



BELDEN PLACE
PUD GUIDE
+
ATTAINABLE
HOUSING PROGRAM



Planned Unit Development Guide

I. PURPOSE

The purpose of this document is to provide the applicable standards, restrictions and nuances which govern land-use and design within the Belden Place subdivision. The PUD Guide will serve as the "Zone District Regulations" for the PUD and is in conformance with the approvals and conditions as set forth by the Town of Minturn and the applicable Development/Municipal Code thereof.

II. APPLICABILITY

The Belden Place PUD authorizes a total of 41 dwelling units on 27 lots. The residential mix of units are comprised of single-family, duplex, triplex and multifamily dwellings on approximately 2.7 acres of land within the south Town of Minturn, Eagle County, Colorado. All development within the Belden Place PUD is administered by the Town of Minturn through the provisions of this PUD Guide. Building construction within the PUD is governed by the applicable Town of Minturn ordinances, rules, regulations and codes. Approval of this plan constitutes a vested property right pursuant to section 24-68-103, C.R.S., as amended.

III. GENERAL CHARACTER

The Belden Place neighborhood is characterized by a mix of elements from the Town of Minturn code and Comprehensive Plan. This walkable/multi-modal development with connection to downtown and the Minturn Fitness Center is comprised of single-unit, duplex-units, and multi-family units, located along a local, privately owned and maintained street that loops through the development. Anchoring the subdivision is a dedicated central greenspace/common area for residents to gather that includes a recreation area. Across the highway public has access to the Boneyard, which is a permanent open space area complete with river access and to the south, access to National Forest Service lands.

IV. PUD CONFLICT AND ENFORCEMENT

The Belden Place PUD Guide constitutes the standard zoning provisions for this subdivision, as adopted by The Town of Minturn. Where this Guide is silent, the applicable provisions of Town of Minturn development code shall govern. If there is any conflict between the provisions of this Guide and the provisions of Town of Minturn development code or any other ordinances, the provisions of this Guide shall prevail and govern the development of the PUD.

The Town of Minturn is responsible for the interpretation and enforcement of this PUD Guide in accordance with the Minturn Municipal Code. The Belden Place Owners Association may enforce this Guide in accordance with the terms of the CC&Rs. The Town of Minturn 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 PUD 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 Owners Association, the Design Review Committee, or the Developer, of any right to appeal, pursuant to the appeal rights otherwise available under the Town development code, building codes, or by other applicable law.

V. PUD AMENDMENTS

Changes in use resulting in more intensity of development, major rearrangement of lots into areas not previously containing development, overall increases in development intensity or density, and decreases in the area or provisions for dedicated open space will require approval by the Town Council following the procedures of the Town code for the submittal of an Amended PUD, pursuant to the Town of Minturn Municipal Code, currently § 16-15-230, as may be amended.

VI. DEFINITIONS¹

Accessory Dwelling Unit. A dwelling unit that is accessory and subordinate to the principal use of the property that has been designed and intended for occupancy by the caretaker of said property, persons who live and work in Eagle County, or relatives and guests of the occupants of the principal use of the property. An accessory dwelling unit contains a kitchen facility separate from the principal use.

Accessory Use. A use located or conducted upon the same lot as the principal use to which it is accessory that is clearly incidental, subordinate, secondary and devoted to the principal use, and is customarily found in conjunction with the principal use. For example: personal gardens are accessory uses customarily found in conjunction with residential uses.

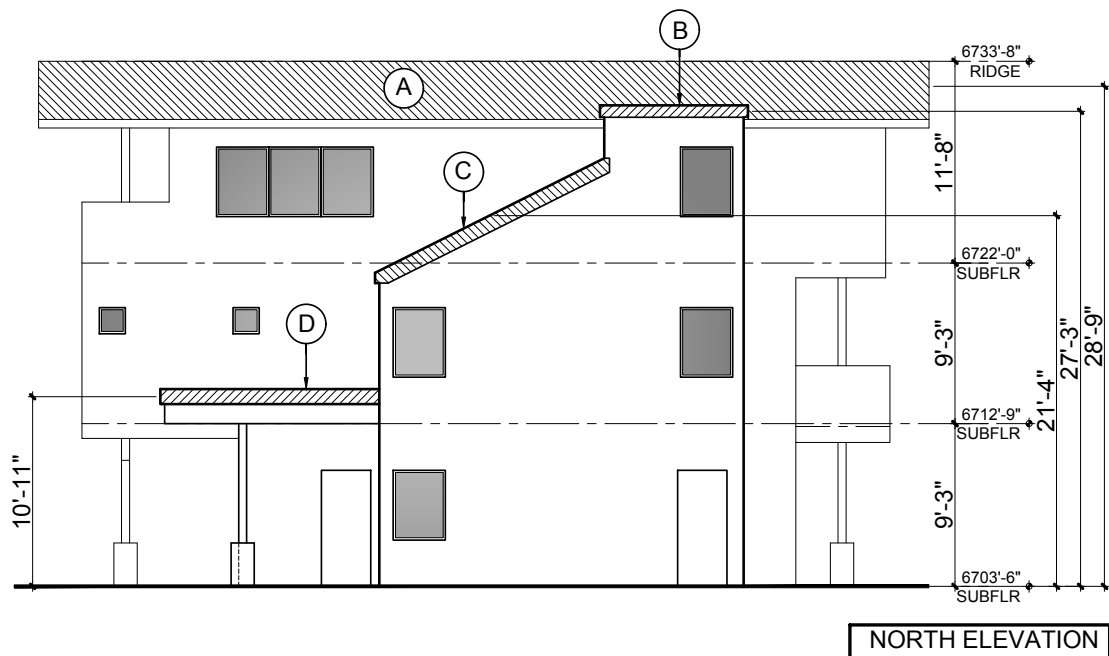
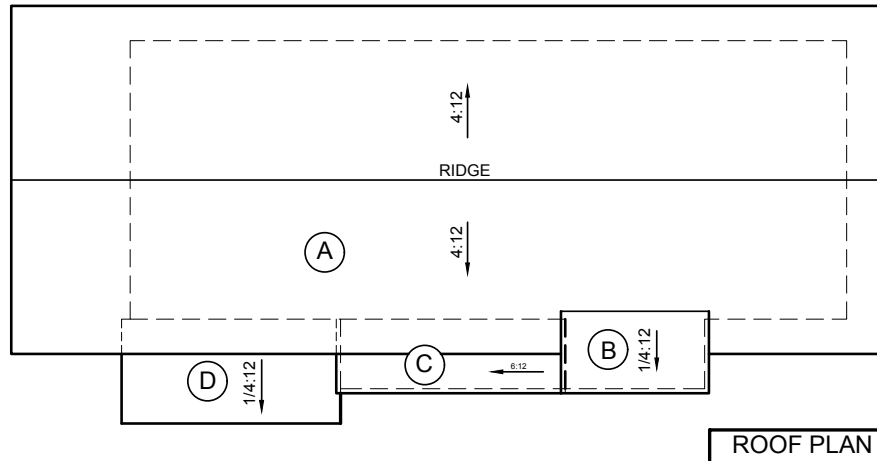
Association. Association shall mean the Belden Place Owner Association (BPOA or OA).

Building Lot Coverage. Building Lot Coverage means the portion of a lot that is covered by buildings, including all interior space including garages, and all enclosed cantilevered portions of a building, covered porches, covered walkways and similar covered areas. Buildings are measured at the outside exterior wall.

Building Envelope. Building Envelope means that portion of a Lot, which may be depicted and designated as the Building Envelope on the Belden Place plat. All structural improvements must be located entirely within the Building Envelope unless expressly permitted in this PUD Guide.

Building Height. Determining building height uses a weighted height calculation as measured from final/finished grade- *See illustration, next page.*

¹ All images herein this section or in design section are for illustrative purposes only, and do not necessary reflect architectural requirements or restrictions as found in this PUD guide, nor the lot lines or parcel shapes as found on any plat for Belden Place or duplex or multi-family subdivision plats. Where conflict arises, text shall rule.



ROOF MARK	ROOF AREA (SF)	ROOF AREA %	AVG HEIGHT	WEIGHTED AVG
A	984	85.1	28'-6"	2,425.35'
B	40	3.5	27'-3"	95.37'
C	56	4.8	21'-4"	102.38'
D	76	6.6	10'-11"	72.07'
TOTAL:	1,156	100.0	-	2,695.17'

$2,695.17' / 100 = 26'-11" \text{ AVG ROOF HT}$

Building Setbacks. See Building Envelope.

Condominium Unit. An individual air space unit consisting of any enclosed room or rooms occupying all or part of a floor or floors used for residential purposes, together with the interest in the common elements appurtenant to that unit. Dwellings are intended to be occupied by one family living independently of any other family and having not more than one indoor kitchen facility which is limited to the use of one family. The term Dwelling Unit shall not include hotel, motels, clubs or boarding houses.

Duplex. Duplex structure shall consist of two-dwelling units within a single, architecturally integrated structure. A duplex, also referred to as a two-family structure, contains a primary and secondary unit. If the property is divided each of the units can be owned separately as fee simple estate and ownership and can be conveyed or transferred independently. The secondary unit must be integral with the architecture of the primary unit. See illustration in design section.

For purposes of dwelling unit definition each duplex residence counts as a dwelling unit, with a maximum of two dwelling units per duplex structure.

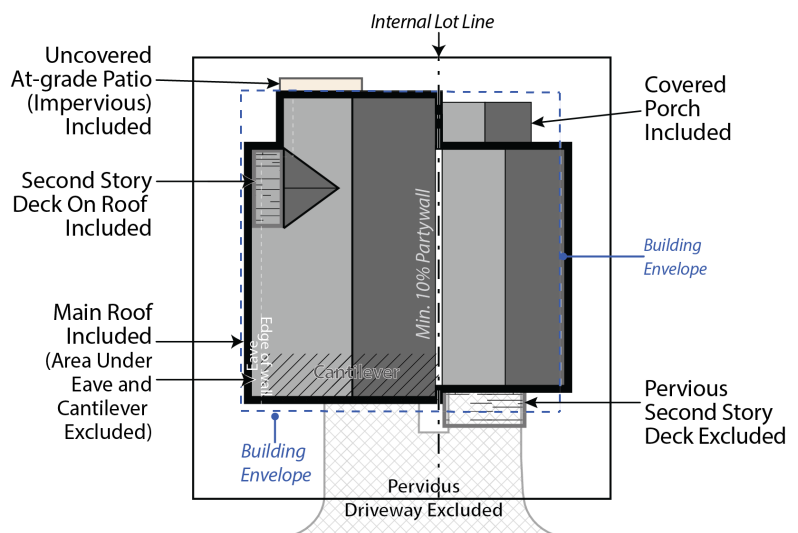
Dwelling Unit. One or more rooms occupied by one family or group of people living independently from any other family or group of people and having not more than one indoor cooking facility which is limited to the use of one family. For purposes of density calculations, Accessory Dwelling Units are not considered a separate dwelling unit and shall not affect density calculations. The term Dwelling Unit shall not include hotel, motels, clubs or boarding houses.

Grade, Established. Established grade means the final elevation of the ground level as established with the initial building permit for each residence within the development.

Greenspace. Greenspace areas include all areas surrounding impervious materials and surfaces; and areas surrounding buildings. Common or useable greenspace areas (area under ownership of the Owners Association) may have playground equipment, picnic benches, and improvements such as fire pits etc. as provided and approved by the Owners Association. All common greenspace areas are maintained by the OA.

Home Occupation. A Home Occupation means the conduct of a business, occupation or trade as an accessory use entirely within a residential building or accessory structure for gain or support, only by residents of the dwelling. Home occupations do not serve patrons on the premises, except in an incidental manner. No signs, nor advertising of any sort may be located on residential premises.

Site Coverage. Site coverage means the portion of a lot covered by materials forming any unbroken surface, impervious to water including, but not limited to: buildings, streets, slab on-grade patios, exterior fireplaces, and other hardscape materials. Site coverage excludes non-hardscape areas under eaves or similar (e.g., open-sided cantilever).



Kitchen Facility.

A Kitchen Facility means a room or portion of a room devoted to the preparation or cooking of food for a person or a family living independently of any other family which contains a

sink and a stove or oven powered by either natural gas, propane or 220-V electric hook-up. A room containing a wet bar or similar that is a homeowner convenience and is not intended to function as the cooking facility for a separate dwelling unit (does not contain a gas or 220-V electric hook-up) shall not be considered a kitchen facility.

Triplex. Triplex structure shall consist of three-dwelling units within a single, architecturally integrated structure. Triplex structures can be constructed as townhomes or vertical flats. If the property and/or structure is divided each of the units can be owned separately as fee simple estate and ownership and can be conveyed or transferred independently.

Multi-family. Multi-family structure shall consist of four or more dwelling units within a single, architecturally integrated structure. Multi-family structures can be constructed as vertical townhomes, condominiums, or horizontal flats. If the property and/or structure is divided each of the units can be owned separately as fee simple estate and ownership and can be conveyed or transferred independently.

Open Space. A dedicated lot within the Belden Place neighborhood dedicated to public use, intended for use in its natural state, or which may be landscaped and improved for such amenities as playgrounds, passive or active recreation areas, picnic areas, pedestrian footpaths, etc.

Parking Space. Parking spaces may include driveways, garages, or designated areas along greenspaces for Belden Place.

Primary And Secondary Lot Lines. Primary lot line means platted lot or parcel lot lines utilized to compute compliance with this zoning document. Secondary lot line means the internal property line that resubdivides (e.g.) a duplex or triplex structures into two (2) or more properties and do not have setback requirements.

VII. DESIGN STANDARDS

The following Intent Statements are intended to provide further information regarding intent and performance expectations for Belden Place site and building/design standards.

A. GENERAL INTENT

- Implement the Town of Minturn Comprehensive Plan.
- To continue Minturn's physical character and convenient access to community assets, public open space, and transit.
- Improve compatibility with and respect for the existing character and context of Minturn and its eclectic persona through use of considerate lot size, form, color and materials.
- Give prominence to livable scale and historic lot sizes and the variable building proximities found in the town, which is a defining element of the eclectic character and design foundation of Minturn in general.
- Spatially define lots and their associated greenspace as a positive feature resulting in a manner that promotes a tight-knit community.
- Provide pedestrian connections between Belden Place, public open space, commercial amenities and transit.

B. BUILDING PLACEMENT AND ENVELOPES

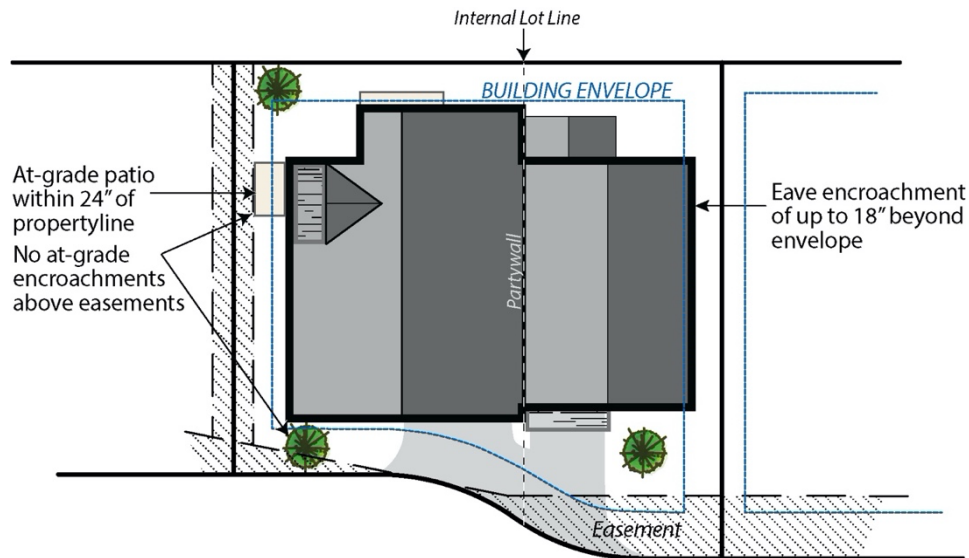
Residential building envelopes are necessary in order to maximize the buildability and economic viability of the lots while offering greenspace and or space between neighbors to the greatest extent possible. All portions of structure- including fireplaces, chimneys, window wells, eaves, overhangs, etc. must be contained within property lines; however, with the platted building envelope acting as building setbacks for each lot, encroachments are available for certain features.

The following encroachments are permitted beyond the platted building envelope:

Unenclosed or uncovered decks; deck supports; eaves up to 18" beyond the envelope; porches, patios and landings less than 30" above the surrounding natural or finished grade; window or light wells; heat or A/C units; residential solar alternative energy installations; fences; counterforts below grade; staircases (enclosed or otherwise); structures of less than 6" in height; landscaping and drainage features. No encroachment may be located within 24" from the property line or vertically closer than 6' above in-ground utility easements, by second story encroachments. Underground parking elements and staircases may encroach within 12" of the most southern property line on Lot 7.

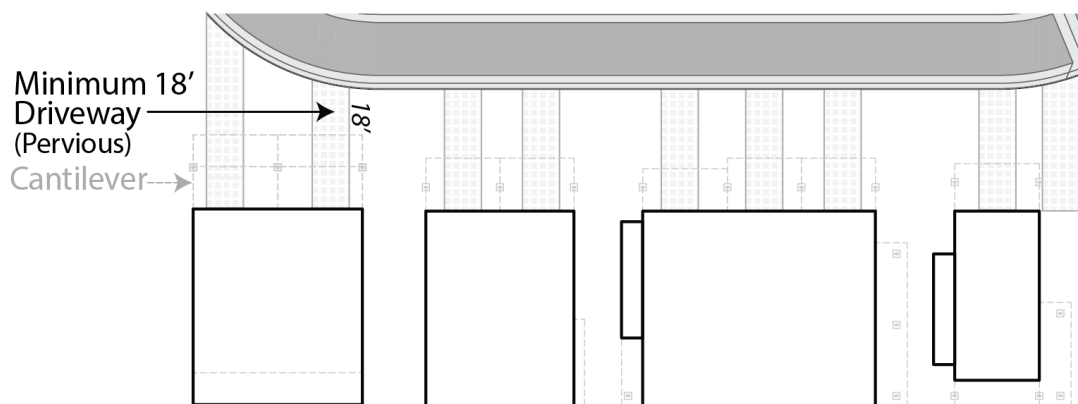
General Notes:

- All lots except for Lots 7, 12-14, 21-25, and 17: Minimum 8' between residences required measured from eave to eave.
- Lots 12, 14, 26, 27: Minimum 6' between neighboring residences required. This distance measured from eave to eave.



C. PARKING

- Driveways must be long enough to accommodate a minimum of one (1) vehicle parking space for each residence.
- All parking spaces shall be a minimum of 9' x 18'.
- Parking spaces shall not be located on sidewalks.
- Storage of inoperable vehicles or storage in general is prohibited in exterior parking spaces.
- ADUs are only permitted if there is sufficient parking for this additional dwelling unit. Parking requirement: Minimum of 1 space.



D. BUILDING HEIGHT

All residences have the height limitation as shown, as measured per the PUD definition.

Structure	Height Max
Single-Family Homes	28'
Duplex Unit/Tri-plex	28'
Multi-family Units: Stacked Flats (Lot 7) and 5-Plex (Lots 21-25)	35'

E. BUILDING HEIGHT EXCEPTIONS

The height limitation shall not apply to antennas, mechanical equipment, elevator enclosures, staircase/rooftop access enclosures, ridge vents, cupolas, chimneys, ventilators, parapets, skylights, solar panels or similar, and necessary mechanical appurtenances usually installed above the roof level.

F. SITE COVERAGE

Lots	Class	Max %
Lot 1	SF	60%
Lots 2/3	DU	70%
Lot 4	SF	70%
Lots 5/6	DU	55%
Lot 7	MULTI	70%
Lots 8/9	DU	70%
Lots 10/11	DU	65%
Lots 12/13/14	TRI	80%
Lot 15	SF	60%
Lot 16	SF	60%
Lot 17	SF	50%
Lot 18	SF	45%
Lot 19	SF	45%
Lot 20	SF	50%
Lots 21/22/23/24/25	MULTI	65%
Lot 26	SF	70%
Lot 27	SF	70%
Notes	1 Sidewalks shall not be included in site coverage calculations	

G. PERMITTED USES



Single-Family Lots:

USE	NOTES
Accessory Dwelling Unit	One (1) unit. Unit is connected to main dwelling and cannot be subdivided. ADU has independent kitchen and shall be no larger than 750 sq. ft. ADU is not considered as a primary dwelling unit, as it is integral to the home as an accessory use. ADUs will require additional water service allocations (taps) and charges pursuant to Code Chapter 13. ADUs are included in Site Coverage calculations and cannot exceed maximum limitation for that lot.
Home Occupation	Use must be imperceptible; no signage or advertisement of use permitted onsite. Use permitted pursuant to the Town of Minturn Municipal Code.
Family Child Care	Use permitted pursuant to the Town of Minturn Municipal Code.

Duplex/Tri-plex/Multi-Family Lots:

USE	NOTES
Home Occupation	Use must be imperceptible; no signage or advertisement of use permitted onsite. Use permitted pursuant to the Town of Minturn Municipal Code

Tracts A, B, C, D:

USE	NOTES
Road, Open Space*, Drainage*, Utilities, Snow Storage	*Playground equipment, park benches and features, or similar may be placed here. Hardscape pedestrian walkways, paths and lighting fixtures are permitted in these areas. Undefined utilities

	(e.g. internet or similar) can be placed here without the need for additional easements. Open space may be utilized by public.
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All lots:

Residential Solar Energy Systems and Equipment (Personal Use)

Short-term rentals as defined in the Minturn Code are not permitted in Belden Place.

H. ARCHITECTURAL DESIGN CONTROLS – *See also Belden Place PUD Design + Use Guidelines*

1. SINGLE-FAMILY DETACHED

- a. Style
 - (1) Residences with the same architectural elevations and coloring shall not be placed adjacent to each other or directly across the street from one another.
 - (2) Each residential unit type shall have at least two (2) elevations to provide stylistic diversity. This may include:
 - i. Roof forms/lines and profiles
 - ii. Varied window and door styles
 - iii. Varied entry treatments and locations including porches, columns, etc.
 - iv. Two or three story homes
 - v. Second or third story decks or balconies
- b. Building Form
 - (1) The mass of the residence should strongly reflect the architectural style and be scaled to provide visual interest and depth, reduce boxiness and achieve an articulated form on the front and sides of the homes.
 - (2) Roofs shall be designed and pitched accordingly in consideration of solar technology and/or drainage.
 - (3) Roof-top decks are permitted only on certain lots as established by developer and cannot be added on buildings not constructed with this initial feature.

2. DUPLEX/TRI-PLEX or MULTIFAMILY STRUCTURES

- a. Style
 - (1) Structures shall have at least two (2) elevations to provide stylistic diversity.
 - (2) Units may be multi-stories.
 - (3) Units may be divided horizontally (townhomes) or vertically (flats).
 - (4) Second story decks or balconies permitted.
 - (5) Units have no minimum length of connection and may be joined via shared walls of the garage, external staircases, or main living area wall(s) or floors.
- b. Building Form
 - (1) The mass of the residence should strongly reflect the architectural style and be scaled to provide visual interest and depth, reduce boxiness and achieve an articulated form on the front of the homes.
 - (2) Roofs shall be designed and pitched accordingly in consideration of solar technology and/or drainage.
 - (3) Roof-top decks are permitted only on certain lots as established by developer and cannot be added on buildings not constructed with this initial feature.

3. MATERIALS

- a. Roofing materials are limited to the following:
 - (1) Artificial wood shingle (to mimic wood shake shingle). Treated wood shake shingles or any other combustible material is prohibited.
 - (2) Standing seam metal.
 - (3) Asphalt shingles.
 - (4) Imitation (composite or similar); or, real slate tiles.
 - (5) Non-reflective solar tiles that mimic the above-mentioned products
 - (6) Any other recommended FireWise materials similar to the above-mentioned products.
- b. Siding materials are limited to the following:
 - (1) Metal
 - (2) Wood
 - (3) Composite siding
 - (4) Fiber cement board (commonly known as “Hardie Board”)
 - (5) Stucco.
 - (6) Any other recommended FireWise materials similar to the above-mentioned products.
 - (7) All siding materials to have non-reflective finishes.
- c. Doors and Windows:
 - (1) Structures with multiple garage doors must always have identical, matching doors.
 - (2) All replacement windows shall be consistent and match the aesthetic of previous windows unless otherwise approved by the design review board. Skylight or solar tubes permitted.
 - (3) Screen or storm doors, in addition to typical front doors are permitted. Screen or storm doors cannot replace front doors at any time.
- d. Design Elements. This development may incorporate mountain appropriate design elements into the buildings, including, but not limited to, exposed heavy timber beams as accent elements or entry features, walls faced with wood, stone, faux stone or cultured stone, metal railings or accents. Stucco may only be utilized in small quantities on building facades and is not to be used as a primary material for home.
- e. Building materials for residential exteriors shall include at least two (2) types of materials as part of the building façade.

I. LANDSCAPING – *See also PUD Landscaping Plan*

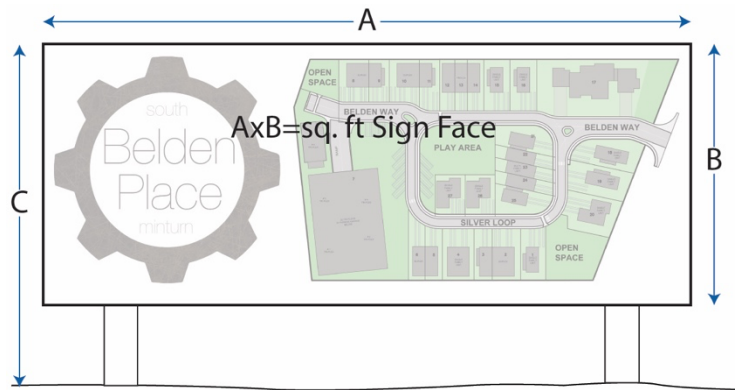
Shall not interfere with any drainage way, utility, pedestrian access, or entry into any structure. Landscaping shall not obscure windows, be installed under gas fireplace or dryer vents, nor shall any landscaping material overtake any yard, or spread into any common or neighboring yards.

Landscaping minimums:

1. At least one (1) tree per 1,200 sf of lot area and two (2) shrubs for all lots. See also *official Landscaping Plan for Belden Place*.
2. All landscaping proposed on the approved Landscaping Plan shall be installed initially with expectations for maintenance.
3. No exposed soil is permitted. Soil must be covered in groundcover that may consist of seed (includes wildflower seed), cobble, perennials, mulch, or similar.
4. All dead materials must be replaced during the same season death occurs.

J. SIGNS

Temporary Subdivision Sign. Temporary subdivision sign limited to one (1) sign to be permitted during sales and construction of residences. Signs may be double-faced front and back. The signs shall be a maximum of 20 SF per sign face (A x B). 40 SF for a double face sign, front and back. Sign shall not exceed 8 feet in height (C).



The sign may not encroach or impede the visual site clearance triangle at the subdivision entrance. Sign may be illuminated by means of downcast "portrait" lighting only.

Individual real estate signs may also be permitted on individual lots during construction and may not exceed 20" x 24" in size for each lot.

Permanent Subdivision Sign. Permanent site identification signs may be erected for the purposes of identifying this neighborhood. This sign shall be considered a monument-type sign and shall be integrated into the landscaping of the allocated easement on Lot 18. The color style design and material shall conform to the general architectural character of the Belden Place and shall comply with the Town of Minturn sign code.

BELDEN STREET SIGNS AND LIGHTING

Using wood posts and metal accents, this is an illustration of Belden Place common street signs, posts, and pathway lighting bollards.



K. LIGHTING

1. Lighting within the project shall consist of downcast varieties and shall not cast any glare on adjacent land uses or property. Light poles shall not exceed 15 feet in height and shall be coordinated with the Town of Minturn as to location style and function through the building permit process. Poles shall be downcast and bulbs shall not be visible from beyond the boundaries of Belden Place.
2. All lamps shall be fully shielded by baffles extending at least two (2) inches below the bulb or protective lens. Shielding shall be required for all lamps including accent entry ways, pathway lighting, bollards, or, other pedestrian or safety lighting.
3. Illuminated signage is prohibited on residential lots. Pedestrian crosswalks and traffic signs may be illuminated. Monument lighting or buildings within common areas may also be illuminated, using downcast lighting.
4. Obtrusive canopy lighting and/or up-lighting of trees is prohibited. No illuminated flags and/or up-lighting of flag poles is permitted.
5. Residential downcast solar lighting is permitted to be used throughout Belden Place.
6. Motion sensor lighting is permitted to be used on residential lots; however, placement of which, must ensure that lighting does not affect adjacent properties or create glare.

L. STORAGE

1. No outside (aka open air) storage of materials other than those required for the initial construction of the structures shall be permitted. Residential trash shall be kept in wildlife-proof, lidded and/or sealed containers in a garage or shelter until the day of collection. Exception: temporary construction dumpsters are not required to be considered wildlife proof. That being said, no food waste may be disposed of in

construction dumpsters, and must be placed in wildlife-proof, lidded and/or sealed containers until the day of collection.

2. Temporary trailer and/or residential units may be used as sales or construction offices during the initial sales and construction of Belden Place. Temporary trailer and/or residential units may not be used as sales or construction offices for the purposes of re-selling existing homes. Temporary material storage, or other temporary construction uses may be permitted during the construction time only; provided such activities are secured and not offensive. Such temporary uses shall terminate 90 days after receiving TCO of the final building within the project for which they were utilized.

M. MAINTENANCE

The Association shall be responsible for all common area maintenance including any drainage features. This includes, but is not limited to landscaping, playground equipment, underground drainage equipment or drainage ponds, irrigation systems, easements, utilities outside of residential lots, perimeter fencing, roads- includes snow removal, and common parking areas.

N. OTHER PROVISIONS

Miner's Base Camp, LLC hereby makes, declares, and establishes the limitations, restrictions, and uses upon all of real property contained within the subdivision as a Planned Unit Development (PUD) running with the land and binding upon all future owners of the lots within the subdivision, so long as this PUD is in effect.

No activities shall be conducted on the properties, which may be unsafe or hazardous to any person or property. Without limiting the generality of the foregoing, no firearms shall be discharged on any of the properties and no open fires shall be permitted on the properties except in a contained unit such as a barbecue grill intended for cooking purposes or within a safe, and well-designed fireplace or exterior/removable fire pit which has a gas shut off.

Invalidation of any of these regulations and or restrictions by judgment or court order shall in no way affect or limit any other provision, which shall remain in full force and effect.

The Town of Minturn shall have the right to enforce these zoning restrictions and conditions placed within this PUD document. The Association shall enforce private covenants. Failure by the Town or Association to enforce any applicable regulation, restriction, or any covenants associated with Belden Place PUD shall in no event be deemed a waiver of the right to do so thereafter.

All construction, utility, drainage and/or other improvements including rights-of-way, or pedestrian improvements within the subdivision must be maintained and unobstructed at all times. Grading on the residential lots shall not be altered unless deemed necessary for drainage purposes. The potential for soil erosion due to removal of landscaping, etc. must be remedied immediately. All dead landscaping must be replaced upon discovery, during acceptable planting time during that same year of discovery.

Parking for each unit is limited the number of assigned spaces per lot, unit or structure.



Planned Unit Development Guide



APPENDIX A - ATTAINABLE HOUSING PROGRAM

This project is in accordance with the Community Housing Standards and Guidelines, Town of Minturn Article 26 of the Municipal Code. To the extent the Belden Place Deed Restrictions are silent, the Minturn Housing Standards and Guidelines, shall control.

The Belden Place PUD has three levels of initial restriction, components of which, meet or exceeds the requirements of the Minturn Housing Program.

- Level 1:** **Buyer Restrictions.** Aimed to ensure Minturnites have the first opportunity to purchase a Belden Place home within the town. 100% of all homes have this restriction.
- Level 2:** **Deed Restricted Units.** Four (4) units of the Belden Place residential units shall be community housing units with an initial maximum sales price set at or below two hundred percent (200%) AMI affordability level.
- Level 3:** **Resident-Occupied Units.** 20 units are restricted to be occupied by residents on a full-time basis.

LOCAL BUYERS PROGRAM – ALL LEVELS

Purchasers of Belden Place housing units that carry restrictions, and during each offering period, must be a qualified buyer/owner who meets the following criteria:

1. **Qualified Buyer: Business Owner.** An established business owner in Eagle County, Colorado. Business Owner may live in residence or rent out dwelling to employees of the business or as qualified below.
2. **Qualified Buyer, Resident or Renter: Employee.** An individual who works an average of 20+ hours or more per week for at least one year at a business in Eagle County, Colorado for a business that holds a valid and current business license, or pays sales taxes, or is otherwise generally recognized as a legitimate business. If an individual has worked 40+ hours per during one half of the year at such a business in Eagle County, Colorado, and worked elsewhere for the other half of the year, such person would be considered qualified to purchase or rent a designated home.
 - a) An individual who is working for an employer based in another geographic location, but has been a homeowner or renter of a residence, or, is a registered voter in Eagle County for at least 5 years prior, would be considered qualified to purchase a designated home.

3. **Qualified Buyer, Resident, or Renter: Retiree.** An individual who has recently retired; is 60 years of age or older at the time of retirement; and, for the 5 years immediately prior to retirement, worked an average of 20+ hours or more per week at a business in Eagle County that holds a valid and current business license, or pays sales taxes, or is otherwise generally recognized as a legitimate business.
4. **Qualifications.** Proof to establish qualifications for any buyer/owner, must be provided to the Town of Minturn or Administrator for review and approval, prior to sale and purchase of any restricted lot, or rental of a restricted Level 2 or Level 3 unit. Qualified renters of a restricted Level 2 or Level 3 unit must also do the same.
5. **Qualified Minturn Buyer/Resident.** Minturn Residents must show proof of physical address. All qualified residents must have lived at this residence or within the town for at least one (1) year.
6. **Rentals, Unit.** Units purchased by qualified buyer/owner, may rent their property to a tenant/individual who works an average of 20+ hours or more per week at a business in Eagle County, Colorado that holds a valid and current business license, or pays sales taxes, or is otherwise generally recognized as a legitimate business for a period of 6 months prior to tenancy, or has a legitimate contract to work for a business for a minimum of six (6) months after tenancy.
7. **Rentals, Room.** Tenants renting a room while qualified buyer/owner resides in the home, do not have to qualify for this program.

LEVEL 1 RESTRICTIONS: Buyer Restrictions. All units.

1. Buying and Selling of properties: Tier Sales.
 - a. Within the first 30 days of unit being offered for sale, sales are limited to Minturn Residents who are qualified buyers/residents.
 - i. Non-qualified buyers must pay 4% buyout fee based on the final purchase price to be paid to the Town of Minturn during this time frame. The Buyout Fee is to be treated like a cash-in-lieu payment to the Town of Minturn.
 - b. After 30 days and up to 60 days of unit placed on the market sales are limited to Minturn and Eagle County qualified buyers/residents.
 - i. Non-qualified buyers must pay a 3% program buyout fee based on the final purchase price to be paid to the Town of Minturn. The Buyout Fee is to be treated like a cash-in-lieu payment to the Town of Minturn.
 - c. After 60 days sales are open to any buyer, for any unit that does not carry Level 2 or 3 qualification requirements.

LEVEL 2 RESTRICTIONS:

AMI Restricted Units, For Sale: Four (4) units.

1. The initial sales price shall be no greater than that which is affordable to households earning up to 200% AMI, as determined by Administrator. Households means all individuals who will occupy a unit regardless of legal status or relation to the owner or lessee. AMI or Area Median Income means the estimates of median income compiled and released annually by the United States Department of Housing and Urban Development.
2. Units may be further restricted through participation of the Town or other government entities regarding financing or purchasing of a unit directly from the developer or applicant or other participation as agreed to by the parties. If this occurs, the nature of the deed restriction shall be recorded in this appendix, more specifically in the *Belden Place Attainable Housing Program Allocation Table* and shall be administered by the Town or Administrator. Conditions and restrictions of a unit with a modified restriction of this section shall be for that particular unit and will not be applied to remaining units without participation.

LEVEL 3 RESTRICTIONS:

Resident-Occupied Deed Restricted Units, For Sale: 20 units.

1. Person(s) purchasing a resident-occupied unit must be a qualified buyer.
2. Units may be sold, or, once purchased, rented to qualified persons.
3. Deed restrictions shall run with the unit, cannot be removed or transferred to another unit once established, and shall be in perpetuity.
4. "Resident-occupied" means persons living in these units must reside in units on an ongoing basis for a minimum of nine (9) months per year.
5. Units may be further restricted through participation of the Town or other government entities regarding financing or purchasing of a unit directly from the developer or applicant or other participation as agreed to by the parties. If this occurs, the nature of the deed restriction shall be recorded in this appendix, more specifically in the *Belden Place Attainable Housing Program Allocation Table* and shall be administered by the Town or assigns. Conditions and restrictions of a modified restriction of this section shall be for that particular unit and will not be applied to remaining units without participation.

OTHER:

1. Deed restrictions, buyer and AMI qualifications shall be administered by the Town of Minturn, or their assigns (herein after "Administrator") in accordance with the Town of Minturn Community Housing Guidelines.

2. The Town, the Developer, and Eagle County Housing Development Authority will work together to administer those units that are allocated as restricted housing units, as shown on the allocation table.
3. Short-term rentals are regulated by the Town of Minturn. More specifically, short-term rentals are controlled per Chapter 6, Article 7: Short Term Rentals and Chapter 16, Article 26: Community Housing Standards and Guidelines, as approved and amended from time to time by resolution of the Town Council. Units with modified Level 2 restrictions (further restricted than what is within this program) and units with Level 3 restrictions are not eligible for/as short-term rentals.
4. The Administrator will work with the owner to mitigate any unforeseen or exceptional circumstances that may affect restriction agreements. If any conditions have changed in the owner's situation that may affect the agreement of any level restriction, it is important to contact the Town of Minturn or assigns so that no penalties are incurred. Penalties shall be in accordance with those in place by the Town of Minturn or Administrator in accordance with the Town of Minturn Community Housing Guidelines.
5. Appendix A – Attainable Housing Program allocation, may be amended by the Town of Minturn or assigns from time to time, to ensure the programs viability and to reflect the needs of the community. This does not permit the Town or assigns to restrict additional Belden Place units without permission of property owners, unless owners formally request restrictions be placed on their property. Belden Place owners may also initiate the modification or onset of an allocation as long as minimum requirements are maintained. Modifications made to this document without a major amendment are generally limited to the buyer restriction qualifications to ensure they mature according to community needs (kept up to date with Administrator policies), and/or for periodic updates to the *Belden Place Attainable Housing Program Allocation Table* to ensure accurate administration of restricted units.

The *Belden Place Attainable Housing Program Allocation Table* as found in this Appendix may be amended for administrative purposes by the Town or Administrator without the need to amend the Belden Place PUD through a PUD Amendment; however, upon the successful modification to Appendix A all documents shall be re-recorded as one document to ensure they remain connected.

6. Belden Place Housing Unit Allocations:

SEE Belden Place Attainable Housing Program Allocation Table, Next Page

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Belden Place Attainable Housing Program Allocation Table

If a unit has a Level 2 or 3 restriction applied by the Town of Minturn or Administrator after the initial approval has been given, please add a Y and the date of assignment. If a lot does not have a Level 2 or 3 restriction, please add an N/a for this "free market" unit.

LOT or UNIT*		LEVEL 1	LEVEL 2 – 200% AMI (Initial Sales)		LEVEL 3 – Resident Occupied (Permanent Restriction)	
1	SF	Y				
2	D	Y				
3	D	Y				
4	SF	Y				
5	D	Y			YES	
6	D	Y				
7A	MF	Y			YES	Unit 1 - Top Floor Front
7B	MF	Y			YES	Unit 2 - Top Floor Front
7C	MF	Y			YES	Unit 3 - Top Floor Back
7D	MF	Y				
7E	MF	Y			YES	Unit 5 - Middle Floor Front
7F	MF	Y			YES	Unit 6 - Middle Floor Front
7G	MF	Y				
7H	MF	Y				
7I	MF	Y			YES	Unit 9 - Main Floor Front
7J	MF	Y			YES	Unit 10 - Main Floor Front
7K	MF	Y				
7L	MF	Y				
7M	MF (V-TRI)	Y	YES	Unit 13 - Ground Floor Vertical Tri	YES	Unit 13 - Ground Floor Vertical Tri
7N	MF (V-TRI)	Y	YES	Unit 14 - Middle Floor Vertical Tri	YES	Unit 14 - Middle Floor Vertical Tri
7O	MF (V-TRI)	Y			YES	Unit 15 - Top Floor Vertical Tri
8	D	Y				
9	D	Y			YES	
10	D	Y				
11	D	Y			YES	
12	TRI	Y			YES	
13	TRI	Y			YES	
14	TRI	Y			YES	
15	SF	Y				
16	SF	Y				
17	SF	Y				
18	SF	Y			YES	
19	SF	Y				
20	SF	Y	YES		YES	
21	MF (5-PLEX)	Y				
22	MF (5-PLEX)	Y				
23	MF (5-PLEX)	Y				
24	MF (5-PLEX)	Y				
25	MF (5-PLEX)	Y				
26	SF	Y			YES	
27	SF	Y	YES		YES	

Belden Place Attainable Housing Program

