



RECODE EAGLE

LAND USE AND DEVELOPMENT CODE ASSESSMENT

PUBLIC REVIEW DRAFT | DECEMBER 2021

Contents

Executive Summary	6
A. Project Goals.....	6
B. Code Assessment Approach and Content	6
C. Next Steps.....	6
Project Overview	8
A. Project Goals.....	8
B. Purpose of this Code Assessment	8
C. Project Approach and Schedule	9
D. Project Kick-Off Meetings	10
Relevant Town Plans and Policies	11
A. Overview	11
B. Elevate Eagle Comprehensive Plan (2021)	11
C. Town of Eagle Strategic Plan (2020).....	15
D. Town of Eagle Water Efficiency & Conservation Plan (2020).....	15
E. Eagle River Valley Housing Needs and Solutions (2018).....	16
F. East Eagle Sub Area Plan (2021).....	18
G. West Eagle Sub Area Plan (Amended 2021).....	18
H. Downtown Assessment (2019).....	19
I. Additional Plans and Approvals.....	20
Key Issues from the Project Kick-Off Meetings.....	21
A. Areas of Specific Change	21
B. Ideas for Further Consideration.....	24
C. Housekeeping	24
D. Outside of the LUDC Update Scope	24
Updating the Current Regulations	26
A. Overview	26
B. Chapter 4.01, General Provisions	30
1. Purpose and Organization.....	30
2. Updates.....	31
C. Chapter 4.02, Zone Districts: General Standards	31
1. Purpose and Organization.....	31
2. Updates.....	32

D.	Chapters 4.03 to 4.08, Zone Districts	35
1.	Purpose and Organization.....	35
2.	Updates.....	36
E.	Chapter 4.09, Uses and Use-Specific Standards	44
1.	Purpose and Organization.....	44
2.	Updates.....	44
F.	Development Standards	48
1.	Purpose and Organization.....	48
2.	Updates.....	49
G.	Chapter 4.14, Sustainability, Resilience, and Hazards	54
1.	Purpose and Organization.....	54
2.	Updates.....	55
H.	Chapter 4.15, Subdivision Design and Improvement Standards.....	60
1.	Purpose and Organization.....	60
2.	Updates.....	60
I.	Chapter 4.16, Signs	62
J.	Chapter 4.17, Development Review Procedures.....	62
1.	Purpose and Organization.....	62
2.	Updates.....	62
K.	Chapter 4.18 Nonconformities.....	68
1.	Purpose and Organization.....	69
2.	Updates.....	69
L.	Chapter 4.19, Violations and Enforcement	69
1.	Purpose and Organization.....	69
2.	Updates.....	70
M.	Chapter 4.20, Measurements and Definitions	71
1.	Purpose and Organization.....	71
2.	Updates.....	71
	Next Steps.....	74
A.	Code Assessment Review.....	74
B.	Draft Land Development Regulations	74

Executive Summary

A. Project Goals

The Town of Eagle, working with Clarion Associates, is starting the community-based process of updating the Land Use and Development Code (LUDC) – the Town’s zoning and subdivision regulations – to accomplish four key goals:

1. Implement Elevate Eagle, the 2021 Comprehensive Plan,
2. Create complete and internally consistent regulations,
3. Update the regulations to address important local priorities, and
4. Build a set of regulations that are user-friendly.

The project started with kick-off activities in August 2021 and the full update process will take approximately 12-14 months to complete. The creation of this Code Assessment, designed to identify the range of issues that the Code update will address, is the second phase of the project. Phase 3, from October 2021 through August 2022, will focus on drafting the updated regulations, and Phase 4, starting in October 2022, will be adoption of the new LUDC.

The Town’s new Elevate Eagle Comprehensive Plan, amended in 2021, identifies a number of specific goals and policies for future development in Eagle that the current land development regulations will not be sufficient to address. The updated regulations will be designed to implement the comprehensive plan as well as to identify a list of Code-specific issues that were identified through a detailed Code review and across a number of recent stakeholder meetings.

B. Code Assessment Approach and Content

The Code Assessment includes a summary look at all of the Town’s current land development regulations, reviewing them in three categories:

1. Examining whether regulations and standards are dated, incomplete, too complex, or potentially inconsistent in application to proposed development projects;
1. Checking procedures for completeness, predictability, and objective decision-making; and
2. Identifying formatting and layout problems that create confusion, lead to conflicting interpretations, or result in required standards being identified late in the design process.

The Code Assessment provides a proposed organization for the updated LUDC that will help the Town’s Code meet recognized best practices in regulatory drafting and organization. Similarly, this Code Assessment highlights regulations and standards that can be updated to help both applicants and the Town share expectations and understanding about how development can be designed to meet the applicant’s needs, while also supporting the existing character and long-term fiscal health of the community.

C. Next Steps

The next steps in this project are to engage in a round of community review of this Code Assessment and then start drafting the updated Eagle Land Use and Development Code.



Project Overview

The Town of Eagle, working with Clarion Associates, is updating the current Land Use and Development Code (LUDC) to implement the vision and goals of Elevate Eagle, the Town's 2021 Comprehensive Plan, other recently created plans, and to generally improve the quality of both the LUDC's content and the user experience. Addressing the Town's priorities for future development and quality of life will require updated, consistent, and integrated development regulations to help move the Town forward. The goal of this project is to help the community create the right set of regulations in terms of requirements and applicability to help underpin quality growth in Eagle over the next twenty plus years.

A. Project Goals

During our initial outreach meetings with project stakeholders, we identified four baseline goals for this Code update project:

1. **Plan Implementation.** Create a LUDC that has the tools and techniques to implement multiple Town plans, including and focused on Elevate Eagle.
2. **Address Priority Updates.** Draft complete regulations that: (a) are internally consistent and predictable; (b) link development requests to the appropriate level of review; and (c) reflect key aspects of community character while providing site-specific flexibility for problem solving.
3. **Locally Relevant Scope.** Ensure that the regulations reflect the priorities and sensibilities of Eagle residents; create balanced regulations that address issues important to the community.
4. **Ease of Use.** Create a land use and development regulations document that is much more user-friendly and can be integrated into the Town website.

These goals will be used as guideposts during both Code drafting and the follow-up community outreach process. With each round of public comment, the consultant team will confirm that the project goals are still correct and that the draft LUDC furthers the goals.

B. Purpose of this Code Assessment

The Eagle Land Use and Development Code Assessment (Code Assessment) has three purposes:

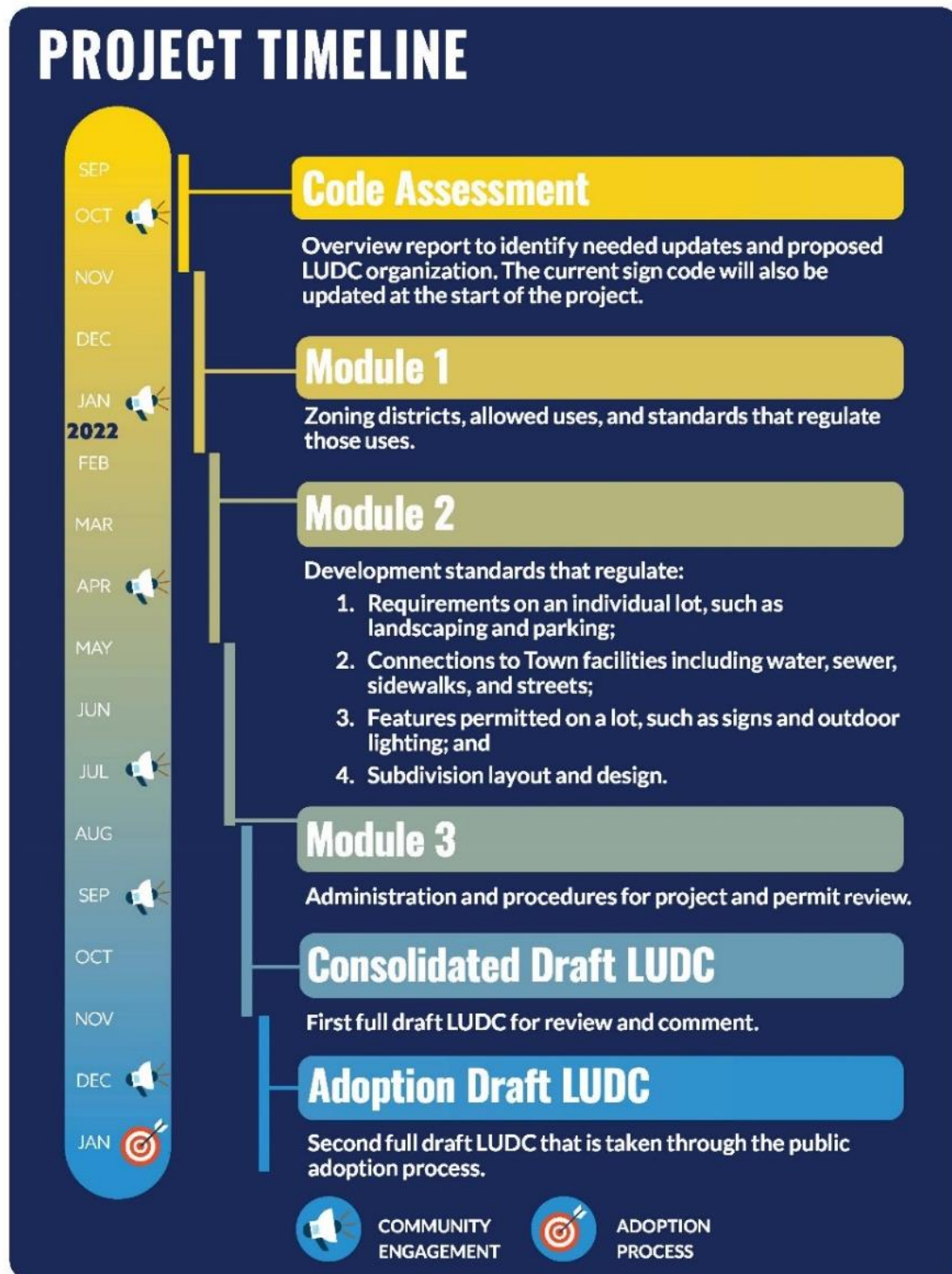
1. Summarize the issues identified during the Project Kick-off Meetings,
2. Identify where each of these issues will be addressed during the drafting process, and
3. Create a basic roadmap for the Eagle Land Use and Development Code update drafting tasks that gives the Town a preview of how the drafting will move forward.



The Code Assessment does not resolve the identified issues – nor the new issues that will arise throughout the LUDC rewrite. That is something the consultant team will do jointly with the town through the drafting, review, and revision process.

C. Project Approach and Schedule

It will take about 12 to 14 months to draft the updated LUDC in the following four phases:



D. Project Kick-Off Meetings

A series of project kick-off meetings were held in August and September 2021 with the following groups and participants:

- Town Council
- Planning Commission Chair
- Land Use and Development Code Update Committee
- Contractors & Developers
- Town Manager's Department
- Community Development Department
- Public Works Department
- Chamber of Commerce
- Open Space & Recreation Advisory Committee (OSRAC)
- Downtown Development Association (DDA)
- Greater Eagle Fire Department
- Eagle Police Department
- Climate Action Collaborative Project Manager
- Economic Vitality Committee Chair

At each meeting, the consultant team gave a brief introduction to the Land Use and Development Code (LUDC) update project and asked participants to share their input, either based on specific experiences with the development process or in response to these questions:

- What project or part of Town represents successful development in Eagle?
- What is really important to “get right” in development in the next 20 years?
- What types of projects would you NOT like to see repeated in the future?
- What development review processes take too long (are given too much attention) and/or should take longer (be given more attention)?
- What should a successful LUDC update address?

There will be multiple opportunities for additional project input across the term of the project, including public review and comment on the individual draft installments as they are released over the next year, and the full updated Eagle Land Use and Development Code when it is released for public review in 2022.



Relevant Town Plans and Policies

A. Overview

Updating the LUDC in a timely manner is important to implementing the community's hard work in creating the Elevate Eagle Comprehensive Plan. The current regulations have been in place and inconsistently amended for decades; they are definitely due for an overhaul. As development patterns and preferences change over time, development regulations start showing signs of aging. Important standards to guide new development types may be missing from the regulations and the existing standards may actually (and inadvertently) create a barrier to development patterns that the community wants to encourage. And while different sections of the regulations can certainly be amended periodically, it is important to also update the entire set of regulations regularly to ensure that all of the moving pieces of the regulatory process are designed to function together and don't end up working at cross purposes or creating language conflicts.

The LUDC is one of many tools that the Town uses to implement the comprehensive plan. Other tools include the capital improvements program, economic development programming, allocation of Community Development Block Grant (CDBG) funds, special financing districts, and public transportation programming. Updates to the LUDC to implement the comprehensive plan are focused on those goals and policies that can be addressed through the regulatory process.

B. Elevate Eagle Comprehensive Plan (2021)

Eagle's community vision for the future is described through a set of opportunities to improve the quality and performance of the Town, each of which is more fully described through a related set of goals and policies. The land use goals are repeated here for reference:



Vision

Elevating our Inclusive Culture: The Eagle community is defined by our welcoming spirit, our appreciation of our neighbors, and support of one another.

Goals

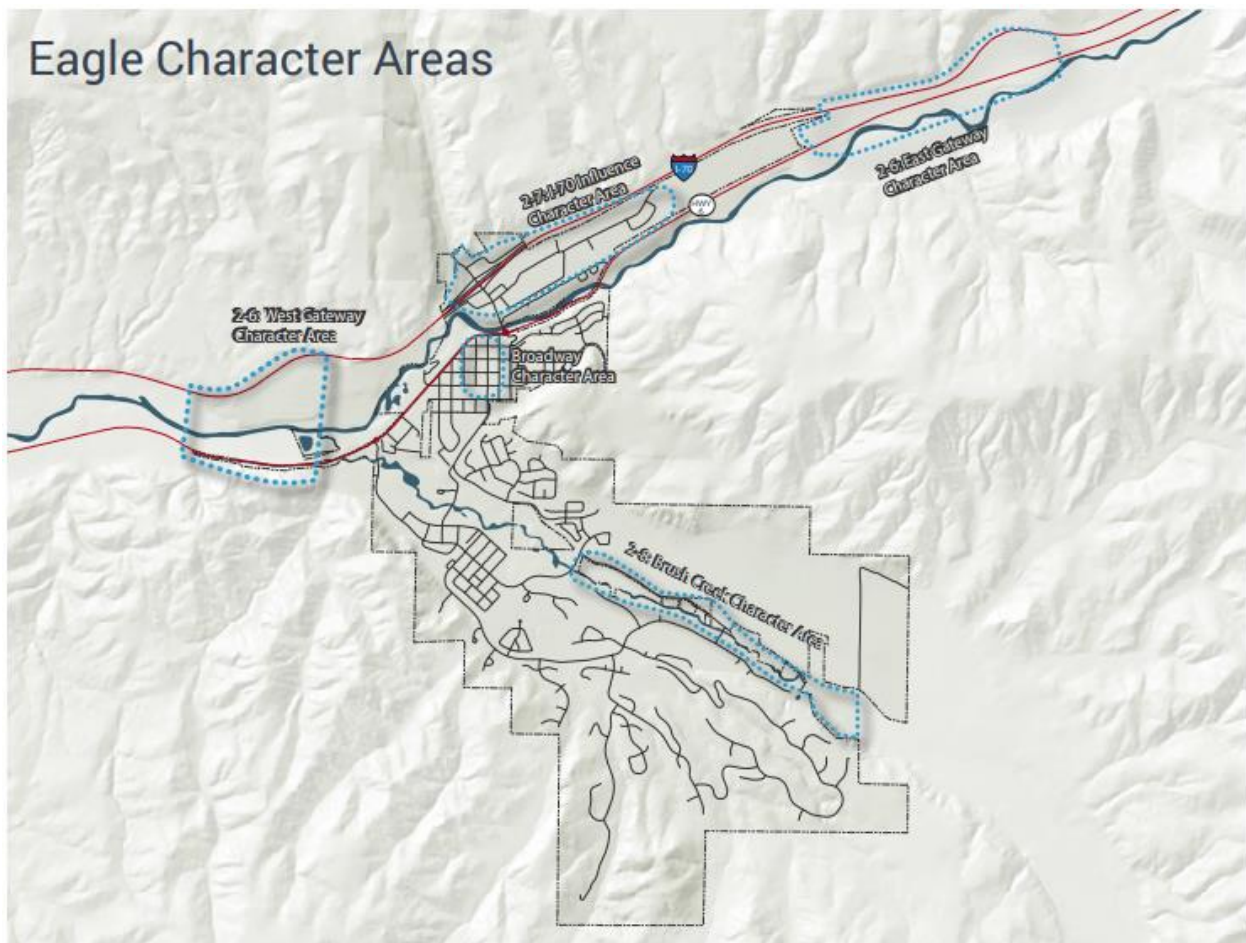
- 1-1. Promote a wide range of attainable housing opportunities for your adults, families, aging residents, workforce, and others.
- 1-2. Expand and diversify the Town's economic opportunities.

Vision

Elevating our Unique Character: The Town of Eagle's eclectic neighborhoods, framed by Castle Peak, the Sawatch Range, and the Eagle River, provide the ideal setting to celebrate our western heritage and adventurous spirit.

Goals

- 2-1. Enhance the vibrancy and viability of Downtown.
- 2-2. Reinforce Broadway Street as the heart of the community, from the Eagle River to Town Park.
- 2-3. Celebrate the Town's unique small-town character.
- 2-4. Connect Eagle's unique neighborhoods physically and visually through a walkable and trail-oriented environment with high-quality wayfinding.
- 2.5. Maintain and improve the appearance of Eagle by establishing and reinforcing the Town's identity and sense of place.
- 2-6. Policies for the West and East Gateway areas (shown on map below).
- 2-7. Policies for the Interstate 70 Influence Character Area: Including the Market Street Area, Eby Creek Road Area, and the Chambers Avenue Area (shown on map below).
- 2-8. Policies for the Brush Creek Character Area: Including properties along the east and west sides of Brush Creek Road to the Southern End of the Urban Growth Boundary (shown on map below).



Vision

Elevating our Adventurous Lifestyle: The Town of Eagle offers the opportunity to explore, live, and work in a community surrounded by our vast outdoor playground.

Goals

- 3-2. Provide visitors the opportunity to experience Eagle like a local with exceptional amenities.
- 3-3. Continue to maintain the incredible trail and park system and find new opportunities for expansion and connections to keep up with the adventurous residents' lifestyle.
- 3-4. Protect open space lands with high conservation or recreation value in and surrounding Eagle.
- 3-5. Work to preserve and acquire access to public lands, open space, and river/stream corridors.

Vision

Elevating our Relationship with the Environment: The Town of Eagle celebrates and preserves a unique connection with our environment by minimizing growth impacts to our water and wildlife resources.

Goals

- 4-1. Preserve our natural open space and wildlife habitats.
- 4-2. Find a balance between recreation and preservation along riparian areas to protect habitats and water quality.
- 4-3. Support and demonstrate sustainability.
- 4-4. Plan for safety and resiliency by mitigating potential natural hazards.

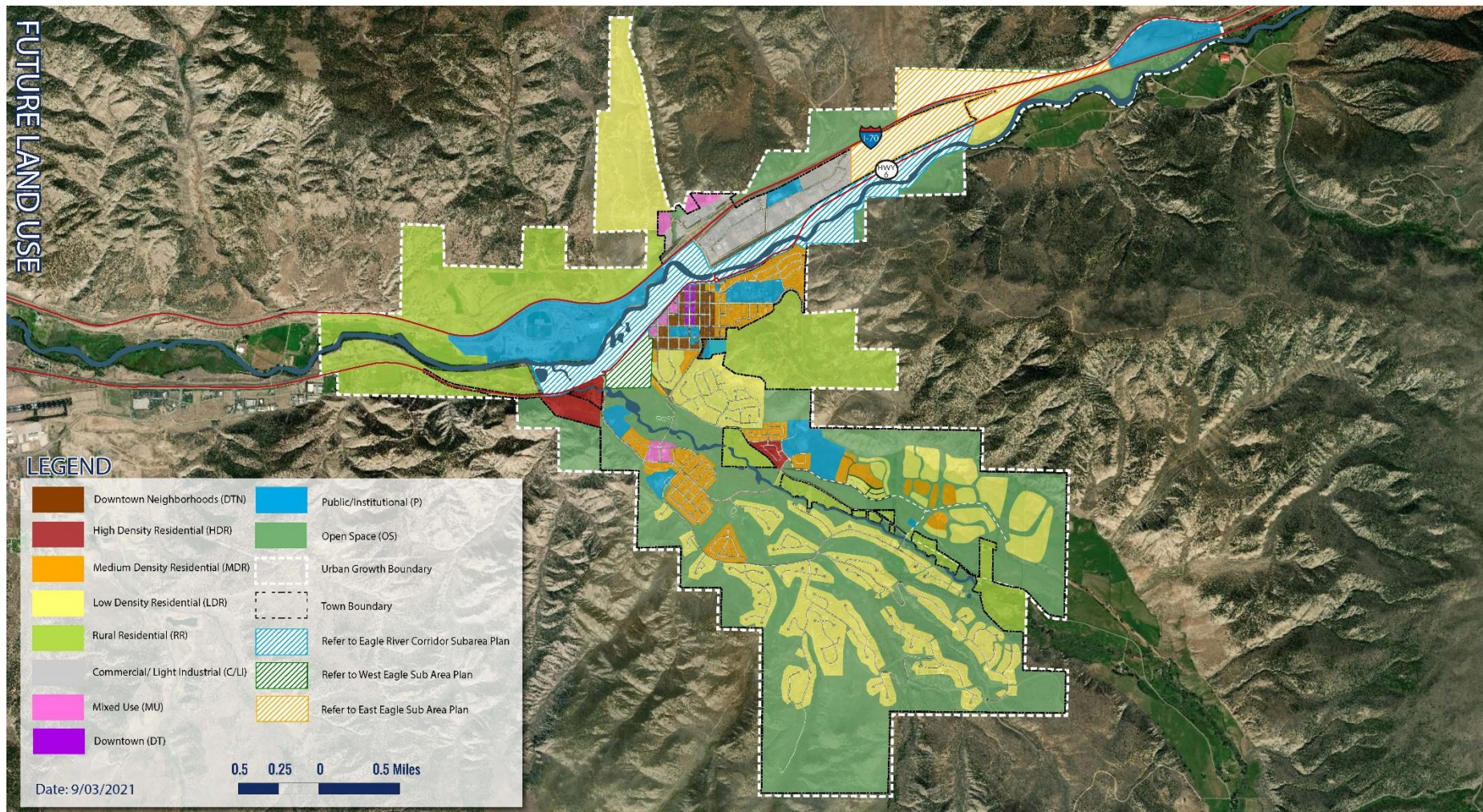
Vision

Elevating our Connections: The Town of Eagle strives to offer a variety of technology, communication, and transportation choices to connect our community, locally and globally.

Goals

- 5-1. Expand our public transportation networks and options.
- 5-2. Improve vehicular traffic circulation.
- 5-3. Expand the network of safe and convenient pedestrian and bicycle circulation.
- 5-4. Provide equitable and sustainable public services and infrastructure.

In addition to visions, goals, and policies, Elevate Eagle also includes a Future Land Use Map (FLUM) that maps the Town's desired future land use patterns in a series of land use categories – shown on the next page. The FLUM is a “guide [for] development decisions, infrastructure investments, and public/private investment/reinvestment in Eagle. The FLUM categories are implemented through the zone districts established in the LUDC. More description about the proposed zone district updates starts on page 36.



C. Town of Eagle Strategic Plan (2020)

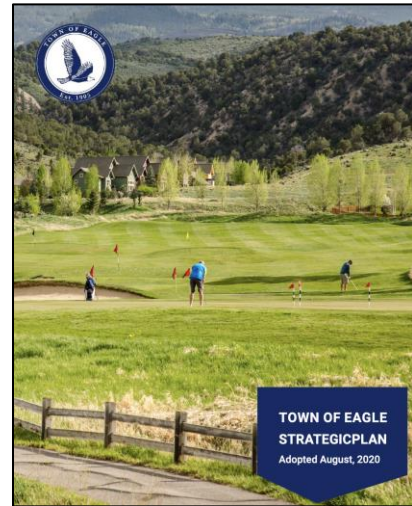
The Town's recently adopted Strategic Plan reflects the Town's broad vision, mission, and values. While most of the Strategic Plan is not intended for implementation through the LUDC, two of the Town's Guiding Principles are relevant to this project:

Sound Planning

The foundation for providing reliable services and quality of life is planning. The Town focuses on adequate resources, reliable infrastructure, compliance with regulations, and a local economy that supports a high quality of life for Eagle residents.

Transparency and Community Engagement

By providing easy access to information and timely responses to customer inquiries, the Town creates an environment that fosters public trust and allows Eagle's residents and business owners to understand the Town's values, priorities, and strategic plans. The Town is committed to maintaining an ongoing, meaningful, and substantive dialogue with the community that is based on clearly defined standards and compelling arguments for proposed policies and investments.



And three of the plan's strategic goals will impact how the LUDC is drafted and applied:



D. Town of Eagle Water Efficiency & Conservation Plan (2020)

Also adopted in 2020, the Water Efficiency & Conservation Plan is focused on providing the Town with strategies to accomplish a critical future vision for water in Eagle:

Our vision is to provide a resilient and high-quality water supply to our residents and visitors as the community grows and as climate variability increases. Through good environmental stewardship, we will use water conservation and efficiency as tools to properly manage water as a precious, limited resource to meet our current and future needs and to help protect our surrounding habitat and wildlife.

Some water conservation and quality strategies are directly linked to land use and development patterns. The Water Efficiency & Conservation Plan illustrates how the amount of water used in Eagle can be associated with a land use type (or associated function, such as sprinkler systems) that can then be used to identify the largest water users. As shown in Figure 10 below, user information can be compared to monthly average use that show significant seasonal differences. This support the plan's conclusion that a significant amount of water is used for outdoor irrigation in the summertime. While "use less water" seems like the obvious solution, there are actually a range of development tools that can be incorporated to lead to that result as a more predictable outcome than relying on the end water user. The Water Efficiency & Conservation Plan's goal to reduce outdoor water use will be reflected in the LUDC update.

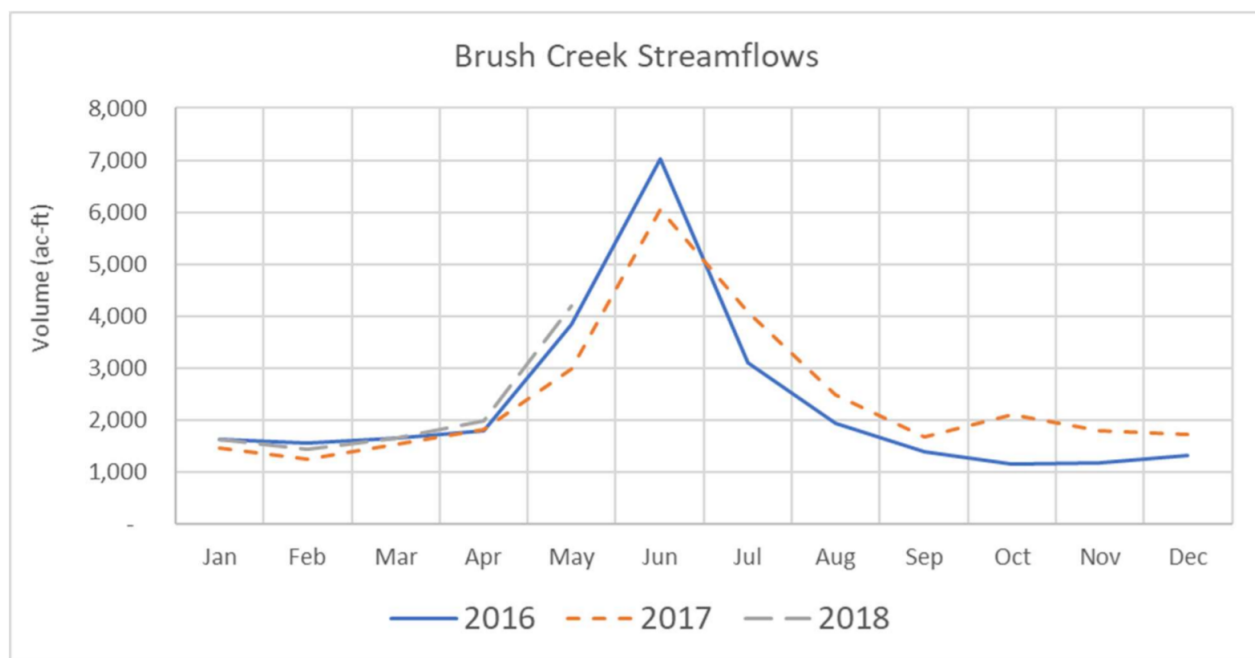


Figure 10. Monthly Water Availability in Brush Creek at the Municipal Intake (2016-2018)

E. Eagle River Valley Housing Needs and Solutions (2018)

The Housing Needs and Solutions report highlights the growing valley-wide housing shortage that impacts many of the future-focused goals and policies of Elevate Eagle. The creation of enough housing at an affordable price point is so important that it is Comprehensive Plan Goal 1-1: *Promote a wide range of attainable housing opportunities for your adults, families, aging residents, workforce, and others.*

Participants in the Housing Needs and Solutions study were surveyed about preferred tools for creating more workforce housing from the categories identified in the graphic below.

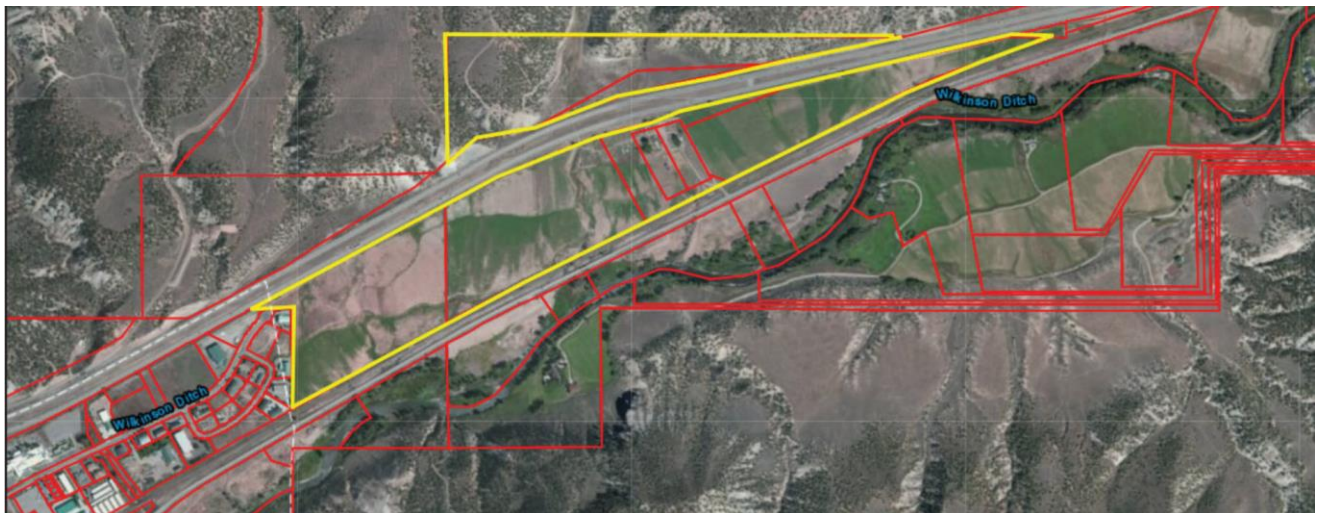
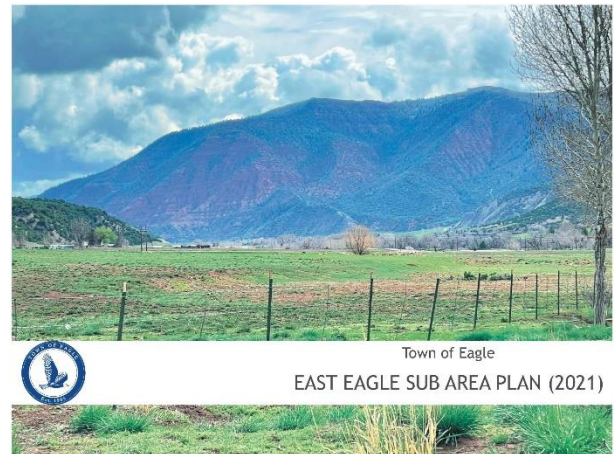


Two of the three proposed Development Regulations approaches were identified as top-rated tools by survey participants: *Inclusionary Housing* and *Commercial Linkage*. *Fast-Track Processing*, identified an incentive, was also a top-rated tool and can be incorporated into land use regulations. Understanding these local preferences is very useful information for the Code update project. Accomplishing affordable housing goals, however, can be hard work and it is more likely to be undertaken through sometimes challenging conversations in an interactive process. The new LUDC will be drafted with a range of regulatory tools intended to allow Eagle to give preference to the creation of more housing across the Town.

F. East Eagle Sub Area Plan (2021)

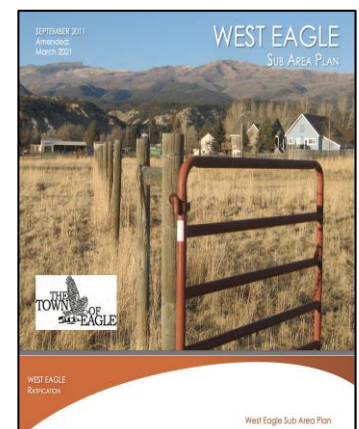
The purpose of the East Eagle Sub Area Plan is to define appropriate future land uses for the area along the Town's eastern gateway, shown below in yellow outline:

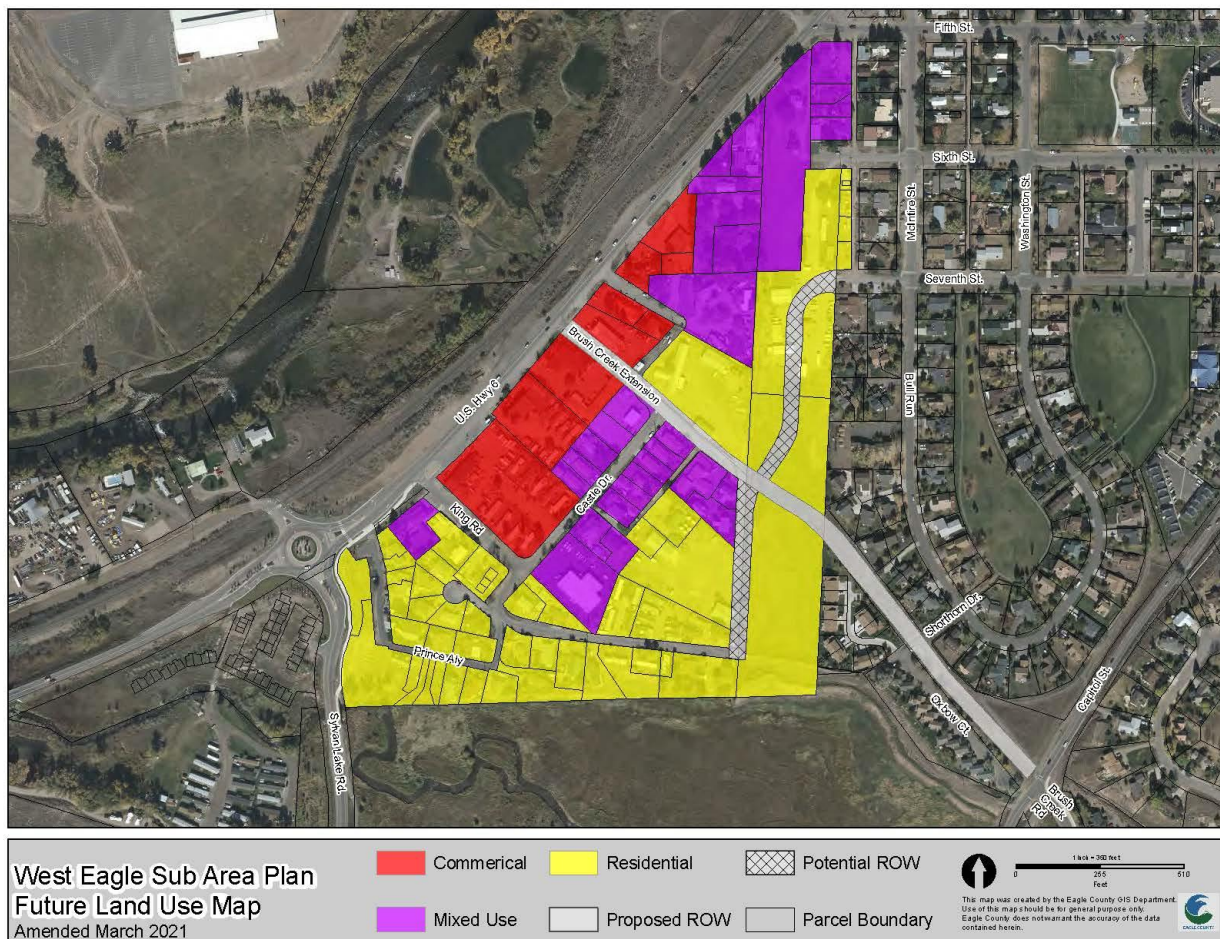
Some of the property included in this plan has been annexed into the Town and some remains in Eagle County within the Town's Urban Growth Boundary. The East Eagle Sub Area Plan identifies a mix of heavy commercial and industrial future development in this area, based on surrounding adjacent development, proximity to I-70 and Highway 6, and the location of a planned future highway interchange. Similar to the West Eagle Sub Area Plan, the LUDC zone districts and uses will be updated to reflect development with the scale and permitted uses needed to implement this plan.



G. West Eagle Sub Area Plan (Amended 2021)

Originally adopted in 2011, then updated in 2021 to better reflect the needs of the community, the West Eagle Sub Area Plan identifies future land uses for the West Eagle neighborhood shown in the map on the next page. West Eagle is anticipated to develop to include three categories of future land use (1) residential for areas adjacent to existing residential neighborhoods and open spaces, (2) mixed-use as a transition between residential and commercial, and (3) commercial along Highway 6. The future land use map has been designed to address the relationship between new and existing development and the impact of proposed street extensions and alignments: The LUDC will be updated with zone districts that reflect the type and scale of development that is anticipated to implement this plan.





H. Downtown Assessment (2019)

Over a two-day period in 2019, representatives from Downtown Colorado, Inc., met with Town leaders and downtown stakeholders to “develop a structure and process for the community to support local businesses and a vibrant commercial downtown.”

Three of the recommendations included in the Downtown Assessment are directly relevant to the LUDC update project:

- **Creative Placemaking:** Creative Placemaking, the strategic integration of art, design and cultural activities into community planning and development is an ideal way to enhance the community’s experience. To ensure authenticity and distinctiveness of place, these projects must be produced by the community and for the community.
- **Regulatory Environment:** The comprehensive plan, zoning and development codes that shape how the built environment will look.



- **Connectivity and Mobility:** Focuses on multi-modal access and connectivity throughout the community.

I. Additional Plans and Approvals

The consultant team anticipates the review of other plans, such as the Grand Avenue Corridor Study, and development approvals, such as Eagle Ranch, will be done across the length of the drafting process. Key elements of additional plans and approvals will be incorporated in the draft LUDC and identified so that anybody reviewing the draft can identify the source of related regulations.



Key Issues from the Project Kick-Off Meetings

The consultant team and Town Community Development staff asked project stakeholders to participate in a series of project kick-off meetings in August and September. While questions were provided to participants prior to each meeting, the consultant team was interested in understanding what issues were most pressing to participants and the conversations followed the topics raised by the group rather than strictly adhering to the questions.

This section provides a summary list of the topics raised in the project kick-off meetings. The issues included in **A. Areas of Specific Change**, were raised in multiple meetings and generated the most agreement from participants across the various stakeholder groups. The issues included in **B. Issues for Further Discussion**, were raised and discussed in some groups and are topics that will be explored further in the drafting process so the consultants can get a better understanding of Eagle's preferred approach. And the issues included in **C. Housekeeping**, expand on Project Goal 4, Ease of Use, and focus on both organization and activities that the Town should consider with an eye toward making the final LUDC easier to understand and use.

A. Areas of Specific Change

This list identifies the concepts about which there was broad agreement during the kick-off meetings. Not all of the statements in each issue category were raised in the same stakeholder meeting, so some ideas may follow a different direction than other ideas:

1. Fix the Development Review Process

Current processes are onerous, dated, and confusing. The LUDC lacks flexibility, leading to a need for many variances, special use permits, and PUDs. The Town and stakeholders would like to streamline the review procedures, simplify the administrative process, and provide greater regulatory flexibility. Specifically, the updated LUDC should address the following:

- a. Establish more objective and predictable standards for permits and development applications (e.g., grading and traffic impact analysis).
- b. Establish and follow (both Town and applicants) a predictable development review process; including timing, information required, referrals, and a preference for completing review in a single, continuous process.
- c. Eliminate or reduce the amount of negotiation required of minor/small projects through more clearly applicable standards and allow administrative approval of those applications.
- d. Reduce the number of special use reviews by allowing staff to approve those uses with only minor potential impacts on surrounding properties; if needed, add specific standards for different uses to ensure the potential impacts are, in fact, very minor.
- e. Ensure that new development pays its own way while looking at when those payments or improvements should be made in the review process
- f. Clarify the annexation process

2. Make it Easier to Develop Through Base Zone Districts, Rather than the PUD Process

- a. Add mixed-use zone districts that reflect preferred future development patterns and incorporate the qualities that differentiate Eagle's various character areas.
- b. Revise the LUDC to implement the Comprehensive Plan in a way that leads to placemaking without requiring the use of PUDs.
- c. Ensure that new base zone districts allow for the efficient creation of the wider range of more affordable housing that will be needed to close the gaps identified in the 2018 Housing Needs and Solutions report.
- d. Create forward thinking base zone districts and use standards that can accommodate changes to uses and sites like we've seen through the Covid-19 pandemic along with future trends (e.g., restaurants with gardens).
- e. Community design is very important, reflect this in the updated zone districts and development standards (building size and placement, relationship to public realm).
- f. Commercial development outside of Downtown should be complementary to, and not competitive with Downtown businesses.

3. Address New and/or Urgent Topics that are Important to Eagle

- a. Focused on redevelopment and infill, particularly for Downtown Eagle.
- b. Focused on sustainability, resilience, and hazard prevention/mitigation, including accounting for how the natural environment functions, anticipating wildfire, and focusing on water demand.
- c. Better defining the role and place of urban agriculture (especially chickens).

4. Create Development Standards that Work for the Community

- a. Ensure better multimodal links around Town and to community amenities; draft regulations that can accommodate future master trails plan.
- b. Quality of life is important across all development types and price points.
- c. Balance the need for parking with other development decisions and options; parking shouldn't drive development.
- d. Recognize that Eagle has many visitors and tourists and consider how to accommodate them within community places (wayfinding, parking, public facilities).
- e. Draft complete property maintenance and operation standards that inform property owners about requirements and that are enforceable.
- f. Consider regulations that can result in the incremental cleanup of gateway developments on the eastern and western entrances to Eagle.

5. Elevate Eagle Actions

Elevate Eagle includes a set of recommended regulatory actions that were identified in the planning process. This list includes those recommendations that do not duplicate the issues identified above. These recommendations may be refined to be more clearly reflected in the updated LUDC regulations:

- a. Determine factors that are preventing build-out of existing commercial centers.

- b. Retain the commercial and warehouse/ distribution uses in the Chambers Avenue Area through promotion and creating standards that limit the amount of residential in this area.
- c. Support alternative work environments such as home-based businesses, remote workers, mobile vendors, as well as traditional brick and mortar establishments, through thoughtful and enforceable regulations.
- d. Identify and evaluate regulations that may limit childcare in certain zone districts.
- e. Address parking Downtown (e.g., site identification for public parking opportunities; fee-in-lieu of parking within the Downtown core; ease of parking requirements to encourage redevelopment; increased shared parking areas; investigation into a parking app, etc.).
- f. Create an incentive program to encourage local lodging in and near the Downtown area. Develop a strategy to balance traditional lodging with alternatives (vacation rentals, camping, bed and breakfasts, and boutique hotels).
- g. Explore methods for acquiring and preserving land that is valuable for recreational purposes [].Use a variety of techniques such as development incentives, acquisition of development rights, and donation of easements to preserve, enhance, and/or acquire such access.
- h. Require the identification, mapping, and mitigation/inclusion of critical wildlife habitats and ecosystem connections within open space.
- i. Evaluate the feasibility of utilizing local renewable energy resources, (e.g. wind, solar, hydro, or geothermal).
- j. Require appropriate and timely re-vegetation of graded and excavated areas.
- k. Create and implement vegetation and tree protection standards which require developers to document the extent and type of high-quality drought tolerant native vegetative cover on a site. Create and implement strategies to protect and preserve such cover to the greatest degree practicable.
- l. Codify a general setback of 75 feet from the high-water mark.
- m. Promote compact development, allowing increased residential, retail, and mixed-use densities in areas close to transit stops where appropriate.
- n. Create a policy to allow installation of bicycle racks to offset parking requirements.
- o. Establish minimum densities for areas adjacent to transit drop off locations and/or mobility hubs.
- p. Require through an IGA or an MOU that applications for 1041 permits within the planning area boundary be mutually approved by the Town and County.
- q. Take steps to ensure that the necessary infrastructure and services will be provided concurrently with, or in advance of, the arrival of development impacts.

B. Ideas for Further Consideration

These topics were raised by individual stakeholders or outreach groups and will require more discussion about how to define the regulatory issue in a manner that can be addressed as the project moves forward.

1. Trash enclosures should be large enough to include recycling containers.
2. Consider either limiting the project types that are included in the major development review process or eliminating the major/minor development review process distinction.
3. Add a site visit process for larger development applications.
4. Establish commercial quiet hours when located adjacent to residential development.
5. Focus development on a grid pattern (rather than cul-de-sacs) so development is easier to serve.

C. Housekeeping

Organizational challenges and confusion created by vague or inconsistent content were raised frequently during the kick-off meetings, and resulted in the following recommendations for LUDC improvements:

1. Organize the regulations so applicants can find all regulations that will apply to their project.
2. Specify when studies have to be undertaken and what content needs to be included.
3. Clarify private property owner/HOA responsibilities for long-term maintenance.
4. Eliminate internal inconsistencies and conflicts in the regulations.
5. Standardize the types of information and content of studies required for application review and decision-making.

D. Outside of the LUDC Update Scope

A handful of issues were raised that are not within the scope of this project but that are still development related. They are summarized here for further consideration.

1. It is important to get the parking in-lieu fee adopted.
2. Development fees (impact fees, water fees) are too high and should be reviewed; collection should be later in the process.
3. The Town is understaffed in a manner that delays development approvals and/or makes it more expensive than it should be.
4. Require clear emergency radio reception in all buildings.
5. Clarify appropriate uses of the public rights-of-way and the circumstances where special uses that occupy parts of those rights-of-way can be requested.
6. Consider using Town-sponsored wayfinding for outcomes such as directing traffic Downtown and leading people to public parking



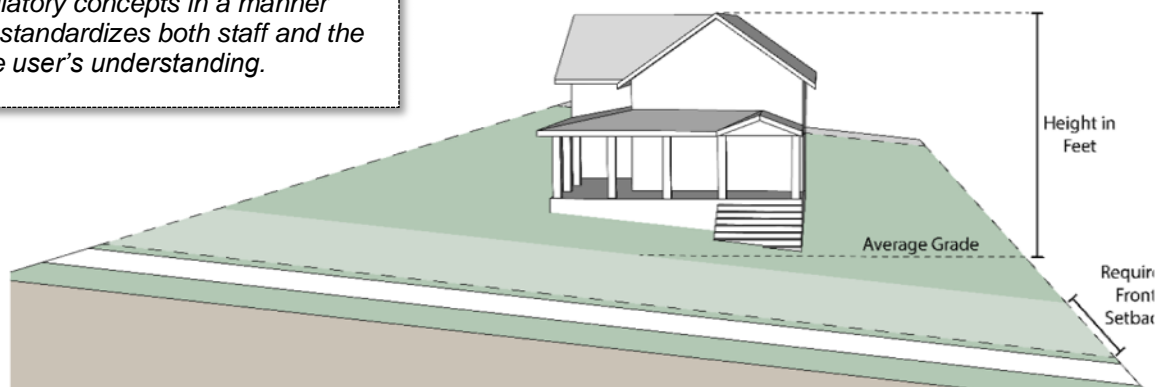
Updating the Current Regulations

A. Overview

The consultant team undertook a section-by-section review of Eagle’s current Land Use and Development Code. Examining the Code through both the perspective of a general Code user to ask: “how can I accomplish this development?” and the more critical review of planning consultant, we have identified potential regulatory issues that are apparent from reading the Code. These are issues that fall into three large categories:

1. **Regulations and standards** that are: dated, incomplete, conflicting, too complex or (or in a few cases, too simplistic), that have been shown to have inconsistent or unpredictable outcomes in Eagle (and other communities) or when examined in planning studies, that are typically a barrier to plan implementation, that have good intent but can be better guided through a different regulatory technique, or that need to be reviewed based on a change to federal, state, or local law.
2. **Procedures** that: are missing or incomplete, are too complex, require applicants to go through discretionary or negotiated review when a more consistent and objective administrative review can be applied, and need to be reviewed for compliance with federal, state, or local law.
3. **Formatting and layout** that: make future internal conflicts more likely, make information difficult to find, and miss opportunities to use images and photographs to help with regulatory interpretation.

Graphics can be used to express regulatory concepts in a manner that standardizes both staff and the code user’s understanding.



Sample measurement graphic

Along with our identification of current issues, we have also started to identify recommended changes to all parts of the current Code to start the process of determining how to update both standards and processes.

One of the overriding issues with the current Code – that we have heard about consistently since the beginning of this project – is the need to reorganize the content to make information easier to find. To start this process, we have created the following updated organizational framework for the new LUDC. This framework is intended to provide Code users with an easy-to-follow, subject-oriented organization and is based on the following organizational best practices:

Consolidation of Content: Grouping like regulations together and avoiding the redundant statement of regulations across the Code in favor of better referencing (table of contents, index, specific cross-references, headers, and footers).

Simplification of Style: Using a straightforward writing style and incorporating graphics and tables to present information to the Code user.

Consistent Organization: Establishing an overall Code organization that is logical and makes it easy for the user to find all of the information relevant to their search.

We may also recommend that some administrative and procedural material, such as applicant content checklists, be removed from the LUDC and instead appear on the Town’s website, where they can be easily updated as technology and development review techniques evolve over time. This allows appropriate detail and commentary to be provided outside of the formally-adopted Code and more easily amended or adjusted as needed. As the Code update process moves forward, we may find that some of these sections and titles need to be adjusted to account for the content of the regulations.

The *Proposed Organization* table included here identifies some topics where we anticipate adding or changing information in the current code. For example, the consultant team thinks the Town might make use of a comprehensive set of renewable energy (wind, solar, geothermal) standards. To determine whether this is the best approach for Eagle, we will draft the renewable energy standards, review them with staff and the Land Use Code Update Committee, edit the content, and include both the new standards and a plain language description of how they are intended to work in the draft LUDC for the community to review and consider.

Eagle LUDC Proposed Organization		
New Chapter	Section	Title
4.01	General Provisions	
	4.01.010	Title
	4.01.020	Authority
	4.01.030	Purpose
	4.01.040	Scope
	4.01.050	Separability
	4.01.060	Authority to Impose Fees, Charges, and Expenses
	4.01.070	Transitional Provisions
	4.01.080	Violations Continue
4.02	Zone Districts: General Standards	
	4.02.010	Zone Districts Established
	4.02.020	Applicability
	4.02.030	Official Zoning Map
	4.02.040	Rules for Interpretation of District Boundaries
	4.02.050	Dimensional Measurement Instructions and Exceptions
	4.02.060	Structure Design Standards
	4.02.070	Adjacency
4.03	Neighborhood Districts	
	4.03.020	RL Residential Low Density

Eagle LUDC Proposed Organization		
New Chapter	Section	Title
	4.03.030	R1 Residential Single-Family
	4.03.040	RM Residential Medium Density
	4.03.050	RMF Residential Multi-Family
	4.03.060	RH Residential High Density
	4.03.070	MHP/PUD Mobile Home Park
4.04	Commercial Mixed-Use Districts	
	4.04.010	CL Commercial Limited
	4.04.020	CG Commercial General
	4.04.030	CBD Central Business District
4.05	Industrial Districts	
	4.05.010	I Industrial
4.06	Civic and Public Districts	
	4.06.010	PA Public Area
4.07	Rural and Agricultural Districts	
	4.07.010	R Resource
	4.07.020	RR Rural Residential
4.08	Planned Unit Development	
	4.08.010	General Provisions
	4.08.020	Purposes
	4.08.030	Standards and Requirements
4.09	Allowed Uses and Use-Specific Standards	
	4.09.010	Use Classifications
	4.09.020	Uses Permitted by District
	4.09.030	Standards for Residential Uses
	4.09.040	Standards for Commercial Uses
	4.09.050	Standards for Industrial, Wholesale, and Storage Uses
	4.09.060	Standards for Transportation, Utility, and Communications Uses
	4.09.070	Accessory Uses
	4.09.080	Temporary Uses
	4.09.090	Special Events
4.10	Site Layout Standards	
	4.10.010	Purpose and Applicability
	4.10.020	Access and Circulation
	4.10.030	Mobility and Connectivity
	4.10.040	Grading and Erosion
4.11	Landscaping and Buffering Standards	
	4.11.010	Purpose and Applicability
	4.11.020	Required Site Landscaping
	4.11.030	Buffers, Fences, and Walls
	4.11.040	Off-Street Parking Lot Landscaping

Eagle LUDC Proposed Organization

New Chapter	Section	Title
	4.11.050	Utility and Service Area Screening
	4.11.060	Tree Protection During Construction
	4.11.070	Landscaping Materials Standards
4.12	Parking and Loading Standards	
	4.12.010	Purpose and Applicability
	4.12.020	Required Off-Street Parking
	4.12.030	Location of Off-Street Parking
	4.12.040	Loading Spaces
4.13	Outdoor Lighting	
	4.13.010	Purpose and Applicability
	4.13.020	Lighting Design and Shielding
	4.13.030	Commercial Lighting
	4.13.040	Parking Area Lighting
	4.13.050	Yard Lighting
	4.13.060	Façade Lighting
	4.13.070	Roadway Lighting
4.14	Sustainability, Resilience, and Hazards	
	4.14.010	Purpose and Applicability
	4.14.020	Renewable Energy
	4.14.030	Sustainable Site Design
	4.14.040	Outdoor Recreation
	4.14.050	Environmentally Sensitive Areas
	4.14.060	Natural Hazards
4.15	Subdivision Design and Improvement Standards	
	4.15.010	Purpose and Applicability
	4.15.020	General Rules and Required Studies
	4.15.030	Subdivision Design and Layout Standards
	4.15.040	Improvements, Infrastructure, and Utilities
	4.15.050	Construction and As-Built Plans
	4.15.060	Adequate Public Facilities
4.16	Signs	
	4.16.010	General Provisions
	4.16.020	Applicability
	4.16.030	Standards for Permanent Signs
	4.16.040	Permanent Sign Regulations by Zone District
	4.16.050	Standards for Temporary Signs
	4.16.060	Temporary Signs Allowed by Zone District
	4.16.070	Nonconforming Signs
	4.16.080	Installation and Maintenance
	4.16.090	Measurements and Calculations

Eagle LUDC Proposed Organization		
New Chapter	Section	Title
	4.16.100	Violation and Enforcement
4.17	Development Review Procedures	
	4.17.010	Administrative Bodies and Officials
	4.17.020	Common Procedures (Annexations, Special Use Permits, Rezoning)
	4.17.030	Permits
	4.17.040	Specific Procedures
4.18	Nonconformities	
	4.18.010	Determination of Nonconformity
	4.18.020	Nonconforming Uses
	4.18.030	Nonconforming Structures
	4.18.040	Nonconforming Lots
	4.18.050	Destruction and Abandonment
4.19	Violations and Enforcement	
	4.19.010	Violations
	4.19.020	Enforcement
	4.19.030	Penalties
4.20	Measurements and Definitions	
	4.20.010	Interpretation
	4.20.020	Rules of Measurement
	4.20.030	General Definitions
	4.20.040	Sign Definitions
	4.20.050	Wireless Communication Definitions

Switching gears from organization to content, the following sections describe how the current content will be revised to better meet the project goals and community priorities. These comments and recommendations are fairly conceptual and may be revised during the update drafting process to reflect both changes made to the regulations and how those regulations work in the new organizational framework.

B. Chapter 4.01, General Provisions

1. Purpose and Organization

The opening section of a land use and development Code typically contains a collection of general provisions that establish the basic legal framework for the full Code. Even though this section is not read frequently, it contains important information, such as the statutory authority to regulate land use, a specific link to local plans and planning policies, the title of the Code, instructions about how a court should proceed if part of the Code is found illegal, and standards for replacing the current Code with a new one.

The updated General Provisions chapter will include the following content:

4.01 General Provisions

4.01.010	Title
4.01.020	Authority
4.01.030	Purpose
4.01.040	Scope
4.01.050	Separability
4.01.060	Authority to Impose Fees, Charges, and Expenses
4.01.070	Transitional Provisions
4.01.080	Violations Continue

2. Updates

Eagle's current Chapter 4.03, General, includes some but not all of the general provisions typically included in this section:

Section	Title	Comments and Recommendations
4.03 General		
4.03.010	Purpose	Carry forward and update to incorporate plan priorities
4.03.020	Authority	Carry forward and update to incorporate home rule authority
4.03.030	Title	Carry forward and change title from "ordinance" to "Code"
4.03.090	Applicability	Split into applicability and transition provisions

In drafting Installment 1, these regulations will be carried forward and expanded into a complete general provisions chapter. In addition to establishing a complete set of general provisions, the LUDC can be updated to include two important pieces of information. First, the current Code fails to take full advantage of the ability to clearly link the land development regulations to the comprehensive plan goals and policies, here and throughout the regulations. The updated LUDC will identify plan implementation as a regulatory goal. And, not surprisingly, the updated land development regulations will need provisions that identify how to proceed with applications that were already in process when the updated Code is adopted. The inclusion of clear "transition provision" are important to help the public understand that the Town intends to honor developments already approved or underway.

C. Chapter 4.02, Zone Districts: General Standards

1. Purpose and Organization

This chapter includes information and standards that are applicable across all of the zone districts, which are then included in a district-oriented layout in the following chapters. The Zone Districts chapter provides an overview of the full zone district line-up, incorporates the Official Zoning Map, identifies rules for zoning map interpretation, and includes regulations that are generally applicable across all of the Town's zone districts.

The Zone Districts chapter will include the following content:

4.02 Zone Districts: General Standards

4.02.010	Zone Districts Established
4.02.020	Applicability
4.02.030	Official Zoning Map

4.02.040	Rules for Interpretation of District Boundaries
4.02.050	Dimensional Measurement Instructions and Exceptions
4.02.060	Structure Design Standards
4.02.070	Adjacency

2. Updates

The content for this chapter is currently located in a few different locations across the LUDC, including Chapter 4.04, Zoning – General Provisions, Uses and Requirements, and Chapter 4.07, Development Standards:

Section	Title	Comments and Recommendations
4.04 Zoning - General Provisions, Uses and Requirements		
4.04.010	Establishment of districts	Update to reflect new zone district lineup
4.04.020	Incorporation of map	Carry forward and update to allow use of electronic map
4.04.030	District boundaries	Edit for clarity and carry forward
4.04.040	Application of regulations	Revise to reflect changes made through rewrite
4.04.080	Schedule of requirements in residential districts	Update table to increase readability and reflect updates to zone district dimensional standards
4.04.090	Schedule of requirements in nonresidential districts	Update table to increase readability and reflect updates to zone district dimensional standards
4.04.100	Supplementary regulations and standards	Separate by topic:
	E. Lot frontage	Establishes minimum lot frontages on public street, discuss and revise
	H. Supplementary setback regulations	Review, update as needed, relocate with dimensional exceptions
	I. Supplementary height regulations	Review, update as needed, relocate with dimensional exceptions
4.04.110	Inclusionary residential requirements for local employee residency	Relocate to affordable housing section
4.07 Development Standards		
4.07.040	General architectural standards	Review design standards: 1. Update and simplify 2. Adjust by character area/zone district, if needed; 3. Add specificity through illustration, example, and context; 4. Remove/revise confusing or non-contributing criteria; and 5. Incorporate objective goals and review criteria
4.07.050	Central Business Area (design standards)	
4.07.060	Broadway District (design standards)	
4.07.070	Chambers Avenue Area (design standards)	
4.07.080	North Interchange Area (design standards)	
4.07.090	Highway 6 Corridor	

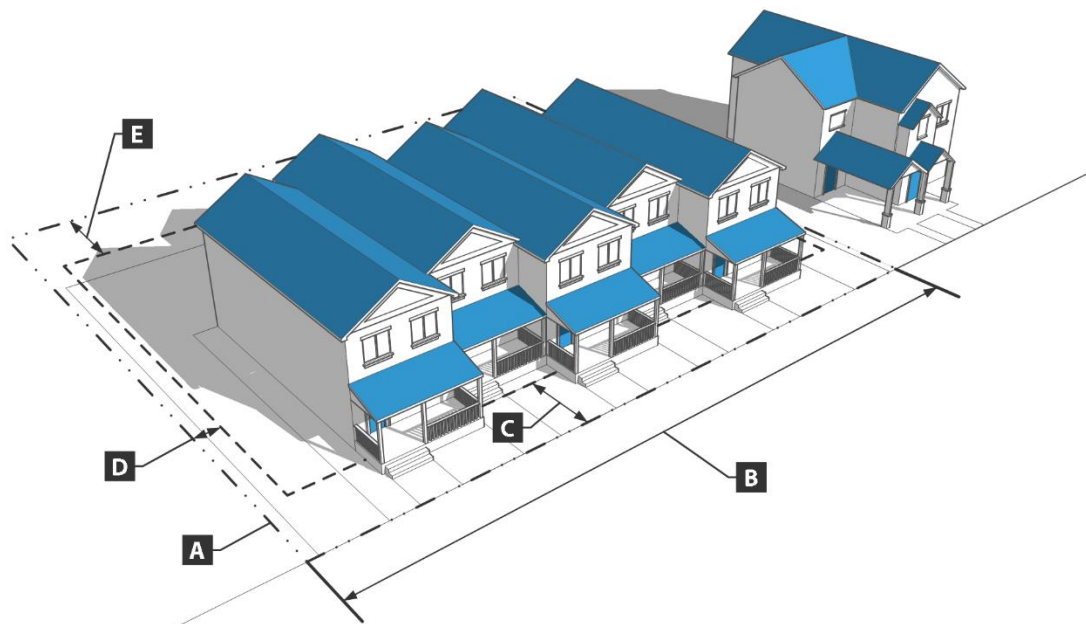
And some of the content located Appendix N, Colorado Vernacular Architectural Style, may also belong in this updated chapter.

We will collect the current regulations, reorganize the information into the sections listed above, and move unrelated regulations into the relevant new Code section. For example, we will group the Lot Frontage, Supplemental Setback Regulations, and Supplemental Height standards in a single section that explains how these measurements are used in conjunction with the district-specific dimensional standards and link users to other places in the Code where: (1) these terms are defined, and (2) there is an explanation of how they are measured.

An example of this approach comes from current Section 4.04.100.E, Lot frontage:

“Each lot, unless otherwise approved under Chapter 4.11, Planned Unit Development, shall have a minimum of 25 lineal feet of frontage on a public street, except that a maximum of 20 condominium units or 20 townhouse lots may front on a private access way at least 25 feet in width which need not meet the Town street construction regulations. All other private streets shall conform with said regulations. All private access ways and streets shall be reserved in perpetuity through private agreement and shall allow vehicular access to the unit or lot.”

We will divide this regulation into two parts. The first sentence, minimum frontage requirement and condo/townhouse lot exception will be moved into the dimensional tables, making this information easier to code users to find. This standard can also be illustrated as shown below, with measurement B linked to the allowance of multiple townhome lots within the frontage distance.



The second sentence, private street requirements, will either be moved to Section 4.13.040, Access and Circulation, and cross-referenced here if needed, or similar regulations that are carried forward into that section will be cross-referenced here if needed.

Design Standards

Structure design is an important regulatory tool in Eagle. The current LUDC includes design standards for the following areas:

- Central Business Area
- Broadway District
- Chambers Avenue Area
- North Interchange Area
- Highway 6 Corridor

The goal of the LUDC update will be to create a general design section that includes updated and consolidated regulations that reflect modern approaches to form and architecture regulation. The remaining standards will be carried forward into an appropriate zone district, updating the standards as needed to reflect relevant plans and best practices in design regulation.



D. Chapters 4.03 to 4.08, Zone Districts

1. Purpose and Organization

Zone districts (also called zoning districts) are groupings of structures, uses, and related regulations that are applicable to lots within specific areas of the Town. The regulations that describe what is allowed and what is restricted in the different zone districts is provided in the LUDC, and the map of where the districts are applied is available on the Town's website.



The updated LUDC zone districts chapters will be organized as follows:

Zone Districts

4.03 Neighborhood Districts

[insert list of neighborhood districts, discussed below]

4.04 Commercial Mixed-Use Districts

[insert list of commercial mixed-use districts, discussed below]

4.05 Industrial Districts

[insert list of industrial districts, discussed below]

4.06 Civic and Public Districts

[insert list of public districts, discussed below]

4.07 Rural and Agricultural Districts

4.07.010 R Resource

4.07.020 RR Rural Residential

4.08 Planned Unit Development

4.08.010 General Provisions

4.08.020 Purposes

4.08.030 Standards and Requirements

2. Updates

The current LUDC includes zone district-related content in Section 4.04, Zoning – General Provisions, Uses and Requirements, and Section 4.11, Planned Unit Development:

Section	Title	Comments and Recommendations
4.04	Zoning - General Provisions, Uses and Requirements	
4.04.050	Zoning district regulations	Explore reorganizing to group district specific information by zone district (e.g., purpose, dimensions, and district-specific standards for each district, keep reference to use table)
4.04.060	Schedule of uses permitted in residential districts	Merge into a single use table, organize uses by major category, draft standards for special uses and convert to permitted uses, include process for interpreting new uses into table
4.04.070	Schedule of uses permitted in nonresidential zone districts	
4.04.080	Schedule of requirements in residential districts	Update table to increase readability and reflect updates to zone district dimensional standards
4.04.090	Schedule of requirements in nonresidential districts	Update table to increase readability and reflect updates to zone district dimensional standards
4.11	Planned Unit Development	
4.11.10	General	Explore preferences for continued use of PUD and whether any restrictions or limitations should be established
4.11.020	Purposes	Carry forward and revise based on conversations about future use of PUDs
4.11.030	Standards and requirements	Revise to link PUDs to base zone districts
4.11.040	PUD review procedures	Update and link to common procedures

Zone District Formatting

The consultant team anticipates making changes to both the zone district page layout and the zone district line-up. Eagle’s current zone districts are organized in a series of tables:

- Sec. 4.04.010, Establishment of districts – table with list of district names
- Sec.4.04.050, Zone district regulations – short reference to relevant tables
- Sec. 4.04.060, Schedule of uses permitted in residential zone districts – use table 1
- Sec. 4.04.070, Schedule of uses permitted in nonresidential zone districts – use table 2
- Sec. 4.04.080, Schedule of requirements in residential districts – dimensional regulations table
- Sec. 4.04.090, Schedule of requirement in nonresidential districts – dimensional regulations table

A user is required to navigate the relevant tables to gather all of the information relevant to their applicable zone district. Anecdotally, we find that code users most frequently reference dimensional standards related to the actual or potential zone district on their property, and the use table relative to a specific use. We want to make this information as easy to find and apply as possible. We will propose reformatting the zone district content on a one- or two-page layout that serves as the “landing page” for information about that zone district. Purposes, dimensions,

and district-specific standards will be identified by district, and cross-references will be provided to use standards and dimensional standards. This sample zone district from another community illustrates the general layout and content categories:

Chapter 60.200: Zone Districts
Section 60.200.030 Base Districts

A. MX-C – Mixed-Use Center

1. Purpose

The MX-C district is intended to provide for pedestrian-friendly areas of medium-density residential development and compatible nonresidential uses such as lodging, offices, retail, civic and community, and accessory uses. Development shall be at a walkable scale that is compatible with surrounding residential neighborhoods.



MX-C Sample development types

2. Uses

Permitted, accessory, and temporary uses allowed in the MX-C district are identified in Tables 60.02.A, Principal Uses, 60.02.B, Accessory Uses, and 60.02.C, Temporary Uses.

Sample District Layout

Land Use & Development Code

7

3. Dimensional Standards

Table 200.03-1 MX-C Lot and Building Standards

Lot Dimensions (Minimum)

Lot Area	None
Lot Width	None

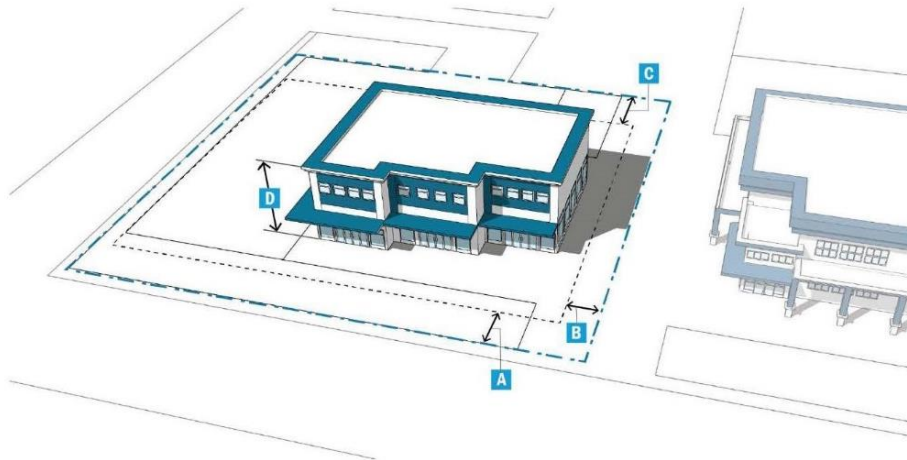
Building/Structure Setbacks (Minimum in feet)

A Front	None
B Side	None
Minimum Sum of Side Yards	None
C Rear	7

Building/Structure Height (Maximum in feet)

D Primary Structure	40
Accessory Structure	15 [1]

¹ 24 feet for Accessory Dwelling Units.



4. Additional District Standards

- a. Industrial uses shall not occupy the ground floor street frontage of any building;
- b. No more than 50 percent of the gross floor area of any building shall be occupied by mechanical equipment or machinery engaged in manufacturing, finishing, or assembling activities (including space occupied by the machine operators); and
- c. Retail, wholesale, or office activities which are part of the business operation are acceptable uses in that area of the building occupying the street level frontage.

Zone District Line-Up

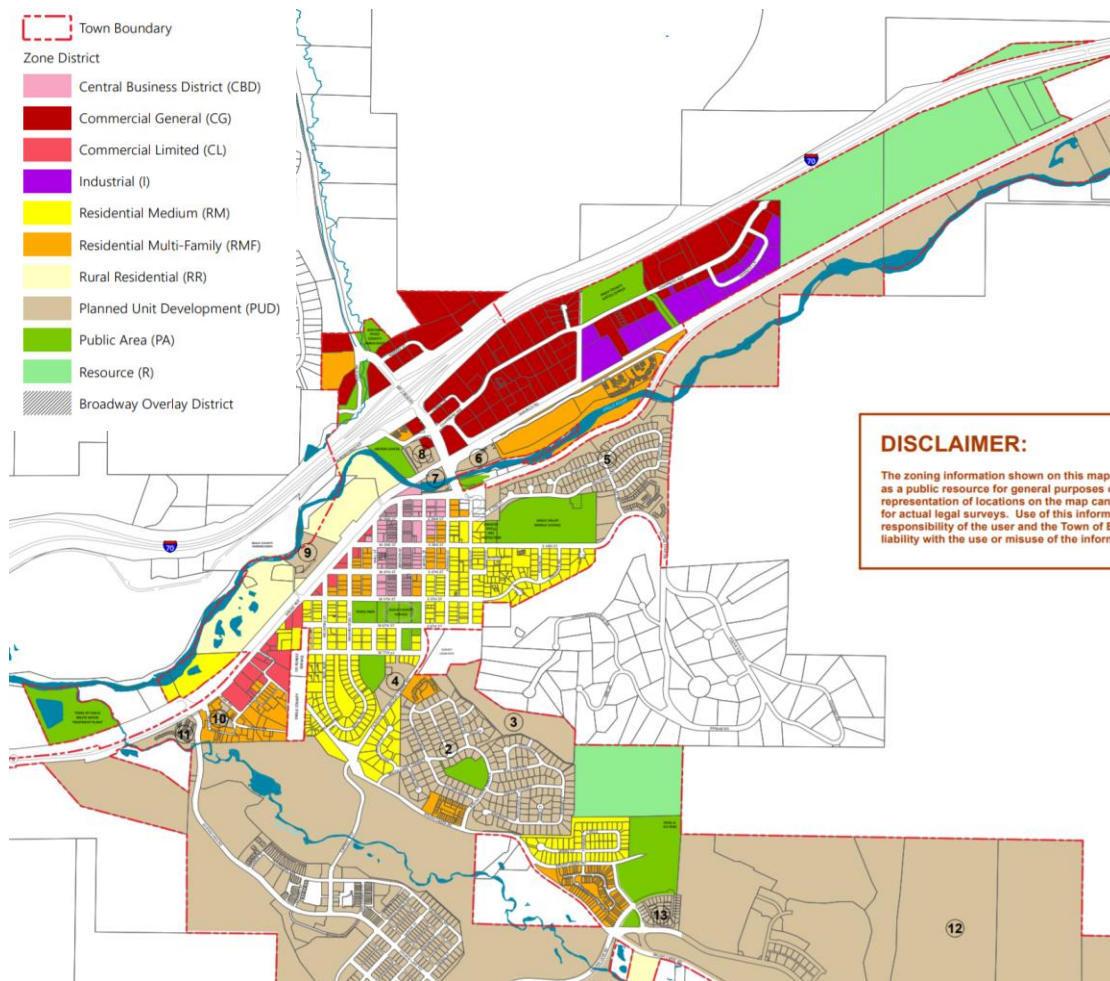
Like many communities with older zoning codes, Eagle's current zone district line-up is focused on lot size distinctions and relative densities (Low, Medium, High) in residential development, shown summarized in the following table:

District	Min. Lot Size	Permitted Residential Structures			
		Key: /P/ Permitted /S/ Special Use /-/ Not Allowed			
		One DU	Two DU	Three or More DUs	Accessory Apartment (ADU)
RR	2 acres	P	S	-	(\$4.04.100) allowed with owner-occupied single unit detached
RL	10,000 sq. ft.	P	S	-	
R1	6,000 sq. ft.	P	-	-	
RM	6,000 sq. ft.	P	P	P	
RMF	6,000 sq. ft.	P	P	P	
RH	20,000 sq. ft.	P	P	P	

The current regulations also include a very basic line-up of non-residential districts:

District	Min. Lot Size	Mixed-Use (+ Res. structure)	Mixed-Use, (2 nd Story)	Accessory Residential Unit
		Key: /P/ Permitted /S/ Special Use /-/ Not Allowed		
Commercial Limited (CL)	7,500 sq. ft.	-	S	-
Commercial General (CG)	20,000 sq. ft.	-	S	S
Central Business District (CBD)	3,125 sq. ft.	S	P	P
Industrial (I)	20,000 sq. ft.	-	-	S

These districts are currently distributed as shown on the Eagle Zoning Map on the following page.



Where the zone district choices are both limited and overly-broad, we find that planned unit development is often used to fill gaps to either provide flexibility or limit uses that are perceived as incompatible with adjacent uses. The problem with this approach, though, is that planned unit development districts are designed to work as mini-zoning codes without much reference to town-wide approaches to issues such as use regulations, landscaping regulations, building design, and parking. We anticipate updating the existing zone districts and drafting new ones as follows:

Zone Districts

4.03 Neighborhood Districts

4.03.010	N1 Neighborhood 1 (current RL Residential Low Density)	
4.03.020	N2 Neighborhood 2 (current R1 Residential Single-Family)	
4.03.030	N3 Neighborhood 3 (current RM Residential Medium Density)	
4.03.040	NX1 Neighborhood Mixed-Use 1 (current RMF Residential Multi-Family)	Changes: Revise to allow neighborhood-scale non-residential uses
4.03.050	NX2 Neighborhood Mixed-Use 2 (current RH Residential High Density)	Changes: Revise to allow small lot attached and multifamily residential for infill,

Zone Districts

		redevelopment, and Downtown-adjacent neighborhoods, along with neighborhood-scale nonresidential uses
4.03.060	NMH Neighborhood Manufactured Home (current MHP/PUD Mobile Home Park)	
4.04 Commercial Mixed-Use Districts		
4.04.010	CMX1 Commercial Mixed-Use 1 (current CL Commercial Limited)	Changes: Update for use with small lots along commercial corridors, may allow second-floor residential
4.04.020	CMX2 Commercial Mixed-Use 2 (current CG Commercial General)	Changes: Update for use with standard and large lots along commercial corridors, may allow second-floor residential
4.04.030	CBD Central Business District (current CBD)	Changes: Update to include place/design-based sub-areas linked to street frontages; may be expanded to incorporate RMF on Wall Street and Howard Street
4.05 Industrial Districts		
4.05.010	INDX Industrial Mixed-Use (new)	Changes: new mixed-use district focused on a safe mix of light industrial, supportive retail/commercial, and residential uses
4.05.020	IND Industrial (current Industrial)	
4.06 Civic and Public Districts		
4.06.010	PC1 Public and Civic 1 (current PA Public Area limited to parks and open spaces)	
4.06.020	PC2 Public and Civic 2	Changes: new, used for institutional campuses (schools, medical centers) to allow a mix of uses including supportive retail and housing
4.07 Rural and Agricultural Districts		
4.07.010	R Resource	
4.07.020	RR Rural Residential	

The new and updated districts will be drafted to reflect existing development and lot sizes, both to ensure that redevelopment and infill development works with the character of surrounding development as well as to limit the number of nonconformities. We will work with Eagle staff and stakeholders to determine how best to make this happen and anticipate adjusting the final number and contents of the zone districts accordingly.

Each zone district will contain a district-specific purpose statement that identifies the role and long-term policy purposes of the zone district, and where important, differentiates somewhat similar districts. These examples (from other communities) illustrate the types of information that can be included in a purpose statement:

Division 4.18 Community Commercial District (A) Purpose. *The Community Commercial District provides a combination of retail, offices, services, cultural facilities, civic uses and higher density housing. Multi-story buildings are encouraged to provide a mix of residential and nonresidential uses. Offices and dwellings are encouraged to locate above ground-floor retail and services.*

Neighborhood Commercial, 35-1200 Purpose. *The uses permitted in this district are intended primarily to serve the needs of the surrounding residential neighborhood by providing goods and services that are day-to-day needs generally classed by merchants as "convenience goods and services." Businesses which tend to be a nuisance to the immediately surrounding residential area are excluded even though the goods and services offered might be in the convenience classification.*

Dimensional Standards

In the process of updating and revising the zone districts, the consultant team will review the applicable dimensional standards and make recommendations for changes that will help implement the Town's preferred development patterns as well as to encourage the creation of more housing. As shown in the Residential Zone Districts Table to the right, most of the current zone districts have larger lot sizes (for a mountain town) and identical setbacks. Not shown in this excerpt, the current districts also have restrictive impervious surface coverage requirements. These dimensions will be updated to better align with the creation of compact, walkable development in Eagle.

As discussed above, we propose moving away from the consolidated dimensional table (Tables 4.04.080 and 4.04.090) and creating district-specific dimensions within each district or small group of districts, similar to this example from another community. In conjunction with this formatting change, we will also eliminate the consolidated dimensional tables. This will help the Town avoid the opportunity for future code amendments creating

RESIDENTIAL ZONE DISTRICTS TABLE					
ZD	MLA	MLA/DU	MFY		MSY
RM	6,000 sf	6,000 sf	L	25'	Greater of 12.5' or ½ building height
			C	25'	
			A	50'	
RMF	6,000 sf	SF 6,000 sf; MF 4,000 sf	L	25'	Greater of 12.5' or ½ building height
			C	25'	
			A	50'	
RH	20,000 sf		L	25'	15'
			C	25'	
			A	50'	
MHP*	2 acres		L	25'	20'
			C	25'	
			A	50'	

conflicting text where an amendment is made is one table and not the other. Below is a sample district-specific dimensional table from another community:

B. RM-3 Lot and Building Standards

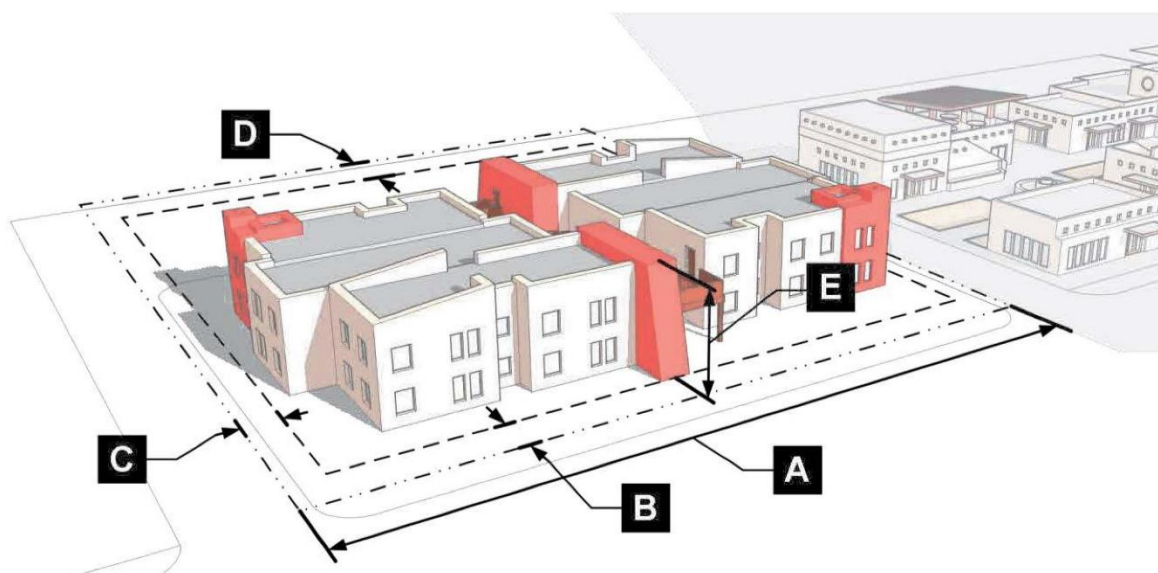
Lot Standards		
A	Width (minimum)	100 feet
	Area (minimum)	8,000 sq. ft.[1] ³⁸
	Density (maximum)	20 du/acre
Setbacks (minimum)		
B	Front	10 feet [2] ³⁹
C	Side [3]	8 feet [4]
D	Rear	20 feet [5]
Height (maximum)		
E	Building height	25 feet
Impervious Coverage (maximum)		
	Building coverage	40 percent [6] ⁴⁰
	Total coverage	70 percent

C. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.23
Use-Specific Standards	Section 3.3
Off-Street Parking	Section 5.5
Landscaping, Buffering	Section 5.6
Site and Building Design	Section 5.7

Notes:

- [1] Currently 21,780 sq. ft. (1/2 acre)
- [2] Currently 20 feet
- [3] Did not carry forward the side setback abutting a street, which is currently 15 feet
- [4] Currently 10 feet
- [5] Currently 25 feet
- [6] Currently 25 percent



Planned Unit Development

Eagle has relied on the planned unit development (PUD) process to accomplish most new development over the past 20 years. While PUD should be a useful tool in a land use code, it should not be the only tool used in that code. One key goal of this update will be to upgrade the zone districts and uses in a manner that balances out the range of methods that can be used to accomplish development and project design goals. The consultant team anticipates recommending changes to the PUD regulations that: (1) target the process to specific circumstances, (2) require the PUD to align more closely to base zone district(s) dimensions and uses, (3) link the approval of a PUD to the granting of significant benefits to the community. The updated LUDC will also clarify questions about PUD vesting and amendment.

E. Chapter 4.09, Uses and Use-Specific Standards

1. Purpose and Organization

The use regulations section includes three types of information for code users. (1) which uses or categories of uses are allowed in a specific zone district, (2) what type of approval is required for that use (e.g., administrative or special use review), and (3) whether there are any specific standards associated with the use (as compared to standards associated with the zone district).

We recommend that the use standards be organized as follows:

4.09 Allowed Uses and Use-Specific Standards

4.09.010	Use Classifications
4.09.020	Uses Permitted by District
4.09.030	Standards for Residential Uses
4.09.040	Standards for Commercial Uses
4.09.050	Standards for Industrial, Wholesale, and Storage Uses
4.09.060	Standards for Transportation, Utility, and Communications Uses
4.09.070	Accessory Uses
4.09.080	Temporary Uses
4.09.090	Special Events

2. Updates

The current Eagle LUDC has use-related regulations located in multiple chapters, including:

Section	Title	Comments and Recommendations
4.04	Zoning - General Provisions, Uses and Requirements	
4.04.060	Schedule of uses permitted in residential districts	Merge into a single use table, organize uses by major category, draft standards for special uses and convert to permitted uses, include process for interpreting new uses into table
4.04.070	Schedule of uses permitted in nonresidential zone districts	
4.04.100	Supplementary regulations and standards	Separate by topic (note: the entire “supplementary” section will be reorganized into topic areas)
	B. Temporary use	Temporary use regulations, carry forward and update
	F. Buildings, mobile homes, manf’d homes	Describes where permitted, update
	J. Minimum use standards	Review, update as needed, relocate with other use standards
	K. Home occupation standards	Review, update as needed, relocate with other use standards
	L. Industrial use standards	Review, update as needed, relocate with other use standards
	M. Outside storage standards	Review, update as needed, relocate with other use standards
	N. Accessory apartments in owner-occupied single-family dwellings	Review, update as needed, relocate with other use standards
	O. Extended stay temporary lodging facilities	Review, update as needed, relocate with other use standards

Section	Title	Comments and Recommendations
	P - V. Marijuana regulations	Relocate with other use standards
4.05.010	Special use	Review, update as needed, relocate review process to specific procedures section, link to common procedures
	2. Industrial operations	Relocate use-specific conditions with use standards
	3. High density multiple family dwellings	Relocate use-specific conditions with use standards
	4. Bed and breakfast facility	Relocate use-specific conditions with use standards
4.09	Mobile Home Parks and Subdivisions	
4.09.010	General	Carry forward, review for potential updates, convert to manufactured home regulations, move to use regulations
to		
4.09.040	Mobile home lot requirements	
4.10	Recreational Vehicle Parks	
4.10.010	General	Carry forward, review for potential updates, move to use regulations
to		
4.10.030	Design and operations	
4.18	Sexually Oriented Businesses	
4.18.010	Purpose and description	Carry forward
4.18.030	Special use permit required	Carry forward
4.18.040	Separation requirements	Carry forward

Use Table and Use-Specific Standards

The current residential and nonresidential use tables are useful for corraling lists of uses but could go much further in an effort to be user-friendly. They are not organized either alphabetically or by use category, they are split into residential and nonresidential districts, and they do not include a cross-reference to any additional standards for the use. Neither table identifies permitted accessory uses and, despite not being mentioned in either of the use tables, the current LUDC appears to allow any use to be approved as a temporary use (Sec. 4.04.100.B.1: “Any use, including construction office or yard, construction housing and camper trailers, carnival, fair, tent meeting, or any use listed in this chapter, may be allowed on a temporary basis (less than 12 months), upon issuance of a temporary use permit.”).

Use Table Reorganization

To allow both users and decision-makers to take a more comprehensive look at what uses are actually and potentially permitted, the Town should reorganize the current use tables as follows:

1. Combine the two tables into a single table that identifies uses permitted across all zone districts.
2. Organize the uses into a more easily expanded classification-based system. We recommend six major categories: Residential, Civic and Institutional, Commercial, Industrial, Transportation and Utility, and Agriculture. Each category should be defined to allow for easier classification of future uses. Within the larger classifications, sort the

uses in the table alphabetically, except for residential uses, where it is most intuitive to sort uses by intensity (from detached single-family dwellings to multi-family dwellings and group living arrangements).

3. Add more detail and variety to the listed uses to fill in any gaps related to basic uses and address contemporary issues with housing variety, temporary and mobile businesses, and mixed-use development (e.g., co-housing, live-work dwellings, urban agriculture, and artisan manufacturing). Remove dated or infrequently requested uses (e.g., taxidermy shop, storage of explosives), remembering that these uses can still be requested as part of the larger category (e.g., personal services, warehousing) that can be directed to special use review if needed.
4. Create similarly organized tables for accessory and temporary uses. Once the uses are grouped by category in one table, the Town will be able compare similar existing permitted uses across districts, eliminate potential redundancy or overlap in use, identify new uses that should be permitted, and highlight specific uses for additional regulations.

Below is a sample permitted use table from another community that is organized in classifications (tan rows) and includes use standard cross-references (far right column):

Table 5.2-A: Table of Allowed Uses																	
P = permitted S = specific use permit required Blank cell = use prohibited * = use-specific standards apply																	
	Residential							Mixed-Use			Corridor		Other Nonresidential				Use-Specific Standards
	RR	R1	R2	R3	R4	R6	R7	MN	MD	MR	SC	HC	GO	LI	HI	PF	
OFFICE, BUSINESS, AND PROFESSIONAL SERVICES																	
Administrative, Professional, and Government Office				S+	S+	S+	S+	P+	P+	P	P	P	P	P	P	P	5.3.5K
Bank or Financial Institution							S+	P+	P+	P	P	P	P	P			5.3.5L
Musician Studio								P+	P+	P+	P+	P+	P+	P+	P+		5.3.5M
Credit Access Business								S+	P+	P	P	P	P	P			5.3.5N
Printing, Copying, and Publishing Establishment								S	P	P	P	P	P	P	P		
PERSONAL SERVICES																	
Laundry Facility, Industrial												S	S	P	P		
Laundry Facility, Self-Service							S+	P+	P+	P+	P	P	P	P	P		5.3.5O
Personal Service, General								P	P	P	P	P	P	P			
Tattoo and Body Piercing Parlor									P+	P+	P+	P+					5.3.5P

Adjusting Development Approval Requirements

Improving the use table organization and updating use-specific standards will also allow the Town to take a closer look at opportunities to move individual use approval from special use review to administrative or P&Z approval. One effective way for a community to encourage a preferred development type or use is to make the use permitted by-right or through a very simple, non-discretionary administrative review process. Many of the uses listed in both current use tables require special use review. This makes the use approval less certain, opens the door to negotiated development, and typically slows down the development process. The approval changes recommended to allow increased use of administrative approval are discussed on page 67. The following excerpt from Table 4.04.070, Schedule of uses permitted in nonresidential districts, shows a sample of how many uses currently require special review in nonresidential zone districts:

ZONING DISTRICT	CBD	CL	CG	PA	I
USE					
Retail establishment, except mobile home and vehicular services	P	P	P	*	S
Service establishment, except vehicular service	P	P	P	*	S
Restaurant	P	P	P	*	*
Tavern	P	P	P	*	*
Office	P	P	P	P	*
Lodging, extended stay	*	*	S	*	*
Lodging, temporary	P	P	P	*	*
Dwelling units - above street level	P	S	S	S	*
High density, multifamily dwelling ¹	S	*	*	*	*
Park, playground, greenbelt	P	P	P	P	P
Indoor recreation or theater	S	S	S	S	*
Public building, auditorium or other public assembly	S	S	S	S	*
Church, child care facility, school	S	S	S	P	*

Enhance Use-Specific Standards (HERE)

The current regulations already include - somewhat scattered across the Code – use-specific standards for a number of uses. The consultant team will consolidate these standards and discuss with staff which standards should be updated, such as home occupations, and whether there are any additional uses that could be addressed through use-specific regulations, such as urban agriculture. We will also move the current inclusionary residential requirements into this section and establish cross-references to the relevant development types and approval processes. Preliminary topics for use-standard edits and, in some cases, addition to the use table, as needed, include:

- Accessory apartments (accessory dwelling units)
- Public art
- Fractional ownership
- Short-term rentals
- Mobile vendors
- Live/work units
- Cottage industries
- Small cell and wireless communication facilities.

We also find that the regulation of temporary and special uses is frequently overlooked in older codes, and the lack of regulations can cause serious problems when the community wants a method to permit either type of use. The consultant team will recommend a set of temporary and special use standards that address the most common activities.

Completing this section, the consultant team will define all uses included in the use tables as precisely as possible.

F. Development Standards

[Chapter 4.10, Site Layout Standards](#)

[Chapter 4.11, Landscaping and Buffering Standards](#)

[Chapter 4.12, Parking and Loading Standards](#)

[Chapter 4.13, Outdoor Lighting](#)

1. Purpose and Organization

Development standards are those requirements with mandatory applicability across many development types, such as landscaping and parking. To help move away from negotiated PUD development and into more predictable development using base zone districts and generally applicable development standards, the updated LUDC will need to incorporate a more comprehensive range of development standards. These standards will be organized like this:

4.10 Site Layout Standards

4.10.010	Purpose and Applicability
4.10.020	Access and Circulation
4.10.030	Mobility and Connectivity
4.10.040	Grading and Erosion

4.11 Landscaping and Buffering Standards

4.11.010	Purpose and Applicability
4.11.020	Required Site Landscaping
4.11.030	Buffers, Fences, and Walls
4.11.040	Off-Street Parking Lot Landscaping
4.11.050	Utility and Service Area Screening
4.11.060	Tree Protection During Construction
4.11.070	Landscaping Materials Standards
4.12 Parking and Loading Standards	
4.12.010	Purpose and Applicability
4.12.020	Required Off-Street Parking
4.12.030	Location of Off-Street Parking
4.12.040	Loading Spaces
4.12.050	Fee In-Lieu
4.13 Outdoor Lighting	
4.13.010	Purpose and Applicability
4.13.020	Lighting Design and Shielding
4.13.030	Commercial Lighting
4.13.040	Parking Area Lighting
4.13.050	Yard Lighting
4.13.060	Façade Lighting
4.13.070	Roadway Lighting

2. Updates

In Eagle, where most project design is individually negotiated with each PUD, the LUDC development standards are inconsistent in scope and content. The lighting standards are exceptionally detailed, while the landscaping standards do not adequately address something as simple as parking lot landscaping. The current landscaping and parking standards appear to fall short of the community development goals identified in Elevate Eagle and other community plans. Development works most efficiently when all parties to the process share a clear and standardized set of regulations. This allows property owners and developers to understand community expectations for their project. It allows Town staff to review each application against adopted policies and objective standards and make consistent recommendations to appointed and elected officials. And it allows decision-makers to make their determinations within a framework of agreed to criteria and requirements. The current regulations can be updated and enhanced to create a complete set of baseline development standards applicable to both standard site design and new PUD projects. This will increase the consistency of application and the ultimate project design with plan priorities. All of the regulations in the Development Standards section will be subject to the administrative adjustment and variance processes included in Chapter 4.17.

The current development standards are located in Chapter 4.07 and include the following:

Section	Title	Comments and Recommendations
4.07	Development Standards	
4.07.010	Lighting standards	Review, update as needed to reflect changes to zone districts or uses, move definitions to general definitions, update tables for ease of understanding
4.07.020	Landscape standards	Review, update as needed to reflect changes to zone districts or uses, review requirements to work for downtown/redevelopment sites, provide more specificity about required landscaping, add fire standards, add parking lot landscaping
4.07.030	Erosion and sediment control, stabilization, and revegetation standards	Expand standards to provide more objective requirements, discuss use of grading and erosion control permit; coordinate review and approval with Public Works
4.07.140	Parking standards	Review relevant plans and make recommendations re: updates; reorganize for ease of use; structure parking table in similar method as use table

Site Layout Standards

Access and Circulation Standards

We anticipate creating a new section of access and circulation standards that are applicable to individual lot development that is not located within a new subdivision. These standards will be made applicable to both new development infill/redevelopment in anticipation of situations where safe site access and circulation requires coordination with adjacent development and existing streets or alleys.

Mobility and Connectivity

The ability to move easily around Eagle is important to residents, and the importance of maintaining and enhancing connections is reflected across the Town's plans, including Elevate Eagle (top quote) and the current Grand Avenue Corridor Study (bottom quote).

GOAL 2-4. CONNECT EAGLE'S UNIQUE NEIGHBORHOODS PHYSICALLY AND VISUALLY THROUGH A WALKABLE AND TRAIL-ORIENTED ENVIRONMENT WITH HIGH-QUALITY WAYFINDING.



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

- New development should provide amenities such as sidewalks, parks, open space systems, and bicycle paths.
- Mixed-use developments should provide adequate pedestrian amenities/facilities including off-street parking, sidewalks, landscaped areas/planters, gathering areas and nighttime lighting (that is appropriate to dark sky standards but provides adequate lighting for night recreation, safety, and entertainment).

2-4.2. Enhance wayfinding to reflect the Town brand and to identify appropriate locations and designs for directional signage, as well as address vehicular, pedestrian, transit, and trail signage.



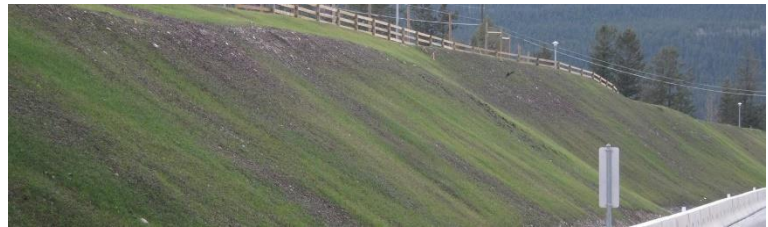
The Grand Avenue Corridor Plan is a transformational long-term public project that aims to improve mobility across the Town of Eagle, establish a strong sense of place and identity and create interconnectivity between the major destinations within walking distance of the downtown commercial core.

El Plan del Corredor de Grand Avenue es un proyecto público transformador a largo plazo que tiene como objetivo mejorar la movilidad en la ciudad de Eagle, establecer un fuerte sentido de lugar e identidad y crear interconectividad entre los principales destinos a poca distancia del centro comercial del centro.

The new Mobility and Connectivity section will include standards that address connectivity between lots and streets, streets and streets, and overall neighborhood development for both new development and redevelopment. The mobility provisions will focus on providing and connecting multi-modal connections both around Eagle and into the downtown.

Erosion and Sediment Control

The consultant team heard some individual and group comments about unclear or insufficient standards associated with the Town's current erosion and sediment controls standards and permitting process.



There is also an action item identified in Elevate Eagle to "require appropriate and timely re-vegetation of graded and excavated areas." Considering the stakeholder comments and action item together, while reading the current regulations helps clarify what the issue may be.

The current regulations are located in Section 4.13.060 and they rely on the applicant to submit a proposed plan to provide for erosion and sediment control, but the regulations do not establish specific standards for the applicant to meet or provide measurable guidelines for determining what approach would be acceptable. For example, the plan must show how the applicant will meet the following practices:

- a. Keep cut and fill operations to a minimum so as to create the least erosion potential;
- b. Retain and protect natural vegetation whenever feasible;
- c. Minimize the exposed ground area and the duration of exposure;
- d. Protect exposed critical areas with temporary vegetation and/or mulching during development;

All of these requirements include terms with varying degrees of subjectivity, including "least," "whenever feasible," "minimize," and "critical." Subjective terms can be interpreted differently by applicants and staff resulting in inconsistent application of the requirements that can lead to avoidable conflict. Pairing the erosion and sediment control plan requirements with baseline standards, such as a measurement limitation on the amount of cut and fill permitted on a site or specific standards identifying the types of natural vegetation that must be maintained, will give both staff and applicants a shared understanding of the Town's expectations. As the consultant team moves into drafting Installment 2: Development Standards, we will more specifically identify improvements that can be made to this process.

Landscaping

The current landscaping standards are very basic, focused on how much overall landscaping is required and what materials are appropriate. These standards may provide enough overall landscaping for Town preferences, but they should be revised and updated with more specificity to be more easily applied and enforced. Specifically, buffer yard widths and planting requirements can be linked to adjacent use type, screening of mechanical equipment can be specified by the location of the equipment, use of fire-resistant plant materials can be included, and long-term landscape maintenance requirements can be clarified. The landscaping standards update will also fill some gaps in the current Code, including:

- Verifying the use of a seed mix that will grow, and
- Establishing performance standards for plant growth.



Shrubs

Choose shrubs that are low growing, with minimal dead material and supple leaves.

The LUDC will include information about fire safe plant material choices. (firesafemarin.org)

Parking

During our early community outreach, the consultant team heard some comments about parking issues, but those comments did not coalesce into a set of specific concerns. We understand that the Town completed a parking study in 2017 and has started to create a parking in-lieu fee program. Elevate Eagle includes the following proposed action: “Address parking Downtown (e.g., site identification for public parking opportunities; fee-in-lieu of parking within the Downtown core; ease of parking requirements to encourage redevelopment; increased shared parking areas; investigation into a parking app, etc.).” Some of the steps identified in this action, those related to parking provided by the private sector, can be accomplished through the LUDC update. The consultant team will discuss how to proceed with these changes with Town staff the LUDC Update Committee at the start of the drafting process.

Minimum Parking Requirements

The consultant team’s preliminary observation of the current parking requirements is that the number of spaces required is very high for most commercial/eating/drinking/residential uses. We anticipate recommending significant reductions to these requirements. We will also organize the parking requirements in a table format that parallels the use table. This will minimize the amount of interpretation required to determine what parking requirements apply to which uses.

A related topic that we’d like to explore further through the Code update is making the provision of joint parking easier through the creation of pre-established joint parking percentages. In the current Code, applicants have to obtain special permission from the Town to share parking between uses with different peak parking times. Rather than making this determination on a case-by-case basis, some communities have established a standard matrix that specifies how shared parking works across different uses. Applicants that can meet the shared percentages are approved for joint parking.

Applicability to Change of Use and Redevelopment

We will also recommend a more refined approach to applying parking standards to redevelopment, infill, and the expansion of nonconformities. The inability of a new business owner on an existing site to provide more parking than was already available on a site can result in unnecessary expense and headache as the applicant and staff look for “creative” way to add parking, or, when the additional parking cannot be added, the site may be abandoned. Providing parking is important, and so is the addition and expansion of local businesses. The current LUDC recognizes this trade-off by not requiring compliance with parking standards for a change of use in an existing building in the CBD (see Sec. 4.07.140.A.3). The new LUDC requirements will broaden this approach, recognizing that flexibility is important in two ways: (1) establishing a higher threshold for compliance outside of Downtown, such as only requiring 100% parking compliance when the site or structure have been redeveloped by at least 75% in terms of square footage or building permit valuation, and (2) adding a process for administrative adjustments that allows the Community Development Director to waive a specific percentage of parking space requirements. All recommended parking changes that may impact the use of on-street parking will be balanced against the need to maintain snow removal operations.

Outdoor Lighting

The current outdoor lighting standards are much more detailed and complex than are necessary and include design specifications that would be better located on the Town’s website or in a user’s guide. The lighting standards also currently require a third party to certify compliance, putting the Town in the position of relying on that information. The consultant team believes that the lighting standards could be significantly revised for better ease of understanding and still accomplish the Town’s stated purposes and expected outcomes for lighting. We will recommend updated standards that are both clearly defined and enforceable and are supported by user-friendly illustrations.

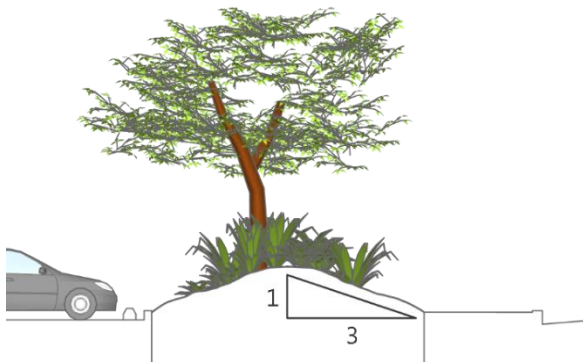


Non-residential lighting adjacent to residential property

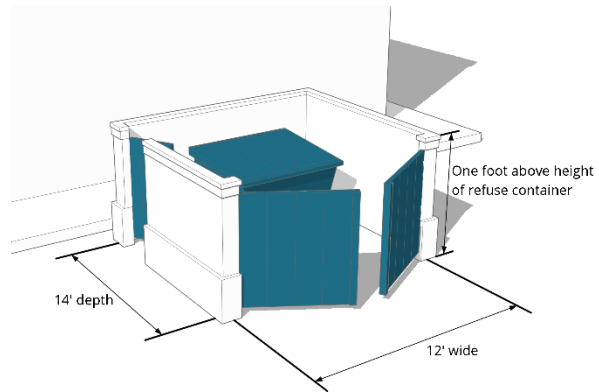
General Update

The consultant team will reorganize the current site layout, landscaping, outdoor lighting, and parking standards into the larger content categories described above, and then update the standards to reflect Town preferences. Some of the content currently located here will be consolidated into the zone district and use sections, described above. When we have drafted complete generally applicable development standards, we will work with staff to tailor the standards as needed to specific character areas (such as residential neighborhoods or Downtown Eagle) so the development standards are “right-sized” for applicable locations.

Where possible, we will add graphics to the regulations to illustrate specific standards. The example to the right is an illustration of the parking lot median planting standards applicable in another community.



Sample parking lot median landscaping graphic



Sample screening graphic

G. Chapter 4.14, Sustainability, Resilience, and Hazards

1. Purpose and Organization

The purpose of this new LUDC section will be to establish standards that reinforce the long-term sustainability and resilience of development in Eagle. This will include specifying where and how renewable energy systems can be used, site development standards that minimize water use, and required connections between development and outdoor recreation. This chapter will also include regulations designed to protect environmentally sensitive areas and limit development in those areas prone to natural hazards.

This chapter will include the following content:

4.14 Sustainability, Resilience, and Hazards

4.14.010	Purpose and Applicability
4.14.020	Renewable Energy
4.14.030	Sustainable Site Design
4.14.040	Outdoor Recreation
4.14.050	Environmentally Sensitive Areas
4.14.060	Natural Hazards

2. Updates

Eagle's current LUDC includes some very basic standards related to fire protection and non-flood natural hazards and more extensive regulations regarding flood damage.

Section	Title	Comments and Recommendations
4.07.150	Fire protection standards	Review and update as recommended by GEFDP; cross reference landscaping requirements
4.13 Subdivision Design, Improvement, and Dedication		
4.13.030	Land subject to natural hazards	Make generally applicable to both subdivision and zoning development
4.16 Flood Damage Prevention Regulations		
4.16.010	Authorization and findings of fact	Carry forward
to		
4.16.070	Provisions for flood hazard reduction	

To implement the Town's current plans, the consultant team proposes the creation of a more extensive set of regulations focused on sustainable and resilient development, including regulatory approaches to reduce transportation-related emissions, support the use of renewable energy, decrease energy consumption, conserve water, and improve the natural environment. These standards will be drafted in conjunction with regulations that more clearly address development in sensitive or hazardous areas, such as steep slopes or the wildland urban interface.

Renewable Energy

The Climate Action Plan for the Eagle County Community (2016, 2021 update pending Town approval) includes recommendations for the use of solar energy that can be partially implemented through the LUDC update. The Town has recently worked with SolSmart (a partnership between the Interstate Renewable Energy Council (IREC) and the International City/County Management Association (ICMA)) to undertake a review of the LUDC's current solar regulations and make recommendations about improvements that would support the use of more solar energy in Eagle. SolSmart found that the LUDC definitely has room for improvement: "The Town of Eagle Municipal Code and Land Use and Development Code are silent regarding the use of solar energy. They do not provide fundamental information about the use of solar energy – such as a purpose, definitions, general regulations including clarification on accessory use and primary use solar. Including basic information about solar energy improves transparency of processes and clarity of development

Eagle County can build resilience by capitalizing on Colorado's resource abundance with on-site renewable energy generation.



Co-Benefits of Local Renewable Energy Generation

- Resilient energy supply via distributed energy systems and energy storage that allows for reliable power during emergencies.
- Improved health and safety (better air quality and reduction of gas leaks) by avoiding fossil fuel-based electricity generation.
- Support for ecosystem services by combining low-impact solar development with native vegetation growth.
- Economic growth provided by both direct and indirect job creation, support of local businesses, and energy cost savings.

7

Climate Action Plan excerpt

requirements and can enhance the growth of the local solar market in an organized and efficient manner.”

The consultant team will prepare a set of solar standards that regulate the full range of accessory solar through utility-scale solar to ensure that there is complete set of standards and review criteria for any solar project that might be proposed in the Town. We will also work with the Town to determine whether there is a viable opportunity wind power, and if so, provide a similar range of standards designed to address wind energy.

Sustainable Site Design

Encouraging, promoting, and requiring sustainable development as part of the development process can be done through a three-part approach. First, sustainability should be partially accomplished through the LUDC as part of the core DNA of the Code. For example, important sustainable outcomes can be well-supported by LUDC basics, such as zone district standards and site layout standards focused on connecting the Town:

Sustainable Outcome	Development Preference	LUDC Approach
Water conservation	Compact, mixed-use development	<ul style="list-style-type: none"> Mixed-use and smaller lot zone districts Subdivision layout standards Landscaping design and materials
Walkable community	<ul style="list-style-type: none"> Compact, mixed-use development Connected trails and sidewalks Limit auto-oriented development 	<ul style="list-style-type: none"> Mixed-use and smaller lot zone districts linked to FLUM Mobility and connectivity standards Subdivision layout standards Complete streets Bike parking
Housing equity	<ul style="list-style-type: none"> Range of housing types Provision of more affordable housing 	<ul style="list-style-type: none"> Lot size and use standards ADU regulations Inclusionary zoning requirement
Natural resource protection	Limit development to a light touch in sensitive areas	<ul style="list-style-type: none"> Open space standards focused on conservation Environmentally sensitive lands standards

Second, some aspects of sustainability, such as green buildings and energy conservation, are addressed through the building code and its related code components. And third, a range of sustainable development topics including stormwater management, green infrastructure, tree protection, community health, local food production, and renewable energy can be addressed through specific regulations in the updated LUDC.

Incentives or Mandates

There are typically two approaches to implementation of topic-specific sustainability standards: (1) mandates and strict regulations, or (2) incentivized inclusion of sustainable development practices in individual projects. Regulating hazard areas is done through mandates because of the inherent life safety issues.

Creating incentives for the sustainable or resilient development that the Town wants to encourage can be an effective way to achieve many of the community's environmental goals, while allowing developers to determine which specific approach will work best for their proposed project. To address the need for flexibility (based on constraints like location, development type, or land uses), Clarion has worked with communities to establish a point-system approach that provides a menu of site and building design practices that will support sustainability and resilience goals. This approach allows applicants to choose from a list of sustainable design measures (each with varying levels of value) until they reach a certain number of points. This example is from another community:

Table 6.480.C-1: Menu of Sustainability Options		
Category	Site or Building Design Feature	Maximum Points
MULTI-MODAL TRANSPORTATION <i>Intent:</i> Promote public health by encouraging daily physical activity associated with alternative modes of transportation such as walking, bicycling, and the use of public transit; promote safe and efficient circulation within the community for all modes; and promote energy savings and reduced greenhouse gas emissions associated with the use of alternative modes.		
Pedestrian Access	Where a development encompasses a block or more of land and is enclosed by fences, perimeter walls, solid landscaping, or retaining walls, provide public pedestrian access through the perimeter at an average interval of not less than 200 linear feet and that in no instance exceeds 300 linear feet.	5
Bicycle Facilities	Provide bicycle parking in close proximity to building entrances (2 pts). Include enhanced facilities to encourage the use of bicycles for transportation. <ul style="list-style-type: none"> ○ Provide lockers for all required bicycle parking (1 pt). ○ Provide showers and clothing lockers for bicycle commuters (1 pt). ○ Provide indoor bicycle lockers (1 pt). 	3
Livable Streets	Project streets are designed and/or retrofitted to meet livable street standards including bicycle accommodations, safe pedestrian crossings that incorporate curb extensions or median islands where necessary, and public transit pull-outs where appropriate.	15
Park and Ride	Provide a park and ride lot to serve existing or anticipated KCATA, MetroFlex, or other public or private transportation service.	5
Parking Maximum	Limit automobile parking spaces provided to the minimum number of spaces required by Table 12-1, Minimum Parking by Use. For example, for a 20,000 square foot medical office space, provide no more than 40 parking spaces (standard is 5 spaces per 1,000 gfa).	5
Electrical Vehicle (EV) Charging Stations	Provide a Mode 3 or 4 or Type 4 electrical vehicle charging station with public access (2 pts per station).	4

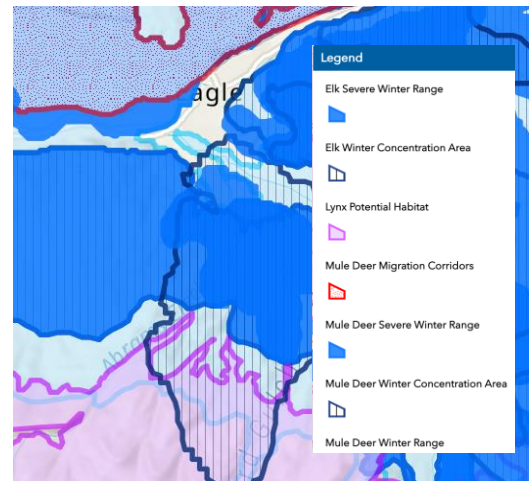
As we start drafting Installment 2, the consultant team will work with Town staff and the Land Use and Development Code Update Committee to choose a regulatory path for sustainability and resilience standards.

Outdoor Recreation

Following a preliminary conversation with the Open Space and Recreation Advisory Committee (OSRAC), the consultant team will propose a set of standards for public amenities required to support publicly accessible trailheads and other types of local outdoor recreation areas.

Environmentally Sensitive Areas

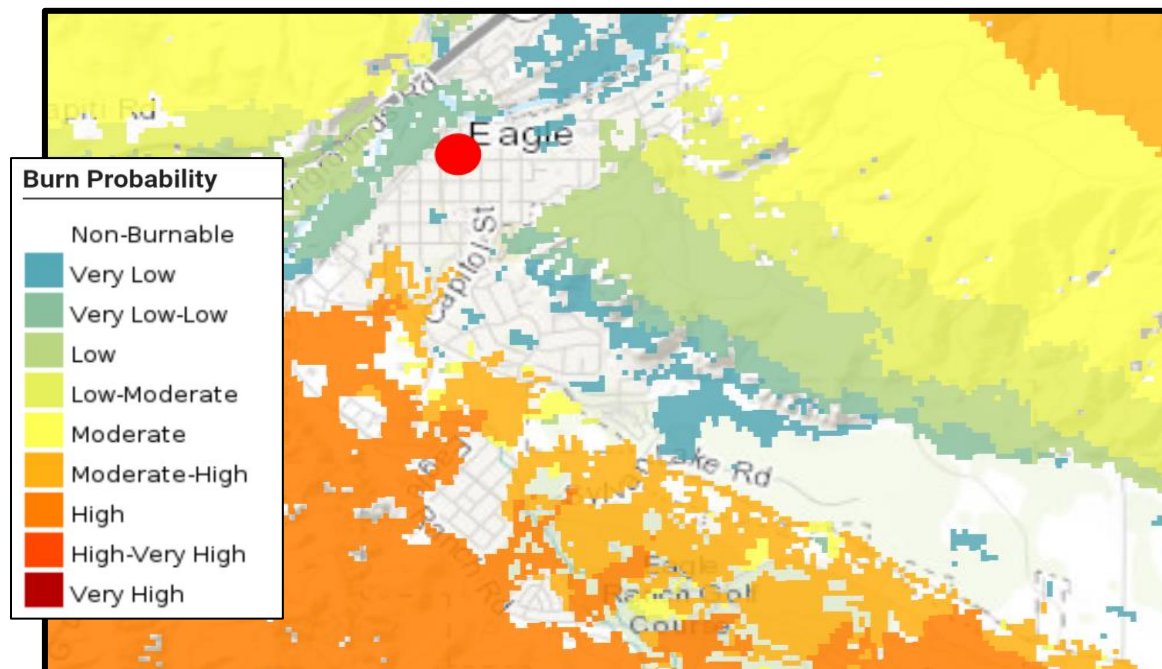
One of the many reasons that residents and visitors alike value Eagle is the presence of authentic mountain flora and fauna. Land development breaks up open areas and can have negative impacts on the viability of native and wild species. There are many ways to reduce development's impacts on native species, including protecting the most sensitive natural resource areas, placing limits on disturbed areas, prohibiting invasive landscaping plant species, and creating fence regulations that allow safe passage for wildlife. The consultant team will propose a set of regulations that focus on protecting environmentally sensitive areas while still allowing development to take place on the site.



Wildlife habitat areas around Eagle
(Community Wildlife Roundtable Interactive Map Viewer)

Natural Hazards

Colorado's areas of natural beauty can have a dual identity as a potential natural hazard. Streams can flood, cliffs can have rockslides, and forests are subject to wildfire. The map below shows that the Town of Eagle, for example, is located adjacent to areas of moderate-high wildfire risk.



Wildfire Risk Map from the Colorado Forest Atlas

In the natural hazards section, the consultant team will carry forward and update the Town's fire protection, natural hazard, and flood damage sections, while supplementing these regulations with the full range of standards needed to protect potential development from the potential for significant damage at some point in the future.



H. Chapter 4.15, Subdivision Design and Improvement Standards

1. Purpose and Organization

This chapter contains the Town's regulations for how subdivisions are designed along with the infrastructure and public utilities that must be provided to serve proposed development or redevelopment.

The subdivision design and improvement standards will be organized as follows:

4.15 Subdivision Design and Improvement Standards

4.15.010	Purpose and Applicability
4.15.020	General Rules and Required Studies
4.15.030	Subdivision Design and Layout Standards
4.15.040	Improvements, Infrastructure, and Utilities
4.15.050	Construction and As-Built Plans
4.15.060	Adequate Public Facilities

2. Updates

The current LUDC includes subdivision design and improvement information in the following sections:

Section	Title	Comments and Recommendations
4.04	Zoning - General Provisions, Uses and Requirements	
4.04.100	Supplementary regulations and standards	Separate by topic:
	C. Utility transmission	Allows construction of utility structures and transmission lines, carry forward
	D. Water and sanitation service	Requires connection to water and sewer, carry forward
4.07	Development Standards	
4.07.110	Municipal and park land dedication	Revise subdivision fees and improvement requirements to be applicable to nonsubdivision development as needed then remove these provisions
4.07.120	Street improvement fee	
4.07.130	Fire protection impact fee	
4.13	Subdivision Design, Improvement, and Dedication	
4.13.010	Purpose	Review and update to reflect Town plans and development priorities
4.13.020	Applicability	Expand to define all activities that are considered subdivision and those that are exempt
4.13.050	Drainage	Consider establishing drainage standards that are generally applicable to both subdivision and zoning development
4.13.060	Erosion and sediment control, stabilization, and revegetation	Combine with updates to 4.07.030
4.13.070	Lot and block design	Update as needed
4.13.080	School land dedication	Carry forward
4.13.090	Streets and alleys	Carry forward
4.13.100	Easements	Carry forward

4.13.110	Sidewalks and bikeways	Update as needed and locate in general applicability section
4.13.120	Access	Discuss whether Town wants to establish access standards for non-subdivision development, if so revise and move to 4.12, Site Layout
4.13.140	Water distribution	Carry forward
4.13.150	Wastewater collection	Carry forward
4.13.160	Underground utilities	Carry forward
4.13.170	Boundary survey and monumentation	Carry forward
4.13.180	Dedications, generally	Move to generally applicable dedications section to use for both subdivision and zoning development
4.13.190	Municipal and park land dedication	
4.13.220	Street improvement fee	Carry forward, move definitions to general definition section, locate in general applicability section
4.13.230	Fire protection impact fee	Carry forward, move definitions to general definition section, locate in general applicability section
4.13.240	Assurance for completion of public improvements	Carry forward, locate in general applicability section
4.13.250	Public safety impact fee	Carry forward, move definitions to general definition section, locate in general applicability section
4.14	Assurance of Adequate Public Facilities	
4.14.010	Intent	Carry forward
4.14.020	Applicability	Carry forward
4.14.030	Definitions	Move to general definition section
4.14.090	Administration	Carry forward
4.14.110	Public schools	Carry forward
4.14.120	Fire protection services	Carry forward
4.14.130	Emergency medical services	Carry forward
4.14.140	Street facilities	Carry forward

Infrastructure and Improvement Requirements

The consultant team did not hear any significant or repetitive comments about needed changes to the content of the subdivision design or infrastructure standards during the initial outreach meetings. Our review of the current regulations found that improvements to the current LUDC can be made by unscrambling and separating the site development standards from the new subdivision standards. Much of the development that the Town anticipates seeing in the future will be redevelopment and there is no reason to complicate a redevelopment approval by trying to apply a subdivision standard. This reorganization can be taken further by also more clearly identifying the applicability of required improvements and services project type, such as: residential, mixed-use, nonresidential, infill, and redevelopment, than by approval type, such as subdivision or rezoning.

Subdivision Fees and APF Requirements

Although we are not recalculating the fees, the consultant team think these fee sections are much too complex and could be simplified. We will do this as part of the update process, and to the extent that it appears that specific fees should be reviewed, we will share that information with Town staff.

We will also take a more detailed look at the adequate public facilities requirements. We want to better understand the outcomes of these regulations and whether these sections place a disproportionate burden on both applicants and the Town Staff. Many communities who adopted

APF standards in the 80s and 90s have since moved to a more streamlined approach of facilities review through a modern subdivision approval process.

I. Chapter 4.16, Signs

The current sign regulations are being revised separately at the start of the LUDC update project. Information about the sign code update will be made available when a public draft is prepared for review and discussion.

J. Chapter 4.17, Development Review Procedures

1. Purpose and Organization

This chapter establishes both the general procedures and specific procedures that apply to the review and determination of development applications. It will be organized into common procedures, applicable to many specific development processes, and two types of application review procedures: permits and specific procedures. The revised Development Review Procedures will incorporate all land development processes from across the LUDC.

4.17 Development Review Procedures

4.17.010	Administrative Bodies and Officials
4.17.020	Common Procedures
4.17.030	Permits
4.17.040	Specific Procedures

2. Updates

Eagle's current development review procedures are found in multiple locations in the Code, summarized here:

Section	Title	Comments and Recommendations
4.04	Zoning - General Provisions, Uses and Requirements	
4.04.100	Supplementary regulations and standards	Separate by topic:
	A. Uses not itemized	Interpretation process for new uses, carry forward
4.05	Zoning Review Procedures	
4.05.010	Special use	Review, update as needed, relocate review process to specific procedures section, link to common procedures
4.05.020	Zoning variance	Review, update as needed, relocate review process to specific procedures section, link to common procedures
4.05.030	Rezoning	Review, update as needed, relocate review process to specific procedures section, link to common procedures

Section	Title	Comments and Recommendations
4.05.040	Amendment to zone district regulations	Expand to function as LUDC amendment process, relocate review process to specific procedures section, link to common procedures
4.06	Development Review	
4.06.020	Development permit	Review, update as needed, relocate review process to specific procedures section, link to common procedures
4.06.030	Classification criteria (dev. permit)	Reorganize to better identify separate major/minor development permit (site plan review) processes
4.06.040	Development plan (dev. permit)	Discuss removing application information from LUDC
4.06.050	Pre-application conference (dev. permit)	Move to common procedures, review and update as needed
4.06.060	Minor development review (dev. permit)	Incorporate into development permit specific procedure
4.06.070	Major development review (dev. permit)	Incorporate into development permit specific procedure
4.07	Development Standards	
4.07.100	Development impact report	Link to relevant environmental and public/private service and infrastructure standards; move to specific procedures
4.07.160	Design variance	Move to specific procedures with other variance options; discuss creating design waiver and minor adjustment processes
4.11	Planned Unit Development	
4.11.050	Amendments to planned unit development zoning and development plans	Carry forward, update as needed, move to procedures because of applicability to development plans
4.12	Subdivision Review	
4.12.020	General	Rename "purpose and intent," revise purposes to reflect current plans and policies, carry forward
4.12.020	General	Divide into sketch, preliminary, and final sections; consider removing/relocating submission information; link to common procedures
4.12.030	Subdivision review	Remove content that repeats common procedures, leave specific procedural information, review and update approval criteria as needed
4.12.040	Lot line adjustment and consolidation	Remove content that repeats common procedures, leave specific procedural information, review and update approval criteria as needed
4.12.050	Division of property into condominium or townhouse units	Remove content that repeats common procedures, leave specific procedural information, review and update approval criteria as needed

Section	Title	Comments and Recommendations
4.12.060	Minor subdivision	Combine minor subdivision and lot line adjustment procedures with separate applicability criteria
4.13	Subdivision Design, Improvement, and Dedication	
4.13.200	Design variance	See comments in 4.07.160
4.14	Assurance of Adequate Public Facilities	
4.14.040	Public facilities information report	Move to specific procedures
4.14.050	Recommendation by town planner	Move to specific procedures
4.14.070	Effect and expiration of determination of adequacy	Move to specific procedures
4.14.080	Criteria for determining availability and adequacy of public facilities	Move to specific procedures
4.15	Annexation	
4.15.010	Annexation procedures	Move to specific procedures
4.17	Vested Property Rights	
4.17.010	Purpose	Carry forward
4.17.030	Alternative creation of vested property rights	Carry forward
to		
4.17.140	Applicability	
4.18	Sexually Oriented Businesses	
4.18.050	Criteria for permit approval	Carry forward
4.18.060	Review process	Carry forward

Procedures

The current procedures are drafted to different levels of specificity and spread throughout the Code. We generally heard from stakeholders that there is an inconsistent approach to procedures, that the process is unpredictable, and that most projects are elevated to Town Council review, meaning even the rather straightforward applications require public hearings before one or more decision-making bodies.

The “inconsistent approach” to the current provisions can be cleaned-up by providing a much broader and detailed range of useful information to applicants and staff who use the regulations. Working through and defining each process will also allow us to explore whether each process is effective and efficient. Efficiency is achieved when the general review framework is not redundant, the procedures and the review standards result in a reasonable degree of certainty, and the procedures for obtaining each type of approval or permit are streamlined to the greatest extent possible, while ensuring that the community's substantive planning and development goals are used in all decision-making.

The consultant team will ensure that all review processes are fully explained in the LUDC by organizing the procedures into two sets of standards.

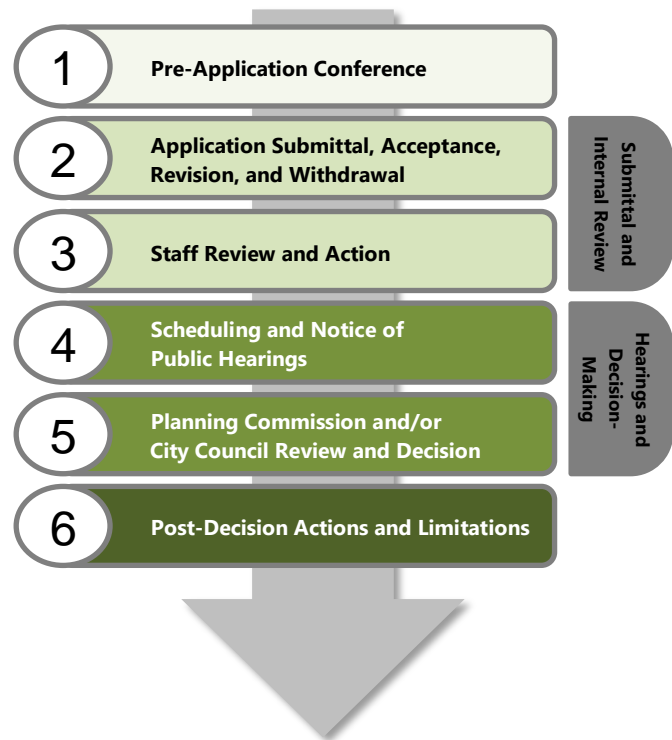
1. The generally applicable “common” steps (e.g., submit application, staff review, agency referral, public hearing) will be described sufficiently to allow code users to understand how the process is usually undertaken.

2. The specific processes will be organized and structured consistently (e.g., applicability, review process, decision-making, review criteria) to make it easy for Code users to understand the steps required for approval. Each process will be accompanied by specific flow chart for that process designed to help an applicant navigate the process.

As applicable, we will ensure that procedures and approvals have clear beginning and end dates and there are instructions for how to address application changes and potential process detours, such as a request to extend or withdraw an application. These two sections will include the following content.

Common Procedures: create complete and consistent descriptions of the many processes applicable across multiple application types, including providing requirements for:

- a. Optional and required pre-application meetings
- b. Application submittal requirements
- c. Fees
- d. Determination of a complete application
- e. Staff review
- f. Public notice requirements
- g. Recommending and decision-making bodies
- h. Continuance, withdrawal, and inactive applications
- i. Successive applications
- j. Modification of approvals
- k. Lapsing and extension of approvals
- l. Appeals



Summary of common processes from another community

A preliminary list of changes to the current LUDC that will be made in the common procedures includes:

- Standards describing how the Town will address incomplete applications and applications that fail to conform to LUDC requirements.
- Consolidation of the various financial guarantee requirements and specifying the processes associated with each.
- Requirements for posted notice.
- Creation of a pre-application conference with P&Z and Town Council for certain application types.
- Criteria for when staff can either require additional submission information or waive submission information for an application.

- Instructions related to application review timeframe changes when additional information is requested and/or when a required referral might take extra time.
- Addition of a “bump up” provision that allows the Community Development Director to forward an application that would typically be approved administratively to either Planning Commission or the Town Council for review and decision.
- Expanded standards for the fees associated with various actions related to an application (e.g., withdrawal, resubmittal, technical consultant review).
- Clarification of the applicability, scope, and content of required studies, such as a traffic impact analysis.
- Determining when and how administrative amendments to existing approvals can be requested.

The updated LUDC will also include a brief description of the roles of the various review and decision-making bodies and a summary table of decision authority by application type (similar to this example from another community) to allow applicants to see how the different types of applications are reviewed by the Town. Information for this section will either be moved from Article 2 or cross-referenced, based on a determination of how best to help code users find what they need.

SAMPLE (from another community) Table 1131-1: Summary Table of Review Bodies					
H = Hearing (Public Hearing Required) M = Meeting (Public Meeting Required)			D = Decision (Responsible for Final Decision) A = Appeal (Authority to Hear/Decide Appeals)		
R = Recommendation (Responsible for Review and a Recommendation)					
Procedure	Section	Town Council	Planning Commission	Board of Zoning Appeals (BZA)	Planning Department
Zoning Ordinance Text or Map Amendment	1132.05	H-D	M-R		R
Site Plan Review	1132.06		M-D		R
Conditional Use Review	1132.07		H-D		R
Certificate of Appropriateness	1132.08		M-D		R
Appeals	1132.11			H-A	
Dimensional Variance	1132.09			H-D	R
Nonconforming Use Review	1132.10			H-D	R
Minor Administrative Modification	1132.12				D
Zoning Permit	1132.13				D
Certificate of Occupancy	1132.14				D

Specific Procedures: This section will be organized into: (1) permits and administrative review, and (2) development project reviews (considered by either Planning Commission or Planning Commission and Town Council). Each procedure will include a description of applicability, list of the steps required for processing, and detailed review criteria, along with a process flow chart that will help applicants understand the process steps. Procedures that include (what should be) stand-alone regulations, such as the use-specific standards in the special use procedure, will be separated into process and regulations and the regulations will be relocated to the appropriate place in the LUDC.

We anticipate that this section will include procedures for the following permit and project types:

Permits and Administrative Approvals

- a. Adequate Public Facilities Determination
- b. Administrative Adjustment (new)
- c. Administrative Approval
- d. Approved Permit/Plan Time Extension
- e. Development Permit
- f. Floodplain Development Permit
- g. Lot Line Adjustment and Consolidation
- h. Minor Development Plan
- i. Minor Subdivision
- j. New Use Interpretation
- k. Permits (Temporary Use, Signs)

Specific Procedures

- l. Annexation
- m. Appeal of an Administrative (Staff) Determination
- n. Design Variance
- o. Major Development Plan
- p. Major Subdivision
- q. Planned Unit Development
- r. Special Use
- s. Rezoning/LUDC Text Amendment
- t. Vested Property Rights Determination
- u. Zoning Variance, Subdivision Variance, Floodplain Variance

Some of the issues the consultant team plans on addressing in the specific procedures include:

Level of Review

As the specific procedures are being redrafted, the consultant team anticipates making recommendations about changes to decision-making assignments, i.e., administrative/staff review and approval or legislative/Council review and approval. We recommend establishing standards that allow more projects to be approved administratively rather than requiring public hearings. This change does not mean that staff should have unfettered discretion in decision-making, and any revisions that increase the number or types of administrative approvals will be drafted with clear guideposts for staff review. Additionally, the revised regulations will include “call-up and bump-up” provisions that for either staff to move an application to the Planning and Zoning Commission (bump-up) or for the Town Council to request that an administrative application be moved to the Council for review and determination (call-up).

Where a more open-ended level of development review is appropriate, such as for development applications that may be subject to conditions or the application of Town development policies, the consultant team will recommend Planning Commission review and recommendation followed by Town Council decision-making. These recommendations will be made in compliance with Colorado Statutes and will be highlighted for further discussion during public review of the draft land LUDC.

Within our assessment of current levels of review, we will also look closely at current Chapter 4.06, Development Review, to see how this process can be better formulated to improve predictability, including through moving more types of projects into the minor development plan process and limiting the reasons why a minor project would be elevated to major plan review.

Review Criteria

We will also review and add or update specific review criteria for each process, even those that are just handled through administrative approval. The purpose of good review criteria is to inform both the applicant and the decision-makers how the application will be considered.

Planned Unit Development Reform

Earlier, we discussed how the PUD process has become the Town's primary development approval vehicle. As the consultant team unwinds the current reliance on PUD through the establishment of Eagle-specific zone districts and improved development standards, we will also make suggestions for improving the PUD review and approval process moving forward. This may include a number of changes, including:

- Linking PUD design to base zone districts (one or more),
- Requiring and defining the provision of a public benefit as a condition of approval,
- Clarifying an amendment process to include administrative/minor/major based on the requested amendment,
- Reviewing the process of establishing conditions for amendment, and
- Clarifying who has the authority to apply for a PUD amendment.

General Topics

Additional preliminary process changes include:

- Reviewing the development impact process and determining the continued appropriateness of this review in light of updated LUDC standards; where development impact is continued, setting appropriate thresholds for applicability.
- Clarifying the use of design variances following creation of new administrative adjustment options.
- Deleting regulations that are simple repetitions of state law and referencing the appropriate state statute.
- Identifying appropriate application combinations and the requirements of each, such as determining when an applicant can submit a sketch plan with a preliminary plat.
- Integrating adequate public facility procedures into subdivision review process.

K. Chapter 4.18 Nonconformities



1. Purpose and Organization

The nonconformities chapter identifies how the Town addresses lots, structures, uses, and “site elements” such as parking or landscaping, that were legally established but that do not comply with the regulations applicable to the site. This chapter will be organized as follows:

4.18 Nonconformities

4.18.010	Determination of Nonconformity
4.18.020	Nonconforming Uses
4.18.030	Nonconforming Structures
4.18.040	Nonconforming Lots
4.18.050	Destruction and Abandonment

2. Updates

Regulations addressing nonconformities are found in the following locations in the current LUDC:

Section	Title	Comments and Recommendations
4.04	Zoning - General Provisions, Uses and Requirements	
4.04.100	G. Legal nonconforming uses, structures, and lots	Regulations for nonconformities; establish complete set of nonconformities regulations
	Subdivision Design, Improvement, and Dedication	
4.13.210	Nonconforming design, improvements, and dedications	Discuss options for both redefining nonconformities and creating sliding scale for compliance

The current standards establish only the basics in terms of nonconformity regulations, defining nonconforming uses, structures, and lots and establishing the standards for continuance or requirement for discontinuance. The current standards are not as strict as some nonconformity standards we’ve worked with, but declaring structures and uses nonconforming can have unintended detrimental consequences. It is likely that the application of the regulations has still resulted in some development in Eagle being unnecessarily frozen in time.

We recommend consolidating all of the nonconformity regulations into a single section and revising them to move to a more flexible approach that groups nonconformities as “minor” and “major.” Minor nonconformities will be treated more like conforming uses and structures with property owners encouraged to reinvest and update the properties and uses. Major nonconformities, which will continue to be restricted similar to the current nonconformities, will be limited to those situations that are the most impactful on the overall community.

L. Chapter 4.19, Violations and Enforcement

1. Purpose and Organization

The violations and enforcement chapter identifies specific and general activities that are LUDC violations and describes the options available to the Town to enforce the provisions of the Code. The violations and enforcement chapter will be organized as follows:

4.19 Violations and Enforcement

4.19.010	Violations
----------	------------

4.19.020	Enforcement
4.19.030	Penalties

2. Updates

The current LUDC includes the following section on enforcement:

Section	Title	Comments and Recommendations
4.03	General	
4.03.100	Enforcement	Expand into more complete violations and enforcement section

The existing enforcement provisions are fairly summary in nature. This does not limit the Town's ability to enforce the Code, but it does miss an opportunity to help Code users understand the various tools available to the Town's code enforcement team.

This updated article will provide a clear statement of what actions or non-actions constitute a violation of the LUDC and provide a detailed listing of the broad range of penalties and remedies available to the Town pursuant to Colorado law.

M. Chapter 4.20, Measurements and Definitions

1. Purpose and Organization

The measurements and definitions chapter provides a set of standardized measurements that can be used across the LUDC and defines the specific terms used in different parts of the Code. This chapter will be organized to include the following information:

4.20 Measurements and Definitions	
4.20.010	Interpretation
4.20.020	Rules of Measurement
4.20.030	General Definitions
4.20.040	Sign Definitions
4.20.050	Wireless Communication Definitions

2. Updates

The current LUDC includes the following provisions regarding measurements and definitions:

Section	Title	Comments and Recommendations
4.03	General	
4.03.040	Definitions	Review, update, consolidate all definitions in LUDC
4.14	Assurance of Adequate Public Facilities	
4.14.030	Definitions	Move to general definition section
4.18	Sexually Oriented Businesses	
4.18.020	Definitions	Move to general definition section

Definitions

While often an afterthought, a good definitions chapter is key to the transparency, efficiency, and predictability of any land use code. The definitions section should include current definitions of all uses, terms that have Code-specific uses, and all site and structure standards that are required on a lot or building. A complete set of zoning definitions goes a long way toward providing clarity in code interpretations and makes the LUDC easier to use for both staff and the public.

Overall, the current definitions appear incomplete, there are definitions scattered across the code (such as the marijuana, inclusionary housing, and street improvements sections), and experience tells us that even when we consolidate the existing definitions, most older codes lack some definitions and also include definitions for things that are no longer in the Code. As we work through the updated drafts, we will concurrently update the related terms in the definitions; for example, as we draft Installment 1, Zone Districts and Uses, we will update terms and measurements related to the districts and all of the uses.

Older definition sections also often contain substantive standards within the definition of terms. As we find those standards during our review, we will revise the definition and move the standards to the appropriate regulatory sections of the Code so that they are easy to find. An example of this is the definition of building height:

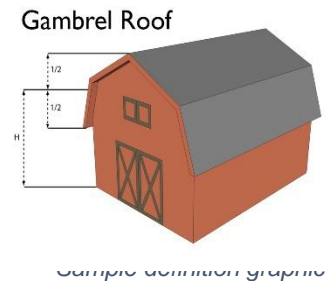
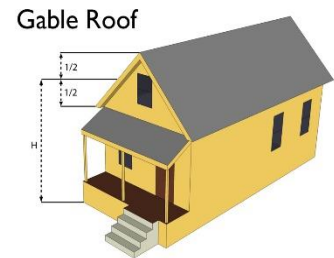
Building height. The maximum height allowed is 35 feet to any point on the building except in the Broadway District (see Section 4.07.022) and as further defined below:

On a flat or shed roof, any selected reference point on the roof surface that sits directly above the interior of the building must be measured from existing grade to the highest point of the roof structure. On a gable, hip, or gambrel roof, any selected reference point on the roof surface that sits directly above the interior of the building must be measured from the existing grade to the average distance between the eaves and the apex of the roof. If the selected reference point is outside of the building footprint (such as eaves and overhangs) then the height measurement is from the existing or proposed finished grade whichever is more restrictive. Existing grade is defined as the natural topography that exists prior to any improvements being made. Finished grade is the final elevation of the surface material that adjoins the building. Parapet walls may exceed applicable Zone District height limitations by four feet. Stacks, vents, cooling towers, elevator structures and similar mechanical equipment and spires, domes, cupolas, towers and similar non-inhabitable appurtenances may exceed applicable Zone District height limitations by up to 30 percent.

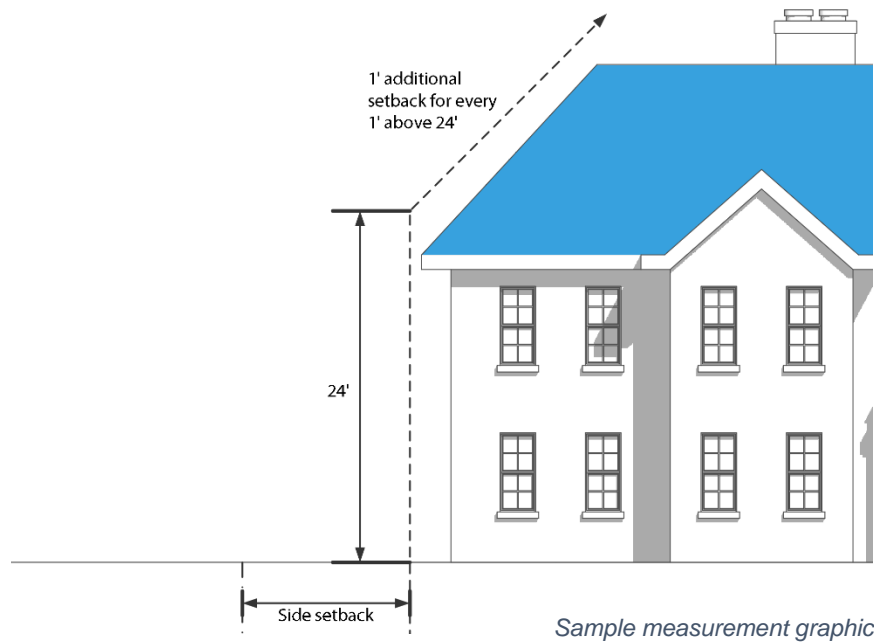
This definition should be revised to actually provide a definition of building height, such as “[t]he vertical distance from a specified point on the ground to a specified point on the structure or roof, measured in accordance with Section 4.20.020, Rules of Measurement.” The measurement instructions should be moved to the measurement section and illustrated. And the specific regulations that allow exceptions to zone district height standards should be reflected either in the appropriate zone districts or in Section 4.02.050, Dimensional Measurement Instructions and Exceptions.

We also recommend several changes to ensure that the new definitions section is user-friendly:

1. The interpretation and rules of construction section should be added, along with instructions about how the Town will handle the interpretation of terms.
2. The definitions that are now scattered throughout other sections of the Code should be consolidated in the new definitions chapter.
3. More illustrations should be used to help explain complex concepts, particularly where measurement is involved.
4. We recommend moving the definitions from the beginning of the Code to the end, where most readers will expect to find a major reference section.



We find that many codes are silent about common measurements or combine the measurements with definitions (as we see in the building height definition above) or in specific standards. We recommend that the updated LUDC include rules of measurement for at least the following standards: lot area, lot width, lot depth, lot lines (front, side, and rear), building coverage, total lot coverage, setbacks, and height. Illustrations will be provided showing how to make certain measurements, such as setbacks on flag lots, pie-shaped lots and lots with no street frontage. We will work with staff throughout the drafting process to develop a list of measurements to be illustrated.



Next Steps

A. Code Assessment Review

The Eagle Community Development staff and consultant team will schedule stakeholder and public review meetings to discuss this Code Assessment report and gather any additional information that will be helpful to the project at this point.

This Assessment will not be updated following the review meetings, but a summary of comments will be posted to the Town's website along with this final version of the Code Assessment.

B. Draft Land Development Regulations

The consultant team will draft LUDC Installment 1: Zone Districts and Uses prior to the next round of public review. Specific regulatory questions or topics may be referred to the Community Development staff or Land Use and Development Code Update Committee for input during this process, and the topics plus the response will be noted in the draft regulations when they are released for public review.

The community outreach process will remain open in the form of receiving comments on the current LUDC during drafting. Any member of the community who has information to share is welcome to reach out the Town with their thoughts and suggestions.

Project stakeholders and the public will be invited to review and comment on each draft installment set of Eagle Land Use and Development Code as it is completed. The Town staff and consultant team will schedule a range of public review and input meetings to ensure that those who wish to participate are given multiple options to do so.

The meeting schedule will be posted on the Town of Eagle website and made available in print at the municipal building at 200 Broadway.

