

ARTICLE 3

ZONE DISTRICTS - EAGLE COUNTY

**ARTICLE 3
ZONE DISTRICTS**

TABLE OF CONTENTS

PAGE

<u>DIVISION 3-1. GENERAL</u>	3-3
Section 3-100. Establishment of Zone Districts	3-3
Section 3-110. Official Zone District Maps	3-3
Section 3-120. Interpretation of Zone District Boundaries	3-4
<u>DIVISION 3-2. PURPOSES OF ZONE DISTRICTS</u>	3-5
Section 3-200. General	3-5
Section 3-210. Residential and Agricultural Zone Districts	3-5
Section 3-220. Commercial and Industrial Zone Districts	3-7
Section 3-230. Planned Unit Development (PUD) Zone District	3-7
Section 3-250. Floodplain Overlay Zone District	3-8
<u>DIVISION 3-3. USE AND DIMENSIONAL STANDARDS</u>	3-9
Section 3-300. Residential, Agricultural and Resource Zone Districts Use Schedule	3-10
Section 3-310. Review Standards Applicable to Particular Residential, Agricultural and Resource Uses	3-14
Section 3-320. Commercial and Industrial Zone Districts Use Schedule	3-52
Section 3-330. Review Standards Applicable to Particular Commercial and Industrial Uses	3-58
Section 3-340. Zone District Dimensional Limitations	3-68
Section 3-350. Floodplain Overlay Zone District	3-71

ARTICLE 3

ZONE DISTRICTS

DIVISION 3-1.GENERAL

SECTION 3-100. ESTABLISHMENT OF ZONE DISTRICTS

A. Purpose. The purpose of this Article is to establish the zone districts and zone district overlays that regulate the type and intensity of land uses within the unincorporated area of Eagle County.

B. Division of County Into Zone Districts. The unincorporated area of Eagle County is hereby divided into the minimum number of zone districts necessary to achieve the compatibility of uses and character within each zone district, to implement the Master Plan and to achieve the purposes of these Land Use Regulations.

C. Zone Districts Established. The following zone districts and zone district overlays are hereby established: *(am. 05/15/07)*

1. **RMF.** Residential Multi-Family
2. **RSM.** Residential Suburban Medium Density
3. **RSL.** Residential Suburban Low Density
4. **RR.** Rural Residential
5. **AL.** Agricultural Limited
6. **AR.** Agricultural Residential
7. **RL.** Resource Limited
8. **R.** Resource
9. **BC.** Backcountry
10. **RP.** Resource Preservation
11. **FH.** Fulford Historical
12. **CL.** Commercial Limited
13. **CG.** Commercial General
14. **I.** Industrial
15. **RC.** Rural Center
16. **PUD.** Planned Unit Development
17. **FO.** Floodplain Overlay

SECTION 3-110. OFFICIAL ZONE DISTRICT MAPS

A. Maps Established. The location and boundaries of the zone districts established by these Land Use Regulations with the exception of the FO Zone District Maps are shown on the maps entitled "Eagle County Official Zone District Maps". The Official Zone District Maps and all explanatory materials contained thereon are hereby established and adopted as part of these Land Use Regulations, incorporated into these Land Use Regulations by reference and made a part hereof. The Official Zone District Maps shall be identified by signature of the Chairman of the Board of County Commissioners and bear the date of their adoption. The FO Zone District Maps are listed in Section 3-350 D. Official Floodplain Maps.
(am 01/04/05)

B. Location. The Official Zone District Maps are filed in the Office of the County Clerk. A copy of the Official Zone District Maps is on display and available for inspection during normal business hours in the Planning Department. The FO Zone District Maps are on file and available from the Office of the County Engineer. *(am 01/04/05)*

C. Amendment. If, pursuant to Section 5-230, Amendments to the Text of These Land Use Regulations or the Official Zone District Map, an amendment is made to the Official Zone District Maps, such amendment shall be entered on the maps by the Planning Director promptly following its adoption. A note shall be entered on the maps, indicating the number of the amending resolution and the date of its adoption. The FO Zone District Maps shall be amended pursuant to Section 5-230, Amendments to the Text of These Land Use Regulations or the Official Zone District Map, and records of such amendments shall be kept by the Office of the County Engineer. *(am 01/04/05)*

SECTION 3-120. INTERPRETATION OF ZONE DISTRICT BOUNDARIES

The Planning Director shall be authorized to determine the precise location of any zone district boundaries shown on the Official Zone District Maps. The Planning Director shall follow the rules of this Section in determining the precise location of zone district boundaries. The County Engineer shall be authorized to determine the precise location of the boundaries of the FO zone district as outlined in Section 3-350 D. *(am 01/04/05)*

A. Boundaries Follow Municipal or County Limits. Zone district boundary lines shown as following or approximately following municipal or county limits shall be construed as following such limits.

B. Boundaries Follow Section Lines, Platted Lot Lines or Right-of-Way Center Lines. Zone district boundary lines shown as following or approximately following section lines or platted lot lines shall be construed as following such lines. Zone district boundary lines shown as following or approximately following a road, alley or railroad right-of way shall be construed to lie on the centerline of such right-of-way.

1. Land Not Platted or Lot Divided By Zone District Boundary. For land which has not been platted, or where a zone district boundary divides a lot or parcel, the location of such boundary, unless indicated by dimension, shall be determined by scale of the zone district maps.

2. Vacated Right-Of-Way. Where a zone district boundary coincides with a right-of-way line and said right-of-way is subsequently vacated, the zone district boundary shall continue to follow the centerline of the former right-of-way.

3. Land Not Designated in Any Zone District. Land that is not part of a public right-of-way and that is not designated on the Official Zone District Map as being in any zone district shall be considered to be included in that adjacent zone district that is the most restrictive with regard to minimum lot area standards, even when such zone district is separated from the land in question by a public right-of-way.

C. Boundaries Follow Streams or Rivers. Zone district boundary lines shown as following or approximately following the centerline of streams, rivers or other continuously flowing watercourses shall be construed as following the channel of such watercourse. In the event of a natural change in the

location of such stream, river, or other watercourse, the zone district boundary shall be construed as moving with the channel. In any instance where the channel moves beyond the Eagle County limits, the zone district boundary shall remain coterminous with the County limits.

DIVISION 3-2 . PURPOSES OF ZONE DISTRICTS

SECTION 3-200. GENERAL

This Division specifies the purpose and intent of the zone districts established by these Land Use Regulations. The zone districts have been organized into four broad classifications. These are: residential, agricultural and resource zone districts; commercial and industrial zone districts; planned unit development (PUD) district; and floodplain overlay district. *(am 01/04/05)*

SECTION 3-210. RESIDENTIAL AND AGRICULTURAL ZONE DISTRICTS *(am. 05/15/07)*

A. Residential Multi-Family (RMF). The purpose of the Residential Multi-Family (RMF) zone district is to provide for higher density residential development within the County's community centers, where transportation facilities, necessary infrastructure and employment opportunities are already available. This is accomplished by permitting development of single-family, duplex and multi-family residences on lots of six thousand (6,000) square feet or larger and by setting maximum lot coverage and maximum floor area standards appropriate for such uses and lots. The zone district also permits the development of small, convenience-type commercial uses to serve the neighborhood.

B. Residential Suburban Medium Density (RSM). The purpose of the Residential Suburban Medium Density (RSM) zone district is to provide for moderate density residential development within the County's community centers, where transportation facilities, necessary infrastructure and employment opportunities are already available. This is accomplished by permitting development of single-family, duplex and multi-family residences on lots of eight thousand (8,000) square feet or larger and by setting maximum lot coverage and maximum floor area standards appropriate for such uses and lots. The zone district also permits the development of small, convenience-type commercial uses to serve the neighborhood.

C. Residential Suburban Low Density (RSL). The purpose of the Residential Suburban Low Density (RSL) zone district is to provide for relatively low density residential neighborhoods within and at the periphery of the County's community centers and rural centers. This is accomplished by permitting development of single-family, duplex and multi-family residences on lots of fifteen thousand (15,000) square feet or larger and by setting standards that limit the maximum lot coverage and maximum floor area of structures.

D. Rural Residential (RR). The purpose of the Rural Residential (RR) zone district is to serve as a transition area between the denser development found in towns, community centers and rural centers and the lower densities found in the County's agricultural and resource areas. This is accomplished by permitting development of single-family dwelling units on lots of two (2) acres or more. *(am.11/07/07)*

E. Agricultural Limited (AL). The purpose of the Agricultural Limited (AL) zone district is to maintain the rural character of areas outside of the County's towns, community centers, rural centers and

resorts, while allowing for some appropriate residential development. This is accomplished by permitting development of single-family dwelling units on relatively larger lots of five (5) acres or more, or by encouraging clustered development on smaller lots within those portions of a property that do not contain environmental resources or natural hazard areas and by maintaining the remainder of the property as common open space or agricultural land.

F. Agricultural Residential (AR). The purpose of the Agricultural Residential (AR) zone district is to maintain the rural character of outlying areas of Eagle County, while allowing for compatible low density residential development. This is accomplished by permitting development of single-family dwelling units on relatively larger lots of ten (10) acres or more, or by encouraging clustered development on smaller lots within those portions of a property that do not contain environmental resources or natural hazard areas and by maintaining the remainder of the property as common open space or agricultural land.

G. Resource Limited (RL). The purpose of the Resource Limited (RL) zone district is to protect areas of Eagle County that contain valued natural resources and agricultural uses, while allowing some relatively low density development to occur. This is accomplished by permitting development of single-family dwelling units on relatively larger lots of twenty (20) acres or more, or by encouraging clustered development on smaller lots within those portions of a property that do not contain environmental resources or natural hazard areas and by maintaining the remainder of the property as common open space or agricultural land.

H. Resource (R). The purpose of the Resource (R) zone district is to maintain the open rural character of Eagle County and to protect and enhance the appropriate use of natural resources and agricultural uses in the County including water, minerals, fiber and open land. This is accomplished by limiting residential development to very low density single-family uses on lots of thirty-five (35) acres or larger, or by encouraging clustered development on smaller lots within those portions of a property that do not contain environmental resources or natural hazard areas and by maintaining the remainder of the property as common open space or ranch land, and by limiting new commercial development to uses that have a resource orientation and to small recreation areas that comply with Master Plan policies for such uses.

I. Backcountry (BC). The purpose of the Backcountry (BC) zone district is to preserve and enhance the unique character of Eagle County's remote and unspoiled natural areas for the benefit of all residents. The Backcountry (BC) zone district has been applied to all wilderness lands located within Eagle County so as to: (1) protect and regulate the appropriate use of natural resources found in these areas, including water, wetlands, minerals, fiber, open space, wildlife, wildlife habitat, airsheds, watersheds, and aesthetics; (2) protect these lands against air, noise and water pollution, destruction of scenic beauty, disturbance of the ecology and environment; and (3) avoid geologic, wildfire and flood hazards.

J. Resource Preservation (RP). The purpose of the Resource Preservation (RP) zone district is to preserve the open character and associated public benefits of those lands in Eagle County, and not located entirely within the boundaries of an existing city or town, that are owned by the Federal Government on the date of adoption of this zone district in the event of sale of such lands by the federal government into private ownership. This is accomplished by disallowing certain land uses; requiring County approval for other land uses which may negatively impact the scenic quality and open character of these lands and by limiting residential development to one dwelling unit per 80 acres. (*orig. 5/15/07*)

K. Fulford Historical (FH). The purpose of the Fulford Historical (FH) zone district is to provide for limited residential development within the existing historical Townsite of Fulford, while preserving the rural character of Eagle County. Commercial uses are not permitted within the zone district, but arts and crafts operations that retain the residential character of the Townsite are permitted, pursuant to Section 5-250, Special Uses.

SECTION 3-220. COMMERCIAL AND INDUSTRIAL ZONE DISTRICTS

A. Commercial Limited (CL). The purpose of the Commercial Limited (CL) zone district is to provide for the range of commercial uses needed to meet the daily or frequent shopping needs of neighborhood residents in the immediate area. Uses permitted in this zone district are limited to those listed under the retail, restaurant, personal service and office categories of the use schedule and generally exclude those listed under the industrial, service-commercial and wholesale categories of the use schedule.

B. Commercial General (CG). The purpose of the Commercial General (CG) zone district is to provide for the broad range of commercial operations and services required for the proper and convenient functioning of commercial centers serving the larger regions of the County. Uses permitted in this zone district include those listed under the retail, restaurant, personal service, office and industrial, service-commercial and wholesale categories of the use schedule.

C. Industrial (I). The purpose of the Industrial (I) zone district is to provide appropriate areas for light and general industrial and service businesses, in locations where conflicts with residential, commercial and other land uses can be minimized. Uses permitted in this zone district include primarily those listed under the industrial, service-commercial and wholesale categories of the use table.

D. Rural Center (RC). The purpose of the Rural Center (RC) zone district is to recognize and provide for existing small residential centers or crossroads developments. Uses permitted in this zone district include relatively moderate to lower density residential uses and convenience-oriented commercial uses that serve the needs of residents in the surrounding area and visitors and other passers-by.

SECTION 3-230. PLANNED UNIT DEVELOPMENT (PUD) ZONE DISTRICT

The purpose of the Planned Unit Development (PUD) zone district is to permit variations from the strict application of the standards of the County's other zone districts in order to allow flexibility for landowners to creatively plan for the overall development of their land and thereby, to achieve a more desirable environment than would be possible through the strict application of the minimum standards of these Land Use Regulations. This is done through the application of performance standards that:

A. Permit Integration of Uses. Permit the integration, rather than separation of uses, so that necessary commercial, recreational, and educational facilities are conveniently located in relation to housing;

- B. Efficient Land Use Patterns.** Establish land use patterns that promote and expand opportunities for public transportation and for efficient, compact networks of streets and utilities that lower development and maintenance costs and conserve energy;
- C. Preserve Lands.** Preserve valued environmental resource lands and avoid the development of natural hazard areas;
- D. Maintain Water Quality.** Maintain and enhance surface and ground water quality and quantity in Eagle County;
- E. Contribute to Trails System.** Improve and enhance the County=s multi-use trail system and maintain access to public lands and rivers;
- F. Incentives for Affordable Housing.** Establish incentives for applicants to assure that long term affordable housing will be developed; and
- G. Achieve Master Plan.** Ensure that the purposes of the Eagle County Master Plan and these Land Use Regulations are achieved; and
- H. Air Quality.** Maintain and enhance air quality in Eagle County; and
- I. Wildlife.** Protect and maintain critical wildlife habitat and migration corridors.

SECTION 3-250. FLOODPLAIN OVERLAY ZONE DISTRICT (*org. 01/04/05*)

The purpose of the Floodplain Overlay (FO) zone district is to manage development while protecting public safety in the floodplain. This is an overlay zone district and shall be applied as a supplemental regulation on existing zoned areas containing Special Flood Hazard Areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), including Planned Unit Development zone district and the Eagle-Vail PUD zone district. The FO zone district is superimposed on the existing zoning and all restrictions and requirements herein are in addition to those of the underlying zone district. All land use review processes that apply to the underlying zone district shall remain in full force and effect. In the case of overlapping or conflicting requirements, the most restrictive provision shall apply. (*am. 01/07/14*)

DIVISION 3-3.USE AND DIMENSIONAL STANDARDS**SECTION 3-300. RESIDENTIAL AND AGRICULTURAL ZONE DISTRICTS USE SCHEDULE** (am. 05/15/07)

Table 3-300, "Residential, Agricultural and Resource Zone Districts Use Schedule", categorizes the uses that are applicable to the County's resource, agricultural and residential zone districts. The table utilizes the following symbols:

A. Use By Right. "R" indicates uses that are uses by right. The Planning Director shall verify that development of a use by right complies with all applicable provisions of these Land Use Regulations, pursuant to Section 5-2100, Certificate of Zoning Compliance.

B. Special Review Uses. "S" indicates uses that are allowed, subject to Special Review. The Planning Commission shall make a recommendation and the Board of County Commissioners shall conduct a public hearing to determine whether the special use complies with all of the standards and requirements of these Regulations, pursuant to Section 5-250, Special Uses.

C. Limited Review Uses. "L" indicates uses that are allowed, subject to limited review. The Planning Director shall verify that development of the use complies with all of the standards and requirements of these Land Use Regulations, pursuant to Section 5-2100, Certificate of Zoning Compliance and Section 5-300, Limited Review Use. (am 9/27/99)

D. Uses Not Allowed. "N" indicates uses that are not allowed.

E. Standards. The "Standards" column refers the reader to particular sub-sections of Section 3-310, Review Standards Applicable to Particular Residential, Agricultural and Resource Uses, when applicable.

F. Uses Not Listed. Uses that are not listed in Table 3-300 shall be considered to be uses that are not allowed, unless one (1) of the following occurs:

1. Regulations Amended. An amendment to these Regulations is adopted, pursuant to Section 5-230, Amendments to the Text of These Land Use Regulations or the Official Zone District Maps, that lists the use in the table and indicates in which zone districts the use is a use by right, allowed by limited review, or allowed by special review and in which zone districts it is not allowed; or

2. Determination of Similar Use. The Planning Director determines, pursuant to Section 5-220, Interpretations, that the proposed use is sufficiently similar to a use listed in Table 3-300, "Residential, Agricultural and Resource Zone Districts Use Schedule". A use that is determined to be similar to a listed use shall be subject to the same standards as the use to which it was determined to be similar.

TABLE 3-300 RESIDENTIAL AND AGRICULTURAL ZONE DISTRICTS USE SCHEDULE (am. 05/15/07)												
Uses: R= Use By Right ; L= Allowed by Limited Review; S = Allowed by Special Review; N = Not Allowed	FH ¹	RMF	RSM	RSL	RR	AL	AR	RL	R	RP	BC ²	Standards
Residential Uses												
Accessory Dwelling	N	N	N	L ³	L ³	L ³	L	L	R	N	N	Sec. 3-310 A
Conservation Subdivision	N	N	N	N	N	S	S	S	S	N	N	Sec. 3-310 B
Customary Accessory Residential Uses	R	R	R	R	R	R	R	R	R	R	R	
Duplex Dwelling	N	R	R	R	N	N	N	N	N	N	N	
Mobile Home Park	N	S	S	S	N	N	N	N	N	N	N	Sec. 3-310 Y
Multi-Family Dwelling	N	R	R	R	N	N	N	N	N	N	N	
Multi-Housekeeping Dwelling	N	L	L	L	N	N	N	N	N	N	N	Sec 3-310 Z
Single-Family Dwelling	R	R	R	R	R	R	R	R	R	S	S	
Time Share and Fractional Fee Estates	N	S	S	N	N	N	N	N	N	N	N	
Home Uses												
Bed and Breakfast	N	S	S	S	S	S	S	S	L	N	N	Sec. 3-310 C
Day Care Center	N	S	S	S	S	S	S	S	S	N	N	Sec. 3-310 D
Day Care Home	R	R	R	R	R	R	R	R	R	N	N	
Group Home	N	S	S	S	S	S	S	S	S	N	N	Sec. 3-310 E
Home Business	N	S	S	S	S	S	S	S	S	N	N	Sec. 3-310 F
Home Occupation	R	R	R	R	R	R	R	R	R	R	N	Sec. 3-310F
Public Facilities, Utilities and Institutional Uses												
Airport, Landing Strip, Utility or Air Carrier	N	N	N	N	N	N	N	N	S	N	N	Sec. 3-310 G
Cemetery	N	N	N	N	N	S	S	S	S	N	N	
Church	L	L	L	S	S	S	S	S	S	N	N	
Community or Public Building	S	S	S	S	S	S	S	S	S	N	N	
Concentrated Solar Device	N	N	N	N	N	N	N	N	N	N	N	
Educational Facility	S	S	S	S	S	S	S	S	S	N	N	

Electric Power Generation Facility	N	S	S	S	S	S	S	S	S	S	N	Sec. 3-310 H
Electric Power Transmission Line	S	S	S	S	S	S	S	S	S	S	N	Sec. 3-310 H
Fire Station	S	S	S	S	S	S	S	S	S	S	N	
Helistop	N	N	N	N	N	N	S	S	S	N	N	
Library	N	R	R	R	R	R	R	R	R	N	N	
Water or Wastewater Projects (am 02/11/03)	S	S	S	S	S	S	S	S	S	S	S	Sec. 3-310 I
Natural Gas Transmission Line	S	S	S	S	S	S	S	S	S	S	S	Sec. 3-310 H
Park, Open Space or Greenbelt	R	R	R	R	R	R	R	R	R	S	S	Sec. 3-310 J
Postal Substation	N	N	S	S	S	S	S	S	S	N	N	
Recycling Collection or Drop Off Center	N	L	L	L	L	L	L	L	L	S	N	Sec. 3-310 K
Reservoirs and Dams engineered to contain more than ten (10) acre feet of water	N	N	N	N	N	S	S	S	S	S	N	Sec. 3-310 L
Sanitary Landfill	N	N	N	N	N	N	N	N	S	S	N	
Snow Dump/Snow Storage Area	L	L	L	L	L	L	L	L	L	L	S	
Small Hydro Electric Energy	R	S	S	R	R	R	R	R	R	R	N	Sec. 3-310 Cc
Solar Farm over 10-kw	N	S	S	S	S	R	R	R	R	N	N	Sec. 3-310 Bb
Solar Farm over 80-kw	N	S	S	S	S	S	S	S	S	N	N	Sec. 3-310 Bb
Structure-integrated or Ancillary Ground-Mounted Solar Energy System	R	R	R	R	R	R	R	R	R	R	R	Sec. 3-310 Bb
Transfer Station	N	N	N	S	S	S	S	S	S	S	N	
Utility Distribution Facilities	S	R	R	R	R	R	R	R	R	S	S	Sec. 3-310 H
Utility Substation	N	S	S	S	S	S	S	S	S	S	N	Sec. 3-310 H
Water Diversion Structures, Ditches and Pipeline Structures engineered to convey fifteen (15) cfs of water or less or designed to serve as a domestic supply for less than ten (10) dwelling units	S	R	R	R	R	R	R	R	R	R	S	
Water Diversion Structures, Ditches and Pipeline Structures engineered to convey more than fifteen (15) cfs of water or designed to serve as a domestic supply for more than ten (10) dwelling units	N	S	S	S	S	S	S	S	S	S	S	Sec. 3-310 M
Water or Wastewater Treatment Facility	N	S	S	S	S	S	S	S	S	S	N	Sec. 3-310 N
Water Impoundment	N	N	S	S	R	R	R	R	R	R	S	Sec. 3-310 N
Water Storage Facility	S	S	S	S	S	S	S	S	S	S	N	Sec. 3-310 N
Wind Energy Systems - Small Scale	S	S	L	L	R	R	R	R	R	R	N	Sec. 3-310 Dd

Wind Energy Systems - Large Scale	N	N	N	N	S	S	S	S	S	S	N	
Commercial Uses/Personal Services												
Convenience Grocery Store ⁴	N	S	S	S	S	S	S	S	S	N	N	
Kennel	N	N	N	N	N	N	N	S	S	N	N	
Marijuana Social Club or Lounge (<i>orig. 12/31/13</i>)	N	N	N	N	N	N	N	N	N	N	N	
Self Service Laundromat ⁵	N	S	S	S	S	S	S	S	S	N	N	
Studio For Arts and Crafts	S	L	L	L	L	L	L	L	L	N	N	Sec. 3-310 O
Veterinary Hospital	N	N	N	N	S	S	S	S	S	N	N	
Landscape Storage Yard	N	N	N	N	S	S	S	S	S	S	N	Sec. 3-310 Ee
Industrial Uses⁶												
Extraction or Exploration (gravel pit, petroleum or natural gas well, coal or ore mine)	N	N	N	N	N	N	N	S	S	S	S	Sec. 3-310 P
Land Application of domestic or industrial sludge	N	N	N	N	N	N	N	S	S	S	N	Sec. 3-310 Q
Junkyard	N	N	N	N	N	N	N	N	S	N	N	
Processing (including alfalfa pellet mill, saw mill, gravel crushing, asphalt or concrete batch plant, but excluding primary wood and firewood processing)	N	N	N	N	N	N	N	N	S	S	N	Sec. 3-310 P
Telecommunication Facilities	N	S	S	S	S	S	S	S	S	S	N	Sec. 3-310 Gg
Telecommunication Facility Modification	N	L	L	L	L	L	L	L	L	L	N	Sec. 3-310 Gg
Agricultural Uses												
Agriculture and Customary Accessory Agricultural Buildings	N	N	N	N	R	R	R	R	R ⁷	S	N	
Boarding Stable	N	N	N	N	S	S	S	S	R	S	N	
Farmers Market	N	N	N	N	S	S	S	S	S	N	N	
Farm or Ranch Stand/Sales of Agricultural Products	N	N	N	N	L	L	L	L	L	L	N	Sec. 3-310 R
Feedlot	N	N	N	N	N	N	N	N	S	N	N	
Forestry	N	N	N	N	N	N	N	N	R	S	S	Sec. 3-310 S
Livestock Sales Yard	N	N	N	N	N	N	N	N	S	N	N	
Sales of Commercial Firewood	N	N	N	N	N	N	N	N	S	S	N	
Tree Storage	N	N	N	N	N	L	L	L	L	N	N	Sec. 3-310 Aa
Marijuana Cultivation, Manufacturing or Testing (<i>am. 12/31/13</i>)	N	N	N	N	N	N	S	S	S	N	N	Sec. 3-310 F.f

Resort/Recreation/Amusement Uses												
Drive-in Theater	N	N	N	N	S	S	S	N	N	N	N	
Golf Course or Golf Driving Range	N	N	N	N	S	S	S	S	S	N	N	
Mass Gatherings	N	N	N	N	N	N	N	N	L	L	S	Sec. 3-310 T
Outfitter and Guide	N	N	N	N	R	R	R	R	R	R	R	Sec. 3-310 U
Polo Field	N	N	N	S	S	S	S	S	S	N	N	
Recreational Vehicle Park	N	N	N	N	S	S	S	S	S	S	N	
Resort Recreational Facility; Day or Resident Camp	N	N	N	N	N	N	N	N	S	S	S	Sec. 3-310 V
Riding Stable	N	N	S	S	S	S	S	S	R ⁸	S	N	
Ski Area	N	N	N	N	N	N	S	S	S	S	S	
Sports Complex	N	N	N	N	N	S	S	S	S		N	
Sports Shooting Range	N	N	N	N	S	S	S	S	S	S	N	
Temporary Uses												
Temporary Building or Use	N	S	S	S	S	S	S	S	S	S	N	Sec. 3-310 W
Temporary Housing	N	L	L	L	L	L	L	L	L	L	N	Sec. 3-310 X
Notes:												
1. Existing uses located within the boundaries of each "Fulford Parcel" as of September 1, 1988, and identified on the "Fulford Land Use Map No. 1", on file in the offices of the Eagle County Department of Community Development, shall be considered uses by right in the Fulford Historical (FH) zone district.												
2. In addition to other considerations, the applicant shall adequately demonstrate that environmental hazards and impacts resulting from any proposed construction of dwelling units, out buildings, or other structures within the Backcountry (BC) zone district are adequately mitigated, resulting in no net adverse impact upon the environment.												
3. An accessory dwelling unit proposed as part of a cluster development shall be allowed by Special, rather than Limited Review.												
4. A convenience store may also conduct retail gas sales, but automobile service and repair shall only be allowed in commercial and industrial zone districts; see Table 3-320. The maximum size for a convenience store is 3,500 square feet of floor area.												
5. The maximum size for a laundromat is 2,000 square feet of floor area.												
6. In addition to the standards listed for particular uses, see also Article 4, Division 5, <u>Commercial/Industrial Performance Standards</u> .												
7. Dwellings for persons and their immediate families employed principally or seasonally in a bonafide agricultural or ranching activity on a minimum of 35 acres are also allowed.												
8. Use By Right riding stables in the Resource zone district shall be allowed on lots of 35 acres or greater in size. Riding stables occurring on lots less than 35 acres in size in the Resource zone district shall require a Special Use Permit.												
9. Temporary Construction Trailers shall not be subject to Special Review, but shall conform to all applicable building code requirements and to those standards defined in Article 2 of these Land Use Regulations. (am 11/08/05)												

SECTION 3-310. REVIEW STANDARDS APPLICABLE TO PARTICULAR RESIDENTIAL, AGRICULTURAL AND RESOURCE USES

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

Those uses in the residential, agricultural and resource zone districts for which such additional standards have been identified are listed in the "Standards" column of Table 3-300 "Residential, Agricultural and Resource Zone Districts Use Schedule". The standards for each of these uses are established herein. The definitions of these uses are found in Section 2-110, Definitions. The following section addresses:

- A. Accessory Dwelling Unit
- B. Conservation Subdivision (*am 11/07/07*)
- C. Bed and Breakfast
- D. Day Care Center
- E. Group Home
- F. Home Business
- G. Airport, Landing Strip, Utility or Air Carrier
- H. Utility Transmission and Distribution Facilities
- I. Water and Sewer Projects (*am 02/11/03*)
- J. Park, Open Space or Greenbelt
- K. Recycling Collection or Drop-Off Center
- L. Reservoirs and Dams
- M. Water Diversion Structures, Ditches and Pipeline Structures
- N. Water Storage or Impoundment Facility, Water or Wastewater Treatment Facility
- O. Studio for Arts and Crafts
- P. Exploration, Extraction and Processing Operations
- Q. Land Application of Sludge
- R. Farm or Ranch Stand/Sales of Agricultural Products
- S. Forestry
- T. Mass Gatherings
- U. Outfitter and Guide
- V. Resort Recreational Facility
- W. Temporary Building or Use
- X. Temporary Housing
- Y. Mobile Home and Recreational Vehicle Parks
- Z. Multi-Housekeeping Dwelling Unit
- Aa. Tree Storage (*orig 03/12/02*)
- Bb. Solar Energy System (*am 03/24/15*)
- Cc. Small hydro Electric Energy (*orig 09/11/07*)
- Dd. Small Scale Wind Energy Systems (*orig 09/11/07*)
- Ee. Landscape Storage Yard (*orig. 10/09/07*)
- Ff. Marijuana Cultivation, Manufacturing or Testing (*orig. 12/31/13*)

Gg. Telecommunication Facilities

SECTION 3-310. REVIEW STANDARDS APPLICABLE TO PARTICULAR RESIDENTIAL, AGRICULTURAL AND RESOURCE USES

A. Accessory Dwelling Unit.

1. Applicability. Accessory dwelling units shall be permitted as a Use By Right on parcels that conform with the minimum lot size standard in the Resource zone district and by Limited Review on parcels that conform with the minimum lot size standard in the Resource Limited, Agricultural Residential, Agricultural Limited, Rural Residential and Residential Suburban Low Density zone districts. An accessory dwelling unit may be allowed on legal, nonconforming lots or parcels subject to Special Review (see Section 6-120, Nonconforming Legal Lots of Record). Upon specific request at the time of subdivision application, accessory dwelling units may also be allowed in Planned Unit Developments. *(am 11-08-05)*

2. Number. No more than one (1) accessory dwelling unit shall be permitted in conjunction with and in addition to the principal use of the parcel. *(am 11-08-05)*

3. Size and Use. The size of accessory dwelling units shall be determined by the zone district and parcel size as follows:

<u>Minimum Zone District</u>	<u>Accessory Unit Parcel Size</u>	<u>Max. Floor Area</u>
R	35 acres	1,800 sq. ft.
RL	20 acres	1,200 sq. ft.
AR	10 acres	1,000 sq. ft.
AL	5 acres	850 sq. ft.
RR	2 acres	850 sq. ft.
RSL	15,000 sq. ft.	600 sq. ft.
PUD - As approved.		

Accessory dwelling units are not allowed in conjunction with duplex or multi-family units nor shall short term rentals (less than 14 days) be allowed. *(am 3/12/02) (am 11/08/05)*

4. Floor Area Calculation. In the RSL zone district, the floor area contained within the accessory dwelling unit shall count toward the maximum allowable floor area permitted on the parcel. *(orig 11-08-05)*

5. Location. An accessory dwelling unit may be located within or attached to the structure containing the principal use of the parcel, or may be detached from that structure if: 1) it is located within or above a garage; 2) it is located within a lawful accessory building; or 3) it is independent from any structure located within the Resource (R), Resource Limited (RL) or Agricultural Residential (AR) zone district. *(am 3/12/02) (am 11-08-05)*

6. Parking. There shall be one (1) additional off-street parking space provided for any accessory dwelling unit that is a studio or one bedroom unit. Any accessory dwelling unit containing two (2) or more bedrooms shall have two (2) off-street parking spaces. *(am 11-08-05)*

7. Ownership. The accessory dwelling unit shall not be condominiumized or sold separately from the principal use of the parcel. *(am 11/08/05)*

8. Dimensional Limitations. Accessory dwelling units shall be developed so as to conform to all setback, height, lot coverage, floor area and other dimensional limitations of the underlying zone district, but shall not count towards any applicable density limitations for the property. Accessory dwelling units are included in the calculation of single family equivalents (SFE) as set forth in Chapter 6, Eagle County Guidelines for Matters of State Interest (see Chapter 6, Section 6.01.04) *(am 11/08/05)*

9. Adequate Facilities. It shall be demonstrated that the accessory dwelling unit will be provided adequate facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, fire protection, and roads. *(am 11/08/05)*

B. Conservation Subdivision. *(am. 11/07/07)*

1. Applicability. Conservation Subdivisions shall allow lots smaller than would otherwise be allowed by the governing zone district, to be grouped or “clustered” in one or more limited areas on the subject property, the location of which is determined through adherence to certain design standards. Density bonuses would be allowed. In exchange, the balance of the property must be set aside as a permanent Conservation/Agricultural Lands Tract. The maximum densities allowed in Conservation Subdivisions shall be as set forth in Table 5-295, Maximum Number of Dwelling Units per Acre by Zone District, and as further provided in Section 5-295, Conservation Subdivision.

Table 3-310.B. Maximum Number of Dwelling Units per Acre by Zone District

Percent of Site (%) Designated as Conservation/Agricultural Land Tract	Resource	Resource Limited	Agricultural Residential	Agricultural Limited
At least 67% but less than 75%	1 / 25	1 / 14	1 / 7	1 / 3.5
At least 75% but less than 85%	1 / 20	1 / 12	1 / 6	1 / 3
85% or more	1 / 17.5	1 / 10	1 / 5	1 / 2.5

C. Bed and Breakfast.

1. Parking. The bed and breakfast shall provide one (1) parking space for each accommodations unit, in addition to any parking required for the primary residential dwelling unit.

2. Maximum Number of Accommodation Units. The bed and breakfast shall not contain more than six (6) separate rental guest accommodation units. Morning meals shall be provided for guests in one common eating area and/or to the guest room. *(am 9/27/99)*

3. Owner Shall Live on Premises. Operation of the bed and breakfast shall be secondary and incidental to the primary residential use. *(am 9/27/99)*

D. Day Care Center.

1. Parking. A day care center shall provide one (1) off-street parking space per non-resident employee. This space shall be provided in addition to any parking required for the principal use of the property.

2. Drop-off/Pick-up Area. A day care center shall have one (1) designated on- or off-street drop-off/pick-up space for every six (6) children. The space shall be available during operating hours for loading and unloading of children. If the space is located on-street, it shall be located on the same side of the street as the day care facility and shall not be used as a parking space.

3. Play Area. A day care center shall have an on-site play area that meets the State standard for facilities of this size, as specified in "Minimum Rules and Regulations for Child Care Centers of the Colorado Department of Social Services".

4. Working Telephone. A day care center shall have a working telephone on the premises.

5. Local and State Codes. Day care centers shall demonstrate their compliance with all applicable state and local health, safety, fire and building codes, including, but not limited to, all applicable requirements of the Colorado Department of Human Services and the Eagle County Department of Social Services.

E. Group Home. The applicant shall submit a report with the application for the group home that identifies potential impacts from the proposal and shows how those impacts will be mitigated. The report shall include site plans and interior building plans that depict living spaces, recreation areas, off-street parking, and other special needs of the facility and shall also address the following standards:

1. Child Care. Child care facilities shall comply with all requirements for licensing as either a Foster Care Home or Specialized Group Home, as is defined by the Colorado Department of Social Services.

2. Neighborhood Density. A group home should not be located within seven hundred-fifty (750) feet of any other group home.

3. Necessary Facilities. A group home may only be located in an area where the applicant demonstrates that necessary public facilities and services for the occupants can be provided, including, but not limited to water supply, sewage disposal, fire and police protection and transportation.

F. Home Business and Home Occupation.**1. Home Business.**

a. Use Subordinate. The use of a dwelling for a home business shall be clearly incidental and subordinate to its use for residential purposes and shall not change its basic residential character.

b. Activity Conducted Indoors. All activities associated with a home business shall be conducted indoors. Materials and equipment used in the home business shall be stored in a building.

- c. Employment.** A home business shall be conducted by persons residing on the premises and by no more than two (2) employees residing off-premises.
- d. Patrons.** A home business may serve patrons on the premises, provided all other standards of this Section are met.
- e. Parking.** A home business shall provide one (1) off-street parking space for each employee working on-site and residing off-premises and one (1) space for patrons of the business. These spaces shall be provided in addition to the parking required for the principal residential use of the property.
- f. Sales.** Incidental sale of supplies or products associated with the home business shall be permitted on the premises. A home business whose primary activity is retail sales shall be prohibited, except if the home business is for catalogue sales.
- g. Nuisance.** A home business shall not produce noise, electrical or magnetic interference, vibrations, heat, glare, odors, fumes, smoke, or dust and shall not operate at such hours or in such a manner as to create a public nuisance, disturb neighbors or alter the residential character of the premises.
- h. Codes.** The building housing the home business shall comply with all County or State building, fire and safety codes applicable to the particular business.
- i. Signs and Illumination.** Signs and other outdoor structures advertising the home business shall not be permitted. Illumination of the structure housing the home business shall be limited to that which is customary for the primary residential use of the property.

2. Home Occupation.

- a. Use Subordinate.** The use of a dwelling for a home occupation shall be clearly incidental and subordinate to its use for residential purposes and shall not change its basic residential character.
- b. Activity Conducted Indoors.** All activities associated with a home occupation shall be conducted indoors. Materials and equipment used in the home business shall be stored in a building.
- c. Parking.** A home occupation shall not generate the need for any additional parking other than that required for the principal residential use of the property.
- d. Sales.** Incidental sale of supplies or products associated with a home occupation shall be permitted on the premises. A home occupation whose primary activity is retail sales shall be prohibited, except if the home occupation is for catalogue sales.
- e. Nuisance.** A home occupation shall not produce noise, electrical or magnetic interference, vibrations, heat, glare, odors, fumes, smoke, or dust and shall not operate at such hours or in such a manner as to create a public nuisance, disturb neighbors or alter the residential character of the premises.
- f. Codes.** The building housing the home occupation shall comply with all County or State building, fire and safety codes applicable to the particular business.

g. Signs and Illumination. Signs and other outdoor structures advertising the home occupation shall not be permitted. Illumination of the structure housing the home occupation shall be limited to that which is customary for the primary residential use of the property.

G. Airport, Landing Strip, Utility or Air Carrier.

1. Environmental Impact Report. An applicant for an airport, utility or air carrier shall submit an Environmental Impact Report, containing the materials specified in Section 4-460.

2. Conflicts. An Airport Utility shall not conflict with:

a. Existing Facility. Any site or operation of any existing aircraft facility;

b. Airport Plan. Any official county, state or federal airport plan; or

c. Government Agency Regulation or Requirement. Any reservation, easement, rightofway regulation or requirement of the Federal Aviation Administration, or of any other governmental agency.

H. Utility Transmission and Distribution Facilities. Nothing in these Regulations shall be construed to prohibit construction or installation of a public utility use or structure necessary for transmission of commodities or services of a utility company, through mains or distribution lines, in any zone district. Storage, maintenance facilities, substation or exchanges, and business offices shall only be permitted in those zone districts where such uses are allowed or are allowed by review. The location of power transmission lines with a capacity of sixty-nine (69) kilovolts or greater and pipelines for major transmission shall be subject to the requirements of Section 5-250, Special Uses.

I. Water or Sewer Projects. *(am 02/11/03)*

1. Major new domestic water or sewer systems, major extensions of such systems and municipal and industrial water projects shall comply with the following standards:

a. Abstract. The applicant shall submit an abstract of the proposal indicating the scope and need for the facility.

b. State Review. Preliminary review and comment on the proposal by the appropriate agency of the Colorado Department of Natural Resources and the Colorado Department of Health shall be provided within sixty (60) days of submission of the application to the County.

c. Alternatives. Alternatives to the proposed facility shall be evaluated, including but not limited to alternative locations and the no development alternative.

d. Demographic Data. Any demographic data needed to fulfill the requirements of this Section shall be consistent with the data used for the 208 Areawide Waste Treatment Management Planning for Region XII, Colorado.

2. Waiver Provision. The Special Review Use permit application for water and sewer projects may be waived in whole or in part by the Board of County Commissioners upon a written petition by the applicant showing that: *(am 02/11/03)*

a. A permit application pursuant to Chapter 6, sections one through five of the Eagle County Guidelines and Regulations for Matters of State Interest has been submitted to the Eagle County Permit Authority relative to this land use which would be the subject of a special use permit application. *(am 02/11/03)*

b. Compliance with the Special Review Use permit requirements would be unreasonably burdensome for the applicant.

Such a waiver may be granted upon a determination by the Board of County Commissioners that requiring a Special Review Use permit in addition to the permits(s) required under the Eagle County Guidelines and Regulations for Matters of State Interest would serve no further legitimate planning, zoning or other land use objective. *(am 02/11/03)*

J. Park, Open Space or Greenbelt.

1. Designation. Land designated as a park, open space or greenbelt through dedication or reservation, or other reason, shall be indicated as such on the plat or other document recorded to formalize the project approval.

2. Ownership. Park, open space or greenbelt land and any facilities thereon shall be provided and maintained either by a unit of government, by a nonprofit corporation or by private interests as part of a subdivision or development of land for use by the inhabitants thereof; ownership of the land may be deeded or reserved to a property owner's association or it may be dedicated to the public; or as required by any condition for granting of approval of an application, including designation of a park or other open recreation use.

K. Recycling Collection or Drop Off Center. A recycling collection or drop off center shall either be developed in association with another use on the same site, whose owner shall provide for maintenance of the site, or shall require the recycling entity to demonstrate how the collection or drop off center will be maintained in a clean and sanitary manner.

L. Reservoirs and Dams. Reservoirs and dams engineered to contain more than ten (10) acre feet of water shall comply with all applicable state specification and the following standards:

1. Public Need. The use shall serve an obvious public need or shall serve the needs of the agricultural use of the property

2. Not Create Hazard. The reservoir or dam shall not create a hazard to the existing populated areas of Eagle County, either during construction or afterwards.

3. Maintenance. The reservoir shall be properly maintained.

4. No Adverse Affects. The reservoir or dam site shall not adversely affect wildlife, the environment, or stream flows of existing streams to the detriment of the fish population.

5. Minimize Damage. The dam or reservoir shall be located so as to minimize damage caused to owners of private land and water rights in the vicinity.

6. Not Burden Existing Electrical Energy Supplies. The reservoir or dam shall not create a burden upon existing supplies of electrical energy so as to jeopardize existing domestic and future domestic uses.

7. Not Burden Landfill. The bed of the dam or reservoir shall be capable of being adequately cleared without creating a burden upon the Eagle County sanitary landfill.

M. Water Diversion Structures, Ditches, and Pipeline Structures. Water diversion structures, ditches, and pipeline structures engineered to convey more than fifteen (15) cubic feet of water per second of time or designed to serve as a domestic supply for ten (10) units or more shall comply with the following standards:

1. Public Need. Such uses shall serve an obvious public need.

2. Energy Supply. There shall be a sufficient supply of electrical energy to serve the diversion, ditch, pipeline, and any accessory pumping facilities, so as not to jeopardize existing or future domestic requirements.

3. Safety. The ditch, pipeline, or diversion shall be built in a prudent manner, so as to preserve the public safety.

4. Minimum Use of Land. The ditch, diversion, or pipeline shall be environmentally engineered so as to use the minimum amount of private land.

5. No Adverse Impacts on Wildlife. The facilities shall not adversely affect fish populations, wildlife habitat, or migratory ranges.

6. No Adverse Impacts on Private or Public Property. The facilities shall not adversely affect private or public property owners in the vicinity. Appropriate studies shall be conducted to show the impact of said diversions, ditches, and pipelines upon the entirety of water users in Eagle County.

7. Preliminary Subdivision Plan. This use shall only require Special Review when it is not specifically addressed in an approved preliminary subdivision plan.

N. Water Storage Facility, Water Impoundment, Water Treatment Facility or Wastewater Treatment Facility. These uses shall only require Special Review when they are not specifically addressed in an approved preliminary subdivision plan.

O. Studio for Arts and Crafts.

1. Activity within Building. All activity associated with the studio shall be conducted within a building.

2. Retail Sales. Retail sales shall be limited to one-of-a-kind goods fabricated on the lot.

3. Fulford Historical (FH) Zone District. In the Fulford Historical (FH) zone district only, instead of the above limitations, the following shall apply:

a. Storage. All storage of materials shall occur within a building.

b. Accessory. The studio shall be secondary and accessory to a residence and shall not change the residential character of the primary use.

c. Noise. Noise shall not exceed sixty (60) decibels at any property line.

d. Sales. There shall be no sales or exchange of goods on the lot.

P. Exploration, Extraction and Processing Operations.

1. Environmental Impact Report. An applicant proposing an exploration, extraction, or processing operation shall submit an Environmental Impact Report. The Report shall be prepared in accordance with Section 4-460, Environmental Impact Report, of these Regulations by technically qualified professional experts. Included in the Report shall be a depiction of the location, scope and design of the proposed use, and an explanation of its operational characteristics and impacts. The requirement to submit said Report may be waived by the Planning Commission.

2. Compliance. Proof shall also be submitted that the proposed use shall be designed and operated in compliance with all applicable laws and regulations of the county, state and federal governments and shall not adversely affect:

a. Water. Existing lawful use of water, through depletion or pollution of surface runoff, stream flow or groundwater;

b. Adjacent Land Uses. Adjacent land uses, through generation of vapor, dust, smoke, noise, glare, vibration, or other emanations; or

c. Wildlife. Wildlife and domestic animals, through creation of hazardous attractions to wildlife, impacts on wildlife habitat, or patterns, or other means.

3. Site Plan. On parcels of land greater than one (1) acre, a detailed site plan shall be submitted, including landscaping sufficient to meet the standards found in Section 4-230, Landscaping Design Standards and Materials. Security may be required to guarantee landscaping, drainage, and erosion control, if deemed necessary by the Board of County Commissioners, and as specified in Section 4-240, Installation and Maintenance Requirements.

4. Fabrication, Service and Repair. All fabrication, service and repair activities associated with the use shall be conducted within a building (except for incidental repair activities), unless the applicant demonstrates that it is not practical to do so and ensures that all impacts from outside activities are mitigated.

5. Storage. All storage of materials associated with the operation shall occur within a building, or shall be obscured by an opaque fence.

Q. Land Application. Land application of sludge for beneficial use as fertilizer, mulch or soil conditioner (on areas of land greater than one [1] acre) shall only be permitted for domestic or industrial purposes and shall be subject to the following standards:

- 1. Application Contents.** The application shall contain the following materials:
 - a. Site Plan.** A detailed site plan showing the location of all buildings, dwellings, ditches, dry gullies, lakes, ponds, springs and wells within a one thousand (1,000) foot radius of the sludge application.
 - b. Topography.** Topographic information concerning the sludge application site, with the direction of drainage shown.
 - c. Soils Analysis.** A soils analysis that includes an analysis of the amount of sludge that can be applied to the site without exceeding the limits of chemical nutrients for the specific crop grown.
 - d. Ground Water.** Depth of highest seasonal ground water table and at least three (3) piezometric tubes, two (2) down-gradient of the site and one (1) up-gradient where the water table is less than ten (10) feet from the surface anywhere on the site.
- 2. Review Standards.** The application shall meet the following standards:
 - a. Slope Limitations.** Sludge shall not be placed on lands of greater than fifteen (15) percent slope. On lands of six (6) to fifteen (15) percent slopes, sludge shall have a solids content of sixteen (16) percent or greater.
 - b. Drainage.** The drainage plan shall show that sludge leachate will not discharge off-site.
 - c. Stream Setback.** No sludge shall be allowed within two hundred (200) feet of live streams, irrigation return flows, ponds or reservoirs. The setback distance shall be measured from the annual high water elevation or from the designated one hundred (100) year floodplain.
 - d. Odor Control.** An odor control plan shall be provided where three (3) or more dwelling units are within one thousand (1,000) feet of the proposed application area.
 - e. Operating Plan.** An annual operating plan shall be provided that addresses the following items:
 - (1) Season and Rates.** Yearly application season and yearly application rates.
 - (2) Truck Trips.** The average number of truck trips per day on County roads.
 - (3) Soil and Plant Tissue Analysis.** The operating plan shall state that a soil and plant tissue analysis will be submitted to the County annually in August. It shall also state that an application will be submitted to the County for an alternate application site when either soil or plant tissue analysis indicates chemical limits will be exceeded in the current year.
 - f. State Regulations.** The more restrictive of the above County standards and the Colorado Domestic Sewage Sludge Regulations shall apply.
 - g. Exemption for Dried Sludge.** Dried sludge that has been stabilized or composted, as determined by State Sewage Sludge Regulations, shall be exempt from these standards.
- R. Farm or Ranch Stand/Sales of Agricultural Products.**

1. Location. A farm or ranch stand at which primarily raw agricultural products are sold shall be located on the same property on which the product was grown or produced and shall be limited to properties within the Agricultural Limited (AL), Agricultural Resource (AR), Resource Limited (RL) and Resource (R) zone districts.

2. Parking. Adequate off-street parking shall be provided for the sales area.

3. Traffic Safety. The sales area shall be adequately set back from the adjacent road and shall be so situated so that it does not block any required access to or exit from the site, does not disrupt vehicular or pedestrian circulation in the surrounding area and does not cause a traffic hazard or safety problem.

4. Structures and Signs. Any temporary structures or identification signs used for the operation shall comply with all applicable County regulations.

5. Size. The applicant shall demonstrate that the size of the stand is the minimum necessary for the proposed operation.

S. Forestry.

1. Limitations. Forestry activities shall be limited to extraction, felling and trimming trees, and removal of wood materials, including primary processing.

2. Processing Prohibited in Backcountry Zone District. Primary processing of forestry products shall not be permitted in the Backcountry (BC) zone district.

T. Mass Gatherings.

1. Limit on Attendance. Events of five hundred or more persons, conducted in venues other than previously designated areas which were designed and approved specifically to accommodate such events (i.e.: Eagle County Fairgrounds), shall be limited by the availability of services including: Public restroom facilities, potable water, emergency medical services and parking. The Department of Environmental Health must review and approve the minimum potable water and sanitation requirements and food handling procedures - if applicable, as well as, any required environmental impact mitigation. The Eagle County Sheriff's Office must review and approve parking, circulation and security plans associated with the Mass Gathering event. *(am 3/12/02)*

2. Concerns to Address. The application for the mass gathering shall state: The number of people expected to attend the gathering; a description of the type of gathering; dates and times the gathering will be held; estimated length of stay of attendees; location of the gathering, and; how the following list of services will be accommodated by the Event Organizer in compliance with all applicable County and State regulations: *(orig 3/12/02)*

- a. First aid Provisions - includes persons with certified emergency medical training
- b. Food service & liquor license - if applicable
- c. Parking
- d. Law enforcement and/or security persons
- e. Sewage disposal

- f. Solid waste disposal - If food wastes are to be present on the mass gathering site from dusk to dawn, Wildlife Proof Refuse containers and/or dumpsters may be required at the discretion of the Planning Director.
- g. Traffic control
- h. Water supply
- i. Environmental Impacts - Plans to mitigate environmental degradation due to the proposed Mass Gathering event.
- j. At the discretion of the Planning Director, a Traffic Impact Report may be required.

3. Site Plan. Applicant must submit a site plan identifying:

- a. Location of event activities.
- b. Location of vendors.
- c. Parking areas including both on site and off site.
- d. On site and off site traffic circulation patterns.
- e. Location of First Aid treatment areas.
- f. Location of solid waste disposal.
- g. Location of restrooms.
- h. Location of water stations.
- i. Location of operators headquarters at the mass gathering.
- j. Location of any temporary structures necessary to support the mass gathering event, such as: Tents, stages, trailers etc. All temporary structures associated with the mass gathering event must be removed from the site within 72 hours following the event.

4. Standards. The following standards are intended as general requirements for all mass gathering events. Not all mass gathering events can be anticipated to generate identical impacts or service requirements. The applicant for a mass gathering permit may propose appropriate alternative standards which will be evaluated and may be approved at the discretion of the reviewing department or agency.

a. Restrooms.

- (1) One restroom/portable unit per 50 attendees for events of four (4) or more hours. One restroom/portable unit per 100 attendees for events of less than four (4) hours
- (2) Disposal and cleaning plans for toilets must be reviewed and approved by the Department of Environmental Health;
- (3) Restroom facilities must be kept clean and sanitary at all times.
- (4) Depending upon the nature of the mass gathering event, event location, length of the event and time of year, the Director of Environmental Health may approve alternative plans for >Restroom= provisions.

b. Potable Water Supply.

- (1) A continuous supply of potable water must be on hand at all times throughout the mass gathering event;
- (2) A minimum of two water stations at any mass gathering event;
- (3) One gallon of potable water per person for any event with attendance time of four (4) or more hours. One-half gallon per person for events of less than four (4) hours;
- (4) Water source, quality and handling must meet county and state regulations as approved by the Department of Environmental Health;
- (5) Interruptions of potable water supply must be reported immediately to Environmental Health.

(6) Depending upon the nature of the mass gathering event, event location, length of the event and time of year, the Director of Environmental Health may approve alternative >Potable Water Supply= provisions.

c. Food Service - If the mass gathering event is to include food service.

(1) Describe refrigeration and food handling procedures.

(2) All food service must be in compliance with applicable county and state health regulations.

d. Parking.

(1) No more than 100 private vehicle parking spaces per acre.

(2) Evidence that adequate parking and safe access for any proposed transit, private vehicles, bicycles and pedestrians must be provided.

(3) Depending upon the nature of the mass gathering event, event location, length of the event and time of year, the Eagle County Sheriff=s Office may approve alternative >Parking= plans.

e. Emergency Medical.

(1) All mass gathering events must provide plans for handling medical emergencies.

(2) Plans for the provision of Emergency Medical services must be approved, in writing, by the applicable emergency medical provider.

f. Security.

(1) Law enforcement and/or security persons must be provided at a ratio of one per 100 people in attendance.

(2) Depending upon the nature of the mass gathering event, event location, and length of the event, the Eagle County Sheriff=s Office may approve alternative >Security= plans.

U. Outfitter and Guide. Retail sales of goods by an outfitter and guide operation shall be prohibited, unless the underlying zone district specifically allows said retail sales or unless the sales are incidental to the outfitter and guide service.

V. Resort Recreational Facility. Where a resort recreational facility provides accommodations, the maximum number of accommodations shall be limited as follows:

1. Resource (R) Zone District. Twelve (12) dwelling units or forty-eight (48) beds of visitor capacity may be allowed in the Resource (R) zone district; and

2. Backcountry (BC) Zone District. One (1) dwelling unit or twenty (20) beds of visitor capacity may be allowed in the Backcountry (BC) zone district.

W. Temporary Building or Use.

1. Use Limitations. Temporary buildings shall only be used to conduct a use that is allowed, or a use that is allowed by limited review or by special review, in the underlying zone district.

2. Health and Safety Codes. Temporary buildings or uses shall comply with all applicable regulations concerning health, sanitation, safety and access.

3. Removal. The applicant shall provide positive assurance that the temporary building or use shall be removed or operations shall be ceased by the required time, as follows:

a. Removal by County at Owner's Expense. The County shall be given permission by the applicant and owner to remove the temporary building or use at the owner's expense if, at any time, the building is determined to be out of compliance with these Land Use Regulations.

b. Deposit. A deposit of an amount determined by the Board may be required from the applicant to defray the County's costs to remove a temporary building or use.

X. Temporary Housing. An owner of a lot may live on his lot while a new house is being constructed on the same lot, provided the original unit is removed at the completion of the new unit, and provided the applicant submits an adequate site plan and associated materials that demonstrate compliance with the following standards:

1. Water Supply and Sewage Disposal. The applicant shall submit evidence of an adequate water supply and method of sewage treatment.

a. Self-Contained Camper Units. For self-contained camper units, the applicant shall show a valid commitment for hauling water and sewage.

b. Other Units. For units which are not self-contained, adequate water and sewage facilities shall be provided, with specifications approved by the County Environmental Health Office.

c. Mobile Homes. For mobile homes or other temporary housing, the applicant shall have water and sewage treatment systems that are approved by the Environmental Health Office.

d. Prohibitions. In no case shall unsafe water be used for drinking nor shall raw sewage be discharged on the ground surface.

2. Approved Subdivision. If the subject lot is located in an approved subdivision, the Covenants of that subdivision must allow such temporary housing. The applicant shall be responsible for demonstrating approval by the property owner's association.

3. Time Limit. The maximum allowable time length of the permit is six (6) months.

4. Maximum Number. Not more than one (1) temporary housing unit shall be located on a house construction site. The inhabitants of the unit shall be the owners of the lot or construction employees.

5. Maintenance. Temporary housing sites shall be maintained in a clean, sanitary and safe condition, free from hazardous or noxious materials, weeds and refuse. The property owner shall be responsible for ensuring compliance.

6. Fire Protection. Adequate fire protection shall be provided. A water storage tank may be required if County Environmental Health Office and local fire protection officials deem it necessary.

7. Trash Collection. A thirty (30) gallon (four [4] cubic foot) container shall be provided, or the equivalent, in a central trash collection facility. Said container(s) shall be durable, washable,

nonabsorbent metal or plastic with tightfitting lids. Refuse shall be removed from site not less than once per week.

8. Enforcement. Once the permit for temporary housing is granted, the applicant shall comply with all the foregoing regulations or the County will issue a stop work order for the construction project until the temporary housing site is brought into compliance with the regulations. The certificates of occupancy for a construction project shall be withheld until the temporary housing is removed and the site is restored to the satisfaction of the County.

Y. Mobile Home and Recreational Vehicle Parks.

1. Purpose and Intent. The purpose of these standards is as follows:

a. Health and Safety. To provide minimum requirements for the protection of the health and safety of the occupants of mobile home parks and the general public.

b. Minimum Standards. To provide minimum standards for mobile home and recreational vehicle parks and to provide for permits for expansions, additions and alterations to existing parks.

c. Resolve Hazards. To ensure that if any hazard to health, safety or welfare exists within the park, it is resolved in reasonable time.

d. Comply With Other Codes. To comply with applicable sections of the Colorado Department of Health, Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code and the National Electrical Code.

2. Hookup Permits.

a. Permit Required to Move. It shall be unlawful for any mobile home park owner to allow a mobile home for occupancy to be moved into a mobile home space or to be moved from one mobile home space to another within a mobile home park without first obtaining a hookup permit.

b. Permit Required to Occupy. It shall be unlawful for any person to occupy a mobile home within a mobile home park in unincorporated Eagle County without first obtaining a hookup permit and a certificate of an approved final inspection of all hookup requirements, as listed in this section, whenever a mobile home is first moved into a mobile home park and whenever a mobile home is moved from one space to another within a mobile home park.

c. Application for permit.

(1) Permit Required. All owners of individual mobile home units located within a mobile home park who are required to obtain permits according to this Section shall apply to the Building Department for a hookup permit and give the Department notice at least twenty-four (24) hours in advance of the requested inspection.

(2) Permit Application Contents. The mobile home hookup permit application shall be made in writing and shall be accompanied by the following information:

(a) **Applicant Identification.** The name, address, mailing address and telephone number of the applicant. If the applicant is not the owner of the mobile home unit (but is acting on the owner's behalf) for which a permit is being sought, the applicant shall also include the name of the owner of the unit and documentation of the authority and/or legal relationship of the applicant allowing him to occupy the mobile home unit.

(b) **Park Manager Identification.** The name, mailing address and telephone number of the park manager.

(c) **Mobile Home Park Identification.** The name of the mobile home park in which the applicant's unit is located and the location of the unit within the park.

(d) **Manufacturer Identification.** The mobile home manufacturer's identification number.

(e) **Site Plan.** A site plan that locates the mobile home on the lot and shows all adjoining structures and roads.

(f) **Inspection Fee.** An inspection fee in the amount established from time-to-time by Eagle County.

(3) Review of Application, Inspection, Permit.

(a) **Authority to Issue Permit.** The Building Official, after receiving the application and providing for review by the Environmental Health Department and the Planning Department, shall be authorized to issue a hookup permit.

(b) **Inspection.** The Building Inspector and the Environmental Health Manager are hereby authorized to inspect any unit that is subject to the provisions of this Section and to review the construction or maintenance of the unit or improvements to the unit that are relevant to this Section. Staff from the Building Department or the Environmental Health Department shall inspect the mobile home hookups prior to occupancy.

(c) **Permit Denial.** The Building Official may deny any hookup permit if the application is in any way incomplete, according to

Section 3-310 Y.2.c., Application for Permit, or if the mobile home proposed to be moved, or the proposed location, does not meet the standards of this Section.

(d) **Standards.** The Building Inspector may issue a hookup permit for a mobile home after considering the following:

i) **Report.** The comments provided in reports from the Planning and Environmental Health departments.

ii) **Utility Connections.** Whether the proposed connections for water supply, sewage disposal, electricity and gas will be adequate and safe.

iii) **Tie Down.** Whether the proposed blocking and tie down will be adequate and safe.

iv) **Address.** Whether the street address or space numbers or letters will be visible from the access street, by day or night.

v) **Steps.** Whether there will be safe and approved steps, landings, handrails and guardrails.

d. Denial of Certificate of Approved Final Inspection of Hookup Requirements.

(1) **Reasons for Denial.** The Building Official may deny occupancy of any mobile home if he determines that the mobile home hookup does not comply with the minimum standards of this Section and that the mobile home cannot be safely occupied.

(2) **Specify Requirements for Subsequent Application.** If the Building Official denies either a hookup permit or a certificate of final inspection approval, he shall specify what requirements must be complied with prior to consideration of a subsequent permit application. The applicant may resubmit the application upon satisfactory evidence that the requirements of this Section have been complied with in full.

3. Standards for Parks in Existence Prior to the Effective Date of These Regulations. Mobile home or recreational vehicle parks in existence prior to the effective date of the County's initial mobile home and recreational vehicle park regulations (October 19, 1974) shall be subject to the following standards.

a. **Drainage.** The park shall be drained, graded and surfaced where necessary to facilitate drainage, and prevent movement and shall be free from depressions in which water collects and stagnates.

b. **Clean Sanitary Condition.** The park shall be maintained in a clean sanitary condition at all times. Grasses, weeds and other such vegetation not considered as part of the ornamental landscape shall not exceed twelve (12) inches in height.

c. **Occupancy.** A mobile home located in a mobile home park shall only be occupied as a dwelling when it is properly placed on a conforming mobile home lot and is connected to all utilities, including water, sewer, electricity or gas. Utility service connections shall be located on the lot served.

d. **Water Supply.** All mobile homes, service buildings and other facilities shall be provided at all times with an adequate supply of water, and shall be served by a water system designed, constructed and protected in accordance with Colorado Department of Health recommendations.

e. **Sewage Disposal.** All mobile homes, service buildings and other facilities shall be provided at all times with an adequate means of sewage disposal in accordance with Department of Colorado Public Health and Environment recommendations.

f. **Refuse.** The storage, collection and disposal of refuse in a mobile home park shall be so conducted as to control odors, rodents, insects, accidents, fire hazards, air pollution or other nuisance conditions.

g. Signs. Each mobile home in a park shall be clearly identified by street address or space numbers or letters visible from the access street, by day or night. Street signs shall be provided on all vehicular streets.

h. Structural Support. The mobile home space shall provide a sound base for the structural support of the mobile home to prevent shifting, heaving or uneven settling.

i. Access to Connections. Where skirting is provided, readily operable doors or access panels shall be installed to permit convenient access to the water, sewer and gas connections.

j. Structural Alterations. Structural alterations to any mobile home shall comply with all applicable provisions of these Land Use Regulations and the Uniform Building Code, Uniform Plumbing Code, Uniform Mechanical Code, National Electrical Code and the Department of Colorado Public Health and Environment.

k. Setbacks. A mobile home shall not be placed less than ten (10) feet from its longest side or three (3) feet on its shortest side respectively to any other mobile home, building, fence or other obstruction. Noncombustible storage sheds shall be exempt from this standard, provided they do not block emergency or utility access.

4. Standards for New Mobile Home Parks or Additions To Existing Parks.

a. Site Improvements.

(1) Access. The park shall have access to a public road.

(2) Drainage. The park shall be located on a well-drained site, that is graded or drained and is free from stagnant pools of water.

(3) Landscaping. The site plan shall include a landscaping plan prepared in accordance with Section 4-220 Landscape Plan.

(4) Minimum Setbacks.

(a) Mobile Home Space. The minimum setbacks for mobile home units from each mobile home space line shall be:

i) Front. Twenty (20) feet from the front space line.

ii) Side. Twenty (20) feet between units.

iii) Rear. Five (5) feet from the rear space line.

(b) Mobile Home Park Boundaries. The mobile home park space shall comply with the following setbacks:

i) Front Yard. The mobile home park space shall be set back a minimum of fifty (50) feet from an arterial or collector road or twenty-five (25) feet from a local or mountain road.

ii) **Side or Rear Property Line.** The mobile home park space shall be set back a minimum of twenty (20) feet from any side or rear property line.

(c) **Fire Protection.** All mobile homes, modular homes, or habitable appurtenances shall be set back be a minimum of twenty (20) feet from each other, for fire protection.

(5) **Mobile Home Spaces.** Each mobile home space shall contain a minimum of three thousand-eight hundred (3,800) square feet of area per single-wide unit, and five thousand (5,000) square feet for a double or multi-wide unit, exclusive of park driveways. The area in which the mobile home is placed shall be graded for drainage and improved to prevent shifting or settling of the mobile home. Anchors or tiedowns shall be provided as necessary to prevent overturning of mobile homes.

(6) **Parking.** Each mobile home space shall contain a minimum of two (2) paved offstreet parking spaces, for use by automobiles.

(7) **Driveways and Walkways.** All mobile home spaces shall abut upon an appropriately surfaced driveway that provides unobstructed access to a public street or highway. The minimum unobstructed width of such driveways shall be twenty-five (25) feet. All driveways and walkways within the park shall be sufficiently illuminated to ensure safety for park residents. Walkways that are not less than three (3) feet wide shall be provided along drives, as required for safety and convenience of inhabitants.

(8) **Paving.** All mobile home park roads shall be engineered and surfaced with asphalt, concrete or gravel. *(am 3/12/02)*

(9) **Maintenance.** All mobile home lots and stands shall be maintained in a clean and sanitary condition, free from hazardous or noxious materials, weeds and refuse. The unit owner shall be responsible for ensuring compliance.

b. Water Supply and Distribution.

(1) **Comply With Standards.** A domestic water supply that is in compliance with the drinking water standards of the Colorado Department of Health shall be provided in each mobile home park. Where a public supply of water of satisfactory quantity, quality, and pressure is available, connection shall be made thereto and it shall be the exclusive supply used. When such a public water supply is not available, a central water supply system may be developed and used if it meets standards of the Department of Colorado Public Health and Environment.

(2) **Located To Avoid Contamination.** Every well or suction line of the water supply system shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source.

(3) **Treatment.** The treatment of a private water supply shall be in accordance with applicable state and local laws and regulations.

(4) **Minimum Supply.** The water source shall be capable of supplying a minimum of four hundred-fifty (450) gallons per day per mobile home.

- (5) **Connection.** The water supply system shall be connected by pipes to all mobile homes, buildings, and other facilities requiring water.
- (6) **Equipment.** All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations and requirements and shall be of a type and in locations approved by the County Environmental Health Office.
- (7) **Pressure.** The system shall be so designed and maintained as to provide a pressure of not less than twenty (20) nor more than eighty (80) psi, under normal operating conditions at service buildings and other locations requiring potable water supply.
- (8) **Minimum Horizontal Separation.** A minimum horizontal separation of ten (10) feet shall be maintained between all domestic water lines and sewer lines.
- (9) **Underground Valves.** Underground stop and waste valves shall not be installed on any water service.
- (10) **Water-Riser Pipes.** Waterriser pipes shall extend a minimum of four (4) inches above ground elevation unless recessed in a box or sleeve. The pipe shall be a minimum of three-quarter (3/4) inch. The water outlet shall be capped when a mobile home does occupy the lot.
- (11) **Prevent Freezing.** Adequate provisions shall be made to prevent freezing of main service lines, valves and riser pipes and to protect risers from heaving and thawing actions of the ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.
- (12) **Shutoff Valve.** A shutoff valve below the frost line shall be provided near the waterriser pipe on each mobile home lot.

c. Sewage Disposal.

- (1) **Adequate System Required.** An adequate sewage system shall be provided in each mobile home park for the purpose of conveying and disposing of all sewage. Such system shall be designed, constructed and maintained in accordance with state and local laws.
- (2) **Sewer Lines.** All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall maintain a minimum horizontal separation of ten (10) feet from all domestic water lines. Sewers shall be at a grade that will insure a velocity of two (2) feet per second when flowing full. All sewer lines shall be constructed of materials that comply with state or local laws and shall meet the Department of Colorado Public Health and Environment design criteria.
- (3) **Sewage Treatment and/or Discharge.** Where the sewer lines of the park are not connected to a public sewer, all proposed sewage disposal facilities shall be approved by the Environmental Health Manager prior to construction. Effluents from sewage treatment facilities shall not be discharged into any waters of the State, except with prior approval of the Department of Colorado Public Health and Environment.

(4) Sewer Riser Pipe. Each mobile home stand shall be provided with a minimum four (4) inch diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand that the sewer connection to the mobile home system outlet will approximate a vertical position.

(a) Minimum Dimensions. The sewer connection shall have a nominal inside diameter of a minimum of three (3) inches and the slope of any portion thereof shall be a minimum of one-eighth (1/8) inch per foot. The sewer connection shall consist of one (1) pipe line only, with no more than one (1) stand served by one (1) individual sewer connection. Underground branch fittings of four (4) inch lines shall not be permitted. All joints shall be watertight.

(b) Materials. All materials used for sewer connections shall be rigid or semirigid, corrosive resistant, nonabsorbent and durable. The inner surface shall be smooth.

(c) Plugging. Provisions shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. The rim of the riser pipe shall extend a minimum of four (4) inches above ground elevation, unless such riser pipe is protected within a recessed box or sleeve.

d. Fire Protection. Adequate fire protection shall be provided and shall be in compliance with all applicable fire codes and standards.

e. Service Building.

(1) Applicability. The requirements of this Section shall apply to service buildings, recreation buildings and other community service facilities such as management offices; repair shops and storage areas; sanitary facilities; laundry facilities; indoor recreation areas; and commercial uses supplying essential goods or services for the exclusive use of park occupants.

(2) Structural Requirements for Buildings.

(a) Protection. All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites, and destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

(b) Sanitary or Laundry Facilities. All rooms containing sanitary or laundry facilities shall:

(i) Walls. Have sound resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories and other plumbing fixtures shall be constructed of dense, non-absorbent waterproof material or be covered with moisture resistant material.

(ii) Windows. Have a minimum of one (1) window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than ten (10) percent of the floor area served by them. A minimum of one (1) window shall be capable of being easily opened, or the room shall have a mechanical device that will adequately ventilate the room.

(iii) Toilets. Have toilets locked in separate compartments equipped with self closing doors. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.

- (iv) **Illumination.** Have illumination levels maintained as follows:
- aa. Five (5) foot candles for general seeing tasks; and
 - bb. Forty (40) foot candles for laundry room work area and toilet room in front of mirrors.
- (v) **Hot and Cold Water.** Have hot and cold water furnished to every lavatory, sink, bathtub, shower and laundry fixture, and cold water furnished to every water closet and urinal.
- f. **Supervision.**
- (1) **Attendant.** The duly authorized attendant or caretaker shall be in charge at all times to keep the park, its facilities and equipment in a clean, orderly and sanitary condition.
 - (2) **Owner Answerable.** The park owner shall be answerable for the violation of any provision of these Regulations, except those that expressly involve unit owners or tenants.
 - (3) **Refuse Handling.** The storage, collection and disposal of refuse in a mobile home park shall be so arranged as not to create health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. All refuse shall be disposed of at either a municipal or County designated landfill site, at a minimum once per week. See Section 4-410.C Wildlife Proof Refuse Container/Dumpster Enclosure Standards. (*am 3/12/02*)
 - (4) **Pest Control.** Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the County Environmental Health Office and the Department of Colorado Public Health and Environment.
 - (5) **Pet Control.** The owners or managers of a mobile home park, or the owners or persons in charge of any dog, cat, or other pet animal shall keep such animal on a leash, not exceeding ten (10) feet, or shall confine such animals within the unit space or designated areas within the park, and shall not permit such animal to commit any nuisance. Animals are restricted to household pets only.
 - (6) **Electrical Distribution and Communication Wiring.**
 - (a) **Distribution System.** Each mobile home park shall contain an electrical distribution system to each lot or site, consisting of wiring, fixtures, equipment and appurtenances hereto that shall be installed and maintained in accordance with the applicable electrical code currently in force. Telephone and cable TV systems may be installed and maintained.
 - (b) **Approval By Utility.** All plans for the above services shall have the approval of the responsible utility prior to County approval of mobile home park plans.
5. **Standards For Major Recreational Vehicle Parks or Additions to an Existing Park.** A major recreational vehicle park shall be limited to supplying parking spaces for travel trailers, camper vehicles

and/or tent camping on sites of five (5) acres or more. Each camping space will be provided with individual water, sewer and electric hook-ups or, water and sanitation facilities will be provided within common areas in close proximity to each camping space. Permanent occupancy in a recreational vehicle park shall not be allowed. *(am 03/12/02)*

a. Site Improvements.

(1) Access. The park shall have access to a public road.

(2) Drainage. The park shall be located on a well-drained site that is graded or drained and is free from stagnant pools of water.

(3) Landscaping. The site plan shall include a landscaping plan prepared in accordance with Section 4-220 Landscape Plan.

(4) Minimum Area. A major recreational vehicle park shall contain a minimum of five (5) acres. *(am 3/12/02)*

(5) Minimum Setbacks.

(a) Vehicles. Recreational vehicles and/or tents shall be set back a minimum of twenty (20) feet from each other.

(b) Boundaries. The recreational vehicle park shall comply with the following minimum setbacks:

(i) Front Yard. The recreational vehicle park shall be set back a minimum of fifty (50) feet from an arterial or collector road or twenty-five (25) feet from a local or mountain road.

(ii) Side or Rear Property Line. The recreational vehicle park shall be set back a minimum of twenty (20) feet from any side or rear property line.

(6) Minimum Facilities for Recreational Vehicle Spaces. The area devoted to each recreational vehicle space shall be adequate to accommodate the following facilities:

(a) Picnic Facilities. Each space shall be provided with a United States Forest Service approved fireplace or fire circle, a picnic table and a well-drained, level site. *(am 3/12/02)*

(b) Parking Space. Each space shall provide one (1) graveled parking space;

(c) Vehicle Barriers. Adequate barriers shall be provided to confine vehicles to driveways and parking spaces.

(7) Driveways. All recreational vehicle spaces shall abut upon a driveway graded for drainage and maintained in a rut and dust free condition, that provides unobstructed access to a public street or highway. The minimum unobstructed width of such driveways shall be fifteen (15) feet for oneway traffic or twentyfive (25) feet for twoway traffic. No parking shall be permitted on the driveways.

(8) **Clean and Sanitary Condition.** The park owner shall be responsible for ensuring that the recreational vehicle park is maintained in a clean and sanitary condition, free from hazardous or noxious materials, weeds and refuse.

b. Water Supply and Distribution.

(1) **Comply With Standards.** A domestic water supply that is in compliance with the drinking water standards of the Colorado Department of Health shall be provided in each mobile home and recreational vehicle park. Where a public supply of water of satisfactory quantity, quality and pressure is available, connection shall be made thereto and it shall be the exclusive supply used. When such a public water supply is not available, a central water supply system may be developed and used if it meets standards of the Department of Colorado Public Health and Environment.

(2) **Located To Avoid Contamination.** Every well or suction line of the water supply system shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source.

(3) **Treatment.** The treatment of a private water supply shall be in accordance with applicable state and local laws and regulations.

(4) **Connection.** The park's water supply system shall be connected by pipes to all recreational vehicles, buildings, and other facilities requiring water.

(5) **Equipment.** All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations and requirements and shall be of types and in locations accepted by the County Environmental Health Office.

(6) **Pressure.** The system shall be so designed and maintained as to provide a pressure of not less than twenty (20) nor more than eighty (80) psi, under normal operating conditions at service buildings and other locations requiring portable water supply.

(7) **Separation.** A minimum horizontal separation of ten (10) feet shall be maintained between all domestic water lines and sewer lines.

(8) **Underground Valves.** Underground stop and waste valves shall not be installed on any water service.

(9) **Supply.** The water supply shall be capable of supplying fifty (50) gallons per space per day for all spaces lacking individual water connections and a hundred (100) gallons per space per day for all spaces provided with individual water connections.

(10) **Individual Water Service Connections.** If facilities for individual water service connections are provided, the following requirements shall apply:

(a) **Riser Pipes.** Riser pipes provided for individual water service connections shall be so located and constructed that they will not be damaged by the parking of recreational vehicles. Water riser pipes shall extend a minimum of four (4) inches above ground elevation unless recessed in a box or sleeve. The pipe size shall be three-quarter (3/4) inch.

(b) **Prevent Freezing.** Adequate provisions shall be made to prevent freezing of main service lines, valves and riser pipes.

(c) **Valves.** Valves shall be provided near the outlet of each water service connection. They shall be turned off and the outlets capped or plugged when not in use.

(d) **Connection.** The park's water supply system shall be connected by pipes to all recreational vehicles, buildings, and other facilities requiring water.

(11) **Water Stations.**

(a) **Stations for Recreational Vehicle Area.** Each recreational vehicle parking area shall be provided with one (1) or more easily accessible watering stations for filling water storage tanks. Such water supply outlets shall consist of at least a water hydrant and the necessary appurtenances and shall be protected against the hazards of back flow and back siphonage.

(b) **Stations for Tent Camping Area.** Each tent camping area shall be provided with at least one (1) individual watering station no more than two hundred (200) feet from any tent camping space; such station to be constructed similar to individual water service connections as provided under this Section, except that riser height shall be between thirty (30) inches and thirty two (32) inches and a splash pad shall be installed around the base.

c. **Sewage Disposal.** An adequate sewage system shall be provided in each recreational vehicle park for the purpose of conveying and disposing of all sewage. Such system shall be designed, constructed and maintained in accordance with state and local laws.

(1) **Sewer Line.** All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall maintain a minimum horizontal separation of ten (10) feet from all domestic water lines. Sewers shall be at a grade that will insure a velocity of two (2) feet per second when flowing full. All sewer lines shall be constructed of materials that comply with state or local laws and with Department of Colorado Public Health and Environment design criteria.

(2) **Sewage Treatment and/or Discharge.** Where the sewer lines of the park are not connected to a public sewer, all proposed sewage disposal facilities shall be approved by the Environmental Health Office prior to construction. Effluents from sewage treatment facilities shall not be discharged into any waters of the State except with prior approval of the Department of Colorado Public Health and Environment.

(3) **Individual Sewer Connections.** If facilities for individual sewer connections are provided, the following requirements shall apply:

(a) **Sewer Riser Pipe.** The sewer riser pipe shall be a minimum of four (4) inches in diameter shall be trapped below the ground surface and shall be so located on the trailer space that the sewer connection to the trailer system will approximate a vertical position.

(b) **Sewer Connection.** The sewer connection shall have a nominal inside diameter of a minimum of three (3) inches, and the slope of any portion thereof shall be a minimum of one-eighth (1/8) inch per foot. All joints shall be watertight.

(c) **Materials.** All materials used for sewer connections shall be corrosive resistant, nonabsorbent and durable. The inner surface shall be smooth.

(d) **Plugging.** Provisions shall be made for plugging the sewer riser pipe when a trailer does not occupy the space. Surface drainage shall be diverted away from the riser.

(4) **Sink Wastes.** No liquid wastes from sinks shall be discharged into or allowed to accumulate on the ground surface.

(5) **Sewage Treatment and/or Discharge.** Where the sewer lines of the travel trailer parking area are not connected to a public sewer, all proposed sewage disposal facilities shall be approved by the County Environmental Health Office prior to construction. Effluents from sewage treatment facilities shall not be discharged into any waters of the state except with prior approval of the Colorado State Department of Health.

d. **Fire Protection.** Adequate fire protection shall be provided and shall be in compliance with all applicable fire codes and standards. Defensible space and fire breaks will be considered as part of the Special Use Permit review process.

(am 03/12/02)

e. **Electrical Distribution and Communication Wiring.**

(1) **Electrical Distribution System.** Each recreational vehicle park shall contain an electrical distribution system to each lot or site, consisting of wiring, fixtures, equipment and appurtenances thereto which shall be installed and maintained in accordance with the applicable electrical code currently in force. Telephone and cable TV systems may be installed and maintained.

(2) **Approval By Utility.** All plans for the above services shall have the approval of the responsible utility prior to County approval of park plans.

f. **Service Building.**

(1) **Applicability.** The requirements of this Section shall apply to service buildings, recreation buildings and other community service facilities such as management offices; repair shops and storage areas; sanitary facilities; laundry facilities; indoor recreation areas; and commercial uses supplying essential goods or services for the exclusive use of park occupants.

(2) **Structural Requirements for Buildings.**

(a) **Protection.** All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites, and destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

(b) **Sanitary or Laundry Facilities.** All rooms containing sanitary or laundry facilities shall:

(i) **Walls.** Have soundresistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories and other plumbing fixtures shall be constructed of dense, non-absorbent waterproof material or be covered with moisture resistant material.

(ii) **Windows.** Have a minimum of one (1) window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than ten (10) percent of the floor area served by them. At least one (1) window shall be able to be easily opened, or the room shall have a mechanical device that will adequately ventilate the room.

(iii) **Toilets.** Have toilets locked in separate compartments equipped with self closing doors, shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.

(iv) **Illumination.** Have illumination levels maintained as follows:

aa. Five (5) foot candles for general seeing tasks; and

bb. Forty (40) foot candles for laundry room work area and toilet room in front of mirrors.

(v) **Hot and Cold Water.** Have hot and cold water furnished to every lavatory, sink, bathtub, shower and laundry fixture, and cold water furnished to every closet and urinal.

(3) Required Community Sanitary Facilities.

(a) **Central Service Building.** A central service building containing the necessary toilet and other plumbing fixtures specified shall be provided in recreational vehicle parking areas that provide spaces for vehicles and for tent camping areas. Service buildings shall be conveniently located within a radius of approximately three hundred (300) feet to the spaces served. Provided that when a recreational park is designed for and exclusively limited to use by self-contained vehicles, no public sanitary facilities shall be required.

(b) **Sanitary Facilities for Women.** Sanitary facilities for women shall include a minimum of one and one-half (1-1/2) flush toilet, one (1) lavatory and one (1) shower for each fifteen (15) recreational vehicle or tent spaces or fractional number thereof.

(c) **Sanitary Facilities for Men.** Sanitary facilities for men shall include a minimum of one (1) flush toilet, one (1) urinal, one (1) lavatory and one (1) shower for each fifteen (15) recreational vehicle or tent spaces or fractional number thereof.

(d) **Recreational Vehicle Park Connected to Resort.** When a recreational vehicle park requiring a service building is operated in connection with a resort or other business establishment, the number of sanitary facilities for such business establishment shall be in excess of those required by the schedule of recreational vehicle spaces and shall be based on the maximum number of persons allowed to use such facilities.

g. Supervision.

(1) **Attendant.** The attendant or caretaker shall be in charge at all times to keep the park, its facilities and equipment in a clean, orderly and sanitary condition.

(2) **Owner Answerable.** The owner shall be answerable for the violation of any provision of these Regulations.

(3) **Refuse Handling.** The storage, collection, and disposal of refuse in a recreational vehicle park shall be so arranged as to not create health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. All refuse shall be disposed of at either a municipal or County designated landfill site, at minimum once per week. See Section 4-410.C Wildlife Proof Refuse Container/Dumpster Enclosure Standards. *(am 03/12/02)*

(4) **Pest Control.** Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the County Environmental Health Office and the Department of Colorado Public Health and Environment.

(5) **Pet Control.** The owners or managers of a recreational vehicle park, or all owners or persons in charge of any dog, cat, or other pet animal shall have such animal on a leash, not exceeding ten (10) feet or shall confine such animals within the space or designated areas within the park, and shall not permit such animal to commit any nuisance. Animals are restricted to household pets only.

6. **Minor Recreational Vehicle Parks.** A minor recreational vehicle park shall be limited to supplying parking spaces for travel trailers, camper vehicles and/or tent camping on sites of a minimum one (1) acre and a maximum of five (5) acres. Individual hook-ups for water, sewer and electric are not required for each camping space. Rather, water and sanitation facilities will be provided within common areas in close proximity to each camping space. Permanent occupancy in a recreational vehicle park shall not be allowed. *(orig 03/12/02)*

a. **Limits.** A Minor Recreation Vehicle Park shall:

(1) Contain sites for no more than five (5) recreation vehicles per acre with a maximum of five (5) acres or as otherwise approved throughout the Special Use Permit review process.

(2) Permit individual recreational vehicles to remain in the Minor Recreation Vehicle Park no more than 14 consecutive nights.

b. **Site Improvements.**

(1) **Access.** The park shall have access to a public road.

(2) **Drainage.** The park shall be located on a well-drained site, that is graded or drained and is free from stagnant pools of water.

(3) **Landscaping.** The site plan shall include a landscaping plan prepared in accordance with Section 4-220

c. **Standards.**

(1) Minor Recreation Vehicle Parks shall not be required to conform to Section 3-310.Y.5., Standards For Major Recreational Vehicle Parks or Additions to an Existing Park, except that:

- (a) Minor Recreation Vehicle Parks shall conform to Section 3-310.Y.5.a., Site Improvements, above, except that the minimum area shall be one (1) acre, and;
- (b) Minor Recreation Vehicle Parks shall conform to Section 3-310.Y.5.b.(11), Water Stations and;
- (c) Minor Recreation Vehicle Parks shall conform to Section 3-310.Y.5.f. (3) Required Community Sanitary Facilities, and;
- (d) Minor Recreation Vehicle Parks shall conform to Sections 3-310.Y.5.g., Supervision.

7. Application Procedures for Mobile Home and Recreational Vehicle Parks. A Special Use Permit, issued pursuant to Section 5-250, Special Uses, is required to establish a mobile home or recreational vehicle park or for additions to existing parks.

Z. Multi-Housekeeping Dwelling Unit.

- 1. Parking.** There shall be a minimum of one (1) off-street parking space per bedroom.
- 2. Dimensional Limitations.** Multi-Housekeeping Dwelling Units shall only be permitted on parcels that conform to the minimum lot size standards of the underlying zone district.

Aa. Tree Storage. (*orig 03/12/02*)

- 1. Use.** This use shall be limited to the open storage of trees or plant materials only. Tree storage sites shall expressly not be used as contractor storage yards, as further defined by these regulations. (*am 11-08-05*)
- 2. Sales.** There shall be no retail sales of trees or retail clientele allowed on the property. All tree sales must occur off the property at such businesses as a greenhouse or nursery. (*am 11-08-05*)
- 3. Advertisement.** Tree Storage areas shall not be advertised, nor shall signs advertising the business for which the trees are being stored be allowed. (*am 11-08-05*)
- 4. Operation.** Operation of noise producing equipment shall be limited to the hours of 8am to 5pm. Monday through Saturday. (*am 11-08-05*)
- 5. Nuisance.** The land owner/operator shall ensure minimal noise, dust and garbage. Construction trash may not be stored on the site and dead plant materials must be promptly removed. (*am 11-08-05*)
- 6. Proof of Adequate Water.** Proof of adequate and legal water to be used for irrigation purposes must be provided with application. (*am 11-08-05*)
- 7. Access.** Proof of adequate and legal access to the site shall be provided. (*am 11-08-05*)

Bb. Solar Energy System

Solar Energy Systems able to convert radiant energy from the sun into clean renewable energy are generally encouraged in Eagle County. It is the goal of this section of the Land Use Regulations to allow for development of Solar Energy Systems while encouraging responsible design, and providing for appropriate public process when the scale, location, and/or design presents neighborhood, area, and/or community impacts.

1. Reflectivity. All Solar Energy Systems shall incorporate anti-reflectivity coating provided by the manufacturer, as well as non-reflective materials for racking, structural, and/or other associated equipment. Concentrated Solar Devices are prohibited.

2. Setbacks. All Solar Energy Systems shall comply with dimensional limitations articulated Table 3-340, including height, setback, and lot coverage.

3. Structure-Integrated Solar Energy System. A Structure-Integrated Solar Energy System shall be allowed as a use by right regardless of production capacity. Such systems shall be incidental to the primary use of the structure and subject property, and are encouraged to be flush with the roof/top and/or wall, architecturally integrated, and utilize anti-reflective materials.

4. Ground-Mounted Solar Energy Systems.

a. Ancillary Ground-Mounted Solar Energy Systems. Ancillary Ground-Mounted Solar Energy Systems 15-feet or less in height measured from the highest point of the improvement to existing or finished grade, whichever is more restrictive; shall be allowed as a use by right.

b. Solar Farm. Solar farms over 80-kw rated nameplate capacity or equivalent in rural areas of the county, and over 10-kw rated nameplate capacity or equivalent in community centers, designated community buffer areas, and in zone districts articulated in Table 3-300 shall complete a Special Use Review and approval pursuant to Section 5-250 and Standards identified below in Section 3-310 Bb.4.

5. Standards. The following standards shall apply to Solar Energy Systems completing special use review in addition to the standards specified pursuant to Section 5-250 Special Use:

a. Setbacks. All Solar Energy Systems must comply with required height and setback requirements as defined in Table 3-340: Schedule of Dimensional Limitations.

b. Design minimizes adverse visual impact. The project applicant shall demonstrate through visual impact analysis, materials, and/or screening to the extent practicable, that the project will not create adverse visual impact to neighboring properties, surrounding areas, and community buffers as further

detail necessary to support Section 5-250.B.4 Design Minimizes Adverse Impact.

c. **Utility grid interconnection.** The project applicant shall provide to the County the system design and interconnection to the grid; and evidence such design has been accepted or approved by the associated utility provider.

d. **Longevity and reclamation.** The project applicant shall identify the proposed timeline for its use, and shall submit a reclamation plan specifying the reclamation of the project site which will occur upon termination of use.

Cc. Small Hydroelectric Energy Device.

1. **Magnitude.** Hydroelectric projects over 500 kW in capacity would require a Special Use Permit.

2. **Equipment.** Wheel turbines, generators, and other mechanical equipment shall be enclosed in a wheelhouse/pumphouse structure. The structure shall be detached from other structures and sized only to house necessary mechanical equipment for the hydroelectric system. The wheelhouse and associated piping/penstock would be allowed to be constructed within the 75' stream setback.

3. **Impacts.** All system components, including the wheelhouse and pipe(s) shall not create visual or auditory impacts, or create impediments or other unnatural hazards upon wildlife. The system shall be designed to blend with its natural surroundings.

4. **Other Restrictions.** Any construction must comply with noise and vibration standards pursuant to Article 4 in these regulations; as well as any applicable building/mechanical/electrical code requirements.

5. **Aquatic Environment.** It shall be demonstrated by a certified riparian biologist or similar applicable professional that aquatic and riparian biology will not be adversely impacted by the system. Systems in place in fish bearing streams must have systems installed which prevent fish from entering the system.

6. **Environmental Concerns.** Must be in compliance with Federal Energy Regulation Commission 4.30(29) EPA Regulations, Colorado Division of Water Resources, Army Corps of Engineers, and other applicable standards.

7. **Dams.** Dams are not allowed for small hydroelectric systems. Partial diversion structures such as weirs or head gates are allowed with proper permitting. Diversion from the river/stream shall be designed so that minimum stream flows are not threatened in the reach between the intake and return of the hydroelectric system.

Dd. Small Scale Wind Energy Systems.

1. **Height.** Maximum height of the tower structure not including blade radius shall not exceed 80'.

2. **Setback.** Minimum setback of tower base is 2 times tower height from any property line. Minimum setback from any habitable structure on the property is combined height of the tower and blade radius unless the base of the tower is attached or integral to the primary residence.
3. **Ridgeline.** Any construction must comply with ridgeline protection standards pursuant to Section 4-450 in ECLUR; with noise and vibration standards pursuant to Section 4-520 in ECLUR; as well as any applicable building/mechanical/electrical code requirements.
4. **Lighting.** Wind power equipment shall not be illuminated unless required by FAA, create glare, and shall blend with the surrounding environment with integrated natural colors.

Ee. Landscaping Storage Yard

1. **Parking and Storage.** A landscaping storage yard shall demonstrate adequate parking for employees working from the site. Employee parking shall be behind any structures on site and/or effectively screened. One parking space shall be required for each employee. Any heavy equipment, work vehicles, or machinery stored on the property would require demonstrated storage space inside a garage, shed, or other enclosure. Provide an itemized list of all equipment to be used on the property including any delivery vehicles.
2. **Signs and Illumination.** Signs, illumination, and other outdoor structures advertising the business shall not be permitted.
3. **Patrons.** Patrons shall not be served on the premises.
4. **Sales.** Sales of supplies, services, or products shall not be permitted on the premises.
5. **Nuisance.** The landscaping storage yard shall be in compliance with Noise and Vibration Standards (Section 4-520); Smoke and Particulate Standards (Section 4-530); Heat, Glare, Radiation and Electrical Interference Standards (Section 4-540); Storage of Hazardous and Non-Hazardous Materials Standards (Section 4-550) and Water Quality Standards (Section 4-560); and shall not operate or generate vehicle traffic in such a manner as to create a public nuisance or disturb neighbors. Hours of operation shall be restricted to daylight only, and may be further restricted if necessary.
6. **Screening/fencing.** A fencing and/or landscaping plan is required that demonstrates adequate visual screening from adjacent properties, applicable view corridors, and/or public roads and rights of way. In some cases wildlife fencing may be required to prevent deer and elk from causing damage to trees and/or plants on the property.
7. **Scale.** The use shall be in a scale that retains a rural character, and maximizes open space on the subject property. This shall be clearly reflected in the amount of materials, structures, and number of employees accessing the property.
8. **Wildfire Hazard.** In applicable wildfire hazard areas, building materials and storage of plant and tree materials shall be in compliance with Section 4-430 Development in Areas Subject to Wildfire Hazard Areas.

9. Access. Legal access shall be established for the operation pursuant to Section 4-620.9. Where required, an access permit may be necessary for the proposed operation. Road Impact Fees may apply pursuant to Section 4-710. A plan for employees accessing the property and delivery of any materials onto the property must be included, including maximum number of deliveries allowed per month, time of deliveries, and vehicles making such deliveries to the subject property.

10. Performance Standards. The landscaping storage yard shall comply with Article 4, Division 4-5, Commercial and Industrial Performance Standards of these land use regulations and shall not operate in such a manner as to create a public nuisance. Hours of operation shall be restricted to daylight only, and may be further restricted if necessary. Vehicles equipped with backup alarms shall incorporate new technology backup alarm systems.

11. Special Use Permit Renewal Process. The Special Use Permit for landscape storage yard shall be valid for a period of five years after its issuance. The Director of Community Development shall review the Special Use upon request by the applicant. If conformance with the above-referenced performance standards is demonstrated, the Special Use may be renewed for a period of five years.

Ff. Marijuana Cultivation, Manufacturing or Testing (orig. 12/31/13)

1. Separation Requirements. Marijuana cultivation, manufacturing or testing in the Resource, Resource Limited and Agricultural Residential zone districts shall meet the following separation requirements at time of their establishment:

a. Marijuana cultivation, manufacturing or testing are prohibited from locating within 200 feet of:

- (1) Any residence located on adjacent properties, but excluding residential units that are located within the subject property;
- (2) Any drug or alcohol rehabilitation facility;
- (3) Any public community center or publicly owned or maintained building or facility open for use to the general public;
- (4) Any public school or private school;
- (5) Any public park, playground, boat ramp, or other similar recreational amenity open to the public; or
- (6) Any licensed child care facility.

b. The 200 foot separation is measured in a direct line between the closest point of the agricultural building or customary accessory agricultural building within which the marijuana cultivation, manufacturing or testing use is located, and the closest point on the lot or parcel of land upon which any of the above itemized uses are located.

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

c. Marijuana cultivation, manufacturing or testing shall not be allowed as a home occupation or

home business as defined within Chapter 2, Article 2, Definitions of these Land Use Regulations.

d. A marijuana cultivation, manufacturing or testing use lawfully operating is not rendered in violation of these Land Use Regulations by the subsequent location of any sensitive use as delineated in Section 3-310.I.a., above.

2. Minimum Lot Size. Each lot proposed for use in the cultivation, manufacturing or testing of marijuana products shall contain the minimum acreage required for the zone district in which the use is proposed.

3. Parking and Storage. Any application for marijuana cultivation, manufacturing or testing shall include demonstration of adequate parking for employees working from the site. Employee parking shall be effectively screened. One parking space shall be required for each employee unless the applicant successfully demonstrates that shared parking and/or other parking mitigation measures are appropriate for the site and proposed use(s). Any heavy equipment, work vehicles, or machinery stored on the property may require demonstrated storage space inside a garage, shed, or other enclosure. Additional parking may be required and shall be addressed within the special use permit on a case-by-case basis at the discretion of the Planning Director.

4. Signs and Illumination. No signs advertising the special use shall be permitted on the property. Residential property identification signs shall comply with the provisions of Division 4-3, Sign Regulations, Eagle County Land Use Regulations.

5. Sales. Retail sales of supplies, services, or products shall not be permitted on the premises.

6. Visual Screening. A fencing and/or landscaping plan may be required depending on the proximity of the proposed cultivation, manufacturing or testing uses to neighboring properties or public rights of way. Such plan shall demonstrate adequate visual screening of outdoor storage areas, cultivation, manufacturing or testing operations, from adjacent properties, applicable view corridors, and/or public roads and rights of way.

7. Scale. The use and layout of the subject property shall be at a scale that retains a rural character of the immediate vicinity, and which maximizes open space on the subject property. This shall be clearly reflected in the amount and size of structures proposed on the subject property, as well as the number of employees accessing the property.

8. Adequate Water. Demonstration that the subject property and use(s) proposed will be provided legal, physical, adequate and dependable water shall be provided at the time of application.

9. Wildfire Hazard. In applicable wildfire hazard areas, building materials and plans, storage of materials, and/or landscaping plans shall be in compliance with Section 4-430 Development in Areas Subject to Wildfire Hazard Areas.

10. Access. Legal access shall be established for the cultivation, manufacturing or testing operation pursuant to Section 4-620.9. Where required, an access permit may be necessary for the proposed special use(s). Road Impact Fees may apply pursuant to Section 4-710. A plan for employees accessing the property and delivery of any materials onto the property must be included, including maximum number of

deliveries allowed per month, time of deliveries, and vehicles making such deliveries to the subject property.

11. Odor Mitigation Plan. The applicant shall demonstrate compliance with Eagle County Marijuana Business license, as may be amended from time to time. Specifically, the applicant may be required to provide an Odor Mitigation Plan and/or report detailing the effective mitigation of any odors of the proposed use(s) or the mitigation and rectification of any past odors reported from cultivation, manufacturing or testing activities on the subject property. Such report shall include proof that the design for the purification of air and odor shall have been either prepared or approved by a professional licensed mechanical engineer to the standards contained in the Local Regulations requiring proper ventilation systems so that odors are filtered and do not materially interfere with adjoining properties.

12. Security. The special use permit shall comply with any and all applicable State rules and regulations for on-site security.

Gg. Telecommunication Facilities

1. These regulations implement Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 [“Spectrum Act”], as interpreted by the Federal Communications Commission’s [“FCC” or “Commission”] Acceleration of Broadband Deployment Report & Order, adopted October 17, 2014, which requires a state or local government to approve any Eligible Facilities Request for a modification of an existing Tower or Base Station that does not substantially change the physical dimensions of such Tower or Base Station.

2. Definitions unique to Telecommunication Facilities:

Base Station. A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base Station includes, without limitation:

- a. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- b. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration [including Distributed Antenna Systems [“DAS”] and small-cell networks].
- c. Any structure other than a tower that, at the time the relevant application is filed with Eagle County under this section, supports or houses equipment described in G.2.a and b, above, that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

Collocation. The mounting or installation of Transmission Equipment on an Eligible Support Structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Eligible Facilities Request. Any request for modification of an Existing Tower or Base Station that does not Substantially Change the physical dimensions of such Tower or Base Station, involving:

- a. Collocation of new Transmission Equipment;

- b. Removal of Transmission Equipment; or
- c. Replacement of Transmission Equipment.

Eligible Support Structures. Any Tower or Base Station as defined in this section, provided that it is Existing at the time the relevant application is filed with Eagle County under this section.

Existing. A constructed Tower or Base Station is Existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a Tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is Existing for purposes of this section.

Personal Wireless Services. Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

Personal Wireless Service Facilities. Facilities for the provision of personal wireless services.

Site. For Towers other than Towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the Tower and any access or utility easements currently related to the site. For Towers in the public right-of-way, a Site is further restricted to that area comprising the base of the structure and to other Transmission Equipment already deployed on the ground. For other Eligible Support Structures, a Site is further restricted to that area in proximity to the structure and to other Transmission Equipment already deployed on the ground.

Substantial Change. A modification substantially changes the physical dimensions of an Eligible Support Structure if it meets any of the following criteria:

- a. For Towers other than Towers in the public rights-of-way, it increases the height of the Tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other Eligible Support Structures, it increases the height of the structure by more than 10% or more than ten (10) feet, whichever is greater. Changes in height should be measured from the original support structure in cases where the deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the Tower or Base Station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passing of the Spectrum Act.
- b. For Towers other than Towers in the public rights-of-way, it involves adding an appurtenance to the body of the Tower that would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the Tower structure at the level of the appurtenance, whichever is greater; for other Eligible Support Structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;
- c. For any Eligible Support Structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for Towers in the public rights-of-way and Base Stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
- d. It entails any excavation or deployment outside the current Site;
- e. It would defeat the concealment elements of the Eligible Support Structure; or

f. It does not comply with conditions associated with the siting approval of the construction or modification of the Eligible Support Structure or Base Station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in Section G.2.a through d of this definition of Substantial Change.

Transmission Equipment. Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Tolling. To delay, suspend or hold off the effect of the shot clock for the review of the telecommunication application.

Tower. Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

3. Application Review Procedures:

a. **Application.** When an applicant states in writing that a request for modification is covered by this regulation, Eagle County shall prepare and make publicly available an application form which shall be limited to the information necessary for Eagle County to consider whether an application is an Eligible Facilities Request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.

b. **Type of Review.** Upon receipt of an application for an Eligible Facilities Request pursuant to this regulation, the Planning Department shall review such application to determine whether the application so qualifies.

c. **Timeframe for Review.** Within sixty (60) days of the date on which an applicant submits an application seeking approval under this regulation, Eagle County shall approve the application unless it determines that the application is not covered by this regulation.

d. **Conditional Approval.** Eagle County may require a covered Eligible Facility request to comply with generally applicable building, structural, electrical, and safety codes or with other laws codifying objective standards reasonably related to health and safety, and Eagle County may condition approval on such compliance. In particular, Eagle County may require compliance with generally applicable health and safety requirements on the placement and operation of backup power sources, including noise ordinances, if any. In addition, Eligible Facility requests must still comply with any relevant Federal requirements, including any applicable Commission, FAA, NEPA or Section 106 requirements.

e. **Tolling of the Timeframe for Review.** The sixty (60)-day review period begins to run when the application is filed, and may be tolled only by mutual agreement of Eagle County and the applicant, or in cases where the Planning Department determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.

1) To toll the timeframe for incompleteness, Eagle County must provide written notice to the applicant within 30 days of receipt of the application specifically delineating all missing documents or information required in the application. Such delineated information is limited to documents or information meeting the standard under paragraph 3 a. of this section.

2) The timeframe for review begins running again when the applicant makes a supplemental submission in response to Eagle County's notice of incompleteness.

3) Following a supplemental submission, Eagle County will notify the applicant within ten (10) days if the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in paragraph e. of this section. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

f. Interaction with Section 332(c)(7) of the Telecommunications Act (47 U.S.C. Sec 332 (c)(7)). If Eagle County determines that the applicant's request is not covered by Section 6409(a) as delineated under this regulation, the presumptively reasonable timeframes under Section 332(c)(7) of the Telecommunications Act will begin to run from the issuance of Eagle County's decision that the application is not a covered request and the applicant must apply for a Special Use Permit. To the extent such information is necessary, Eagle County may request additional information from the applicant to evaluate the application under Section 332(c)(7), pursuant to the limitations applicable to other Section 332(c)(7) reviews.

g. Failure to Act. In the event that Eagle County fails to approve or deny a request seeking approval under this regulation within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted. Eagle County may challenge an applicant's written assertion of a "deemed granted" in any court of competent jurisdiction when it believes the underlying application did not meet the criteria in Section 6409(a) for mandatory approval, would not comply with applicable building codes or other non-discretionary structural and safety codes, or for other reasons the application is not appropriately "deemed granted".

h. Remedies. Applicants and Eagle County may bring claims related to Section 6409(a) to any court of competent jurisdiction.

SECTION 3-320. COMMERCIAL AND INDUSTRIAL ZONE DISTRICTS USE SCHEDULE

Table 3-320, "Commercial and Industrial Zone Districts Use Schedule", categorizes the uses that are applicable to the County's commercial and industrial zone districts.

A. Symbols. Table 3-320 utilizes the same symbols as are described in Section 3-300, Residential, Agricultural and Resource Zone Districts Use Schedule.

B. Uses Not Listed. Uses that are not listed in Table 3-320 shall be considered to be uses that are not allowed, unless one of the following occurs:

1. Regulations Amended. An amendment to these Land Use Regulations is adopted, pursuant to Section 5-230, Amendments to the Text of These Land Use Regulations or the Official Zone District

Map, that lists the use in the table and indicates in which zone districts the use is a use by right, allowed by limited review, or allowed by special review and in which zone districts it is not allowed.

2. Determination of Similar Use. The Planning Director determines, pursuant to Section 5-220, Interpretations, that the proposed use is sufficiently similar to a use listed in Table 3-320, "Commercial and Industrial Zone Districts Use Schedule". A use that is determined to be similar to a listed use shall be subject to the same standards as the use to which it was determined to be similar.

TABLE 3-320 COMMERCIAL AND INDUSTRIAL ZONE DISTRICTS USE SCHEDULE					
Uses: R= Use By Right; L= Allowed by Limited Review; S = Allowed by Special Review; N = Not Allowed	C/L¹	C/G¹	I¹	RC²	Standards
Retail Uses, Restaurants, Personal Services and Offices					
Adult Entertainment Uses	N	S	S	S	Sec. 3-330 H
Agricultural Equipment, Supplies and Materials Store	L	R	R	L	
Appliance Sales	R	R	N	R	
Appliance Service or Repair	L	R	N	S	
Art Gallery	R	R	N	R	
Auto Service Station and Repair Garage ³	S	S	R	S	
Auto and Vehicle Parts Store	R	R	N	R	
Bank	R	R	N	R	
Barber or Beauty Shop	R	R	N	R	
Book, Music or Video Store	R	R	N	R	
Car Wash	R	R	R	L	
Clothing or Dry Goods Store	R	R	N	R	
Computer Sales Store	R	R	N	R	
Computer Service	R	R	R	R	
Drive-Through Facility	S	S	N	S	Sec. 3-330 A
Farmers Market	R	R	S	R	
Feed Store	R	R	N	R	

Food or Beverage Store or Bakery	R	R	N	R	
Furniture Store	R	R	N	R	
Garden Supply and Plant Materials Store/Greenhouse/Nursery	R	R	R	R	Sec. 3-330 B
Tree Storage	R	R	R	R	Sec. 3-310 Aa
Hardware Store	R	R	N	R	
Indoor Amusement, Recreation or Theater	R	R	N	R	
Kennel	S	S	S	S	
Laundromat	R	R	N	R	
Laundry or Dry Cleaning Pick-Up Station	R	R	N	R	

TABLE 3-320 COMMERCIAL AND INDUSTRIAL ZONE DISTRICTS USE SCHEDULE					
Uses: R= Use By Right; L= Allowed by Limited Review; S = Allowed by Special Review; N = Not Allowed	C/L¹	C/G¹	I¹	RC²	Standards
Medical or Dental Clinic, including acupuncture	R	R	N	R	
Medical and Retail Marijuana Businesses (<i>am. 12/31/13</i>)	R	R	N	N	Sec. 3-330 I
Marijuana Social Club or Lounge (<i>orig. 12/31/13</i>)	N	N	N	N	
Mortuary	R	R	N	R	
Nightclub, Bar or Tavern	L	L	R	L	
Office, Business or Professional	R	R	N	R	
Personal Adornment/Tattoo Parlor	R	R	N	R	
Pharmacy	R	R	N	R	
Photography Studio	R	R	N	R	
Print Shop or Publishing	R	R	N	R	
Private Club	R	R	N	R	
Reading Room	R	R	N	R	
Resort Recreational Facility	N	N	N	S	

Restaurant	R	R	N	R	
Shoe Repair	R	R	N	R	
Studio for Conduct of Arts and Crafts	R	R	S	R	Sec. 3-330 C
Tailor Shop	R	R	N	R	
Vehicle, Aircraft and Pleasure Boat Rental	S	S	R	S	Sec. 3-330 D
Vehicle, Aircraft and Pleasure Boat Sales, Storage, Service or Repair	N	S	R	N	
Veterinary Hospital	S	S	S	S	
Industrial, Service-Commercial and Wholesale Uses⁴					
Assembly, which does not include any fabrication of parts	R	R	R	R	
Auto Wrecking	N	N	S	N	
Commercial Laundry or Dry Cleaning Plant	S	R	R	N	
Compost Facility	N	N	S	N	
Construction and Demolition Debris Facility	N	S	S	S	
Contractor Storage Yard	N	S	R	S	
Distribution Center	S	S	R	S	

TABLE 3-320 COMMERCIAL AND INDUSTRIAL ZONE DISTRICTS USE SCHEDULE					
Uses: R= Use By Right; L= Allowed by Limited Review; S = Allowed by Special Review; N = Not Allowed	CL¹	CG¹	I¹	RC²	
Extraction and Processing of gravel, minerals, rocks, sand or other earth products	N	N	S	N	
Junkyard	S	S	S	S	
Lumber Mill	N	N	S	N	
Lumber Yard	N	S	R	N	
Manufacture, Assembly or Preparation of Articles or Merchandise From Previously Prepared Materials	N	S	R	N	Sec. 3-330 E
Manufacture, Compounding, Processing, Packaging or Treatment of Products	N	N	L	N	Sec. 3-330 F

Manufacture, use or storage of explosives	N	N	S	N	
Motor Freight Depot	N	S	R	N	
Planer Mill	N	N	S	N	
Plant for Processing Natural Resources and Agricultural Materials	N	S ⁵	S	N	
Recycling Collection or Drop Off Center	R	R	R	R	
Recyclable Materials Processing	S	S	S	S	
Recycling Operation	S	S	R	S	
Reduction or Disposal by Sanitary Landfill Method of waste materials, garbage, offal or dead animals; or refuse disposal area conducted under a landfill or sanitary landfill method	N	N	S	N	
Saw Mill	N	N	S	N	
Shop for Blacksmith, Cabinet Maker, Electrician Glazing, Machining, Plumbing, or Sheet Metal	N	S	R	N	
Telecommunication Facilities	S	S	S	S	Sec. 3-310 Gg
Telecommunication Facility Modification	L	L	L	L	Sec. 3-310 Gg
Transfer Station	S	S	R	S	
Truck Stop	N	S	R	S	
Warehouse or Storage Building, including mini-storage	S	L	R	N	
Wholesale Establishments, including sale of appliances, automotive and vehicular equipment, beverages, building materials, clothing, dry goods, feed, food, fuel, furniture, garden supply and plant materials, hardware and mobile homes	S	S	R	S	
Residential Uses, Home Uses and Accommodations					
Day Care Center	L	S	S	L	Sec. 3-310 D
Day Care Home	L	L	N	L	Sec. 3-310 D
Dwelling Units	S	S	N	S	Sec. 3-330 G
Hotel or Motel	S	S	N	S	
Mobile Home Park	S	S	N	S	Sec. 3-310 Y

Nursing or Convalescent Home	S	S	N	S	
Recreational Vehicle Park	S	N	N	S	Sec. 3-310 Y
Public Facilities, Utilities and Institutional Uses					
Ambulance Facility	R	R	R	R	
Auditorium	S	N	N	S	
Church	S	S	N	S	
Community or Public Administration Building	S	S	N	S	
Concentrated Solar Device	N	N	N	N	
Educational Facility	S	S	N	S	
Fraternal Lodge	R	R	N	R	
Heliport	S	S	S	S	
Helistop	L	R	R	L	
Hospital	S	S	N	S	
Impound Lot	N	S	S	N	
Library	R	R	N	R	
Museum	R	R	N	R	
Open space or Greenbelt	R	R	R	R	
Park and Outdoor Recreation/Recreation Facilities	R	R	S	R	
Parking Lot or Garage (as the principal use of the parcel)	S	S	S	S	
Post Office/Private Postal Facility	R	R	S	R	
Recycling Collection Center	R	R	R	R	
Small Hydro Electric Energy	S	S	S	S	Sec. 3-310 Cc
Solar Farm over 10-kw	S	S	S	S	Sec. 3-310 Bb
Structure-integrated or Ancillary Ground-Mounted Solar Energy System	R	R	R	R	Sec. 3-310 Bb
Transportation Services	S	S	S	S	
Utilities, including water storage and treatment and wastewater treatment					

facilities	S	S	S	S	
Utility Distribution Facilities	R	R	R	R	
Utility Substation	S	S	S	S	
Water Impoundments	S	S	S	S	
Wind Energy Systems - Small Scale	S	S	R	S	Sec. 3-310 Dd
Wind Energy Systems - Large Scale	N	N	S	N	
Temporary Uses					
Temporary Building or Use	S	S	S	S	Sec. 3-310 W
<p>Notes:</p> <p>1. Each allowed use shall not exceed 22,000 s.f. of floor area and shall only occur on a lot greater than one (1) acre in size. Any use by right that meets these standards may only be developed on a lot that was part of a subdivision approved by Eagle County for which site specific information was provided regarding lot layout, street pattern, drainage, landscaping and utilities; otherwise, the use shall be considered a use allowed by special review.</p> <p>2. Any use listed in Table 3-300 as a use by right in the Residential Suburban Medium Density (RSM) zone district shall be considered a use by right in the Rural Center (RC) zone district. Any use listed in Table 3-300 as a use allowed by special review in the Residential Suburban Medium Density (RSM) zone district shall be considered a use allowed by special review in the Rural Center (RC) zone district.</p> <p>3. Auto service station may also include a car wash.</p> <p>4. In addition to the standards listed for particular uses, see also Article 4, Division 5, <u>Commercial/Industrial Performance Standards</u>.</p> <p>5. Limited to processing of natural resources and agricultural materials for food and beverages or clothing.</p>					

(am 12/17/02) (am 09/11/07) (am 07/01/2011) (am 12/31/13)

SECTION 3-330. REVIEW STANDARDS APPLICABLE TO PARTICULAR COMMERCIAL AND INDUSTRIAL USES

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

Those uses in the County's commercial or industrial zone districts that require such additional standards are identified in the "Standards" column of Table 3-320, "Commercial and Industrial Zone Districts Use Schedule". The standards for each of these uses are established herein. The definitions of these uses are found in Section 2-110, Definitions. The following uses are addressed in this section:

- A. Drive-in Facility
- B. Garden and Plant Materials Store
- C. Studio for Arts and Crafts
- D. Vehicle, Aircraft and Pleasure Boat Rental
- E. Manufacture, Assembly or Preparation of Articles or Merchandise from Previously Prepared Materials
- F. Manufacture, Compounding, Processing, Packaging or Treatment of Products
- G. Dwelling Units
- H. Adult Entertainment Use
- I. Medical and Retail Marijuana Businesses (*am. 12/31/13*)
- J. Solar Energy Systems

A. Drive-through Facility.

1. **Circulation.** Drive-through lanes shall provide a minimum of five (5) stacking spaces per drive up window or counter, which shall be separated from circulation areas required to enter, exit or circulate through the property. Drive-through lanes shall be marked by striping, pavement markings or barriers.

2. **Minimize Impacts.** Drive-through lanes shall be designed, located and operated to minimize impacts on adjoining properties.

a. **Screen.** A fence, wall or other opaque screen that is a minimum of six (6) feet in height shall be provided on all sides of the drive-in facility that are located adjacent to property that is zoned for or used for residential purposes.

B. Garden Supply and Plant Materials Store. All activity associated with a garden supply and plant materials store shall be conducted within a building, provided that plants may be stored and sold outside, within a confined area that is appropriately fenced or screened. Plant materials may be used for outside screening purposes.

C. Studio for Conduct of Arts and Crafts. All activity associated with a studio for the conduct of arts and crafts shall be conducted within a building.

D. Vehicle, Aircraft and Pleasure Boat Rental. In the Commercial Limited (C/L) zone district, rentals shall be limited to vehicles only and shall exclude aircraft and pleasure boats.

E. Manufacture, Assembly or Preparation of Articles or Merchandise from Previously Prepared Materials. Manufacture, assembly or preparation activities shall be limited to only the prepared materials listed in Table 3-330 E., List of Prepared Materials.

TABLE 3-330 E. LIST OF PREPARED MATERIALS		
1. Aluminum;	12. Hair;	21. Rubber;
2. Bone;	13. Horn;	22. Shell;
3. Canvas;	14. Iron;	23. Steel;
4. Cellophane;	15. Lacquer;	24. Textiles;
5. Cloth;	16. Leather;	25. Tin;
6. Cork;	17. Paint; ¹	26. Tobacco;
7. Feathers;	18. Paper;	27. Wax;
8. Felt;	19. Plastic;	28. Wire;
9. Fiber;	20. Precious or	29. Wood; ²
10. Fur;	semiprecious metals or stones;	30. Yarn.
11. Glass;		
<p>Notes:</p> <p>1. Painting shall not employ a boiling process.</p> <p>2. Excluding saw mill, lumber mill, planning mill, and molding plant.</p>		

F. Manufacture, Compounding, Processing, Packaging or Treatment of Products.

1. Limitations. Manufacture, compounding, processing, packaging or treatment shall be limited to items such as bakery goods, candy, cosmetics, dairy products, drugs, meat, perfumed toilet soap, perfumes, pharmaceuticals and toiletries.

2. Exclusion. Manufacture, compounding, processing, packaging or treatment shall specifically exclude the rendering of fats and oils, fish and meat slaughtering and fermented foods, such as sauerkraut, vinegar or yeast.

G. Dwellings Units. Via Special Use Review, in the Commercial-Limited and Commercial-General Zone Districts, mixed-use commercial and residential development may be approved. The appropriate ratio of residential use to commercial use will be reviewed on a case-by-case basis subject to the standards established for Special Use Review. (am. 07/26/2011)

H. Adult Entertainment Use. An adult entertainment Use shall not operate within 500 feet from any of the following preexisting uses: a single family residence, a multi-family residence, a duplex residence, a school or a church.

1. **Operating Hours.** Adult entertainment uses shall be open only from the hours of 6:00 p.m. to 1:00 a.m., except that an Adult Bookstore is not required to limit its operating hours.
2. **Age Limitation.** No one under 21 years of age shall be admitted to any establishment providing an adult entertainment use. This minimum age limitation also applies to any employees, agents, servants or independent contractors working on the premises during hours when nude entertainment is being presented.
3. **School Defined.** For purpose of this section, “school” means any private or public educational institution primarily providing instruction to students 18 years of age and younger, including, but not limited to, pre-schools, kindergartens, elementary, middle and high schools.

I. Medical and Retail Marijuana Businesses. *(orig. 2/23/2010) (am 07/01/2011) (am 12/31/13)*

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

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

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

b. Retail Marijuana Businesses are further prohibited from locating within 500 feet of:

- (1) Any public or private high school.

c. The 200 or 500 foot separation is measured in a direct line between the closest point of the building or unit, in the case of multi-tenant commercial or industrial buildings, within which the Medical and/or Retail Marijuana Business establishment is located, and the closest point on the lot or parcel of land upon which any of the above itemized uses are located.

In the instance where 50% or more of a freestanding commercial building where the Medical Marijuana and/or Retail Marijuana Business is located outside of the 200 or 500 foot separation area then the entire building shall be deemed compliant with the 200 or 500 foot separation requirement.

d. Medical and/or Retail Marijuana Businesses shall not be allowed as a home occupation or home business as defined within Chapter 2, Article 2, Definitions of these Land Use Regulations.

2. **Requirements.** All Medical and/or Retail Marijuana Businesses shall meet the following requirements at all times:

- a.** Have an active, up to date State of Colorado sales tax number which shall be provided to the County.
- b.** All products and accessories shall be stored within a completely enclosed, alarmed, and secure building at all times. Products, accessories, and associated paraphernalia shall not be visible from a public sidewalk or right-of-way
- c.** The consumption or inhalation of marijuana on or within the premises of a Medical and/or Retail Marijuana Business is prohibited.
- d.** The sale or consumption of alcohol on the Medical and/or Retail Marijuana Business premises is prohibited.
- e.** The premises satisfy all applicable Building Codes and Fire Codes and are equipped with a proper ventilation system so that odors are filtered and do not materially interfere with adjoining businesses.
- f.** All transactions, including the growing, processing and/or manufacture of Medical and/or Retail Marijuana products, shall occur indoors and out of view from the outside of the building in which the medical and/or retail marijuana products are grown, processed and sold.
- g.** Exterior signage on a Medical and/or Retail Marijuana Business may indicate that marijuana may be in the store; however, all exterior signage shall be approved through the Sign Permit process and must comply with Chapter 2, Article 4, Division 4-3., Sign Regulations of these land use regulations.
- h.** A Medical and/or Retail Marijuana Business lawfully operating is not rendered in violation of these Land Use Regulations by the subsequent location of any sensitive use as delineated in Section 3-330.I.1.a, above.
- i.** Each Medical and/or Retail Marijuana Business shall be operated from a fixed location. No Medical and/or Retail Marijuana Business shall be permitted to operate from a moveable, mobile or transitory location. Deliveries of medical and/or retail marijuana products may be delivered only by properly registered Primary Care-givers to homebound patients as that term is defined by the State of Colorado and subject to all local and State licensing requirements for such home deliveries.
- j.** A Medical and/or Retail Marijuana Business shall not open earlier than 9:00 a.m. and shall close no later than 7:00 p.m. the same day. A Medical and/or Retail Marijuana Business may be open seven days a week.
- k.** There shall be posted in a conspicuous location in each Medical and/or Retail Marijuana Business a legible sign containing the following warnings:
- (1) A warning that the diversion of marijuana for non-medical purposes is a violation of state law;
 - (2) A warning that the use of medical and/or retail marijuana may impair a person's ability to drive a motor vehicle or operate machinery, and that it is illegal under state law to drive a motor vehicle or to

operate machinery when under the influence or impaired by marijuana;

(3) A warning that loitering in or around the Medical and/or Retail Marijuana Business is prohibited by state law; and

(4) A warning that possession and distribution of marijuana is a violation of federal law.

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

m) Commercial cultivation and production of medical and/or retail marijuana is expressly prohibited as a home occupation or home business as defined within Chapter 2, Article 2, Definitions, of these Land Use Regulations.

n) The maximum amount of recreational marijuana that may be cultivated and produced in any residence, at any point in time, is three (3) ounces of a usable form of marijuana, and no more than eighteen (18) marijuana plants, with nine (9) or fewer being mature, flowering plants that are producing a usable form of marijuana regardless of the number of persons of twenty-one (21) years of age residing in such residence. Such collective limits shall in no way authorize or entitle a person to grow, maintain, or possess more than what they are legally allowed to do per Title 12, Article 43.4 of the Colorado Revised Statutes, as may be amended from time to time.

o) For the purposes of this section of the land use regulations, residence shall be defined as the entire parcel of land or lot inclusive of any accessory dwelling units, accessory buildings, agricultural buildings, and garages as defined within Chapter 2, Article 2, Definitions of these Land Use Regulations, which are held in single ownership with the primary residence.

p) Medical and/or Retail Marijuana Businesses are prohibited from locating inside any Planned Unit Development unless expressly allowed within the Planned Unit Development.

3. **Severability.** If any provision, clause, sentence or paragraph of this regulation or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of these regulations which can be given effect without the invalid provision or application, and to this end the provisions of this regulation are declared to be severable.

J. Solar Energy Systems.

Solar Energy Systems able to convert radiant energy from the sun into clean renewable energy are generally encouraged in Eagle County. It is the goal of this section of the Land Use Regulations to allow for development of Solar Energy Systems while encouraging responsible design, and providing for appropriate public process when the scale, location, and/or design presents neighborhood, area, and/or community impacts.

1. **Reflectivity.** All Solar Energy Systems shall incorporate anti-reflectivity coating provided by the manufacturer, as well as non-reflective materials for racking, structural, and/or other associated equipment. Concentrated solar devices are prohibited.

2. **Setbacks.** All Solar Energy Systems shall comply with dimensional limitations articulated Table 3-340, including height, setback, and lot coverage.
3. **Structure-Integrated Solar Energy System.** A Structure-Integrated Solar Energy System shall be allowed as a use by right regardless of production capacity. Such systems shall be incidental to the primary use of the structure and subject property, and are encouraged to be flush with the roof/top and/or wall, architecturally integrated, and utilize anti-reflective materials.
4. **Ground-Mounted Solar Energy Systems.**
 - a. **Ancillary Ground-Mounted Solar Energy Systems.** Ancillary Ground-Mounted Solar Energy Systems 15-feet or less in height measured from the highest point of the improvement to existing or finished grade, whichever is more restrictive; shall be allowed as a use by right.
 - b. **Solar Farm.** Solar farms over 10-kw rated nameplate capacity or equivalent in zone districts articulated in Table 3-320 shall complete a Special Use Review and approval pursuant to Section 5-250 and Standards identified below in Section 3-330 J.5.
5. **Standards.** The following standards shall apply to Solar Energy Systems completing special use review in addition to the standards specified pursuant to Section 5-250 Special Use:
 - a. **Setbacks.** All Solar Energy Systems must comply with required height and setback requirements as defined in Table 3-340: Schedule of Dimensional Limitations.
 - b. **Design minimizes adverse visual impact.** The project applicant shall demonstrate through visual impact analysis, materials, and/or screening to the extent practicable, that the project will not create adverse visual impact to neighboring properties, surrounding areas, and community buffers as further detail necessary to support Section 5-250.B.4 Design Minimizes Adverse Impact.
 - c. **Utility grid interconnection.** The project applicant shall provide to the County the system design and interconnection to the grid; and evidence such design has been accepted or approved by the associated utility provider.
 - d. **Longevity and reclamation.** The project applicant shall identify the proposed timeline for its use, and shall submit a reclamation plan specifying the reclamation of the project site which will occur upon termination of use.

SECTION 3-340. ZONE DISTRICT DIMENSIONAL LIMITATIONS

A. Schedule of Dimensional Limitations. Table 3-340, "Schedule of Dimensional Limitations," specifies the dimensional limitations applicable to development in the County's residential, agricultural, resource, commercial and industrial zone districts. All development shall comply with these limitations, unless more restrictive standards or limitations are specified by these Land Use Regulations, in the form of:

1. Standards for a Particular Use. Standards specified for a particular use in Section 3-310, Review Standards Applicable to Particular Residential, Agricultural and Resource Uses, or Section 3-330, Review Standards Applicable to Particular Commercial and Industrial Uses;

2. Standards of a PUD Zone District. Standards specified by an approved planned unit development (PUD); or

3. Other Standards. Other standards specified by these Land Use Regulations, such as any applicable limitations for development on steep or unstable slopes.

B. Dual Use of Required Areas. A lot area, yard or open space area that is required by these Land Use Regulations for a use shall not also be a required lot area, yard or open space area for another use.

C. Special Provisions for Yards and / or Common Areas. The following requirements shall be observed in all zone districts: *(am. 5/16/06)*

1. Through Lots. On lots extending from one (1) street to another paralleling street, the street from which access is obtained shall be considered the front street for purposes of calculating front yard setbacks. If a use obtains access from both streets, then both streets shall be considered front streets for purposes of calculating front yard setbacks.

2. Corner Lots. On lots bordered on two (2) contiguous sides by streets, the required front yard setback shall be observed along both sides.

3. Projections. Every part of a required yard shall be unobstructed from ground level to the sky except for permitted projections of architectural features, as follows:

a. Patios, Walks, Steps and Portable Play Equipment. Patios, walks, at-grade steps and portable play equipment may project into a required yard without restriction.

b. Fire Escapes and Individual Balconies. Fire escapes and individual balconies not used as passageways may project eighteen (18) inches into any required side yard or four (4) feet into any required front or rear yard.

c. Roof Overhangs, Stairways and Decks. Roof overhangs, stairways and decks greater than thirty (30) inches in height may project eighteen (18) inches into any required front, side or rear yard. Decks that are less than thirty (30) inches in height may project into any required front, side or rear yard without limitation.

(am 9/27/99)

d. Satellite Dishes. Satellite dishes that are no more than three (3) feet in diameter may be located within a required yard. Any satellite dish with a diameter greater than three (3) feet shall be located so as to comply with the setback requirements of the underlying zone district.

4. Fence, Hedge, Wall or Berm. A fence, hedge, or wall or earthen berm may be located in any required yard or common area, provided that the fence, hedge, wall, berm, or any combination of fences, walls and berms shall not exceed eight (8) feet in height (as measured from natural grade at any point on the side of the berm that faces an adjacent property), or 150 feet in length in a required side yard, rear yard or common area, nor shall it exceed three (3) feet in height or 150 feet in length in any required front yard. Exception is provided for properties in the Commercial Limited (CL), Commercial General (CG), Industrial (I), Rural Center (RC) and Resource (R) zone districts, where an eight (8) foot fence, hedge, wall, earthen berm or combination of fences, walls and berms may be located in all yards (front, side, and rear) and common areas. Proposals for earthen berms that exceed the dimensional limitations stated herein shall be required to obtain a Finding of No Significant Impact (FONSI) from the Director of Community Development or approval of a Site Specific Development Plan from the Board of County Commissioners, as provided in Section 4-230.B.15, Approval Process for Large Landscape Berms, prior to construction. The installation and design of earthen berms shall further conform to those processes and standards listed in Section 4-230.B.14., Landscaping Standards for Landscape Berms. (*am. 5/16/06*)

5. Survey. If a proposed building, or any part thereof, is to be situated within 18 inches from the setback line or a building envelope, the Planning Director may require a land survey plat shall be submitted prior to scheduling a framing inspection. (*orig 03/12/02*)

6. Stream Setbacks and Water Resource Protection. For the purpose of protecting water resources, including wetlands and riparian areas, the following shall be observed in all zone districts: a 75 foot strip of land measured horizontally from the high water mark on each side of any stream, or the 100 year floodplain, whichever provides the greater separation from the stream, shall be protected in its natural state. No grading or removal of vegetation may occur within the stream setback. If necessary to protect the stream, wetlands, or riparian areas, additional width may be required. PUD zoned areas shall also comply with this standard unless either granted a Variance by the Zoning Board of Adjustment or a variation has been granted by the Board of County Commissioners. There shall be no projections into either a 100 year floodplain or stream setback. (*orig 03/12/02*) (*am. 07/17/06*)

Stream setbacks on lots located in PUD zoned areas shall comply with the stream setback as indicated by the PUD Guide. Where the PUD is silent to stream setbacks, buildings and improvements shall comply with the 75 foot setback requirement. Stream setbacks on lots with building envelopes platted prior to the effective date of these regulations shall be determined by platted building envelopes. Any improvements legally constructed as part of a special use permit or variance shall comply with the setback as approved through the issuance of the special use permit or variance. (*orig. 07/17/06*)

a. Permissible Improvements or Activities. Certain improvements and or activities may be located within the stream setback as long as site disturbance is minimized to the greatest extent practical, including, but not limited to the following: improvements pursuant to a floodplain development permit; footpaths not exceeding 3 feet in width following a route which minimizes disturbance and formed of generally natural, pervious materials; public multi-use paths that are part of the public trail system or that are to be dedicated as public trails through the development review process; bridges that traverse the stream or a portion of the stream; fences; irrigation diversion structures; headgates, pump houses, *hydroelectric wheelhouses and piping*, and ditches; flood control and bank stabilization devices; the

removal of state-listed noxious weeds; the removal of dead or dying vegetation; and the removal of vegetation for wildfire mitigation. *(orig. 07/17/06) (am. 09/11/07)*

Underground utilities may be located in such protected area provided there is no practical alternative location for such utilities, that the plans are approved by the County Commissioners as a Special Use, or as part of a Planned Unit Development, subdivision, or site specific development plan, and that all construction scars are revegetated with appropriate vegetation and sufficient temporary irrigation, if necessary. *(orig. 07/17/06)*

b. Exceptions. The Planning Director or the Board of County Commissioners may approve a reduction of the stream setback to a minimum of 50 feet or the outer edge of the 100 year floodplain, whichever provides the greater separation from the stream through a Finding of No Significant Impact process.

(1) Report Required. In order to be considered for an exception, the applicant must clearly demonstrate compliance with all the following criteria through the submittal of a report prepared by a resource biologist or other qualified professional. At the discretion of the Planning Director, the report may be referred to outside agencies for comment, including but not limited to the Eagle County Department of Environmental Health, Colorado Geological Survey, the Colorado Division of Wildlife, the Army Corps of Engineers, or any other applicable agency. The report must specifically address all of the following: *(orig. 07/17/06)*

(a) Water Quality. That the setback reduction will not degrade water quality of the stream or ground water. *(orig. 07/17/06)*

(b) Erosion. That the setback reduction will not impact shoreline and stream banks, or cause erosion. *(orig. 07/17/06)*

(c) Habitat. That the setback reduction will not degrade fish and wildlife habitat. *(orig. 07/17/06)*

(d) Scenic and Recreational Values. That the setback reduction will not negatively impact scenic and recreational value associated with the stream. *(orig. 07/17/06)*

(e) Alternative Design. That the proposal for improvements on the site results in a design that more adequately preserves unique characteristics of the site, protects public view sheds, enhances public recreational enjoyment of the stream, or creates a design that results in greater public benefit than would be created by adhering to the 75 foot setback. *(orig. 07/17/06)*

(f) Other circumstances. That other circumstances prevent adherence to the 75 foot setback, including but not limited, to: lot depth, lot dimensions, existing development; lot topography. *(orig. 07/17/06)*

(2) Determination Based upon review of the application material and the information obtained at the pre-application meeting, the Director may determine that a Finding of No Significant Impact (FONSI) is warranted. *(orig. 07/17/06)*

(a) Finding of No Significant Impact (FONSI). The Director of Community Development may determine that a Finding of No Significant Impact (FONSI) should be issued if it is determined that all of

the above criteria has been met. In the instance that a FONSI is made, and upon expiration of the reconsideration period described below, the applicant may pursue a Building Permit for construction. *(orig. 07/17/06)*

(b) Notice of Director's Determination of a FONSI. *(orig. 07/17/06)*

(i) Upon the Director's Determination of a FONSI, the Director shall notify the applicant by mail, and shall notify the Board, the County Administrator and the County Attorney of the Determination by e-mail or memorandum. *(orig. 07/17/06)*

(ii) The Notice of Director's Determination of the FONSI shall be published once in the County legal newspaper not more than fourteen (14) days following the Determination. The notice shall describe the Project and the procedure for requesting reconsideration as set forth below. *(orig. 07/17/06)*

(c) Reconsideration of Director's Determination of a FONSI.

(i) Call-up by the Board. Within fourteen (14) days after publication of the Director's Determination of a FONSI, the Board may decide to reconsider the Determination. Such reconsideration shall be made at the next regularly scheduled meeting of the Board for which proper notice can be accomplished. *(orig. 07/17/06)*

(ii) Request for Reconsideration by Affected Party. Any affected party seeking a reconsideration of the Director's Determination of a FONSI shall file a written request with the Board within fourteen (14) days of the date of publication in the newspaper of the Notice of the Director's Determination of the FONSI. The Board shall reconsider the Director's Determination of the FONSI at the next regularly scheduled meeting for which proper notice can be accomplished. The affected party may request a reasonable extension if necessary. *(orig. 07/17/06)*

(iii). **Reconsideration by the Board.** If the Director determines that a Finding of No Significant Impact (FONSI) is not appropriate, and if the applicant subsequently challenges the Director's determination, the application will be forwarded to the Board of County Commissioners as an application for a Site Specific Development Plan. At a public hearing, the Board of County Commissioners shall consider the application, the relevant support materials, and any public testimony. After the close of the public hearing, the Board may approve, approve with conditions or disapprove of the proposed exception to the stream setback regulation. *(orig. 07/17/06).*

TABLE 3-340 SCHEDULE OF DIMENSIONAL LIMITATIONS <i>(am 9/27/99) (orig. 07/17/06) (am. 05/01/07) (am. 05/15/07)</i>								
Zone District	Minimum Lot Area Per Use ¹	Maximum Lot Coverage (Developable land) ^{2,12}	Maximum Floor Area Ratio ^{2,12}	Minimum Front Yard Setback	Minimum Rear Yard Setback	Minimum Side Yard Setback	Min. Stream Setback ³	Max. Height ⁴
Residential Zone Districts								
Fulford	5,000 s.f. ⁵	Buildings: 15% All Impervious Materials: 25%	0.35:1	The greater of 10' or half the height of the tallest building on the lot ⁷	The greater of 10' or half the height of the tallest building on the lot ⁷	The greater of 10' or half the height of the tallest building on the lot ⁷	75'	28'
RMF	Single Family: 6,000 s.f. ^{8,9} Multi Family ⁷	Buildings: 40% All Impervious Materials: 60%	0.50:1	Arterial Street: 50' Collector Street: 50' Local Street: 25'	The greater of 12.5' or half the height of the tallest building on the lot	The greater of 12.5' or half the height of the tallest building on the lot	75'	45'
RSM	8,000 s.f. ^{8,9}	Buildings: 25% All Impervious Materials: 45%	0.40:1	Arterial Street: 50' Collector Street: 50' Local Street: 25'	The greater of 12.5' or half the height of the tallest building on the lot	The greater of 12.5' or half the height of the tallest building on the lot	75'	35'
RSL	15,000 s.f. ^{8,9}	Buildings: 20% All Impervious Materials: 35%	0.20:1	Arterial Street: 50' Collector Street: 50' Local Street: 25'	The greater of 12.5' or half the height of the tallest building on the lot	The greater of 12.5' or half the height of the tallest building on the lot	75'	35'
RR	2 acres ^{8,9}	No limitation	No limitation	Arterial Street: 50' Collector Street: 50' Local Street: 25'	The greater of 12.5' or half the height of the tallest building on the lot	The greater of 12.5' or half the height of the tallest building on the lot	75'	35'
AL	5 acres ^{8,9}	No limitation	No limitation	Arterial Street: 50' Collector Street: 50' Local Street: 25'	The greater of 12.5' or half the height of the tallest building on the lot	The greater of 12.5' or half the height of the tallest building on the lot	75'	35'
AR	10 acres ^{8,9}	No limitation	No limitation	Arterial Street: 50' Collector Street: 50' Local Street: 25'	The greater of 12.5' or half the height of the tallest building on the lot	The greater of 12.5' or half the height of the tallest building on the lot	75'	35'

TABLE 3-340 SCHEDULE OF DIMENSIONAL LIMITATIONS <i>(am 9/27/99) (orig. 07/17/06) (am. 05/01/07) (am. 05/15/07)</i>								
Zone District	Minimum Lot Area Per Use ¹	Maximum Lot Coverage (Developable land) ^{2,12}	Maximum Floor Area Ratio ^{2,12}	Minimum Front Yard Setback	Minimum Rear Yard Setback	Minimum Side Yard Setback	Min. Stream Setback ³	Max. Height ⁴
RL	20 acres ^{8,9}	No limitation	No limitation	Arterial Street: 50' Collector Street: 50' Local Street: 25'	The greater of 12.5' or half the height of the tallest building on the lot	The greater of 12.5' or half the height of the tallest building on the lot	75'	35'
R	35 acres ^{9,10}	No limitation	No limitation	Arterial Street: 50' Collector Street: 50' Local Street: 25'	The greater of 12.5' or half the height of the tallest building on the lot	The greater of 12.5' or half the height of the tallest building on the lot	75'	Resid.: 35' All Other Uses: 40'
RP	80 acres ^{8,11}	No limitation	No limitation	50'	50'	50'	75'	28'
BC	35 acres ^{8,11}	No limitation	No limitation	50'	50'	50'	75'	28'
Commercial Zone Districts								
C/L	7,500 s.f. ⁸	Buildings: 40% All Impervious Materials: 70%	0.50:1	Arterial Street: 50' Collector Street: 50' Local Street: 25'	20'	12.5'	75'	35'
C/G	7,500 s.f. ⁸	Buildings: 50% All Impervious Materials: 80%	0.60:1	Arterial Street: 50' Collector Street: 50' Local Street: 25'	20'	12.5'	75'	35'
I	7,500 s.f. ⁸	Buildings: 50% All Impervious Materials: 80%	0.50:1	Arterial Street: 50' Collector Street: 50' Local Street: 25'	20'	12.5'	75'	40'
RC	Residential Uses: 8,000 s.f. ⁸ All Other Uses: 7,500 s.f. ⁸	Buildings: 35% All Impervious Materials: 55%	0.30:1	Arterial Street: 50' Collector Street: 50' Local Street: 25'	20'	12.5'	75'	35'

Notes:

1. Minimum lot area per use may be further restricted if an On-Site Wastewater Treatment System (OWTS) is proposed. For standards see Section 4-690, Sanitary Sewage Disposal Standards. (*amd. 07-29-2014*)
2. Maximum lot coverage and maximum floor area may be further restricted by other standards of these Regulations, including slope development standards. Provided no residential lot shall be so restricted by minimum lot area per use or maximum floor area ratio limitations that it cannot be occupied by a single-family dwelling containing no more than fifteen hundred (1,500) square feet of floor area.
3. Exceptions to the stream setback are subject to administrative review. Refer to SECTION 3-340.C.6. Stream Setbacks. (*am. 07/17/06*)
4. Stacks, vents, cooling towers, elevator structures and similar mechanical building appurtenances and spires, domes, cupolas, towers, antennas intended as an accessory use, and similar non-inhabitable building appurtenances may exceed the maximum height limitations of the underlying zone district by not more than thirty (30) percent. The maximum allowable height for free-standing wireless telecommunication facilities, in all zone districts, shall be determined by the Board of County Commissioners on a case-by-case basis through the Special Use Review process, based upon line-of-site requirements, visual and environmental impacts and view shed analyses. (*am 12/16/08*)
5. A Fulford Parcel is two (2) or more continuous lots, under common ownership as of January 1, 1988, as recorded in the office of the Eagle County Clerk and Recorder. The interior lot lines of two (2) or more contiguous lots under common ownership shall not be used to determine setback requirements.
6. Floor area and setback limitations notwithstanding, a single ownership lot in existence as of January 1, 1988, and as recorded in the office of the Eagle County Clerk and Recorder, shall be permitted to contain a single-family residential unit containing up to one thousand (1,000) square feet of floor area, provided the maximum lot coverage of buildings shall not exceed twenty-five (25) percent of lot area.
7. Density shall not exceed twelve (12) dwelling units per acre of developable land.
8. Effective density may be reduced by other standards of these Regulations, including the slope development standards.
9. Minimum lot area may be reduced for a Cluster Development; see Section 3-310 B, Cluster Development.
10. A combination of compatible uses may be considered as a single use.
11. Or such smaller area as may have been legally created prior the adoption of subdivision regulations by Eagle County on April 6, 1964.
12. Accessory buildings, excluding garages, and unless otherwise approved through special use, shall not be larger than eight hundred-fifty (850) square feet. The floor area of the accessory building shall count toward the property's maximum floor area (if the accessory building contains habitable space) and lot coverage calculations. Its location shall comply with all applicable setback standards and it shall comply with the applicable height restrictions of the underlying zone district. (*orig 03/12/02*) (*am 11/08/05*)

SECTION 3-350 FLOODPLAIN OVERLAY ZONE DISTRICT (*orig. 01/04/05*)

A. Applicability. The provisions and regulations of this section shall apply to all lands within the unincorporated area of Eagle County which are located within the Floodplain Overlay (FO) zone district. If a structure, lot, or other parcel of land lies partly within the FO zone district, the part of such structure, lot, or parcel lying within the district shall meet all requirements for the FO zone district.

B. Liability. The degree of flood protection intended to be provided by this section has been determined to be reasonable for regulatory purposes and is based on engineering and scientific methods of study. Floods of greater magnitude may occur and flood heights may be increased by man-made or natural causes, such as ice jams and bridge or culvert openings restricted by debris. This zone district does not imply that the areas outside floodplain zone district or land uses permitted within such areas will be free from flooding or flood damages or that compliance with these regulations will prevent any or all damages from flooding. Nor shall this article create a liability on the part of, or a cause of action against, the County of Eagle or any officer or employee thereof for any flood damages that may result from reliance on this article or any administrative decision. This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid. (*am. 01/07/14*)

C. Designation of Floodplain Administrator. The Board of County Commissioners hereby designates the County Engineer or his/her designee as the Floodplain Administrator to assist in the implementation and administration of the FO zone district regulations. Duties of the Floodplain Administrator shall include the following: (*am. 01/07/14*)

- 1. Set Fees.** Receive completed applications and set the fees associated therewith.
- 2. Review Applications.** Review all permit applications to determine whether the requirements of the FO zone district have been satisfied and all necessary permits have been obtained from local, state, or federal agencies from which prior approval is required by law, including Section 404 of the Federal Water Pollution Control Act.
- 3. Set Base Flood Elevation (BFE).** . When Base Flood Elevation data has not been provided in accordance with section 3-350 D, the Floodplain Administrator shall obtain, review and reasonably utilize any Base Flood Elevation data and Floodway data available from a Federal, State, or other source. (*am. 01/07/14*)
- 4. Maintain Lowest Floor Elevation Records.** Obtain and maintain the actual elevation records and certificates of the lowest floor, including the basement, of all new or substantially improved structures, and, if the structure has been flood proofed, the elevation to which the structure was flood proofed; and certification by a Colorado Licensed Professional Engineer or Architect that the flood proofing methods for any non-residential structure meet the flood proofing criteria. (*am. 01/07/14*)
- 5. Maintain All Records.** Maintain for public inspection all records pertaining to the provisions of the FO zone district including records of permits granted and records of all variance actions with justification for their issuance. Variances issued shall be reported on an annual basis to FEMA. (*am. 01/07/14*)

- 6. Notify Communities and Agencies.** Notify adjacent communities, potentially impacted communities and property owners, and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA. *(am. 01/07/14)*
 - 7. Determine if Development is in Floodway or Flood Fringe.** Determine whether the site for a proposed development is located in a floodway, the flood fringe, or outside the floodplain pursuant to section 3-350 H of the FO zone district.
 - 8. Approve Floodplain Development Permits.** Review all permit applications which involve a use or structure enumerated in sections 3-350 F, 3-350 G and 3-350 H of the FO zone district and based thereon, either approve the application and grant a permit, or deny the application pursuant to section 3-350 N. *(am. 01/07/14)*
 - 9. Administer FO Zone Districts.** Carry out other administrative duties in the implementation and administration of the FO zone district regulations as the Board of County Commissioners may from time to time delegate to the Floodplain Administrator. *(am. 01/07/14)*
 - 10. Interpret Maps.** Make interpretations where needed, as to the exact location of the boundaries of the FO zone district where there appears to be a conflict between a mapped boundary and actual field conditions based upon an engineering study by the applicant.
 - 11. Make Recommendations to the Zoning Board of Adjustment.** Review and transmit recommendations to the Zoning Board of Adjustment regarding requested variances and appeals pursuant to Section 5-260.
 - 12. Make Recommendations on Amendments to the FO Zone District.** Review floodplain reports approved by the Colorado Water Conservation Board and make recommendations to the Planning Commission and Board of County Commissioners regarding necessary amendments or additions to the FO zone district.
 - 13. Development Inspections.** Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this ordinance, including proper elevation of the structure. *(orig. 01/07/14)*
 - 14. Approve Certain Development that increase the Base Flood Elevation.** Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, the Floodplain Administrator may approve certain development in Zones A1-30, AE, AH, as shown on the FIRM which increases the water surface elevation of the base flood by more than one-half foot or zero feet for the Roaring Fork River, provided that an application is made for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), all conditions and requirements for such revisions are fulfilled as established under the provisions of Section 65.12 and receives FEMA approval. *(orig. 01/07/14)*
 - 15. Flood Carrying Capacity.** Ensure that the flood carrying capacity within any altered or relocated portion of any watercourse is maintained. *(orig. 01/07/14)*
- D. Official Floodplain Maps.** The FO zone district is comprised of the Special Flood Hazard Area (or SFHA, formerly referred to as the “100 year floodplain”) of the rivers and creeks in unincorporated Eagle County. *(am 11/13/07)*

1. Designation of Official Maps. The following reports designate the location and boundaries of the FO zone district:

a. A report entitled “Flood Insurance Study, Eagle County, Colorado and Incorporated Areas,” (FIS) effective December 4, 2007, as prepared by FEMA, Flood Insurance Study Number “08037CV000A” which contains detailed flood hazard information for the Roaring Fork River, The Eagle River, Brush Creek, and Gore Creek and its tributaries. (*am 11/13/07*)

b. Flood Insurance Rate Maps prepared by FEMA for Eagle County, last revised December 4, 2007. (*am 11/13/07*)

c. Floodplain Information Report of the Roaring Fork and Frying Pan Rivers, Eagle County, Colorado, prepared by Wright-McLaughlin Engineers and dated February, 1978.

d. United States Department of the Interior, Geological Survey Maps of Flood-Prone areas for the Basalt Quadrangle, Edwards Quadrangle, Eagle Quadrangle, Gypsum Quadrangle, Minturn Quadrangle, and Wolcott Quadrangle dated 1974.

e. Gore Creek Floodplain Information, Vail, Eagle County, Colorado, prepared by Hydro-Triad, Ltd., and dated June, 1975.

f. Flood Information Report, Roaring Fork River, Town of Basalt, Eagle and Pitkin Counties, Prepared by Matrix Design Group dated November 14, 2001.

g. Flood Information Report, Eagle and Colorado River, Eagle County, Colorado prepared by Matrix Design Group dated August 22, 2003.

h. Digital FIRM (DFIRM) mapping available from FEMA’s Map Service Center <http://msc.fema.gov> (*orig. 11/13/07*)

i. Any further floodplain studies that have been approved by the Board of County Commissioners with the prior concurrence of the Colorado Water Conservation Board.

2. Adoption of Floodplain Maps. Maps officially adopted by the Board of County Commissioners as a part of the FO zone district may be amended in accordance with the procedures prescribed in Section 5-230, Amendments to the Text of These Land Use Regulations or the Official Zone Change Map.

3. Public Inspection of Maps. The Eagle County Engineering Department shall keep copies of the reports cited in Section 3-350 D.1 on file and open to public inspection.

4. Interpretation of Official Maps. Where interpretation is needed as to the exact location of the boundaries of the FO zone district, the Floodplain Administrator shall make the necessary interpretation by referring, as necessary, to the engineering study upon which the maps and elevations are based, to the professional engineers who prepared the study, to the Colorado Water Conservation Board, and/or the Federal Emergency Management Agency. The base flood elevations, as shown on the flood profiles and in the floodway tables of the Eagle County Flood Insurance Study as prepared by the Federal Emergency Management Agency, shall be the governing factor in determining accurate boundaries.

E. Division of the Floodplain Overlay Zone District. The FO zone district within the unincorporated territory of the County of Eagle subject to these regulations is hereby divided into the following areas.

1. Flood-prone area. The flood-prone area means an approximate area encompassing the area in and adjacent to a stream or other watercourse, which is subject to flooding as the result of a base flood, the water surface elevations of which have not been determined by detailed engineering study. Such area is equivalent to the “Special Flood Hazard Area (SFHA)” designated as any of the “Zone A’s” on Flood Insurance Rate Maps (FIRM) or DFIRM and to “Flood-prone Areas” on U.S. Geological Survey Flood-prone Area Maps. (*am 11/13/07*)

2. Floodway. The floodway means the high hazard area and encompasses an area which includes the channel of a stream or other watercourse and any adjacent floodplain areas which are reasonably required to carry and discharge the floodwaters of a base flood and which must be kept free of development so the base flood can be carried without an increase in flood height. If the floodway is not identified, it is considered to be identical to the floodplain. Specifically, a floodway is defined as the stream channel plus any adjacent floodplain areas that must be kept free of development so the base flood can pass with no more than a 0.5 foot increase in the water surface elevation or the energy grade line, providing hazardous velocities are not produced for all rivers except the Roaring Fork River. The floodway for the Roaring Fork River is defined as the stream channel plus any adjacent floodplain areas that must be kept free of development so the base flood can pass with no increase in the water surface elevation or the energy grade line. However, for all rivers, in no instance shall the floodway-flood fringe boundary be closer than twenty-five (25) feet to the natural streambank.

3. Flood Fringe. The flood fringe means the area, encompassing that area between the outer boundary of the floodway and the outer limit of the “Special Flood Hazard Area (SFHA)”. (*am 11/13/07*)

4. Unmapped Flood Hazard (Zone D) The County Engineer may require a floodplain delineation for any development in a Zone D prior to issuance of any permits. Alternatively, a licensed engineer may provide written documentation that there is no reasonable risk of a 100-year floodplain in the area to be developed.

5. Areas of Shallow Flooding (AO/AH Zones). Located within the Special Flood Hazard Area established in the FO zone district, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident.

Areas of Shallow Flooding may also be subject to the above listed divisions of the Floodplain Overlay Zone District. Areas of Shallow Flooding are characterized by ponding or sheet flow; therefore, the following additional provisions apply: (*orig. 01/07/14*)

a. Residential Construction. All new construction and Substantial Improvements of residential structures must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a Colorado Licensed

Professional Engineer, Architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

b. Nonresidential Construction. With the exception of Critical Facilities, outlined in section 3-350 M, all new construction and Substantial Improvements of non-residential structures, must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified), or together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least one foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a Colorado Licensed Professional Engineer, Architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator that the standards of this Section, as proposed in section 3-350 N, are satisfied.

Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide flood waters around and away from proposed structures.

F. Regulations of Flood-Prone Areas. The provisions of this section shall apply to each Flood-Prone area as identified on the official map or maps listed in Section 3-350 D.

1. Floodplain Development Permit Required. No person shall engage in development of any kind, whether a conforming or nonconforming use or structure, within a Flood-Prone area without first obtaining a floodplain development permit or an exemption from a floodplain development permit from Eagle County Engineering.

2. Prohibited Uses. No development on or over any portion of a Flood-Prone area shall be permitted which alone, or cumulatively with other such activities, would cause or result in any of the following:

a. The storage or processing of materials that in time of flooding are buoyant, flammable, explosive, or otherwise potentially injurious to human, animal or plant life.

b. The disposal of garbage or other solid waste materials.

c. The potential of substantial solid debris or refuse being carried downstream by floodwaters. *(am 01/07/14)*

d. The increase in the level or likelihood of flooding on the property or on any other properties that may be impacted by the development.

3. Allowed Uses. The following uses shall be allowed within a Flood-Prone area:

a. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, and sod farming.

b. Private and public recreational uses, such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, target ranges, shooting preserves, trap and skeet ranges, hunting and fishing areas, fish hatcheries, and hiking, biking and equestrian trails, except that structures accessory to such uses shall not be located in a Flood-Prone area.

4. The Flood Hazard's Specific Extent Has Not Yet Been Determined. The specific extent of the flood hazard has not yet been determined in a flood-prone area. The boundaries of the flood-prone area are based on physical factors indicating flow and direction of water, historical flood experience, or other readily available data.

5. Determine if in Floodway or Flood Fringe. The flood hazard is of such significance that before any proposed development, other than those uses enumerated in subsection 3, of this section 3-350 F, may be permitted in any portion of such area, public health, safety and welfare require that a determination shall be made as to whether the site of the proposed development or activity is located within a floodway or flood fringe. The Floodplain Administrator shall make such determination promptly and as may be appropriate and practical. Any application for a permit to conduct development in a Flood-Prone area shall not be considered complete or be accepted unless and until it is accompanied by the results of studies necessary to determine whether the proposed development is located in a floodway or flood fringe. *(am 01/07/14)*

6. Technical Criteria. These floodplain studies shall meet the technical criteria established by the Colorado Water Conservation Board and the Federal Emergency Management Agency for the review and designation of floodplain delineation studies.

7. Notice of Floodway or Flood Fringe Determination. Upon receipt of the completed study and a determination by the Floodplain Administrator that such study is true and accurate; the Floodplain Administrator shall inform the applicant in writing whether the site of the proposed development or activity lies within any of the following: *(am 01/07/14)*

a. The floodway, in which case further processing of the application shall be governed by section 3-350 H, and the applicable provisions of this Section.

b. The flood fringe, in which case further processing of the application shall be governed by section 3-350 G, and the applicable provisions of this Section.

c. None of the above, in which case none of the provisions of the FO zone district shall have any further applicability to such application.

G. Regulations for the Flood Fringe. The provisions of this section shall apply to each flood fringe area as identified in one of the official FO zone district maps.

1. Floodplain Development Permit. No person shall engage in development of any kind, whether a conforming or nonconforming use or structure, within a flood fringe without first obtaining a floodplain development permit or an exemption from a floodplain development permit from Eagle County Engineering.

2. Stream Setbacks. When applicable, a floodplain development permit will only be issued if a variance from the Zoning Board of Adjustments pursuant to Section 5-260 or variation from the stream setbacks approved as part of Planned Unit Development pursuant to Section 5-240 has been obtained.

3. Prohibited Uses. No development or uses on or over any portion of the flood fringe shall be permitted which alone, or cumulatively with other such development or uses, would cause or result in any of the following:

a. The storage or processing of materials that in time of flooding are buoyant, flammable, explosive, or otherwise potentially injurious to human, animal, or plant life.

b. The disposal of garbage or other solid or liquid waste materials.

c. The potential of substantial solid debris or waste being carried downstream by floodwaters.

d. The construction or improvement of a structure, whether fixed or mobile, such that any external wall shall be not less than fifteen (15) feet from the stream side of the flood fringe.

e. The lowest floor, including the basement, of any such building or structure shall be not less than one (1) foot above the maximum base flood elevation. The lowest adjacent grade surrounding the structure shall be filled to at least the base flood elevation, compacted with slopes and protected by vegetated cover.

f. The lowest interior grade, including crawl spaces, shall not be lower than the base flood elevation.

4. Allowed Uses. The following uses shall be allowed within the flood fringe:

a. All Structures. The following subsection is applicable to all structures and uses provided that: (*orig. 01/07/14*)

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(5) All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(6) All new and replacement potable and non-potable water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system utilizing best management practices (BMPs), unless specific components of these systems require infiltration, such as supply intake structures;

(7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system utilizing best management practices (BMPs) and discharge from the systems into flood waters; and,

(8) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

b. Residential Structures. In addition to the requirements set forth in 3-350 G 4 a above, residential structures and uses are allowed provided that they meet the following additional requirements: *(am. 01/07/14)*

(1) Any residential structure, whether fixed or mobile, designed for human occupancy or the storage of property, shall be constructed, located or improved so that any external wall shall be not less than fifteen (15) feet from the stream side of the flood fringe.

(2) The lowest floor, including the basement, including all electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), of any such building or structure shall be not less than one (1) foot above the maximum base flood elevation. The lowest adjacent grade surrounding the structure shall be filled to at least the base flood elevation, compacted with slopes and protected by vegetated cover.

(3) The lowest interior grade, including crawl spaces, shall not be lower than the lowest adjacent grade.

(4) Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a Colorado Licensed Professional Engineer, Architect, or Land Surveyor. Such certification shall be submitted to the Floodplain Administrator.

c. Nonresidential Structures or Uses. Nonresidential structures or uses are allowed provided that: *(am. 01/07/14)*

(1) With the exception of Critical facilities, outlined in section 3-350 M, any nonresidential structure shall be constructed, located or improved so that any external wall shall be not less than fifteen (15) feet from the stream side of the flood fringe.

(2) Any nonresidential structure shall either have the lowest floor, including electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities

(including ductwork), including the basement, not less than one (1) foot above the BFE; or together with attendant utility and sanitary facilities shall be flood proofed so that below the computed BFE the structure is water tight with walls substantially impermeable to the passage of water; have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and be certified by an engineer or architect licensed in the State of Colorado that the standards of this subsection are satisfied. Any nonresidential structure shall be constructed by methods and practices that minimize flood damage, and shall be constructed with materials resistant to flood damage. Such certifications shall be submitted to the Floodplain Administrator or its designated representative and provide that where a non-residential structure is intended to be made watertight below the one (1) foot above the BFE, (i) a Colorado Licensed Professional Engineer or architect shall develop and/or review structural design, specifications, and plans for the construction and shall certify that the design and methods of construction are in accordance with current technical criteria, and (ii) a record of such certificate which includes the specific elevation (in relation to the appropriate datum) that the structures are flood proofed. Such certification shall be maintained by the Floodplain Administrator All flood proofing shall meet the current technical criteria set by the Colorado Water Conservation Board and the Federal Emergency Management Agency. Such certifications shall be provided to the Floodplain Administrator.

(3) In the event that floodwaters in the flood fringe can be expected to attain a velocity greater than three (3) feet per second (at any point where the proposed development is to occur), additional flood proofing shall be required sufficient to withstand such greater water velocity.

(4) Nonresidential uses including:

(a) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, and sod farming.

(b) Private and public recreational uses, such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, trap and skeet ranges, hunting and fishing areas, fish hatcheries, hiking, biking and equestrian trails.

(c) Open area residential uses such as lawns, gardens, parking areas, and play areas.

(d) Uses accessory to open space or uses for which a permit is required under the FO zone district.

(e) Railroads, streets, roads, bridges, utility lines and facilities, and structures for irrigation, drainage or flood control.

d. Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

Designs for meeting this requirement must either be certified by a Colorado Licensed Professional Engineer or Architect or meet or exceed the following minimum criteria:

(1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(2) The bottom of all openings shall be no higher than one foot above grade.

(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

e. Manufactured Homes. All manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of the above paragraph, shall be elevated so that either:

(1) The lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are one foot above the base flood elevation, or

(2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

H. Regulations for the Floodway. The provisions of this section shall apply to each floodway as identified on the official FO zone district maps.

1. Floodplain Development Permit. No person shall engage in development of any kind, whether a conforming or nonconforming use or structure, within the floodway without first obtaining a floodplain development permit or an exemption from a floodplain development permit from Eagle County Engineering.

2. Prohibited Uses. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, no development, encroachment, use, or alteration in, on, or over any part of the floodway shall be permitted which alone or cumulatively with other such uses would cause or result in: *(am. 01/07/14)*

a. The occupation of permanent or temporary structures.

b. The development or use of overnight campgrounds and travel trailer parks.

- c.** The storing or processing of materials that are buoyant, flammable, explosive, or otherwise potentially injurious to human, animal or plant life.
 - d.** Solid waste disposal sites and central collection sewage treatment facilities.
 - e.** The potential of solid debris (including, but not limited to garages, storage sheds, decks, fences, etc.) or waste (including, but not limited to septic systems, etc.) being carried downstream.
 - f.** An encroachment that would adversely affect the efficiency and capacity of the floodway or change the direction of flow or cause any increase in the base flood elevation or so as to cause foreseeable damage to others, wherever located.
 - g.** An encroachment, including fill, new construction, substantial improvements and other development unless certification by a Colorado Licensed Professional Engineer is provided demonstrating that encroachments shall not result in any increase in flood levels or velocities during the occurrence of the base flood discharge. The analysis shall be in accordance with standard engineering practice and a No-Rise Certification shall be submitted to the Floodplain Administrator.
- 3. Allowed Uses.** The following uses shall be permitted within the floodway to the extent that are not prohibited in a particular area by any underlying zoning district and only if they do not adversely affect the efficiency of the floodway, change the direction of flow or increase the BFE.
- a.** Agricultural uses such as general farming, grazing of livestock and horses, sod farming and wild crop harvesting.
 - b.** Uses accessory to residential uses including but not limited to lawns, open areas, gardens, driveways and play areas.
 - c.** Recreational uses not requiring permanent or temporary structures designed for human habitation.
 - d.** Road and highway structures and attached utilities. *(am. 01/07/14)*
 - e.** Stream restoration projects, such as fish habitat enhancements, bank stabilization, and wetland and riparian improvement projects. *(orig. 01/07/14)*
 - f.** Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, any of the allowed uses that encroach may be permitted within the adopted regulatory floodway that would result in an increase in Base Flood Elevations, provided that the applicant first applies for a CLOMR and floodway revision through FEMA. *(orig. 01/07/14)*
 - g.** Buried utilities. *(orig. 01/07/14)*
 - h.** Domestic and municipal intake structures. *(orig. 01/07/14)*
 - i.** Whitewater and recreation parks. *(orig. 01/07/14)*

I. Mobile Home Parks and Recreational Vehicle Parks. The provisions of this section shall apply to all mobile home parks and recreational vehicle parks currently in the FO zone district, or proposed to be in the FO zone district.

1. Anchors. Use of existing mobile homes within the floodway, the flood fringe or a flood-prone area may be continued as a nonconforming use provided, however, that any mobile home located within the floodway, the flood fringe and/or a flood-prone area shall be anchored to resist flotation, collapse or lateral movement in the event of flooding by providing over-the-top and frame ties to ground anchors. Specific requirements shall be as follows:

a. Over-the-top Ties. Over-the-top ties be provided at each of the four corners of the mobile home with two additional ties per side at intermediate locations, with mobile homes less than fifty (50) feet long requiring one additional tie per side.

b. Frame Ties. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with homes less than fifty (50) feet long requiring four additional ties per side.

c. Components. All components of the anchoring system be capable of carrying a force of 4,800 pounds.

d. Additions. Any additions to the home be similarly anchored.

2. New Mobile Homes in the Floodplain. Development of new mobile home parks, the expansion of any existing mobile home parks, the placement of any mobile homes outside a mobile home park within the floodway, flood fringe or a flood-prone area shall be prohibited.

3. Lowest Floor Above the BFE. All new mobile homes or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the mobile home is one foot above the BFE.

4. Recreational Vehicles. Recreational vehicles that meet the following conditions may be located in the flood fringe:

a. The recreational vehicle is located on the site for fewer than one hundred eighty (180) consecutive days.

b. The recreational vehicle is fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. (*am. 01/07/14*)

c. Meet the permit requirements of section 3-350 N, and the elevation and anchoring requirements for "manufactured homes" in section 3-350 G 4 e. (*orig. 01/07/14*)

J. Alteration of a Watercourse. For all proposed developments that alter a watercourse within a Special Flood Hazard Area, the following standards apply: (*orig. 01/07/14*)

1. Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.
 2. Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.
 3. Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable Federal, State and local floodplain rules, regulations and ordinances.
 4. Any stream alteration activity shall be designed and sealed by a Colorado Licensed Professional Engineer or Certified Professional Hydrologist.
 5. All activities within the regulatory floodplain shall meet all applicable Federal, State and FO zone district floodplain requirements and regulations.
 6. Within the Regulatory Floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a Floodway analysis and report, sealed by a Colorado Licensed Professional Engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions Floodway resulting from the project, otherwise known as a No-Rise Certification, unless the community first applies for a CLOMR and Floodway revision in accordance with section 3-350 H.
 7. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.
- K. Properties Removed from the Floodplain by Fill.** A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), unless such new structure or addition complies with the following: *(orig. 01/07/14)*
1. **Residential Construction.** The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill.
 2. **Nonresidential Construction.** The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill, or together with attendant utility and sanitary facilities be designed so that the structure or addition is watertight to at least one foot above the base flood level that existed prior to the placement of fill with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
- L. Subdivision Proposals.** All subdivision proposals including the placement of manufactured home parks and subdivisions shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage. *(orig. 01/07/14)*

1. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of section 3-350 N.
2. Base Flood Elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to section 3-350 C or section 3-350 D 1.
3. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

M. Critical Facilities. A Critical Facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Section 3-350 M 1, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood. (*orig. 01/07/14*)

1. **Classification of Critical Facilities.** It is the responsibility of the local government having jurisdiction to identify and confirm that specific structures in their community meet the following criteria:

Critical Facilities are classified under the following categories: (a) Essential Services; (b) Hazardous Materials; (c) At-risk Populations; and (d) Vital to Restoring Normal Services.

a. Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines.

These facilities consist of:

- (1) Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);
- (2) Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctor's offices, and non-urgent care medical structures that do not provide these functions);
- (3) Designated emergency shelters;
- (4) Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);
- (5) Public utility plant facilities for generation and distribution (hubs, treatment plants, municipal wells, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and

(6) Air Transportation lifelines (airports (municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

Specific exemptions to this category include wastewater treatment plants (WWTP) and appurtenant facilities, non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.

Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the local government having jurisdiction that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this article, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the local government having jurisdiction on an as-needed basis upon request.

b. Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.

These facilities may include:

- (1) Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
- (2) Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
- (3) Refineries;
- (4) Hazardous waste storage and disposal sites; and
- (5) Above ground gasoline or propane storage or sales centers.

Facilities shall be determined to be Critical Facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the

Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, AND the chemical(s) is stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a Critical Facility. The TPQ for these chemicals is: either 500 pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or 10,000 pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification," 40 C.F.R. § 302 (2010) and OSHA regulation "Occupational Safety and Health Standards,"

29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation this ordinance, but exclude later amendments to or editions of the regulations

Specific exemptions to this category include:

- (6) Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.
- (7) Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public.
- (8) Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

These exemptions shall not apply to buildings or other structures that also function as Critical Facilities under another category outlined in this section.

- c. At-risk population facilities include medical care, congregate care, and schools.

These facilities consist of:

- (1) Elder care (nursing homes);
- (2) Congregate care serving 12 or more individuals (day care and assisted living);
- (3) Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children);

- d. Facilities vital to restoring normal services including government operations.

These facilities consist of:

- (1) Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);
- (2) Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

These facilities may be exempted if it is demonstrated to the local government having jurisdiction that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this ordinance, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a

flood. Evidence of ongoing redundancy shall be provided to the local government having jurisdiction on an as-needed basis upon request.

2. Protection for Critical Facilities. All new and substantially improved Critical Facilities and new additions to Critical Facilities located within the Special Flood Hazard Area shall be regulated to a higher standard than structures not determined to be Critical Facilities. For the purposes of this section, protection shall include one of the following:

a. Location outside the Special Flood Hazard Area; or

b. Elevation of the lowest floor or floodproofing of the structure, together with attendant utility and sanitary facilities, to at least two feet above the Base Flood Elevation.

3. Ingress and Egress for New Critical Facilities. New Critical Facilities shall, when practicable as determined by the local government having jurisdiction, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

N. Floodplain Development Permit. A floodplain development permit shall be obtained from the Floodplain Administrator before the start of construction or development within the FO zone district. (*am. 01/07/14*)

1. Contents of Floodplain Development Permits. Applications for floodplain development permits are to be submitted to the Floodplain Administrator and shall include the following information as applicable:

a. Application Form. A completed application form with all necessary information completed.

b. Site Plan. A plan at a scale of 1"=200' or as approved by the Floodplain Administrator, stamped by an engineer licensed in the State of Colorado, which includes:

(1) The site location.

(2) A legal description of parcel.

(3) Base flood limits and water surface elevations in relation to mean sea level.

(4) Floodway limits.

(5) Channel of watercourse.

(6) Existing and proposed contours or elevations at no more than 2' intervals in relation to mean sea level. (*am. 01/07/14*)

(7) Existing and proposed structures, with the lowest floor elevations (including basements and garages) of each structure.

(8) Proposed elevations in relation to mean sea level to which structures will be flood proofed (if applicable). *(am. 01/07/14)*

(9) Location and elevations in relation to mean sea level of existing streets, water supply, and sanitation facilities. *(am. 01/07/14)*

(10) Limits and total land area of all existing and proposed impervious surfaces, including structures.

(11) Existing water supply ditches, irrigation ditches and laterals.

(12) All maps shall comply with the National Map Accuracy Standards.

c. Channel Cross-Section. A typical cross-section showing:

(1) The channel of the watercourse.

(2) Limits of floodplain adjoining each side of channel.

(3) Cross-section area to be occupied by the proposed development.

(4) Existing and proposed base flood elevations.

d. Construction Specifications. Specifications for construction and materials of buildings, flood proofing, filling, dredging, grading, channel improvements, storage of materials, water supply, and sanitation facilities as applicable.

(1) **Floodproofing Certificate.** If applicable, a certificate from a Colorado Licensed Professional Engineer or Architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 3-350 G 4 b. *(am. 01/07/14)*

e. Alteration of Water Course. Description of the extent to which any water course will be altered or relocated as a result of the proposed development.

f. Floodway Floodplain Development Requirements. If development is proposed in a floodway then a floodway analysis by a Colorado Registered Licensed Engineer must be completed using methodology acceptable to the Federal Emergency Management Agency and Colorado Water Conservation Board and must meet the following guidelines: *(am. 01/07/14)*

(1) If a detailed hydraulic floodway analysis has not been performed, the responsibility for determining the floodway boundary rests with the floodplain development permit applicant. The need for a detailed hydraulic floodway analysis shall be the decision of the Floodplain Administrator.

(2) The Floodplain Administrator may require that the detailed hydraulic floodway analysis be based on the identical hydraulic model which was used to develop the engineering study currently adopted by the Board of County Commissioners, if available. The applicant should obtain,

through the Floodplain Administrator, a copy of the input data representing the computer model used for the effective flood hazard study if available.

(3) The model must then be updated to existing hydraulic conditions to determine what increase in the 100 year water surface elevation levels have already been achieved by development since the floodplain was established.

(a) Alternate floodway configurations may then be analyzed based on methods as outlined in the current U.S. Army Corps of Engineers HEC-RAS Water Surface Profiles Users Manual and submitted to the Floodplain Administrator for review and approval.

(b) Approval will be based on demonstration that the cumulative effects of the proposed development, plus the effects of development since the original flood hazard area was established, does not cause a rise in the base flood elevation.

(c) At the Floodplain Administrator's discretion, where a regulatory floodway has been designated, it may not be necessary to determine the cumulative effects of existing development.

(4) Floodway boundary configurations will be examined and approved by the Floodplain Administrator. The following specific information, for the stream reach 1000 feet upstream and 1000 feet downstream from the proposed encroachment, must be submitted:

(a) A copy of the printout for the hydraulic computer model representing the base flood profile run for conditions existing at the time the currently effective floodplain was developed. The printout must include the full input and output listing.

(b) A copy of the printout from the hydraulic computer model representing the floodway run for the proposed floodway configuration and including developments and other hydraulic changes within the floodplain since the currently effective floodplain was established. The printout must include the full input and output listing with all input changes from the original model highlighted.

(c) A copy of the floodway data table representing data for the proposed floodway configuration.

(d) A copy of the currently effective official engineering study showing the existing floodplain and the proposed floodway configuration.

(e) Certification from a Colorado Licensed Professional Engineer that the proposed floodway configuration, in combination with current floodplain hydraulic conditions, meets FEMA and CWCB requirements when evaluated against flood elevations established when the original floodplain study was completed.

(f) Electronic copies of all aforementioned data and model input files of this section shall be submitted on a suitable medium. *(am 11/13/07)*

g. Report. An engineering report addressing those standards set forth in this section, signed and sealed by a Colorado Licensed Professional Engineer.

2. Standards for Permit Review.

a. Completeness. No later than (10) days following receipt of a completed application for a floodplain development permit, the Floodplain Administrator shall:

(1) Determine and set a fee in an amount necessary to cover the costs incurred in the review and approval or disapproval of the permit application, including all hearings, copying, mailings, publications, labor, overhead, consultants, experts, and attorneys that the county deems necessary, and shall notify the applicant in writing of the amount of the fee. Until the fee is paid to the Floodplain Administrator, the application for the floodplain development permit shall not be further processed.

(a) Floodplain Development Permit (Minor Fee). For Floodplain Development Permits that are entirely within the flood fringe only, are for a single structure or of a simple nature, and do not require a detailed hydraulic analysis, the minor permit fee shall apply.

(b) Floodplain Development Permit (Major Fee). For all other Floodplain Development Permits, the major permit fee shall apply.

(2) Determine if the application is complete. If the application is not complete the Floodplain Administrator shall in writing notify the applicant of the deficiency of the application. Until the information is submitted to the Floodplain Administrator, the application for the floodplain development permit shall not be further processed.

(3) The amount of the fee may be increased at any time if it is determined by the Floodplain Administrator that the fee is not sufficient to cover all costs associated with the floodplain development permit.

b. Review of Application. Once the application is complete and the fee is paid, the Floodplain Administrator shall within thirty (30) days either:

(1) Approve the application and grant a permit if the proposed development complies with these regulations. The Floodplain Administrator may attach such permit conditions as deemed necessary in furthering the purpose of the FO zone district.

(2) Deny the application if the proposed development does not comply with the regulations of the FO zone district. The decision of the Floodplain Administrator shall state, in writing, reasons for the decision and shall be given to the applicant.

c. Factors determining permit issuance. Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

(1) The danger to life and property due to flooding or erosion damage;

- (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (3) The danger that materials may be swept onto other lands to the injury of others;
- (4) The compatibility of the proposed use with existing and anticipated development;
- (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- (7) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- (8) The necessity to the facility of a waterfront location, where applicable;
- (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (10) The relationship of the proposed use to the comprehensive plan for that area.

d. Permit Issued Only for Allowed Use. A floodplain development permit shall not be issued unless the proposed development complies with the standards and uses allowed in the FO zone district and will not otherwise violate the purposes and intent of these Floodplain Regulations.

e. Determination of Flood Hazard. In reviewing an application for a floodplain development permit, the Floodplain Administrator shall determine the specific flood hazard at the site and shall evaluate the suitability of the proposed use in relation to the flood hazard.

f. Other Permits and Approvals. The floodplain development permit applicant must obtain all other necessary permits and approvals from which approval is required by local, Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

g. Issuance of Permit. If the Floodplain Administrator determines that the application for a floodplain development permit meets the purposes and requirements of this Section, the floodplain development permit shall be issued, with the attachment of any conditions as deemed necessary to further the purposes of this Section. Such conditions may include, but are not limited to, specifications for modification of waste disposal methods and facilities, landscaping, periods of operation, operational controls, sureties, deed restriction, and adequate flood proofing.

h. Maintain Records. All floodplain development permits will be maintained and copies will be stored for future referral.

3. Building Permit. The Chief Building Official shall not issue any permit for, nor shall the Planning Director allow any use involving any building, structure, or other development within the FO zone district unless a floodplain development permit has been granted for the development.

4. Permit Expiration. A floodplain development permit shall expire two years after the date of issuance if the permittee has not commenced construction under the permit.

5. Waiver of Submission Requirements. The Floodplain Administrator may waive any part but not all of the submission requirements imposed by the FO zone district upon petition by the applicant that a portion of the submission requirements is inapplicable to the development for which the permit is sought, and/or full compliance with the submission requirements would be unreasonable burdensome for the applicant and that the proposed development will have an insubstantial impact on the surrounding area. Such a waiver may be granted, after due consideration by the Floodplain Administrator, upon written determination that the information to be submitted is sufficient for the Floodplain Administrator to arrive at a permit decision in full compliance with the law and these Floodplain Regulations and that the proposed development will have an insubstantial impact on the surrounding area.

6. Notice to Purchaser or Lessee. In addition to the provisions set forth in the Administrative Regulations, in the event that a permit issued under these Floodplain Regulations allows a structure to be located in a floodplain, the terms of the permit shall require notice that the structure is being located in a floodplain and must be disclosed to the purchaser or lessee in the purchase contract, deed or lease.

7. Permit Conditions. The Floodplain Administrator may attach such conditions to granting of a permit for proposed development in the floodway, the flood fringe or a flood-prone area, as he deems necessary in furthering the purposes of these Floodplain Regulations. Such conditions may include, but not be limited to, specifications for modifying waste disposal and water supply facilities, landscaping, deed restrictions, or adequate flood proofing.

O. Floodplain Variances. The provisions of this section shall apply to requests for variances from the requirements of the flood overlay zone district. For the purpose of this section, the Zoning Board of Adjustment shall serve as the Appeal Board. (*orig. 01/07/14*)

1. The Appeal Board shall hear and render judgment on requests for variances from the requirements of this ordinance.

2. The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

3. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

4. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

6. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed

below the base flood level, providing the relevant factors in Section 3-350 K have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

7. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance as stated in Section 3-350 K.

8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

9. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

10. Prerequisites for granting variances:

a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

b. Variances shall only be issued upon:

(1) Showing a good and sufficient cause;

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant, and

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(4) A determination that the granting of a variance is necessary to avoid a direct conflict with the terms and conditions of any state or federal permit, provided, that, any requirement in this Floodplain Overlay Zone District Section that is more stringent than a state or federal permit term or condition, than the Floodplain Overlay Zone District Section shall take precedence.

c. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the Base Flood Elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

11. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a Functionally Dependent Improvement provided that:

a. The criteria outlined in Section 3-350.O are met, and;

b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.