

FINAL
WOODY CREEK SUBDIVISION
PLANNED UNIT DEVELOPMENT GUIDE (PUD AGREEMENT)

I. Purpose

On May 11, 2005 the Pitkin County Board of County Commissioners (hereinafter the "Board") approved the Woody Creek Subdivision Planned Unit Development (hereinafter "WCSPUD" or "PUD") Detailed Submission/Final Plat (Site Specific Development Plan) pursuant to the **Pitkin County Land Use Code** (hereinafter the "Code"). Section 3-170 of the Code establishes the Planned Unit Development (hereinafter "PUD") standards which allows variance from the strict adherence to the area and bulk requirements of underlying zone district within the PUD.

The County has requested the Aspen/Pitkin County Housing Authority Board (hereinafter "applicant") to prepare the Woody Creek Subdivision Planned Unit Development Guide (hereinafter referred to as "PUD Guide" or "Guide") to be reviewed and adopted in conjunction with the WCSPUD. The purposes of the PUD Guide are to:

- A. Identify area and bulk requirements approved pursuant to Section 3-170 of the Code.
- B. Identify variations from Land Use Code standards approved during the land use review process.
- C. Facilitate the Pitkin County Zoning and Building Department reviews by establishing approved variations from typical review standards.
- D. Identify standards enforceable by Pitkin County in one document separate from the Declaration of Protective Covenants, Conditions and Restrictions for the Woody Creek Subdivision Planned Unit Development.

II. Pitkin County Land Use Code

The Woody Creek Subdivision Planned Unit Development has been reviewed based upon the Pitkin County Land Use Code in effect on May 11, 2005 ("the Code"), the date the Detailed Submission/Final Plat land use application was certified complete by the Pitkin County Community Development Department. Zoning and building permit reviews for all development in WCSPUD shall be based upon the Code and the WCSPUD Guide. Unless noted, the WCSPUD Guide supersedes section 3-270 of the Code.

ENFORCEMENT

Each provision of this PUD Guide shall be specifically enforceable by the Declarant, its successors and assigns, and Pitkin County by a proceeding for any legal or equitable relief, including prohibitive or mandatory injunction or action to recover damages. In the event of any litigation between the parties involving the interpretation and/or enforcement of this PUD Guide, or any provision hereof, the prevailing party shall be entitled to an award of its costs incurred therein as a part of the judgement or stipulated settlement entered in such litigation.

AMENDMENT

The covenants, conditions, and restrictions contained herein may be amended, modified, or revoked by the agreement of the Declarant, its successors and assigns, and Pitkin County. No amendment or revocation shall be effective without the consent of the Declarant and Pitkin County.

SEVERABILITY

Invalidity or unenforceability of any provision of this PUD Guide, in whole, shall not affect the validity or enforceability of any other provision, or any valid and enforceable part of a provision of this PUD Guide.

NOTICE

Any notice permitted or required under this PUD Guide shall be in writing, and delivered either personally or by mail. If delivery is made by mail, it shall be deemed to have been delivered forty-eight (48) hours after a copy has been deposited in the United State mail, postage prepaid, certified mail, and addressed to the party at their last known address.

IN WITNESS WHEREOF, the Declarant has executed this PUD Guide as the day and date first above written.

DECLARANT:

ASPEN/PITKIN HOUSING AUTHORITY

By *M. Johnson*, *APCHA Director (8/23/05)*



515412

Page: 2 of 13
09/29/2005 12:02
D 0.00

ACCEPTED BY:

BOARD OF COUNTY COMMISSIONERS OF
PITKIN COUNTY, COLORADO

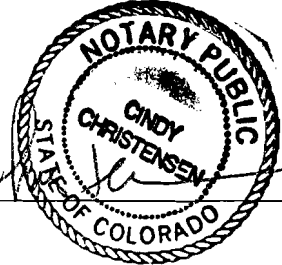
By Patti Kay-Clapper
Patti Clapper, Chairperson

STATE OF COLORADO)
)
COUNTY OF PITKIN) SS.

The foregoing instrument was acknowledged before me this 22nd
day of August, 2005 by Muureen Johnson, as
Executive Director of ASPEN PITKIN HOUSING AUTHORITY.

Witness my hand and official seal.
My commission expires: 7/22/08.

Cindy Christensen
Notary Public



STATE OF COLORADO)
)
COUNTY OF PITKIN) SS.

73rd The foregoing instrument was acknowledged before me this
day of August, 2005, by Patti Clapper as Chairperson of
the BOARD OF COUNTY COMMISSIONERS OF PITKIN COUNTY, COLORADO.

Witness my hand and official seal.
My commission expires: 11.18.2008

[Signature]
Notary Public



WHMP.REC



515412
Page: 3 of 13
09/29/2005 12:02
R 0.00 D 0.00

**WOODY CREEK SUBDIVISION
PLANNED UNIT DEVELOPMENT GUIDE**

THIS Woody Creek Subdivision Planned Unit Development Guide (hereinafter "WCSPUD Guide" or "PUD Guide") is made this 29th day of SEPTEMBER 2005, by the Aspen/Pitkin Housing Authority, it's successors and assigns ("Declarant").

RECITALS

WHEREAS, the Declarant is the owner of all the real property in Pitkin County, Colorado, described in the Woody Creek Subdivision Planned Unit Development Final Plat, recorded on SEPTEMBER 29, 2005 in Plat Book 75 at Page 21-24.

WHEREAS, on May 11, 2005, the Pitkin County Board of County Commissioners (hereinafter "the "Board" or "Pitkin County") approved the Woody Creek Subdivision Planned Unit Development (hereinafter "WCS PUD") Detailed Submission (Site Specific Development Plan) pursuant to the Pitkin County Land Use Code (hereinafter "Code"). Section 3-170 of the Code establishes the Planned Unit Development (hereinafter "PUD") procedure which allows variance from the strict adherence to area and bulk requirements of underlying zone districts within a PUD; and

WHEREAS, The County has fully considered and approved the Detailed Submission, as evidenced by Pitkin County Resolution No. 041-2005 granting Detailed Submission approval to the WCS PUD and the County has fully considered and approved the Final Plat as evidenced by Pitkin County Resolution No. 041-2005 (hereafter collectively, the "Development Approvals").

NOW, THEREFORE, Declarant hereby submits the Property to this Woody Creek Subdivision Planned Unit Development Guide ("PUD Guide") and declares that the Property shall at all times be owned, used or occupied subject to the provisions of this PUD Guide, which provisions shall constitute covenants running with the land, and shall be binding upon and inure to the benefit of Pitkin County, and the Declarant, and any person or legal entity acquiring any interest in the Property.

FURTHER DEVELOPMENT

Future development of the Woody Creek Subdivision PUD, except as permitted herein, or which is otherwise inconsistent with the Development Approvals is prohibited without approval of Pitkin County.



SILVIA DAVIS PITKIN COUNTY CO

R 0.00

515412

Page: 4 of 13

09/29/2005 12:02

D 0.00

III. Land Use Plan

~~Figure 1~~
Plat Map

depicts an overall site plan for the WCSPUD. This section establishes permitted land uses. Land uses not identified are prohibited.

A. Lots 1-58

Permitted land uses are limited to one single-family dwelling unit per lot and related accessory outbuildings such as sheds.

B. Open Space Parcels A-C

Open space parcels are to remain undeveloped. The existing structure located on Open Space Parcel C shall be demolished prior to issuance of a certificate of occupancy for the waste water treatment facility building.

Landforms in excess of 30 inches in height developed in compliance with the WCSPUD Landscape Plan (see Figure 2) and landscaping are permitted on the Open Space Parcels.

C. Common Tracts 1-3

This section establishes permitted land uses on the Common Tracts.

1. **Common Tract 1** - Common Tract 1 may be improved with a trash structure to enclose a dumpster(s) and a waste water treatment facility. The dumpster(s) need not be enclosed within a structure. The waste water treatment facility building will be developed in general compliance with Figure 3, WCSPUD Waste Water Treatment Plant Improvements Plan; Figure 4 and WCSPUD Waste Water Treatment Plant Outfall Line. The waste water treatment plant shall be located within the building envelope on Common Tract 1 as defined on Figure 3 and the WCSPUD Final Plat recorded at Book 75 Page 21-24
2. **Common Tract 2** - Common Tract 2 will be improved with the common building(s) for the WCSPUD Homeowners. Future improvements shall be located within the building envelope defined on ~~Figure 1~~ and the WCSPUD Final Plat recorded at BK 75 P 21-24. Permitted uses on Tract 1 include: picnic shelter, storage facility, meeting rooms, kitchen, restroom, guest/mother-in-law apartment(s), workshop, ski and snowboard tuning room.

Legal registered vehicles, trailers and boats may be parked on Common Tract 2 on the south side of the existing buildings until the Tract is redeveloped as proposed in the Plan.

The existing structures located on Common Tract 2 are legal non-conforming structures which may continue to exist. Any replacement structure(s) shall be developed within the approved building envelope referenced above.

The existing legal non-conforming commercial use of one of the buildings on Common Tract 2 may continue to exist. If the non-conforming use is discontinued for more than one year, the non-conforming use of the structure shall be permanently discontinued.

3. **Common Tract 3** - Common Tract 3 may be improved with a laundry mat for use of the WCHMP residents and a trash structure to enclose a dumpster(s). The dumpster need not be enclosed within a structure. Use of the laundry mat by non-residents is prohibited.

D. Parking

Parking in the WCSPUD is limited to residents and their guests. Automotive vehicles and trailers shall be parked in the common parking areas designated on Figure 1 or on Lots 1-54. Thee three designated common parking areas are located west of the Woody Creek Tavern, north of Common Tract 2 and west Open of Open Space C. (Wastewater Treatment Facility).

Each individual lot shall include areas to park two vehicles. On-street parking and parking in Open Space Areas or Common Tracts is prohibited. Use of the parking areas by non-residents is prohibited unless they are guests visiting WCSPUD residents.

Vehicles or trailers parked in common parking areas shall be limited to vehicles and trailers with current, valid, Colorado license plates.

The existing structure located in the parking lot on the south side of Lot 15 shall be removed or demolished upon redevelopment of Common Tract 2. Parking may be permitted on the south side of the buildings on Common Tract 2 until the Tract is redeveloped.

IV. Area and Bulk Requirements

This section establishes area and bulk requirements for the WCSPUD. The development of most lots in the Park will benefit from some form of zero lot line development. The purposes of the zero lot line development are to maximize solar gain and the size of yards and to minimize fire danger.



A. Setbacks and Unit Spacing for Lots 1-44

This section establishes yard setbacks and unit spacing for Lots 1-44

1. Setbacks

Building to County Road	14 ft.
Building to Private Road	0 ft.
Building to Property Line	0 ft.
Building to PUD Boundary	5 ft.
Lot 1 Building to County Road	5 ft.

2. Unit Spacing

Side to Side	10 ft.
Side to End	10 ft.
End to End	10 ft.

B. Setbacks for Lots 45-58

This section establishes yard setbacks for Lots 45-58

Front yards are those yards adjacent to streets running north to south with the exception of Lot 58. The Lot 58 front yard is adjacent to the street running east to west.

1. Setbacks for Lots 45, 46 and 49

Front Yard	10 ft.
Rear Yard	5 ft.
North Side Yard	0 ft.
South Side Yard	15 ft.

2. Setbacks for Lots 47 and 48

Front Yard	17 ft.
Rear Yard	5 ft.
North Side Yard	0 ft.
South Side Yard	15 ft.

3. Setbacks for Lot 50

Front Yard	10 ft.
Rear Yard	5 ft.
North Side Yard	0 ft.
South Side Yard	10 ft.

4. Setbacks for Lots 51 and 54

Front Yard	10 ft.
Rear Yard	5 ft.

	North Side Yard	0 ft.
	South Side Yard	15 ft.
5.	Setbacks for Lots 52 and 53	
	Front Yard	10 ft.
	Rear Yard	5 ft.
	North Side Yard	0 ft.
	South Side Yard	15 ft.
6.	Setbacks for Lot 55	
	North Side Yard	0 ft.
	Rear Yard	10 ft.
	Front Yard	10 ft.
	South Side Yard	5 ft.
7.	Setbacks for Lot 56	
	North Side Yard	10 ft.
	Rear Yard	5 ft.
	Front Yard	10 ft.
	South Side Yard	15 ft.
8.	Setbacks for Lot 57	
	North Side Yard	5 ft.
	Rear Yard	10 ft.
	Front Yard	10 ft.
	South Side Yard	15 ft.
9.	Setbacks for Lot 58	
	North Side Yard	5 ft.
	Rear Yard	0 ft.
	Front Yard	10 ft.
	South Side Yard	0 ft.

C. Maximum Density

The maximum density in the Park is limited to 7.5 dwelling units per acre. Each lot is limited to one dwelling unit. A guest/mother-in-law apartment is permitted on Common Tract 2.

D. Minimum Lot Area

The minimum Lot area is 2,400 square feet.

E. Minimum Lot Width



The minimum Lot width is 30 feet.

F. Minimum Street Right-of-way

The minimum street right-of-way is 10 feet.

G. Maximum Floor Area

1. Lots

The allowable floor area of improvements on a lot shall be the horizontal square footage of the lot, as calculated by a survey, multiplied by a Floor Area Ratio of .56 or a maximum of 2,700 square feet of floor area, which ever is less.

2. Common Tracts

Floor area is limited to 1,000 square feet on Common Tract 1, 10,000 square feet on Common Tract 2 and 1,500 square feet on Common Tract 3.

H. Maximum Height

1. Lots

Structures on Lots 1-58 are limited to a 18 foot height limitation as measured by Pitkin County at time of building permit submittal.

2. Common Tracts

The structure(s) on Common Tract 1 is limited to a height of 14 feet. The structure(s) on Common Tract 2 is limited to a height of 18 feet and the structure(s) on Common Tract 3 is limited to a height of 16 feet.

V. Fencing and Accessory Structures

This section establishes standards for fencing and accessory structures.

A. Fencing

This section establishes standards for fencing.

1. Location on Lots

If a lot owner develops a fence, it shall be located on the lot he/she owns. Individual lot owners shall not fence Open Space areas or Common Tracts. The Woody Creek

Mobile Subdivision Planned Unit Development Homeowners Association may fence Common Tracts and Open Space.

2. Maximum Height

The maximum fence height is six feet.

3. Relationship of Fencing to Dwelling Units

Fences shall be located at least five feet from dwelling units if the fence runs parallel to the wall of a unit. The five foot fence setback provides for fire separation and maintenance of yards and dwelling units.

Fences may encroach within the five foot setback at the end of a fence to bring closure to a fenced yard at the dwelling unit. This encroachment within the fence setback provides for a dwelling unit to serve as one or more sides of a fenced yard.

B. Accessory Structures

This section establishes standards for accessory structures. In most cases accessory structures are storage sheds.

1. Location on Lots

If a lot owners develops an accessory structure, it shall be located on the lot he/she owns.

Individual lot owners shall not develop or place structures on Common Tracts or Open Space. The Woody Creek Subdivision Planned Unit Development Homeowners Association may develop or place structures on Common Tracts as permitted in the WCSPUD Plan.

2. Materials

Accessory structures shall be constructed of materials with one hour fire walls which are not shared by adjoining dwelling units.

3. Height

The maximum height of an accessory structure is limited to 12 feet.

4. All new accessory structures shall be a minimum of 10 feet from any neighboring dwelling unit or other accessory structure.



VI. Fire Mitigation

The WCSPUD shall implement the fire mitigation program defined in this section. All development within the Park shall adhere to the applicable fire mitigation standards in this section.

- A. Tall grass shall be cleared and maintained within ten feet (10') of residential and accessory structures.
- B. Non-combustible roof material, including, but not limited to, tile, asphalt, or metal roof material is required. Wood shake shingle roofs are prohibited.
- C. All new dwelling units developed after the effective date of the approval of the WCSPUD Detailed Submission shall contain operational interior sprinkler systems.
- D. Lot Owners shall be required to keep all roofs clear of debris.
- E. Lot Owners shall be required to remove tree branches hanging within fifteen feet (15') of chimneys.
- F. Lot Owners shall be prohibited from parking any motor vehicle in tall dry grass.
- G. Lot Owners shall be required to stack firewood at least 10 feet away from structures, and to keep fire fuels away from stacked wood.
- H. Lot Owners shall be required to maintain at least one (1) ten-pound ABC-class fire extinguisher in each dwelling unit.

VII. Lighting

Lighting shall comply with the standards of the **Pitkin County Land Use Code** in effect at the time of installation.

VIII. General Restrictions

The following general restrictions shall apply to the WCSPUD.

A. Underground Utility Lines

All new water, electrical, telephone, natural gas, and other utility pipes or lines within the Subdivision, shall be buried underground and not be carried on overhead poles or above the surface of the ground. All utilities shall be buried in or adjacent to roads or driveways, or within utility easements designated on the Plat. Areas disturbed by the burying of

utility lines shall be revegetated by and at the expense of the lot Owner or lot Owners causing the disturbance, and shall be accomplished no later than the next growing season following installation.

B. Rubbish and Trash

All rubbish and trash shall be removed from all lots and shall not be allowed to accumulate, and shall not be burned thereon.

C. Radon Gas

If basement development is proposed, the lot Owner proposing development of a basement shall be responsible to check for radon gas which may exist on their lot. Mitigation of radon gas shall be required if a basement is developed on a lot impacted by radon gas.

WMHP.PU3



515412

Page: 12 of 13
09/29/2005 12:02
D 0.00