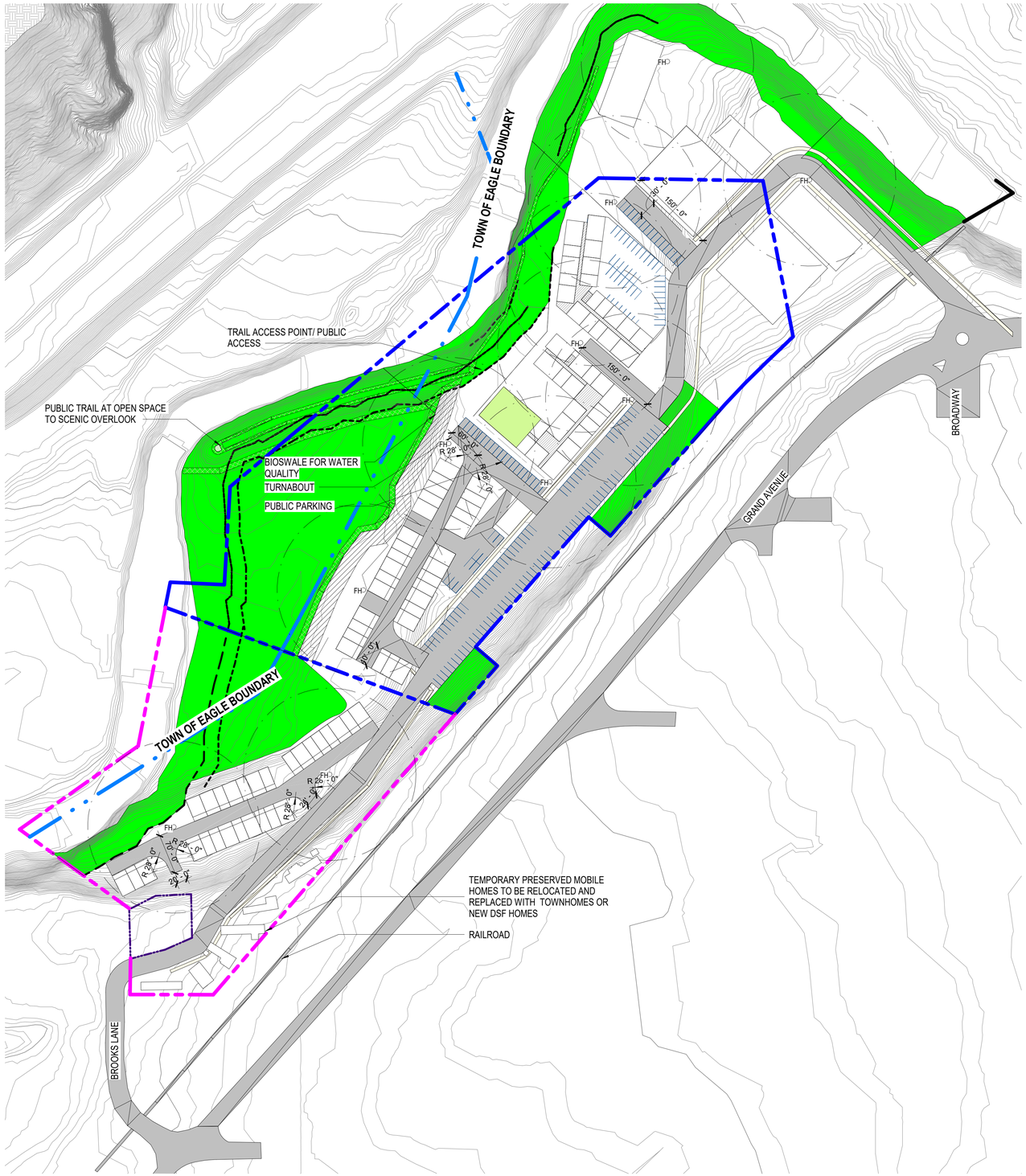
PROJECT NORTH BROADWAY SUBDIVISION

TITLE SITE ISOMETRIC 03/06/23

SKP - 02



1 SKETCH PLAN - SITE PLAN
1" = 100'-0"

SITE LEGEND

PUBLIC ROW (NEW STREETS, TRUNK INFRASTRUCTURE)	
SIDEWALKS	
STORM WATER QUALITY AREA	
OPEN SPACE (DEDICATED OR PUBLIC ACCESS EASEMENT)	
101 PING LANE PROPERTY LINE (PARCELS A, B, D)	
102 PING LANE PROPERTY LINE (PARCELS C1, C2)	
BROOKS LANE PROPERTY LINE (PARCEL E)	
50'-0" RIVER SETBACK	
75'-0" RIVER SETBACK	

PROGRAM AREA SCHEDULE

NORTH MULTI-FAMILY	
HORIZONTAL CIRCULATION	9703 SF
RESIDENTIAL	48210 SF
	57913 SF
SOUTH MULTI-FAMILY	
HORIZONTAL CIRCULATION	18556 SF
RESIDENTIAL	76530 SF
	95086 SF
TOWNHOMES	
RESIDENTIAL	22080 SF
	22080 SF
TOWNHOMES E	
RESIDENTIAL	18464 SF
	18464 SF
TOTAL AREA	193543 SF

LAND USE AREA PROGRAM

PROPERTY	TRACT ID	TYPE	ACRES	DEVELOPMENT PARCEL (SF)	STREET - ROW LAND AREA (SF)	OPEN SPACE / RIVER SETBACK + WATER QUALITY (SF)	TOTAL LAND AREAS (SF)
101 PING LANE ASSEMBLAGE	TRACT - 4	APT / MIXED USE	3.16	137,545	15,156.89	41,457.35	194,159
	TRACT - 5 + OS-TRACT A	APT / MIXED USE	2.45	106,630	13,851.75	148,110.48	268,592
	TRACT - 3		0.60	25,991	3,622.50	N/A	29,614
JOHNSON PROPERTY	TRACT - 2	RETAIL / CONDO	2.08	90,569	3,944.39	49,602.53	144,116
	TRACT - 1	RETAIL / COMMERCIAL	1.48	64,453	11,298.75	23,112.22	98,864
BROOKS LANE	TRACT - 6 OS-TRACT B	TOWNHOMES	2.48	140,776	24,046.50	64,405	229,228
		TOTALS	12.24	565,964	71,921	326,687	964,572

TRACT 4 - MULTIFAMILY UNIT SCHEDULE OVERALL

Unit: Type	Floor Area	Count
1 BR (A) (20 X 30)	600 SF	36
2 BR (B) (30 X 30)	900 SF	63
3 BR (C1) (43 x 30)	1290 SF	36
TOTAL UNIT: 135		

MULTIFAMILY UNIT SCHEDULE BY BUILDING

Unit: Type	Floor Area	Count
NORTH MULTI-FAMILY		
1 BR (A) (20 X 30)	600 SF	22
2 BR (B) (30 X 30)	900 SF	26
3 BR (C1) (43 x 30)	1290 SF	9
57		
SOUTH MULTI-FAMILY		
1 BR (A) (20 X 30)	600 SF	14
2 BR (B) (30 X 30)	900 SF	37
3 BR (C1) (43 x 30)	1290 SF	27
78		
TOWNHOMES		
TH 2 BR RAISED (18 x 32)	576 SF	10
TH 2 BR (18x40)	720 SF	6
TH 3 BR RAISED (25 x 32)	800 SF	10
TH 3 BR (25 x 40)	1000 SF	4
30		
TOWNHOMES E		
TH 2 BR RAISED (18 x 32)	576 SF	14
TH 3 BR RAISED (25 x 32)	800 SF	13
27		
TOTAL UNIT: 192		

TRACT 5 - TOWNHOME UNIT SCHEDULE

Unit: Type	Count	Floor Area Total per Unit (including garage)
TH 2 BR RAISED (18 x 32)	10	1152
TH 2 BR (18x40)	6	1440
TH 3 BR RAISED (25 x 32)	10	1600
TH 3 BR (25 x 40)	4	2000
TOTAL UNITS: 30		

PARCEL B:
2 BED TOWNHOMES GARAGE AREA: 240SF
3 BED TOWNHOMES GARAGE AREA: 480SF

TRACT 6 - TOWNHOME UNIT SCHEDULE

Unit: Type	Count	Floor Area Total per Unit (Excluding Garage)
TH 2 BR RAISED (18 x 32)	14	1152
TH 3 BR RAISED (25 x 32)	13	1600
TOTAL UNITS: 27		

PARCEL E:
2 BED GARAGE AREA/VERTICAL CIRCULATION: 720SF
3 BED TOWNHOMES GARAGE AREA/VERTICAL CIRCULATION: 1000SF

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DHM DESIGN

PROJECT NORTH BROADWAY SUBDIVISION
TITLE OVERALL SITE PLAN 02/03/23
SKP - 03

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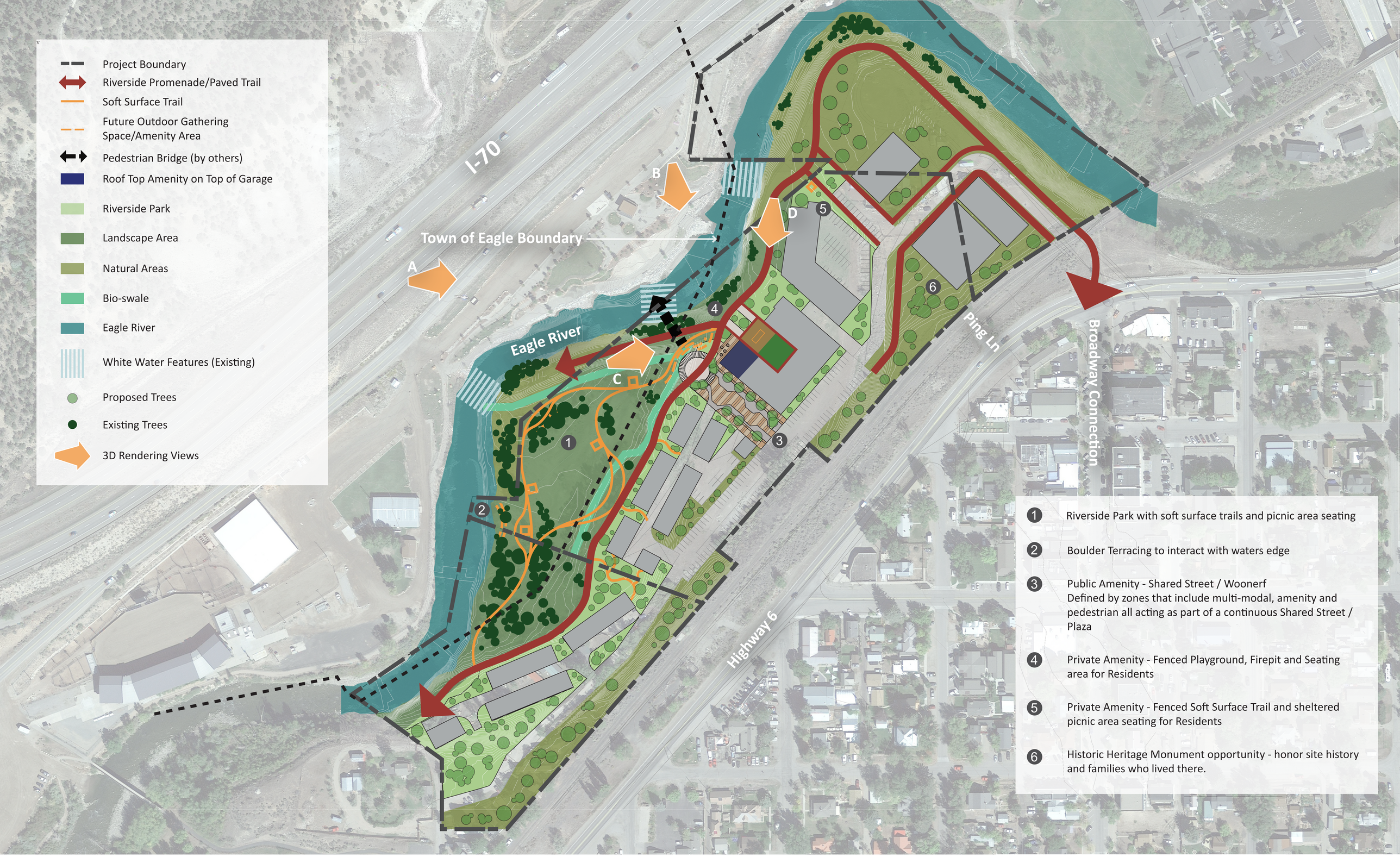
0 20 80
10 40 160
SCALE: 1"=80'-0"

PROJECT ELMINGTON CAPITAL EAGLE

TITLE EVALUATION OF EXISTING VEGETATION 04/03/22

SKP - 04



1. Riverside Park with soft surface trails and picnic area seating
2. Boulder Terracing to interact with waters edge
3. Public Amenity - Shared Street / Woonerf
   Defined by zones that include multi-modal, amenity and pedestrian all acting as part of a continuous Shared Street / Plaza
4. Private Amenity - Fenced Playground, Firepit and Seating area for Residents
5. Private Amenity - Fenced Soft Surface Trail and sheltered picnic area seating for Residents
6. Historic Heritage Monument opportunity - honor site history and families who lived there.

NORTH BROADWAY SUBDIVISION - Landscape Vision Graphic Site Plan

0 20 80
10 40 160
SCALE: 1"=80'-0"

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SKP - 4.1

3D RENDERING
Perspective - A

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PROJECT	NORTH BROADWAY SUBDIVISION	SKP - 05
TITLE	PERSPECTIVE 1 (FROM I-70) 03/22/23	

3D RENDERING
Perspective - B

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DHM DESIGN

PROJECT	NORTH BROADWAY SUBDIVISION	SKP - 06
TITLE	PERSPECTIVE 2 (PEDESTRIAN PARK VIEW) 03/22/23	

3D RENDERING
Perspective - C

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DHM DESIGN

PROJECT	NORTH BROADWAY SUBDIVISION	SKP - 07
TITLE	PERSPECTIVE 3 (PUBLIC PLAZA AND BRIDGE) 03/22/23	

3D RENDERING
Perspective - D

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DHM DESIGN

PROJECT	NORTH BROADWAY SUBDIVISION	SKP - 08
TITLE	PERSPECTIVE 4 (COURTYARD - WEST VIEW) 03/22/23	

MATCH-LINE - SEE SHEET 1 OF 2

40 0 40 80

SCALE 1"=40' FEET

N BROADWAY
SUBDIVISION
22-600-172-00

BROADWAY ROAD
CONCEPT GRADING
SOUTHWEST

APRIL 03, 2023

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DENVER, CO 80209
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FAX: 303-297-2693
www.wilsonco.com

M:\MSD\22-600-172-0\02_Disciplines_EXHIBITS\101PingLane-Street Alignement Proposed grading V2.dwg

MATCH-LINE - SEE SHEET 2 OF 2

M:\MSD\22-600-172-00\2_Disciplines_EXHIBITS\101PingLane-Street Alignement Proposed grading \V2.dwg

40 0 40 80

SCALE 1"=40' FEET

N BROADWAY
SUBDIVISION
22-600-172-00

BROADWAY ROAD
CONCEPT GRADING
NORTHEAST

APRIL 03, 2023

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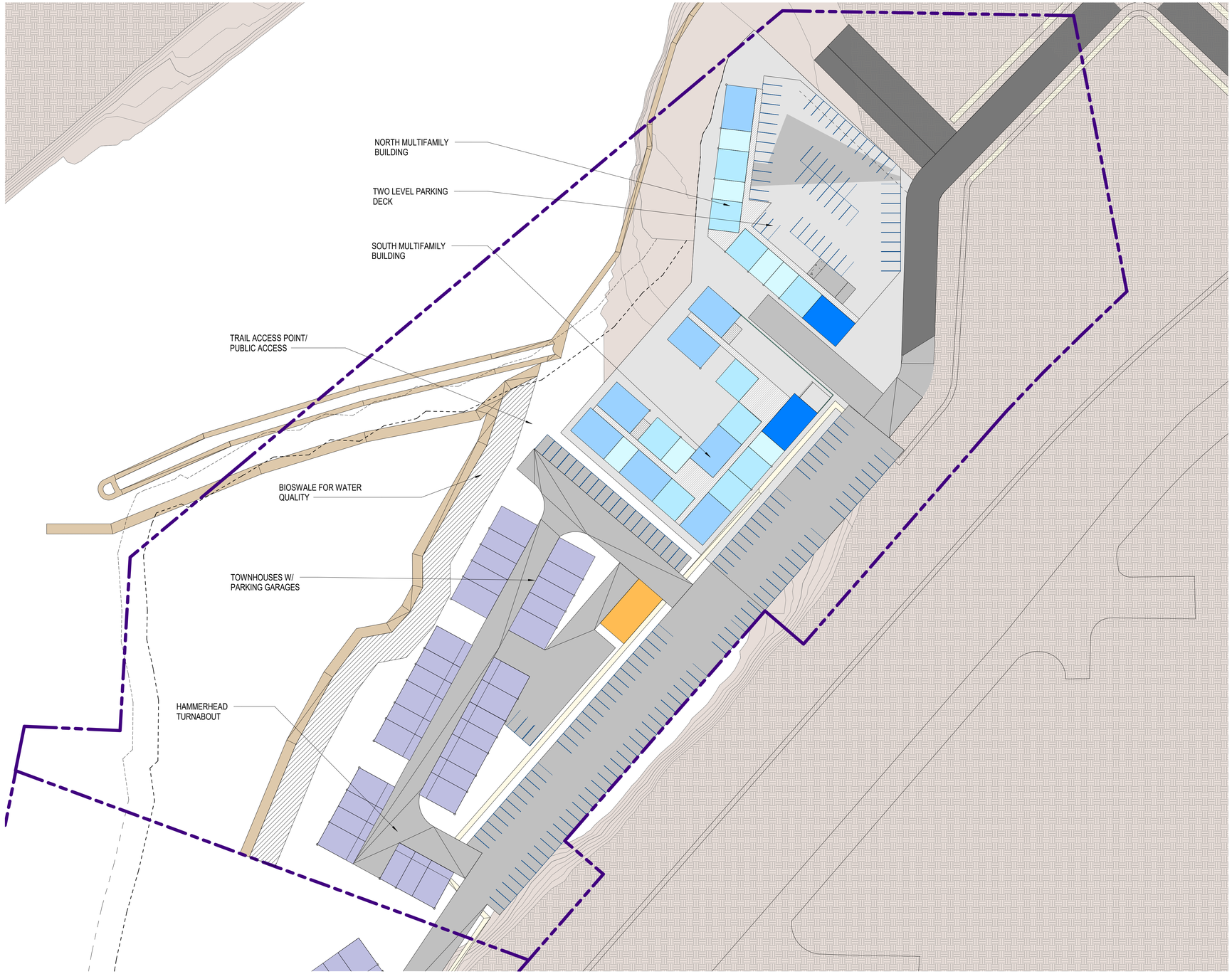

1 SKETCH PLAN - LEVEL 1 PLAN
1" = 50'-0"

UNIT SCHEDULE - LEVEL 1

Unit: Type	Floor Area	Count
NORTH MULTI-FAMILY		
1 BR (A) (20 X 30)	600 SF	4
2 BR (B) (30 X 30)	900 SF	4
3 BR (C1) (43 x 30)	1290 SF	1
		9
SOUTH MULTI-FAMILY		
1 BR (A) (20 X 30)	600 SF	3
2 BR (B) (30 X 30)	900 SF	6
3 BR (C1) (43 x 30)	1290 SF	6
		15
TOTAL UNIT: 24		24

UNIT TYPE LEGEND

- 1 BR
- 2 BR
- 3 BR
- TOWNHOUSE
- AMENITY
- HORIZONAL CIRCULATION
- VERTICAL CIRCULATION
- UTILITY

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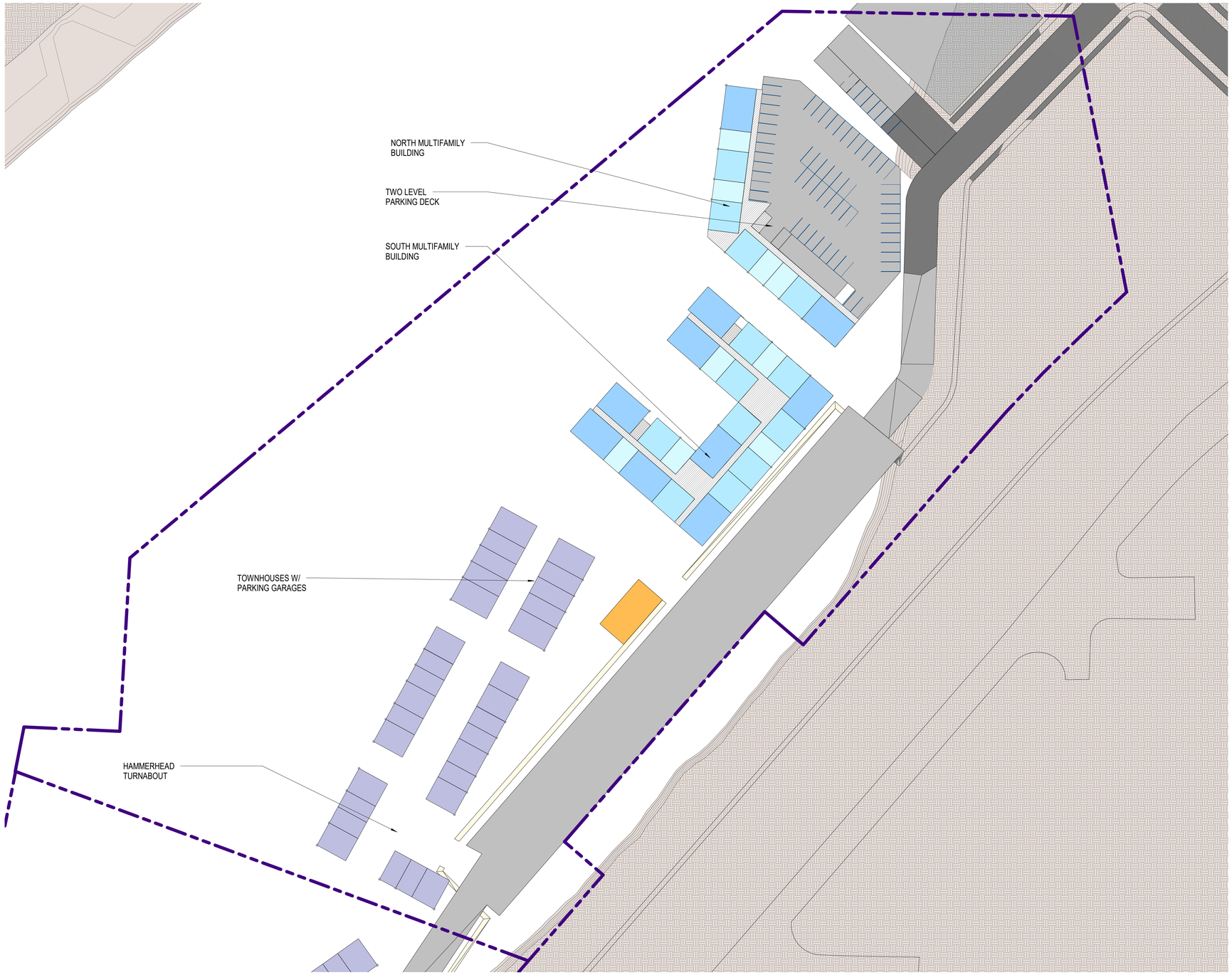
DHM DESIGN

PROJECT	NORTH BROADWAY SUBDIVISION	SKP - 09
TITLE	CONCEPT PLAN - LEVEL 1 PLAN 09/30/22	



1 SKETCH PLAN - LEVEL 2 PLAN
1" = 50'-0"

UNIT SCHEDULE - LEVEL 2

Unit: Type	Floor Area	Count
NORTH MULTI-FAMILY		
1 BR (A) (20 X 30)	600 SF	4
2 BR (B) (30 X 30)	900 SF	4
3 BR (C1) (43 x 30)	1290 SF	2
		10
SOUTH MULTI-FAMILY		
1 BR (A) (20 X 30)	600 SF	4
2 BR (B) (30 X 30)	900 SF	8
3 BR (C1) (43 x 30)	1290 SF	6
		18
TOTAL UNIT: 28		28

UNIT TYPE LEGEND

- 1 BR
- 2 BR
- 3 BR
- TOWNHOUSE
- AMENITY
- HORIZONAL CIRCULATION
- VERTICAL CIRCULATION
- UTILITY

ELMINGTON CONSTRUCTION

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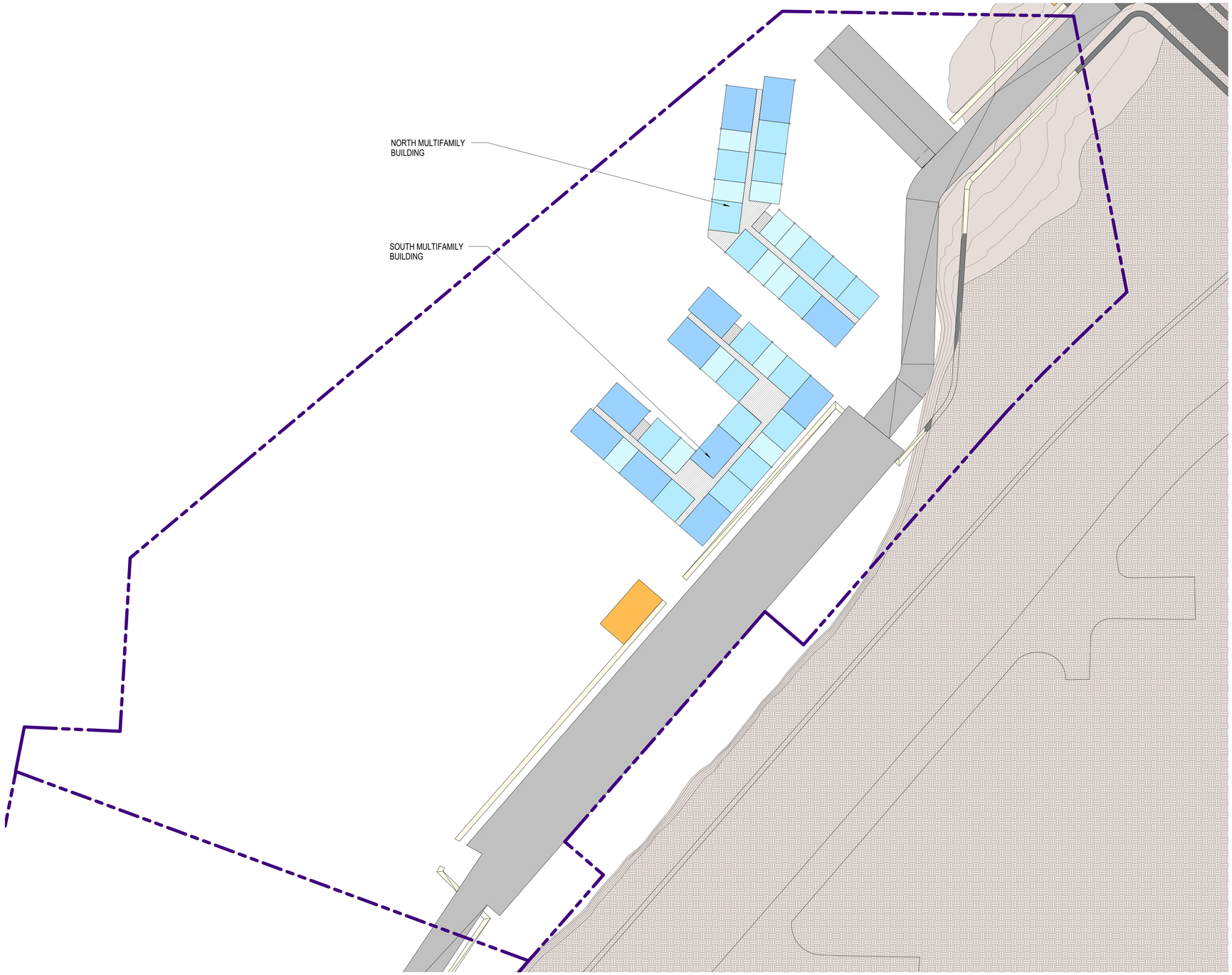
WILSON & COMPANY

DHM DESIGN

PROJECT NORTH BROADWAY SUBDIVISION

TITLE CONCEPT PLAN - LEVEL 2 PLAN 09/30/22

SKP - 12



1 SKETCH PLAN - LEVEL 3 PLAN
1" = 50'-0"

C - UNIT SCHEDULE - LEVEL 3

Unit: Type	Floor Area	Count
NORTH MULTI-FAMILY		
1 BR (A) (20 X 30)	600 SF	7
2 BR (B) (30 X 30)	900 SF	9
3 BR (C1) (43 x 30)	1290 SF	3
		19
SOUTH MULTI-FAMILY		
1 BR (A) (20 X 30)	600 SF	4
2 BR (B) (30 X 30)	900 SF	9
3 BR (C1) (43 x 30)	1290 SF	7
		20
TOTAL UNIT: 39		39

UNIT TYPE LEGEND

- 1 BR
- 2 BR
- 3 BR
- TOWNHOUSE
- AMENITY
- HORIZONAL CIRCULATION
- VERTICAL CIRCULATION
- UTILITY

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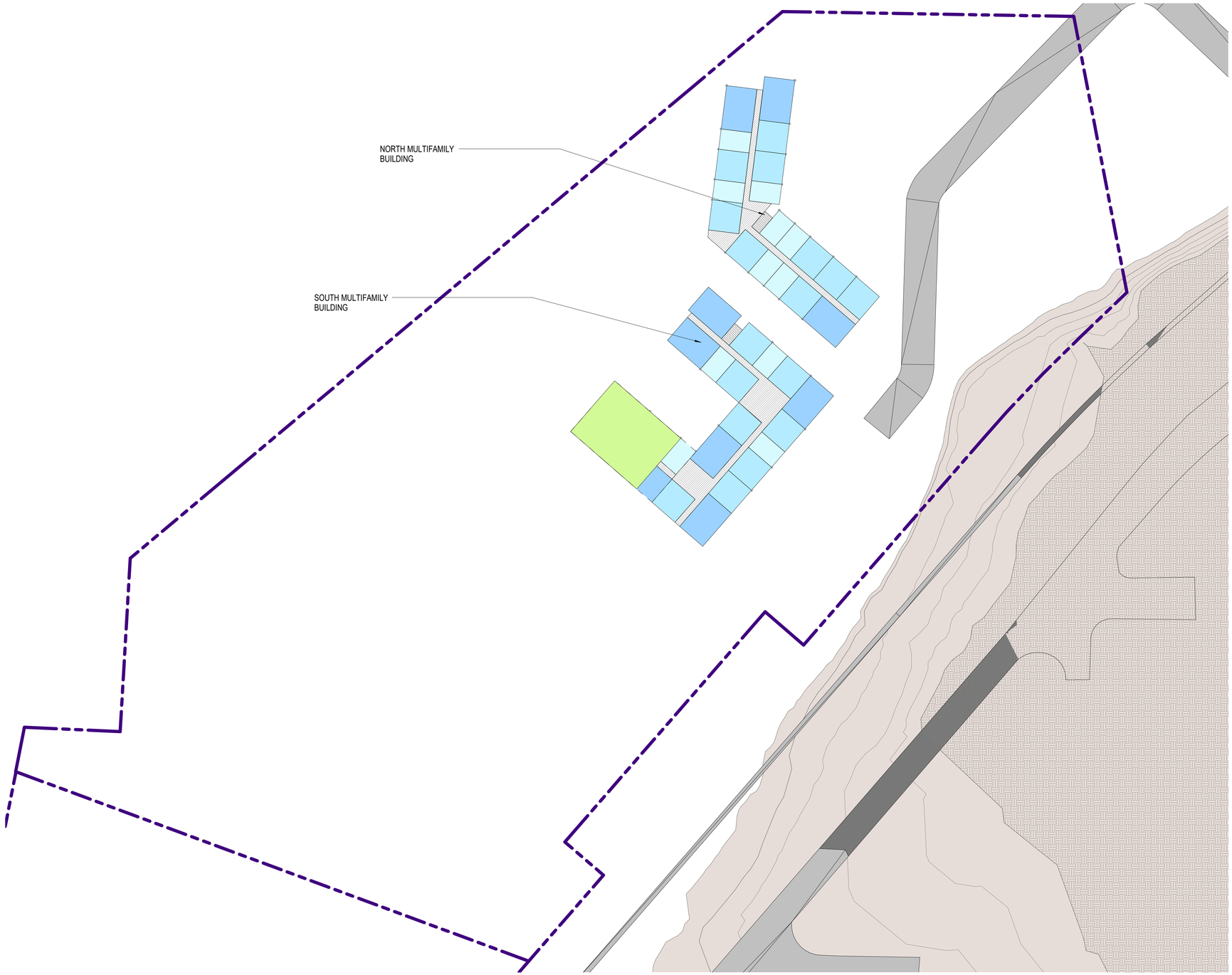
DHM DESIGN

PROJECT **NORTH BROADWAY SUBDIVISION**

TITLE CONCEPT PLAN - LEVEL 3 PLAN 09/30/22

SKP - 13



1 SKETCH PLAN - LEVEL 4 PLAN
1" = 50'-0"

UNIT SCHEDULE - LEVEL 4		
Unit: Type	Floor Area	Count
NORTH MULTI-FAMILY		
1 BR (A) (20 X 30)	600 SF	7
2 BR (B) (30 X 30)	900 SF	9
3 BR (C1) (43 x 30)	1290 SF	3
		19
SOUTH MULTI-FAMILY		
1 BR (A) (20 X 30)	600 SF	2
2 BR (B) (30 X 30)	900 SF	8
3 BR (C1) (43 x 30)	1290 SF	5
		15
TOTAL UNIT: 34		34

UNIT TYPE LEGEND

- 1 BR
- 2 BR
- 3 BR
- TOWNHOUSE
- AMENITY
- HORIZONAL CIRCULATION
- VERTICAL CIRCULATION
- UTILITY

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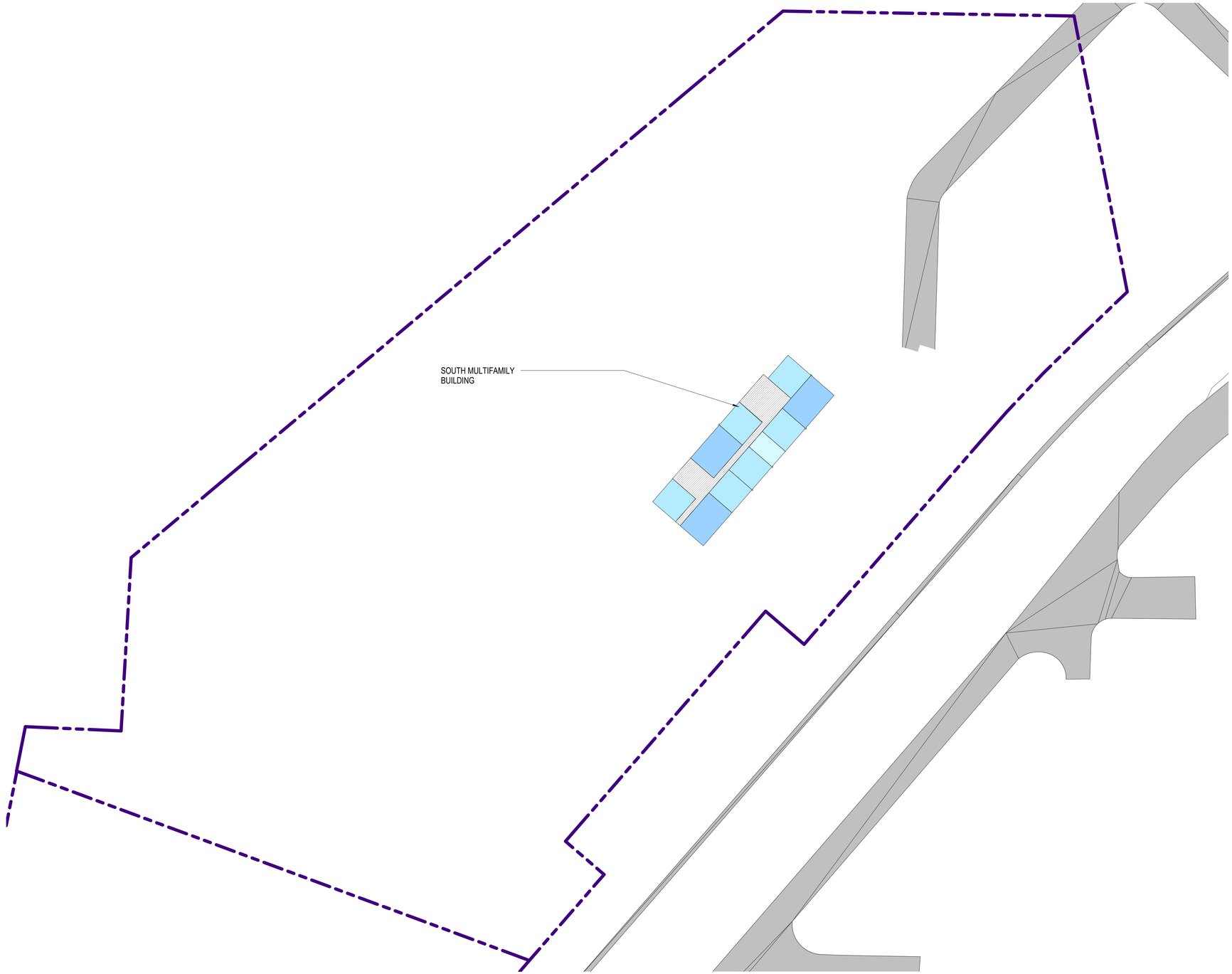
DHM DESIGN

PROJECT NORTH BROADWAY SUBDIVISION

TITLE CONCEPT PLAN - LEVEL 4 PLAN 09/30/22

SKP - 14



1 SKETCH PLAN - LEVEL 5 PLAN
1" = 50'-0"

UNIT SCHEDULE - LEVEL 5		
Unit: Type	Floor Area	Count
SOUTH MULTI-FAMILY		
1 BR (A) (20 X 30)	600 SF	1
2 BR (B) (30 X 30)	900 SF	6
3 BR (C1) (43 x 30)	1290 SF	3
		10
TOTAL UNIT: 10		10

UNIT TYPE LEGEND

- 1 BR
- 2 BR
- 3 BR
- TOWNHOUSE
- AMENITY
- HORIZONAL CIRCULATION
- VERTICAL CIRCULATION
- UTILITY

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WILSON & COMPANY

DHM DESIGN

PROJECT NORTH BROADWAY SUBDIVISION

TITLE CONCEPT PLAN - LEVEL 5 PLAN 09/30/22

SKP - 15

Cliff Simonton

From: Derek Bos
Sent: Monday, April 10, 2023 12:11 PM
To: Cliff Simonton; Dennis Wike; Tom Gosiorowski; Brian Lieberman; Randy Cohen; ecad@ecparamedics.com; comdev@eaglecounty.us; bill.gibson@eaglecounty.us; tori.franks@eaglecounty.us; brian.wodrich@state.co.us; dilzell@erwc.org; David McWilliams
Cc: Larry Pardee; Chad Phillips; Nikki Davis; Kendra Carberry; Matt Mire; Jill Kane
Subject: RE: Referral comment request, Conceptual review of North Broadway Subdivision, File SS23-01

Follow Up Flag: Follow up
Flag Status: Flagged

Cliff,

As we discussed, here's a summary of my concerns with the site plan:

- Ingress / egress for fire apparatus, particularly apparatus large enough to engage a large structure fire. Does the turning radius from the east/west road onto the north / south road stubs allow for larger fire apparatus?
- Law, Fire and EMS access to the lower "public" portion of the river by the river park. It's unclear to me what the access points would be or if there are even access points?
- Brooks Drive is outside of the property being developed; I just want to ensuring that Brooks Drive remains intact to guarantee a second ingress / egress point into the development
- Through traffic: The proposed subdivision could be used by stray motorists to bypass Grand Avenue between Brooks and Broadway, by traveling on the apartment complex road. The developer is probably not at this point in the discussion yet, but I'd like to see something down the road of a strategic plan for minimizing through traffic in the complex.

Thank you much!

Chief Derek Bos
Chief of Police #1600

Eagle Police Department
200 Broadway / P.O. Box 609
Eagle, CO 81631

Dispatch: (970) 479-2200
Office: (970) 328-6351

Greater Eagle Fire Protection District
PO Box 961 • Eagle, Colorado 81631
Office: 970.328.7244 Fax: 970.328.7280
Email: rcohen@gefpd.org

TO: Cliff Simonton
Town of Eagle
200 Broadway
Eagle, CO 81631

RE: North Broadway Sketch Review

Mr. Simonton,

I have reviewed the preliminary sketch plan of the North Broadway subdivision. The Fire District has the following comments.

1) Individual building construction type and square footage is needed to adequately determine the required fire-flows for the proposed structures. Fire-flow requirements for buildings will be determined from 2021 *International Fire Code*, Appendix B, Table B105.1(2).

2) Fire hydrant locations and distribution is based on required fire-flows. Building construction type and square footage is needed to determine the required fire-flows and fire hydrant locations and distribution.

3) Fire apparatus access roads with a fire hydrant are required to be 26 feet, exclusive of shoulders.

4) All fire apparatus access roads must adhere to 2021 *International Fire Code*, Appendix D, Section D103.6 and D105 in its entirety.

If there are any questions please contact me.

Respectfully,

Randel Q. Cohen
Division Chief of Life Safety

Cliff Simonton

From: Dennis Wike
Sent: Friday, April 21, 2023 5:03 PM
To: Derek Bos; Cliff Simonton; Tom Gosiorowski; Brian Lieberman; Randy Cohen; ecad@ecparamedics.com; comdev@eaglecounty.us; bill.gibson@eaglecounty.us; tori.franks@eaglecounty.us; brian.wodrich@state.co.us; dilzell@erwc.org; David McWilliams
Cc: Larry Pardee; Chad Phillips; Nikki Davis; Kendra Carberry; Matt Mire; Jill Kane
Subject: RE: Referral comment request, Conceptual review of North Broadway Subdivision, File SS23-01

Cliff,

My review of the North Broadway Subdivision Concept Plan finds the following comments in addition to the previously submitted comments by others:

1. The proposed plans and traffic report do not adequately address the potential impacts of the adjacent rail line if it is reactivated. Future submittals including reports & plans need to include additional discussions of the potential reactivated rail line impacts and any measures needed to minimize these impacts.
2. The submitted Traffic Report identifies several locations were Level Of Service (LOS) will be lower than the TOE Municipal Code allows. Future submittals need to address these projected adverse LOS's at these intersections and provide details on impacts & recommended measures to reduce these impacts.
3. No details on Utility Services were provided to show impacts of development on existing utilities especially for potable water and sanitary sewer services. We expect these issues will be addressed in detail in a future submittal.

Thank you for requesting TOE Public Works review of this application. Please feel free to contact us if you have any questions or comments.

Dennis Wike, PE, CEM, Leed-AP

Town Engineer

TOWN OF EAGLE
1050 Chambers Avenue, PO Box 609, Eagle Co 81631
TOE Cell Phone: 970-445-0847, Fax: 970-328-6066

CLICK BELOW FOR TOWN WEBSITE, NEWS, EVENTS OR TO PROVIDE FEEDBACK:

EAGLE TODAY

FEEDBACK

Community Development
David McWilliams
970-328-8752
david.mcwilliams@eaglecounty.us
www.eaglecounty.us

EAGLE COUNTY

April 21, 2023

Town of Eagle
Attn: Cliff Simonton
200 Broadway
P.O. Box 609
Eagle, CO 81631

[Via Email Cliff.Simonton@townofeagle.org]

Re: IAR-9347-2023 - Interagency Referral - North Broadway Subdivision

Dear Ms. Simonton:

Thank you for the opportunity to participate in the planning process of the North Broadway Subdivision in the Town of Eagle. Please consider the following comments from Eagle County Departments:

Planning Comments:

1. 2005 Eagle County Comprehensive Plan - intended to provide a general framework for evaluating land development proposals and referral applications:
    a. 3.4.5 Development Stakes Policies: n. *Development should share responsibility for fulfilling Eagle County's workforce housing;*
    b. Section 3.4.6 Comprehensive Workforce Housing Approach Policies: o. *Local governments should be encouraged to accommodate 100% of their workforce housing needs, and to contribute to improving regional jobs-to-workforce attainable housing imbalances;*
    c. Section 3.4.7 Policies and Recommended Implementation Strategies for Housing: d. *Efforts to increase the stock of affordable rental units for local workers should be supported;*
    d. The plan cites, "*mixed-income affordable development project planned for Tract 4, 5, and 6*" but does not describe what those features entail. Staff encourages discussions with the Eagle County Housing and Resilience Department to determine the appropriate mix of deed restrictions or other mechanisms.

2. The project includes portions of property that are within Eagle County jurisdiction and on Eagle County owned lands. Any grading or drainage improvement within Eagle County jurisdiction requires permitting through the Eagle County Engineering Department. Planning staff encourages discussions with the Fairgrounds, Open Space and Natural Resources, and Community Development departments to determine preferred outcomes for the properties.

3. For the purpose of protecting water resources, including wetlands and riparian areas, Eagle County requires preservation of a 75 foot strip of land measured horizontally from the high water mark on each side of any stream, or the 100 year floodplain, whichever provides the greater separation from the stream, which shall be protected in its natural state, and no grading or removal of vegetation may occur within the stream setback. Exceptions to this are available for certain features (fences, trails) or through the variance process.

4. The Town boundary in the area of the proposed North Broadway development is based on the 1905 description that followed the center of the Eagle River (in 1905). The town boundary dissects the three parcels in the proposed development - 193932418002, 193932400006 and a very small portion of 193932400014. The best approach for this project is to annex the parcels into the Town of Eagle.

Eco Transit

1. 2005 Eagle County Comprehensive Plan - 3.5.2 Efficient Transportation: a. *Developed areas in Eagle County should be served by multiple modes of transportation.*
2. ECO Transit does not currently serve this development; however, given the nature of the development and the desire for more expedient service that remains on Highway 6 vs. travels through Downtown Eagle, ECO Transit/EVTA would be interested in the placement of bus stops in both the eastbound and westbound directions at this development. ECO Transit/EVTA would appreciate inclusion in this development process, as this development will be a ridership generator and a chance to establish more efficient service of the Valley Route. Also encouraged is good pedestrian and cyclist connections in both directions as a means of accessing transit, and providing a first/last mile solution for individuals who would use these stops.

Wildfire Mitigation:

Thank you for the opportunity to comment on the North Broadway Subdivision in the Town of Eagle. The overall wildfire hazard rating for the property is MODERATE. This rating is based on fuel types present, topography, slope, access, and water supply. Ignition resistant construction and defensible space are vital to protecting structures during a wildfire. The following strategies are recommended:

1. Class-B roof assemblies on all new structure(s)
2. Provide 3-5 feet of noncombustible landscaping (ie. rock, gravel or stone) surrounding new structures.
3. Recommend no coniferous trees or shrubs (eg. spruce, pine, juniper, etc.) to be located within 30 feet of structures – strive to use native, low-growing plants and deciduous shrub species. Thin and remove surface fuels (eg. dead down trees/shrubs and branches) within 100 ft of all structures.
4. Use ignition resistant building materials for all new structures.

Engineering Comments:

1. The application states, *"Access to the public amenities, including the river park and open space will be accessed by future pedestrian bridge(s) crossing the Eagle River*

and connecting to parking at the fairgrounds." While Eagle County supports connectivity between the proposed development and the River Park / Fairgrounds, we have not been engaged to evaluate possible location alternatives and their impacts to County owned property.

2. It was not evident from the materials provided that the Applicant has engaged the Union Pacific Railroad to understand the feasibility or process for gaining access across the railroad to the Development.

3. Eagle County owns Parcel 1939-324-00-015 which extends across the Eagle River and abuts Parcels 1939-324-00-006 and 1939-324-00-014. We would suggest that the Owner consider an exchange with Eagle County to convey the portions of Eagle County property adjacent to the Owner's parcels for a portion of Parcel 1939-324-00-014 adjacent to the River Park.

4. It is suggested that the Owner consider an easement along Fairgrounds Road on Parcel 1939-324-00-014 for a future sidewalk/trail connection between the River Park and Rest Area.

Please contact me at (970) 328-8752, or at david.mcwilliams@eaglecounty.us if you have questions or would like to request a meeting to discuss these comments. Eagle County reserves the right to offer additional comments as more information is provided.

Sincerely,

David McWilliams, AICP
Planner
[Via Email]

Cc: Bill Gibson, Community Development Director
Trent Hyatt, Deputy Community Development Director
Ben Gerdes, P.E., County Engineer

File

Eagle River Watershed Council

461 Railroad Ave, Unit C
PO Box 1477
Gypsum, Colorado 81637

970-827-5406
info@erwc.org
erwc.org

Protecting our rivers since 2004

4/19/2023

Cliff Simonton, AICP
Town of Eagle Community Development Department
200 Broadway, P.O. Box 609
Eagle, CO 81631

RE: North Broadway Subdivision - formerly 101 Ping Lane (sketch plan/conceptual review)

Thank you for the opportunity to provide comments regarding the North Broadway Subdivision Sketch Plan. Given that this is a sketch plan and many changes are anticipated to the project, Eagle River Watershed Council (ERWC) is keeping our comments to a very high-level. We look forward to working further with the Town of Eagle staff, the development team and the project owner to discuss the project in more detail and provide a deeper level of feedback. ERWC would encourage a site visit in the near future to learn more about the project and share our knowledge of riverine systems.

Eagle River Watershed Council advocates for the health of the Eagle River and tributaries in order to protect and enhance the high-quality natural and human values provided to our communities by rivers. Vigorously protecting our aquatic systems ensures they will continue to provide their numerous social, economic, and ecosystem benefits in perpetuity.

COMMENTS INTRODUCTION AND BACKGROUND

Overall, ERWC is pleased to see changes made from the last proposal (formerly 101 Ping Lane), and we had numerous concerns regarding the impact the development would have on the Eagle River and lack of alignment with the Eagle River Corridor Plan. In summary, we applaud the following changes made to the development:

- Protecting a majority of the 75' setback by moving the buildings away from the river and softening the transition from downtown. Hardscapes within the setback are generally for high-value social uses, such as gathering spaces and a bridge connecting the property to the existing whitewater park.
- Utilizing a more 'community first' approach to the development to allow a connection to the river for all.
- Maintaining existing riparian forests on the low terrace. This is critical for shade along this stretch of the Eagle River and keeping water temperatures cool.

A few concerns come to mind with this sketch plan:

- A 'beat the peak' approach is cited as the stormwater design paradigm. While this has been a traditional approach to rapidly deliver stormwater to the river so as to reduce flood volumes from upland development, it is not a best practice when it comes to water quality. Polluted runoff from development remains a top concern for water quality within our watershed.
- We appreciate the inclusion of bioswales and infiltration gardens below the river promenade path. This is an innovative design. Upon first look using this sketch plan, we feel that this may not be enough to handle stormwater loads. Active treatment, such as vaults, filters, separators, etc., will likely be needed at some locations throughout the site.

CLOSING REMARKS

Thank you for the application referral and opportunity to provide input to this project application. We hope to remain engaged in the project as it moves through the necessary local and state permitting processes so that any end product will avoid negative impacts to the Eagle River. In particular, due to the scale of this development proposal, we would be interested in a joint site visit with ERWC staff, Town of Eagle staff or elected officials, and Elmington Capital/DHM staff, if possible. Please contact us with any additional questions or information that you require concerning our comments here.

Regards,

James Dilzell, Executive Director
Eagle River Watershed Council
970-827-5406

Bill Hoblitzell
Water Resources Program technical advisory staff
970-471-6216

To:	Town of Eagle Planning and Zoning Commission
From:	Community Development Department Planning Staff Chad Phillips, A.I.C.P., Director
Date:	May 2, 2023
RE:	ReCode Eagle Draft – Specific Discussion Focusing on Parking Standards and Use Standards

BACKGROUND:
The full working draft of the Land Use and Development Code (ReCode) has been available to the public since April 17th. While the draft reflects substantial improvement from the existing Title 4 of the Municipal Code, it is still a work in progress. Staff has scheduled time with the P&Z before the hearing on June 2, 2023 (the hearing scheduled for recommendation of the new code) to focus on the list of pending topics. Upcoming dates and topics scheduled for P&Z discussion include:

- May 2 – Parking Standards and Use Standards
- May 16 – Design Standards and Local Employee Residency (LERP) Standards

It is staff's opinion that the working draft is close to being ready for presentation as an adoption draft. We are requesting the Commission either confirm that the work meets expectations or provide feedback and direction to complete these sections.

ANALYSIS:
The focus of tonight's discussion is parking and use standards. Within these two sections, many enhancements have been made. Detailed comments are provided by staff below:

4.12.010 PARKING STANDARDS
Problems have arisen in the past when applying the Town's parking standards for a variety of reasons including 1) a relatively short list of uses, 2) requiring P&Z to determine "missing" use types and required parking ratios, 3) outdated list of use types, 4) unclear variance standards, 5) a "black and white" approach to enforcement/application, and 6) inconsistent application of such requirements. The Clarion and staff have addressed these issues with the following modifications:

- Joint Use provisions. Modified from existing.
- Stacking. Clarified from existing.
- Uses not listed. Clarified and gives Director authority to approve requirements for uses not listed. Director decision is based on criteria.
- Table. Clarity provided by changing format to a table.
- Draft includes comparison. This working draft includes a comparison of similar local governments. This will not be included in the adoption draft.
- Broadway District Adjustment. New adjustment on required parking in Broadway to address current parking situation.
- EV Charging. New inclusion.

- Fee in-lieu. Includes the wording approved last year. Does not include a requirement for increased parking for a change in use for existing structures in Broadway District.
- Administrative adjustment. Small parking adjustments can be made without the need for a variance.
- Existing on-street credit. Total required on-site parking considers abutting on-street public parking.
- Transit Offset. Clarification.
- Active Transportation Reduction. New section.
- Transportation Demand Management Reduction. New section.
- Reduced Need Populations. New section.
- Enhanced Bicycle Parking. New section.

The bigger issues that we would like to address are 1) are the proposed requirements in the right column of *Table 4.12-2: Off-Street Parking Standards* a good fit for the Town (see comparisons) and 2) are the *Vehicle Parking Exceptions and Reductions* in section 4.12.060 appropriate and do they provide needed flexibility?

4.09 USE STANDARDS

In the existing development code, *Section 4.04.100. - Supplementary regulations and standards, subsection J. Minimum use standards* includes a list of standards that apply to all uses. This criterion has not been applied consistently throughout the decades and typically is unknown to applicants because of its location in the code. In addition, the existing code does not include many standards that are specific to certain use types. Under the existing/historic scenario, often subjective measures were applied to the approval process – which led to uncertainty of outcome by applicants. Under the new scenario, not only are most uses approved at a level lower than Council (P&Z or staff), but objective requirements will be clear, located in an appropriate location in the code, and applied consistently.

Section 4.04.100. - Supplementary regulations and standards contains 22 sub-sections is known as the "black hole" by staff. It doesn't exist in the proposed draft. No requirements are listed as supplemental, and all standards belong in their appropriate/logical locations.

With this agenda item, staff would like the P&Z Commission to review the standards and provide feedback. Please keep in mind that this draft language is new to the consolidated draft and not all have been reviewed/filtered by staff. For uses listed as "PL" on the land use chart, detailed criteria may still be forthcoming. It is possible that some of the PL uses would only be subject to the general standards, and that the general standards will not apply to uses by-right . Staff will bring this issue up at the meeting. Staff is asking the P&Z Commission *are the new requirements necessary and clearly worded?*

- Standards Applicable to All Uses. These will be listed in all zoning-related staff reports as minimum requirements. In some cases, these potential off-site impacts may be the only review standards.
- Use chart. Uses requiring a land use permit. Describes the level of review and if specific standards apply.
- Marijuana. These standards are the same as written in the existing draft. Because of their recent addition to the code, Clarion was not directed to modify this language. P&Z members may review this language, but staff is recommending that no changes are made at this time.
- Accessory Uses. The draft contains more detail associated with accessory uses. Instead of just relying on a general definition, actual uses are listed. The definition still may be used for less common/non-listed accessory uses.
- Accessory Dwelling Units. Another category relocated from the black hole. Wording contains changes that were adopted last year.
- Accessory Lodging (Van Life). Based on feedback from the April 4th Joint Work Session, Clarion and staff have drafted language to address this possible allowance.
- 4.09.060 through 130. These sections contain specific development standards. Please review and provide feedback.

REMAINING PUBLIC OUTREACH AND ADOPTION SCHEDULE

Over the course of the next month, staff will be conducting several outreach events to engage the public and bring awareness to the adoption of the new code. The following graphic presents the public outreach and adoption schedule. Please help us spread the word.

April 2023

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	★18	19	20	21	22
23	24	25	26	27	28	29
30						

★ Apr. 17 | ReCode Eagle Public Draft Release
Apr. 18 | Update: *PZC - 6:00pm, Town Hall
Apr. 19 | Coffee & A Convo - 9:00am, Stout House
Apr. 20 | Eagle Chamber Mixer - 5:00pm, El Segundo
(RSVP @ www.eaglechamber.co/events)
Apr. 25 | Update: Town Council - 6:00pm, Town Hall
Apr. 26 | Update: DDA -1:30pm, Town Hall
Apr. 27 | Update: Eagle Chamber Board - 3:00pm, Virtual

***PZC:** *Planning & Zoning Commission*
***LUDC UC:** *Land Use & Development Code Update Committee*

May 2023

S	M	T	W	T	F	S
	1	2	★3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

May 1 | Lunch & Learn - 11:30am, Town Hall
(For Agencies Fire, Police, Public Works)
May 1 | *LUDC UC Meeting - 6:00pm, Town Hall
May 2 | Update: OSRAC - 9:00am, Town Hall
May 2 | Update: *PZC - 6:00pm, Town Hall
May 3 | Coffee & A Convo - 9:00am, Yeti's Grind
May 3 | Open House - 4:00pm, Brush Creek Pavilion
★ May 8 | Lunch & Learn - 11:30am, Town Hall
(For Agencies Climate Action Collaborative and Colorado Parks and Wildlife)
May 9 | Update: Town Council - 6:00pm, Town Hall
May 10 | Coffee & A Convo - 9:00am, Color Coffee Roasters
May 12 | 2nd Friday Downtown - 5:00pm, Town Hall
May 15 | Update: EVC - 1:00pm, Town Hall
May 16 | Update: *PZC - 6:00pm, Town Hall
May 23 | Update: Town Council - 6:00pm, Town Hall

June 2023

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	★27	28	29	30	

June 6 | *PZC Recommendation Hearing 6:00pm, Town Hall

★ June 27 | Town Council Adoption Hearing 6:00pm, Town Hall

ATTACHMENTS:

- Chapter 4.12 Parking and Loading Standards
- Chapter 4.09 Use Standards

Chapter 4.12 Parking and Loading Standards[68]

4.12.010 Purpose

In order to ensure safe and convenient off-street parking , and to avoid impacts to public right of way clearances and safe passage in the streets, the requirements of this chapter shall be minimum requirements for all land uses, unless specifically excepted herein.

4.12.020 Applicability

A. New Use or New Construction[69]

1. All uses established or commenced on or after the effective date of this Code shall provide parking as required by this Code unless specifically exempted. Parking shall be provided at the time of erection of any building or structure or at the time of any change in use of any building or structure.
2. Uses existing on the effective date shall maintain the stall number or area size of parking areas necessary to support the use.

B. Expansion, Enlargement, and Nonconformities

1. When the floor area of an existing use or building is expanded, off-street parking, loading areas and parking lot landscaping shall be provided as required for the expanded floor area, whether or not they were provided for the existing use or building.
2. When the use of an existing building or space is changed to a different use, off-street parking, loading areas, and parking lot landscaping shall be provided as required for the new use, whether or not they were provided for the existing use, with the following exceptions:
   - **i.** Use changes in the BD are not required to provide additional parking.
   - **ii.** If the current use has insufficient parking to meet the requirements of Table 4.**12-2**, parking shall only be required to be remedied if the entire use of the structure is changed, and then only to the maximum extent feasible on the site.
   - **iii.** On a constrained site, where the existing lot size and applicable zone district dimensions make the provision of all required off-street parking infeasible on the lot and the property owner is not able to address that requirement sufficiently through the parking reductions in Table 4.**12-2** through off-site or shared parking, the property owner may seek a Section 4.17.110A Administrative Adjustment to reduce the required amount of parking and to allow parking to be located in required side or rear setbacks and or a Section 4.17.120D Redevelopment Applicability Determination.

[68] Current 4.07.140, updated

[69] Drafting note: move to use-specific standards: Parking as a use accessory to a lawful land use shall be allowed in all zone districts, except that commercial parking, wherein fees are assessed to those using the parking, shall be limited to those zone districts allowing commercial and office uses.

3. Any redevelopment of a structure or site shall be designed to either increase compliance with this Code or, at a minimum, not increase existing noncompliance. Redevelopment shall not establish new noncompliance with this Code, regardless of the applicability of this section.

C. Zone District Groupings

When reference is made to a group of zone districts in this section, the following individual districts shall be included:

Table 4.12-1: Zone District Categories

Residential	Residential Low Density (R1) Residential Medium Density (R2) Residential Multi-Family (R3) Residential High Density (R4) Old Town Residential (OTR)
Mixed-Use	Commercial Mixed-Use 1 (CMU1) Commercial Mixed-Use 2 (CMU2) Broadway District (BD)
Commercial and Industrial	General Commercial (CG) General Commercial East (CGE) Commercial Interstate (CI) Light Industrial (IND)
Public	Public & Civic Campus (C1) Public & Civic Open Space (P&C2)
Rural	Rural Residential-1 (RR1) Rural Residential-2 (RR2) Resource (R)

4.12.030 Parking Plan

A. A parking plan is required for all development types except for single-family and two-family dwellings.

B. The Director shall review and decide on the parking plan per Section 4.17.110B.

4.12.040 Required Off-Street Vehicle Parking

A. Required Parking

1. Off-street parking spaces shall be provided according to Table 4.12-2: Off-Street Parking **Standards**.
2. When parking is required for more than one use, the sum of the requirements for all uses shall apply unless the joint use provisions of Section 4.12.060D, Joint Use of Parking Spaces apply.

B. Vehicle Stacking

Vehicle stacking, per Section 4.12.080A, may also be required.

C. Calculation

1. When determination of the number of parking or loading spaces results in a requirement of a fractional space, the next highest whole number shall apply.
2. When there are multiple structures on a lot or multiple uses in a structure, parking shall be calculated separately for each different use area in a building or on a site, including all accessory uses.
3. Parking spaces required on a per-employee basis shall be based on the maximum number of employees on duty and/or residing on the premises at any one time.
4. Parking spaces required based on the number of beds in a facility shall be calculated based on the number of beds accommodated in the maximum design capacity of the facility.
5. When the standards use seating as a unit of measurement, all calculations shall be based on the number of fixed seats. If fixed seats are not provided, then parking shall be determined at a rate of one space per four occupants unless otherwise specified in Table 4.12-2: Off-Street Parking **Standards**.
6. When the standards use the number of occupants as a unit of measurement, all calculations shall be based on the maximum occupant load, as determined by the adopted building code.

D. Uses Not Listed

If a proposed use is not listed in Table 4.12-2: Off-Street Parking **Standards**, the Director shall apply the interpretation process described in Section 4.12.040F. The applicant shall provide adequate information so that the Director can make such decision by including:

1. Type of uses;
2. Number of employees;
3. Building design capacity;
4. Square feet of different areas, such sales area and service area and/or square feet of different uses or anticipated tenant spaces;
5. On-site parking spaces;
6. Proposed off-site parking spaces; and
7. Hours of operation.

Drafting Note: Table 4.12-2 below is still in draft format and provides:

A summary of the current Eagle parking requirements as applied to the uses in the updated use table.

A comparison of the amount of parking required for the same use in Glenwood Springs and Breckenridge.

Recommendations to update the Eagle parking requirements, categorized as recommended reductions, changed approach to measurement, or recommended new standard (where a current standard is not specified).

Following review and discussion of the proposed changes, this table will be updated to show only the agreed-to required off-street parking standard.

Table 4.12-2: Off-Street Parking Standards					
Use Category	**Eagle Current Required Spaces**	**Glenwood Springs Required Spaces**	**Breckenridge Required Spaces**		**Eagle Update Recommendation (Minimum)**
			Mixed-Use Service Area (mapped)	**Non-MU Area**	
KEY: DU = Dwelling Unit BR = Bedroom GFA = Gross Floor Area (total) TSF-GFA = 1,000 SF GFA **CHANGES: Blue Font = Recommended Reduction Gold Font = Changed Measurement (e.g., employees to SF) Orange Font = New Standard**					
RESIDENTIAL [Category description: Section 4.09.020B]					
Household Living [Subcategory description: Section 4.09.020B.2]					
Dwelling Detached, Single Unit/Single-Family	• Units with < 3 BRs: 2 per DU • Units with ≥ 3 BRs: 3 per DU	1 per DU	Max: 1.1 per TSF-GFA	2 per first 3 BR and 1 per additional BR	**2 per DU**
Dwelling Attached, Two Units/Duplex	• Units with < 3 BRs: 2 per DU • Units with ≥ 3 BRs: 3 per DU	1.5 per DU	Max: 1.1 per TSF-GFA	1.5 per DU	**2 per DU**
Dwelling Attached, Mansion House (up to 4 attached DUs)	• Units with < 3 BRs: 2 per DU • Units with ≥ 3 BRs: 3 per DU	1.5 per DU	Max: 1.1 per TSF-GFA	• Studio: min 1, max 1.1 per DU • ≥ 1 BR: min 1.5, max 1.65 per DU • Divisible unit: +min 0.5, max. 0.6 for each divisible room	**2 per DU**
Dwelling Attached, Townhouse (3+ attached DUs)	• Units with < 3 BRs: 2 per DU • Units with ≥ 3 BRs: 3 per DU	1.5 per DU, plus 1 guest space per each 5 DUs	Max: 1.1 per TSF-GFA	• Studio: min 1, max 1.1 per DU • ≥ 1 BR: min 1.5, max 1.65 per DU • Divisible unit: +min 0.5, max. 0.6 for each divisible room	**1.5.per DU** plus 1 guest space per 6 DUs
Dwelling, Multi-Unit Building (3+ DUs per structure)	• Units with 1 BR: 1.5 per DU	1.5 per DU, plus 1 guest space per each 5 DUs	Max: 1.1 per TSF-GFA	• Studio: min 1, max 1.1 per DU	**1.5 per DU,** plus 1 guest space per each 6 DUs

Table 4.12-2: Off-Street Parking Standards

Use Category	Eagle Current Required Spaces	Glenwood Springs Required Spaces	Breckenridge Required Spaces		Eagle Update Recommendation (Minimum)
			Mixed-Use Service Area (mapped)	Non-MU Area	
KEY: DU = Dwelling Unit BR = Bedroom GFA = Gross Floor Area (total) TSF-GFA = 1,000 SF GFA **CHANGES: Blue Font = Recommended Reduction Gold Font = Changed Measurement (e.g., employees to SF) Orange Font = New Standard**					
	• Units with 2 BRs: 2 per DU • Units with ≥ 3 BRs: 2.5 per DU + 1 space per 6 units[70]			• ≥ 1 BR: min 1.5, max 1.65 per DU • Divisible unit: +min 0.5, max. 0.6 for each divisible room	
Manufactured Home	2 per DU	1 per DU	Max: 1.1 per TSF- GFA	2 per DU min/no max	2 per DU
Mixed-Use Structure including DUs	n/a[71]	1 per DU	Max: 1.1 per TSF- GFA per DU	• Studio: min 1, max 1.1 per DU • ≥ 1 BR: min 1.5, max 1.65 per DU • Divisible unit: +min 0.5, max. 0.6 for each divisible room	**1.5 per DU**
Accessory Dwelling Unit	2 per DU				
Affordable Housing[72]	n/a			•	**1.5 per DU**
Group Living [Subcategory description: Section 4.09.020B.2]					
Group Home	• Units with < 3 BRs: 2 per DU	2 per DU	Max: 1.1 per TSF- GFA	2 per DU min/no max	**2 per DU**

[70] Staff: Does the extra 1 space per 6 units apply to all multifamily or just units with more than 3 bedrooms?

[71] Staff: How do you calculate parking for residential in MU buildings?

[72] Drafting note: Link to Town definition of affordable housing

Table 4.12-2: Off-Street Parking Standards

Use Category	Eagle Current Required Spaces	Glenwood Springs Required Spaces	Breckenridge Required Spaces		Eagle Update Recommendation (Minimum)
			Mixed-Use Service Area (mapped)	Non-MU Area	
KEY: DU = Dwelling Unit BR = Bedroom GFA = Gross Floor Area (total) TSF-GFA = 1,000 SF GFA **CHANGES: Blue Font = Recommended Reduction Gold Font = Changed Measurement (e.g., employees to SF) Orange Font = New Standard**					
	• Units with ≥ 3 BRs: 3 per DU[73]				
Nursing Home	1 per 4 patient beds, + 1 per 3 full-time employees, + 1 per part-time or full-time staff doctor.	1 per 3 beds	Director interpreta-tion	1 per 3 beds min, 1.1 per 3 beds max	1 per 4 beds **based on maximum capacity + 1 per 350 SF GFA for areas that are not patient rooms**
Retirement Home or Assisted Living Facility	1 per DU, plus 1 guest space per 6 DUs	1.5 per DU, plus 1 guest space per each 5 DUs	Max: 1.1 per TSF-GFA	• Studio: min 1, max 1.1 per DU • ≥ 1 BR: min 1.5, max 1.65 per DU	1 per DU, plus 1 guest space per 6 DUs
PUBLIC, CIVIC, AND INSTITUTIONAL [Category description: Section 4.09.020C]					
Assembly, Civic [Subcategory description: Section 4.09.020C.2]					
Civic Assembly	1 per 4 seats or 1 per 100 SF of floor area open to the public, whichever is higher.	1 per 300 SF	Max 1.8 per TSF-GFA	Min 1, Max 1.1 per 500 SF GFA	1 per 4 seats or 1 per 100 SF of floor area open to the public, whichever is higher
Religious Assembly	1 per 5 seats or 1 per 100 SF of floor area open to the public, whichever is greater.	1 per 300 SF	Max 0.5 per TSF-GFA	Min 1, Max 1.1 per 6 seats,	1 **per 4**[74] seats or 1 per 100 SF of floor area open to the public, whichever is higher
Education [Subcategory description: Section 4.09.020C.2]					
School, College, or University	Per uses not listed	unclear	n/a	Min 1, Max 1.1 per 4 students and faculty	**1 per 400 SF GFA**

[73] Staff: Is this correct, do you apply the SF parking requirement to group homes?

[74] Revised to create consistent parking standards for assembly uses.

Table 4.12-2: Off-Street Parking Standards

Use Category	Eagle Current Required Spaces	Glenwood Springs Required Spaces	Breckenridge Required Spaces		Eagle Update Recommendation (Minimum)
			Mixed-Use Service Area (mapped)	Non-MU Area	
KEY: DU = Dwelling Unit BR = Bedroom GFA = Gross Floor Area (total) TSF-GFA = 1,000 SF GFA **CHANGES: Blue Font = Recommended Reduction Gold Font = Changed Measurement (e.g., employees to SF) Orange Font = New Standard**					
School, Preschool or Nursery	Per uses not listed	1.5 per classroom	n/a	2 per classroom	2 per classroom
School, Primary and Secondary	Per uses not listed	• Primary: 1.5 per classroom • High school: 4 per classroom	n/a	• Elementary and Junior High: 2 per classroom • High School: 1 per 4 students and faculty	• Elementary School: 2 per classroom • Middle School: 2 per classroom • High School: 4 per classroom and 1 per 300 SF GFA additional enclosed floor space
School, Trade, Business, Technology, Vocational	Per uses not listed	1 per 300 sf (office)	Max 1.4 per TSF-GFA (office)	Min 1, Max 1.1 per 4 students and faculty (college)	1 per 300 SF indoor GFA
Government and Public Safety [Subcategory description: Section 4.09.020C.2]					
Correctional Facilities	Per uses not listed	unclear	n/a	Director interpretation	Section <>, Uses with Variable Parking Demand[75]
Emergency Services	Per uses not listed	unclear	n/a	Director interpretation	Section <>, Uses with Variable Parking Demand
Government Buildings and Offices	1 per 300 SF of floor area used or designed for office or public use.	1 per 300 SF	Max 2.2 per TSF-GFA	2 required then Min 1, Max 1.1 per 400 SF GFA	1 per 300 SF GFA used or designed for office or public use
Government Facilities, Yards, and Storage	Per uses not listed	1 per 400 SF of building area used as office	n/a	Min 1, Max 1.1 per 400 SF GFA	1 per 400 SF of building area used as office

[75] Drafting note: This section will provide instructions for completing a parking study.

Table 4.12-2: Off-Street Parking Standards

Use Category	Eagle Current Required Spaces	Glenwood Springs Required Spaces	Breckenridge Required Spaces		Eagle Update Recommendation (Minimum)
			Mixed-Use Service Area (mapped)	Non-MU Area	
KEY: DU = Dwelling Unit BR = Bedroom GFA = Gross Floor Area (total) TSF-GFA = 1,000 SF GFA CHANGES: Blue Font = Recommended Reduction Gold Font = Changed Measurement (e.g., employees to SF) Orange Font = New Standard					
Health Care and Social Assistance [Subcategory description: Section 4.09.020C.2]					
Adult Day Care	Per uses not listed	1 per 300 SF	Director interpretation		1 per 400 SF GFA plus 2 stacking spaces at drop-off area in mixed-use or non-residential districts
Hospital or In-Patient Health Care Facility	1 per 4 beds, plus 1 per 3 full-time employees, plus 1 per part-time or full-time staff doctor.	1 per 400 SF	n/a	Min 1, Max 1.1 per 3 beds	1 per 4 beds based on maximum capacity + 1 per 350 SF GFA for areas that are not patient rooms.
Hospice or Long-Term Care Facility	1 per 4 beds, plus 1 per 3 full-time employees, plus 1 per part-time or full-time staff doctor.	1 per 400 SF	n/a	Min 1, Max 1.1 per 3 beds	1 per 4 beds based on maximum capacity + 1 per 350 SF GFA for areas that are not patient rooms.
Medical, Dental or Optical Clinic; Other Outpatient Services (no in-patient services)	1 per 250 SF of floor area used or designed for office or public use	1 per 250 SF	Max 3.3 per TSF-GFA	2 required then Min 1, Max 1.1 per 400 SF GFA	1 per 250 SF of floor area used or designed for office or public use
Parks and Recreation [Subcategory description: Section 4.09.020C.2]					
Arboretums/ Botanic Gardens/Zoos	Per uses not listed	1 per 400 SF building area, plus 1 per 10,000 SF site area	Director and PZC determine		1 per 4 occupants at capacity
Golf Course or Swimming Pool, Public	Per uses not listed	4 per hole, plus 1 per 250 SF clubhouse area	Director and PZC determine		Section <>, Uses with Variable Parking Demand
Public Parks and Playgrounds	Per uses not listed	No requirement	Director and PZC determine		Section <>, Uses with Variable Parking Demand

Table 4.12-2: Off-Street Parking Standards					
Use Category	**Eagle Current Required Spaces**	**Glenwood Springs Required Spaces**	**Breckenridge Required Spaces**		**Eagle Update Recommendation (Minimum)**
			Mixed-Use Service Area (mapped)	**Non-MU Area**	
KEY: DU = Dwelling Unit BR = Bedroom GFA = Gross Floor Area (total) TSF-GFA = 1,000 SF GFA **CHANGES: Blue Font = Recommended Reduction Gold Font = Changed Measurement (e.g., employees to SF) Orange Font = New Standard**					
Public Recreation Facilities	Per uses not listed	No requirement	Director and PZC determine		**Section <>, Uses with Variable Parking Demand**
Transportation [Subcategory description: Section 4.09.020C.2]					
All	Bus depot: one per 100 SF of floor area, in addition to loading and unloading areas.	Based on demand study	Director interpretation		**Section <>, Uses with Variable Parking Demand**
Utilities and Public Services [Subcategory description: Section 4.09.020C.2]					
Major, Minor, Office, Buildings, Yards, and Land	Per uses not listed	No requirement	Director interpretation		**Section <>, Uses with Variable Parking Demand**
Pipelines (except natural gas)	Per uses not listed	No requirement	Director interpretation		No Requirement
Transmission and Distribution Lines	Per uses not listed	No requirement	Director interpretation		No Requirement
Wireless Communication Facilities [Subcategory description: Section 4.09.020C.2]					
All	Per uses not listed	No requirement	Director interpretation		**Section <>, Uses with Variable Parking Demand**
COMMERCIAL [Category description: Section 4.09.020D]					
Amusement and Recreation [Subcategory description: Section 4.09.020D.2]					
Amusement/ Recreation, Indoor	1 per 100 SF of floor area or 0.3 space per person maximum rated capacity, whichever is greater.	1 per 400 SF	By special review of the director and planning commission		**6 per 1,000 SF GFA**

Table 4.12-2: Off-Street Parking Standards

Use Category	Eagle Current Required Spaces	Glenwood Springs Required Spaces	Breckenridge Required Spaces		Eagle Update Recommendation (Minimum)
			Mixed-Use Service Area (mapped)	Non-MU Area	
KEY: DU = Dwelling Unit BR = Bedroom GFA = Gross Floor Area (total) TSF-GFA = 1,000 SF GFA **CHANGES: Blue Font = Recommended Reduction Gold Font = Changed Measurement (e.g., employees to SF) Orange Font = New Standard**					
Amusement/ Recreation, Outdoor	Per uses not listed	1 per 400 SF building area, plus 1 per 10,000 SF site area	By special review of the director and planning commission		**1 per 4 occupants at maximum capacity**
Sexually Oriented Business	Per uses not listed	1 per 200 SF	Director interpretation		**1 per 200 SF GFA**
Animal Sales and Services [Subcategory description: Section 4.09.020D.2]					
Boarding/Kennel	1 per 250 SF of floor area used or designed for office or public use.	1 per 1000 SF	Director interpretation		**1 per 500 SF GFA**
General Sales and Services	1 per 250 SF of floor area used or designed for office or public use.	No requirement	Max. 1.4 per TSF-GFA	2 required then Min 1, Max 1.1 per 400 SF GFA	**1 per 400 SF GFA**
Public Animal Shelter	1 per 250 SF of floor area used or designed for office or public use.	1 per 1000 SF	Director interpretation		**1 per 800 SF GFA**
Veterinary	1 per 250 SF of floor area used or designed for office or public use.	1 per 250 SF	Director interpretation		**1 per 400 SF GFA (indoor only)**
Assembly, Entertainment and Trade [Subcategory description: Section 4.09.020D.2]					
General	1 per 4 seats or one per 100 SF of floor area used or designed for use by the public, whichever is higher.	1 per 250 SF	Max. 3.1 per TSF-GFA	By special review of the director and planning commission	**1 per 4 seats in assembly area or 1 per 250 SF GFA in assembly area without seats**
Child Care [Subcategory description: Section 4.09.020D.2]					
Child Care Center	Per uses not listed	Child Care Center:1 per 250 SF.	Director interpretation		**1 per 400 SF GFA + 2 stacking spaces at drop-off**

Table 4.12-2: Off-Street Parking Standards

Use Category	Eagle Current Required Spaces	Glenwood Springs Required Spaces	Breckenridge Required Spaces		Eagle Update Recommendation (Minimum)
			Mixed-Use Service Area (mapped)	Non-MU Area	
KEY: DU = Dwelling Unit BR = Bedroom GFA = Gross Floor Area (total) TSF-GFA = 1,000 SF GFA CHANGES: Blue Font = Recommended Reduction Gold Font = Changed Measurement (e.g., employees to SF) Orange Font = New Standard					
					area for child care in mixed-use or non-residential districts
Family Child Care Home	Based on DU type	Large Home: 3 per DU Small Home: 2 per DU	Director interpretation		Based on DU type[76]
Commercial Service [Subcategory description: Section 4.09.020D.2]					
Consumer or Business Services	1 per 250 SF of floor area used or designed for office or public use.	1 per 300 or 400 SF, use-specific	Max 1.9 per TSF-GFA	2 required then Min 1, Max 1.1 per 400 SF GFA	1 per 400 SF GFA
Cemetery/ Crematorium/ Funeral Home	1 per 4 seats or one per 100 SF of floor area used or designed for use by the public, whichever is higher.	• Cemetery: 1 per 400 SF of building area • Crematorium, funeral home: 1 per 250 SF	Director interpretation		Min 2 plus 1 per 250 SF GFA of service or indoor assembly area
Personal Services	1 per 250 SF of floor area used or designed for office or public use.	1 per 400 SF	Max 1.9 per TSF-GFA	2 required then Min 1, Max 1.1 per 400 SF GFA	1 per 400 SF
Self-Service Storage	1 per full-time employee on duty,	3 spaces, plus 1 per resident caretaker	Director interpretation		Table <>, Parking for Industrial, Wholesale, and Storage Uses
Studio or Instruction Service	Per uses not listed (health club)	1 per 400 SF	Max. 2.0 per TSF-GFA	By special review of the director and planning commission	1 per 400 SF GFA

[76] Staff: Does the Town want to add required parking for in-home child care?

Table 4.12-2: Off-Street Parking Standards

Use Category	Eagle Current Required Spaces	Glenwood Springs Required Spaces	Breckenridge Required Spaces		Eagle Update Recommendation (Minimum)
			Mixed-Use Service Area (mapped)	Non-MU Area	
KEY: DU = Dwelling Unit BR = Bedroom GFA = Gross Floor Area (total) TSF-GFA = 1,000 SF GFA **CHANGES: Blue Font = Recommended Reduction Gold Font = Changed Measurement (e.g., employees to SF) Orange Font = New Standard**					
Eating and Drinking Establishment [Subcategory description: Section 4.09.020D.2]					
All Restaurant/Food Service	1.5 per 100 SF of floor area used or designed for use by the public, plus 1.5 per 200 SF of kitchen floor space.	1 per 200 SF	Max 3.5 per TSF-GFA	Min 1, Max 1.1 per 125 SF GFA	**1 per 250 SF including outdoor dining, plus stacking if there is a drive-thru**
Tavern or Bar	1.5 per 100 SF of floor area used or designed for use by the public, plus 1.5 per 200 SF of kitchen floor space.	1 per 200 SF	n/a	Min 1, Max 1.1 per 125 SF GFA	**1 per 200 SF GFA**
Craft Alcohol Production and Tasting	Per uses not listed	1 per 200 SF seating/tasting area, plus 1 per 500 SF production area	n/a	Min 1, Max 1.1 per 125 SF GFA	**1 per 200 SF GFA in the seating/tasting area, plus 1 per 500 SF production area**
Financial Services [Subcategory description: Section 4.09.020D.2]					
Financial Institutions	1 per 250 SF of floor area used or designed for office or public use.	1 per 300 SF	Max. 1.9 per TSF-GFA	2 required then Min 1, Max 1.1 per 400 SF GFA	**1 per 300 SF GFA plus stacking if there is a drive-thru**
Alternative Financial Services	1 per 250 SF of floor area used or designed for office or public use.	1 per 300 SF	Max. 1.9 per TSF-GFA	2 required then Min 1, Max 1.1 per 400 SF GFA	**1 per 300 SF GFA**
Lodging [Subcategory description: Section 4.09.020D.2]					
Boarding	1 per separate unit for temporary or long-term accommodations, including management and employee units.	1 space per guest room, plus 1 space for the owner/ management	Max 1.1 per TSF-GFA	Min 1, Max 1.1 per guestroom	**Min 2** plus 1 per separate unit

Table 4.12-2: Off-Street Parking Standards

Use Category	Eagle Current Required Spaces	Glenwood Springs Required Spaces	Breckenridge Required Spaces		Eagle Update Recommendation (Minimum)
			Mixed-Use Service Area (mapped)	Non-MU Area	
KEY: DU = Dwelling Unit BR = Bedroom GFA = Gross Floor Area (total) TSF-GFA = 1,000 SF GFA **CHANGES: Blue Font = Recommended Reduction Gold Font = Changed Measurement (e.g., employees to SF) Orange Font = New Standard**					
Bed and Breakfast Facility	1 per separate unit for temporary or long-term accommodations, including management and employee units.	1 space per guest room, plus 1 space for the owner/ management	Max 1.1 per TSF-GFA	Min 1, Max 1.1 per guestroom	Min 2 plus 1 per separate unit
Campground/RV Park	1.5 per campsite	Not specified	By special review of the director and planning commission		1 per campsite in RV park
Hotel/Motel	1 per separate unit for temporary or long-term accommodations, including management and employee units.	1 space per guest room	Max 1.1 per TSF-GFA	Min 1, Max 1.1 per guestroom	1 per guest room
Extended Stay	1 per separate unit for temporary or long-term accommodations, including management and employee units.	1 space per guest room	Max 1.1 per TSF-GFA	Min 1, Max 1.1 per guestroom	1 per guest room
Short-Term Rental	As required for unit type	Per residential use standards	As required for unit type		As required for unit type
Marijuana [Subcategory description: Section 4.09.020D.2]					
Retail	Per uses not listed	1 per 300 SF			**Apply Limited or General Retail Sales based on SF**
Manufacturing facility	Per uses not listed	1 per 1,000 SF storage, warehousing, and distribution area, plus 1 per 35 SF manufacturing, assembly, packing,			**Table 4.09-2, Parking for Industrial, Wholesale, and Storage Uses**

Table 4.12-2: Off-Street Parking Standards

Use Category	Eagle Current Required Spaces	Glenwood Springs Required Spaces	Breckenridge Required Spaces		Eagle Update Recommendation (Minimum)
			Mixed-Use Service Area (mapped)	Non-MU Area	
KEY: DU = Dwelling Unit BR = Bedroom GFA = Gross Floor Area (total) TSF-GFA = 1,000 SF GFA **CHANGES: Blue Font = Recommended Reduction Gold Font = Changed Measurement (e.g., employees to SF) Orange Font = New Standard**					
		preparation, plus 1 per 300 SF for retail sales and office area			
Office [Subcategory description: Section 4.09.020D.2]					
Business or Professional	1 per 300 SF of floor area used or designed for office or public use.	1 per 300 SF	Max 1.4 per TSF GFA	2 required then Min 1, Max 1.1 per 400 SF GFA	1 per 400 SF
Retail Sales [Subcategory description: Section 4.09.020D.2]					
Limited	Parking area equal in SF to the total floor area of the building, excluding one-half of storage and display areas used for bulky items requiring extensive floor area such as household appliances, furniture, automobiles, farm and construction equipment.	Retail, general <1,500 sq. ft.: 1 per 400 SF	Max 1.4 per TSF GFA	2 required then Min 1, Max 1.1 per 400 SF GFA	**1 per 400 SF GFA for the first 2,000 SF + 1 per 300 SF GFA over 2,000 sq. ft. up to 100,000 SF total GFA**
General	Parking area equal in SF to the total floor area of the building, excluding one-half of storage and display areas used for bulky items requiring extensive floor area such as household appliances, furniture, automobiles,	1 per 300 SF	Max 1.4 per TSF GFA	2 required then Min 1, Max 1.1 per 400 SF GFA	**1 per 400 SF GFA for the first 2,000 SF + 1 per 300 SF GFA over 2,000 sq. ft. up to 100,000 SF total GFA**

Table 4.12-2: Off-Street Parking Standards

Use Category	Eagle Current Required Spaces	Glenwood Springs Required Spaces	Breckenridge Required Spaces		Eagle Update Recommendation (Minimum)
			Mixed-Use Service Area (mapped)	Non-MU Area	
KEY: DU = Dwelling Unit BR = Bedroom GFA = Gross Floor Area (total) TSF-GFA = 1,000 SF GFA CHANGES: Blue Font = Recommended Reduction Gold Font = Changed Measurement (e.g., employees to SF) Orange Font = New Standard					
	farm and construction equipment.				
Large-Format	Parking area equal in SF to the total floor area of the building, excluding one-half of storage and display areas used for bulky items requiring extensive floor area such as household appliances, furniture, automobiles, farm and construction equipment.	1 per 300 SF	Max 2.5 per TSF GFA (grocery store)	Min 1, Max 1.1 per 250 SF GFA (grocery store)	General retail standard up to 50,000 SF GFA then 1 per 1,000 SF GFA. If part of the structure is warehouse, apply the retail standard and Table <> [Warehouse} to the areas in each use.
Commercial Greenhouse/ Nursery	Parking area equal in SF to the total floor area of the building, excluding one-half of storage and display areas used for bulky items requiring extensive floor area such as household appliances, furniture, automobiles, farm and construction equipment.	Parking study	Director interpretation		1 per 1,000 SF GFA
Vehicle Sales and Service, Personal [Subcategory description: Section 4.09.020D.2]					
Car Wash	1 per employee per major shift, plus stacking spaces in accordance with	1 per 300 SF retail and office area, plus 3 stacking spaces per	Director interpretation		1 per 300 SF retail and office area, plus 3 stacking spaces per service lane and 1

Table 4.12-2: Off-Street Parking Standards

Use Category	Eagle Current Required Spaces	Glenwood Springs Required Spaces	Breckenridge Required Spaces		Eagle Update Recommendation (Minimum)
			Mixed-Use Service Area (mapped)	Non-MU Area	
KEY: DU = Dwelling Unit BR = Bedroom GFA = Gross Floor Area (total) TSF-GFA = 1,000 SF GFA **CHANGES: Blue Font = Recommended Reduction Gold Font = Changed Measurement (e.g., employees to SF) Orange Font = New Standard**					
	Subsection (L)(2) of this section.	service lane and 1 stacking space per detailing bay (if separate from wash bay/lane)			stacking space per detailing bay (if separate from wash bay/lane)
Fueling Station, no convenience store	1 per 100 SF of retail or office floor area, plus stacking spaces in accordance with Subsection (L)(2)(a) of this section.	1 per fueling pump, plus 1 per 400 SF retail and office area	Max. 3.0 per bay + 1 per pump	1 per pump plus 1 per 250 SF GFA	1 per pump plus 1 per 250 SF GFA plus stacking per Section <>
With Convenience store	Gasoline station: one per 100 SF of retail or office floor area, plus stacking spaces in accordance with Subsection (L)(2)(a) of this section.	1 per fueling pump, plus 1 per 300 SF retail and office area	Max. 1.4 per TSF GFA	Min 1 per pump plus 1 per 250 SF GFA, Max 1.1 per pump plus 1.1 per 250 SF GFA	1 per pump plus 1 per 300 SF retail and office area plus stacking per Section <>
Vehicle Sales and Rental	Parking area equal in SF to the total floor area of the building, excluding one-half of storage and display areas used for bulky items requiring extensive floor area such as household appliances, furniture, automobiles, farm and construction equipment.	1 per 500 SF sales area, plus 2 per repair bay	Director interpretation		• Sales and Service: 1 per 1,000 SF GFA used by general public plus storage of vehicles for sale • Rental: 1 per 250 SF GFA used by general public plus storage of vehicles for rent

Table 4.12-2: Off-Street Parking Standards

Use Category	Eagle Current Required Spaces	Glenwood Springs Required Spaces	Breckenridge Required Spaces		Eagle Update Recommendation (Minimum)
			Mixed-Use Service Area (mapped)	Non-MU Area	
KEY: DU = Dwelling Unit BR = Bedroom GFA = Gross Floor Area (total) TSF-GFA = 1,000 SF GFA **CHANGES: Blue Font = Recommended Reduction Gold Font = Changed Measurement (e.g., employees to SF) Orange Font = New Standard**					
Vehicle Maintenance and Repair	1 per 100 SF of retail or office floor area, plus 3 per service bay.	1 per 500 SF, plus 3 per repair bay	Director interpretation		1 per 300 SF GFA, plus 3 per service bay
INDUSTRIAL, WHOLESALE, AND STORAGE [Category description: Section 4.09.020E]					
Alternative Energy Production [Subcategory Description: Section 4.09.020E.2]					
Solar Power Array, large/utility	Per uses not listed	Director interpretation	Director interpretation		1 per site
Industrial and Construction Services [Subcategory Description: Section 4.09.020E.2]					
Auction House					
Contractor Yard, General/Trade	1 per 1,000 square feet of floor area used or designed for storage, warehousing, distribution, wholesale sales, or a combination thereof	1 per 400 SF of building area used as office	Director interpretation	Min 1, Max 1.1 per 200 SF	1 per 1,000 SF of floor area used or designed for storage.
Truck, RV, and Heavy Equipment Rental, Sales, and Service	1 per 1,000 square feet of floor area used or designed for storage, warehousing, distribution, wholesale sales, or a combination thereof + 1 per 300 square feet of floor area used or designed for retail sales or office use.	1 per 300 SF	Director interpretation		• Sales and Service: 1 per 1,000 SF GFA used by general public plus storage of vehicles for sale • Rental: 1 per 250 SF GFA used by general public plus storage of vehicles for rent

Table 4.12-2: Off-Street Parking Standards

Use Category	Eagle Current Required Spaces	Glenwood Springs Required Spaces	Breckenridge Required Spaces		Eagle Update Recommendation (Minimum)
			Mixed-Use Service Area (mapped)	Non-MU Area	
KEY: DU = Dwelling Unit BR = Bedroom GFA = Gross Floor Area (total) TSF-GFA = 1,000 SF GFA **CHANGES: Blue Font = Recommended Reduction Gold Font = Changed Measurement (e.g., employees to SF) Orange Font = New Standard**					
Truck Stop/Wash	1 per 100 SF of retail or office floor area, plus stacking spaces in accordance with Subsection (L)(2)(a) of this section. 1 per employee per major shift, plus stacking spaces in accordance with Subsection (L)(2) of this section.	1 per fueling pump, plus 1 per 400 square feet retail and office area + 1 per 300 square feet retail and office area, plus 3 stacking spaces per service lane and 1 stacking space per detailing bay if separate from wash bay/lane)	Director interpretation		Section <>, Uses with Variable Parking Demand
Manufacturing, Assembly, or Processing [Subcategory Description: Section 4.09.020E.2]					
All	1 per 1,000 SF of floor area used or designed for storage, warehousing, distribution, wholesale sales, or a combination thereof. + 1 per 350 SF of floor area used or designed for manufacturing assembly, parking, preparation, research facilities, experimental or testing laboratories, or other such uses. +1 per 300 SF of floor area used or designed for retail sales or office use.	Based on demand study	N/A	1 per 400 SF	Table 4.09-2, Parking for Industrial, Wholesale, and Storage Uses

Table 4.12-2: Off-Street Parking Standards					
Use Category	Eagle Current Required Spaces	Glenwood Springs Required Spaces	Breckenridge Required Spaces		Eagle Update Recommendation (Minimum)
			Mixed-Use Service Area (mapped)	Non-MU Area	
KEY: DU = Dwelling Unit BR = Bedroom GFA = Gross Floor Area (total) TSF-GFA = 1,000 SF GFA CHANGES: Blue Font = Recommended Reduction Gold Font = Changed Measurement (e.g., employees to SF) Orange Font = New Standard					
Natural Resource Extraction [Subcategory Description: Section 4.09.020E.2]					
All	Per uses not listed	Based on demand study	Director interpretation		Section <>, Uses with Variable Parking Demand
Warehouse and Storage Services [Subcategory Description: Section 4.09.020E.2]					
All	1 per 1,000 square feet of floor area used or designed for storage, warehousing, distribution, wholesale sales, or a combination thereof + 1 per 300 square feet of floor area used or designed for retail sales or office use	Based on demand study	Director interpretation		Table 4.09-2, Parking for Industrial, Wholesale, and Storage Uses
Waste and Salvage [Subcategory Description: Section 4.09.020E.2]					
All	Per uses not listed	Director interpretation	Director interpretation		Section <>, Uses with Variable Parking Demand
AGRICULTURE [Category description: Section 4.09.020F]					
Stable, Commercial [Subcategory description: Section 4.09.020F.2]					
Commercial	Per uses not listed	Director interpretation	Director interpretation		1 per 400 SF building area, plus 1 per 10,000 SF site area

E. Parking for Industrial, Wholesale, and Storage Uses

Uses that reference this subsection in Table 4.12-2: Off-Street Parking **Standards**, shall provide the minimum number of parking spaces identified in Table 4.**12-3**. The total number of required spaces is cumulative based on the variety of different functions present in a single structure or lot.

Table 4.12-3: Parking for Industrial, Wholesale, and Storage Uses

Use or Activity		Minimum Required
Office or administrative area		1 per 300 GFA
Indoor sales area		1 per 200 GFA
Retail		Table 4.09-1
Assembly, vehicular service, or manufacturing area:	First 1-3,000 sf of floor area:	1 per 200 GFA
	Additional SF over 3,000 calculated as follows:	
	3,001-5,000 sf of floor area	1 per 500 GFA
	5,001-10,000 sf of floor area	1 per 750 GFA
	10,001or more sf of floor area	1 per 1,250 GFA
Indoor storage or warehousing area		1 per 1,000 GFA or 1 per employee on largest shift
Outdoor sales, display, or storage area (3,000 sf or less)		1 per 750 GFA
Outdoor sales, display, or storage area (more than 3,000 sf)		1 per 1,000 GFA

F. Uses with Variable Parking Demand

Uses that reference this subsection in Table 4.12-2: Off-Street Parking **Standards** have widely varying parking demand characteristics, making it difficult to establish a single parking standard. Upon receiving a development application for a use subject to this subsection, the Director shall:

1. Apply the parking standard specified for the listed use that is deemed most similar to the proposed use, or

2. Establish minimum parking standards on the basis of a parking study prepared and paid for by the applicant. The parking study shall:

a. Include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE) Parking Generation, or other acceptable estimates as approved by the Director, including reliable data collected from uses or combinations of uses that are the same as or comparable to the proposed use.

b. Document the source of data used to develop the recommendations. Comparability will be determined by density, scale, bulk, area, type of activity, and location.

G. Broadway District Adjustments

The following standards are applicable in the Broadway District:

1. One space per residential unit shall be provided on-site when a retail or restaurant use has been established on the first floor.

a. If a service establishment is allowed on the ground floor, residential unit parking shall be provided at 1.5 spaces per unit.

b. The use of stacked parking spaces is allowed to meet this requirement. Parking covenants shall be required to control access to the stacked parking spots for the owners, renters, or lessees of residential units in the building.

2. On-site parking requirements for residential use may be met by enclosed garages.
   a. Detached garages may be located within the side or rear setback but shall conform to the accessory structure setbacks in the applicable zone district.
   b. Service entrances and access must be provided when garages are located in the rear yard.

H. ADA Accessible Parking

All parking lots shall provide the minimum number of accessible parking spaces required by the federal Americans with Disabilities Act (ADA). All accessible parking spaces shall meet the design and location requirements of the Americans with Disabilities Act (ADA). Accessible parking spaces shall be counted toward the minimum number of spaces required.

I. EV Charging [77]

Comment: The State of Colorado is establishing EV parking requirements in June, 2023. This section will be revised to incorporate those standards.

1. All new, expanded, or reconstructed parking areas for multifamily, mixed-use, and non-residential structures with a minimum of

J. Exclusive Use for Parking

1. Except for single-unit and two-unit dwellings, no off-street parking or loading space shall be used for any purpose other than the parking of vehicles.
2. No parking space shall be converted to another use unless it is replaced concurrently with another parking space meeting all of the requirements of this chapter.

4.12.050 Required Bicycle Parking [78]

A. Applicable Design Standards

1. When required, bicycle parking must comply with the Association of Pedestrian and Bicycle Professionals (APBP) Essentials of Bike Parking guidelines, or other standards as adopted by the Town.
2. In Mixed-Use, Commercial, and Public districts, all short-term racks shall be located within 50 feet of the primary entrance of the building served by the rack(s) and shall be visible when facing that primary entrance. Additional short-term bicycle parking is not required in the Broadway District.

B. When Required [79]

Bicycle parking shall be provided as required in Table 4.12-4: Bicycle **Parking**. Where the amount of required parking is not specified, the Director shall interpret the applicability of this table based on similar types of uses.

[77] New standard

[78] New section.

[79] The parking requirements in this table are based on standards recommended by the Association of Pedestrian and Bicycle Professionals. These standards can be adjusted based on community preference and already available bicycle parking.

Table 4.12-4: Bicycle Parking			
Use Category	**Short-Term (bike rack, less than 2 hours)**	**Long-Term (secure area, longer than 2 hours)**	**Exceptions**
KEY: DU = Dwelling Unit BR = Bedroom GFA = Gross Floor Area (total)			
RESIDENTIAL [Category description: Section 4.09.020B]			
Household Living [Subcategory description: Section 4.09.020B.2]			
Dwelling Detached, Single Unit	Not required	Not required	
Dwelling Attached, Two Units	Not required	Not required	
Dwelling Attached, with private garage or appropriately sized locked storage unit for each unit	Not required	Not required	
Dwelling, Multi-Unit Building (3+ DUs per structure) with private garage or appropriately sized locked storage unit for each unit	Min 2 + .05 per BR	Not required	
Dwelling, Multi-Unit Building (3+ DUs per structure), without private garage or appropriately sized locked storage unit for each unit	Min 2 + .05 per BR	Min 2 + 0.5 per BR	
Manufactured Home	Not required	Not required	
Mixed-Use Structure including DUs	Apply multi-unit standards based on garage availability		
Group Living [Subcategory description: Section 4.09.020B.2]			
Group Home	Apply Household Living type		
Nursing Home	Min 2 + 1 per 20,000 SF GFA	Min 2 + 1 per 70,000 SF GFA	
Retirement Home or Assisted Living Facility	Min 2 + .05 per bedroom	Min 2 + 0.5 per bedroom	
PUBLIC, CIVIC, AND INSTITUTIONAL [Category description: Section 4.09.020C]			
Assembly, Civic [Subcategory description: Section 4.09.020C.2]			
Assembly, All	Spaces for 2% max daily expected attendance	Min 2 + 1 per 10 employees	
Education [Subcategory description: Section 4.09.020C.2]			
School, College, or University	Min 2 + 1 per 10 students at planned capacity	1 per 20,000 SF GFA	
School, Preschool or Nursery >15 kids at capacity	Min 2 + 1 per 20 students at capacity	Min 2 + 1 per 20 employees	
School, Primary and Secondary	Min 2 + 1 per 20 students at capacity	Base: Min 2 + 1 per 10 employees Grade 4 and higher: Base + 1 per 20 students at planned capacity	

Table 4.12-4: Bicycle Parking			
Use Category	**Short-Term (bike rack, less than 2 hours)**	**Long-Term (secure area, longer than 2 hours)**	**Exceptions**
KEY: DU = Dwelling Unit BR = Bedroom GFA = Gross Floor Area (total)			
Government and Public Safety [Subcategory description: Section 4.09.020C.2]			
Government Buildings and Offices	Min 2 + 1 per 10,000 SF GFA	Min 2 + 1 per 10 employees	
Health Care and Social Assistance [Subcategory description: Section 4.09.020C.2]			
Adult Day Care	Apply Health Care standards		
Health Care/ Hospital	Min 2 + 1 per 20,000 SF GFA	Min 2 + 1 per 70,000 SF GFA	
Parks and Recreation [Subcategory description: Section 4.09.020C.2]			
All	Spaces for 2% max daily expected attendance	Min 2 + 1 per 10 employees	
Transportation [Subcategory description: Section 4.09.020C.2]			
All + Public Parking Lots (unattended surface parking excepted)	Min 6 + 1 per 20 auto spaces	Min 2 + 1 per 20 auto spaces	
Utilities and Public Services [Subcategory description: Section 4.09.020C.2]			
Office	Min 2 + 1 per 20,000 SF GFA	Min 2 + 1 per 10,000 SF GFA	
Wireless Communication Facilities [Subcategory description: Section 4.09.020C.2]			
All	Not required	Not required	
COMMERCIAL [Category description: Section 4.09.020D]			
Assembly: Amusement, and Entertainment			
All	Spaces for 2% max daily expected attendance	Min 2 + 1 per 10 employees	
Eating and Drinking Establishments			
All	Min 2 + 1 per 5,000 SF GFA	Min 2 + 1 per 12,000 SF GFA	
Lodging			
All	Not required	Min. 2 except for short-term rental	
Office			
All	Min 2 + 1 per 20,000 SF GFA	Min 2 + 1 per 10,000 SF GFA	
Retail, Commercial Service, Financial Service, Animal Sales and Service			
General	Min 2 + 1 per 5,000 SF GFA	Min 2 + 1 per 12,000 SF GFA	
Food Sales	Min 2 + 1 per 2,000 SF GFA	Min 2 + 1 per 12,000 SF GFA	

Table 4.12-4: Bicycle Parking			
Use Category	**Short-Term (bike rack, less than 2 hours)**	**Long-Term (secure area, longer than 2 hours)**	**Exceptions**
KEY: DU = Dwelling Unit BR = Bedroom GFA = Gross Floor Area (total)			
Vehicle Sales and Service, Personal [Subcategory description: Section 4.09.020D.2]			
All	Min 2 + 1 per 20,000 SF internal GFA	Min 2 + 1 per 12,000 SF internal GFA	
INDUSTRIAL, WHOLESALE, AND STORAGE [Category description: Section 4.09.020E]			
All	Min. 2	Min 2 + 1 per 15,000 SF internal GFA	

4.12.060 Vehicle Parking Exceptions and Reductions

A. Broadway District

Use changes within the Broadway District are not required to provide additional off-street parking above what existed at the time of the use change, regardless of the requirements of Table 4.12-2: Off-Street Parking **Standards**.

B. Administrative Adjustment

Applications meeting the requirements of Section 4.17.110A shall be eligible for the parking reduction approved through that process.

C. On-Street Parking

On-street parking spaces on residential local streets that are directly adjacent to the property served may be counted towards the number of required spaces subject to the following:

1. Marked spaces shall be counted if:
   a. 50 percent or more of the stall length of a parallel space is adjacent to the property served; or
   b. 50 percent or more of the stall width of perpendicular or angled parking is adjacent to the property served.
2. Unmarked parallel spaces shall be determined by dividing the total curb length adjacent to the property served where parking is permitted by 20 feet.

D. Joint Use of Parking Spaces [80]

1. Where an owner or developer can document that two separate uses do not require parking during the same hours and that adequate provisions have been made to ensure that the uses will not require parking during the same hours, the owner or developer may petition the Planning and Zoning Commission for permission to allow parking spaces which otherwise comply with the provisions of this chapter to fulfill the requirements for both uses.

[80] Current joint parking standards, carried forward and updated.

a. Permission for such joint use of parking spaces may be granted subject to such conditions as the Planning and Zoning Commission finds necessary to carry out the purpose and intent of this chapter.

b. Joint parking requests shall follow the Town's review procedures for a Section4.17.080C, Conditional Use Permit.

2. Common parking areas may be provided in areas designated to serve jointly two or more buildings, units, structures or uses, provided that the total number of parking spaces shall not be less than that required for each use unless reduced by a joint parking approval.

Table 4.12-5: Shared Parking Reduction

Property Use	Multifamily Dwellings	Public, Institutional, and Civic	Food and Beverage, Indoor Recreation, or Lodging	Retail Sales	Other Commercial
Multifamily Dwellings	--	--	--	--	--
Public, Institutional, and Civic	1.1	1.0	--	--	--
Food and Beverage, Indoor Recreation, or Lodging	1.1	1.2	1.0	--	--
Retail Sales	1.2	1.3	1.3	1.0	--
Other Commercial	1.3	1.5	1.7	1.2	1.0

E. Transit Offset

1. The number of required parking spaces may be reduced for developments within 1,320 feet of a fixed route transit service station or stop located outside of the Broadway District.

2. To be eligible for a transit reduction, the business owner must provide documentation of contracting for and securing a minimum of three years of employee transit passes. The reduction in required parking spaces shall be one space for each transit pass purchased meeting these requirements.

3. Uses eligible for a transit offset in the number of required parking spaces are:

   a. Rented or leased residential multi-family living units or manufactured home park with eight or more living units where a transit pass is included in the rental or lease of selected individual units: The maximum transit offset shall not exceed 20% of the number of living units in the complex.

   b. Hospitals; professional offices, including medical and dental clinics or offices; and financial institutions: the maximum transit offset shall not exceed 20% of the total required parking for such uses.

F. Active Transportation Reduction (new)

The Director may grant a 5 percent parking reduction if the building or use is within 1,320 feet of a recreational trail or bike route and a sidewalk connection is provided between the site and the recreational trail or bike route.

G. Transportation Demand Management Reduction (new)

The Director may allow a reduction in required parking for employers that enter into a Transportation Demand Management (TDM) Agreement that specifies how on-site parking will be reduced through property owner or operator programs or initiatives that reduce the number of employees on-site. Any TDM Agreement, whether used independently or in combination with other allowed parking reductions, is subject to the 25 percent limitation on overall parking reduction. Such programs may include the following:

1. Compressed work week schedules;
2. Flexible arrival and departure times;
3. Telework opportunities; or
4. Incentives for employees to use alternative modes of transportation to the work place.

H. Reduced Need Populations (new)

The required minimum number of parking spaces may be reduced by one of the following:

1. 33 percent for any group living use or multi-unit use in which occupancy of at least 80 percent of the units is restricted for use by those 65 years of age or older.
2. 50 percent for any group living use or multi-unit use in which occupancy of more than 80 percent of the units is restricted for use by those meeting the definition of "handicapped" individuals under the federal Fair Housing Act.

I. Enhanced Bicycle Parking (new)

The minimum parking required by Table 4.**12-4** may be reduced by 5 percent if the applicant:

a. Provides at least two electric bike charging spaces; or
b. Provides a dedicated bicycle storage area with at least 2 showers and 4 lockers for every shower provided.

4.12.070 Vehicle Parking Access, Location, and Design

A. Access

Access shall be provided as follows. Access ways shall be designed so as to reduce the number and proximity of access points along public streets.

1. All Lots and Uses

a. Access ways on the same lot frontage shall be separated a minimum of 30 feet, measured linearly along the property line.

i. Lots with 100 to 200 feet of frontage: the minimum access way separation shall be increased by one foot for every five feet of property length beyond 100 feet.

ii. Lots exceeding 200 feet of frontage: access ways shall be separated by at least 50 feet.

iii. Corner lot: access ways shall be located not closer than 50 feet to the intersecting street right-of-way line, or where lot frontage is less than 75 feet, the maximum distance possible from the intersecting street right-of-way line, as determined by the Director.

b. The intersection of an access way with a public street shall be located not closer than 15 feet to a side lot line, except that a common access way to two adjacent properties with combined width not exceeding 35 feet may be provided at the common lot line. This total amount provided from each lot may be adjusted below 15 feet provided the full required width is met.

c. Single-unit and two-unit dwellings may stack parking spaces except that unobstructed and direct access must be provided for a minimum of two spaces.

2. Parking Area Access

The following standards apply to all uses except single unit or two unit residential:

a. Each access way between a public street and the parking area shall be between 15-feet and 35-feet wide at the intersection of the access way with the public street.

i. A divider stop at least six feet long shall be installed if the access way exceeds 25 feet in width.

ii. Each access way shall be clearly and permanently marked and defined through the use of landscaping, rails, fences, walls or other barriers or markers. Access way marking and defining may be augmented by painting or striping.

b. Access from any parking area onto a collector or arterial street and from any parking area with four or more parking spaces onto a local street shall be designed to permit user vehicles to enter and exit unrestricted in forward drive.

B. Location

1. Parking areas or spaces shall be located as follows:

Table 4.12-6: Location of Parking Spaces

Use Category	Where Allowed	Where Prohibited
Residential: detached, attached, and multifamily up to 8 units	• Same lot as dwelling, or • Common lot associated with dwelling	In required front yard
Residential multifamily, more than 5 units	• Same lot as dwelling, • Common lot associated with dwelling, or • Within a 200-foot radius of the subject property, measured from any point on the property [1]	
Mixed-Use and Nonresidential	• Same lot as structure, • Common lot associated with structure, or • Within a 200-foot radius of the subject property, measured from any point on the property [1]	
Enclosed underground parking	Anywhere on a lot	

Table 4.12-6: Location of Parking Spaces		
Use Category	**Where Allowed**	**Where Prohibited**
Broadway District	On street and off street per Sec. 4.12.070D.3	Adjacent to residential?
Notes: [1] Parking Agreement required if structure and parking lots are in different ownership.		

2. No parking space shall be located closer than five feet from a window or door of a habitable structure.

C. Generally Applicable Parking Area Design Standards

1. **Maneuvering**
   Projects that require parking areas with more than six parking spaces shall provide maneuvering areas that accommodate ingress and egress from the lot by forward motion of vehicles. A request may be made to the Director to allow parking for such projects with parking that backs out directly onto a street if an applicant can show this is a safe alternative.

2. **Grade**

   a. Outdoor parking areas shall not exceed four percent grade and shall not be less than one percent grade and shall be pitched away from habitable structures.

   b. The grade of access ways shall not exceed four percent within 100 feet of the intersection with a public street unless otherwise approved by Public Works.

3. **Drainage**
   All parking areas shall be designed and graded to restrict site drainage to a rate no greater than the historical rate, before development, for the 25-year storm, or shall include development of a storm drainage system to convey runoff water to a site approved by the Director.

4. **Snow Storage and Removal**
   Snow from private lots may not be pushed into or stored in the public right of way.

5. **Garages and Covered Parking**

   a. Parking requirements may be met by garages and carports covering or enclosing spaces which comply with minimum size provisions of this chapter.

   b. Design standards for structured parking are provided in Chapter <>, [Site and Structure Standards].

6. **Stall Size**
   Unless otherwise provided in Table 4.12-7, the following standards apply:

   a. Each off-street parking space shall cover an area not less than nine feet wide and 19 feet long.

   b. Parallel parking spaces shall be a minimum of 22 feet in length.

7. **Lighting**
   Parking lot lighting per Section 4.13.040C, Outdoor Lighting, shall be provided in all parking areas with more than ten spaces used or designed for use during evening hours.

8. **Landscaping**
   Parking lot landscaping shall be provided per Section **Error! Reference source not found.**.Parking Standards for Detached and Attached Residential Structures

9. **Loading**
   Loading and unloading of vehicles shall be conducted on private property and not on any street or alley, except in the BD, where it may be from a designated loading zone or alley."

10. **Stacked Spaces**
    Required parking may be provided in stacked spaces to accommodate two vehicles parked end-to-end as follows:

    a. Vehicles may be parked in on a driveway, in a garage/carport, or both; and

    b. For each dwelling unit, including accessory dwelling units, at least one parking space shall be provided that is not blocked by another parking space.

11. **Garage and Carports**

    a. To allow for vehicle maneuvering and prevent vehicles from overhanging the sidewalk, there shall be a minimum clear distance on private property of 20 feet perpendicular to the garage doors or carport openings that are perpendicular to the public right-of-way.

    b. When garage doors or carport openings face an alley, a minimum of 2 feet shall be provided from the garage door or carport opening to the closest alley right-of-way boundary. Parking between the garage or carport and alley shall not be permitted unless at least 20 feet of pavement between the garage or carport and the alley is provided.

D. Standards for Multiunit, Mixed-Use, and Nonresidential Structures

1. **Parking Area Layout**
   Every parking area shall be designed according to Table 4.12-7 and Figure 12-A: Off-Street Parking Dimensions except as provided in Section 4.12.070D.3, BD Parking.

   a. The top line of figures for each parking angle constitutes minimum design standards and the lower two lines constitute higher standards to be employed at the option of the owner or developer.

   b. The owner or developer may select the parking angle and the line of figures for such parking angles and then all figures in that line shall become requirements.

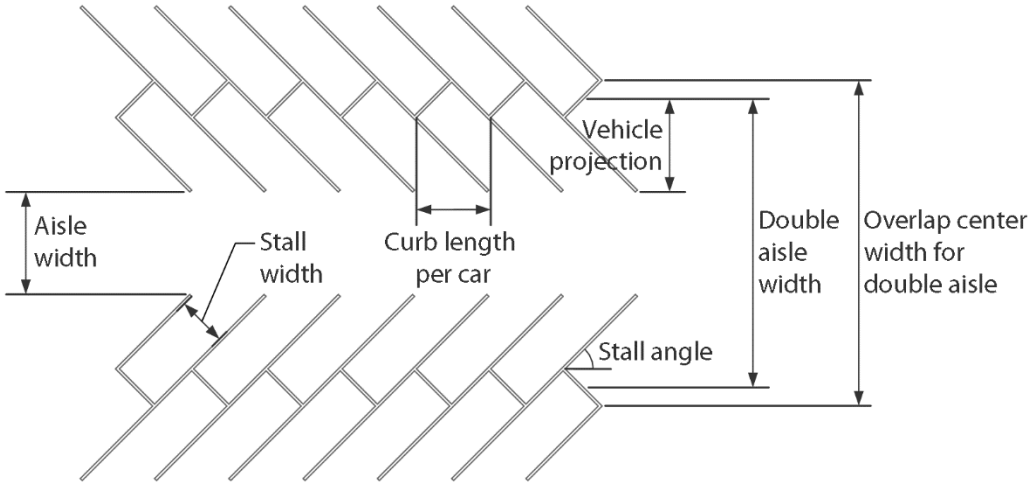

Figure 12-A: Off-Street Parking Dimensions

Table 4.12-7: Minimum Parking Space and Driveway Requirements

Parking Angle (degrees)	Stall Width	Length of Stall to Curb (ft)	Aisle Width (ft)	Curb Length per Stall (ft)	Width of Double Row with Aisle (ft)
10	9'0"	9.0	12.0	23.0	30.0
	9'6"	9.5	12.0	23.0	31.0
	10'0"	10.0	12.0	23.0	32.0
20	9'0"	15.0	11.0	26.3	41.0
	9'6"	15.5	11.0	27.5	42.0
	10'0"	15.9	11.0	29.2	42.0
30	9'0"	17.3	11.0	18.0	45.6
	9'6"	17.8	11.0	19.0	46.6
	10'0"	18.2	11.0	20.0	47.0
45	9'0"	19.8	13.0	12.7	52.5
	9'6"	20.1	13.0	13.0	53.3
	10'0"	20.5	18.0	14.1	54.0
60	9'0"	21.0	18.0	10.4	60.0
	9'6"	21.2	18.0	11.0	60.4
	10'0"	21.5	18.0	11.5	61.0
70	9'0"	21.0	19.0	9.6	61.0
	9'6"	21.2	18.5	10.1	60.9
	10'0"	21.2	18.0	10.6	60.4
80	9'0"	20.3	24.0	9.1	64.3
	9'6"	20.4	24.0	9.6	64.3
	10'0"	20.5	24.0	10.2	65.0
90	9'0"	19.0	24.0	9.0	62.0
	9'6"	19.0	24.0	9.5	62.0

Table 4.12-7: Minimum Parking Space and Driveway Requirements

Parking Angle (degrees)	Stall Width	Length of Stall to Curb (ft)	Aisle Width (ft)	Curb Length per Stall (ft)	Width of Double Row with Aisle (ft)
	10'0"	19.0	24.0	10.0	62.0

2. **Surface Materials**
   Parking areas shall be surfaced as follows:
   a. Multiunit: all parking areas serving five or more residential units shall be surfaced with asphalt or concrete.
   b. Mixed-Use and Nonresidential
      i. 10 or fewer parking spaces and less than 3,000 square feet of parking area shall be surfaced with asphalt, concrete, brick, gravel, or road base.
      ii. More than 10 parking spaces or more than 3,000 square feet of parking area shall be surfaced with asphalt or concrete.
3. **BD Parking**
   a. In the Broadway District, both parallel and diagonal parking currently exists. This is the traditional, established parking layout in this area, which shall remain the standard. The existing rights-of-way in area vary between 60 feet and 80 feet.
   b. Parallel parking shall be encouraged along all blocks within the Broadway District where diagonal parking is not feasible. Parking layout and design shall include curb and gutter.

4.12.080 Drive-Through and Stacking Spaces[81]

A. Required Stacking Spaces

1. Stacking spaces shall be provided for vehicles waiting for drive-through service. Stacking spaces shall not be included in the required off-street parking spaces count.
2. Stacking lanes shall be designed to prevent vehicles from extending onto the public right-of-way at any time.
3. Stacking spaces shall be provided as required in Table 4.12-8. In no case shall fewer than two stacking spaces be provided for each window or counter on the entrance side, and one space on the exit side where an exit is provided.

[81] Drafting note: move the following instructions to the use standards: 1. No bays shall be designed to be entered from more than one direction. a. Self storage: plus vehicular movement areas sufficient to allow on-site loading and unloading.

Table 4.12-8: Stacking Space Requirements

Activity	Minimum Stacking Spaces (per lane)	Measured From:
Bank, Financial Institution	3	Teller or Window
Retail, ATM	2	Window or ATM Display
Restaurant, Fast Serve	5	Pick-Up Window
Coffee Shop	6, min. 4 between menu board and window[1]	Pick-up Window
School Drop-Off (non-preschool)	6	Drop-Off Zone
Full-Service Vehicle Washing Establishment	6	Outside of Washing Bay
Self-Service or Automated Vehicle Washing Establishment	2	Outside of Washing Bay
Fuel or Gasoline Pump Island	2	Pump Island
Other	As determined by Director	

Notes: {1} Menu board is not required.

B. Stacking Space and Land Design Requirements

1. Drive-through stacking lanes shall have a minimum width of eight feet and length of 20 feet.
2. The first position in a drive through station, located at the window, is counted as a stacking space.
3. When stacking lanes are separated from other stacking lanes, bypass lanes, or from other site areas, the separation shall be by means of a raised concrete median, concrete curb, or landscaping.
4. All stacking lanes must be clearly identified through the use of means such as striping, landscaping, and/or signs.
5. Stacking lanes shall comply with the applicable setback distance from rights-of-way.
6. The location and design of required stacking spaces shall not:
   a. Encroach into the right-of-way, public streets, or alleys; or
   b. Obstruct any required parking space, loading space, or the driving aisles required to access any required parking or loading space.
7. The entrance to a stacking lane shall be located so as to avoid conflicting with the street access.
8. Pedestrian/barrier-free access to building entrances shall provide direct pedestrian links to main parking areas and public sidewalks that do not pass through a stacking lane.

4.12.090 Loading Spaces

A. Uses with a minimum GFA of 15,000 SF (measured cumulatively when the uses are located in a single structure) that require deliveries or service by truck and that are not contiguous to an alley,

shall have an off-street delivery truck berth at least 14 feet wide and 30 feet long with a vertical clearance of at least 15 feet, in addition to the required parking area.

B. Where the property or use is served or designed to be served by tractor-trailer delivery vehicles, the off-street loading berth shall be designed so that delivery vehicles using the loading area do not obstruct traffic movements in the parking area or in the public right-of-way.

C. All on-site loading spaces that are within or abut a residential district or intervening alley shall be completely screened from the adjacent residential lot by building walls or by a uniformly painted solid fence, wall, or door, or any combination thereof, not less than eight feet in height.

Chapter 4.09 Use Standards

4.09.010 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.

4.09.020 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,[20] 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

[20] Drafting note: add RLUIPA process in administration section.

clubhouses, playgrounds, maintenance facilities, concessions, caretaker's quarters, and parking for cars and RVs as permitted by the Town.

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. 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.

e. 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.

f. 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.

g. 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.

h. Marijuana: This use type includes all of the Town's approved marijuana uses.

i. 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.

j. Parking, Commercial: This is the use category for non-accessory parking.

k. 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.

l. 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 stables 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.

4.09.030 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 Uses[21]

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.

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

a. Permitted uses must be in compliance with all applicable standards in this Land Use and Development Code. While Permitted Uses are considered to be a Use by Right, there is often some level of staff/administrative review, often at time of building permit or business license.

b. Uses Permitted with Limitations /PL/. Some uses have use-specific standards in Sections 4.09.xx to xx. These uses are designed PL and the standards are cross-referenced for convenience in Table 4.09-1. Any uses designated as PL requires some level of staff/administrative review.

2. Conditional 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. Reviews conducted by the Planning & Zoning Commission are Public Hearings and Noticing requirements apply.

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/, /PL/, /C/,or /S/ in a district column is not allowed the specific district.

B. Use Not Itemized[22]

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 Interpretation[23]

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

[22] Current 4.01.100.A

[23] 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?

3. **Request for Use Interpretation**

   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;

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. <> 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.

4.09.040 Uses Permitted by District (Use Tables)

A. Principal Use Table

Table 4.09-1 identifies the uses allowed as principal uses in the districts indicated, subject to the applicable review and approval type described in the table and the use specific standards in Sections <> through <>..

B. Accessory Use Table

Table 4.09-1 identifies the accessory uses allowed in the districts indicated, subject to the applicable review and approval type described and the use-specific standards in Sections <> through <>.

Update Notes: (1) Current permissions are shown in black and recommended changes are shown in red. The public review draft shows both current and recommended changes for ease of comparison. This table will be updated following public review and discussion. Additional use-specific standards may be added prior to adoption.

(2) Use definitions are located in Section 4.20.050, General Definitions.

Table 4.09-1: Primary Use Table

	Residential Districts					Rural and Agriculture Districts			Mixed-Use, Commercial and Industrial Districts							Govt. and Civic Districts		
Current Zone Districts	R1	RM	RMF	RH	New	RL	RR	R	CL	new	CBD	CG	new	New	I	PA	new	**Use-Specific Standards**
New Zone Districts	R1	R2	R3	R4	OTR	RR1	RR2	R	CMU1	CMU2	BD	CG	CGE	CI	IND	PC1	PC2	
KEY: P = Permitted / PL = Permitted w/Limitations / C = Conditional Use / S = Special Use / - = Not Permitted																		
RESIDENTIAL USES (Use category description Sec. 4.09.020B)																		
Cottage Court	-	-	PL	PL	-	-	-	-	-	-	-	-	-	-	-	PL	-	4.09.060A
Dormitory Living / Hostel	-	-	C	C	-	-	-	-	-	-	-	S	S	S	-	S	-	
Duplex / Two-Family Dwelling	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	
Mansion House (4+ units/structure)	-	PL	PL	PL	PL	-	-	-	-	-	-	-	-	-	-	PL	-	
Manufactured Home, Standard or Tiny	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	4.09.060D
Mixed-Use Residential (2nd story or higher)									PL	PL	PL							4.09.060C
Multi-Unit Dwelling (3 to 8 units / structure)	-	-	P	P	P	-	-	-	C	C	-	-	C	-	-	PL	-	
Multi-Unit Dwelling (8+ units / structure)			P	P					C	C	-	-	C	-	-	-	-	
Single Family Dwelling	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	

Table 4.09-1: Primary Use Table

	Residential Districts					Rural and Agriculture Districts			Mixed-Use, Commercial and Industrial Districts							Govt. and Civic Districts		
Current Zone Districts	R1	RM	RMF	RH	New	RL	RR	R	CL	new	CBD	CG	new	New	I	PA	new	Use-Specific Standards
New Zone Districts	R1	R2	R3	R4	OTR	RR1	RR2	R	CMU1	CMU2	BD	CG	CGE	CI	IND	PC1	PC2	
KEY: P = Permitted / PL = Permitted w/Limitations / C = Conditional Use / S = Special Use / - = Not Permitted																		
Townhome (3+ units / structure)	-	P	P	P	P	-	-	-	C	C	-	-	C	-	-	PL	-	
LODGING (Use category description Sec. 4.09.020D)																		
Bed and Breakfast Facility	PL	PL	PL	-	PL	PL	PL	PL	-	-	-	-	-	-	-	-	-	4.09.080D.1
Boutique Hotel (small format)	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	
Hotel / Motel (large format)	-	-	-	-	-	-	-	-	-	-	-	PL	PL	PL	-	-	-	
Recreational Vehicle Park / Camping	-	-	-	-	-	-	S	C	-	-	-	-	PL	-	-	C	-	4.09.080D.2, 4.09.080D.4
Short-Term Rental	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	-	-	-	-	-	-	4.09.080D.5
Van Life	-	-	-	-	-	-	-	-	S	S	-	S	S	S	S	-	-	
AGRICULTURE (Use category description Sec. 4.09.020F)																		
Commercial Green House	-	-	-	-	-	PL	PL	PL	-	-	-	C	C	C	-	-	-	
Community Gardens	PL	PL	PL	PL	PL	PL	PL	PL	-	-	-	-	-	-	-	PL	PL	4.09.110A
Farmer's Market	-	-	-	-	-	-	C	PL	-	-	-	-	-	PL	-	PL	PL	4.09.110B
Farm Stand	-	-	PL	PL	PL	PL	PL	PL	PL	PL	-	-	-	-	-	PL	C	
Horse Boarding	-	-	-	-	-	PL	PL	PL	-	-	-	-	-	-	-	C	-	
Outfitter Guide	-	-	-	-	-	C	C	C	-	-	-	PL	PL	PL	-	-	-	
Ranching / Farming	-	-	-	-	-	PL	PL	PL	-	-	-	-	-	-	-	C	-	
Riding Stables	-	-	-	-	-	PL	PL	PL	-	-	-	-	-	-	-	-	-	
Solar Farm	-	-	-	-	-	-	C	C	-	-	-	C	C	-	C	S	-	
Wind Farm	-	-	-	-	-	-	C	C	-	-	-	C	C	-	C	S	-	
OPEN SPACE AND RECREATION (Use category description Sec. 4.09.020C																		
Golf Course	-	-	-	-	-	-	-	PL	-	-	-	-	-	-	-	PL	-	
Motor Sports Track	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	

Table 4.09-1: Primary Use Table

	Residential Districts					Rural and Agriculture Districts			Mixed-Use, Commercial and Industrial Districts							Govt. and Civic Districts		
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New Zone Districts	R1	R2	R3	R4	OTR	RR1	RR2	R	CMU1	CMU2	BD	CG	CGE	CI	IND	PC1	PC2	
KEY: P = Permitted / PL = Permitted w/Limitations / C = Conditional Use / S = Special Use / - = Not Permitted																		
Parks / Playgrounds	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	
Playfields, includes lighting and/or PA system	-	-	-	-	-	-	-	C	-	-	-	-	PL	PL	-	C	-	
Preserves / Open Space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Recreation Facility, indoors (<6,500 sf)	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	P	-	
Recreation Facility, indoors (>6,500 sf)	-	-	-	-	-	-	-	-	-	P	-	P	P	P	-	P	-	
Recreation Facility, outdoors	-	-	-	-	-	-	-	P	-	-	-	-	-		-	P	-	
Shooting/Archery Range, indoors	-	-	-	-	-	-	-	-	-	-	-	S	S		S	-	-	
Shooting/Archery Range, outdoors	-	-	-	-	-	-	-	-	-	-	-	S	S		S	-	-	
Swimming Pool, outdoor	-	-	-	-	-	-	-	C	C	C	-	C	C		-	PL	-	
PUBLIC, CIVIC, INSTITUTIONAL, EDUCATIONAL, HEATHCARE (Use category description Sec. 4.09.020C)																		
Assisted Living / Group Home	PL	PL	PL	PL	PL	PL	-	-	PL	PL	PL	-	-	-	-	PL	-	4.09.060B, 4.09.070A
Bus Stop	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Bus/Fleet Maintenance Facility	-	-	-	-	-	-	-	-	-	-	-	PL	PL	-	PL	-	-	
Cemetery	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	S	-	
College / University	-	-	-	-	-	-	C	C	-	-	-	S	C	C	-	C	-	
Community Building	C	C	C	C	C	C	C	C	P	P	P	PL	PL	PL	-	PL	-	
Daycare Facility (healthcare)	PL	PL	PL	PL	PL	PL	-	-	C	C	-	-	-	-	-	C	-	
Emergency Services Station	-	-	-	-	-	-	-	PL	-	-	-	PL	PL	PL	PL	PL	-	
Entertainment / Trade Assembly Structure																		
Funeral Home / Crematorium	-	-	-	-	-	-	-	-	-	-	-	C	C	C	C	-	-	
Government / Public Service Offices	-	-	-	-	-	-	-	-	PL	PL	PL	PL	PL	PL	PL	PL	-	4.09.070A
Government / Public Service Operations Yard	-	-	-	-	-	-	-	PL	-	-	-	PL	PL	PL	PL	PL	-	
Hospital	-	-	-	-	-	-	-	-	-	-	-	S	C	PL	-	PL	-	4.09.070C

Table 4.09-1: Primary Use Table

	Residential Districts					Rural and Agriculture Districts			Mixed-Use, Commercial and Industrial Districts							Govt. and Civic Districts		
Current Zone Districts	R1	RM	RMF	RH	New	RL	RR	R	CL	new	CBD	CG	new	New	I	PA	new	Use-Specific Standards
New Zone Districts	R1	R2	R3	R4	OTR	RR1	RR2	R	CMU1	CMU2	BD	CG	CGE	CI	IND	PC1	PC2	
KEY: P = Permitted / PL = Permitted w/Limitations / C = Conditional Use / S = Special Use / - = Not Permitted																		
Library	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	P	-	
Medical Office	-	-	-	-	-	-	-	-	P	P	PL	PL	PL	PL	-	-	-	
Museum	PL	PL	PL	PL	PL	PL	PL	PL	P	P	PL	PL	PL	PL	-	PL	-	
Nursing Facility	PL	PL	PL	PL	PL	PL	-	-	C	C	-	-	-	-	-	-	-	
Outpatient Medical Clinic	-	-	-	-	-	-	-	-	PL	PL	PL	PL	PL	PL	-	PL	-	
Post Office	S	S	S	S	S	S	S	S	C	C	-	PL	PL	PL	-	PL	-	
Pre-School / Childcare Center	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	-	-	PL	PL	-	PL	-	4.09.080B
Public / Civic Assembly or Auditorium	-	-	-	-	-	-	-	C	PL	PL	PL	PL	PL	PL	-	PL	-	
Regional Transit Station	-	-	-	-	PL	-	-	-	PL	PL	PL	PL	PL	PL	-	PL	-	
Religious Assembly / Church	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	-	PL	-	4.09.070F
Research Facility	-	-	-	-	-	-	C	C	C	C	C	PL	PL	PL	PL	-	-	
School K-12, public	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	P	-	
School / Trade / Private Academy	-	-	-	-	-	-	PL	PL	C	C	S	PL	PL	PL	PL	C	-	
Theater	-	-	-	-	-	-	-	-	PL	PL	PL	PL	PL	PL	-	PL	-	
Urgent Care Facility	-	-	-	-	-	-	-	-	C	C	C	PL	PL	PL	C	-	-	
Utility Substation	-	-	-	S	-	-	-	-	-	-	-	C	C	C	PL	-	-	4.09.070E
Water Impoundment	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	S	-	
MIXED-USE / COMMERCIAL (Use category description Sec. 4.09.020D)																		
Auto Repair	-	-	-	-	-	-	-	-	C	C	-	PL	PL	-	PL	-	-	
Auto Sales / Rentals	-	-	-	-	-	-	-	-	C	C	-	PL	Pl	-	Pl	-	-	
Bank / Financial Institution	-	-	-	-	-	-	-	-	P	P	PL	P	P	P	P	-	-	
Bar / Tavern / Distillery	-	-	-	-	-	-	-	-	P	P	P	PL	PL	P	-	-	-	
Boutique Food and Drink (no alcohol)	-	-	-	-	-	-	-	-	P	P	P	PL	PL	PL	-	-	-	
Car Wash	-	-	-	-	-	-	-	-	PL	C	-	P	P	P	P	-	-	
Commissary / Commercial Kitchen	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	
Fast Food	-	-	-	-	-	-	-	-	PL	PL	PL	PL	PL	P	-	-	-	

Table 4.09-1: Primary Use Table

	Residential Districts					Rural and Agriculture Districts			Mixed-Use, Commercial and Industrial Districts							Govt. and Civic Districts		
Current Zone Districts	R1	RM	RMF	RH	New	RL	RR	R	CL	new	CBD	CG	new	New	I	PA	new	**Use-Specific Standards**
New Zone Districts	R1	R2	R3	R4	OTR	RR1	RR2	R	CMU1	CMU2	BD	CG	CGE	CI	IND	PC1	PC2	
KEY: P = Permitted / PL = Permitted w/Limitations / C = Conditional Use / S = Special Use / - = Not Permitted																		
Gas Station / Traveler's Convenience	-	-	-	-	-	-	-	-	C	C	-	PL	PL	PL	PL	-	-	4.09.090H
General Retail, <10,000 sf, local	-	-	-	-	-	-	-	-	P	P	P	PL	PL	PL	-	-	-	
General Retail, >10,000 sf, regional	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	
Grocery / Supermarket	-	-	-	-	-	-	-	-	PL	PL	PL	PL	PL	PL	-	-	-	
Hardware Store	-	-	-	-	-	-	-	-	PL	PL	PL	PL	PL	PL	-	-	-	
Home Furnishings / Flooring / Fabrics / Appliances	-	-	-	-	-	-	-	-	PL	PL	PL	P	P	P	-	-	-	
Kennel Board Facility / Pet Daycare	-	-	-	-	-	-	-	-	PL	PL	-	PL	PL	PL	P	-	-	4.09.080A
Landscape / Plant Sales	-	-	-	-	-	-	-	-	PL	PL	-	PL	PL	PL	-	-	-	
Liquor Store	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	
Lumberyard	-	-	-	-	-	-	-	-	-	-	-	PL	PL	-	P	-	-	
Mobile Vending	-	-	-	-	-	-	-	-	PL	PL	PL	PL	PL	PL	PL	PL	-	
Motor Sports, repair / sales	-	-	-	-	-	-	-	-	?	?	-	PL	PL	-	PL	-	-	
Non-Motor Sports Services / Sales (?)	-	-	-	-	-	-	-	-	PL	PL	PL	PL	PL	PL	PL	-	-	
Outdoor Storage	-	-	-	-	-	-	-	-	-	-	-	PL	PL	-	PL	-	-	4.09.100C.2
Parking Facility, vehicle storage	-	-	-	-	-	-	-	-	C	PL	-	PL	PL	PL	PL	-	-	
Personal / Professional Services	-	-	-	-	-	-	-	-	PL	PL	PL	PL	PL	PL	-	-	-	
Professional Office	-	-	-	-	-	-	-	-	PL	PL	PL	PL	PL	PL	-	-	-	
Recreation Services	-	-	-	-	-	-	-	-	-	PL	-	PL	PL	PL	-	-	-	
Recycling Drop-off	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	-	-	
Restaurant	-	-	-	-	-	-	-	-	P	P	P	PL	PL	PL	-	-	-	
Restore	-	-	-	-	-	-	-	-	PL	PL	PL	PL	PL	PL	PL	-	-	
Self-Storage / Mini-Storage	-	-	-	-	-	-	-	-	-	-	-	PL	PL	-	PL	-	-	4.09.080C.1
Sexually Oriented Business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	
Veterinarian, office	-	-	-	-	-	-	-	-	P	P	P	P	P	-	P	-	-	
Veterinarian, outdoor/kennel	-	-	-	-	-	-	-	-	PL	PL	-	PL	PL	-	PL	-	-	

Table 4.09-1: Primary Use Table

	Residential Districts					Rural and Agriculture Districts			Mixed-Use, Commercial and Industrial Districts							Govt. and Civic Districts		
Current Zone Districts	R1	RM	RMF	RH	New	RL	RR	R	CL	new	CBD	CG	new	New	I	PA	new	**Use-Specific Standards**
New Zone Districts	R1	R2	R3	R4	OTR	RR1	RR2	R	CMU1	CMU2	BD	CG	CGE	CI	IND	PC1	PC2	
KEY: P = Permitted / PL = Permitted w/Limitations / C = Conditional Use / S = Special Use / - = Not Permitted																		
MARIJUANA (Use category description Sec. 4.09.090)																		
Marijuana Business, medical retail	-	-	-	-	-	-	-	-	-	-	-	S	-		S	-	-	4.09.090A
Marijuana, medical, cultivation by patients and caregivers in residential units	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	-	PL	-	4.09.090B
Marijuana, medical, cultivation by patients and caregivers in non-residential units	-	-	-	-	-	-	-	-	-	-	-	-	-	-	PL	-	-	4.09.090C
Marijuana, medical retail, optional cultivation premises	-	-	-	-	-	-	-	-	-	-	-	S	-	-	S	-	-	4.09.090A.2 4.09.090D
Marijuana, medical, infused products manufacturer / retail	-	-	-	-	-	-	-	-	-	-	-	S	-	-	S	-	-	4.09.090A4. 09.090F
Marijuana Business, recreational, retail (excluding testing facilities)	-	-	-	-	-	-	-	-	-	-	-	S	-	-	S	-	-	4.09.090F
Marijuana, recreational, cultivation for personal use in residential units	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	-	PL	-	4.09.090D
Marijuana, recreational, cultivation in nonresidential units in nonresidential districts	-	-	-	-	-	-	-	-	-	-	-	-	-	-	PL	-	-	4.09.090E
Marijuana, recreational, cultivation facility	-	-	-	-	-	-	-	-	-	-	-	S	-	-	S	-	-	4.09.090F.2
Marijuana, recreational, infused products manufacturer / retail	-	-	-	-	-	-	-	-	-	-	-	S	-	-	S	-	-	4.09.090F.1
Marijuana, recreational, products manufacturing facility	-	-	-	-	-	-	-	-	-	-	-	S	-	-	S	-	-	4.09.090F.3
Marijuana, other testing facility	-	-	-	-	-	-	-	-	-	-	-	S	-	-	S	-	-	4.09.090G
INDUSTRIAL, WHOLESALE, STORAGE (Use category description Sec. 4.09.020E)																		

Table 4.09-1: Primary Use Table

	Residential Districts					Rural and Agriculture Districts			Mixed-Use, Commercial and Industrial Districts							Govt. and Civic Districts		
Current Zone Districts	R1	RM	RMF	RH	New	RL	RR	R	CL	new	CBD	CG	new	New	I	PA	new	Use-Specific Standards
New Zone Districts	R1	R2	R3	R4	OTR	RR1	RR2	R	CMU1	CMU2	BD	CG	CGE	CI	IND	PC1	PC2	
KEY: P = Permitted / PL = Permitted w/Limitations / C = Conditional Use / S = Special Use / - = Not Permitted																		
Asphalt or Concrete Plant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	
Bulk Storage of Hazardous Materials	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	
Contractor's Shop / Warehouse, indoors	-	-	-	-	-	-	-	-	-	-	-	PL	PL	PL	PL	-	-	
Contractor's Yard, outdoor storage	-	-	-	-	-	-	-	-	-	-	-	PL	PL	-	PL	-	-	
Equipment Rental / Sales	-	-	-	-	-	-	-	-	-	-	-	S	S	-	PL	-	-	
Food Processing	-	-	-	-	-	-	-	-	-	-	-	PL	PL	PL	PL	-	-	
Machine Shop / Welding / Carpentry, indoors	-	-	-	-	-	-	-	-	-	-	-	PL	PL	-	P	-	-	
Manufacturing and Assembly, heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	PL	-	-	
Manufacturing and Assembly, light	-	-	-	-	-	-	-	-	-	-	-	PL	PL	-	PL			
Mineral Extraction and Processing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	
Motor Freight Depot / Rail Transfer Yard	-	-	-	-	-	-	-	-	-	-	-	S	S	-	S	-	-	
Newspaper Production / Printing	-	-	-	-	-	-	-	-	PL	PL	PL	P	P	P	P	-	-	
Salvage / Wrecking Yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	PL	-	-	
Sawmill / Forestry Product Processing	-	-	-	-	-	-	-	?	-	-	-	S	S	-	PL	-	-	
Sign Shop	-	-	-	-	-	-	-	-	?	?	?	PL	PL	PL	PL	-	-	
Wholesale Assembly	-	-	-	-	-	-	-	-	C	C	-	PL	PL	-	PL	-	-	
Wholesale Warehouse / Distribution Center	-	-	-	-	-	-	-	-	C	C	-	PL	PL	-	PL	-	-	4.09.100C

Table 4.09-2: Accessory Use Table																		
	Residential Districts					Rural and Agriculture Districts			Mixed-Use, Commercial and Industrial Districts							Govt. and Civic Districts		
Current Zone Districts	R1	RM	RMF	RH	New	RL	RR	R	CL	new	CBD	CG	new	New	I	PA	new	Use-Specific Standards
New Zone Districts	R1	R2	R3	R4	OTR	RR1	RR2	R	CMU1	CMU2	BD	CG	CGE	CI	IND	PC1	PC2	
KEY: P = Permitted / PL = Permitted w/Limitations / C = Conditional Use / S = Special Use / - = Not Permitted																		
Accessory Detached Structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	PL	4.09.120C
Accessory Dwelling Unit (ADU)	PL	PL	PL	PL	PL	PL	PL	PL	-	-	-	-	-	-	-	-	-	4.09.120C
Childcare Home (≤ 6 children)	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	-	PL	PL	-	PL	-	
Drive Thru	-	-	-	-	-	-	-	-	PL	PL	-	PL	PL	PL	-	-	-	4.09.120E
Dwelling Unit, accessory to a non-residential use (employee dwelling unit)	-	-	-	-	-	-	-	-	-	-	-	PL	PL	PL	-	-	-	
Farmer's Market	-	-	-	-	-	-	C	PL	-	-	-	-	-	PL	-	PL	PL	
Farm Stand	-	-	PL	PL	PL	PL	PL	PL	PL	PL	-	-	-	PL	-	PL	C	
Food Service	-	-	-	-	-	-	-	-	-	--	-	P	P	P	-	-	-	
Green Roof, commercial	-	-	-	-	-	-	-	-	PL	PL	PL	PL	PL	PL	PL	-	-	
Home Occupation	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	-	PL	-	4.09.120G
Mobile Vending	-	-	-	-	-	-	-	-	PL	PL	PL	PL	PL	PL	PL	PL	-	
Model Home, temporary	PL	PL	PL	PL	PL	PL	PL	PL	-	-	-	-	-		-	-	-	
Office	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	
Outdoor Storage	-	-	-	-	-	-	-	-	-	-	-	PL	PL	PL	PL	-	-	4.09.100C.2
Outdoor Storage of One RV	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	P	-	4.11.060B.4
Real Estate Office, temporary	PL	PL	PL	PL	PL	PL	PL	PL	-	-	-	-	-	-	-	-	-	
Retail	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	
Shelter, temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	
Showroom	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	
Solar Panel, ground mounted	C	C	C	C	C	PL	PL	PL	C	C	C	PL	PL	PL	PL	PL	-	4.09.130
Solar Panel, roof mounted	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	-	4.09.130
Swimming Pool, residential	PL	PL	PL	PL	PL	PL	PL	PL	-	-	-	-	-	-	-	PL	-	
Swimming Pool, public	-	-	-	-	-	-	-	-	PL	PL	-	PL	PL	PL	-	PL	-	

Tennis Court, residential	PL	PL	PL	PL	PL	PL	PL	PL	-	-	-	-	-	-	-	PL	-	
Tree Storage / Lot, temporary						P	P	P	P	P	P	P	P	P	-	-	-	
Wind Energy, commercial	-	-	-	-	-	-	-	S	C	C	C	C	C	C	C	-	-	
Wind Energy, residential roof mounted	PL	PL	PL	PL	PL	PL	PL	PL	-	-	-	-	-	-	-	PL	-	
Wireless Communication Facility	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	-	

4.09.050 Standards Applicable to All Uses[24]

A. Applicability[25]

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 Standards[26]

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

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[24] Current 4.04.100.J

[25] Drafting note: this standard will be moved to the parking and loading section: "

[26] Drafting note: additional standards related to sensitive lands, hazard areas, and wildlife have been included in Chapter 4.14, Sustainability, Resilience, and Hazards.

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.

4.09.060 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 residential 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 residential 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. Mixed-Use Structure, Second Story Residential

1. In the BD, 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 PC1 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.

D. Manufactured Home, Single Unit

A manufactured home that is either constructed pursuant to the 2022 HUD energy efficiency standards or is Energy Star qualified may be installed on a permanent foundation.

E. Manufactured Home Park (MHP) [27]

1. Intent

a. The Manufactured Home Park (MHP) use is intended to provide a means to review and accommodate manufactured home parks in those areas of the Town where the use will be compatible with existing and indicated future development. Manufactured home parks shall be designed to provide a quality living environment for park residents and appropriate buffering to adjoining land uses.

b. 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 Code, 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 Code, 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. [28]

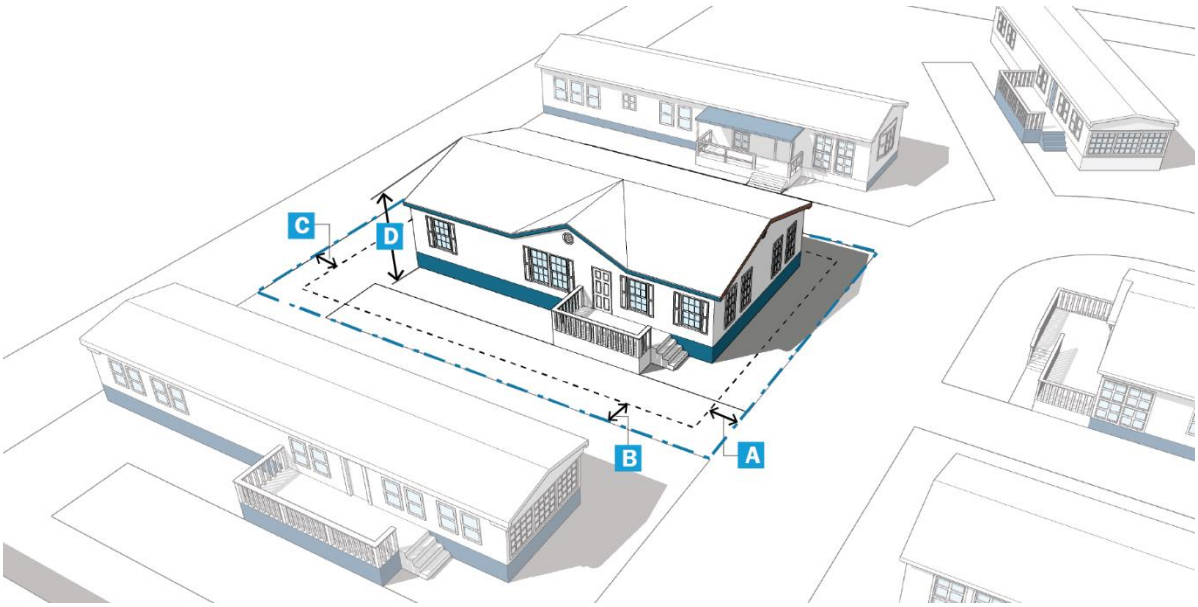
2. Applicability[29]

a. 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 4.18, Nonconformities.

b. Establishment of a manufactured home park shall follow procedures for Special Use Permit as set forth in Section 4.17.080G.

3. Park and Subdivision Design[30]

[27] Public Draft: Moved from residential zone districts to residential uses, allowed through Special Use Permit.
[28] Current 4.09.010
[29] Current 4.09.020
[30] Current 4.09.030. This graphic will be revised to reflect standards used in current manufactured home parks.



Lot Standards	
MH Park Total Area (min/max)	2/5 acre
Individual Lot Area, total (min)	
Single unit, < 1,000 sf area	2,000 sf
Single unit, > 1,000 sf area	4,000 sf
Double unit	6,000 sf
Lot Depth (min)	
Individual lot	100 ft
Lot Coverage (max)	35%

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

4. **Setbacks**

   a. The side and rear setback areas shall serve as landscaped buffers. Setback landscaping shall meet the requirements of Section Error! Reference source not found., **Error! Reference source not found.**.

   b. Vehicular entrances and exits to the park shall be landscaped and shall provide a clear delineation of traffic flow patterns.

5. **Uses**

   a. .Primary uses:

      i. Manufactured homes constructed after 2001 that are Energy Star qualified. Non-HUD Certified mobile homes are prohibited.

      ii. Tiny homes that meet all Town regulations for a single-unit detached dwelling on a permanent foundation.

b. One accessory caretaker unit is permitted. Other 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.

6. Streets and Circulation

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.

c. Manufactured home parks must have pedestrian walkways, a minimum of five feet wide, located on at least one side of the access road serving manufactured homes, community centers, and recreational facilities. Where practicable, the pedestrian walkways must be located adjacent to streets serving the homes, community centers, and recreational facilities.

7. 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.

8. Common Facilities

a. Open Space
An amount of land roughly proportionate to the impact created by the proposed development must be set aside as open space. Common open space may be designed for active or passive recreation. Driveways, parking lots, and required yard areas shall not be included in the open space calculation. The Town Council may reduce this requirement if it finds that the manufactured home park is located adjacent to or within one-quarter mile of a public park, which provides recreational facilities, and the manufactured home park provides an easement for and develops a pedestrian trail to the park.

b. 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.

c. 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.

d. Trash Receptacles

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. Trash receptacles shall either be wildlife resistant or

iv. Access to the receptacles must be provided to allow easy ingress and egress by trash hauling vehicles.

v. All pick-up areas shall have a concrete floor and be enclosed on three sides.

9. Manufactured Home Lots

Every manufactured home 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 within the manufactured home park. All manufactured home lots must be designated on the development plan and must designate whether the lot is to be used for placement of a single unit manufactured home or a double unit 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 10 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

(a) All areas of the manufactured home lot except the pad and parking lot must be landscaped pursuant to Chapter 4.11, Landscaping and Buffering Standards. 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.

4.09.070 Standards for Public, Civic, and Institutional Uses

A. 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.
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. 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.

C. Group Homes

Add standards regarding state requirements

D. 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.

E. 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

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.

F. Religious Assembly

1. Supplemental Review Standards:

a. Religious assembly uses shall be reviewed as a special use in all 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.

4.09.080 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 residential 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&12, 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;

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. Campground[31]

3. Extended Stay Temporary Lodging Facilities[32]

[31] Drafting note: Does the Town want to establish standards for campgrounds separately from RV parks or as part of an RV park?
[32] Current 4.04.100.O

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.

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 Park[33]

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 Code, 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.[34] 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.

[33] 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 Dyrt)? Also, should this RV park standard update allow permanent shelter such as cabins or yurts?

[34] Drafting note: move to parking standards and evaluate enforcement options.

iii. Establishment of a recreational vehicle park shall require a special use permit, pursuant to Chapter 4.05.

c. Design and Operation[35]

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

(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

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

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,[36] 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 Rentals[37]

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 Director on forms supplied by the Town.

[36] Drafting note: confirm with Public Works.

[37] Current standards, adopted in 2020

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.

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 Director 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.

4.09.090 Standards for Marijuana Uses[38]

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 Town Council shall first review for approval the application which was first submitted and determined to be complete by the Director.

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 Town Council shall first review for approval the application which was first submitted and determined to be complete by the Director.

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 Town Council shall first review

[38] Current 4.04.100.P to .U

for approval the application which was first submitted and determined to be complete by the Director.

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 Director, 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 Town Council approves a major change to a medical marijuana business, the Town Council 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 their 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 Broadway District (BD), Commercial Limited (CL), Commercial General (CG), Public Area (PA), and Industrial (I) Zone Districts[39] 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

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

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 Broadway District (BD), Commercial Limited (CL), Commercial General (CG), Public Area (PA), and the Industrial (I) Zone Districts[40] 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 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 their 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 Broadway District (BD), Commercial Limited (CL), Commercial General (CG), Public Area (PA), and Industrial (I) Zone Districts[41] must not be perceptible from the exterior of the building or unit.

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

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

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 their 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 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, makestheir 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 District[42] 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.

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 Town Council shall first review for approval the application which was first submitted and determined to be complete by the Director.

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

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 Town Council shall first review for approval the application which was first submitted and determined to be complete by the Director.

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 Town Council shall first review for approval the application which was first submitted and determined to be complete by the Director.

4. **Permitted Locations**

   a. Retail marijuana stores and retail marijuana cultivation facilities shall only be located in the Commercial General (CG) and Industrial (I) Zone Districts[43] 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.

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

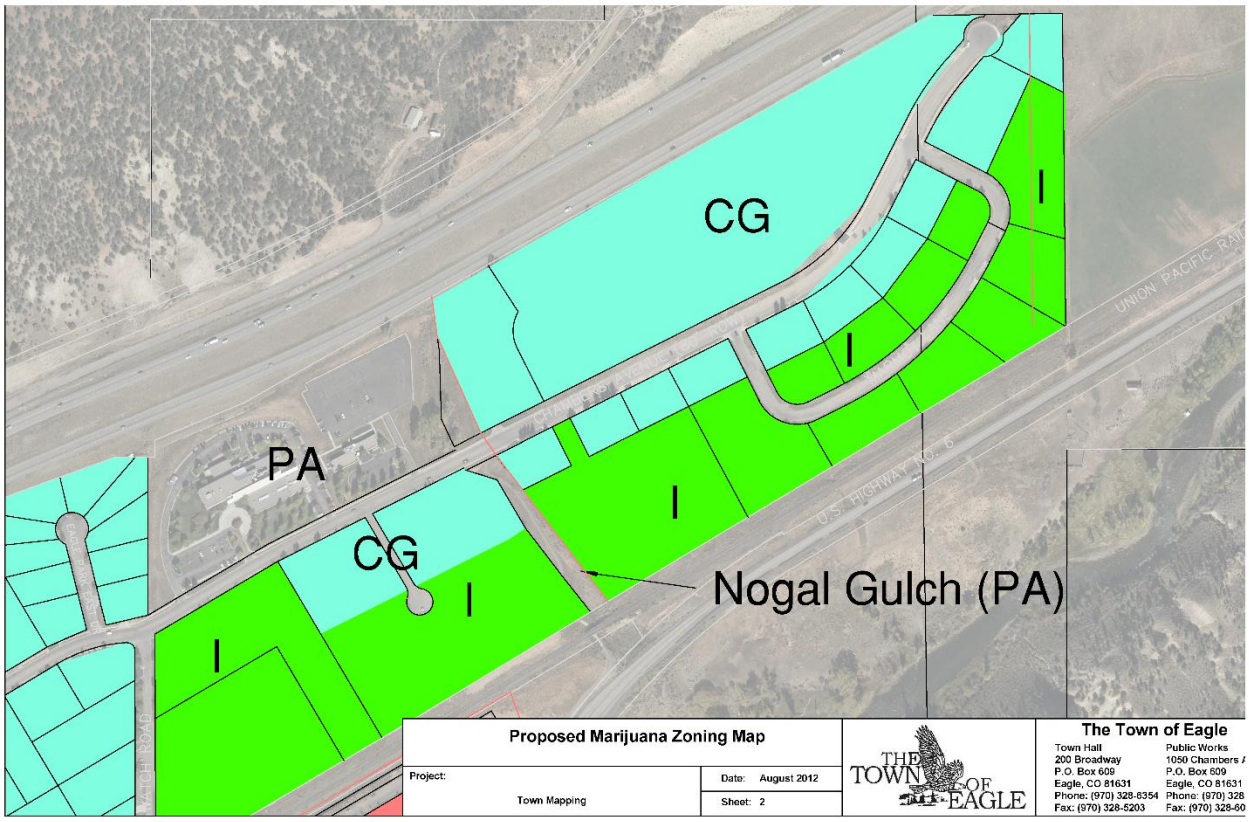


Exhibit A: Area Where Medical Marijuana Businesses, Retail Marijuana Businesses, and Marijuana Testing Facilities are Permitted

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 Director, 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 Town Council approves a major change to a retail marijuana business, the Town Council 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 Town Council shall first review for approval the application which was first submitted and determined to be complete by the Director.

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 Director, 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 Town Council approves a major change to a marijuana testing facility, the Town Council 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;

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.

4.09.100 Standards for Industrial, Wholesale, and Storage Uses

A. Generally Applicable Industrial Use Standards[44]

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:

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;

[44] Current 4.01.100.L

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,

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.

4.09.110 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.

4.09.120 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.

C. Accessory Buildings, Not Habitable

Unless otherwise specified in a zone district, a non-dwelling accessory building may be located in a required rear yard as follows:

1. Required rear and side setbacks: 7½-feet from the lot line shall be maintained.
2. 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.[45]

D. 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. Two ADUs are allowed on lots containing a duplex, unless the duplex has been divided into individual lots, in which case each lot may have one ADU.
2. An ADU may be located in a single-family or duplex dwelling, attached to a single-family or duplex dwelling, detached from a single-family or duplex 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 (either the primary structure, one of the duplexes, or one of the ADUs) 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 4.12.040.
9. The design and size of the apartment shall conform to all other applicable standards and requirements.

E. Accessory Lodging

Comment: The Town is considering standards for accessory lodging to allow pocket campgrounds and overnight/longer-term stay van parking. This section will be posted for public review in early May.

F. 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).

[45] Drafting Note: change this reference to applicable zone districts after SRD.

1. Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments located within 50 feet of any residential 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.

G. Home Occupation Standards[46]

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 residential; 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.

H. 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.

[46] Current 4.04.100.K

I. 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,
   - **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).

J. 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 BD 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.
   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.

K. Outdoor Storage

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

4.09.130 Solar Energy Facility Standards[47]

A. Solar Energy Facilities

1. **Applicability**
   a. These standards apply to the establishment of any new photovoltaic or solar thermal SEF within the Town. Concentrated solar power systems are prohibited.
   b. An SEF established prior to the effective date of this Code shall not be required to meet the requirements of this Code, however:
      i. Physical modification or alteration to an existing SEF that materially alters the size, type or components of the SEF shall be subject to this Code. Only the modification or alteration is subject to this Code;
      ii. Substantial conformance review determinations are not major amendments to a project's existing permits; and
      iii. Routine operation and maintenance or like-kind replacements do not require a permit.
2. **Tier Descriptions**

   Solar energy facilities are divided into three tiers that describe the intensity and impact of the use on the property and adjacent properties.
   a. Tier 1: Accessory Solar Energy Facilities meet the following criteria:
      i. Is an accessory use on the site that provides energy primarily for on-site use; and

[47] New

ii. Can be building-mounted or ground-mounted, which may include: rooftop systems, building-integrated solar (e.g., shingle, hanging solar, canopy, new technology), or covered permanent parking or other hardscape areas.

b. Tier 2: Intermediate Solar Energy Facilities meet the following criteria:

i. Is the primary use on the site or a secondary use that exceeds the size criteria for a Tier 1 SEF.

ii. Provides energy for on-site or off-site use, and

iii. Can be building-mounted or ground-mounted and may include rooftop systems, building-integrated solar, and covered permanent parking or other hardscape areas.

c. Tier 3: Large-Scale Solar Energy Facilities are large-scale, primary or secondary SEFs that provide energy for on-site or off-site use.

3. Standards for Ground-Mounted SEFS

a. Size: The maximum footprint for a ground-mounted SEF shall be as follows:

i. Tier 1:

(a) Residential and mixed-use districts: 2,000 sf or 25% of the lot size, whichever is less.

(b) Agricultural, commercial, industrial, and public districts: 4,000 sf or 25% of the lot size, whichever is less.

ii. Tier 2:

(a) IND district: up to 10 acres.

iii. Tier 3: Maximum size determined through special use review process.

b. Height: The maximum height for a ground-mounted SEF shall be as follows:

i. Residential districts: 10 feet

ii. All other districts: 20 feet

c. Setbacks: Ground-mounted SEFs shall comply with the following setback standards:

i. All SEFs shall meet the setback requirements of the individual zone district where located.

ii. Tier 2 SEFs in commercial and industrial districts shall provide 100-foot minimum setback between the edge of the SEF installation boundary and any residential district.

iii. Tier 1 and Tier 2 SEFs may not be located between the front building line and the street.

4. Height Standards for Building-Mounted SEFS

a. Tier 1 SEFs shall be subject to the maximum height for zone district or a maximum of five feet above the height of the roofline, whichever is less. Additional height may be requested through the special use review process.

b. Tier 2 SEFS shall be subject to the maximum height for the zone district or a maximum of 10 feet above the height of the building, whichever is greater. Additional height may be requested through the special use review process.

5. **Permit Required**
   The following permit requirements are applicable to SEF systems.

   a. Submission Requirements for Tier 2 and Tier 3 SEFs: Tier 2 zoning compliance permit and Tier 3 special review SEF applications shall include the following information:

      i. A landscape plan showing that all areas occupied by the facility that are not utilized for access to operate and maintain the installation shall be planted and maintained with a naturalized grass or other vegetation for the purpose of soil stabilization or other methods approved by the Director.

      ii. A storm water management plan showing existing and proposed grading and drainage demonstrating no net increase in runoff.

      iii. A maintenance plan for the continuing maintenance of the SEF, which may include, but not be limited to, planned maintenance of vegetation or ground cover, equipment maintenance, and plans for cleaning of solar panels if required.

      iv. A decommissioning plan.

   b. Following approval, all permit holders are required to submit an annual compliance statement that confirms that the system is still active and compliant with the permit and that provides current owner and emergency contact information. This requirement shall not preclude the Town from undertaking a separate compliance report, where confirmation of data provided by the facility's operator is desired.

6. **Generally Applicable Standards**

   a. Off-Site Facilities: When the SEF is located on more than one parcel, there shall be proper easement agreement or other approved methods for the notification of all impacted parties.

   b. Septic System Avoidance: The SEF shall not be located over a septic system, leach field area or identified reserve area;

   c. Conform to Development Standards for Underlying Zone: The SEF shall be ground mounted, or when located on structures, the SEF shall conform to the development standards for a principal structure in the zone in which such facilities and structures are to be located, except as otherwise provided herein.

   d. If lighting is required, it shall be activated by motion sensors, fully shielded and downcast type where the light does not spill onto the adjacent parcel or the night sky.

   e. The site shall comply with Chapter 4.11, Landscaping and Buffering.

   f. The facility shall be enclosed by a six-foot tall fence (eight feet if razor or barbed wire is to be used), barrier, or other appropriate means designed to prevent or restrict unauthorized persons or vehicles from entering the parcel(s). Fences or barriers shall incorporate wildlife friendly design. No barrier shall be required where projects employ full-time security guards or video surveillance.

   g. Signs: Signs on SEFs are prohibited. Permanent or temporary commercial signs (including flags, streamers, or decorative items), are prohibited from being displayed on any SEF equipment. As appropriate and for emergency and safety purposes, SEF equipment shall

display identification of the manufacturer, facility owner and/or operator, and an emergency contact number.

7. Abandonment

a. Applicability

i. An SEF, other than a Tier 1 system, that ceases to produce electricity on a continuous basis for 12 months shall be considered abandoned unless the property owner or facility operator demonstrates by substantial evidence satisfactory to the Town that there is no intent to abandon the facility.

ii. A property owner or facility operator with an abandoned system shall follow the decommissioning plan to remove the system. If the system was approved without a decommissioning plan, the property owner or facility operator shall remove all equipment and facilities and restore the site to original condition upon abandonment.

iii. Facilities deemed by the Town to be unsafe and facilities erected in violation of this section shall also be subject to this section.

b. Determination of Abandonment

i. Based on the information provided in an annual compliance statement or verified zoning complaint, the Director shall have the right to request documentation and/or affidavits from the property owner regarding the system's usage and shall make a determination as to the date of abandonment or the date on which other violation(s) occurred. The Director shall submit the documentation and coordinator's findings to the Town Council, property owner, and facility operator and schedule a public hearing for a determination of abandonment.

ii. Upon a determination of abandonment or other violation(s), the Town shall send a notice to the property owner and facility operator, indicating that the responsible party shall remove the SEF and all associated facilities, and remediate the site to its approximate original condition within a reasonable timeframe established by the Town, unless the town determines that the facilities must be removed in a shorter period to protect public safety. Alternatively, if the violation(s) can be addressed by means short of removing the SEF and restoration of the site, the Town may advise the property owner and facility operator of such alternative means of resolving the violation(s).

iii. If the property owner or facility operator does not comply, the Town may remove the SEF and restore the site and may thereafter:

(a) Draw funds from the bond, security, or financial assurance that was established during permitting, and

(b) Initiate judicial proceedings or take other steps authorized by law against the responsible parties to recover only those costs associated with the removal of structures deemed a public hazard.

8. Decommissioning

a. A decommissioning plan shall be prepared for Tier 2 and Tier 3 applications and submitted with the permit or special use review application. The plan shall address the following:

i. Defined conditions upon which decommissioning will be initiated (e.g., end of land lease, no power production for 12 months, etc.)

ii. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations, and restoration of property to condition prior to development of the SEF. This shall include a revegetation plan. The applicant may propose retaining some site improvements, such as roads and infrastructure, subject to landowner consent and City approval.

iii. Timeframe for completion of decommissioning activities, not to exceed one year.

iv. Description and copy of any lease or any other agreement with landowner regarding decommissioning.

v. Name and address of person or party responsible for decommissioning.

vi. Plans and schedule for updating this decommissioning plan.

vii. A professional engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the Town that:

(a) The financial resources for decommissioning shall be in the form of a surety bond or letter of credit and shall be deposited in an escrow account with an escrow agent acceptable to the Town .

(b) The Town shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within one year of the end of project life, inoperability of individual WECS turbine, or facility abandonment. Escrow funds may be used for administrative fees and costs associated with decommissioning.

(c) The Town is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.

(d) The Town is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Town's right to seek reimbursement from applicant, operator, or their successor(s) for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant, operator, or their successor(s), or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce the lien.

B. Wind Energy Facilities

Comment: The creation of wind energy facility standards for Eagle is under consideration based on a preliminary look at the NREL wind maps. If this section is created, a draft will be posted for public review in early May.