

**PUD GUIDE FOR  
THE RED MOUNTAIN RANCH PLANNED UNIT DEVELOPMENT**

**September 15, 2020**

**APPROVAL OF THIS PLAN CREATES A VESTED PROPERTY RIGHTS PURSUANT  
TO SECTION 24-68-103, C.R.S., AS AMENDED**

Eagle County, CO  
Regina O'Brien  
Pgs: 27  
REC: \$143.00  
DOC: \$0.00

**202021009**  
11/10/2020  
02:49:11 PM

## **1.0 PURPOSE:**

The purpose of the Red Mountain Ranch PUD Guide is to serve as the governing land use regulations which will control the development of the Red Mountain Ranch PUD. The PUD Guide will serve as the "Zone District Regulations" for the PUD and is in conformance with Section 4.11.030 of the Eagle Municipal Code (the "Town Code").

The Red Mountain Ranch PUD authorizes a total of 153 dwelling units at a maximum equivalent of 113.1 EQRs, 10,000 square feet of commercial space, an environmental education center of 10,000 square feet, public and private open space, active and passive parks and trails on 106.194 acres of land within the Town of Eagle, Eagle County, Colorado (the "Town") as described in the approved Red Mountain Ranch PUD Zoning Plan.

Development within the PUD is administered by the Town through the provisions of this PUD Guide and through the review and approval of specific Development Plans for each Planning Area. Building construction within the PUD is governed by the applicable Town ordinances, rules, regulations and codes. This PUD Guide and exhibits shall constitute a site-specific development plan and creates a vested right pursuant to Article 68 of Title 24, Colorado Revised Statutes, as amended.

The approved Red Mountain Ranch PUD Zoning Plan Sheets 1-6 dated April 3, 2020 are attached to this PUD Guide as Exhibit A.

## **2.0 DEFINITIONS:**

For the purposes of the PUD, the following terms shall have the following meanings, and any terms not defined herein shall have the meaning set forth in the Town Code.

### **A. Active Recreation**

Common areas within the PUD which include useable open space; improved common recreational amenity areas such as pools and fitness facilities; picnic sites; playgrounds; open turf and lawn areas that are sufficient in size to support recreational sports activities; trails and adjacent open spaces not required for direct access to dwelling units or commercial facilities, if connected to a regional system or established trail network; and similar areas as determined by the Community Development Director.

### **B. Boutique Hotel**

Boutique Hotel means a non-residential structure with no more than 30 rooms which provides temporary overnight sleeping accommodations to guests for a fee for a total continuous duration of less than thirty (30) days. A Boutique Hotel shall not include any dwelling units.

**C. Buffer Zones and Common Open Space**

The term buffer zones and/or open space as used in this document is intended to describe areas within development parcels that have been designed to meet Conservation Oriented Design and Cluster Residential design concepts by creating open space and buffers within and around development areas. Buffer zone and open space lands shall be natural or formal landscape areas or parks that are held in common ownership by the master homeowner association of the greater neighborhood. Roads may traverse buffer zones and open space. Parking areas are not allowed in lands that are allocated as buffer zones and common open space. Lands under ownership of private residences or individual building homeowner associations shall not count toward buffer zone requirements.

**D. Building Height Measurement**

Building height shall be measured as per Town Code.

**E. Building Height Measurement for 40 foot Maximum**

For Multi-Family Residential, Mixed Use, Educational and Commercial buildings that are restricted to a 40 foot maximum height the method of measurement shall be defined as follows: The maximum distance possible measured vertically from any point on existing or proposed grade, whichever is more restrictive, to the highest point of the roof directly above. Building height exceptions shall be as per Town Code.

**F. Campground**

Campground means an establishment that provides overnight or short term sites for two or more tents or camper vehicles for recreation, education or vacation purposes. Continuous occupancy of a campground by a person for a period of in excess of two weeks shall be prohibited.

**G. Community Garden**

A community garden is any piece of land gardened by a group of people, utilizing either individual or shared plots on private or public land. The land may produce fruit, vegetables, and/or ornamentals.

**H. Stream**

Stream means a watercourse having a natural source and terminus, banks and channel, through which waters flow at least periodically. Stream includes creeks and other flowing waters that are tributary to a river. Man-made irrigation ditches are excluded from this definition.

**I. Farmer's Market**

A farmers' market is a physical retail marketplace intended to sell foods directly by farmers to consumers. Farmers' markets may be indoors or outdoors and typically consist of booths, tables or stands where farmers sell fruits, vegetables, meats, cheeses, flowers, plants, and/or prepared foods and beverages. Retail offerings may also include crafts and other non-perishable items.

**J. Planning Areas**

Areas as indicated on the approved Red Mountain Ranch PUD Zoning Plan for development, the development of which shall be regulated by this Red Mountain Ranch PUD Guide and by specific Development Plans. These Planning Areas are listed as Planning Area 1, Planning Area 2, Planning Area 3, Planning Area 4, Planning Area 5-B, Planning Area 5 and Planning Area 6.

**K. Red Mountain Ranch PUD**

The Red Mountain Ranch PUD is a zone district authorized by the Town of Eagle Ordinance No. 22, Series of 2020, and containing the property commonly known as Red Mountain Ranch.

**L. Special Use**

Special Use shall be as defined in Section 4.05 of the Town Code.

**M. Wholesale Nursery**

Wholesale Nursery allows for cultivation, propagation and/or storage of nursery stock, trees, shrubs, flowers, fruit or vegetables outdoors, or within a greenhouse or hoop house for the purpose of contract sales, wholesale or for off-site delivery. On-site sales shall be prohibited. The nursery shall not be open to the public.

**3.0 TOWN OPEN SPACE STANDARDS AND REQUIREMENTS:**

**Town Code Section 4.11.030. - Standards and requirements.**

**A. Open Space**

The PUD zoning requirement detailed in Section 4.11.030.C of the Town Code requires 20% of the gross PUD area as open space. At 106.2 acres, the Red Mountain Ranch PUD requires 21.2 acres of open space and 7.9 acres of active recreation areas. The proposed plan exceeds these minimum requirements.

Tables 1 and 2 detail the required open space areas.

**Table 1. PUD Common Open Space, Usable Open Space, Active Recreation 106.2 acres total**

<b>Required 20% of total area</b>	106.2 x 0.20	21.2	acres
<b>Required 75% Usable (&lt;10% Slope)</b>	21.2 x 0.75	15.9	acres
<b>Required Active Recreation (50% of Usable)</b>	15.9 x 0.50	7.9	acres
<b>Proposed Common Open Space:</b>			acres
PA-1	65%	22.2	acres
PA-2	42%	2.6	acres
PA-3	91%	13.1	acres
PA-4	34%	4.6	acres
PA-5	57%	8.4	acres
PA-5B	100%	3.0	acres
PA-6	26%	5.2	acres
<b>Total</b>	<b>56%</b>	<b>59.1</b>	<b>acres</b>
<b>Balance</b>	<b>Required 21.2</b>	<b>+37.9</b>	<b>acres</b>
<b>Proposed Usable Open Space:</b>		<b>16.04</b>	<b>acres</b>
PA-1 through 6	Provided, see worksheet	16.04	acres
<b>Total</b>		<b>16.04</b>	<b>acres</b>
<b>Balance</b>	<b>Required 15.9</b>	<b>+0.14</b>	<b>acres</b>
<b>*Proposed Active Recreation:</b>		<b>16.55</b>	<b>acres</b>
<b>* The CPW public fishing easement is 16.55 acres.</b>		<b>*</b>	<b>acres</b>

**Table 2. Municipal and Park Land Dedication**

Total Project Area 106.2 acres

Total Units	153	MF units
# of people (2.5/unit)	382.5	people
Required Acres (.012)	4.59	acres
Public/Private 50%	2.29/2.29	acres

**PROPOSED**

Total Public Dedication		
PA-1 Town Park OS-1	1.8	acres
PA-1 South of River OS-3	15.4	acres
PA-5B Riverfront Park	3.0	acres
<b>*Total</b>	<b>20.2</b>	<b>acres</b>
<b>Balance</b>	<b>+17.91</b>	<b>acres</b>
Total Private Dedication		
PA-3 Environmental Education Facility OS-5	14.5	acres
<b>Balance</b>	<b>+12.21</b>	<b>acres</b>
<b>Total Provided</b>	<b>34.7</b>	<b>acres</b>
<b>Total Balance</b>	<b>+30.11</b>	<b>acres</b>

\*Of the public land dedication (2.29 acres total required), 80% must be usable (i.e. having a slope of 10% or less). Subject application proposes 2.46 acres usable where 1.8 acres is required. See worksheet.

#### **4.0 PUD PLANNING AREAS:**

##### **4.1. PLANNING AREA 1:**

###### **A. R/PUD-1**

1. Purpose:

To provide sites for a variety of residential land uses including single family, two-family dwelling, townhomes, condominiums and apartments at a maximum density of 97 dwelling units.

The design of residential neighborhoods in this district is intended to allow for flexibility, innovation and site sensitive planning that is responsive to both the design character and the functional requirements of the community. In general, residential density should be higher at the west end of the property and transition to lower density to the east.

The Discovery Trail will traverse R/PUD-1. A public trail easement of 12 feet in width shall be created for the Discovery Trail.

Site planning should follow the principles of Conservation Oriented Development and Cluster Residential design as articulated in the Eagle Area Community Plan and in the Town of Eagle River Corridor Plan. The design should provide for clustered areas of development areas and integrate buffer zones and formal or informal open space areas within the plan. Within the area of 12.5 acres designated as R/PUD-1 there should 4 acres designed as parks, open space or buffer zones for a ratio of 68% development area to 32% of buffer zone and common open space.

2. Uses by Right:

- a. Single family homes.
- b. Two-family dwelling.
- c. Multiple family residential, including condominiums, townhomes, flats or apartments, and single family or two-family dwelling cluster units on specifically designated lots.
- d. Accessory dwelling unit to owner-occupied single family dwelling.
- e. A Homeowner Association owned enclosed storage building.
- f. Home occupation.

3. Special Uses:

- a. Child care facilities.

4. Accessory uses:

- a. Parks, playground, pools, greenbelt.
- b. Model homes and sales office.
- c. Pedestrian and bicycle trails.
- d. Detached garages.

5. **Minimum Building Setback Requirements:**

- a. **Highway 6:** All habitable buildings shall maintain a 50-foot setback from the Highway 6 right-of-way line. Non-habitable buildings including garages, and surface parking areas shall maintain a 25-foot setback from the Highway 6 right-of-way line.  
Internal roads, driveways, signs, landscaping, grading, berms and utility structures shall be allowed within the Highway 6 setback.
- b. **Front:** The front building setback shall be 10 feet from the front property line.
- c. **Side:** The side setback for single family homes and two-family dwelling buildings shall be 7.5 feet. The side setback for multi-family buildings shall be 7.5 feet.
- d. **Rear:** The rear yard setback shall be 10 feet.
- e. **Stream:** 75 feet as defined in this PUD Guide.
- f. **Supplementary setback requirements:**  
Roof eaves, bay window elements and similar features may encroach up to 30 inches into any required setback.

6. **Maximum Building Height:**

35 feet for single family and two-family dwelling buildings. 40 feet for multi-family residential buildings.

7. **Maximum Lot Coverage:** To encourage clustering, small lots and the provision of common open space while integrating Conservation Oriented Design and Residential Cluster Design techniques there are no maximum lot coverage restrictions.

8. **Maximum Density:**

The maximum density shall not exceed 97 dwelling units.

**B. OS-1**

1. **Purpose:**

To provide a site for a small public riverfront park with publicly accessible soft surface footpaths extending east along the river. Fishing shall be allowed by fly fishing and catch and release only, no commercial guided fishing shall be allowed. The Discovery Trail will traverse OS-1.

2. **Uses by Right:**

- a. Park, playground, picnic shelters, trails, restrooms and associated parking.
- b. Accessory uses customarily appurtenant to uses by right listed above.

3. **Special Uses:**

- a. Special Events.

4. **Minimum Building Setback Requirements:**



- a. Front: Highway 6 shall be considered the front setback. Buildings such as picnic shelters and restrooms, shall maintain a 25-foot setback from the Highway 6 right-of-way line. Internal roads, parking, driveways, signs, landscaping, grading, berms and utility structures shall be allowed within the front setback.
- b. Side: The side setback for picnic shelters and buildings shall be 7.5 feet.
- c. Rear: 10 feet.
- d. Stream: 75 feet as defined in this PUD Guide.
- e. Supplementary setback requirements:  
Roof eaves, bay window elements and similar features may encroach up to 30 inches into any required setback except the stream setback.

5. Maximum Building Height: 15 feet

6. Maximum Lot Coverage: There are no maximum lot coverage restrictions.

7. Maximum Density:  
There is no allowed density.

**C. OS-2**

1. Purpose:

The purpose of OS-2 is to describe specific uses for the river corridor and the adjacent 50-foot land from the average high water mark. The Discovery Trail will traverse OS-2. A public trail easement of 12 feet in width shall be created for the soft surface trail. The exact trail location will be determined at Development Permit approval for R/PUD-1 and the easement shall be dedicated at the first post development subdivision plat filed for Planning Area 1. Fishing shall be allowed by fly fishing and catch and release only, no commercial guided fishing shall be allowed. There are no buildings or formal improvements allowed other than those specifically listed below.

2. Uses by Right:

- a. Soft surface trails with limited river access points
- b. Natural vegetation management and removal of non-native species to maintain the health of the native ecosystem.
- c. Planting of native vegetation to improve or protect the native ecosystem.

3. Special Uses:

- a. None

**D. OS-3**

1. Purpose:

The purpose of OS-3 is to provide public open space for the land within Planning Area 1 that is south of the river.

Fishing shall be allowed by fly fishing and catch and release only, no commercial guided fishing shall be allowed. There shall be no overnight camping allowed on OS-3. There are no buildings or formal improvements allowed other than those specifically listed below.

2. Uses by Right:
  - a. Soft surface trails with limited river access points
  - b. Natural vegetation management and removal of non-native species to maintain the health of the native ecosystem.
  - c. Planting of native vegetation to improve or protect the native ecosystem.
3. Special Uses:
  - a. None

## **4.2 Planning Area 2: C/PUD**

### **A. C/PUD-1**

1. Purpose:

To provide a land for a neighborhood center area allowing for small scale residential and commercial uses with a focus on walkability from existing and future residential density and proximate public and educational uses. This area has the potential to include a river view restaurant that would serve the greater Eagle community as a unique tourism asset and community gathering spot. The Discovery Trail will traverse C/PUD-1. A public trail easement of 12 feet in width shall be created for the Discovery Trail.
2. Uses by Right:
  - a. Single family, two-family dwelling and/or multi-family residences.
  - b. Accessory dwelling unit to owner-occupied single family dwelling.
  - c. Boutique Hotel.
  - d. Bed & Breakfast.
  - e. Restaurant.
  - f. Retail.
  - g. Farmer's Market
  - h. Community garden.
  - i. Greenhouse.
  - j. Existing or restored historic buildings.
  - k. Home occupation.
3. Special Uses:
  - a. Child care facilities.
4. Accessory Uses:
  - a. Parks, playground, pools, greenbelt.
  - b. Pedestrian and bicycle trails.
  - c. Detached garages

5. **Maximum Density:**  
Up to 10 residential units and 10,000 square feet of commercial use.
  
6. **Minimum Building Setback Requirement:**
  - a. **Highway 6:** All habitable buildings shall maintain a 50-foot setback from the Highway 6 right-of-way line. Non-habitable buildings including garages, and surface parking areas shall maintain a 25-foot setback from the Highway 6 right-of-way line.  
Internal roads, driveways, signs, landscaping, grading, berms and utility structures shall be allowed within the Highway 6 setback.
  - b. **Front:** The front building setback shall be 10 feet from the front property line.
  - c. **Side:** The side setback for single family homes and two-family dwelling buildings shall be 7.5 feet. The side setback for multi-family buildings shall be 7.5 feet. The side setback for commercial buildings shall be 12.5 feet.
  - d. **Rear:** The rear yard setback shall be 20 feet.
  - e. **Stream:** 75 feet as defined in this PUD Guide.
  - f. **Supplementary setback requirements:**  
Roof eaves, bay window elements and similar features may encroach up to 30 inches into any required setback except the stream setback.
  
7. **Maximum Building Height:**  
35 feet for single family and two-family dwelling buildings. 40 feet for multi-family residential, mixed use and commercial buildings.
  
8. **Maximum Site Coverage:**  
As this standard is applied to C/PUD-1 site coverage shall be measured against the entire parcel of 2.9 acres. This standard will not apply to internal lots created to define building or lot ownership.
  - a. Building: 20%
  - b. All impervious: 40%

**B. OS-4**

1. **Purpose:**  
The purpose of OS-4 is to describe specific uses for the river corridor and the adjacent 50-foot land from the average high water mark as well as for the upland area extending north to Highway 6.

The Discovery Trail will traverse OS-4. A public trail easement of 12 feet in width shall be created for the soft surface trail along Highway 6. The exact location of the trail will be determined at Development Permit approval for C/PUD-1 and the easement shall be included with the first post-development permit subdivision plat filed within Planning Area 2. All trails will constructed by the developer. Fishing shall be allowed by fly fishing and catch and release only, no commercial guided fishing shall be allowed. There

are no buildings or formal improvements allowed other than those specifically listed below.

2. Uses by Right:
  - a. Soft surface trails with limited river access points
  - b. Natural vegetation management and removal of non-native species to maintain the health of the native ecosystem.
  - c. Planting of native vegetation to improve or protect the native ecosystem.
  - d. Existing historic buildings may be maintained and restored in place.
3. Special Uses:
  - a. None

#### **4.3. Planning Area 3 Nature Center: C/PUD**

##### **A. C/PUD-2**

1. Purpose:

To provide a land area for an environmental education facility, employee housing and open space. C/PUD-2 shall be donated or conveyed to a non-profit entity that will operate an environmental education center. The Discovery Trail will traverse C/PUD-2. A public trail easement of 12 feet in width shall be created for the Discovery Trail.
2. Uses by Right:
  - a. Buildings for non-profit programming, environmental education and programming.
  - b. Multi-family residential that is subordinate to the environmental education center. Prohibited as a primary use.
  - c. Outdoor recreation facilities.
  - d. Open sided shade shelters.
  - e. Existing, restored or relocated historic buildings.
  - f. Landscape improvements, soft surface trails and interpretive signs.
  - g. Pedestrian bridge over the Eagle River.
3. Special Uses:
  - a. None
4. Minimum Building Setback Requirement:
  - a. Highway 6: All buildings shall maintain a 25-foot setback from the Highway 6 right of way line. Internal roads, driveways, parking, signs, landscaping, grading, berms and utility structures shall be allowed within the Highway 6 setback.
  - b. Front: 25 feet
  - c. Side: The side setback shall be 12.5 feet.
  - d. Rear: The rear yard setback shall be 20 feet.
  - e. Stream: 75 feet as defined in this PUD Guide.
  - f. Supplementary setback requirements:

Roof eaves, bay window elements and similar features may encroach up to 30 inches into any required setback except the stream setback.

5. **Maximum Building Height:**  
40 feet for commercial, educational and multi-family structures.  
35 feet for single family and two-family dwelling structures.
  
6. **Maximum Density:**  
A maximum of 6 dwelling units not to exceed a total of 6,000 of floor area. These units are allowed only as a support use to the primary use by right education and programming facility. The dwelling units may not be developed prior to a primary facility. These dwelling units shall not be subdivided from the primary use facility.  
  
10,000 square feet of enclosed education and programming space.
  
7. **Maximum Site Coverage:**  
The C/PUD-2 area has been tightly defined and is adjacent to a significant open space parcel in OS-5. The maximum building and lot coverage ratios have been developed in recognition of this adjacent open space.
  - a. Building: 30%
  - b. All impervious: 70%

## **B. OS-5**

1. **Purpose:**  
The purpose of OS-5 is to describe specific uses for open space land on both sides of the Eagle River designated as OS-5. The Discovery Trail will traverse OS-5.  
  
This intent for this area is to provide open space in conjunction with the environmental education facility located on C/PUD-2. OS-5 shall be donated or conveyed to a non-profit entity that will operate an environmental education center. OS-5 should not be subdivided as a separate parcel from C/PUD-2. The soft surface trail traverses OS-5. The exact trail location will be determined at Development Permit approval for C/PUD-2 and a 12-foot wide easement shall be recorded upon completion of the path improvements. Fishing shall be allowed by fly fishing and catch and release only, no commercial guided fishing shall be allowed. There are no buildings or formal improvements allowed other than those specifically listed below.
  
2. **Uses by Right:**
  - a. Open sided shade shelters.
  - b. Existing, restored or relocated historic buildings.
  - c. Interpretive signs.
  - d. Pedestrian bridge over the Eagle River.
  - e. Soft surface trails and/or boardwalks with limited river access points.

- f. Natural vegetation management and removal of non-native species to maintain the health of the native ecosystem.
  - g. Planting of native vegetation to improve or protect the native ecosystem.
3. Special Uses:
- a. None
4. Setbacks:
- a. Highway 6: All buildings shall maintain a 25-foot setback from the Highway 6 right of way line. Internal roads, driveways, parking, trails, signs, landscaping, grading, berms and utility structures shall be allowed within the Highway 6 setback.
  - b. Front: 25 feet
  - c. Side/rear: 10 feet.
  - d. Stream: 75 feet as defined in this PUD Guide.

**4.4. Planning Area 4: R/PUD**

**A. R/PUD-2**

1. Purpose:  
To provide sites for the balance of 153 units allowed in Planning Areas 1-6, but no more than forty-four (44) units. The Discovery Trail will traverse R/PUD-2. A public trail easement of 12 feet in width shall be created for the Discovery Trail.

Site planning should follow the principles of Conservation Oriented Development and Cluster Residential design as articulated in the Eagle Area Community Plan and in the Town of Eagle River Corridor Plan. The design should provide for clustered areas of development areas and integrate buffer zones and formal or informal open space areas within the plan. Lands adjacent to Highway 6 would be an appropriate location for buffer and open space areas. Within the area of 9.2 acres designated as R/PUD -2 there should be 4.1 acres designed as open space or buffer zones for a ratio of 55% of development area and 45 % of buffer zone and common open space. Internal roadways serving Planning Area 3, 4 and 5B would be allowed within the open space/buffer zones.

2. Uses by Right:
- a. Single family, two-family dwelling or multi-family townhome dwelling units.
  - b. Accessory dwelling unit to owner-occupied single family dwelling.
  - c. Campground.
  - d. Home occupation.
3. Special Uses:
- a. Child care facilities.
  - b. Bed and breakfast facility.
4. Accessory uses:

- a. Parks, playground, pools, greenbelt.
- b. Model homes and sales office.
- c. Pedestrian and bicycle trails.
- d. Detached garages, sheds and other similar buildings.

5. Minimum Building Setback Requirements:

- a. Highway 6: All habitable buildings shall maintain a 50-foot setback from the Highway 6 right of way line. Non-habitable buildings including garages, and surface parking areas shall maintain a 25-foot setback from the Highway 6 right-of-way line.  
Internal roads, driveways, signs, landscaping, grading, berms and utility structures shall be allowed within the Highway 6 setback.
- b. Front: 10 feet.
- c. Side: The side setback shall be 7.5 feet.
- d. Rear: The rear yard setback shall be 20 feet.
- e. Stream: 75 feet as defined in this PUD Guide.
- f. Supplementary setback requirements:  
Roof eaves, bay window elements and similar features may encroach up to 30 inches into any required setback except the stream setback.

6. Maximum Building Height:  
35 feet.

7. Maximum Lot Coverage:

- a. Building – 50%
- b. All impervious materials - 70%

8. Maximum Density:

The maximum density shall not exceed 44 dwelling units.

**B. OS-6**

1. Purpose:

The purpose of OS-6 is to describe specific uses for the river corridor and the adjacent 50-foot land from the average high water mark. The Discovery Trail may traverse OS-6. A public trail easement of 12 feet in width shall be dedicated to the Town for the soft surface trail. The location of the trail will be determined at Development Permit approval for R/PUD-2 and the easement shall be included in the first post-development subdivision plat filed within Planning Area 4. OS-6 includes a Colorado Parks and Wildlife public fishing easement from 25 feet north of the average high water mark to the centerline of the river. There are no buildings or formal improvements allowed other than those specifically listed below.

2. Uses by Right:

- a. Soft surface trails.

- b. Natural vegetation management and removal of non-native species to maintain the health of the native ecosystem.
  - c. Planting of native vegetation to improve or protect the native ecosystem.
3. Special Uses:
- a. None.

**4.5. Planning Area 5B: Eagle River Park: P/PUD**

**A. P/PUD**

- 1. Purpose:  
To provide a land area for a recreation/park site to be dedicated to the Town. This park will provide parking and access to the existing Colorado Parks and Wildlife public fishing easement. The Discovery Trail will traverse P/PUD.
- 2. Uses by Right:
  - a. Outdoor recreation facilities.
  - b. Park and picnic facilities including open sided shade shelter.
  - c. Boat ramp.
  - d. Public restrooms.
  - e. Parks, playground, greenbelt.
  - f. Existing, restored or relocated historic buildings.
  - g. Day use parking.
- 3. Minimum Building Setback Requirement:  
There shall be a 25-foot side and front setback and a 75-foot stream setback as defined in this PUD Guide. A boat ramp and associated improvements and a soft surface trail may be located within the Eagle River setback.
- 4. Maximum Building Height:  
20 Feet.
- 5. Density Allowance:  
N/A
- 6. Maximum Site Coverage:  
N/A

**4.6. Planning Area 5: R/PUD**

**A. R/PUD-3**

- 1. Purpose:  
To provide sites for no more than fifteen (15) single family or two-family dwelling units.

Planning Area 5 has been designed to meet the principles of Conservation Oriented Development and Cluster Residential design by creating OS-7 and OS-8 and tightly



defining the size, shape and scale of the development area designated as R/PUD-3. The 15 dwelling units will be clustered into the 6.2 acres designated as R/PUD-3.

Access to R/PUD-3 will be directly from Highway 6.

2. Uses by Right:
  - a. Single family and two-family dwelling units.
  - b. Accessory dwelling unit to owner-occupied single family dwelling.
  - c. Home occupation.
3. Special Uses:
  - a. Child care facilities.
  - b. Bed and breakfast.
4. Accessory uses:
  - a. Parks, playground, pools, greenbelt.
  - b. Model homes and sales office.
  - c. Pedestrian and bicycle trails.
  - d. Detached garages, sheds, non-commercial greenhouses and other structures.
5. Minimum Building Setback Requirements:
  - a. Highway 6: All habitable buildings shall maintain a 50-foot setback from the Highway 6 right of way line. Non-habitable buildings including garages, and surface parking areas shall maintain a 25-foot setback from the Highway 6 right-of-way line.

Internal roads, driveways, signs, landscaping, grading, berms and utility structures shall be allowed within the front setback.

  - b. Front: 10 feet
  - c. Side: The side setback for single family homes and two-family dwelling buildings shall be 7.5 feet.
  - d. Rear: The rear yard setback shall be 20 feet.
  - e. Stream: 75 feet.
  - f. Supplementary setback requirements:  
Roof eaves, bay window elements and similar features may encroach up to 30 inches into any required setback except the stream setback.
6. Maximum Building Height:  
35 feet.
7. Maximum Lot Coverage:
  - a. Building - 50%
  - b. All impervious materials - 70%
8. Maximum Density:  
The maximum density shall not exceed 15 dwelling units.

**B. OS-7**

1. Purpose:

The purpose of OS-7 is to describe specific uses for the river corridor and the adjacent 50-foot land from the average high water mark. OS-7 includes a CPW public fishing easement. There are no buildings or formal improvements allowed other than those specifically listed below.

2. Uses by Right:

- a. Soft surface trails.
- b. Natural vegetation management and removal of non-native species to maintain the health of the native ecosystem.
- c. Planting of native vegetation to improve or protect the native ecosystem.

3. Special Uses:

- a. None.

**C. OS-8**

1. Purpose:

The purpose of OS-8 is to describe specific uses for an open space buffer area. There are no buildings or formal improvements allowed other than those specifically listed below. An access road from R/PUD-3 may traverse through OS-8 to provide connection to R/PUD-4.

2. Uses by Right:

- a. Formal landscape areas.
- b. Parks, playgrounds, trails.
- c. Natural vegetation and landscaping.
- d. Open sided shade shelters and picnic areas.
- e. Roads and driveways.

3. Special Uses:

- a. None

**4.7. Planning Area 6: R/PUD**

**A. R/PUD-4**

1. Purpose:

To provide sites for no more than twenty-five (25) single family or two-family dwelling units.

Site planning should follow the principles of Conservation Oriented Development and Cluster Residential design as articulated in the Eagle Area Community Plan and in the Town of Eagle River Corridor Plan. The design should provide for clustered areas of

development areas and integrate buffer zones and formal or informal open space areas within the plan. Within the area of 14.9 acres designated as R/PUD -4 there should be 6.7 acres designed as open space or buffer zones for a ratio of 55% of development area and 45 % of buffer zone and common open space. Buffer and open space zones may include internal roads.

R/PUD-4 will have direct Highway 6 access.

2. Uses by Right:
  - a. Single family or two-family dwelling units.
  - b. Accessory dwelling unit to owner-occupied single family dwelling.
  - c. Home occupation.
3. Special Uses:
  - a. Child care facilities.
  - b. Bed and breakfast facility.
4. Accessory uses:
  - a. Parks, playground, pools, greenbelt.
  - b. Model homes and sales office.
  - c. Pedestrian and bicycle trails.
  - d. Day care of less than 8 children
  - e. Detached garages, sheds, greenhouses and other structures.
5. Minimum Building Setback Requirements:
  - a. Highway 6: All buildings shall maintain a 50-foot setback from the Highway 6 right of way line.  
Internal roads, driveways, signs, landscaping, grading, berms and utility structures shall be allowed within the front setback.
  - b. Front: 10 feet
  - c. Side: The side setback for single family homes and two-family dwelling buildings shall be 7.5 feet. The side setback for multi-family buildings shall be 7.5 feet.
  - d. Stream: 75 feet as defined in this PUD Guide.
  - e. Setbacks from internal property lines shall be:  
Front: 25 feet from edge of private road asphalt.  
Side: 12.5 feet.  
Rear: 20 feet.
  - f. Supplementary setback requirements:  
Roof eaves, bay window elements and similar features may encroach up to 30 inches into any required setback except the stream setback.
6. Maximum Building Height:  
35 feet.
7. Maximum Lot Coverage:

- a. Building - 30%
  - b. All impervious materials - 50%
8. Maximum Density:  
The maximum density shall not exceed 25 dwelling units.

**B. OS-9**

- 1. Purpose:  
The purpose of OS-9 is to describe specific uses for the river corridor and the adjacent 50-foot land from the average high water mark. OS-9 includes a CPW public fishing easement. There are no buildings or formal improvements allowed other than those specifically listed below.
- 2. Uses by Right:
  - a. Soft surface trails.
  - b. Natural vegetation management and removal of non-native species to maintain the health of the native ecosystem.
  - c. Planting of native vegetation to improve or protect the native ecosystem.
- 3. Special Uses:
  - a. None

**4.8. Planning Area Summary Chart**

Red Mountain Ranch PUD Zoning Plan Planning Area Summary Chart							Date: 9/5/19
	<i>PUD Designation</i>	<i>Planning Area Acres</i>	<i>% of Total Site</i>	<i>Maximum Density</i>	<i>DU's per Acre</i>	<i>Development Area and % of Planning Area</i>	<i>Open Space Area and % of Planning Area</i>
<i>Planning Area 1</i>	R/PUD	34.7 acres	32.5% of Total Site	97	2.8	12.5 acres 36%	22.2 acres 64%
<i>Planning Area 2</i>	C/PUD	5.5 acres	5.1% of Total Site	10 du's 10,000 sf Commercial	2 0.045 far	2.9 acres 53%	2.6 acres 47%
<i>Planning Area 3</i>	C/PUD	14.5 acres	13.6% of Total Site	6 du's 10,000 sf Commercial	0.4 0.015 far	1.4 acres 10%	13.1 acres 90%
<i>Planning Area 4</i>	R/PUD	13.8 acres	12.9% of Total Site	44 du's	3.2	9.2 acres 66%	4.6 acres 34%
<i>Planning Area 5B</i>	P/PUD	3.0 acres	2.8% of Total Site	0	0	0	3 acres 100%
<i>Planning Area 5</i>	R/PUD	14.6 acres	13.7% of Total Site	15 du's	1.05	6.2 acres 43%	8.4 acres 57%
<i>Planning Area 6</i>	R/PUD	20.1 acres	18.8% of Total Site	25 du's	1.25	14.9 acres 74%	5.2 acres 26%

**5.0 TEMPORARY USES**

Temporary uses including, but not limited to construction staging, project sales office, and pre-development temporary uses such as, but not limited to, corporate team building events, day outfitter programs, and agricultural uses may be permitted in all Planning Areas and Wholesale Nursery may be permitted in Planning Area 6, R/PUD 4 in accordance with Town Code Section 4.04.100 B. Temporary Uses.

**6.0 DENSITY TRANSFER PROVISION**

A total of 153 dwelling units will be allowed on Planning Areas 1-6. A density transfer shall be allowed between all Planning Areas except Planning Area 3 and 5B. However, this total of 153 dwelling units cannot exceed an allocation of 113.1 EQR, with EQRs assessed pursuant to the Code schedule of EQRs.

For example – if Planning Area 1 has a maximum density of 97 dwelling units and only 70 dwelling units are approved for development, 27 dwelling units may be transferred to other Planning Areas. Transfers shall not exceed the maximum allowed units on any Planning Area unless approved by the Town Council.

## **7.0 WATER AND WASTEWATER SERVICE**

Development on all lands within the PUD is prohibited until connection to the Town municipal water system. The maximum number of EQR allowed within the PUD is 113.1 EQR as set forth above. Wastewater service shall be provided by a wastewater system constructed, owned, operated and maintained by Developer, a Metro District or another entity approved by the Town as set forth in the ADA.

## **8.0 STREET STANDARDS**

All streets shall remain private. Private street standards will be detailed as part of future Development Plans and subdivision applications for each Planning Area.

## **9.0 TRAIL STANDARDS**

Soft surface trails including the Discovery Trail shall be a maximum of 3 feet wide if located within the stream setback and shall be a minimum of 6 feet wide when located outside of the stream setback. All soft surface trails constructed of crusher fines or similar materials, as approved by the Town. Any associated public easement shall be 12 feet in width.

Hard surface common area trails shall be a minimum of 6 feet wide and constructed of a durable hard surface such as asphalt or concrete and there shall be a dedicated easement of 12 feet in width. Sidewalks connecting parking areas to residential units may be a minimum of 4 feet in width.

The Discovery Trail shall be constructed to the US Forest Service Trail Accessibility Guidelines dated 2013 as may be amended from time to time.

## **10.0 STREAM SETBACKS AND WATER RESOURCE PROTECTION**

For the purpose of protecting water resources, including wetlands and riparian areas, the following shall be observed in all areas of the Red Mountain Ranch PUD: a 75 foot strip of land measured horizontally from the high water mark on each side of the river, or the limits of the 100 year floodplain, whichever provides the greater separation from the river, shall be protected in its natural state. No grading or removal of vegetation may occur within the stream setback. If necessary to protect the stream, wetlands, or riparian areas, additional width may be required. There shall be no projections into either the 100 year floodplain or stream setback.

- A. Permissible Improvements or Activities. Certain improvements and or activities may be located within the stream setback as long as site disturbance is minimized to the greatest extent practical, including, but not limited to the following: improvements pursuant to a floodplain development permit; revegetation of previously disturbed areas, removal of existing building encroachments, footpaths not exceeding 3 feet in width following a route which minimizes disturbance and formed of generally natural, pervious materials; public multi-use paths that are part of the public trail system or that are to be dedicated as public trails through the development review process; head gates, pump houses, hydroelectric wheelhouses and piping, and ditches; flood control and bank

stabilization devices; the removal of state-listed noxious weeds; the removal of dead or dying vegetation; and the removal of vegetation for wildfire mitigation.

Underground utilities or public park improvements and/or structures may be located in such protected area provided there is no practical alternative location, that the plans are approved as a part of a Development Permit or Special Use Permit, or as part of a site specific development plan, following procedures set forth in the Town Code, and that all construction scars are revegetated with appropriate vegetation and sufficient temporary irrigation, if necessary.

B. Exceptions. The Director of Community Development or the Public Works Director may approve a reduction of the stream setback to a minimum of 50 feet or the outer edge of the 100 year floodplain, whichever provides the greater separation from the stream through a Finding of No Significant Impact ("FONSI") process.

1. Report Required. In order to be considered for an exception, the applicant must clearly demonstrate compliance with all the following criteria through the submittal of a report prepared by a resource biologist or other qualified professional. At the discretion of the Director of Community Development or the Public Works Director, the report may be referred to outside agencies for comment, including but not limited to the Eagle County Department of Environmental Health, Colorado Geological Survey, Colorado Parks and Wildlife, the Army Corps of Engineers, or any other applicable agency. The report must specifically address all of the following:

- i. Water Quality. That the setback reduction will not degrade water quality of the stream or ground water.
- ii. Erosion. That the setback reduction will not impact shoreline and stream banks, or cause erosion.
- iii. Habitat. That the setback reduction will not degrade fish and wildlife habitat.
- iv. Scenic and recreational values. That the setback reduction will not negatively impact scenic and recreational value associated with the stream.
- v. Alternative Design. That the proposal for improvements on the site results in a design that more adequately preserves unique characteristics of the site, protects public view sheds, enhances public recreation enjoyment of the stream, or creates a design that results in greater public benefit than would be created by adhering to the 75 foot setback.
- vi. Other circumstances. That other circumstances prevent adherence to the 75 foot setback, including but not limited to: lot depth, lot dimensions, existing development; lot topography.

C. Determination. Based upon review of the application material and the information obtained at the pre-application meeting, and applying the above criteria, the

Director may determine that a FONSI is warranted. If the Director determines that a FONSI is warranted, the Director shall approve the requested exception.

### **11.0 RIPARIAN AREA MANAGEMENT PLAN**

A Riparian Area Management Plan ("RAMP") shall be submitted prior to or in conjunction with the first Development Plan for a Planning Area. The RAMP shall comply with the provisions of Section 7 of the Red Mountain Ranch Annexation & Development Agreement (the "ADA").

### **12.0 COLORADO PARKS AND WILDLIFE (CPW) FISHING EASEMENT**

Notwithstanding any provision herein to the contrary, all uses and activities within the Colorado Parks and Wildlife easement recorded November 30, 1988 in Book 496 at Page 133 in the real property records of Eagle County (the "CPW Public Fishing Easement") shall be subject to the limitations of the CPW Public Fishing Easement.

### **13.0 PARKING REQUIREMENTS**

All uses within Red Mountain Ranch will be subject to the parking standards of the Town Code. Any accessory dwelling associated within a single family residence shall have one dedicated on-site parking space. A Boutique Hotel use as defined in this PUD Guide shall provide one parking space per guest room.

### **14.0 DESIGN REVIEW**

Design guidelines shall be prepared that will establish architectural and building material standards, landscape design, urban design, site design standards and a design review process for each PUD Planning Area within Red Mountain Ranch. These guidelines shall be approved by the Town and in place for any area of the Red Mountain Ranch PUD prior to the approval of any Subdivision Final Plat for that area.

The appropriate home owners association for each Planning Area identified in this PUD Guide, with the exception of Planning Area 5B, Town Park and Planning Area 3, Nature Center, shall establish a Home Owners Association Board that shall have authority and responsibility over the design review process for the Planning Areas within such association.

All projects requiring a Town building permit shall adhere to the standards of this PUD and, where not specifically covered, the provisions of the Town Code.

Applicants for all new buildings or building modifications, residential landscaping or residential landscaping modifications, as defined in the adopted design guidelines, shall submit such proposals for review and approval by the appropriate Home Owners Association Board.

#### **A. Architectural Design Standards:**

The site design concept for Red Mountain Ranch Planning Area 1 is to create a pedestrian friendly, walkable integrated neighborhood with a variety of housing types.



The architecture of the Red Mountain Ranch community will both integrate with and enhance the beauty of the Town and the Eagle River corridor.

Design Guidelines will:

1. Establish design and construction standards that both fit in the setting and ensure a consistent high level of quality across a wide array of housing types;
2. Respond to the unique attributes and sensitivities of the site which are reflected in the design tenets underlying the plan;
3. Implement a diverse but cohesive, unified and balanced architectural and landscape theme;
4. Control massing of buildings to be appropriate in scale and context;

**B. Environmental Building Practices:**

Each Planning Area should include guidelines that address state of the art environmental building practices.

1. Low environmental impact and energy efficiency approaches to site planning, design, landscaping and construction are highly encouraged.
2. Owners are encouraged to review LEED guidelines published by the US Green Building Council ([www.usgbc.org](http://www.usgbc.org)) which encourage energy efficiency, resource efficiency and healthy indoor air quality.
3. Passive and active solar is highly encouraged. Hot water and photo voltaic solar panels are encouraged to be well planned and integrated in to the architectural design. Panels should be installed in the same plane as the roofs and close to flush with the roof. Solar panels and all associated mounting brackets and hardware shall be all black. No bright shiny metal elements are allowed.

**C. Landscape Design Standards:**

Landscape Design Standards will be written and adopted as an integral part of the overall design guidelines. The Landscape Design Standards will meet the requirements of Town Code Section 4.07.020. The intent of the landscape design guidelines will be provide standards for landscaping and water conservation within the PUD that enhance and maintain the character of the residential neighborhoods and public spaces of the Red Mountain Ranch PUD. This will be accomplished by:

1. Setting minimum and maximum standards for planting within residential and public spaces.
2. Promoting the conservation of water through selection of proper plant palettes and the use of efficient irrigation techniques.
3. Controlling the spread of noxious weeds and invasive plant species.

The perimeter area of the Red Mountain Ranch property has been appropriately designed to address compatibility of adjacent uses. The higher density and intensity of land uses is focused towards the existing town center and decreases to very low density residential uses as the property extends eastward. Those densities are compatible with the existing approved residential neighborhoods adjacent to the east end of Red Mountain Ranch. The riverfront area has been protected with additional enhanced setbacks and limitations on uses and vegetation management. The Highway 6 perimeter will be enhanced with landscape screening and berms where appropriate. These details will be developed as the specific PUD Development Plans are designed and reviewed.

**D. Illumination Design Standards:**

Illumination design standards for residential and public uses shall be included within the approved design guidelines. The Illumination Standards will meet the requirements of Town Code Section 4.07.010. The intent of these standards will be to provide compliance with adopted Town lighting requirements and appropriate dark sky practices.

**E. Fencing Design Standards:**

Fencing design standards shall be included within the approved design guidelines. The intent of these standards will be to provide a compatible appearance among residential properties and to regulate the structure, location, height, color and materials of fencing prior to installation. Where appropriate and as required, wildlife friendly fencing will be specified. The Fence Design Standards will meet the supplemental setback standards of Town Code Section 4.04.100 H 6.

## **15.0 SIGNS**

Signs shall comply with the Town Code; unless a comprehensive Red Mountain Ranch Sign Program is approved by the Town.

## **16.0 DOGS AND PET CONTROL**

Each dwelling unit will be permitted to house up to two dogs and offspring up to three months old. Residents will be prohibited from harboring dogs on their property unless they have adequate facilities (i.e., animals kept in residence, a fenced yard, an electronically fenced yard, dog run, or kennel) to contain the animals. Enclosed runs must be located immediately adjacent to the home, within the lot's building envelope if an envelope is required and shall not exceed 1,000 square feet. If facilities are inadequate to contain the dog(s), the animals will be immediately removed from the subdivision until adequate structures can be built.

At no time are dogs to be allowed to run freely, other than within designated leash free dog parks. Red Mountain Ranch shall be subject to any and all leash laws and other pet regulations as adopted by the Town.

Any additional pet restrictions adopted by Red Mountain Ranch owners through other documents such as declarations, covenants and restrictions, design guidelines or rules and regulations will be enforceable by the entity designated for such purpose and will not be enforced by the Town.

## **17.0 TRASH & RECYCLING RECEPTACLES**

Single family, two-family dwelling residences and multi-family residences with garages within the Red Mountain Ranch PUD shall be restricted from storing or leaving trash and recycling receptacles outside overnight. Trash and recycling receptacles shall be placed outside on the day of pick-up and shall be returned to an indoor location the same day.

Multi-family buildings requiring separate exterior trash and recycling storage shall provide wildlife resistant trash and recycling enclosure structures consistent with the approved Design Guidelines.

## **18.0 AMENDMENTS TO THE RED MOUNTAIN RANCH PUD GUIDE**

It is anticipated that modifications or amendments to this PUD Guide will be necessary from time to time. Application for amendment shall be submitted and reviewed as set forth in the Town Code.

---