

**DESIGN GUIDELINES
FOR THE
SKYLAND RIVER NEIGHBORHOOD**

June 7, 2004

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SKYLAND RIVER NEIGHBORHOOD

DESIGN GUIDELINES

Preface

The Skyland Community Association is the entity designated by the Declaration of Protective Covenants, SKYLAND INITIAL FILING, having the responsibility for enforcement and implementation of the Covenants. The Covenants were adopted with a recognition of the impracticality of addressing all issues which might arise concerning the use and enjoyment of property within SKYLAND INITIAL FILING, and with a recognition of the desirability of being able to address problems as they arise, granted to the Skyland Community Association the power and authority to adopt Design Guidelines not inconsistent with the Declaration of Protective Covenants, for the purpose of enhancing and perfecting the value, desirability, and attractiveness of SKYLAND INITIAL FILING. The Design Guidelines set forth herein, and as subsequently amended from time to time, are declared by the Declaration of Protective Covenants to have the same force and effect as if originally contained in the Covenants.

Owners are advised that the Design Guidelines do not address every requirement or obligation imposed by the Covenants. Therefore, a knowledge of the Covenants as well as these Design Guidelines is important for understanding all regulations applicable to **SKYLAND RIVER NEIGHBORHOOD**.

ARTICLE I

PURPOSE OF DESIGN GUIDELINES

It is the intention of this instrument to set forth certain standards for the construction of housing and other structures, driveways and parking areas, drainage improvements, and the installation of landscaping and other screening features within **SKYLAND RIVER NEIGHBORHOOD**. The "Design Guidelines" have been developed to be utilized in conjunction with the "Declaration of Protective Covenants" for **SKYLAND INITIAL FILING**. The Design Guidelines have been designed to ensure that all improvements within **SKYLAND RIVER NEIGHBORHOOD**, conform and harmonize with the natural rural surroundings as to design and materials.

The Board of Directors of the Skyland Community Association as defined in the Declaration of Protective Covenants shall have the authority and responsibility to enforce the provisions of this instrument. Also, the Board of Directors of the Skyland Community Association shall have the authority to change, modify or amend this instrument as it deems necessary.

The Design Guidelines shall also set forth the various fees to be charged property owners for review of plans and specifications.

In the event of a conflict between these Design Guidelines and the Skyland Design Guidelines, Skyland Filings 1, 2 and 3; except as specifically noted, the provisions of the Skyland Design Guidelines, Skyland Filings 1, 2 and 3 shall prevail.

ARTICLE II

DEFINITIONS

1. **Condominium**. A building or group of buildings in which the land is owned in common by the owners of individual airspace units. A condominium must contain a garage large enough for at least one car per unit.
2. **Protective Covenants of Skyland River Neighborhood**. A separate document entitled "Declaration of Protective Covenants, Skyland Initial Filing" which has been recorded with the Gunnison County Clerk and Recorder and runs with all lands located within SKYLAND INITIAL FILING.
3. **Special Covenants of Skyland River Neighborhood**. A separate document entitled "Special Covenants of Skyland River Neighborhood" which has been recorded with the Gunnison County Clerk and Recorder and runs with all lands located within SKYLAND RIVER NEIGHBORHOOD.
4. **River Neighborhood Design Review Committee**. A group of five persons who shall be members of the Board of Directors of the Skyland Community Association, or who shall be appointed by the Board of Directors of the Skyland Community Association, responsible for the adoption, administration and enforcement of these Design Guidelines.
5. **East River Regional Sanitation District**. A special district formed in accordance with Title 32, Colorado Revised Statutes.
6. **East River Regional Sanitation District Board of Directors**. The Board of Directors of East River Regional Sanitation District, consisting of five persons.
7. **Footprint**. Building square footage within the foundation of the house, including garage, excluding decks.
8. **Garage**. A fully enclosed structure or an area within a fully enclosed structure with one or more doors for parking motor vehicles. Each parking space within a garage shall be at least 20 feet by 10 feet.
9. **Gross Residential Floor Space**. The usable interior floor space within dwelling units, excluding all exterior walls, porches, carports, garages, decks, basements, areas less than 5 feet in finished height and floor areas less than 7 feet finished width in any dimension. Square footage of stairs count on each floor minus space under the stairs that is less than 5 feet in height.
10. **Indigenous Species**. Any species of flora naturally occurring within Gunnison County, Colorado.
11. **Insubstantial**. Any building, addition, renovation of structure or any clearing of trees or vegetation which is found by the manager or designee of Skyland Community

Association to be insignificant so that a full Design Review Committee review will not be required, provided all other conditions of the Design Guidelines are complied with. Such determination shall be made based on the following criteria:

- (a) Visibility or lack of visibility of the proposed construction from the streets, golf course or other commonly traveled ways,
- (b) Extent of the proposed changes are minor in relation to the entire structure; and
- (c) Impact of the proposed changes is minimal on the character of the surrounding neighborhood.

Every insubstantial approval shall be in writing approved by the Design Review Committee.

12. **Manager.** The person responsible for supervising the business of the Skyland Community Association, Skyland Metropolitan District and East River Regional Sanitation District.

13. **Nominal Board Feet.** All board measurements contained within this document are referenced in Nominal Board feet or inches and not their true measured dimensions.

14. **Owner.** The owner of record, whether a person, firm, corporation, or partnership, of fee simple title to any tract or lot in **SKYLAND RIVER NEIGHBORHOOD**.

15. **Plan Submission Date.** The date of hand delivery, or the date of receipt as shown by a certified mail receipt, of any documentation required to be submitted to the Skyland Community Association hereunder.

16. **Screening.** Shrubs, trees, fences, or other structures utilized to hide or shield from view unsightly objects, such as garbage storage areas.

17. **Set Back.** Distance from any building wall to the property line or right-of-way line.

18. **Sewer Main.** A primary sewer collection or outfall line, at least (8) inches in diameter, which is part of the Skyland Metropolitan District central sewer system.

19. **Sewer Service Line.** A branch sewer line used to serve one structure with one or more primary living units with a diameter less than eight (8) inches.

20. **Skyland Community Association.** A Colorado nonprofit corporation, formed for the purpose of enforcing the Declaration of Protective Covenants and adopting Design Guidelines for the purposes specified in Article I hereof.

21. **River Neighborhood Association.** A Colorado nonprofit corporation, formed for the purpose of maintaining all roadways, open space areas, multi family exterior building surfaces and multi family landscaped areas within the River Neighborhood.

22. **Skyland River Neighborhood.** All lands included within the boundaries of **SKYLAND RIVER NEIGHBORHOOD**, Gunnison County, Colorado, as shown on the plat thereof as recorded with the Gunnison County Clerk and Recorder.

23. **Skyland Metropolitan District.** A special district formed in accordance with Title 32, Colorado Revised Statutes.

24. **Skyland Metropolitan District Board of Directors.** The Board of Directors of Skyland Metropolitan District, consisting of five persons.

25. **Townhouse / Townhome.** One or more buildings each containing one or more residential units in which the land under each unit is owned in fee simple by the owner of the unit situated over such land. A townhouse must contain a garage large enough for at least one car per unit.

26. **Water Main.** A primary water distribution or transmission water line at least six (6) inches in diameter, which is part of the Skyland Metropolitan District central water system and used to serve several water customers.

27. **Water Service Line.** A branch water line used to serve one structure with one or more primary living units, with a diameter less than six (6) inches.

ARTICLE III

REVIEW PROCESS

1. **Approval of Design Review Committee Required.** No building or other structure, including but not limited to dwellings, outbuildings, swimming pools, tennis courts, parking areas, recreational equipment, fences, walls, garages, drives, flagpoles, curbs, patios or walks, shall be constructed, erected or maintained on any lot, nor shall any addition to or alteration or change therein be made, nor shall any vegetation be altered or destroyed on any lands, nor any landscaping be performed on any tract or lot, except for minor landscaping changes to improved tracts or lots, until complete plans and specification meeting the submission requirements set forth below have been submitted to the Design Review Committee and approved by said Committee prior to the commencement of such work.

Compliance with the standards and procedures set forth in this document does not satisfy compliance with applicable Gunnison County building codes or regulations. An owner or his representative must consult with the Gunnison County Building Department with reference to compliance therewith.

2. **Submission and Decision Procedure.**

A. **Preliminary Approval.** Persons or entities who anticipate constructing improvements on lands within Skyland, whether an owner in **SKYLAND RIVER NEIGHBORHOOD** or who are contemplating becoming an owner, may submit preliminary sketches of such improvements to the Design Review Committee for informal and preliminary approval or disapproval. Any persons or entities not record owners must have the written consent of the record owner before submission of such preliminary sketches. The Design Review Committee shall never be finally committed or bound by any preliminary or informal approval or disapproval until such time as complete plans and specifications are formally submitted and approved or disapproved.

B. **Plan Submittal and Review.** No submittal shall be considered complete until receipt of a plan meeting all plan submission requirements under Article IV below

C. **Submission Place and Date.** Plans shall be submitted by delivery to the Design Review Committee office or by certified mail to said office. If hand delivered, plans shall be stamped with the date of delivery which shall be the submission date for purposes of determining the time limit for Committee action. If sent by certified mail, the date of receipt shall be the submission date.

D. **Committee Review.** The Design Review Committee or designated representative shall review all the plans and materials submitted, and may also make a site visit to ascertain plan accuracy and to obtain a visual sense of the site. The Committee shall review the plans for compliance with the general design objectives, the specific design requirements, and the general use requirements set forth in the Declaration of Protective Covenants.

E. Committee Action. Within 60 days of the date of plan submission, the Design Review Committee shall, in writing, either:

1. Approve the items submitted, in which case the applicant may proceed with construction, subject to the provisions herein regarding performance bond, and any other provisions of these Design Guidelines or the Declaration of Protective Covenants and subject to any requirement of Gunnison County to obtain Gunnison County approval.

2. Conditionally approve the items submitted, in which case the applicant must revise the items submitted to comply with the stated conditions, and file the revised items with the Design Review Committee for its approval prior to commencing construction.

3. Disapprove the items submitted, with written statement as to the reasons for disapproval and any suggestions as to changes that would make the designs acceptable. In this case, the applicant will be required to submit new plans and fees as requested by the Design Review Committee. Disapproval shall be by majority action of the Committee, and shall be premised on a finding that the proposed construction does not comply with general objectives and provisions of the Design Guidelines and Covenants.

The Design Review Committee shall return one set of drawings, together with a copy of the Committee's decision and requirements to the applicant. If upon the expiration of 60 days from the date of submittal of adequate plans to the Committee, the applicant has not received notice of either approval or denial of his application, the same shall be considered approved, and the owner may commence construction, subject to the Skyland Covenants and Design Guidelines, and after obtaining the applicable Gunnison County Building Department approvals; EXCEPT THAT the applicant may agree in writing to an extension of the 60-day decision period at the request of the Design Review Committee.

3. Requirements Upon Plan Approval.

A. If any plan changes were made as part of plan approval, and if the Design Review Committee has previously required staking of the locations of improvements, improvements shall be revised accordingly.

B. Performance Guarantee

1. For Single Family, Duplex, Triplex and Quadruplex Lots.

Upon the approval of construction plans, the lot owner shall be required to escrow funds to guarantee completion of construction, landscaping and cleanup on said lot. A deposit of \$1.00/square foot for each single family, duplex, triplex or quadruplex lot shall be submitted to the Design Review Committee, which shall hold said deposit in an escrow account. Those escrow funds shall be returned to the lot owner within one year following completion of construction. If at the end of this period, cleanup or landscaping is judged by the Design Review Committee to be incomplete or unsatisfactory, the Committee is hereby authorized to use the escrow funds to properly cleanup or landscape said lot.

4. **Appeal.** In the event the Design Review Committee shall disapprove any plans and specifications, the person or entity submitting such plans and specifications may appeal the matter at the next regular or special meeting of the Board of Directors of the Skyland Community Association, where a majority vote cast at said meeting shall be required to change the decision of the Design Review Committee.

5. **Plan Changes.** Any changes to the approved plans before, during or after construction of a dwelling must first be submitted to the Design Review Committee for approval.

6. **Design Review Committee and Board of Directors Not Liable.** Neither the Design Review Committee nor the Board of Directors of the Skyland Community Association shall be liable in damages to any person or firm submitting any plans and specifications for approval or to any owner or owners of lands with **SKYLAND RIVER NEIGHBORHOOD**, by reason of any action, failure to act, approval, disapproval, or failure to approve or disapprove with regard to such plans and specifications. Any person or entity submitting plans to the Design Review Committee for approval, by so doing does agree and covenant that he or it will not bring any action or suit to recover damages against the Design Review Committee, its members as individuals, or its advisors, employees or agents.

7. **Written Records.** The Design Review Committee shall keep and safeguard for at least five years complete permanent written records of all applications for approval submitted to it (including one set of all plans and specifications so submitted) and of all actions of approval or disapproval and all other actions taken by it under the provisions of this instrument.

8. **Pre-Construction Check.** At least three days prior to commencement of construction the owner shall notify the Committee so that it can make a visual inspection of the Lot to insure that the final building layout and siting is in accordance with the final plan approved by the Committee. Engineering certification of foundations and the securing of a building permit is the responsibility of the Owner and/or Builder. Construction documents (working drawings and specifications) are to be in accordance with the design approved in the final submittal. Construction shall not commence until all of the above requirements are satisfied. Additional construction, landscaping or other improvements to a Dwelling and/or changes after completion of an approved structure must be submitted to the Committee for approval prior to initiating such changes and/or additions.

9. **Work in Process.** The Design Review Committee may inspect all work in process and give notice of non-compliance. The absence of such inspection and notification during construction does not constitute either approval of the Committee or compliance with the Declaration of Protective Covenants or Design Guidelines.

10. **Completed Work: Single Family, Duplex, Triplex and Quadruplex Lots**

A. Upon completion of any Dwelling or other improvement for which final approval was given by the Committee, the Owner shall give written notice of completion to the Committee.

B. Within such reasonable time as the Committee may determine, but in no case exceeding ten (10) days from receipt of such written notice of completion from the Owner or its duly authorized representative, the Committee may inspect the improvements. If it is found that all construction is complete and in full compliance with the final plans approved by the Committee, then a written certificate of compliance shall be issued to the owner of the improvements, with a copy retained in the Committee's files. If it is found that such work was not done in strict compliance with the final plan submitted or required to be submitted for its prior approval, it shall notify the Owner in writing of such non-compliance within such period, specifying in reasonable detail the particulars of non-compliance and requiring the Owner to remedy the same.

C. If upon the expiration of thirty (30) days from the date of such notification by the Committee, the Owner shall have failed to remedy such non-compliance, the Committee shall notify the Owner, and it may take such action to remove the non-complying improvements as is provided for in the Declaration of Protective Covenants.

D. If, after receipt of written notice of completion from the Owner, the Committee fails to notify the Owner of any failure to comply with its directives within the period provided in Paragraph 10(B) above, the improvements shall be deemed to be in accordance with the final plan.

ARTICLE IV

PLAN SUBMISSION REQUIREMENTS

1. **Plan Submission Requirements - Single Family Lot, Duplex, Triplex, and Quadruplex Lot.** A set of submission requirements have been designated for all single family, duplex, triplex, and quadruplex lots within the **SKYLAND RIVER NEIGHBORHOOD**. All building plans for each single family, duplex, triplex, and quadruplex lot submitted for review by the Design Review Committee, except as noted below, must be selected from the pre-approved plans for all residential units in the **SKYLAND RIVER NEIGHBORHOOD** on file with the Skyland Design Committee.

New designs and/or modifications to the pre-approved plans for single family lots may be made but will require approval of the Skyland Design Review Committee. Such approval shall be in the sole discretion of the Design Review Committee. It is the intent of the Design Review Committee that any new designs or modifications will fit within the architectural theme established by the pre-approved plans. Therefore, in addition to the Skyland River Neighborhood Design Guidelines, such new plans and modifications must adhere to the following restrictions. All exterior materials and colors, including roofing, siding, trim, decking, railings, windows, doors and garage door siding patterns must be selected from the pre-approved list of "Exterior Material Specifications and Colors" for the **SKYLAND RIVER NEIGHBORHOOD**.

The roof pitch specifications that follow are unique to the **SKYLAND RIVER NEIGHBORHOOD** and supersede any such specifications in the Skyland Design Guidelines. Primary roofs shall have a pitch of 10/12 and may only be roofed with cedar shakes or cement and fiber mix shingles. Secondary roofs shall have a pitch of 4/12 and may be covered with cedar shakes, cement and fiber mix shingles, Core 10 metal roofing or pre-patina copper roofing. Core 10 metal roofing or pre-patina copper may only be used on roofs that enclose first floor spaces.

Window sizes, color, cladding and divided lite patterns must match windows shown on the pre-approved plans. Site and landscape plans must be similar to the pre-approved plans, including position of house, location and size of driveway, type, quantity, size and location of plant materials.

Although it is the intent of the Design Review Committee that all the homes in the **SKYLAND RIVER NEIGHBORHOOD** fit within one design theme, it is not intended that one plan, elevation option or color scheme be repeated to the extent that it creates an excessively similar appearance of all homes. Therefore, the Design Review Committee in its sole discretion will have the authority to determine which elevation option (including mirror imaging of an elevation) and color scheme will be used on a specific lot if an excessively similar pattern of design occurs.

2. **Prepared by Professionals.** All site plans, except for landscaping plans, must be prepared and stamped by a qualified licensed architect or civil engineer.

3. **Plan Contents Requirements: Single Family and Duplex Lots.** The lot owner must submit, as a minimum, the following:

A. **Site Plans:** Two (2) copies, at a scale of 1 inch equals 20 feet or longer, including:

Name, address and phone number of lot owner, lot identification number for **SKYLAND RIVER NEIGHBORHOOD**,

North arrow,

Boundaries of lot or lots to be built upon, with indication of required setback lines as a fine dashed line;

Existing topography as a solid line and proposed topography as a dashed line, with two foot contour intervals, in the area of the proposed structure or structures and extending fifty feet from all sides of the proposed structure, and also, in any area where earthwork is proposed such as along access driveways, fills, and regraded areas;

All significant existing vegetation with notations as to which is proposed to be removed or cut down and which is to be retained;

General features such as rock outcrops and meadows, existing drainage courses;

Outlines of all proposed buildings and structures including decks, porches, patios, walls, building eaves, fences, storage and utility areas, enclosures, hallways, breezeways, sheds, garages, dog runs, pools, paths, walks, steps;

Proposed driveways and parking areas with notation as to grade and surfacing materials.

Proposed location of all underground utility connection lines, including water, sewer, phone, power, and cable television, and drainage culvert (if any).

Proposed landscaping, including the varieties and approximate sizes of plants, trees, and grass or other vegetation to be planted.

Proposed exterior lighting fixtures.

Utility easements.

If applicable, site plans must include information showing the lot's existing elevation and detailing the proposed changes to the elevation of said structure in relation to the flood plain.

There may be geologic concerns with some or all lots. Prospective owners should be aware of possible negative geologic conditions and should consult a qualified soils engineer to review these issues pertaining to their lot. For these Lots, a detailed site specific soils and geology report should be provided. The geology and soils report must be prepared by a professional engineer registered in the State of Colorado.

B. Building Plans. One (1) reproducible original and three (3) copies, of complete architectural plans and specifications for each building or structure, to include:

Four principal elevation drawings at a scale of 1/8 or 1/4 inch equals one foot with notations indicating materials, textures, and colors of exterior siding, foundation, roofs, fascia boards, corner trim, gutters, doors, windows and window frames, chimneys, porches, decks, attached accessory structures, and solar equipment;

Floor plans at a scale of 1/8 or 1/4 inch equals one foot in sufficient detail to determine whether minimum square footage requirements are being met;

A specification list identifying all materials proposed for use, including color samples of paints and stains to be used on any exterior surfaces;

C. Development Timetable. A statement of planned starting and completion dates for dwelling and landscaping, and utility hookup.

D. Erosion Control Plan. A statement of proposed methods of erosion and sedimentation control both during and after construction. It is the intent of the guidelines that adequate protection is provided to adjacent properties, especially the open space and river. Prior to any disturbance on the lot, owner shall ensure silt fencing is installed at all property lines on the sides and back (river side) of the lot. Silt fence shall be in place throughout the course of construction and after, as needed to establish revegetation. The requirement for the installation of silt fencing along the sides of the lot may be eliminated if written approval of such is obtained from the adjoining property owner and submitted to and approved by the Design Review Committee.

E. Submission Fee. The Design Review Committee shall be authorized to charge a reasonable fee for the review of plans and specifications, which fee shall be paid at the time of submission of the plans and specifications. The submission fee shall be used for the administration and enforcement of the plans and specifications review process. Design Review fee shall equal \$0.10/square foot for each single family, duplex, triplex or quadruplex lot. Said fee may vary for different building sites depending upon the cost incurred by the Design Review

Committee in obtaining adequate professional advice regarding any problems inherent to any particular site being reviewed.

F. **Other Information.** The Committee may require submission of any other materials or information it deems necessary to enforce the provisions and achieve the purposes of these Design Guidelines.

4. **Gunnison County Approval Required - Single Family Lot, Duplex, Triplex, and Quadruplex Lot.** Developers of these tracts will be required to obtain a Land Use Change Permit from Gunnison County, Colorado. Newport Properties, Inc., a Colorado corporation has previously obtained a Land Use Change Permit for the entirety of **SKYLAND RIVER NEIGHBORHOOD**. As a result of said Land Use Change Permit already obtained, the general land use classification and the maximum number of units or gross square footage allowable upon each tract has been specified on the recorded plat of **SKYLAND RIVER NEIGHBORHOOD**. After receiving approval from the Design Review Committee, the developer must comply with the requirements of the Gunnison County Land Use Resolution in order to obtain its approval for the final plat of such tract.

ARTICLE V

GENERAL RESTRICTIONS

1. **General.** The Design Review Committee, in its plans and specifications review process, will specifically review every structure and building proposed to be constructed within **SKYLAND RIVER NEIGHBORHOOD**, for compliance with these Design Guidelines. The Design Review Committee's goal shall be to encourage variation within an overall theme of interesting architecture using natural materials, colors and textures, shapes suited to solar exposure and high snowfall, and multiple levels to adapt to topography, with site design that maximizes protection of the mountain environment, views, rural quality and privacy.

2. **Building Siting.** Most building sites in the **SKYLAND RIVER NEIGHBORHOOD** are relatively flat. Due to the compact nature of the **SKYLAND RIVER NEIGHBORHOOD** site plan, building envelopes have been defined for each of the single family, duplex, triplex, and quadruplex lots. The underlying goal of site planning guidelines is for all buildings, structures and site improvements to be integrated with the natural features of a site. Building form, orientation and massing should respond to natural land forms, drainage patterns, topography, vegetation, views, and sun exposure. Buildings should step rather than rely on extensive site grading. Building forms and roof lines should relate to site contours and surrounding land forms. Exposed building profiles atop ridge lines and harsh angular forms which are in contrast to natural slopes are discouraged. The location and design of buildings should minimize disturbance to existing vegetation on a site. Access should also be considered during the site planning and building design process. Extensive cut and fill slopes to accommodate site access are generally not acceptable and should be avoided or minimized by effective site planning.

3. **Set Back Restrictions.** The following set back restrictions shall apply within **SKYLAND RIVER NEIGHBORHOOD** if any revisions to the plated building envelope are to be considered:

A. There shall be a 7.5 foot wide clear zone easement within the entire boundary of each lot or tract. Within said clear zone easement, no improvements of any nature may be constructed, except only landscaping, fencing, and driveways.

B. For Single Family Lots, no residential or building structures of any kind may be constructed nearer than 7.5 feet to that boundary of such lot which adjoins a plated road, or 30 feet from Slate River Drive. The set back for all structures and improvements from all side lot boundaries shall be 7.5 feet. All rear lot setbacks shall be 15 feet.

C. For all Duplex, Triplex and Quadruplex Lots, no residential or building structures of any kind may be constructed nearer than 7.5 feet to that boundary of such lot which adjoins a plated road or 30 feet from Slate River Drive. The set back for all structures and improvements from all side lot boundaries shall be 7.5 feet. All rear lot setbacks shall be 15 feet.

D. In the event a Duplex, Triplex, or non-rental Quadruplex Lot, is re-subdivided into townhouse units, there shall be no clear zone easement or set back between the two lots or units created by such re-subdivision.

E. No permanent structures or buildings of any kind shall be permitted to be constructed upon any utility easements without the written consent of the Skyland Metropolitan District and the Design Review Committee.

4. **Minimum AND MAXIMUM Size of Dwelling Units**

A. **Single Family Lot.** The total gross residential floor area shall not be less than 1,000 square feet AND NOT MORE THAN 1,800 SQUARE FEET excluding a porch, and garage. Buildings of more than one story shall have a main floor footprint, as determined by the Design Review Committee, including garage, of not less than 600 square feet, excluding decks. Should the size of the garage exceed 600 square feet, the amount built above 600 would be allocated towards the maximum 1800 square footage allowed. A "box-like" appearance is discouraged.

B. **Duplex, Triplex and non-Rental Quadruplex Lot.** Any two dwelling units on any duplex lot, three dwelling units on any triplex lot, or four dwelling units on any non-rental quadruplex lot, the gross residential floor of each unit, exclusive of the garage and porch, shall not be less than the following:

For any unit with less than three bedrooms, 800 square feet.

For any unit with three bedrooms or more, 1,200 square feet,
and no unit more than 1,500 square feet.

5. **Building Location.** All buildings and structures shall be located on the lot or tract so as to minimize the impact on the natural beauty of the land. Particular attention will be paid to building location, sun direction, orientation and views from adjacent lots, roads and the Golf Course during the design review process.

6. **Primary Dwelling Unit to be Constructed First.** No garage shall be constructed on any residential lot prior to construction of the primary dwelling unit.

7. **Scale and Form.** Generally, residential buildings should be based upon a central rectilinear massing with simple forms added to create scale, and to allow for the adaptation to natural land forms. The underlying rectilinear form should have the visual impression of "growing" out of the site. This impression can be reinforced by a strong, horizontally proportioned massive base.

8. **Continuity of Construction.** All building and structure construction and alteration work shall be pursued diligently. Each primary structure on a single family, duplex, triplex, or quadruplex lot shall be entirely completed within fifteen (15) months after commencement of construction.

9. **Repetitive Design and Continuous Wall Restrictions.**

A. Monotony of design shall be avoided. Variations of detail, form and location are appropriate and desired.

B. Building designs with the tendency to be parallel, repetitive or "barracks-like" buildings are discouraged. An offset of at least eight (8) feet shall be provided for every fifty (50) feet of continuous exterior wall surface, to break up monotonous planes.

10. **Building Height.** Maximum building heights shall be measured from average finished grade on all sides of the building to highest roof point, and are as follows:

- | | |
|-------------------|------------------------|
| A. Single Family | Thirty (30) feet. |
| B. Duplex Lot | Thirty (30) feet. |
| C. Triplex Lot | Thirty-five (35) feet. |
| D. Quadruplex Lot | Thirty-five (35) feet. |

E. **Architectural provisions above height limit.** Towers, spires, cupolas, chimneys, flagpoles and similar architectural features not useable as habitable floor area may extend above the height limit a distance of not more than twenty five (25) percent of the height limit.

11. **Exterior Siding.** For all housing units and garages, wood shingles, vertical and horizontal boards with wood corner and trim boards, and stone siding are encouraged. Fascia boards shall have a minimum dimension of 2 inches thick by 10 inches wide. Asbestos shingle, vinyl, or plastic imitation brick or stone, concrete or cinder block, poured concrete and aluminum or metal exterior siding will not be permitted.

12. **Exterior Colors.** See "Addendum A". Color boards are available for review at the manager's office. Owners wishing to change the exterior appearance of their home, including, but not limited to color, must receive approval from the Design Review Committee prior to work commencing.

13. **Reflective Finishes.** Reflecting or contrasting finishes are not acceptable, and all exposed metals such as facias, flashing, wall and roof vents, metal enclosures, and other items shall be anodized or painted an approved color.

14. **Reflective Glass.** Reflective glass windows are not permitted

15. **Foundations.** Concrete or block foundation walls may not be exposed above the finished grade.

16. **Roofs.** Roof massing shall consist of a primary roof and secondary roofs. A primary roof is defined as the main roof structure, all roofs that enclose a two-story structure. Secondary roofs are considered roofs which cover garages, porches or one story living spaces. All Primary roofs shall have a pitch of 10:12. Secondary roofs shall have a roof pitch of 4:12. If entire building is one story, the roof shall be considered primary. All roofs shall be designed to comply with Gunnison County loading requirements. Primary roofs and secondary roofs are to be either fire treated cedar wood shakes or cement and fiber mix. Cement and fiber mix shall have the same texture as wood shakes. Colors shall range from gray to gray brown. Secondary roofs may be the same materials as the Primary roof, except that Core 10 metal or pre-patina copper may only be used on secondary roofs that enclose first floor spaces. Roofs with overhangs to deflect rainwater and block summer sun are encouraged. Primary roofs shall have an overhang of no less than 18" and secondary roofs shall have an overhang of no less than 12". Flat roof design is not allowed. The Design Review Committee reserves the right to consider other roof materials.

17. **Chimneys.** Wood burning fireplaces, stoves or other devices are not permitted. All fireplaces or stoves must be fueled by gas. No exposed reflective metal cylinder chimneys shall be permitted. Metal chimneys shall be enclosed in a casing of a material compatible with the house siding material in a manner not creating a fire hazard, or anodized in a color compatible with adjacent roofing materials. Chimney material and design shall be selected to withstand high wind conditions and heavy snowfall typical of mountain weather.

18. **Doors.** Unpainted metal doors are prohibited. Exterior doors, especially main entry doors, should be designed with great attention to detail in order to create an individual identity for the building. Richly detailed doors are also very characteristic of the design theme. Flush panel exterior doors are not allowed. Doors should be made of wood, glass or metal. Garage doors for vehicles shall be constructed of wood, or exterior surface faced with wood, not metal or other materials.

19. **Windows.** Exposed metal trim frames and sashes shall be painted an approved color. Unanodized aluminum window frames or mullions are prohibited.

20. **Accessory Structures.** Structures such as garages, sheds, porches and greenhouses shall be of similar construction materials and quality as the principal building and shall be attached to the main structure. Greenhouses must be constructed of permanent materials and must be connected to the main structure.

21. **Exterior Lighting.** The address of each building shall be illuminated so as to be visible from the adjacent roadway. All exterior lighting shall be shaded and shall be approved by the Design Review Committee for harmonious development and the prevention of lighting nuisances to other lands in **SKYLAND RIVER NEIGHBORHOOD**. Fixtures shall direct light downward. All floodlights shall be connected to a timer or to a motion detection device.

22. **Exterior Antennae.** No exterior antennae or satellite dishes shall be allowed except those which meet the following requirements:

A. Shall be fixed with maximum 1 meter in diameter or diagonal measurement;

B. Color shall blend with building color;

C. Location shall be approved by the Design Review Committee.

23. **Housing Numbers.** Each single family dwelling unit shall have a lighted house or unit number visible at night from roadway, conforming to a design and location approved by the Design Review Committee.

24. **Grading.** Grade changes, cut, fill and soil removal shall be minimized in site design. Cut and fill slopes should be no steeper than 4:1 (horizontal to vertical). Cut and fill slopes should have good surface drainage and must be revegetated with native ground covers and terraced or controlled by retaining walls to protect against erosion and sedimentation.

25. **Retaining Walls.** Retaining walls may be constructed of stone or treated landscape timbers. The use of exposed concrete, cinder block and stucco will not be permitted. Retaining walls should be constructed to a maximum of four feet in height. If a taller wall is required, two or more shorter walls should be used, if feasible, with at least six feet horizontal distance between them instead of one tall wall. Weep holes must be provided to release trapped drainage water. Walls over four feet must be engineered.

26. **Solar Access.** Buildings or structures on any lot or tract shall be designed and sited so that they do not substantially diminish access to sunlight for solar energy use on adjoining lots or tracts.

27. **Fences.** The design and location of fencing shall be submitted and approved by the Design Review Committee prior to installation. Fences, if permitted, shall be constructed totally of natural stone and/or wood materials or faced with natural stone and/or wood material so that no non-wood or non-stone materials are visible. Only privacy fences shall be permitted. Subject to the approval of the Design Review Committee as to design, size and location, privacy fencing will be permitted to screen a small portion of a yard, or to screen a patio, pool or dog run. Fences of more than six (6) feet in height will not be permitted. Privacy fencing must be in harmony with the exterior design and materials of the residence, and may not obstruct the natural view of adjoining properties.

28. **Awnings.** All awnings shall meet the following criteria:

A. Frames shall be constructed of wood or metal.

B. Cover materials shall be of wood or canvas.

C. Color must be appropriate and compatible with the character of the residence and the neighborhood.

29. **Pools** Above ground pool structures shall not be allowed. The top surface of the pool must be not more than 12 inches above grade. All pool equipment shall be screened from view of neighboring lots, tracts, roads, or golf course. All pool equipment shall be located or sound-attenuated in such a manner as to not disturb the occupants of adjacent or nearby properties.

30. **Hot Tubs** The Design Review Committee must approve the location and appearance of all outdoor hot tubs. The exterior surface area must be covered with an earth-tone color wood siding. The hot tub shall be covered using a hard cover consisting of a durable foam inner core and plastic covering and finished with an earth-tone color.

31. **Parking and Storage** Each single family, two family (duplex), three family (triplex), and non-rental four family (quadruplex) residential building shall have at least one parking space per unit within a fully enclosed garage. In addition each unit shall have one parking space stacked in front of the garage. To minimize parking problems, a third parking space must be provided on any three bedroom residential units. The third unit may not be stacked in front of the garage and should be located and sized to match the third parking space shown on the pre-approved plans. Curb cut on any drive shall not exceed 12-feet. The Design Review Committee encourages the installation of such a third parking space for all two bedroom residential units. All quadruplex rental residential buildings shall have at least two parking spaces per dwelling unit in a common paved outdoor parking area. All rental quadruplex units shall have built in storage for every unit.

32. **Recreational Equipment** Recreational equipment, including but not limited to swing sets, jungle gyms, trampolines, basketball standards and sports nets or cages must be approved by the Design Review Committee.

33. **Open Space** All structures must be built within the prescribed building envelopes

ARTICLE VI

CONSTRUCTION REGULATIONS

J. **Construction.** The following restrictions apply to the construction of all buildings and structures within **SKYLAND RIVER NEIGHBORHOOD**:

A. **Construction Trailers, Portable Field Offices and Signs.** Owners or contractors who desire to temporarily set a construction trailer, field office or contractor sign on a construction site must first obtain written approval from the Design Review Committee. The Design Review Committee will designate a specific location and a maximum period of use.

B. **Storage of Materials and Equipment.** Owners or contractors are permitted to store construction materials and equipment on an approved construction site during the construction period. All equipment and materials shall be neatly stored or stacked, properly covered and secured. Owners or contractors will not disturb, damage, trespass or store materials or equipment on other lots, tracts, roadway rights of way, or utility easements.

C. **Debris and Trash Removal.** Owners and contractors shall clean up all trash and debris on the construction site. Trash and debris shall be removed from the site at least once a week to the nearest solid waste disposal site approved by Gunnison County. All persons are prohibited from dumping, burying or burning trash anywhere in **SKYLAND RIVER NEIGHBORHOOD**.

D. **Sanitary Facilities.** Each owner or contractor shall be responsible for providing adequate sanitary facilities on site for his construction workers.

E. **Parking Areas.** Construction crews or other construction personnel may park on only one side of Alpine Court (the outside edge of the loop) or use other lots or tracts, pre-approved in writing by the Design Review Committee, for parking purposes during construction.

F. **Excavated Materials.** Excess excavated materials shall be hauled from **SKYLAND RIVER NEIGHBORHOOD**, or placed in areas approved by the Design Review Committee.

G. **Damaged Property.** Damage to or scarring of other properties, including but not limited to other lots or tracts, roads, driveways or other improvements is not permitted. If damage occurs, it will be repaired promptly by the person or persons responsible.

H. **Blasting.** If any blasting is to occur, the Design Review Committee shall be informed in writing forty-eight hours in advance to allow it to make such investigation as it deems appropriate to confirm that adequate protective measures have been taken prior to blasting.

I. Exterior Fires. No exterior fires are allowed within the Skyland River Neighborhood with the exception of charcoal, natural gas or propane barbeque fires. No solid fuel burning fires are allowed.

J. Conduct and Behavior. All property owners in **SKYLAND RIVER NEIGHBORHOOD**, shall be responsible for the conduct and behavior of their representatives, builders, contractors and subcontractors.

K. Stop Work Authority. The Design Review Committee shall at all times have the authority to stop all work on any construction site within **SKYLAND RIVER NEIGHBORHOOD**. Contractors or contractors' personnel violating any of the provisions of this instrument or the Declaration of Protective Covenants shall be just cause for stopping all work. A stop work order will be issued directly to the lot or tract owner in writing and posted at the work site.

L. Housing. No construction worker or lot or tract owner shall set up a temporary residence on any construction site in a trailer, motor home, or tent. All construction workers must be housed in permanent housing within or outside **SKYLAND RIVER NEIGHBORHOOD**.

M. Pets. Dogs and other pets owned by contractors or construction workers shall be prohibited from construction sites.

N. Hours of Construction. Construction is permitted from 7am – 6pm Monday through Saturday and work is not permitted on Sunday.

ARTICLE VII

LANDSCAPING AND SCREENING

1. **General.** It is the intent of this article to improve the natural appearance of **SKYLAND RIVER NEIGHBORHOOD**, and to maintain such appearance and maximize the seclusion of each home site from other home sites, insofar as possible. Landscaping is encouraged but the types and treatment of plant materials are subject to approval of the Design Review Committee. The intent is to reinforce the natural setting through well designed use of existing grade and drainage and drought tolerant native and adapted plant materials.

2. **Clearing of Trees and Vegetation.** No trees or brush growing on any residential lot or tract shall be felled or trimmed nor shall any natural areas be cleared or formal lawn areas planted or landscaping performed on any residential tract without the prior written approval of the Design Review Committee. Any trees cleared from any lot or tract shall be disposed of by the owner of said lot or tract in such a way that all lots, whether vacant or built upon, shall be kept free of accumulations of cut brush, logs or other materials that may constitute a fire or insect infestation hazard or render a lot unsightly. If the owner of a lot or tract violates this section, the Board of Directors of Skyland Community Association may levy a fine against the owner in an amount up to \$1,000.00 and may order the owner to restore the lot or tract to its previous condition as it existed before the violation. If the owner fails to pay such fine and/or restore the lot or tract, the Board of Directors may levy a Non-Compliance Assessment in the amount of the fine, plus the cost of restoration, plus attorneys' fees and interest, and a written notice of assessment lien may be signed and recorded in accordance with the provisions of the Declaration of Protective Covenants of **SKYLAND RIVER NEIGHBORHOOD**.

3. **Conservation of Landscape Materials.** Owners and contractors are apprised of the fact that lots and tracts contain fragile native plants and other landscape materials that should be salvaged before and during construction, such as topsoil, rock outcroppings and native shrubs, grasses and trees. Materials that cannot be removed should be marked by flagging and protected by barriers.

4. **Landscaping Required.** The landscaping of lots and tracts with **SKYLAND RIVER NEIGHBORHOOD**, is required and must be completed in conjunction with the construction of buildings and other structures by the end of the growing season following substantial completion of the building. In accordance with the "Plan Submission Requirements" set forth herein, all proposed landscaping must be shown on the "Site Plan" or "Tract Development Plan" submitted to the Design Review Committee for review and approval, and the landscape performance guarantee must be posted as a condition of plan approval. Required landscaping is as follows.

A. **Skyland River Neighborhood.** The landscaping plan for the entire neighborhood including the common areas is as follows:

1. **Single Family Lots.** For each single family lot not less than 36 vertical feet of deciduous and/or conifers will be planted per lot. This 36'

must include at least one 8' conifer, and this conifer can be planted on the single family lot or in any common area.

2. **Multi-Family Lots, Duplex Lots.** For each duplex lot not less than 54 vertical feet of deciduous and/or conifers will be planted. This 54' must include at least two 6' conifers. **Triplex Lots.** For each triplex lot not less than 72 vertical feet of deciduous and/or conifers will be planted. This 72' must include at least 16' of conifers and at least two conifer trees, Six foot tree minimum. **Quadruplex lots.** For each quadruplex lot not less than 96 vertical feet of deciduous and/or conifers will be planted. This 96' must include at least 24' of conifers and at least three conifer trees. Six foot tree minimum. All required conifer tree plantings can be on the multi-family lot or in any common area as deemed most suitable.

3. **Lawn areas** will be planted in all common areas and from Alpine Court to the street side front of each home. All required lawn areas will be maintained by the homeowners as required by the Skyland River Neighborhood Association and the Skyland Community Association, and will have an automatic irrigation system. No lot shall have more than 3,800 square feet of irrigated lawn, and no less than 1,000 square feet.

4. All other areas disturbed during the construction process will be resodded with a natural low growing grass seed.

5. **Screening.** Electric meters, garbage and rubbish areas, clotheslines, air conditioning equipment, pool filters, dog runs, and any other improvements which the Design Review Committee deems unsightly shall be screened or enclosed from view from public roads, other lots and tracts, or the golf course. Screening enclosures or fences shall be of materials and colors which conform with this instrument and are harmonious with the primary buildings or structures on the lot or tract. If plantings are used for screening, they shall be of species equally effective in winter or summer. Roof equipment such as ducts, ventilators, or chimneys shall be anodized, painted, or screened in an acceptable manner.

ARTICLE VIII

DRAINAGE

1. **General.** There are several minor drainage ways that work their way across **SKYLAND RIVER NEIGHBORHOOD**. These minor drainage ways are either the result of perennial springs which originate within **SKYLAND RIVER NEIGHBORHOOD**, or storm runoffs with tributary areas lying outside the boundaries of **SKYLAND RIVER NEIGHBORHOOD**. Detailed drainage analysis must be utilized in planning for drainage on individual tracts or lots. Local storm drainage must be provided for in the design of proposed improvements on any lot or tract within **SKYLAND RIVER NEIGHBORHOOD**.

In the design of storm drainage improvements for any tract with Skyland, every effort should be made to utilize existing ditches and water courses, and to prevent soil erosion. The plans and specifications for any tract will not be approved by the Design Review Committee until adequate provision for storm drainage has been made. Any plans and specifications containing inadequate provision for storm drainage will be disapproved by the Design Review Committee.

Within the Skyland River Neighborhood, curb and gutter will be required to handle the storm drainage for the project. The curb shall be a mountable concrete curb with a drainage pan of a dimension to handle the storm water flows in the project.

In the design of storm drainage improvements for any tract within **SKYLAND RIVER NEIGHBORHOOD**, every effort should be made to utilize existing ditches and water courses, and to prevent soil erosion.

The plans and specifications for any tract will not be approved by the Design Review Committee until adequate provision for storm drainage has been made. Inadequate provision for storm drainage will be just cause for the Design Review Committee to disapprove the plans and specifications for any tract within **SKYLAND RIVER NEIGHBORHOOD**.

ARTICLE IX

DRIVEWAYS AND PARKING AREAS

1. **Single Family, Duplex, Triplex and non-Rental Quadruplex Lots.** Access to primary dwelling units on single family, duplex, triplex and non-rental quadruplex lots shall be by driveways that allow easy access to the public road system. When driveways are considered during the design review process, the following factors will be taken into consideration:

A. Good visibility and sight distance should be obtained along the public roadway together with an intersection as close to 90 degrees as possible.

B. Where practical, gradients should be no greater than 6% along the driveway and no greater than 2% within 20 feet of the public roadway shoulder

C. All driveways including that portion in the public right of way shall be paved in ASPHALT OR CONCRETE at the lot owner's expense at a 9 foot width for all single family lots, duplex, triplex and non-rental quadruplex lots. All driveways must be completed prior to the refunding of escrowed moneys for landscape construction and within 10 months of residential construction completion.

For duplex, triplex, and quadruplex lots, where each unit is served by a separate driveway, each such driveway shall be considered separately for purposes of this section.

D. Paving of driveway (whether new construction or existing construction) shall be the sole expense of the lot owner.

2. **Quadruplex Rental Parcels.** Detailed plans and specifications for driveways and parking areas within Quadruplex Rental Parcels are required to be submitted for review by the Design Review Committee. Within parking areas, pavement marking delineating individual parking and pedestrian crossings, is required. At least two, off road, parking spaces shall be provided for each dwelling unit. The following factors will be taken into consideration during the review of driveways and parking areas for tracts:

A. Good visibility and sight distance along the public roadway and a degree of intersection as close to 90° as possible.

B. Gradients should not exceed 4% anywhere along the driveway and must be at or near 2% within 20 feet of the public roadway shoulder.

C. For each quadruplex rental parcel, access to the public road should be limited to two driveways.

D. Adequate landscaping shall be required in order to break up, and to screen to the extent feasible, all parking areas.

E. All parking areas shall be paved with asphalt at the expense of the tract owner to the curb edge at the road in the R.O.W. Parking area construction must be complete before the refunding of any escrowed funds for landscaped construction.

ARTICLE X

POWER, PHONE, NATURAL GAS AND CABLE TELEVISION

Individual lot or tract owners are responsible for providing for the extension of private utilities to buildings or structures. Extensions should be provided for through the appropriate private utility company or their contractors. All extensions must conform completely with the rules and regulations of the private utility companies. All power, telephone, natural gas and cable television cables must be installed underground in all areas throughout **SKYLAND RIVER NEIGHBORHOOD**. Overhead lines or wires, poles or any other aboveground appurtenances, except junction boxes, are strictly forbidden within **SKYLAND RIVER NEIGHBORHOOD**.

ARTICLE XI

EFFECTIVE DATE

These Design Guidelines shall be effective as of and apply to all construction commenced after June 7, 2004. Approvals granted hereunder shall be valid for 18 months for single phase projects and for 60 months for multiple phase projects on condition that construction is commenced within 15 months of approval.

ADDENDUM A

The River Neighborhood at Skyland

Exterior Color Options

- Option #1 Main Body - Olympic 908
 Smaller Elements (Dormers, Garage, Etc.) - Olympic 723
 Trim (Facia, Door & Window Trim, Corner Boards, Etc.) - Olympic 726
 Windows - Dark Bronze, Weathershield Hartford Green, or Equal
- Option #2 Main Body - Olympic 906
 Smaller Elements (Dormers, Garage, Etc.) - Olympic 712
 Trim (Facia, Door & Window Trim, Corner Boards, Etc.) - Olympic 713
 Windows - Dark Bronze, Weathershield Brick Red or Equal
- Option #3 Main Body - Olympic 705
 Smaller Elements (Dormers, Garage, Etc.) - Olympic 728
 Trim (Facia, Door & Window Trim, Corner Boards, Etc.) - Olympic 729
 Windows - Dark Bronze, Weathershield Hartford Green, or Weathershield
 Brick Red or Equal

Note: Any brand of paint may be used if it matches the approved color scheme.
Any combination of colors noted above may be used.

Exterior Materials Specifications

Siding

All Cedar siding to be Quality Knotty Grade or better as established by the Western Red Cedar Lumber Association unless noted otherwise.

- Board & Batten Cedar 1x3 Battens on Cedar 1x10 Boards, stained as approved.
- Shingle Siding Cedar Shingles, squared & rebuted, 7" exposure, stained as approved.
- Horizontal Siding Horizontally applied 8" cedar channel siding, stain as approved.

Trim

All Cedar Trim to be Rough Sawn (S1S21) Quality Knotty Grade or better as established by Western Red Cedar Lumber Association unless noted otherwise.

All trim boards to be 2x Cedar in widths per plans.

Roofing, as indicated per plans.

Primary Roof Elements	Fire-proofed, Handsplit Cedar Shakes, and cement and fiber mix shingles.
Secondary Roof Elements	Fire-proofed, Handsplit Cedar shakes, cement and fiber mix shingles, Core 10 Metal Roofing or Pre-Patina Copper
Flashing	Bronze to be used with cedar shakes and cement and fiber mix shingles. Pre-patina copper flashing to be used with copper roofing. Core 10 metal flashing to be used with Core 10 metal roofing.

Note: The Design Review Committee reserves the right to consider other roof materials.

Decks Posts & Railings

All decking and deck parts to be Custom Knotty Cedar as established by the Western Red Cedar Lumber Association unless noted otherwise, in sizes as indicated on the plans and stained as approved. Deck posts may be metal.

Note: Synthetic material for exterior deck floorboards may be used with prior approval of the Design Review Committee.

Windows

All windows to be metal clad in colors as approved.

Entry Doors

All Entry Doors to be wood, stained as approved.

Overhead Garage Doors

All Overhead Garage Doors to be either cedar or cedar clad, per plans, stained as approved.

CERTIFICATION

The foregoing Design Guidelines were duly adopted by the Board of Directors of Skyland Community Association, a Colorado corporation, at a meeting duly held on June 7, 2004, in which all directors participated.

SKYLAND COMMUNITY ASSOCIATION,
a Colorado corporation

By: William J. Calabu
President