

Commissioner Stavick moved adoption
of the following Resolution:

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EAGLE, STATE OF COLORADO

RESOLUTION NO. 2012 - 106

APPROVAL
OF THE AMENDED AND RESTATED EAGLEVAIL PLANNED UNIT
DEVELOPMENT GUIDE

FILE NO. PDA-3616

WHEREAS, on or about February 22, 2012, the County of Eagle, State of Colorado, accepted for filing an application submitted by the EagleVail Property Owners Association (hereinafter "Applicant") for approval of a major Planned Unit Development Amendment (the "PUD Amendment"), File No. PDA-3616; and

WHEREAS, the PUD Amendment will update the existing EagleVail Planned Unit Development Guide document (the "PUD Guide"), as previously amended in October 2006, for the purpose of increasing the PUD Guide's conformance with certain definitions and standards promulgated by the Eagle County Land Use Regulations; eliminating certain provisions and procedures of the EagleVail PUD Guide; re-designating permitted land uses for certain tracts of land within the EagleVail PUD and; providing additional development potential within certain land use categories within the EagleVail PUD. Specifically, the PUD Amendment will:

- 1) Strike certain definitions as found in Section 2, Definitions, EagleVail PUD Guide;
- 2) Add an "Administrative Review" clause under Section 1, General, EagleVail PUD Guide;
- 3) Re-designate Tract I-A, Filing No. 1, the former swimming pool site, from "Recreation" to "Multi-Family";
- 4) Re-designate Lot 17, Block 3, Filing No. 2 (formally known as "Ptarmigan Park"), from "Duplex" to "Recreation";
- 5) Re-designate Lots 6 & 7, Block 2, Filing No. 1 (formally known as "Coyote Park"), from "Duplex" to "Recreation";
- 6) Re-designate Lot 68, Block 3, Filing No. 1 (formally known as Trout Pond Park"), from "Duplex" to "Recreation";
- 7) Add Public recreation and park facilities to the definition and land use for Multi Family Lots to clarify current and future uses allowed in "Pavilion Park";
- 8) Update the "Multi-Family Unit Inventory" to reflect current conditions;
- 9) Revise "Uses by Right" and "Special Use Review" for several land use categories, specifically to ensure permitted land uses such as "Day Care Home", "Home Occupation" and "Home Business" are similar to those provided within Eagle County Land Use Regulations;
- 10) Add language specific to the allowance and regulation of Medical Marijuana Businesses and activities within the EagleVail PUD;
- 11) Increase the allowable Floor Area Ratio ("FAR") for certain land use categories;

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- 12) Increase the allowable Lot Coverage percentage for certain land use categories;
- 13) Increase the allowable Impervious Coverage ("Total Impervious Materials") for certain land use categories;
- 14) Revise the parking standards for certain land use categories to ensure such standards are similar to those provided for within the Eagle County Land Use Regulations, and to provide consistency in the language used to describe such standards;
- 15) Strike Section 8, "Signs", subparagraph "d", "Sign Allowance" of the PUD Guide and replaced said subparagraph with language referencing the Applicant's obligation to provide a "Comprehensive Sign Program" for the EagleVail PUD;
- 16) Strike Section 4, Uses, Special Review; and

WHEREAS, at a public hearing held on May 16, 2012, the Eagle County Planning Commission, based upon its findings, recommended **Approval** of the proposed major PUD Amendment; and

WHEREAS, at a public hearing on July 3, 2012, the Board of County Commissioners (hereinafter "the Board") of the County of Eagle, State of Colorado, considered the proposed major PUD Amendment.

NOW, THEREFORE, based on the evidence, testimony, exhibits, and study of the Comprehensive Plan for the unincorporated areas of Eagle County, comments of the Eagle County Planning Department, comments of public officials and agencies, the recommendation of the Planning Commission, and comments from all interested parties, the Board of County Commissioners of the County of Eagle, State of Colorado, finds as follows:

1. That proper publication and public notice **WAS** provided as required by law for the hearings before the Planning Commission and the Board.
2. As required by the *Eagle County Land Use Regulations* Section 5-240.F.3.e. Standards for the review of a PUD Amendment:
 - (1) **Unified ownership or control.** The title to all land that is part of this PUD **IS** owned or controlled by one (1) person and/or entity.
 - (2) **Uses.** The uses that may be developed in the PUD approved in the original PUD approval by the Board of County Commissioners of Eagle County and approved by this PUD Amendment, **ARE** consistent with uses that are allowed, allowed as a special use or allowed as a limited use in Table 3-300, "Residential, Agricultural and Resource Zone Districts Use Schedule", or Table 3-320, "Commercial and Industrial Zone Districts Use Schedule", for the zone district designation in effect for the property at the time of the application for PUD.
 - (3) **Dimensional Limitations.** The dimensional limitations that shall apply to the PUD **ARE** as specified in Table 3-340, "Schedule of Dimensional Limitations", for the zone district designation in effect for the property at the time of the application for PUD.
 - (4) **Off-Street Parking and Loading.** Off-street parking and loading provided in the PUD **COMPLY** with the standards of Article 4, Division 1, Off-Street Parking and Loading Standards.

- (5) **Landscaping.** It **HAS** been demonstrated that landscaping provided in the PUD **DOES** comply with the standards of Article 4, Division 2, Landscaping and Illumination Standards.
 - (6) **Signs.** The sign standards applicable to the PUD **ARE** as specified in Article 4, Division 3, Sign Regulations, Eagle County Land Use Regulations and are provided for within a Comprehensive Sign Program approved for the EagleVail PUD.
 - (7) **Adequate Facilities.** As conditioned, it **HAS BEEN** demonstrated that the development proposed in the PUD **WILL** provide adequate facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, fire protection and roads and **WILL** be conveniently located in relation to schools, police and fire protection, and emergency medical services.
 - (8) **Improvements.** As conditioned, the applicable improvements standards for the EagleVail PUD **WILL** provide for safe, efficient access, logical and convenient internal pathways, unhindered emergency vehicle access, smooth vehicular and pedestrian circulation, and sufficient snow storage.
 - (9) **Compatibility with Surrounding Land Uses.** All aspects of the development proposed within the PUD **ARE** compatible with the character of surrounding land uses.
 - (10) **Consistent with Comprehensive Plan.** As conditioned, the proposed PUD Amendment **IS** consistent with all stated purposes, goals, objectives and policies of applicable master plans.
 - (11) **Phasing.** Because the EagleVail PUD is considered “built-out”, no phasing plans were presented or considered at this time.
 - (12) **Common Recreation and Open Space.** The common recreation and open space standards with respect to: (a) Minimum area; (b) Improvements required; (c) Continuing use and maintenance; or (d) Organization **WILL NOT** be altered by this proposed PUD Amendment.
 - (13) **Natural Resource Protection.** The PUD Amendment **DOES** demonstrate that the recommendations made by the applicable analysis documents available at the time the application was submitted, as well as the recommendations of referral agencies as specified in Article 4, Division 4, Natural Resource Protection Standards, have been considered in the design.
3. As required by the *Eagle County Land Use Regulations* Section 5-240.F.3.m Amendment to Preliminary Plan for PUD:
- (a) **Modification.** The modification, removal, or release **IS** consistent with the efficient development and preservation of the entire Planned Unit Development;
 - (b) **Adjacent Properties.** The PUD Amendment **DOES NOT** affect, in a substantially adverse manner, either the enjoyment of land abutting upon or across a street from the Planned Unit Development or public interest; and

(c) **Benefit.** The PUD Amendment **IS NOT** granted solely to confer a special benefit upon any person.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Eagle, State of Colorado:

THAT, this AMENDED AND RESTATED EAGLEVAIL PLANNED UNIT DEVELOPMENT GUIDE, Eagle County File No. PDA-3616 (attached as Exhibit 'A' to this Resolution) be and is hereby **approved** with the following conditions:

1. Except as otherwise modified by this development permit, all material representations made by the Applicant in this application and in public meetings shall be adhered to and considered conditions of approval.
2. As directed by the Board at the hearing, the Applicant shall revise certain language proposed within the PUD Guide regarding parking standards, to be consistent for each land use category.
3. The Applicant shall revise Section 1, "General" of the PUD Guide to specify that no parking is permitted within the public rights-of-way. Alternatively, the Applicant may revise the parking requirements for all land use categories shown within Section 5, "Use Restrictions and Guidelines" of the PUD Guide to specify "Off-Street Parking Requirements".
4. The Applicant shall add a provision within Section 1, "General" of the PUD Guide or within Section 5, "Use Restrictions and Guidelines" to address the intent to prohibit landscape and other improvements within public rights-of-way as directed by the Board during the hearing.

THAT, the Board of County Commissioners directs the Community Development Department to provide a copy of this Resolution to the Applicant.

THAT, the Board further finds, determines and declares that this Resolution is necessary for the health, safety and welfare of the inhabitants of the County of Eagle, State of Colorado.

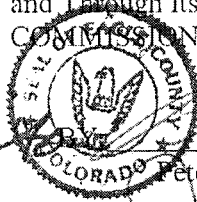
MOVED, READ AND ADOPTED by the Board of County Commissioners of the County of Eagle, State of Colorado, at its regular meeting held this 9 day of OCTOBER, 2012.

COUNTY OF EAGLE, STATE OF COLORADO, By
and Through Its BOARD OF COUNTY
COMMISSIONERS

ATTEST:

BY:

Teak J. Simonton
Teak J. Simonton
Clerk to the Board of
County Commissioners



Peter F. Runyon
Peter F. Runyon, Chairman

BY:

Jon Stavney
Jon Stavney, Commissioner

BY:

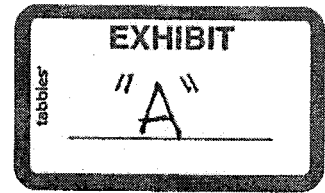
Sara J. Fisher
Sara J. Fisher, Commissioner

Commissioner FISHUP seconded adoption of the foregoing resolution. The roll having been called, the vote was as follows:

Commissioner Peter F. Runyon
Commissioner Jon Stavney
Commissioner Sara J. Fisher

Aye
Aye
Aye

This Resolution passed by 3/0 vote of the Board of County Commissioner of the County of Eagle, State of Colorado.



EAGLE VAIL PUD GUIDE Amended and Restated February 10, 2012

Purpose

To provide for the Eagle Vail Subdivision, Filings 1 and 2, Eagle County, Colorado and Whiskey Hill, Eagle County, Colorado, the necessary control document pursuant to Section 24-67-101 et seq., C.R.S. and Section 2.06.13 of the existing Land Use Regulations which was not previously adopted by the Board of County Commissioners, the Eagle Vail Subdivision having been developed prior to the adoption of these Land Use Regulations.

Brief History

The Eagle Vail Subdivision was created in the early 1970's as a Planned Unit Development (PUD) within unincorporated Eagle County. As a PUD the subdivision was required to file documents with Eagle County to establish specific land use and zoning requirements. In the beginning the land use was quite specific, but the details within that use could be vague. The Eagle Vail Subdivision Protective Covenants for Filing No. 1 (June 1972) stated "There shall be no general rules governing building set backs in relation to property lines...". Building Area (Floor Area Ratio) was not mentioned, nor was Lot Coverage or many other usual zoning topics. There were references to building height (up to 6 stories was allowed on multi-family lots), and parking (1-1/2 spaces per residential unit). In 1974, Filing 2 (generally west of the Stone Creek entrance and north of U S Highway 6) was added, and the Whiskey Hill Subdivision (generally 2 lots deep north of Daisy Lane) soon after. Both additions had similar covenants. On September 26, 1979, the Board of Eagle County Commissioners adopted The Eagle Vail PUD Guidelines (a stand-alone document). This was the first comprehensive set of zoning regulations to apply to the subdivision. This document has been amended several times, and was eventually relocated to be part of the Eagle County Land Use Regulations as the Eagle Vail PUD Guide.

Because of this, there are many pre-existing non-conforming situations existing throughout the subdivision.

1. General

- a. The zoning and land use restrictions set forth in this Section 2.06.15 shall apply to all real property located and included within the Eagle Vail Subdivision, Filings Nos. 1 and 2, as set forth on the final plats thereof recorded in Book 225 at Page 302 and Book 232 at Page 782, respectively, of the Eagle County real property records, Amended Final Plat of Lot 2, 3, 22, Block 2, Filing 2 recorded in Book 233 at Page 612 and Whiskey Hill as set forth on the final plat thereof recorded in Book 256 at Page 733 and the Oleson Final Plat recorded at Reception No. 838271 said Subdivisions being hereinafter referred to throughout these regulations as "Eagle Vail".

- b. The remaining provisions of the Eagle County Land Use Regulations shall apply to development within Eagle Vail to the extent applicable and not inconsistent with the specific provisions of this document. In the event of a conflict, inconsistency or incongruity between the provisions of this document and the provisions in the Eagle

County Land Use Regulations, the provisions of this document shall in all respects govern and control the development of Eagle Vail.

- c. The procedure for modifying or amending this document as applied to specific instances shall be governed by Section 5-240, Planned Unit Development (PUD) District of the Eagle County Land Use Regulations.
- d. Administrative Review: Application for design approval shall be made to the EagleVail Design Review Committee and following this documented approval, to Eagle County Community Development Dept. for required construction permits. Eagle County shall not issue any building permit that involves a change to the exterior appearance of any building without EagleVail DRC approval.
- e. Special Review: The Eagle Vail special review shall follow all the requirements for a special use permit, as shown at Section 5-250, Special Uses of the Eagle County Land Use Regulations.
- f. There is no on-street parking allowed on the public streets in EagleVail. All required parking must be met on-site and be clear of the public right-of-way.
- g. No physical improvements or landscaping shall be placed in the public right-of-way without approval of Eagle County.

2. **Definitions** - As used in this document, the following words and terms shall have the following meanings. *Refer also to definitions found in the Eagle County Land Use Regulations.*

- a. "Commercial Lot" shall mean and refer to a parcel which may be used for multiple family residential purposes, condominiums, apartments, retail shops, service shops (including automobile service stations), restaurants, motels, hotels, lodges, medical clinics and professional offices.
- b. "Duplex Lot" shall mean and refer to a lot which may be used solely for residential purposes and upon which not more than one building containing not more than two Dwelling Units and not more than two garages may be constructed.
- c. "Fourplex Lot" shall mean and refer to a lot which may be used solely for residential purposes and upon which not more than one building containing not more than four Dwelling Units, and not more than four garages, may be constructed.
- d. "Multi-Family Lot" shall mean and refer to a lot which may be used solely for residential and public recreation and park facility purposes, upon which may be constructed a building or buildings to be used for multi-family residential purposes (condominiums, townhouses, apartments or other comparable uses) or public recreation purposes, provided that the total number of Dwelling Units to be constructed on a particular Multi-Family Lot shall not exceed the number of Dwelling Units allowed for such lot as designated on the recorded final plat relative thereto and/or as further designated in this document.
- e. "Recreation Lot" shall mean and refer to a parcel which may be used solely for recreational purposes such as golf, swimming, picnicking, volleyball, open space and the like, and which may have constructed thereon buildings associated with such uses.

- f. “Single Family Lot” shall mean and refer to a parcel which may be used solely for residential purposes and upon which not more than two structures, one of which can have no more than 1500 square feet of the total available square footage, can be built. An accessory dwelling unit not larger than 800 square feet is allowed, which may not be subdivided from the primary unit.
- g. “Telephone Switching Station” shall mean and refer to a lot which may be used for housing telephone switching / related equipment inside a building, and associated employee parking, and excludes external antenna and antenna support structures.
- h. “Medical Marijuana” shall mean marijuana that is grown and sold pursuant to all applicable provisions of the State of Colorado and for a purpose authorized by Section 14 of Article XVIII of the State Constitution. *(revised 2/10/12)*
- i. “Medical Marijuana Center” shall mean a person licensed pursuant to all applicable provisions of these land use regulations and the State of Colorado to operate a business that sells medical marijuana to registered patients or primary caregivers as defined in Section 14 of Article XVIII of the State Constitution, but is not a primary caregiver. *(revised 2/10/12)*
- j. “Medical Marijuana-Infused Product” shall mean a product infused with medical marijuana that is intended for use or consumption other than by smoking, including but not limited to edible products, ointments and tinctures. These products, when manufactured or sold by a properly permitted, licensed medical marijuana center or a medical marijuana-infused product manufacturer, shall not be considered a food or drug for the purposes of the Colorado Food and Drug Act, Part 4 of Article 5 of Title 25, C.R.S. *(revised (2/10/12)*
- k. “Medical Marijuana-Infused Products Manufacturer” shall mean a person who is properly permitted by Eagle County and the State of Colorado to operate medical marijuana related manufacturing business. *(revised (2/10/12)*
- l. “Medical Marijuana Businesses” shall mean any business relating to medical marijuana cultivation, manufacturing of medical marijuana-infused products and medical marijuana centers. *(revised (2/10/12)*
- m. “Medical Marijuana Patient” shall mean a person who has a debilitating medical condition that was previously diagnosed by a physician and has properly obtained a registry card from the Colorado Department of Public Health and Environment prior to engaging in the medical use of marijuana, or as this term may be defined by the State of Colorado. *(revised (2/10/12)*
- n. “Medical Marijuana Primary Care-Giver” shall mean a person, other than the patient and the patient’s physician, who is eighteen years of age or older and has significant responsibility for managing the well-being of a patient who has a debilitating medical condition and who has obtained a registry card from the Colorado Department of Public Health and Environment prior to engaging in the distribution of medical marijuana, or as this term may be defined by the State of Colorado. *(revised (2/10/12)*

- o.** “Person” shall mean a natural person, partnership, association, company, corporation, limited liability company, or organization, or a manager, agent, owner, director, servant, officer, or employee thereof.
- p.** “Premises” shall mean a distinct and definite location, which may include a building, a part of a building, a room, or any other definite contiguous area.
- q.** “School” shall mean a public or private preschool or a public or private elementary, middle, junior high, or high school.

3. Use Regulations

a. Land Uses

The lots within the Eagle Vail Subdivision, Filing Nos. 1 and 2, and Whiskey Hill and the Amended Final Plat of Lots 2, 3, 22, Block 2, Filing 2 as designated and described on the recorded final plats thereof fall within the following land use categories:

Definition	Lot Description
3.1) Single Family Lot	(a) Oleson Subdivision Lots 1-3 (orig. 10/02/00)
3.2) Duplex Lot	(a) Eagle Vail Subdivision, Filing No. 1: Block 1, Lots 10-72, inclusive; Block 2, Lots 1-5, inclusive; Block 3, Lots 1-15, inclusive; Block 3, Lots 28-66, inclusive; Block 3, Lots 69-72, inclusive; Block 3, Lots 74-101, inclusive; Block 3, Lots 110-126, inclusive; Block 6, Lots 1-11, inclusive Block 6, Lots 14-20, inclusive; Block 6, Lot 28; Block 7, Lots 1-6, inclusive; Block 8, Lots 1-6, inclusive; Tract F. (b) Eagle Vail Subdivision, Filing No. 2: Block 1, Lots 1-19, inclusive; Block 1, Lots 25-51, inclusive; Block 1, Lots 53-79, inclusive; Block 1, Lots 7-21, inclusive; Block 3, Lots 13-16, inclusive; Block 3, Lots 18-42, inclusive; Block 4, Lots 1-15, inclusive; Block 4, Lots 16-38, inclusive; Block 4, Lots 42-97, inclusive. (c) Whiskey Hill Subdivision Lots 1-34, inclusive.
3.3) Fourplex Lot	(a) Eagle Vail Subdivision, Filing No. 1: Block 1, Lots 3-9, inclusive; Block 3, Lots 16-27, inclusive; Block 3, Lots 102-104, inclusive;

Block 4, Lots 1-8, inclusive;
Block 5, Lots 1-14, inclusive.

(b) Eagle Vail Subdivision, Filing No. 2:

Block 1, Lots 20-23, inclusive;
Block 1, Lot 52;
Block 2, Lots 4-6, inclusive;
Block 3, Lots 1-9, inclusive, Lot 12;
Block 4, Lots 40 and 41.

(c) Amended Final Plat of Lot 2, 3, 22, Block 2, Filing 2

Block 2, Lot 3

3.4) Multi-Family Lot

(a) Eagle Vail Subdivision, Filing No. 1:

Block 3, Lots 73 and 105;
Block 3, Lots 106 and 109;
Lots 2, and 3 (formerly Block 3, Lots 107 and 108);
Block 6;
Block 6; Lot 35
Block 6, Tracts G, J, & K
Tract I-A

(b) Eagle Vail Subdivision, Filing No. 2:

Block 1, Lot 80;
Block 2, Lots 1;
Block 2, Lot 22.

(c) Whiskey Hill Subdivision

Lot 35.

(d) Amended Final Plat of Lots 2, 3, 22, Block 2, Filing 2

Block 2, Lot "Exception"
Block 2, Lot 22

3.5) Commercial Lot

(a) Eagle Vail Subdivision, Filing No. 1:

Block 1, Lots 1 and 2;
Block 9, Lots 1-4, inclusive.

(b) Eagle Vail Subdivision, Filing No.2:

Block 4, Lot 39.

3.6) Recreation Lot

(a) Eagle Vail Subdivision, Filing No. 1:

Tracts A, B, C, D and E
Block 2, Lot 6 & 7
Block 3, Lot 68

(b) Eagle Vail Subdivision, Filing No. 2:

Tracts A, B, C, D, E, F, G and H.
Block 3, Lot 17

- 3.7) **Commercial Limited Lot** (a) Eagle Vail Subdivision, Filing No. 1,
Lot 1, Mountain Terrace:
- 3.8) **Church Lot** (a) Eagle Vail Subdivision, Filing No. 2,
Block 2, Lot 1A. (orig. 11/28/89)
- 3.9) **Detached Townhome Lot** (a) Eagle Vail Subdivision, Filing No. 2,
Block 3, Lots 10-11. (orig. 9/16/92)
- 3.10) **Telephone Switching Station Lot** (a) Amended Final Plat of Lots 2, 3, 22, Block 2, Filing 2
Block 2, Lot 2

MULTI-FAMILY UNIT INVENTORY (2/10/12)
EAGLE VAIL SUBDIVISION, FILING # 1

MULTI-FAMILY LOT	UNITS	LOCATION
Sundown Condominiums	24	Block 3, Portion of Lot 73
Par 6 Condominiums	50	Block 3, Portion of Lot 73
19th Fairway	26	Block 3, Lot 105
Swim Club	8	Block 3, Lot 106
Mountain Terrace	30	Lots 1, 2 and 3 (formerly Block 3, Lots 107 and 108)
Clubhouse Condominiums	14	Block 3, Lot 109
Stone Creek Meadows	37	Block 6, Tracts G, J, & K
Remainder of Tracts G, J, K& I	195	Remainder of Tracts G, J, K & I
Cornerstone	31	Block 6, Lot 35
<i><u>Subtotal</u></i>	<i><u>415</u></i>	

EAGLE VAIL SUBDIVISION, FILING # 2

MULTI-FAMILY LOT	UNITS	LOCATION
River View Apartments	73	Block 1, Lot 1
The Woods	23	Block 1, Lot 80
Left Bank at Eagle Vail	54	Block 2, Lot 1
Sunriver	65	Block 2, Portion of Lot 1A
Mountain Stream	54	Block 2, Portion of Lot 2
RiverQwest	7	Block 2, Portion of Lot 2
Eagle River Condos	6	Block 2, Lot 22
<i><u>Subtotal</u></i>	<i><u>282</u></i>	

4. Use Restrictions and Guidelines

a. Single Family Lot (orig. 10/02/00) (rev 2/10/12)

- 1) Use by Right:
 - (a) Single family dwelling unit or single family with secondary unit not to exceed 800 square feet.
 - (b) Day Care Home.
 - (c) Home Occupation.
- 2) Uses, Special Review:
 - (a) Day Care Center
 - (b) Home Business
- 3) Fractional Fee Estates and Bed and Breakfast as a Home Occupation are specifically prohibited.
- 4) Density: 2 dwelling units/lot.
- 5) Floor Area Ratio: .35
- 6) Lot Coverage: .35
- 7) Total Impervious Materials: .55
- 8) Maximum Building Height: 35 feet.
- 9) Front Setback: 20' from property line.
- 10) Side and Rear Setback: 12-1/2 feet or 1/2 the Building Height whichever is greater.
- 11) Parking: Minimum of 3 spaces per dwelling unit. Additional spaces at the rate of 1/2 space per bedroom for over 3 bedrooms. Spaces may be behind a garage door. Enclosed parking spaces (garages) shall not be partitioned or used for other purposes without proper permits.
- 12) Snow Removal: 20% of outside parking and driveway area. Snow removal space must have a minimum dimension of 6 feet on all sides, be not more than 12 feet deep and be adjacent to parking or driveway area. No trees and shrubs will be allowed in snow storage area.

b. Duplex Lot

- 1) Use by Right:
 - (a) Duplex or single family dwelling unit
 - (b) Day Care Home
 - (c) Home Occupation
- 2) Uses, Special Review:
 - (a) Day Care Center
 - (b) Home Business
- 3) Fractional Fee Estates and Bed and Breakfast as a Home Occupation are specifically prohibited.
- 4) Density: 2 dwelling units/lot.
- 5) Floor Area Ratio: .40 The last .05 shall be divided equally between the separate units
- 6) Lot Coverage: .35
- 7) Total Impervious Materials: .55
- 8) Maximum Building Height: 35 feet.
- 9) Front Setback: 20' from property line.
- 10) Side and Rear Setback: 12-1/2 feet or 1/2 the Building Height, whichever is greater.
- 11) Parking: Minimum of 3 spaces per dwelling unit. Additional spaces at the rate of 1/2 space per bedroom for over 3 bedrooms. Spaces may be located behind a garage door only if the use of each space is formally allocated to a specified unit Enclosed parking spaces (garages) shall not be partitioned or used for other purposes without proper permits.
- 12) Snow Removal: 10% of outside parking and driveway area. Snow removal space must have a minimum dimension of 6 feet on all sides, be not more than 12 feet deep and be adjacent to parking or driveway area. No trees and shrubs will be allowed in snow storage area.

c. **4-Plex Lot** (2/10/12)

- 1) Uses by Right:
 - (a) Fourplex, triplex, duplex or single family dwelling unit.
 - (b) Home Occupation
- 2) Uses, Special Review:
 - (a) Day Care Home
- 3) Fractional Fee Estates and Bed and Breakfast as a Home Occupation are specifically prohibited.
- 4) Density: 4 dwelling units per lot.
- 5) Floor Area Ratio: .50
- 6) Lot Coverage: .35
- 7) Total Impervious Materials: .65
- 8) Maximum Building Height: 35 feet
- 9) Front Setback: 25 feet from property line.
- 10) Side and Rear Setbacks: 12-1/2 feet or 1/2 the Building Height, whichever is greater.
- 11) Parking: 3 spaces per dwelling unit. Spaces may be located behind a garage door only if the use of each space is formally allocated to a specified unit.
- 12) Snow Removal: Same as for Duplex.

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d. Multi-Family Lot

- | | |
|---|--|
| 1) Uses by Right: | (a) Multiple dwelling units.
(b) Home Occupation
(c) Public Recreation and Park Facilities |
| 2) Uses, Special Review: | (a) Day Care Home
(b) Day Care Center |
| 3) Fractional Fee Estates and Bed and Breakfast as a Home Occupation are specifically prohibited. | |
| 4) Density: | Not Used |
| 5) Floor Area Ratio: | .50 |
| 6) Lot Coverage: | .35 |
| 7) Total Impervious Materials: | .65 |
| 8) Maximum Building Height: | 35 feet. |
| 9) Front Setbacks: | Local Street: 35 feet from front property line.
Collector/Arterial Street: 50 feet from front property line. |
| 10) Side and Rear Setbacks: | 12-1/2 feet or 1/2 the Building Height, whichever is greater. |
| 11) Parking: | 2.5 spaces per unit. Spaces may be located behind a garage door only if the use of each space is formally allocated to a specified unit. |
| 12) Snow Removal: | Same as for Duplex. |

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e. **Commercial Lot**

Purpose: To provide for the limited range of commercial uses needed to meet the daily or convenient shopping needs of neighborhood residents in the immediate area.

1) Uses by Right:

(a) Retail establishments including sales of:

- 1) Appliances;
- 2) Automotive and vehicular parts;
- 3) Bakery, when incidental to another use;
- 4) Beverages;
- 5) Clothing;
- 6) Dry goods;
- 7) Food;
- 8) Furniture;
- 9) Garden supply and plant materials, provided all activity is conducted within a building;
- 10) Hardware;

(b) Personal service establishment including:

- 1) Art gallery;
- 2) Bank;
- 3) Barber or beauty shop;
- 4) Greenbelt;
- 5) Indoor recreation;
- 6) Indoor theater;
- 7) Laundromat;
- 8) Laundry or dry-cleaning pick-up station;
- 9) Library;
- 10) Mortuary;
- 11) Museum;
- 12) Park;
- 13) Photography studio;
- 14) Private club;
- 15) Public building for administration;
- 16) Reading room;
- 17) Restaurant;
- 18) Shoe repair;
- 19) Tailor shop;

c) Office, (provided all activity is conducted within a building) for conduct of:

- 1) a business or profession;
- 2) studio or conduct of arts and crafts;

2) Uses, Special Review

a) Service and retail uses:

- 1) Any use listed under Uses By Right above which is to be a drive-in establishment where the customer receives goods or services while occupying a vehicle;
- 2) Auditorium;
- 3) Auto washing facility;
- 4) Automobile repair garage;
- 5) Boarding house;
- 6) Church;
- 7) Clinic;
- 8) Community building;
- 9) Convalescent home;
- 10) Educational Facility;
- 11) Fraternal lodge;
- 12) General service establishment including:
 - a) service and repair of appliances;
 - b) service and repair of automobiles;
 - c) vehicular rental;
- 13) Hotel;
- 14) Motel;
- 15) Nursing home;
- 16) Parking lot or garage as principal use of the lot;
- 17) Rooming house;
- 18) Utility substation;

3) Uses by Right Subject to Review Standards (revised 2/10/12)

Certain uses are important to the PUD's character and functions, but may not be appropriate in all circumstances within the commercial zone district. Such uses cannot be judged solely by standards common to all uses in the zone district or by the standards applicable to all uses that are allowed by special review. The uses also require individualized standards to review their location, site plan, operating characteristics, intensity and similar factors.

(a) Medical Marijuana Businesses

Medical Marijuana Businesses require such additional review standards as established herein.

1. Location. Medical Marijuana Businesses shall meet the following location requirements at time of their establishment:

a. Medical Marijuana Businesses are prohibited from locating within 200 feet of:

- (1) Any residence; excluding residential units that are located within mixed-use commercial/residential developments and free standing residences located within the commercial zone district,
- (2) Any drug or alcohol rehabilitation facility;
- (3) Any public community center or publicly owned or maintained building open for use to the general public;
- (4) Any public school or private school;
- (5) Any public park or playground; or
- (6) Any licensed child care facility.

b. The 200 foot separation is measured in a direct line between the closest point of the building or unit, in the case of multi-tenant commercial or industrial buildings, within which the Medical Marijuana Business establishment is located, and the closest point on the lot or parcel of land upon which any of the above itemized uses are located.

In the instance where 50% or more of a freestanding commercial building is located outside of the 200 foot separation area then the entire building shall be deemed compliant with the 200 foot separation requirement.

c. Medical Marijuana Businesses shall not be allowed as a home occupation or home-based commercial or business activity as those terms are defined in the Eagle-Vail Property Owners' Association, Inc. Amended and Restated Declarations of Covenants, Conditions and Restrictions of Eagle-Vail Subdivision Filings Nos. 1 and 2 and Whiskey Hill, as the same may be amended from time to time.

2. Requirements. All Medical Marijuana Businesses shall meet the following requirements at all times:

- a. Have an active, up to date State of Colorado sales tax number which shall be provided to Eagle County.
- b. All products and accessories shall be stored within a completely

enclosed, alarmed, and secure building at all times. Products, accessories, and associated paraphernalia shall not be visible from a public sidewalk or right-of-way

c. The consumption or inhalation of marijuana on or within the premises of a Medical Marijuana Business is prohibited.

d. The sale or consumption of alcohol on the Medical Marijuana Business premises is prohibited.

e. The premises satisfy all applicable Building Codes and Fire Codes and are equipped with a proper ventilation system so that odors are filtered and do not materially interfere with adjoining businesses.

f. All transactions, including the growing, processing and/or manufacture of Medical Marijuana products, shall occur indoors and out of view from the outside of the building in which the medical marijuana products are grown.

g. Exterior signage on a Medical Marijuana Business may indicate that marijuana may be in the store; however, all exterior signage shall be approved through the Eagle-Vail Design Review Process.

h. A Medical Marijuana Business lawfully operating is not rendered in violation of these Land Use Regulations by the subsequent location of any sensitive use as delineated in Section 3(a)(1) above.

i. Each Medical Marijuana Business shall be operated from a fixed location. No Medical Marijuana Business shall be permitted to operate from a moveable, mobile or transitory location. Deliveries of medical marijuana products may be delivered only by properly registered Primary Care-givers to homebound patients as that term is defined by the State of Colorado and subject to all Eagle County and State licensing requirements for such home deliveries.

j. A Medical Marijuana Business shall not open earlier than 9:00 a.m. and shall close no later than 7:00 p.m. the same day. A Medical Marijuana Business may be open seven days a week.

k. There shall be posted in a conspicuous location in each Medical Marijuana Business a legible sign containing the following warnings:

- (1) A warning that the diversion of marijuana for non-medical purposes is a violation of state law;
- (2) A warning that the use of medical marijuana may impair a person's ability to drive a motor vehicle or operate machinery, and that it is illegal under state law to drive a motor vehicle or to operate machinery when under the influence or impaired by marijuana;
- (3) A warning that loitering in or around the Medical Marijuana Business is prohibited by state law; and
- (4) A warning that possession and distribution of marijuana is a violation of federal law.

l. Prior to operating, each Medical Marijuana Business shall obtain and comply with terms of all applicable local and State licensing.

m. Commercial cultivation and production of medical marijuana is expressly prohibited as a home occupation or home-based commercial or business activity as those terms are defined in the Eagle-Vail Property Owners' Association, Inc. Amended and Restated Declarations of Covenants, Conditions and Restrictions of Eagle-Vail Subdivision Filings Nos. 1 and 2 and Whiskey Hill, as may be amended from time to time.

n. The maximum amount of medical marijuana that may be cultivated and produced in any residence, at any point in time, is twelve (12) ounces of a usable form of marijuana, and no more than thirty-six (36) marijuana plants, with eighteen (18) or fewer being mature, flowering plants that are producing a usable form of marijuana regardless of the number of patients or primary care-givers that may reside in such residence. Such collective limits shall in no way authorize or entitle a patient or primary care-giver to grow, maintain or possess more than what they are legally allowed to do per Title 12, Article 43.3 of the Colorado Revised Statutes, as may be amended from time to time. All other residential growth is prohibited.

o. For the purposes of this section of the land use regulations, residence shall be defined as the entire parcel of land or lot inclusive of any

accessory dwelling units, accessory buildings, agricultural buildings, and garages, which are held in single ownership with the primary residence.

3. Severability. If any provision, clause, sentence or paragraph of this Section 6.e.(3)(a) or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this document which can be given effect without the invalid provision or application, and to this end the provisions of this Section 6.e.(3)(a) are declared to be severable

- 4) Minimum Lot Area: 7,500 square feet and as further restricted under the Supplementary Regulations.
- 5) Floor Area Ratio: .50 and as further restricted under the Supplementary Regulations.
- 6) Lot Coverage: .40
- 7) Total Impervious Materials .70
- 8) Maximum Building Height 35 feet
- 9) Front Setback Arterial/Collector Street - 50 feet from front property line
Local Street - 25 feet from property line.
- 10) Side and Rear Setback (a) Side 10 feet or 1/2 the Building Height , whichever is greater
(b) Rear 25 feet.
- 11) Parking Refer to Land Use Regulation Table 4-120
- 12) Minimum Use Standards: All commercial development shall comply with the following requirements:
 - a) All fabrication, service and repair operations shall be conducted within a building;
 - b) All storage of materials shall be within a building;
 - c) Loading and unloading of vehicles shall be conducted on private property and not on any street or alley;
 - d) No dust, noise, odor, glare or vibration shall be projected beyond the lot;

- e) All outside parking abutting or facing a lot in a residential zone shall be buffered by, at least a 12 foot landscape strip;
- f) A landscape plan shall be prepared by a landscape architect or other qualified landscape designer.

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f. Church (orig. 11/28/89)

Purpose: To provide for the construction of a church and its accessory uses.

- 1) Uses by Right
 - a) Church - A building or group of buildings used for the gathering of persons for such purposes as worship, deliberation, education, instruction, entertainment or non commercial dining;
 - b) Parsonage/Caretaker Unit - One structure containing two dwelling units. The Caretaker Unit (Secondary Unit) shall be no more than 25% of the gross floor area of the two dwelling units, must be integral with the architecture of the Parsonage (Primary Unit) and cannot be subsequently subdivided or transferred in ownership. The Parsonage/Caretaker Unit may be part of the church structure;
 - c) Classrooms;
 - d) Recreational Facilities;
 - e) Day-Care Center Facilities; (orig. 10/17/90)
 - f) Bookstore - A structure or part of a structure used for the sale of theological, religious, or Christian books, music, stationery or related gifts. The bookstore shall be no more than 15% of the gross floor area of the church. (orig. 10/17/90)
- 2) Uses, Special Review - None.
- 3) Not Used
- 4) Not Used
- 5) Floor Area Ratio .35
- 6) Lot Coverage .30
- 7) Impervious Materials .70
- 8) Maximum Building Height 35 feet
Exception: Stacks, vents, cooling towers, elevator structures and similar mechanical building appurtenances and spires, domes, cupolas, towers and similar non-inhabitable building appurtenances may exceed by not more than 30 percent of the building height limitations. (orig. 10/17/90)
- 9) Front Setbacks Arterial/Collector Street: 50 feet from front property line.

- Local Street: 25 feet from front property line.
- 10) Side and Rear Setbacks 12-1/2 feet or 1/2 the Building Height ,
whichever is greater.
 - 11) Parking
 - a) Auditorium, Public Assembly, Classrooms - 1 space per 100 square feet of floor area used for seating or assembly.
 - b) Bookstore, Retail - 1 space per 300 square feet of floor area (except storage area).
 - c) Parsonage - 3 spaces.
 - d) Caretaker – 2 spaces.
 - e) All parking and driveway surfaces to be paved.
 - f) Site specific engineer designed drainage plans shall be submitted prior to the issuance of any building permits. This plan shall preserve the character of the Eagle River by way of runoff controls such as on-site detention (refer to the Upper Eagle Valley non-point source control plan). (amend. 10/17/90)
 - 12) Snow Removal - An area or areas totaling not less than 20% of all parking and driveway surfaces shall be provided on the site for snow storage. Designated snow storage areas to be included on landscape plan.
 - 13) Landscape Requirements - All outside parking facing or abutting a lot or street in a residential use or zone shall have sight-obscuring landscape buffer or fence. The landscape buffer or fence shall be of such material and design as will not detract from adjacent residences and shall be built according to plans submitted by the owner to and approved by the County Zoning Administrator. A landscape plan shall be prepared by a landscape architect, architect, or other qualified landscape designer.
 - 14) Signage - One sign, not to exceed 30 square feet, shall be located so that it is readily visible from the street abutting the front setback. If the sign is freestanding, the height above grade shall not exceed 7 feet. One additional sign shall be provided for the identification of a bookstore, not to exceed 10 square feet and shall be readily visible from the street abutting the front setback. If the sign is free standing, the height above finished grade shall not exceed 5 feet. The design and materials of the sign shall be in character with and not detract from adjacent properties. (amend. 10/17/90)
 - 15) Prior to issuance of a building permit for future building expansion, the applicant shall demonstrate compliance with the requirements of the State Highway Access Code. (orig. 02/15/05)

g) Detached Townhome Lot (orig. 9/16/92)

Purpose: To provide for clustered single-family housing within a townhome style organization. Townhome lots will represent the footprint of the individual structures and accessory uses directly associated with the structure, such as parking spaces. Ownership and maintenance of common area will be the responsibility of the homeowners association. Setbacks, floor area ratio, lot coverage, and total impervious material will be calculated on the total of all structures as if for a single structure on the original lot.

- 1) Uses by Right:
 - (a) Detached Townhome;
 - (b) Fourplex, triplex, duplex or single family dwelling unit.
 - (c) Home Occupation
- 2) Uses, Special Review:
 - (a) Day Care Home
- 3) Fractional Fee Estates and Bed and Breakfast as a Home Occupation are specifically prohibited.
- 4) Maximum Density: 4 dwelling units per original lot. Adjacent lots may be combined.
- 5) Floor Area Ratio: .50
- 6) Lot Coverage: .35
- 7) Total Impervious Materials: .65
- 8) Maximum Building Height: 35 feet
- 9) Front Setback: 25 feet from property line of the original lot.
- 10) Side and Rear Setbacks: 12-1/2 feet or 1/2 the Building Height, whichever is greater, from property line of the original lot.
- 11) Parking: 3 spaces per unit. Space may be located behind a garage door only if the use of each space is formally allocated to a specified unit
- 12) Snow Removal: Same as for Duplex

8. **Signs** (revised 2/10/12)

a) Purpose:

- 1) To create a unified comprehensive sign program for community identification and location and identification of public facilities;
- 2) To create a style and mood for the community and to orient visitors and residents.

b) Applicability:

The provisions of this section shall apply to all public signage. All private and commercial uses shall conform to the Eagle County Land Use Regulations Division 4-3, Sign Regulations.

c) Administrative Review:

Application for a sign permit shall be made to the Eagle Vail Architectural Control Committee and following approval, to the County Sign Administrator and shall include the following: 2 copies of a scaled drawing which depicts the sign. Eagle County shall not issue a permit without an EagleVail ACC approval letter. Drawing should show sign height, size, materials, construction and location in relation to buildings, setbacks, property lines and landscape features.

d) Sign Allowance:

The EagleVail Property Owners Association shall adopt a Comprehensive Sign Program which will address all public and community signage as indicated in the comprehensive sign program. This plan, as amended from time to time, will be kept in the EagleVail POA office and is available for public view.