



**DECOLA
PLANNED UNIT DEVELOPMENT DESIGNATION**

This Planned Unit Development Designation, to be known as the DeCola PUD, is approved this 10th day of March, 2003 by the Board of County Commissioners of Summit County, Colorado, hereinafter referred to as the "County," for certain real property located in Summit County and described in the attached Exhibit A, hereinafter referred to as the "Property". This designation establishes the general uses which shall be permitted on the Property, a general development plan and a statement of development guidelines and conditions which must be adhered to by Mariano DeCola and his successors and assigns, who is owner and developer hereinafter referred to as the "Owner/Developer." This designation also specifies improvements which must be made and conditions which must be fulfilled in conjunction with this designation by the Owner/Developer.

A. PERMITTED USES AND DEVELOPMENT PLAN

Use and development of the property shall be in substantial compliance with the Development Plan attached hereto as Exhibit B, the applicable provisions of the Summit County Land Use and Development Code ("Development Code") and the following specific requirements:

1. Permitted Uses

Permitted uses shall be the same permitted uses as those allowed under the Development Code for the RC-40000 Zoning District as currently effected or hereinafter amended.

2. Accessory and Conditional Uses

Accessory and conditional uses shall be the same accessory and conditional uses as allowed under the Development Code's RC-40000 Zoning District as currently effected or hereinafter amended.

B. DEVELOPMENT STANDARDS

1. Building Height

Building heights shall be a maximum of 35 feet as measured by the provisions of the Development Code.

2. Setbacks and Disturbance Limitations

Setbacks shall be as as follows:

Front:	25 feet
Rear (northwest and northeast property lines):	10 feet
Side (west):	20 feet
Side (east):	5 feet

Prior to the commencement of any construction on the Property, the owner must submit revised building permit plans which reflect the approved setbacks and any structural changes necessary to accommodate the approved setbacks.

3. Site Coverage and Open Space

Site coverage and open space shall be the same as that required by the Development Code for the RC-40000 zone district, with the maximum amount of building and impervious coverage permitted on the property is 35%. Therefore, 65% of the property must remain permeable.

4. Parking

At least two (2) parking spaces shall be required for the residence. No parking shall be permitted on County roads. The design and the location of the spaces shall comply with the applicable requirements of the Development Code.

5. Wetlands/Water Quality

Development of the property shall comply with all requirements for wetland and water quality protection pursuant to Chapter 7 of the Development Code.

6. Design Standards

The single family unit and accessory structures shall be designed with:

- a) Natural materials
- b) Natural Colors
- c) Non-reflective glass
- d) Full cut-off lights (luminaires)

7. Geotechnical Hazards

The Owner/Developer is hereby put on notice that there is a potential geotechnical hazard presented by landslide activity in the area. The County recommends that the Owner/developer obtain a geotechnical report assessing the potential landslide hazard prior to proceeding with building the structure.

C. REQUIRED IMPROVEMENTS

1. Access

Access shall meet all applicable requirement of the Development Code.

2. Water Systems

Domestic water supply shall be provided by Heeney Water or another approved water system.

3. Sewer Systems

Sewage shall be provided by a septic system unless a central sewage system is developed in the area.

4. Fire Protection

The entire property is located within the Lower Blue Fire Protection District (“District”). All development on the property shall meet all fire protection requirements of the District.

5. Utilities and Easements

All new utility lines shall be installed in full accordance with the standards of each utility provider and County Subdivision Regulations.

D. GENERAL PROVISIONS

1. Enforcement

The provisions of the planned unit designation and the development plan relating to the use of land and the location of common open space shall run in favor of Summit County and shall be enforceable at law or in equity by the County without limitation on any power or regulation otherwise granted by law. Other provisions of the planned unit development designation and the development plan shall run in favor of the residents, occupants and owners of the planned unit development, but only to the extent expressly provided in, and in accordance with the terms of, the planned unit development designation and the development plan. Provisions not expressly stated as running in favor of the residents, occupants or owners of the planned unit development shall run in favor of the County.

2. Breach of Provisions of PUD Designation

If at any time, any provision or requirements stated in the planned unit development designation has been breached by the Owner/Developer, the County may withhold approval of any or all site plans or plat maps, or the issuance of any or all grading or building permits or occupancy permits applied for on the Property, until such breach has been remedied; provided, however, that the County shall not take affirmative action on the account of such breach until it shall have first notified the Owner/Developer in writing and afforded the Owner/Developer a reasonable opportunity to remedy the same.

3. Binding Effect

The PUD Designation shall run with the land and be binding upon the Owner/Developer, their respective successors, representatives and assigns, and all persons who may hereafter acquire an interest in the Property or any part thereof, with the exception that provisions of this designation may be modified through an amendment in accordance with the procedure stated in the County Development Review Procedures. This designation shall be recorded in order to put prospective purchasers or other interested persons on notice as to the terms contained herein.

4. Amendments

Amendments to the provisions of a planned unit development designation shall be reviewed and acted upon as a rezoning application, subject to the County's procedures for zoning amendments and to the requirement for findings under the Planned Unit Development Act of 1972 at CRS 24-67-106(3)(b).

5. Notices

All notices required by this designation shall be in writing and shall be either hand-delivered or sent by certified mail, return receipt requested, postage prepaid, as follows:

Notice to County:

Board of County Commissioners
P.O. Box 68
Breckenridge, CO 80424

Notice to Owner/Developer

Mariano DeCola
790 Washington St.
Ste 1404
Denver, CO 80203

All notices so given shall be considered delivered three days after the mailing thereof. Either party, by notice so given, may change the address to which future notices shall be sent.

6. Entire Designation

This designation contains all provisions and requirements incumbent upon the Owner/Developer relative to the DeCola Planned Unit Development, except as modified by subsequent action of the Board of County Commissioners in accordance with procedures set forth in the Summit County Land Use and Development Code and the Colorado Planned Unit Development Act (CRS 24-67-106) for amending planned unit developments, and except that nothing contained herein shall be construed as waiving any requirements of the Summit County Land Use and Development Code or other regulations otherwise applicable to the development of the Property.

7. Effective Date

This designation must be signed by both the Summit County Board of County Commissioners and the Owner/Developer and must be recorded by the Summit County Clerk and Recorder in order to become effective. The effective date shall be the date of recordation.

8. PUD Review Requirements

The Summit County Land Use and Development Code, Chapter 12, includes procedures and requirements for review of all Planned Unit Developments. The Owner/Developer shall be on notice of these requirements and their potential impact should new design guidelines be established.

IN WITNESS WHEREOF, the County and the Owner/Developer have executed this Designation as of the date first written above.

COUNTY OF SUMMIT
STATE OF COLORADO
BY AND THROUGH ITS
BOARD OF COUNTY COMMISSIONERS



Gary M. Lindstrom, Chairman

Approved as
to form


Legal

ATTEST:



Cheri Brunvand, Clerk & Recorder



Mariano DeCola
Owner

ATTEST:

Douglas A Miller - Notary

my commission expires 8-26-03



Exhibit A

LOT 1R, BLOCK 8, GREEN MOUNTAIN-HALLDORSON TRACTS