



The Town of Eagle

Box 609 • Eagle, Colorado 81631
(970) 328-6354 • Fax 328-5203

Meetings:
2nd and 4th Tuesdays

AGENDA
Planning & Zoning Commission
Tuesday, July 19, 2016
6:00 P.M.

Public Meeting Room / Eagle Town Hall
200 Broadway
Eagle, CO

This agenda and the meetings can be viewed at www.townofeagle.org.

ITEM

6:00pm – CALL TO ORDER

APPROVAL OF MINUTES – July 5, 2016

PUBLIC COMMENT

Citizens are invited to comment on any item not on the Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person.

CONTINUED PUBLIC HEARINGS

| | | |
|----|----------------|--|
| 1. | Project: | Revisions to Section 4.03.040 - Definitions and Section 4.04 - Zoning of the Town of Eagle Land Use & Development Code |
| | File #: | LURA16-01 |
| | Applicant: | Town of Eagle |
| | Location: | N/A |
| | Staff Contact: | Matt Farrar (Assistant Town Planner) |
| | Request: | <p>1. Revise Section 4.03.040 to define dog daycare facility. <i>(Staff requests continuation to September 6, 2016)</i></p> <p>2. Revise Section 4.04.070 to define regulations for dog daycare facilities. <i>(Staff requests continuation to September 6, 2016)</i></p> <p>3. Revise Section 4.04.070 to modify regulations for indoor recreation facilities. (Approved by Board of Trustees – April 26, 2016)</p> <p>4. Revise Section 4.04.070 to define regulations for marijuana testing facilities.</p> <p>5. Revise Section 4.04.100 to modify regulations regarding medical and retail marijuana cultivation facilities and infused-product manufacturing facilities and to expand the area in the Town of Eagle where these uses are permitted.</p> |

ITEM

TOWN BOARD OF TRUSTEES MEETING REVIEW

Staff update to the Planning & Zoning Commission on recent decisions made by the Board of Trustees on various Land Use files.

1. Joint PZ/Board Work session

OPEN DISCUSSION

ADJOURN



**Planning and Zoning Commission
Meeting Minutes
July 5, 2016**

PRESENT

Jamie Harrison
Stephen Richards
Jason Cowles
Jesse Gregg
Max Schmidt

STAFF

Matt Farrar – Assistant Town Planner
Danielle Couch – Administrative Assistant
Kevin Sharkey – Assistant Town Engineer
Carla Nelson – Administrative Assistant

ABSENT

Cindy Callicrate
Charlie Perkins
Donna Spinelli

This meeting was recorded and the CD will become part of the permanent record of the minutes. The following is a condensed version of the proceedings written by Danielle Couch.

CALL TO ORDER

The regular meeting of the Planning and Zoning Commission held in the Eagle Town Hall on July 5, 2016, was called to order by Jason Cowles at 6:03 p.m.

APPROVAL OF MINUTES

Harrison asked if the Commissioners had any comment regarding Eagle County's conceptual development plan for the County owned property in West Eagle. The Commission agreed to add to the minutes that the Commission encouraged the County to involve the neighbors and the Forest Service early in the process. Harrison then moved to approve the minutes of the June 21, 2016, Planning & Zoning Commission Meeting with corrections. Richards seconded. The motion passed unanimously. Cowles abstained from the vote because he was absent from the meeting.

PUBLIC COMMENT

None

LAND USE PUBLIC HEARINGS

DR16-03 Sylvan Circle Development Plan

Cowles opened File DR16-03, Sylvan Circle Development Plan, located at 58 Sylvan Lake Road, a 42-Unit Townhouse development on 4.67 acres. This application was reviewed at the June 21, 2016, Planning & Zoning Commission Meeting and continued to this hearing to address comments provided by Staff and the Commission.

Staff Comments:

- Add additional landscaping to further screen the development from adjacent roadways. Staff suggested the addition of a couple more evergreens in the northeast and southwest landscape areas that may help provide better year round screening.
- Addition of benches and shade trees along the creek side path.
- Removal of patios from water and sewer easements and buffer patios from adjacent roadways.
- Highway 6 deceleration lane and restriping of Sylvan Lake roundabout.
- Address off site storm water.
- Lighting of pedestrian crossing. There are existing lights in the roundabout but will need additional lights in the crosswalk which are shown in the revised plans. Additional illumination may be needed on the opposite side of the crosswalk, which may be either the responsibility of the applicant or the Town.
- 10-foot wide path.
- Dedication of open space easement.
- Revise sewer main design.
- Placement of trees needs to be outside of water and sewer easements.

Planning Commission Comments:

- Add evergreens along Highway 6.
- Provide additional sections through development.

Staff believes that the project is in compliance with the Town's ordinances, regulations, goals, policies and plans; the Sylvan Lake Roundabout PUD Guide; the Town of Eagle Land Use & Development Code; and the Eagle Area Community Plan. Additionally, Staff believes that the applicant has addressed the major concerns raised by Staff and the Planning and Zoning Commission and any remaining issues can be resolved at the Board of Trustees level. Staff recommends approval of the file with the following conditions:

1. Public Works approval of remaining details related to water and sewer distribution and easements.
2. Construction of any units located in the existing floodplain shall only be permitted upon approval of floodplain revision by FEMA.
3. Positive determination of adequate public facilities.

Applicant Jonathon Warner presented the revised landscape and architectural plans, highlighting the revised landscaping in the buffer areas and explaining that 50% of the deciduous trees were replaced with evergreens; the addition of two guest parking spaces; the total number of trash receptacles were reduced by two; new site sections for Buildings B and C; and explained that the open space landscape plan exceeds the open space requirement by nine trees and 11 native shrubs. The applicant explained that they are requesting a variance to the required landscape setback in order to provide stacked parking behind the units with room to move the landscape buffer toward Highway 6.

Kevin Sharkey, Assistant Town Engineer, noted that there were questions related to Highway 6 access from the development and that the Town's traffic consultant, Bill Fox, was present to speak to those concerns. There will be an extension of the island in Highway 6 approaching the roundabout to create a right-in/right-out. The applicant is working with the fire department on this access change.

Staff and the Commission had requested that restriping of the roundabout be evaluated to determine if the roundabout could accommodate an additional thru lane and the addition of a deceleration lane on Highway 6 approaching the proposed development. Fox spoke to both of these concerns and stated that the roundabout is projected to operate at a Level of Service "A" up to 20 years into the future and although it was designed to expand to accommodate 2 lanes in the future, it is not needed at this time. Also, based on the applicant's submitted traffic study, traffic volume would need to more than triple to warrant a deceleration/acceleration lane. The report showed that only 10% of residents in the new development would utilize the Highway 6 access and though Fox agreed that 10% sounds like a low number, he maintained that an additional lane is not necessary.

Gregg raised concern with the landscaping along Highway 6, particularly with regard to its proximity to the road and potential impacts from passing snowplows and leaching of magnesium chloride from road deicing treatments. The applicant did speak with the landscape architect about those items and a guardrail on the roadside would help protect the landscaping. The applicant noted that there are space constraints between the roadway and existing utilities which necessitates that the landscape area be located in the right of way. The Commission agreed that they would like the landscaping out of the right of way in order to make it more permanent and prolong its longevity and offered ideas including installing a berm and smaller trees (similar to Arrowhead), installing a planter, curb or retaining wall, moving existing utilities, and making landscape replacement a requirement of the HOA. The applicant is open to any and all possibilities and will work with the landscape architect to redesign the area. The Commission agreed that landscaping should be a condition of approval and is comfortable with Staff finalizing the details.

Cowles opened public comment and hearing none, closed public comment.

Cowles noted that at the previous meeting there had been a lot of conversation about water quality and thought the Commission should also consider protection of riparian areas along Brush Creek. Cowles suggested installation of a split rail fence to help designate specific access points from the development to Brush Creek. The applicant is open to installing fencing to help identify access points and believes the creek access is an amenity for residents. Gregg also suggested installing thorny bushes to help deter access through undefined points.

Additional concerns raised by Cowles included the unpaved trail through the area and the apparent lack of functional outdoor space. Farrar stated that it may be a while until that path connects to the Town's trail system and to pave this section now would be premature. The path is a requirement of the PUD and leaving the section built but unpaved is a good intermediate solution. The applicant responded regarding open space and stated that each unit has at least one outdoor living space (patio and/or deck). The Commission suggested giving a buyer's option to install fencing around their private outdoor spaces; the applicant would prefer a landscaping solution.

Harrison made a motion to approve file DR16-03, finding that the development plan is in compliance with the Town's ordinances, regulations, goals, policies, and plans and that any adverse impacts resulting from the proposed development are adequately mitigated to minimize such impacts, and that the approval be conditioned on the following:

1. Final review of the landscape plan by the staff. The landscape plan to address landscaping along Highway 6 to try to ensure its longevity and also to include either landscaping or fencing along Brush Creek to limit access to designated points along Brush Creek.
2. Public Works approval of remaining details related to water and sewer distribution and easement concerns.
3. No units will be constructed in a floodplain, with the understanding that the definition of floodplain may be and will be, hopefully, changed in the future.
4. Final positive determination of adequate public facilities.

Richards seconded the motion.

Farrar noted that the Commission had not discussed the additional lighting at the crosswalk on Sylvan Lake Road but felt that it may be onerous to require the applicant to light both sides of the crossing. Harrison believes that pedestrian traffic will increase; Cowles thought that a single light at the crossing would be adequate. Richards stated that the Town deciding to install additional lighting would be a decision for the Board of Trustees and was satisfied with the motion and the stated conditions.

The motion was unanimously approved with conditions.

Cowles closed File DR16-03.

TOWN BOARD OF TRUSTEES MEETING REVIEW

1. Colorado Slab & Tile – Special Use Permit was approved with the conditions that the Planning Commission recommended.
2. Boyz Toyz – continued to July 12 meeting.

OPEN DISCUSSION

There was a discussion about the status of the 404 Permit for the Eagle River Park. In addition there was discussion about the RFQ/RFP for the

Eagle River Park and discussion regarding the Special Use Permit for the River Park being requested by Eagle County.

ADJOURN

Harrison made a motion to adjourn the meeting. Schmidt seconded. The motion passed unanimously. The meeting was adjourned at 7:47 p.m.

Date

Jason Cowles – Planning and Zoning Commission Chair

Date

Danielle Couch – Administrative Assistant



The Town of Eagle

Box 609 • Eagle, Colorado 81631
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Meetings:
2nd and 4th Tuesdays

CERTIFICATE OF RECOMMENDATION

TO: Planning & Zoning Commission

FROM: Department of Community Development

DATE: July 19, 2016

PROJECT NAME: Revisions to Section 4.03.040 - Definitions and Section 4.04 - Zoning of the Town of Eagle Land Use & Development Code.

FILE NUMBER: LURA16-01

APPLICANT: Town of Eagle

APPLICABLE SECTION(S) OF MUNICIPAL CODE: Section 4.03, Section 4.04 & Section 5.15

EXHIBIT(S): A. Proposed revisions to Section 4.03.040 – Definitions & proposed revisions to Section 4.04 – Zoning

STAFF CONTACT: Matt Farrar (Assistant Town Planner)

REQUEST(S):

1. Revise Section 4.03.040 to define dog daycare facility.
(Staff requests continuation to September 6, 2016)
2. Revise Section 4.04.070 to define regulations for dog daycare facilities.
(Staff requests continuation to September 6, 2016)
3. ~~Revise Section 4.04.070 to modify regulations for indoor recreation facilities.~~ *(Approved by Board of Trustees – April 26, 2016)*
4. Revise Section 4.04.070 to define regulations for marijuana testing facilities.
5. Revise Section 4.04.100 to modify regulations regarding medical and retail marijuana cultivation facilities and infused-product manufacturing facilities and to expand the area in the Town of Eagle where these uses are permitted.

DISCUSSION:

The following Land Use & Development Code amendments were continued from the Planning Commission's June 7, 2016 hearing:

1. Dog Daycare Facilities:

The discussion on the proposed Code amendments related to dog daycare facilities was continued from the Planning Commission's June 7, 2016 hearing to the July 19, 2016 hearing. At the Planning Commission's hearing on May 3, 2016, there was a robust discussion about the proposed Code amendments between the Planning Commission, staff and local business owners. The Planning Commission requested that staff research any federal and state regulations related to these types of facilities, as well as research related land use regulations from other communities.

Staff is still working on completing this research and would request that the hearing on the Code amendments related to dog daycare facilities be continued to the Planning Commission's meeting on September 6, 2016.

2. Marijuana Regulations:

Per the discussion at the Planning Commission's meeting on May 3, 2016, Staff has revised the proposed Code amendments to:

- Maintain the limit on Medical and Retail Stores and Cultivation facilities to one (1) per 5,000 people in the town of Eagle or fraction thereof.
- Create an expanded area along Chambers Avenue where both Medical and Retail marijuana Infused-Products Manufacturing facilities and Testing facilities would be permitted.
- Allow for two (2) Medical Marijuana Infused-Products Manufacturing facilities and two (2) Retail Infused-Products Manufacturing facilities per 5,000 people in the town of Eagle or fraction thereof.
- Allow for one (1) Marijuana Testing facility per 5,000 people in the town of Eagle or fraction thereof.
- Remove the "Penalty for Violation" for Special Use Permit violations for Medical and Retail Marijuana businesses.
- Define hours of operation for medical and retail marijuana businesses as 8am – 12am / Monday – Sunday.

In addition staff noticed some additional modifications that needed to be made. Those additional modifications were:

- Adding definitions for “Licensed Premise” and “Licensee.” These definitions were modeled after the definitions for these terms included in the Colorado Medical Marijuana Code and Colorado Retail Marijuana Code.
- Modifying the definition of “Medical Marijuana Business” to more closely mirror the definition for “Retail Marijuana Business.”
- Modifying the definition for “Marijuana Testing Facilities.”
- Adding supplemental regulations specific to “Marijuana Testing Facilities,” which were modeled off of the supplemental regulations for “Medical Marijuana Businesses” and “Retail Marijuana Businesses.”

COMPLIANCE WITH THE TOWN’S GOALS, POLICIES & PLANS

The Board of Trustees may, after receiving a recommendation from the Planning and Zoning Commission, amend any regulation in the Town of Eagle Land Use & Development Code. Amendments to the Town’s Land Use and Development Code may be made upon a finding that the amendments are consistent with the Town’s goals, policies and plans.

In Chapter 11 – Economic Development and Sustainability of the 2010 Eagle Area Community Plan (EACP), there is discussion about creating a more diverse economy in Eagle and encouragement of opportunities to expand the local job market. On pages 147 - 149, the EACP provides Goals, Policies and Recommended Strategies for economic development in the town. The recommended strategies under Economic Development Policy 1.2 – Expand retail diversity to reduce sales tax leakage include:

- A. Support opportunities to expand the number and diversity of businesses in Eagle;
- C. Work to create more local jobs and additional outlets for goods and services;
- D. Optimize commercial development. Determine factors that are preventing build-out of existing commercial centers.

In addition, under Land Use Policy 2.2 – New development should be compact, pedestrian friendly and located within or adjacent to existing development to minimize infrastructure and service needs, in Chapter 3 – Land Use of the EACP, the recommended strategies include:

- B. As determined appropriate, work to increase residential and commercial densities in established neighborhood retail center areas.

- C. Work to amend regulatory barriers that prevent the intensification of development in identified areas already served by Town infrastructure.

Staff believes that the proposed code amendments will work towards achieving the Economic Development and Land Use objectives set forth in the EACP.

STAFF RECOMMENDATION

Staff recommends continuation of LURA16-01, items 1 and 2, to the Planning Commission's meeting on September 6, 2016.

Staff recommends approval of LURA16-01, items 4 and 5 based on a finding of compliance with the town's goals, policies and plans.

PLANNING & ZONING COMMISSION

1. Questions of Staff
2. Public Comment
3. Deliberations

~~Kennel-Animal Services: Any establishment where dogs, cats, or other household pets domestic animals are bred or raised for sale, boarded, or cared for, and/or groomed commercially, exclusive of veterinary care, commercial grooming, and commercial boarding and/or care of five (5) or less dogs, cats or other household pets.~~

Indoor Recreation Facility: A for profit establishment that provides opportunities for amusement and/or recreation where such activities are conducted within an enclosed structure; including but not limited to bowling alleys, skating rinks, health and fitness clubs, private gymnasiums, pool halls, and video game arcades. The term “indoor recreation” shall not include:

1. Shooting range

Landscaping, Landscaped Area, Landscape Materials: As defined in Chapter 4.07.

Licensed Premise: The premises specified in an application for a license pursuant to the Colorado Medical Marijuana Code or Colorado Retail Marijuana Code that are owned or in possession of the Licensee and within which the Licensee is authorized to cultivate, manufacture, distribute, sell, or test Medical or Retail Marijuana in accordance with the provisions of the Town of Eagle Municipal Code, Colorado Medical Marijuana Code and/or Colorado Retail Marijuana Code.

Licensee: Any person licensed or registered pursuant to the Colorado Medical Marijuana Code and/or Colorado Retail Marijuana Code.

Lodging, Extended Stay: To be supplied by Town Attorney: Overnight sleeping accommodations which are managed with the intent of providing extended stay occupancy, generally more than three (3) weeks, to fee paying transients. Extended stay lodging accommodations may be leased on a daily or week to week basis only, and no transient is permitted to reside in an extended stay lodging accommodation for more than 150 days within a consecutive 12 month period.

Lodging, Temporary: Overnight sleeping accommodations which are managed with the intent of providing short term occupancy, generally less than three weeks, to fee paying transients.

Lot: A piece, plot or parcel of land or assemblage of contiguous parcels of land as established by survey, plat or deed.

Lot Area: The total horizontal land area within the boundaries of a lot.

Lot Coverage: Lot or site coverage means the portion of a lot or site covered by materials forming any unbroken surface impervious to water, including:

1. Buildings, decks, patios, structures
2. Streets, driveways, parking lots, and other impervious materials.

Lot Line, Front: The property line of a lot dividing said lot from the adjoining street. On a corner lot the property owner may elect which street frontage shall be the designated front lot line for the purpose of determining the rear yard only.

Lot Line, Rear: The property line of a lot opposite the front lot line.

Lot Line, Side: Any lot property line other than a front or rear lot line.

Major Street Plan: An advisory planning document officially adopted by resolution of the Town Board, which document classifies existing and proposed streets according to size and use.

Marijuana: Marijuana shall have the same meaning as set forth in Section 16(2)(f) of Article XVIII of the Colorado Constitution.

Marijuana Testing Facility: A public or private laboratory licensed and certified, or approved by the State of Colorado Marijuana Enforcement Division, to conduct research and analyze Medical and/or Retail Marijuana, Medical and/or Retail Marijuana Infused Products, and Medical and/or Retail Marijuana Concentrate for contaminants and potency.

Marijuana Accessories: Marijuana Accessories shall have the same meaning as set forth in Section 16 (2)(g) of Article XVIII of the Colorado Constitution.

Medical Marijuana Business or Medical Marijuana Establishment: A medical marijuana center, an optional medical marijuana cultivation premises, a medical marijuana infused products manufacturer, or a medical marijuana testing facility. ~~A person or entity holding a Medical Marijuana Center license as defined in Section 12-43.33-402 C.R.S., a Medical Marijuana—Infused Products Manufacturer license, as defined in Section 12-43.3-404, C.R.S.; and/or an optional premises Cultivation Operation license as defined in Section 12.43.3-403, C.R.S.~~

For the purpose of this definition, a patient that cultivates, produces, possesses or transports medical marijuana, or a primary caregiver that cultivates, produces, sells, distributes, possesses, transports, or makes available marijuana in any form to one or more patients shall not be deemed a “Medical Marijuana Business”. ~~Signage for Medical Marijuana Businesses shall be limited to five (5) square feet permitted on a wall or blade sign. “Sandwich board” signs are permitted only when the business is not adjacent to the public street providing access.~~
(Ord. 17-2012 §2, 2012)

Manufactured Home: A single-family dwelling which is partially or entirely manufactured in a factory and designed for long-term residential or nonresidential use and transported to its occupancy site; and is not less than twenty-four feet in width and thirty-six feet in length; and is installed on an engineered permanent foundation; and has brick, wood, or cosmetically equivalent exterior siding and a pitched roof; and is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974" 42 U.S.C. 5401 et. seq. as amended and bears such certification label.

Mobile Home: A structure manufactured partially or entirely in a factory, designed for long-term residential use and transported to its occupancy site, which is twelve (12) feet or more in width, is a minimum of 600 square feet and constructed in accordance with the National Mobile Home Construction and Safety Standards Act of 1974 and is licensed by

Proof of Ownership: A notarized affidavit executed by fee simple title holder.

Recreational Vehicle: A vehicular-type unit designed primarily as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle, and which is licensed in any state as a recreational vehicle, travel trailer, camping trailer, truck camper, motor home, or similar title.

Retail Marijuana: Retail Marijuana shall have the same meaning as defined in Section 16 (2)(f) of Article XVIII of the Colorado Constitution, that is cultivated, manufactured, distributed, or sold by a licensed retail marijuana establishment.

Retail Marijuana Business or Retail Marijuana Establishment: Retail Marijuana Business or Retail Marijuana Establishment means a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturer, or a retail testing facility.

Retail Marijuana Cultivation Facility: Retail Marijuana Cultivation Facility shall have the same meaning as “marijuana cultivation facility” as defined in Section 16 (2)(h) of Article XVIII of the Colorado Constitution that is licensed pursuant to the Colorado Retail Marijuana Code, Sections 12-43.4-101 *et. seq.*, C.R.S.

Retail Marijuana Products: Retail Marijuana Products means “marijuana products” as defined in Section 16 (2)(k) of Article XVIII of the Colorado Constitution that are produced at a retail marijuana products manufacturer.

Retail Marijuana Products Manufacturer: Retail Marijuana Products Manufacturer has the same meaning as a “marijuana product manufacturing facility” as defined in Section 16 (2)(j) of Article XVIII of the Colorado Constitution that is licensed pursuant to the Colorado Retail Marijuana Code, Sections 12-43.4-101 *et. seq.*, C.R.S.

Retail Marijuana Store: Retail Marijuana Store shall have the same meaning as defined in Section 16(2)(n) of Article XVIII of the Colorado Constitution that is licensed pursuant to the Colorado Retail Marijuana Code, Sections 12-43.4-101 *et. seq.*, C.R.S.

Self-Service Storage Facility: A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractor’s supplies.

Service Bay: An interior space designed for the repair of vehicles and which has unrestricted ingress and egress.

Service Establishment: A commercial business that primarily renders personal or commercial services rather than the sale of goods as the principal use of the property such as printing, copy, hairdressing, shoe repair, appliance repair, upholstery, roofing, plumbing and janitorial services, etc. Activities incidental to the primary service business are permitted as accessory uses.

Setback: The minimum dimension of a required yard.

Sign: The term "sign" shall include any writing, letter, word, numeral, pictorial

4.04.070 SCHEDULE OF USES PERMITTED IN NON-RESIDENTIAL ZONE DISTRICTS
 (continued)

| ZONING DISTRICT | CBD | CL | CG | PA | I |
|--|----------------|----------------|----------------|----------------|----------------|
| USE | | | | | |
| Recreational Vehicle Park | * | * | S | * | * |
| Railroad Transfer Yard, Motor Freight Depot | * | * | S | * | S |
| Petroleum Products Bulk Plant | * | * | S | * | S |
| Mobile Home | * | * | * | * | * |
| Outside Storage | * | S | S | S | P |
| Self Service Storage Facility | * | * | * | * | S |
| Wholesale or Distribution Establishment, except mobile home and vehicular sales | S | S | P | * | P |
| Retail, except mobile home and vehicular Accessory to a principal permitted use | P | P | P | * | P |
| Service Establishment, except vehicular service – accessory to a principal permitted use | P | P | P | * | P |
| Sexually Oriented Businesses | * | * | * | * | S |
| Medical Marijuana Center Business ² Amended 11/13/12 | * | * | S | * | S |
| Medical Marijuana Infused Products Manufacturer ² | * | * | S | * | S |
| Optional Medical Marijuana Cultivation Premises ² | * | * | S | * | S |
| Retail Marijuana Store ⁴ Business (excluding Retail Marijuana Testing Facilities) Amended 10/22/13 | * | * | S | * | S |
| Retail Marijuana Products Manufacturing Facility ⁴ | * | * | S | * | S |
| Retail Marijuana Cultivation Facility ⁴ | * | * | S | * | S |
| Retail Marijuana Testing Facility ⁵ | P * | P * | PS | * | SP |
| Cultivation of Medical Marijuana by Patients and Caregivers in Non-Residential Units (Commercial or Industrial Spaces) ³ | * | * | * | * | P |
| Cultivation of Medical Marijuana by Patients and Caregivers in Residential Dwelling Units (permitted within Non-Residential Zone Districts) ³ | P | P | P | P | P |
| Cultivation of Marijuana for Personal Use in Residential Units ⁶ | p ⁵ |
| Cultivation of Marijuana for Personal Use in Non- Residential Units or Structures ⁷ | * | * | * | * | p ⁶ |

SCHEDULE OF USES PERMITTED IN NON-RESIDENTIAL ZONE DISTRICTS
(continued)

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| KEY: | |
| ¹ Pursuant to Section 4.05.010.A.3.b | CBD = CENTRAL BUSINESS DISTRICT CL = COMMERCIAL LIMITED CG = COMMERCIAL GENERAL PA = PUBLIC AREA I = INDUSTRIAL |
| <p>² Medical Marijuana Centers and Optional Medical Marijuana Cultivation Premises Businesses allowed only on Commercial General and Industrial zoned properties East of Nogal Gulch. Please Refer to attached map at the end of this Section labeled Exhibit A.</p> <p>Medical Marijuana Infused Products Manufacturer allowed only on Commercial General and Industrial zoned properties along Chambers Avenue, east of Eby Creek Road. Please Refer to attached map at the end of this Section labeled Exhibit B.</p> <p>Refer to Section 4.04.100 (P) concerning supplementary regulations and standards for Medical Marijuana Businesses.</p> | |
| <p>³ See Section 4.04.100(R) concerning supplementary regulations and standards for the cultivation of medical marijuana by patients and primary caregivers in Non-Residential Zone Districts.</p> | |
| <p>⁴ Retail Marijuana Stores and Retail Marijuana Cultivation Facilities Businesses allowed only on Commercial General and Industrial zoned properties east of Nogal Gulch. Refer to map at the end of this Section labeled Exhibit A. Retail Marijuana Testing Facilities are not permitted in any zone district.</p> <p>Retail Marijuana Products Manufacturing Facility allowed only on Commercial General and Industrial zoned properties along Chambers Avenue, east of Eby Creek Road. Refer to map at the end of this Section labeled Exhibit B.</p> <p>Refer to Section 4.04.100 (U) for supplementary regulations and standards for Retail Marijuana Businesses.</p> | |
| <p>⁵ Marijuana Testing Facilities allowed only on Commercial General and Industrial zoned properties along Chambers Avenue, east of Eby Creek Road. Refer to map at the end of this Section labeled Exhibit B</p> | |

| | |
|---|--|
| <p>Refer to Section 4.04.100 (V) for supplementary regulations and standards for Marijuana Testing Facilities.</p> | |
| <p>⁶ See Section 4.04.100(S) concerning supplementary regulations and standards for the cultivation of marijuana for personal use in residential units in both residential and non-residential zone districts.</p> | |
| <p>⁷ See Section 4.04.100(T) concerning supplementary regulations and standards for the cultivation of marijuana for personal use in non-residential units or structures in non-residential zone districts.</p> | |
| <p>* = NOT PERMITTED USE</p> | |
| <p>P = USE BY RIGHT</p> | |
| <p>S = SPECIAL USE</p> | |

3. The owner of an extended stay temporary lodging facility shall provide at all times an adequate number of beds within each unit contained in the lodging facility for the stated capacity of each respective unit. The owner of the lodging facility shall not permit persons in excess of the stated capacity for each unit to reside in the respective units.
4. No pets or domestic animals of any kind, except service dogs for the disabled, shall be kept or harbored by guests within any unit of the lodging facility.

P. Medical Marijuana Businesses

~~Medical Marijuana Businesses shall only be located east of Nogal Gulch in the Commercial General (CG) and Industrial Zone Districts pursuant to a special use permit. All Medical Marijuana Businesses shall be located a minimum of 1,000 feet from schools, as defined in the Colorado Medical Marijuana Code, Section 12-43.3-101, et. Seq., C.R.S., licensed childcare facilities, as defined in the Colorado Medical Marijuana Code, alcohol or drug treatment facilities, as defined in the Colorado Medical Marijuana Code, and the campus of a college or university, as defined in the Colorado Medical Marijuana Code. In addition, Medical Marijuana businesses shall be located a minimum of 100 feet from any residential zone district. The required distances specified above shall be measured from a District boundary line to the subject property line. Signage for Medical Marijuana Businesses shall be limited to five (5) square feet permitted on a wall or blade sign. "Sandwich board signs" are permitted only when the business is not adjacent to the public street providing access. (Ord. 17-2012 §5, 2012)~~

1. Limitation on the Number of Medical Marijuana Centers within the Town.

~~The number of Medical Marijuana Centers permitted within the Town is based on population. A maximum of one (1) Medical Marijuana Center shall be permitted for every 5,000 people or fraction thereof. Population shall be determined by the most recent data available from the U.S. Census Bureau and the State of Colorado Demographer's Office.~~

~~In the event more than one (1) Land Use Application for a Medical Marijuana Center of the same classification are submitted to the Town in close proximity to one another, the applications comply with all the requirements of this Chapter and the Colorado Medical Marijuana Code, but the Town is not permitted to approve all of the applications because of the limitations set forth in this subsection, the Board of Trustees shall first review for approval the application which was first submitted and determined to be complete by the Town Planner, or their designee.~~

2. Limitation on the Number of Optional Medical Marijuana Cultivation Premises within the Town.

The number of Optional Medical Marijuana Cultivation Premises permitted within the Town is based on population. A maximum of one (1) Optional Medical Marijuana Cultivation Premises shall be permitted for every 5,000 people or fraction thereof. Population shall be determined by the most recent data available from the U.S. Census Bureau and the State of Colorado Demographer's Office.

In the event more than one (1) Land Use Application for an Optional Medical Marijuana Cultivation Premises of the same classification are submitted to the Town in close proximity to one another, the applications comply with all the requirements of this Chapter and the Colorado Medical Marijuana Code, but the Town is not permitted to approve all of the applications because of the limitations set forth in this subsection, the Board of Trustees shall first review for approval the application which was first submitted and determined to be complete by the Town Planner, or their designee.

3. Limitation on the Number of Medical Marijuana Infused Products Manufacturer within the Town.

The number of Medical Marijuana Infused Products Manufacturer permitted within the Town is based on population. A maximum of two (2) Medical Marijuana Infused Products Manufacturers and Optional Medical Marijuana Cultivation Premises shall be permitted for every 5,000 people or fraction thereof. Population shall be determined by the most recent data available from the U.S. Census Bureau and the State of Colorado Demographer's Office.

In the event more than one (1) Land Use Application for a Medical Marijuana Infused Products Manufacturer of the same classification are submitted to the Town in close proximity to one another, the applications comply with all the requirements of this Chapter and the Colorado Medical Marijuana Code, but the Town is not permitted to approve all of the applications because of the limitations set forth in this subsection, the Board of Trustees shall first review for approval the application which was first submitted and determined to be complete by the Town Planner, or their designee.

4. Permitted Locations.

Medical Marijuana Centers and Optional Medical Marijuana Cultivation Premises shall only be located in the Commercial General (CG) and Industrial (I) Zone Districts east of Nogal Gulch pursuant to a Special Use Permit. Refer to map at the end of this Section labeled Exhibit A.

Medical Marijuana Infused Products Manufacturer shall only be located on properties along Chambers Avenue that are within the Commercial General (CG) and Industrial (I) Zone Districts and are located a minimum of one thousand seven hundred and fifty feet (1,750') from the centerline of Eby Creek Road pursuant to a Special Use Permit. If any portion of such property is within the required minimum distance from Eby Creek Road, no

Medical Marijuana Infused Products Manufacturer shall be permitted on that property. Refer to map at the end of this Section labeled Exhibit B.

5. Distance from Schools, Licensed Childcare Facilities, Alcohol or Drug Treatment Facilities and College Campus.
All Medical Marijuana Businesses shall be located a minimum of one thousand feet (1000') from schools, as defined in the Colorado Medical Marijuana Code, licensed childcare facilities, alcohol or drug treatment facilities, and the campus of a college or university.
6. Distance from Residential Zone District.
All Medical Marijuana Businesses shall be located a minimum of one hundred feet (100') from any residential zone district which shall be measured from the zone district boundary line to the subject property line.
- ~~7. Distance from Other Medical Marijuana Businesses.
There shall be no distance requirement between Medical Marijuana Businesses.~~
8. Restrictions on Mobile Facilities and Delivery of Marijuana Products.
No Medical Marijuana Business shall be located in a movable or mobile vehicle or structure and no Medical Marijuana products shall be delivered in the Town unless such delivery is specifically permitted by the Colorado Medical Marijuana Code.
9. Hours of Operation.
Medical Marijuana Businesses shall limit their hours of operation to ~~between 11:00 a.m. and 7:00 p.m.~~ 8:00 a.m. to 12:00 a.m., Monday – Sunday, ~~to those permitted by the Colorado Medical Marijuana Code~~ or as otherwise provided in the Special Use Permit.
10. Operation of Multiple Businesses at a Single Location.
A person may operate any Medical Marijuana Business and any Retail Marijuana Business permitted by this Section at the same location if in full compliance with the requirements of the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code.
11. Specific Requirements for a Medical Marijuana Center.
Small samples of Medical Marijuana products offered for sale may be displayed on shelves, counters and display cases. All bulk marijuana products shall be locked within a separate vault or safe (no other items in this safe), securely fastened to a wall or floor, as approved by the Police Department.

A Medical Marijuana Center may sell “~~drug~~ marijuana paraphernalia” as that term is defined in Chapter 9.15 of the Eagle Municipal Code to Patients only and shall be exempt from the prohibitions contained in said Chapter. ~~Provided, however, a Medical Marijuana Center shall not display “drug paraphernalia” for~~

~~sale on the Licensed Premises and such “drug paraphernalia” shall only be shown to Patients upon request.~~

12. Specific Requirements for an Optional Medical Marijuana Cultivation Premises.

If co-located with an Optional Medical Marijuana Cultivation Premises, the area of the proposed Licensed Premises utilized for cultivation shall be physically separated from the area of the premises open to the public or to Patients. Walls, barriers, locks, signage and other means shall be employed to prevent the public or Patients from entering the area of the Licensed Premises utilized for cultivation of marijuana.

13. No Products to be Visible from Public Places.

Marijuana plants, products, accessories, and associated paraphernalia contained in any Medical Marijuana Business shall not be visible from a public sidewalk, public street or right-of-way, or any other public place.

14. No Beer or Alcohol on Premises.

No fermented malt beverages and no alcohol beverages, as defined in the Colorado Beer Code and the Colorado Liquor Code, respectively, shall be kept, served or consumed on the Premises of a Medical Marijuana Business.

15. ~~Restrictions Regarding Signage.~~

~~Signs shall not be permitted on the exterior of Optional Premises Cultivation Operation facilities and Medical Marijuana Infused Products Manufacturing facilities.~~

~~All signage associated with a Medical Marijuana Center shall meet the standards established in the Eagle Municipal Code and the Eagle Land Use and Development Code. In addition, no sign associated with a Medical Marijuana Center shall use the word “marijuana”, “cannabis”, or any other word or phrase commonly understood to refer to marijuana unless such word or phrase is immediately preceded by the word “medical” or the message of such sign includes the words “for medical use” or “for medicinal purposes” in letters that are no smaller than the largest letter on the sign. No depiction of marijuana plants or leaves shall appear on any exterior sign of a Medical Marijuana Center.~~

16. Storage of Products.

All products and accessories shall be stored completely indoors and on-site.

17. Consumption of Marijuana Prohibited.

No consumption of any Medical Marijuana product shall be allowed or permitted on the Licensed Premises or adjacent grounds.

18. Storage of Currency.

All currency over \$1,000.00 shall be stored within a separate vault or safe (no marijuana in safe), securely fastened to a wall or floor, as approved by the Police Department.

19. Prevention of Emissions and Disposal of Materials.

Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting the Licensed Premises shall be provided at all times. In the event that any debris, dust, fluids or other substances shall exit the Licensed Premises, the landowner and licensee shall be jointly and severally responsible for the full cleanup immediately.

Businesses shall properly dispose of all materials and other substances in a safe and sanitary manner in accordance with State regulations and Eagle County Landfill regulations.

~~A Medical Marijuana Center and an Optional Medical Marijuana Cultivation Premises~~ As applicable, Medical Marijuana Businesses shall be equipped with ventilation systems with carbon filters sufficient in type and capacity to eliminate marijuana odors emanating from the interior to the exterior of the premises discernible by reasonable persons. The ventilation system must be inspected and approved by the Building Official.

If carbon dioxide will be used in any cultivation area, sufficient physical barriers or a negative air pressure system shall be in place to prevent carbon dioxide from moving into the ambient air, into other units in the same building or into an adjacent building in a concentration that would be harmful to any person, including persons with respiratory disease, and shall be inspected and approved by the Building Official and the Greater Eagle Fire Protection District.

All State regulations concerning ventilation systems shall be followed.

20. Compliance with Other Codes.

The Licensed Premises and adjacent grounds of a Medical Marijuana Business shall comply with all zoning, health, building, fire, and other codes and ordinances of the Town as shown by completed inspections and approvals by the Town Planner, Building Department, Greater Eagle Fire Protection District, and the Eagle County Health Department, if applicable.

21. No Harm to Public Health, Safety or Welfare.

The Licensed Premises and adjacent grounds of a Medical Marijuana Business shall be operated in a manner that does not cause any substantial harm to the public health, safety and welfare.

22. Additional Requirements.

At the time a Special Use Permit is granted, amended, or the Board of Trustees approves a major change to a Medical Marijuana Business, the Board of Trustees may impose on the applicant any

conditions related to the proposed use that is reasonably necessary to protect the public health, safety or welfare, including but not limited to the following:

- a. Additional security requirements;
- b. Limits and requirements on parking and traffic flows;
- c. Requirements for walls, doors, windows, locks and fences on the licensed premises and adjacent grounds;
- d. Limits on Medical Marijuana Products that may be sold;
- e. Requirements and limits on ventilation and lighting;
- f. Limits on noise inside the licensed premises or on the adjacent grounds;
- g. Prohibitions on certain conduct in the Medical Marijuana Business;
- h. Limits on hours of operation that are more restrictive than prescribed by subsection (9) above;
- i. A requirement that the Applicant temporarily close the Medical Marijuana Business to the public until certain changes, inspections or approvals are made; and
- j. A limitation on the square footage of the Medical Marijuana Business.

~~23. Penalty for Violation.~~

~~Any violation of the provisions of this subsection or the conditions of the Special Use Permit granted, by a Medical Marijuana Business shall be punishable by a civil fine of up to one thousand dollars (\$1,000.00). Each day that a violation is committed, exists or continues shall be deemed a separate and distinct offense. In addition, any violation of the provisions of this subsection, or any conditions imposed by the Special Use Permit may result in the revocation of the Special Use Permit.~~

Q. Cultivation of Medical Marijuana by Patients and Primary Caregivers in Residential Dwelling Units

The cultivation, production, or possession of marijuana plants for medical use by a patient or primary caregiver, as such terms are defined by Article XVIII, Section 14 of the Colorado Constitution, shall be allowed in residential dwelling units subject to the following conditions:

1. The cultivation, production or possession of marijuana plants shall be in full compliance with all applicable provisions of Article XVIII, Section 16 of the Colorado Constitution.
2. No more than six (6) marijuana plants, with three (3) or fewer being mature, flowering plants per person may be cultivated.
3. Marijuana plants shall not be grown in the common area of any commercial or industrial building.
4. The cultivation of marijuana plants in any building or unit within Industrial (I) Zone Districts shall meet the requirements of all adopted Town building and safety codes. In addition to these codes, these personal grow operations shall meet State of Colorado standards for retail or medical marijuana grow operations. Any person cultivating marijuana for personal use shall have an initial building and safety inspection conducted by the Town, shall comply with any conditions of said inspection, and shall submit to a periodic building and safety code inspection thereafter.
5. All cultivation shall be located within a secure building. Grow operations in permanent or temporary greenhouses are not permitted.
6. No more than 36 plants may be grown in any industrial unit.
7. The cultivation of marijuana plants shall not be permitted on exterior portions of a lot or a building. The cultivation, production or possession of marijuana plants within a building or unit must not be perceptible from the exterior of the building or unit.
8. Any form of signage shall be prohibited; unusual odors, smells, fragrances or other olfactory stimulants shall be prohibited; light pollution, glare or brightness resulting from grow lamps that disturbs adjacent property shall be prohibited; and excessive noise from ventilation fans shall be prohibited.
9. Pursuant to Section 9-7-113, C.R.S., the use of a compressed flammable gas as a solvent in the extrication of THC or other cannabinoids is prohibited.

U. Retail Marijuana Businesses (Amended ####/16)

1. Limitation on the Number of Retail Marijuana Stores Businesses within the Town.
The number of Retail Marijuana Stores Businesses permitted within the Town is based on population. A maximum of one (1) Retail Marijuana Store, ~~one (1) Retail Marijuana Cultivation Facility, and one (1) Retail Marijuana Products Manufacturer~~ shall be permitted for every 5,000 people or fraction thereof. Population shall be determined by the most recent data available from the U.S. Census Bureau and the State of Colorado Demographer's Office.

In the event more than one (1) land use application for a Retail Marijuana ~~Store Business~~ of the same classification are submitted to the Town in close proximity to one another, the applications comply with all the requirements of this Chapter and the Colorado Retail Marijuana Code, but the Town is not permitted to approve all of the applications because of the limitations set forth in this subsection, the Board of Trustees shall first review for approval the application which was first submitted and determined to be complete by the Town Planner, ~~or their designee.~~

2. Retail Marijuana Cultivation Facilities ~~Businesses~~ within the Town. The number of Retail Marijuana Cultivation Facilities ~~Businesses~~ permitted within the Town is based on population. A maximum of one (1) Retail Marijuana Cultivation Facility, ~~one (1) Retail Marijuana Cultivation Facility, and one (1) Retail Marijuana Products Manufacturer~~ shall be permitted for every 5,000 people or fraction thereof. Population shall be determined by the most recent data available from the U.S. Census Bureau and the State of Colorado Demographer's Office.

In the event more than one (1) land use application for a Retail Marijuana Cultivation Facility ~~Business~~ of the same classification are submitted to the Town in close proximity to one another, the applications comply with all the requirements of this Chapter and the Colorado Retail Marijuana Code, but the Town is not permitted to approve all of the applications because of the limitations set forth in this subsection, the Board of Trustees shall first review for approval the application which was first submitted and determined to be complete by the Town Planner, or their designee.

3. Limitation on the Number of Retail Marijuana Products Manufacturing Facilities ~~Businesses~~ within the Town. The number of Retail Marijuana Products Manufacturing Facilities ~~Businesses~~ permitted within the Town is based on population. A maximum of two (2) Retail Marijuana Products Manufacturing Facilities ~~one (1) Retail Marijuana Cultivation Facility, and one (1) Retail Marijuana Products Manufacturer~~ shall be permitted for every 5,000 people or fraction thereof. Population shall be determined by the most recent data available from the U.S. Census Bureau and the State of Colorado Demographer's Office.

In the event more than one (1) land use application for a Retail Marijuana Products Manufacturing Facility ~~Business~~ of the same classification are submitted to the Town in close proximity to one another, the applications comply with all the requirements of this Chapter and the Colorado Retail Marijuana Code, but the Town is not permitted to approve all of the applications because of the limitations set forth in this subsection, the Board of Trustees shall first review for approval the application which was first submitted and determined to be complete by the Town Planner, or their designee.

4. Permitted Locations.

Retail Marijuana Stores and Retail Marijuana Cultivation Facilities shall only be located in the Commercial General (CG) and Industrial (I) Zone Districts east of Nogal Gulch pursuant to a Special Use Permit. Refer to map at the end of this Section labeled Exhibit A.

Retail Marijuana Products Manufacturing Facilities shall only be located on properties along Chambers Avenue that are within the Commercial General (CG) and Industrial (I) Zone Districts and are located a minimum of one thousand seven hundred and fifty feet (1,750') from the centerline of Eby Creek Road pursuant to a Special Use Permit. If any portion of such property is within the required minimum distance from Eby Creek Road, no Retail Marijuana Products Manufacturing Facility or Retail Marijuana Cultivation Facility shall be permitted on that property. Refer to map at the end of this Section labeled Exhibit B.

5. Distance from Schools, Licensed Childcare Facilities, Alcohol or Drug Treatment Facilities and College Campus.

All Retail Marijuana Businesses shall be located a minimum of one thousand feet (1000') from schools, as defined in the Colorado Retail Marijuana Code, licensed childcare facilities, alcohol or drug treatment facilities, and the campus of a college or university.

6. Distance from Residential Zone District.

All Retail Marijuana Businesses shall be located a minimum of one hundred feet (100') from any residential zone district which shall be measured from the zone district boundary line to the subject property line.

7. Restrictions on Mobile Facilities and Delivery of Marijuana Products.

No Retail Marijuana Business shall be located in a movable or mobile vehicle or structure and no Retail Marijuana products shall be delivered in the Town unless such delivery is specifically permitted by the Colorado Retail Marijuana Code.

8. Hours of Operation.

Retail Marijuana Stores shall limit their hours of operation to ~~those permitted by the Colorado Retail Marijuana Code between 11:00 a.m. and 7:00 p.m.~~ 8:00 a.m. to 12:00 a.m., Monday - Sunday, or as otherwise provided in the Special Use Permit.

9. Operation of Multiple Businesses at Single Location.

A person may operate any Medical Marijuana Business and any Retail Marijuana Business permitted by this Section ~~a licensed Medical Marijuana Center and Medical Marijuana Optional Premises Cultivation Facility, Medical Marijuana Infused Products Manufacturing Facility, and any Retail Marijuana Business permitted by this subsection~~ at the same location if in full compliance with the requirements of the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code.

10. Specific Requirements for a Retail Marijuana Store.
A Retail Marijuana Store may only sell Retail Marijuana, Retail Marijuana Products, Marijuana Accessories and non-consumable products such as apparel, and marijuana related products such as childproof packaging containers. Retail Marijuana Stores shall be prohibited from selling or giving away any consumable product, including but not limited to tobacco products or alcohol, or edible products that do not contain marijuana, including but not limited to sodas, candies or baked goods.
11. No Products to be Visible from Public Places.
Marijuana plants, products, accessories, and associated paraphernalia contained in a Retail Marijuana Business shall not be visible from a public sidewalk, public street or right-of-way, or any other public place.
12. No Beer or Alcohol on Premises.
No fermented malt beverages and no alcohol beverages, as defined in the Colorado Beer Code and Colorado Liquor Code, respectively, shall be kept, served or consumed on the premises of a Retail Marijuana Business.
13. Consumption of Marijuana Prohibited.
No consumption or smoking of any Retail Marijuana Products shall be allowed or permitted on the premises or adjacent grounds of a Retail Marijuana Business.
- ~~14. Signage shall be specifically approved as part of the special use permit application process for the Retail Marijuana Business.~~
15. Storage of Products.
All products and accessories shall be stored completely indoors and on site.
16. Prevention of Emissions and Disposal of Materials.
Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting the business premises shall be provided at all times. In the event that any debris, dust, fluids or other substances shall exit the business premises, the property owner and operator shall be jointly and severally responsible for the full cleanup immediately.

Businesses shall properly dispose of all materials and other substances in a safe and sanitary manner in accordance with State regulations and Eagle County Landfill Regulations.

~~A Retail Marijuana Cultivation Facility, Retail Marijuana Store and Retail Marijuana Testing Facility~~ As applicable, Retail Marijuana Businesses shall be equipped with ventilation systems with carbon filters sufficient in type and capacity to eliminate marijuana odors emanating from the interior to the exterior of the premises

discernible by reasonable persons. The ventilation system must be inspected and approved by the Building Official.

If carbon dioxide will be used in any cultivation area, sufficient physical barriers or a negative air pressure system shall be in place to prevent carbon dioxide from moving into the ambient air, into other units in the same building or into an adjacent building in a concentration that would be harmful to any person, including persons with respiratory disease, and shall be inspected and approved by the Building Official and the Greater Eagle Fire Protection District.

All State regulations concerning ventilation systems shall be followed.

17. Compliance with Other Codes.

Any Retail Marijuana Business and the adjacent grounds of the Retail Marijuana Business shall comply with all zoning, health, building, fire and other codes and ordinances of the Town as shown by completed inspections and approvals by the Town Planner, Building Department, Greater Eagle Fire Protection District, and the Eagle County Health Department, if applicable.

18. No Harm to Public Health, Safety or Welfare.

The Licensed Premises and adjacent grounds of a Retail Marijuana Business shall be operated in a manner that does not cause any substantial harm to the public health, safety and welfare.

19. Additional Requirements.

At the time a Special Use Permit is granted, amended or any time the Board of Trustees approves a major change to a Retail Marijuana Business, the Board of Trustees may impose on the Applicant any conditions related to the proposed use that is reasonably necessary to protect the public health, safety or welfare, including but not limited to the following:

- a. Additional security requirements;
- b. Limits and requirements on parking and traffic flows;
- c. Requirements for walls, doors, windows, locks and fences on the licensed premises and adjacent grounds;
- d. Limits on Retail Marijuana Products that may be sold;
- e. Requirements and limits on ventilation and lighting;
- f. Limits on noise inside the licensed premises or on the adjacent grounds;
- g. Prohibitions on certain conduct in the Retail Marijuana Business;

- h. Limits on hours of operation that are more restrictive than prescribed by subsection (38) above;
- i. A requirement that the Applicant temporarily close the Retail Marijuana Business to the public until certain changes, inspections or approvals are made; and
- j. A limitation on the square footage of the Retail Marijuana Business.

~~20. Penalty for Violation.~~

~~Any violation of the provisions of this subsection or the conditions of the Special Use Permit granted, by a Retail Marijuana Business shall be punishable by a civil fine of up to one thousand dollars (\$1,000.00). Each day that a violation is committed, exists or continues shall be deemed a separate and distinct offense. In addition, any violation of the provisions of this subsection, or any conditions imposed by the Special Use Permit may result in the revocation of the Special Use Permit.~~

V. Marijuana Testing Facilities (Amended ###/###/16)

1. Limitation on the Number of Marijuana Testing Facilities within the Town.

The number of Marijuana Testing Facilities permitted within the Town is based on population. A maximum of one (1) Marijuana Testing Facility shall be permitted for every 5,000 people or fraction thereof. Population shall be determined by the most recent data available from the U.S. Census Bureau and the State of Colorado Demographer's Office.

In the event more than one (1) land use application for a Marijuana Testing Facility of the same classification are submitted to the Town in close proximity to one another, the applications comply with all the requirements of this Chapter, the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code, but the Town is not permitted to approve all of the applications because of the limitations set forth in this subsection, the Board of Trustees shall first review for approval the application which was first submitted and determined to be complete by the Town Planner, or their designee.

2. Permitted Locations.

Marijuana Testing Facilities shall only be located on properties along Chambers Avenue that are within the Commercial General (CG) and Industrial (I) Zone Districts and are located a minimum of one thousand seven hundred and fifty feet (1,750') from the centerline of Eby Creek Road pursuant to a Special Use Permit. If any portion of such property is within the required minimum distance from Eby Creek Road, no Marijuana Testing

Facility shall be permitted on that property. Refer to map at the end of this Section labeled Exhibit B.

3. Distance from Schools, Licensed Childcare Facilities, Alcohol or Drug Treatment Facilities and College Campus.

All Marijuana Testing Facilities shall be located a minimum of one thousand feet (1000') from schools, as defined in the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code, licensed childcare facilities, alcohol or drug treatment facilities, and the campus of a college or university.

4. Distance from Residential Zone District.

All Marijuana Testing Facilities shall be located a minimum of one hundred feet (100') from any residential zone district which shall be measured from the zone district boundary line to the subject property line.

5. Restrictions on Mobile Facilities and Delivery of Marijuana Products.

No Marijuana Testing Facility shall be located in a movable or mobile vehicle or structure and no marijuana products shall be delivered in the Town unless such delivery is specifically permitted by the Colorado Medical Marijuana Code or the Colorado Retail Marijuana Code.

6. Hours of Operation.

Marijuana Testing Facilities shall limit their hours of operation to 8:00 a.m. to 12:00 a.m., Monday - Sunday, or as otherwise provided in the Special Use Permit.

7. Operation of Multiple Businesses at Single Location.

A person may operate any Medical Marijuana Business and any Retail Marijuana Business permitted by this Section at the same location if in full compliance with the requirements of the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code.

8. No Products to be Visible from Public Places.

Marijuana plants, products, accessories, and associated paraphernalia contained in a Marijuana Testing Facility shall not be visible from a public sidewalk, public street or right-of-way, or any other public place.

9. No Beer or Alcohol on Premises.

No fermented malt beverages and no alcohol beverages, as defined in the Colorado Beer Code and Colorado Liquor Code, respectively, shall be kept, served or consumed on the premises of a Marijuana Testing Facility.

10. Consumption of Marijuana Prohibited.

No consumption or smoking of any marijuana products shall be allowed or permitted on the premises or adjacent grounds of a Marijuana Testing Facility.

11. Storage of Products.

All products and accessories shall be stored completely indoors and on site.

12. Prevention of Emissions and Disposal of Materials.

Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting the business premises shall be provided at all times. In the event that any debris, dust, fluids or other substances shall exit the business premises, the property owner and operator shall be jointly and severally responsible for the full cleanup immediately.

Testing Facilities shall properly dispose of all materials and other substances in a safe and sanitary manner in accordance with State regulations and Eagle County Landfill Regulations.

As applicable, Marijuana Testing Facilities shall be equipped with ventilation systems with carbon filters sufficient in type and capacity to eliminate marijuana odors emanating from the interior to the exterior of the premises discernible by reasonable persons. The ventilation system must be inspected and approved by the Building Official.

If carbon dioxide will be used in any cultivation area, sufficient physical barriers or a negative air pressure system shall be in place to prevent carbon dioxide from moving into the ambient air, into other units in the same building or into an adjacent building in a concentration that would be harmful to any person, including persons with respiratory disease, and shall be inspected and approved by the Building Official and the Greater Eagle Fire Protection District.

All State regulations concerning ventilation systems shall be followed.

13. Compliance with Other Codes.

Any Marijuana Testing Facility and the adjacent grounds of the Marijuana Testing Facility shall comply with all zoning, health, building, fire and other codes and ordinances of the Town as shown by completed inspections and approvals by the Town Planner, Building Department, Greater Eagle Fire Protection District, and the Eagle County Health Department, if applicable.

14. No Harm to Public Health, Safety or Welfare.

The Licensed Premises and adjacent grounds of a Marijuana Testing Facility shall be operated in a manner that does not cause any substantial harm to the public health, safety and welfare.

15. Additional Requirements.

At the time a Special Use Permit is granted, amended or any time the Board of Trustees approves a major change to a Marijuana Testing Facility, the Board of Trustees may impose on the applicant any conditions related to the proposed use that is reasonably necessary to protect the public health, safety or welfare, including but not limited to the following:

- a. Additional security requirements;
- b. Limits and requirements on parking and traffic flows;
- c. Requirements for walls, doors, windows, locks and fences on the licensed premises and adjacent grounds;
- d. Requirements and limits on ventilation and lighting;
- e. Limits on noise inside the licensed premises or on the adjacent grounds;
- f. Prohibitions on certain conduct in the Marijuana Testing Facility;
- g. Limits on hours of operation that are more restrictive than prescribed by subsection (6) above;
- h. A requirement that the applicant temporarily close the Marijuana Testing Facility to the public until certain changes, inspections or approvals are made; and
- i. A limitation on the square footage of the Marijuana Testing Facility.

Amended 03/20/90
Amended 06/02/91
Amended 04/16/95
Amended 02/13/00
Amended 10/27/10
Amended 11/13/12
Amended 10/22/13

Exhibit A. Area where Medical Marijuana Centers, Optional Medical Marijuana Cultivation Premises, Retail Marijuana Stores, and Retail Marijuana Cultivation Facilities are permitted.

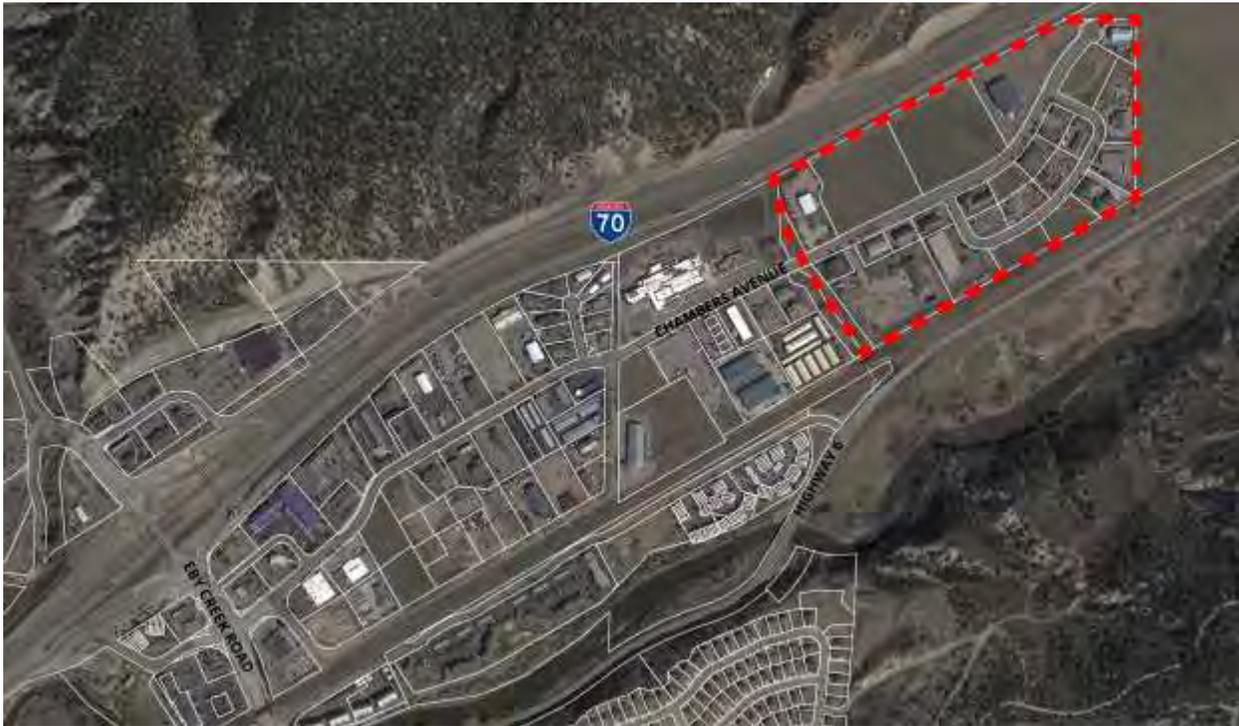


Exhibit B. Area where Medical Marijuana Infused Products Manufacturers, Retail Marijuana Products Manufacturers, and Marijuana Testing Facilities are permitted.

