

ORDINANCE NO. 19
(Series of 1999)

AN ORDINANCE OF THE TOWN OF EAGLE, COLORADO, AMENDING THE ZONE DISTRICT MAP OF THE TOWN OF EAGLE BY APPROVING A PLANNED UNIT DEVELOPMENT WITHIN THE TOWN OF EAGLE TO BE KNOWN AS THE NOCK PLANNED UNIT DEVELOPMENT.

WHEREAS, by Title 4 of the Eagle Municipal Code, the Town of Eagle enacted a comprehensive zoning and subdivision ordinance for the Town; and

WHEREAS, the Board of Trustees has received an application by Nock Flyfishing, LLC, a Colorado limited liability company ("Applicant"), to amend the zone district map in the particulars hereinafter set forth; and

WHEREAS, public notice has been given as required by Section 4.03.060 of the Eagle Municipal Code; and

WHEREAS, a public hearing on said application was held on January 26, 1999, as required by Chapter 4.11 of the Eagle Municipal Code; and

WHEREAS, the Board of Trustees finds and determines that the Applicant has provided sufficient evidence that the proposed planned unit development is desirable because one or more of the criteria set forth in Section 4.11.020 of the Eagle Municipal Code have been met; and

WHEREAS, the Board of Trustees finds and determines that the Applicant has met his burden of providing evidence that the proposed planned unit development is in general conformity with the Town's goals, policies, and comprehensive plan, and that the Applicant has met his burden of providing evidence that the area in question possesses geological, physiological, and other environmental conditions compatible with and characteristics of the uses requested, and compatible with surrounding land uses, and that the advantages of the planned unit development requested outweigh the disadvantages of such requested zoning designation.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO:

Section 1. That Chapter 4.04 of the Eagle Municipal Code, as well as the zone district map of the Town of Eagle, established by and incorporated into said Chapter, be and the same hereby is, amended so as to provide that the following described property situate in the Town of Eagle, County of Eagle, and State of Colorado, to-wit:

Nock Subdivision, Town of Eagle, County of Eagle, State of Colorado

be, and the same hereby is, re-zoned Planned Unit Development (P.U.D.). The zoning densities, uses, and their general locations shall be those depicted in the previously approved P.U.D. Zoning Plan and PUD Development Plan for the Nock Planned Unit Development and the P.U.D. Guide. All requirements established in Title 4 of the Eagle Municipal Code for single-family and commercial uses shall be applicable, except as modified by the P.U.D. Guide for the Nock Planned Unit Development, contained within a document dated June 22, 1999, submitted to the Town of Eagle, which is hereby incorporated herein by this reference. The zoning designation herein approved is specifically conditioned upon the owner's and Applicant's full compliance with said PUD Guide, Zoning Plan, Development Plan, and with the Subdivision Agreement concerning the Nock Subdivision, entered into between the Town of Eagle, Colorado, and Nock Fly-fishing, LC, which is hereby incorporated herein by this reference.

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Section 2. Upon adoption of this Ordinance, the zoning amendment herein contained, shall be promptly entered on the appropriate page of the official zone district map, showing general location, effective date, and nature of the change. One copy of the approved application, including the PUD Zoning Plan, Development Plan and PUD Guide, shall be retained in the records of the Building Official, in order to insure that development proceeds in conformance with the requirements of the approved zone district designation and this Ordinance.

Section 3. Within 30 days after the approval of this Ordinance, the Town Clerk, on behalf of the Town of Eagle, Colorado, is directed to:

(A) File one copy each of the PUD Zoning Plan, Development Plan, the PUD Guide, and the original of this ordinance in the office of the Town Clerk of Eagle, Colorado;

(B) File one copy of the approved PUD Zoning Plan, Development Plan and the PUD Guide in the office of the Eagle County, Colorado, Assessor; and

(C) File for record one certified copy of this Ordinance, one certified copy of the PUD Zoning Plan, one certified copy of the Development Plan, and one certified copy of the PUD Guide, with the Clerk and Recorder of Eagle County, Colorado.

INTRODUCED, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED at a regular meeting of the Board of Trustees of the Town of Eagle, Colorado, held on June 22, 1999.

TOWN OF EAGLE, COLORADO,

By: Roni Hancock
Mayor

COLO ATTEST:

Maudie Miller
Town Clerk

Publication Date:

August 6, 1999

Trustee Heicher introduced, read and moved the adoption of the ordinance titled,

AN ORDINANCE OF THE TOWN OF EAGLE, COLORADO, AMENDING THE ZONE DISTRICT MAP OF THE TOWN OF EAGLE BY APPROVING A PLANNED UNIT DEVELOPMENT WITHIN THE TOWN OF EAGLE TO BE KNOWN AS THE NOCK PLANNED UNIT DEVELOPMENT.

and upon adoption that it be published pursuant to law and recorded in the Book of Ordinances.



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Trustee Stavney seconded the motion. On roll call, the following

Trustees voted "Aye":

Deane, Boyd

Heicher, Stavney

Trustees voted "Nay":

Ehrenberg

Absent - Hasbrouck & Gregg



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PLANNED UNIT DEVELOPMENT GUIDE

THE TRIANGLE PARCEL

(REVISED 1-6-99)

(REVISED 1-6-99)

A. Statement of Intent

To provide for a small lot, low impact commercial - residential development within the Town of Eagle.

B. Uses-By-Right

- 1) One single family residential dwelling including associated accessory uses such as fences, hedges, gardens, walls, and other landscaping features.
- 2) Attached or detached garage for up to three vehicles. Garage will not exceed 1,000 square feet in size.
- 3) Commercial, service, and/or retail business.
- 4) Open space or greenbelt.
- 5) Offices
- 6) Seasonal Food Service as an accessory use to a commercial, service, or retail business.
- 7) Classes related to the on-site business.

C. Building Height

The garage (Section B.2); the commercial, service, and/or retail business (Section B.3), and the offices (Section B.5) shall be limited to one-story structures and shall not exceed twenty-five (25) feet in height from the finished grade to the roof peak.

If the residence (Section B. 1) is a one-story structure on all sides, the maximum height shall be twenty-five (25) feet from the finished grade to the roof peak. However, all or part of the southerly facing (river) side of the residential dwelling may be two stories in height from the finished grade as long as all of the two-story portion of the dwelling is fronted by a covered deck a minimum of six (6) feet in width. The maximum height for a two-story structure shall be thirty-five (35) feet in height from the finished grade to the roof peak.

D. Building Area

- 1) The maximum floor area square footage for the residential dwelling referenced in B.1. shall be 1,800 square feet of enclosed area at ground level and up to 3,000 square feet of total enclosed area with the construction of a basement, not including the area of an attached garage.
- 2) The maximum floor area square footage of the commercial, service, and/or retail business referenced in B.3. shall be 1,400 square feet.

E. Lot Coverage

- a) Buildings: Up to 20% of the total lot may be covered by permanent structures.
- b) Total Impervious Coverage: Up to 35% of the total lot may be covered by permanent structures, driveways, parking areas, and other impervious materials.

F. Minimum Distance Between Structures

The minimum distance between structures shall be 10 feet measured wall to wall.

G. Building Envelope

The building envelope for the property shall consist of the following setbacks from the property lines, or as otherwise delineated on the approved site plan.

- 1) Setback from the northerly property line shall be 7.5 feet.
- 2) Setback from the front property line (Eagle Access Road) shall be 25.0 feet.
- 3) A 50-foot setback will be maintained from the high water mark of the Eagle River as shown on the approved site plan.
- 4) Any convenience fences or walls shall be constructed within the building envelope. However, the existing fences along the northerly and easterly boundary lines, or reasonable replacements thereof, shall be allowed.
- 5) With the exception of the access driveway/parking area connection to the Eagle Access Road, all impervious coverage shall remain within the boundary of the building envelope.

H. Signage

- 1) The commercial building as shown on the approved site plan shall be allowed one flat wall sign or projecting sign, and one freestanding sign.
- 2) The flat wall sign or projecting sign shall have a maximum sign area of thirty (30) square feet and a maximum height of twenty (20) feet above the finished grade at the location of the sign.
- 3) The freestanding sign shall have a maximum sign area of 30 square feet and a maximum height of five (5) feet.
- 4) No sign shall be located in a rear yard.

I. Fences

- 1) Fencing, walls, and other barrier methods may be employed for screening and security purposes.
- 2) All fencing materials shall be compatible with the design and structural concepts for the project. Chain link fencing shall not be used for fencing or screening.
- 3) The maximum height of fencing material shall be eight (8) feet.

J. Lighting

- 1) Exterior security lighting shall be allowed along drives and parking areas and adjacent to and attached to all structures. All exterior lighting shall be directed downward or shielded such that spill and glare does not adversely affect the Eagle Access Road and adjacent properties. The styles of all exterior lighting shall be compatible with the stated architectural themes.
- 2) All lighting for the project shall be in conformance with the Town of Eagle Lighting Standards in effect at the time of building permit application for each building.

K. Parking

- 1) A minimum of one (1) covered space shall be provided for the residential dwelling. A minimum of three (3) spaces shall be provided for the residential dwelling.
- 2) A minimum of six (6) spaces (uncovered) shall be provided for the commercial-service-retail business.

- 3) The parking area shall be paved within two years of the issuance of a T.C.O. for the site.

L. Storage

- 1) Trailers, campers (whether on a truck or one which can be towed), snowmobiles, boats, and related recreational equipment and snow removal equipment may be stored outside, but shall be unseen or hidden from the Eagle Access Road and U.S. Highway No. 6.
- 2) Contractor material and equipment for on-site construction use may be stored or kept on the property while in use, and need not be screened. However, contractor storage of non-functional equipment or materials which will not be used on-site is not allowed.

M. Open Space / Landscaping

- 1) A minimum of 20% of the project shall remain as designated private open space. The majority of the open space area will be retained in its natural, undisturbed condition.
- 2) Parcel 5B, the portion of the subject property south of the Eagle River, has been designated as open space on the final approved site plan.
- 3) Maintenance of the open space areas will be provided by the owners.
- 4) Areas to be landscaped will be as shown on the final approved Landscaping Plan. Location and quantity of planting materials will be as designated on this plan. The Landscaping Plan will be designed to control erosion, direct drainage, limit other physical damage to the property, and provide visual enhancement and screening on the property.

O. Architectural Materials

The siding materials on all permanent structures shall consist of natural looking materials such as log, cedar, stucco or wood siding. River rock and log accents shall be allowed as well. The intent is to allow the structures to blend into the natural landscape of the region.

Roof materials will consist of asphalt, cedar shake, or non-reflective metal in earth tone colors.

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