

**PROOF OF PUBLICATION**

STATE OF COLORADO )  
 )  
COUNTY OF EAGLE )

I, Jenny Rakow, Town Clerk for the Town of Eagle, do solemnly swear and affirm that I published in full a true and correct copy of "ORDINANCE 01, SERIES 2023 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO AMENDING VARIOUS SECTIONS OF CHAPTER 4.04 OF THE EAGLE MUNICIPAL CODE TO ACCOMMODATE A NEW COMMERCIAL GENERAL EAST ZONE DISTRICT" on the Town of Eagle's web site, [www.townofeagle.org](http://www.townofeagle.org) on the 24th day of January 2023.

Witness my hand and seal this 24<sup>th</sup> day of January 2023.

Jenny Rakow Town  
Clerk



**Ordinance Effective Date:**

February 4, 2023

**TOWN OF EAGLE, COLORADO**  
**ORDINANCE NO. 01**  
**(Series of 2023)**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO  
AMENDING VARIOUS SECTIONS OF CHAPTER 4.04 OF THE EAGLE MUNICIPAL  
CODE TO ACCOMMODATE A NEW COMMERCIAL GENERAL EAST ZONE DISTRICT**

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE,  
COLORADO AS FOLLOWS:**

**Section 1.** Section 4.04.010 of the Eagle Municipal Code is hereby amended by the addition of the following row, to appear in alphabetical order:

CGE	Commercial General East – For commercial and tourist uses, including lodging, dining recreation facilities and compatible uses, and for heavier commercial activities and compatible uses, and limited residential use on properties located within the East Eagle Sub Area Plan boundary.
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**Section 2.** Section 4.04.070 of the Eagle Municipal Code is amended by the addition of the following column:

	CGE
Retail establishment, except mobile home and vehicular services	P
Service establishment, except vehicular service	P
Restaurant	P
Tavern	P
Office	P
Lodging, extended stay	S
Lodging, temporary	P
Dwelling units - above street level	S
High density, multifamily dwelling <sup>1</sup>	S
Park, playground, greenbelt	P
Indoor recreation or theater	S
Public building, auditorium, or other public assembly	S
Church, child care facility, school	S
Hospital, clinic, nursing home, group home	S
Commercial parking lot or garage	S
Vehicular and mobile home service, sales and rental	S
Contractor's yard	S

	CGE
Shop for blacksmith, cabinetry, glazing, machining, off-set printing, publishing, and sheet metal	P
Utility substation	S
Water impoundment	S
Taxidermy shop	S
Dry cleaning plant	S
Gasoline sales	P
Automobile salvage yard	*
Manufacturing, assembly, processing, packaging or preparation of articles or merchandise	S
One single dwelling unit - accessory to a use permitted	*
Restaurant - accessory to use permitted	*
Office - accessory to use permitted	*
Veterinary clinic	S
Extraction and processing of minerals, rocks, sand, gravel, and other earth products	*
Storage of explosives	*
Sawmill or wood milling facility	*
Recreational vehicle park	S
Railroad transfer yard, Motor freight depot	*
Petroleum products bulk plant	S
Theater	P
Shooting range	S
Mobile home	*
Outside storage	S
Self-service storage facility	*
Wholesale or distribution establishment, except mobile home and vehicular sales	P
Retail, except mobile home and vehicular accessory to a principal permitted use	P
Service establishment, except vehicular service—accessory to a principal permitted use	P
Sexually oriented businesses	*
Medical marijuana business <sup>2</sup>	S
Retail marijuana cultivation facility <sup>4</sup>	S
Marijuana testing facility <sup>5</sup>	S

	CGE
Cultivation of medical marijuana by patients and caregivers in non-residential units (commercial or industrial spaces) <sup>3</sup>	*
Cultivation of medical marijuana by patients and caregivers in residential dwelling units (permitted within non-residential zone districts) <sup>3</sup>	P
Retail marijuana business (excluding retail marijuana testing facilities)	S
Cultivation of marijuana for personal use in residential units	P
Cultivation of marijuana for personal use in non-residential units or structures	*
Medical marijuana infused products manufacturer <sup>2</sup>	S
Optional medical cultivation premises <sup>2</sup>	S
Retail marijuana store <sup>4</sup>	S
Retail marijuana products manufacturing facility <sup>4</sup>	S
Kennel	S

Section 3. Section 4.04.090 of the Eagle Municipal Code is hereby amended by the addition of the following new row:

ZD	MLA	MLA/DU	MFY	MSY	MRY	MBH	MLC	MFA	MUO/DU	
CGE	100,000 sf		L C A	25' 25' 50'	Greater of 12.5' or $\frac{1}{2}$ building height	com- com com- ind com- res	25' 25' 75'	35'	Building 50%; all other impervio us 30%	150%

Section 4. Section 4.04.100.O of the Eagle Municipal Code is hereby amended as follows:

**4.04.100      Supplementary regulations and standards.**

\*      \*      \*

O. Extended stay temporary lodging facilities. All extended stay temporary lodging facilities permitted in the Commercial General (CG) Zone District or Commercial General East (CGE) Zone District shall comply with the following requirements:

\*      \*      \*

**Section 5.** Section 4.07.080 of the Eagle Municipal Code is hereby amended as follows:

**4.07.080 North Interchange Area and East Eagle Area.**

**A. General provisions.**

1. The North Interchange and East Eagle Area contains the following zone districts ~~as per this Title:~~:

a. Commercial General "for commercial and tourist uses including lodging, dining, and recreation facilities and compatible uses, and for heavier commercial uses, low-impact manufacturing uses, and compatible uses."

b. Commercial General East "for commercial and tourist uses including lodging, dining, and recreation facilities and compatible uses, and for heavier commercial activities, compatible use, and limited residential use on properties located within the East Eagle Sub Area Plan boundary."

b.c. Public Area "for any use owned and/or operated by a public entity."

2. The North Interchange and East Eagle Area incorporates privately owned, commercially zoned land north of the I-70 interchange, *and in between the I-70 corridor and US Highway 6 east of Chambers Avenue*. This area is completely separated physically and visually from the developed Town. Because of its *isolated* location, development *on these lands* would have less of an impact to the community, if treated sensitively, than if these uses occurred downtown. Because larger commercial parcels with municipal service infrastructure are available, there will be considerable pressure for development activity. It is very possible that this area will develop completely independent of other trends in the Town, and be more influenced by county and regional market forces. Commercial activity may, over time, compete with downtown Eagle as the commercial center of the area. Because of its likely development with commercial activities featuring high volumes of user traffic, master planning of large parcels should be strongly encouraged. Careful consideration to the layout of curb cuts along existing public roads should be given. To the extent possible, the preservation of large pieces of indigenous landscape and plant materials should be an important objective. Like the Chambers Avenue Area, architectural design should feature indigenous building materials, styles and details.

\* \* \*

**C. Building setbacks.**

1. Setback from Eby Creek Road, the I-70 Right-of-Way, and the I-70 Frontage Road is twenty-five (25) feet.

\* \* \*

E. Architectural details.

1. *The appearance of buildings in these areas should be of a style similar to that seen in Colorado West Slope mountain towns as described in Section 4.07.040, General architectural standards, and further described in the Elevate Eagle Comprehensive Plan and East Eagle Sub Area Plan.* Facades that face public rights-of-way, including the I-70 corridor, shall include variation in the wall plane. Facades that are greater than one hundred (100) feet in length shall include spatial definition in the form of wall projections and/or recesses which must have a depth of at least three (3) percent of the length of the facade. Projections and/or recessions must occupy at least twenty (20) percent of the length of the facade. **Group**—Items such as windows *should be grouped* to create an interesting composition; these type of features provide visual interest to the pedestrian, reduce monolithic appearance, and add local character to development. Facade projections, recesses, windows, and entrances should be integral parts of the building and must not be superficially applied trim, graphics, or paint.

\* \* \*

H. Parking.

1. For parking lots with ten (10) or more parking spaces, one deciduous shade tree shall ~~be required to~~ be planted in the interior of the lot for every ten (10) parking stalls. All required shade trees shall be located within curbed, planted medians and/or islands to provide spatial definition and shade within paved areas.

2. *Parking lots with fifty (50) or more spaces shall be divided into subsections of no more than twenty-five (25) spaces with landscape divider strips placed between the sections.*

3. *Landscaped areas within parking lots and perimeter landscaping located between a parking lot and a public street shall be protected from vehicular traffic through the use of concrete curbs, extruded asphalt, or other approved permanent barriers. Periodic curb cuts to allow stormwater infiltration are permitted.*

4. *No paving shall be permitted within four (4) feet of the center of a tree.*

\* \* \*

J. *Public Spaces. Mixed-use and nonresidential sites shall contribute to the establishment or enhancement of community and public spaces by providing at least two (2) of the following: patio seating areas; pedestrian plazas with benches; transportation centers; window shopping walkways; outdoor play areas; art features; sheds/areas/facilities for farmers' markets; and architectural elements reflective of rural mountain design on structures with a façade or building wall facing public spaces.*

*K. Pedestrian connections. Where pedestrian connection can be made from the property, commercial development shall provide safe and convenient pedestrian connection to the Eagle County Regional Trail system as well as other nearby business locations. Sidewalks shall be detached from curb and gutter a minimum distance of five (5) feet to accommodate a planting strip between the curb and sidewalk. Sidewalks linking the pedestrian system of the block to the building are required. Determinations about trail and sidewalk connections shall be made as early in the subdivision or site layout process as possible to avoid lot or site layout decisions that impact the ability to make pedestrian and bicycle connections.*

*L. Outdoor uses.*

*1. No areas for outdoor storage, loading, or trash collection or compaction shall be located within twenty (20) feet of any public or street, public sidewalk, or designated internal pedestrian way.*

*2. Trucks, trailers, and outdoor containers used for delivery or maintenance shall only be parked or stored in designated loading and unloading areas that are completely screened from adjacent streets and properties for the duration that they are on the site, and they shall be removed promptly upon the completion of use.*

*3. Exterior display areas shall be clearly depicted on the development plan. All exterior display areas shall have a minimum buffer of ten (10) feet from vehicle lanes or parking areas and shall be permanently screened with walls or fences. Materials, colors and design of screening walls and fences shall conform to the predominant materials and colors of the primary building. If outdoor display areas will be covered, the covering shall conform to the predominant materials and colors of the primary building.*

*4. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash dumpsters, and trash compacters shall be incorporated into the overall design of the building and the landscaping so that their acoustic impacts are fully contained and their visual impacts are screened from view from adjacent properties and public streets, and the screening materials shall be consistent with the principal materials of the building and landscaping.*

*M. Ongoing maintenance. The development plan shall include a long-term maintenance plan to ensure that all mixed-use and nonresidential sites are regularly maintained, do not fall into a state of disrepair or neglect, and consistently present a neat and orderly appearance. The maintenance plan shall address, at a minimum, maintenance of the building, parking lot and parking lot surface, landscaping, and signage, including elimination of abandoned signage.*

*N. Residential use.*

1. *New multi-family structures shall be oriented with their front façade on the HWY 6 corridor/ECO trail system and shall incorporate safe pedestrian access to nearby recreation and open space amenities.*

2. *Dwelling units within mixed-use structures in the CGE District shall be studio or one bedroom only.*

3. *Applications for mixed-use or multi-family development shall include a residential demand study demonstrating the need for employee units created by nonresidential development within the East Eagle Area. Residential development shall be limited to no more than 120% of the unit demand estimated by the residential demand study. Priority housing status shall be given to local employees.*

**Section 2.** **Severability.** If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

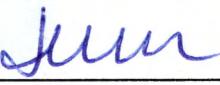
**Section 3.** **Safety.** This Ordinance is deemed necessary for the protection of the public health, safety and welfare.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED ON JANUARY 24, 2023.

TOWN OF EAGLE, COLORADO

  
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Mikel "Pappy" Kerst Mayor Pro Tem

ATTEST:

  
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Jenny Rakow, Town Clerk

