

**DECARLI  
PLANNED UNIT DEVELOPMENT DESIGNATION**

This Planned Unit Development Designation, to be known as DeCarli, is approved this 2<sup>nd</sup> day of March, 1993, 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 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 Wiley and Patricia DeCarli, 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.

4 4 2 1-28  
DORIS L. BRILL

**A. PERMITTED USES AND DEVELOPMENT PLAN**

Use and development of the Property shall be in accordance with the Development Plan attached hereto as Exhibit B and the following specific requirements.

**1. Permitted Uses**

One single family dwelling and one triplex.

**2. Accessory and Conditional Uses**

All accessory and conditional uses as allowed in the R 4 zone in the Summit County Land Use and Development Code shall be permitted. In addition, a gazebo or similar type structure with access limited to a footpath shall be permitted as an accessory use. The gazebo shall be limited to 500 square feet of building space and may include a roof but shall not include enclosed walls. The owner of Lot 2 shall have the option to apply for a conditional use permit to establish an accessory apartment which is incorporated into the primary residence. Approval of a conditional use permit for an accessory apartment shall go through the same processes and procedures as required by the Summit County Land Use and Development Code for all conditional use permits.

1993 APR 28 P 4 26  
SUMMIT COUNTY RECORDER

**3. Animal Keeping**

Animal keeping shall be restricted the same as in the R 4 zoning district as described in the Summit County Land Use and Development Code section 3802.

**B. DEVELOPMENT STANDARDS**

**1. Building Height**

Building heights shall not exceed 35 feet as defined in the Summit County Land Use and Development Code.

**2. Setbacks**

Front/Rear ..... 25 feet  
Sides ..... 15 feet

**3. Parking**

The owner/developer shall provide six off-street parking spaces for the proposed triplex on Lot 1 and two spaces for the primary residence on Lot 2. If an accessory apartment is approved for the primary residence on Lot 2, the property owner will provide an additional two parking spaces. Exterior parking spaces may be in driveways and may be tandem. All exterior parking spaces shall have an all weather surface such as gravel, asphalt or concrete pavement.

**6. Public Use Areas**

Pursuant to Section 8601 of the Summit County Land Use and Development Code the Owner/Developer shall pay public use area fees in lieu of land dedication. The fees will be paid prior to recordation of the final plat.

**7. Site Plan Review**

Prior to the issuance of any building or grading permit for the single family residence proposed for Lot 2, the owner/developer shall submit a site plan for review and approval by the Summit County Community Development Division. Site plan review shall be conducted by the Planning Department Staff within 10 calendar days following acceptance of a submittal as being complete. Prior to the issuance of any building or grading permit for the triplex proposed for Lot 2, the owner/developer shall receive site plan approval from the Upper Blue Planning Commission in accordance with the procedures and requirements set forth in the Summit County Land Use and Development Code regarding site plan review by the appropriate regional planning commission. The following information shall be submitted to the Planning Department for either Staff or Planning Commission review:

- a. detailed site plan
- b. floor plans and elevations
- c. grading and drainage plan
- d. erosion control plan
- e. landscaping/vegetation plan
- f. utility company approvals
- g. site improvements agreement (triplex only)

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The structure shall be designed to mitigate the visual impacts of building on steep slopes in locations visible to the public. Mitigation measures shall include the following:

Mitigate the visual impacts of building on steep slopes in locations visible to the public. Mitigation measures shall include the following:

- a. Avoid placement of parking areas requiring large, flat surfaces on steep slopes
- b. Design structures so that they are stepped or otherwise fit the terrain
- c. Ensure that the architectural design of the buildings blends in with the surrounding landscape by utilizing natural colors and materials with non-reflective surfaces
- d. All building plans shall be reviewed by an engineer registered in the State of Colorado

**8. Platting**

A final plat of the Property shall be submitted to and approved by the County prior to issuance of any building or grading permits for development.

**9. Vegetation Management Plan**

A vegetation management plan is required and shall be approved by the Colorado State Forest Service.

### C. UTILITIES AND REQUIRED IMPROVEMENTS

Public utilities, improvements, and services are to be provided in the development of the property as set forth in this section. Detailed specifications and time schedules for their construction shall be set forth in the site plan improvements agreement required as a condition of final plat approval. All utility lines will be located underground.

#### 1. Water Systems

Water shall be provided by the Woodmoor Water District. Construction of all water lines shall be in conformance with the rules and regulations of the District.

#### 2. Sewer Systems

Sanitary sewer service shall be provided by the Woodmoor Sanitation District. Construction of all sewer lines shall be in conformance with the rules and regulations of the District.

#### 3. Access

Access to Lot 1 shall be from Washington Lode and T.H. Fuller Placer Roads. Only one driveway from a lode or serving two units from Washington Lode shall be permitted. Access to Lot 2 shall be from a lode off of Washington Lode Road. All driveways off of Washington Lode Road shall be separated by a driveway off of Washington Lode Road with a minimum distance of 30 feet.

#### 4. Fire Protection

Fire protection shall be provided by the Red, White, and Blue Fire Protection District (RWBFPD). The Red, White, and Blue Fire Protection District shall meet all fire protection requirements of the District.

#### 5. Landscaping

Landscaping shall be installed in accordance with the detailed landscaping plan as approved by the Summit County as part of the site plan review and approval pursuant to paragraph B.7. of the site plan review and approval.

### E. 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 of the 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 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 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  
PO Box 68  
Breckenridge, CO 80424

Notice to Owner/Developer

Wiley and Patricia DeCarli  
PO Box 4293  
Breckenridge, CO 80424

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 DeCarli 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

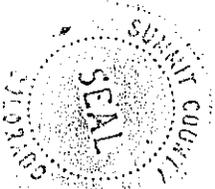
This designation must be signed by both the Summit County Board of County Commissioners and the Owner/Developer and must be recorded by the Summit County Clerk and Recorder in order to become effective. The effective date shall be April 28, 1993

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

BOARD OF COUNTY COMMISSIONERS  
OF SUMMIT COUNTY, COLORADO

Joe Sands  
Joe Sands, Chairman

Approved as  
Chairman  
Joe Sands  
Chairman



ATTEST:

Doris L. Brill  
Doris L. Brill, Clerk and Recorder

Patricia L. DeCarli  
Patricia DeCarli

Wiley DeCarli  
Wiley DeCarli

ACKNOWLEDGE:

STATE OF COLORADO )  
COUNTY OF \_\_\_\_\_ )

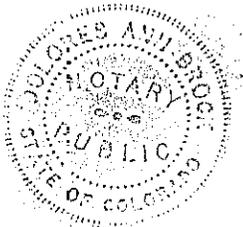
The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of April, 1993 by and before me

Wiley DeCarli, Patricia DeCarli

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in and to set my hand this certificate first above written.

My Commission Expires: 10-27-93

(SEAL)



Doris L. Brill  
Notary Public

Address \_\_\_\_\_

## EXHIBIT A

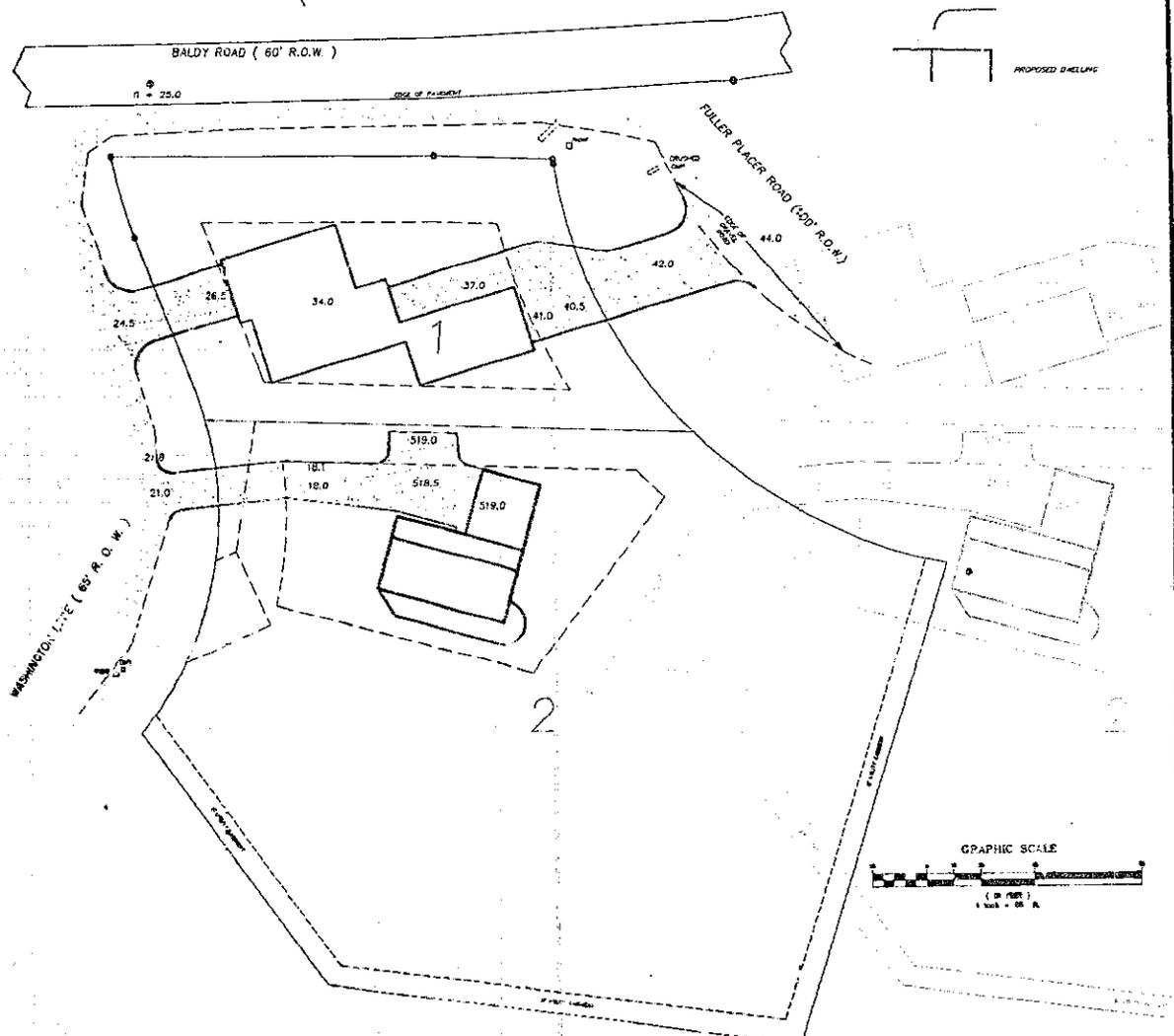
The land referred to in the DeCarli PUD Designation is described as follows:

Lot 14, Block 2, a replat of Lots 2,3, & 4, Lots 6 through 12, and Lot 14, all of Block 2, The common area adjoining Lots 11 through 15 of Block 2, Tract "A" Bounded on the North by Club House Road and Lots 1,2,5, and 13 of Block 2, Fuller Placer Road and Club house Road Adjoining said Lots of Woodmoor at Breckenridge, according to the Plat thereof recorded October 18, 1973, as Reception No. 137448 in the office of the Clerk and Recorder Summit County.

Exhibit B

LEGEND

- PROPERTY LINE AND PIN
- BUILDING SETBACK LINE
- TELEPHONE PEDESTAL
- CABLE TV PEDESTAL
- SANITARY SEWER MANHOLE
- PROPOSED DRIVEWAY
- PROPOSED BUILDING



- 2 18 93 REVISE DRIVEWAYS
- 1 28 93 REVISE DRIVEWAYS
- 1 18 93 ADD SEWER EASEMENTS TO LOT 2
- 1 6 93 REVISE SEWER ALIGNMENT AND LOT 2 HOUSE DRIVE

<b>DECARLI PUD</b>	
<b>BUILDING AND DRIVEWAY WORKSHEET</b>	
PROJECT	LOT 14, BLOCK 2
OWNER	WOODMOOR AT BRECKENRIDGE
DATE	FIRST FILING
SCALE	SUMMIT COUNTY, COLORADO
DESIGNED BY	GRAY PEARSON P.E.
CHECKED BY	
DATE	
SCALE	