The Bluffs at Eagle

1st Amended Planned Unit Development Guide

Amended: April 14, 2015

Amendments:

1. Increased Lot 3 Building Height
2. Increased Accessory Unit Size

Ex. A

The Bluffs at Eagle
1st AMENDED PLANNED UNIT DEVELOPMENT GUIDE

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I. INTRODUCTION

This Guide sets forth the land use and development standards for the properties in The Bluffs at Eagle Planned Unit Development. The Development Guide defines the permitted use of land and provides for open spaces and includes additional supplementary regulations.

II. PURPOSE

The primary purpose of this Development Guide or "Guide" is to establish the standards, restrictions and regulations that govern development and land use within The Bluffs at Eagle Planned Unit Development as shown on the PUD Zoning Plan. It also ensures that The Bluffs at Eagle Planned Unit Development is developed as a comprehensive planned community. The Guide will ensure the orderly and compatible development of the property. The Guide constitutes the standard zoning provisions of the Town of Eagle's land use regulations with site-specific restrictions for the development plan and conditions of the land contained within The Bluffs at Eagle Planned Unit Development.

A. In a number of instances the requirements of this Guide are less restrictive than the requirements of the Design Guidelines. This is by design. The more restrictive provisions of the Design Guidelines will be used for The Bluffs at Eagle Planned Unit Development review and approval. The provisions of the Design Guidelines must be approved in writing by the Design Review Committee as a part of its approval under Section IV., A. hereof. The provisions of this Guide must be met in order to receive a Town of Eagle building permit, to commence construction, and to receive a certificate of occupancy.

III. DEFINITIONS

As used herein, the following words and terms shall have the following meanings:

A. Accessory Unit: Dwelling unit, not to exceed **700 square feet**, incorporated into an owner-occupied single family home and meeting the requirements of the Town of Eagle Development Regulations. The accessory unit must have a separate exterior access and be architecturally integrated into the home so as to maintain the appearance of a single family home.

B. The Bluffs at Eagle Planned Unit Development. The Bluffs at Eagle Planned Unit Development is a zone district authorized by the Town of Eagle pursuant to the Planned Unit Development Act as amended from time to time and contains all the property described in The Bluffs at Eagle Planned Unit Development proposal approved by the Town of Eagle in 2003.

C. Building Envelope. A Building Envelope is defined in the Master Declaration of Covenants, Conditions and Restrictions for The Bluffs at Eagle (the "CC&R's"), and is further explained in The Bluffs at Eagle Design Guidelines. The Building Envelope varies for each lot and is determined by the setbacks indicated on the Final Plat for The Bluffs at Eagle.

D. Building Height. Maximum building height shall be the vertical distance between finished grade and the highest element (beam, parapet, etc.) of a shed roof or the midpoint (average height) of a gable, hip or gambrel roof. Finish grade may not be artificially raised to lower the apparent building height.

E. Common Area. Common Area is defined as any portion of the Common Interest Community designated in the Declaration or any Supplemental Declaration or on a Plat or any Supplemental Plat as Common Area or Limited Common Area or Open Space and which is owned or leased or maintained by the master homeowners association for the common use and enjoyment of the property owners or occupants, including, but not limited to, pathways, trails, and entry features.

F. Declaration. Means and refers to the Master Declaration of Covenants, Conditions, Restrictions and Easements for The Bluffs at Eagle Planned Unit Development as adopted from time to time amended for the various filings also referred to as "CC&R's".

G. Design Guidelines. Design guidelines are defined in the CC&R's. The Design Guidelines provide for architectural and design guidelines for the development of privately-owned lots or development areas within The Bluffs at Eagle Planned Unit Development adopted from time to time by The Bluffs Design Review Committee which shall, among other things, interpret or implement the provisions of The Bluffs at Eagle Planned Unit Development Plan and Guide.

H. Design Review Committee. The Design Review Committee is defined in the CC&R's. It is a committee which shall be responsible for the administration and enforcement of this Planned Unit Development Guide, the CC&R's, and the Design Guidelines.

I. Development Areas. Development Areas refer to any lot, lots, or parcels to which The Bluffs at Eagle Planned Unit Development Plan provisions may apply.

J. Duplex. A duplex is defined in the CC&R's. It is a structure which consists of two Dwelling Units within a single architecturally integrated structure on one divided lot.

K. Dwelling Unit. One or more rooms occupied by one family or group of people living independently from any other family or group of people and having not more than one indoor cooking facility.

L. Escarpment. Steep slope separating two comparatively level or more gently sloping surfaces, in particular, the steep slope along the northerly side of the subdivision dropping down to Highway 6. The top edge of this escarpment is referred to as the "ridgeline" and there are additional restrictions on development on the lots along the ridgeline indicated in the PUD Guide and DRC regulations.

M. Lot. A lot is defined in the CC&R's. It is a single-family, duplex, or multi-family lot within The Bluffs at Eagle Planned Unit Development.

N. Lot Coverage. The portion of the lot covered by building elements and other impervious area. Building coverage includes roof overhangs, covered porches, canopies, raised decks (higher than 2' above grade), and similar constructed elements. Impervious coverage includes parking, drives, walks, on-grade patios, and any other surface which does not absorb rainwater.

O. Multi-Family Dwelling. One building containing three or more dwelling units.

P. Open Space Parcel. A parcel within The Bluffs at Eagle Planned Unit Development which can be used for aesthetic, wildlife, and recreation uses such as bicycling, hiking, cross-country skiing, etc. An open space parcel may have constructed thereon structures or facilities associated with such uses and other uses associated with the needs of The Bluffs at Eagle Planned Unit Development including, but not limited to, trails, signs, water storage facilities and associated facilities and transmission improvements, utilities and other appropriate recreation improvements.

Q. Owner. An individual, corporation, partnership, association, trust or other legal entity or combination of legal entities which is the record owner of an undivided fee simple interest in one or more lots, parcels, or dwelling units except as specifically limited hereinafter.

R. Parking Spaces. Parking spaces are areas designed for the parking of automobiles that use the following size requirements: parking spaces in The Bluffs at Eagle Planned Unit Development are required to be not less than 9' x 19'.

S. Planned Unit Development Map. Maps contained in The Bluffs at Eagle Planned Unit Development Plan illustrating certain requirements contained in The Bluffs at Eagle Planned Unit Development Plan.

T. Planned Unit Development Plan. Those documents created pursuant to the requirements of The Town of Eagle Land Use Regulations for the purpose of establishing development requirements, plans, specifications, and similar criteria for The Bluffs at Eagle Planned Unit Development, also referred to as the Planned Unit Development Plans.

U. Ridgeline Lots. Those lots on the northerly edge of the PUD which are contiguous with the edge of the bluff. As such development on these lots has the potential to negatively impact views from the surrounding area and they are subject to additional restrictions in building height and design requirements in the PUD Guide and DRC Regulations. Ridgeline lots are Lots 1 thru 3, 5 thru 7, 11 thru 28, and 101 thru 114.

V. Single Family Structure. Single Family Structure consists of one Dwelling Unit, typically built on a single family lot. Single family structures may also be built upon Parcel B, on which the land, exclusive of the building footprint, is owned in common.

IV. APPROVAL OF CONSTRUCTION PLANS

A. The Design Review Committee shall have the sole responsibility for interpreting and enforcing any design standards promulgated. The Town shall have no responsibility to interpret or enforce such design standards. The Design Review Committee shall further have the responsibility to interpret and enforce the PUD Guide. However, the Town shall have the independent right and responsibility to interpret and enforce the provisions of the PUD Guide. The Town reserves the right to refuse to approve any application for a building permit or certificate of occupancy for the construction or occupancy of any building or structure within the Planned Unit Development if said building or structure fails to comply with the requirements of the PUD Guide, in the Town's sole determination. Such a refusal would be subject to any right of appeal available under the Eagle Municipal Code building codes or other applicable law.

B. No building or other structure will be constructed, erected or maintained on any lot, nor shall any addition thereto, or alteration, or change therein, be made until complete plans and specifications have been submitted to and approved in writing by:

1. The Design Review Committee.

2. The Town of Eagle, as evidence by issuance of an applicable building permit from The Town of Eagle.

V. RESTRICTIONS ON SITE IMPROVEMENTS

The following general restrictions shall govern construction on any lot in Phase A and B:

1. Building Envelopes:

No construction shall take place outside of the Building Envelope except as follows:

a. Roof overhangs may project a maximum of 24" beyond the building envelope.

b. Chimney enclosures may project a maximum of 24" beyond the building envelope, not to exceed 6 feet in width and no more than one on any building elevation.

c. Window bays may project a maximum of 24" beyond the building envelope, not to exceed 8 feet in width and no more than one on any building elevation.

d. Front (street elevation) porches are encouraged. Covered porches (with roofs only – no living space above) may encroach a maximum of 4 feet into front yard setbacks if basically parallel to street.

e. Garages must be a minimum of **20 feet** from the street property line or the front setback, whichever is greater.

2. **Lot Coverage:**

A maximum building coverage of **40%** of the lot area is allowed. Building coverage includes roof overhangs, covered porches, canopies, raised decks (higher than 2 feet above grade), and similar constructed elements.

Additional impervious area to a maximum of **20%** coverage of the lot area is allowed. Impervious coverage includes parking, drives, walks, on-grade patios, and any other surface which does not absorb rainwater.

However, if the building coverage is less than the maximum 40% allowed, the impervious coverage may be increased, up to a maximum of 25% as long as the total combined coverage does not exceed 60% of the lot area.

3. **Building Height:**

The maximum building height is **32 feet** except where a more restrictive height limitation for a specific lot is indicated below:

Ridgeline Lots: Maximum building heights are indicated in the following for each lot with a property line contiguous with the edge of the escarpment (ridgeline), but in no case may exceed **25 feet**. For ridgeline lots only, the building height is measured from top of curb adjacent to the property, in line with the midpoint of property line fronting on the street. The affected lots and the maximum building heights are as follows:

Lot Number	Max. Building Height	Lot Number	Max. Building Height
1	25'	20	19'
2	25'	21	19'
3	25'	22	22'
5	22'	23	22'
6	25'	101	25'
7	19'	102	22'
11	19'	103	19'
12	25'	104	19'
13	22'	105	19'
14	22'	106	19'
15	25'	107	19'
16	25'	108	19'
17	22'	109	22'
18	19'	110	19'
19	19'		

4. **Floor Area:**

Maximum floor area, in general, will be determined by the building envelopes, lot coverage limits, and building height limits. However, total, overall enclosed floor area, including basements, garages, storage spaces, etc. in addition to living spaces may not exceed **80%** of the lot area.

Minimum floor area will be determined by the habitable space requirements of the building code. Houses less than 1,000 square feet, however, are limited to a one-car garage to avoid disproportion between the house and the garage.

5. **Parking Requirements:**

Off street parking will be provided based on the following criteria:

a. Single Family	3 spaces per unit
b. Accessory Units	1 additional space
c. Duplexes	2.5 spaces per duplex unit
d. Multi-Family Dwelling	per Town of Eagle Development Standards

6. **Building Features:**

a. Lighting:

- No lighting shall be permitted outside of the building envelope.
- All light bulbs shall be recessed within the building massing or be part of a light fixture that allows no direct view of the light source from off-site. Bulbs in exterior light fixtures are limited to **25 watts** maximum.
- Any glass in exposed exterior light fixtures shall be opaque so as to not allow the transmission of light except directly below the fixture.
- All direct lighting shall illuminate down, on to the building element or landscape element it is illuminating. Up-lighting is not permitted.

b. Roofs: Roof slopes will be at least 6:12 pitch. Minor portions of the roof may be flatter where it blends with the overall design of the house (e.g., porch roofs), but will be allowed only with specific review and written approval of the DRC. Roofing color to be darker than the body color of the house.

c. Foundations: The Town of Eagle requires a soil test before it will issue a building permit. The soil test on each Lot shall include site specific foundation recommendations for each Lot. Engineered foundations may be required by the results of the soil test, per Town Building Department requirements.

d. Fireplaces: Wood burning fireplaces are not allowed. Any fireplaces located within The Bluffs at Eagle Planned Unit Development are to be gas fireplaces.

e. Specific Restrictions for Ridgeline Lots:

Glass Area: Glass on the elevation facing the ridgeline is limited to 50% of the wall area. Large expanses of glass in 2-story high living spaces facing the edge of the bluff are prohibited.

Exterior Colors: Exterior colors of houses built on ridgeline lots shall be selected from a range of colors substantially in accordance with the colors shown on a sample board at the Design Review Committee office.

7. Grading:

The finished lot is to conform to all drainage plans prepared by the developer, the Town of Eagle engineers, and/or on file with the Town of Eagle. Site drainage will adhere to the developments drainage plan as applicable and the overall drainage shall not be materially altered or diverted.

Ridgeline Lots: No drainage, including foundation drainage, may be diverted towards the ridgeline. Only lots which are shown as sloping towards the ridgeline in the original subdivision grading plan may continue to drain that way. Any foundation drainage must be directed to the street side of the lot, to "daylight" or to a drywell.

Steep Slopes: Cut and fill slopes steeper than 1 foot vertical in 2 feet horizontal are not allowed. No construction or earth moving of any kind (other than minor grading required for landscaping plantings, e.g., tree wells or similar) is allowed any portion of a lot that has a 30% steeper slope. Slopes greater than 30% shall be protected by construction fencing prior to start of any earth-moving or construction work on the site.

8. Access To Adjacent Open Space:

Directly accessing adjacent open space from an individual lot (including parks, playgrounds, and the BLM land to the east of the subdivision) is prohibited.

9. Fencing:

Fencing is part of the Design Guidelines.

Ridgeline Lots: There is no access allowed on the face of the escarpment along the north edge of the property due to safety concerns and the potential for erosion. A fence will be erected along the property line at the edge of the bluff and it will be owned and maintained by the Homeowners Association. This fence may not be removed nor altered on any individual lot.

10. Landscaping:

Landscape requirements are a part of the Design Guidelines.

a. Ridgeline Lots: The Owner of each respective ridgeline lot shall cause to be planted in the northern setback of the lot at least one 6' minimum tall Colorado Spruce and 1 deciduous tree (2 ½" minimum caliper) no later than the date of the issuance of a certificate of occupancy. The Declarant shall plant these trees by October 1, 2004 on all ridgeline lots which remain unsold or for which a building permit has not been applied for by September 1, 2004.

b. Weed and Rodent Control: All areas disturbed by overlot grading will be revegetated with native grass mix at the completion of grading and infrastructure construction. By Town ordinance and under the subdivision Covenants, Conditions, and Restrictions (CC&R's), the owners of individual lots are responsible for controlling the growth of noxious weeds and burrowing rodents on their land. Owners who fail to control such weeds and rodents may be subject to fines and penalties under and the ordinance and CC&R's, including assessments by the Homeowners Association for expenses incurred by the HOA for weed and rodent control.

11. Signs:

Signs must comply with the Sign Regulations as set forth in the Land Use Regulations. Additional sign requirements are set forth in the Design Guidelines.

12. Pets:

Each dwelling unit will be permitted to house up to two dogs and offspring up to three months old. Residents will be prohibited from harboring dogs on their property unless they have adequate facilities (i.e., animals kept inside the residence, a fenced rear yard or dog run or kennel) to contain the animals). Enclosed runs must be located immediately adjacent to the home, within the building envelope, and shall not exceed 1,000 square feet. If facilities are inadequate to contain the dog(s), the animals shall be immediately removed from the subdivision until adequate facilities can be built. All such facilities must conform to DRC regulations.

At no time are dogs to be allowed to run freely. The Bluffs at Eagle shall be subject to all leash laws and other pet regulations as adopted by the Town of Eagle. Stray dogs may also be controlled by Eagle County and the Colorado Department of Wildlife. Homeowners (or tenants or guests) will be responsible for any and all costs incurred by the Town, County, and/or CDOW for enforcing these regulations.

Dogs During Construction: Contractors and subcontractors are prohibited from bringing dogs onto the Property, even if such dogs are to be kept inside motor vehicles. Violation of this policy shall result in the immediate eviction of the dog and the dog's owner or harborer by the Developer from the Property. In the event of a second violation by the same dog and/or the same dog's owner or harborer, the dog and the dog's owner or harborer shall be

immediately evicted from the Property by the Developer and the offending person shall be prohibited from entering or working within the Property for the following seven (7) consecutive calendar days. In the event of a third violation, the offending person shall be prohibited by the Developer from entering or working within the Property for the following six (6) calendar months.

VI. DEVELOPMENT AREAS

1. Phases I & II – Single Family and Duplex Lots

a. Permitted Uses. The following uses are permitted:

1) Single family residential units.
2) Duplex residential units on lots so designated.
3) Accessory Units per TOE Regulations, with a maximum area of 700 square feet.
4) Utility lines (within designated easements) such as, but not limited to: water, wastewater, drainage ditches, storm-water, cable and fiber optic, natural gas, electric and telephone.

b. Development Standards. Development within the Single Family and Duplex Parcels shall be constructed in accordance with the standards above.

2. Phase III – Multi-Family Parcel (Parcel A)

a. Permitted Uses. The following uses are permitted within the Multi-Family Parcel:

1) Multi-family dwellings;
2) Trails;
3) Drives, sidewalks, and pedestrian ways;
4) Outdoor recreation improvements including but not limited to: parks, restrooms and associated accessory and support improvements;
5) Utility lines such as, but not limited: water, wastewater, drainage ditches, storm-water, cable and fiber optic, natural gas, electric and telephone;
6) Utility facilities such as, but not limited to: pump houses, water storage, water collection and distribution facilities, waste water collection and transmission facilities, sedimentation basins, drainage and other utility related facilities and structures;
7) Open space;
8) Landscaping buffers.

b. Development Standards. Development within Parcel A shall be constructed in accordance with the following standards:

1)	Minimum setback:	Front: 25 feet Side: building height or 25 feet minimum whichever is greater Rear: 25 feet
2)	Building height:	35 feet maximum
3)	Maximum lot coverage:	50% for building coverage 20% for additional impervious coverage
4)	Maximum floor area:	150% of lot area

5) In addition, development within Parcel A shall be subject to the Town of Eagle Development Permit process and Subdivision Review process if applicable.

3. Phase IV – Multi-Family Parcel (Parcel B – "Walck Parcel")

a. Permitted Uses. The following uses are permitted within the Multi-Family Parcel:

1) Maximum of 8 single-family or duplex dwellings on land owned in common;
2) Trails;
3) Drives, sidewalks, and pedestrian ways;
4) Outdoor recreation improvements including but not limited to: parks, restrooms and associated accessory and support improvements;
5) Utility lines such as, but not limited: water, wastewater, drainage ditches, storm-water, cable and fiber optic, natural gas, electric and telephone;
6) Open space;
7) Landscaping buffers.

b. Development Standards. Development within Parcel B shall be constructed in accordance with the following standards:

1)	Minimum setback:	Front: 25 feet Side: one-half building height or 12½ feet minimum whichever is greater Rear: 25 feet
2)	Building height:	25 feet maximum
3)	Maximum lot coverage:	50% for building coverage 20% for additional impervious coverage

4) Maximum floor area: 150% of lot area

5) In addition, development within Parcel B shall be subject to the Town of Eagle Development Permit process and Subdivision Review process if applicable.

6) Grading Easement: There is a grading easement indicated on the Final Plat to accommodate the cut slope required for the extension of Church Street down to the roundabout. Construction of housing units within the is allowed with appropriate stepped foundation design to maintain the sloped grade. Any retaining walls associated with construction on the parcel must be designed and constructed so as to be interconnected and mutually supporting (i.e., concrete, masonry, MSE walls, and similar). Boulder walls on the upper portions of the graded slope down to Church Street are specifically prohibited.

VII. COMMON AREAS AND PARCELS TO BE DEDICATED

1. Common Areas and Park Areas (Tract D & F):

a. Intent. Park and recreation facilities, open space, landscape improvements and drainage improvements for The Bluffs at Eagle Planned Unit Development.

b. Permitted Uses. The following uses are permitted within the Common Area, and Park Parcels:

1) Trails, such as, but not limited to: hiking, biking, cross country skiing, snowshoeing, and similar, non-motorized uses;
2) Access drives, parking facilities, and sidewalks;
3) Outdoor recreation improvements;
4) Utility lines such as, but not limited to: water, wastewater, ditches, storm-water, cable and fiber optic, natural gas, electric and telephone;
5) Utility facilities such as, but not limited to: pump houses and water distribution facilities, waste water collection and transmission facilities, sedimentation basins, drainage ditches, and other utility related facilities and structures and access to such facilities;
6) Open space;
7) Landscaped buffers

2. Open Space Parcels (Tract A, B, C, D)

a. Intent. To provide sites for athletic fields, parks and recreation facilities, natural and developed open space, water storage and transmission facilities, drainage improvements, landscape improvements, and recreation trails.

b. Permitted Uses. The following uses are permitted within the Open Space Parcels:

1) Athletic fields, including related facilities (goals, backstops, parking, restrooms, etc.);
2) Natural and developed open space;
3) Trails, such as, but not limited to: hiking, biking, cross country skiing, and snow shoeing (non-motorized use);
4) Utility lines such as, but not limited to: water, wastewater, ditches, storm-water, cable and fiber optic, natural gas, electric and telephone;
5) Utility facilities such as, but not limited to: pump or well houses, water storage, water collection and distribution facilities, waste water collection and transmission facilities, water tanks, sedimentation basins, ditches, drainage and other utility related facilities and structures and access to such facilities;
6) Landscaping buffers;

c. Development Standards. Development within the Open Space Parcels shall be constructed in accordance with the Town of Eagle's standards.

3. Recreation Parcel (Tract G):

Intent. To provide recreation field(s) for use by schools, WECMRD, and general public.

4. Parking Lot Parcel (Tract J):

Intent. To provide parking for users of the athletic fields, pocket park, and those accessing BLM land east of the subdivision.

5. School District Parcels (Tract E & H):

Intent. To provide for expansion of adjacent Eagle County District facilities.

6. Road Expansion Parcel (Tract I):

Intent. Provide for expansion and/or relocation of right-of-way for Highway 6 as required for construction of a new bridge over the Eagle River.

VIII. DEVELOPMENT PHASING

Exhibit A lists the Development Areas (Phase I through IV) and Tracts to be dedicated. Each Development Area may be constructed as a separate phase. However, Phase I (Lots 1 thru 60) and associated infrastructure shall be the initial phase. The order of construction of the remaining Development Areas may vary and shall be determined by the Developer.

IX. MODIFICATION

It is anticipated that modifications to this Guide will be necessary from time to time as the development of The Bluffs at Eagle Planned Unit Development progresses through its development phases. This Guide provides for three categories of modifications: Major Modifications, Other Amendments, and Minor Modifications. These three are defined as follows:

A. Major Modifications. Major Modifications to The Bluffs at Eagle Planned Unit Development are those changes which could alter the character or fundamental land use of a portion of the development. At any time after a Final Plat is approved, any change in density or from one category of land use to another, such as any change in designation of open space to a non-recreational or non-conservation related use, shall be considered a Major Modification. In addition, any addition of land to be governed by the Guide other than for recreational, open space or access shall be considered a Major Modification.

Major Modifications shall be under the authority of The Bluffs Master Association and The Town of Eagle's Board of Trustees. After first receiving the approval of The Bluffs Master Association and the Design Review Committee, application for approval of such amendment shall then be made to the Town for a Major Modification and entered into the Town review process at the Zoning Plan stage pursuant to the Land Use Regulations, unless (a) the change is directed by the Planning Commission; or (b) in the opinion of the Town Planner, the change does not materially change The Bluffs at Eagle Planned Unit Development and it complies with the Land Use Regulations and the Town's goals and policies. The Board of Trustees may approve a Major Modification if it is found to be consistent with the purpose and intent of this Guide or if the character of the surrounding area has changed such that the original purpose and intent for a particular Parcel or area are no longer appropriate and that the modification does not substantially adversely affect rights of owners within The Bluffs at Eagle Planned Unit Development.

B. Other Amendments. Any modification or amendment of provisions of The Bluffs at Eagle Planned Unit Development which is not a "Major Modification" may be adopted after a public hearing, written notice of which has been placed in a newspaper of general circulation in the Town of Eagle at least 10 days prior to the Planning Commission meeting, and at least 30 days prior to the Board of Trustees meeting, with the Board of Trustees meeting to follow the Planning Commission meeting. Said notice shall state the general nature of the proposed modification or amendment, and the dates of both the Planning Commission and Board of Trustees hearings.

In considering an amendment to The Bluffs at Eagle Planned Unit Development Plan, the Town of Eagle's Board of Trustees shall follow the standards for review of the Preliminary Plan and the intent and purposes of this Guide; provided, however:

1. Application for modifications shall cover only those areas of The Bluffs at Eagle Planned Unit Development affected by any proposed change; and

2. The Board of Trustees may waive any Preliminary Plan requirements upon a showing by the applicant that Preliminary Plan requirements have been previously met.

C. Minor Modifications. Subject to the provisions set forth below, Minor Modifications in land uses and Parcel configurations may be authorized by the Design Review Committee without requiring an amendment to The Bluffs at Eagle Planned Unit Development, provided that the changes are similar in nature and impact to the listed permitted uses and are consistent with the intent of boundaries of a given parcel and they do not adversely affect wetlands, riparian or stream setback requirements. Minor Modifications shall include, without limitation, the following:

1. Internal road and sidewalk alignment alterations subject to approval of all engineering documents by the Town's engineer;

2. Trail alignment alterations;

3. Technical and engineering considerations first discovered during actual development which could not reasonably be anticipated during the approval process subject to approval of all engineering documents by the Town's engineer; or

4. Any other minor change that has no effect on the conditions and representations otherwise approved as part of The Bluffs at Eagle Planned Unit Development.

D. Buyers of lots or parcels in The Bluffs at Eagle Planned Unit Development should be aware that requirements more restrictive than those contained in this Guide may be imposed as a result of the CC&R's, Design Guidelines, Final Plat or other applicable development documents that are recorded separately for The Bluffs at Eagle Planned Unit Development. The most current Design Guidelines should be consulted prior to formalizing development plans for construction at The Bluffs at Eagle Planned Unit Development. In absence of regulations addressing any specific area of concern, the ordinances, development standards, and building code requirements of the Town of Eagle will apply.

X. EFFECT OF THE TOWN OF EAGLE'S LAND USE REGULATIONS

This Development Guide constitutes the standard zoning provisions for The Bluffs at Eagle Planned Unit Development adopted by the Town of Eagle's Zoning and Subdivision Ordinances. Where this Development Guide is silent, the applicable provisions of the Town of Eagle's Land Use Regulations shall govern. If there is any conflict between the provisions of this Development Guide and the provisions of the Town of Eagle Land Use Regulations or any other ordinances, resolutions or regulations of the Town of Eagle, the provisions of this Guide shall prevail and govern the development of The Bluffs at Eagle Planned Unit Development.

XI. ENFORCEMENT

The Design Review Committee shall have the responsibility for interpreting and enforcing this Guide in accordance with the terms of the CC&R's, provided, however, the Town shall have the independent right and responsibility to enforce the provisions of this Guide. The Town expressly reserves the right to refuse to approve any application for a building permit or certificate of occupancy for the construction or occupancy of any building or structure within The Bluffs at Eagle Planned Unit Development if said building or structure fails to comply with the requirements of this Guide. This provision shall not be construed as a waiver by any appropriate party, including without limitation, any owner of a Dwelling Unit, The Bluffs Master Association, the Design Review Committee, or the Developer, of any right to appeal, pursuant to the appeal rights otherwise available under the Land Use Regulations, the Town's building codes or by other applicable law, the Town's refusal to approve any such application.

In case any building or structure is proposed to be erected, constructed, reconstructed, altered, or used or any land is or is proposed to be sued in violation of the approved PUD, the Town, in addition to other remedies provided by law, may institute an appropriate action to prevent, enjoin, abate, or remove the violation to prevent the occupancy of the building, structure, or land, or to prevent any illegal act or use.

XII. RECORDING

Upon approval by the Town of Eagle Board of Trustees, the Planned Unit Development Guide will be recorded together with other related documents pertaining to The Bluffs at Eagle Planned Unit Development.

EXHIBIT A – DEVELOPMENT AREAS AND TRACTS

Identifier	Description	Use	
Development Areas			
Phase I	Lots 1 thru 60 – Initial Phase of Single Family and Duplex Lots	Individual Lots	
Phase II	Lots 61 thru 127 – Balance of Single Family and Duplex Lots	Individual Lots	
Phase III	Multi-Family Parcel (Parcel A)	Multi-Family Development Lot	
Phase IV	"Walck Parcel" – Single Family (Parcel B)	Individual Units/Common Parcel	
Tracts (Open Space, Common Areas, and Parcels Dedicated to Others)			Disposition
Tract A	River Edge Parcel	Open Space	To TOE
Tract B	Escarpment West	Open Space	To TOE
Tract C	Escarpment East	Open Space	To TOE
Tract D	Park in NE Corner	Open Space/Park	To HOA
Tract E	Open Space (SW Corner)	Open Space	To HOA
Tract F	Park (w/playground)	Open Space/Park & Playground	To HOA
Tract G	Open Space – Recreation Fields	Recreation Fields	To ECSD
Tract H	School Parcel	School District Expansion Space	To ECSD
Tract I	CDOT Parcel	Expansion of Hwy. 6 ROW	To CDOT
Tract J	Parking Lot	Parking Lot for Recreation Fields	To TOE
Tract K	Pump Station	Pump Station for Water System	To TOE

Key:

TOE – Town of Eagle
HOA – The Bluffs at Eagle Homeowners Association
ECSD – Eagle County School District
CDOT – Colorado Department of Transportation

Approved by the TOWN OF EAGLE, COLORADO, a municipal corporation acting by and through its Board of Trustees, this 14 day of April, 2015.

TOWN OF EAGLE, COLORADO:

By: _____

Yuri Kostick, Mayor

ATTEST:

_____

Jenny Ellringer, Town Clerk