

SKYLAND DESIGN GUIDELINES

SKYLAND FILINGS 1, 2, AND 3
(Excluding the Skyland River
Neighborhood)

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TABLE OF CONTENTS

Authority	2
Article I	3
Purpose and Philosophy of Design Guidelines	
Article II	5
Definitions	
Article III	8
Design Review and Construction Process – Submittals and Review, Approval and Construction	
Approval of Design Review Committee Required	8
Submission and Decision Procedure Appendices	8
The Skyland Community Association Design, Review and Approval Process	9
Design Review Packet	9
Preliminary Review.....	9
Final Review.....	9
Performance Deposit, Tap Fees (Application and Permits), Acknowledgement of Construction Regulations Form and Approval Letter	9
Plan Submittal and Review	10
Submission Place and Date	10
Committee Review	10
Committee Action	10
Requirements Upon Plan Approval.....	11
Staking	11
Performance Guarantee.....	11
Appeal	13
Variances	13
Plan Changes.....	13
Design Review Committee and Board of Directors Not Liable.....	13
Written Records.....	13
Pre-Construction Check	14
Work in Process	14

Completed Work: Single-Family and Duplex Lots.....	14
Final Inspection: Multi-Family Tract, Clubhouse Tract, Maintenance Tract and Lodge Tract... ..	15
Article IV.....	16
Plan Submission Requirements	
Plan Contents Requirements: Single-Family Lot and Duplex Lots	
Site Plans	16
Building Plans.....	17
Development Timetable	18
Erosion Control Plan	18
Submission Fee.....	18
Other Information	19
Plan Contents Requirements: Multi-Family Tract, Clubhouse Tract, Maintenance Tract and Lodge Tract.....	19
Site Plans	19
Utility Plans.....	20
Building Plans.....	21
Submission Fee.....	22
Timetable.....	22
Gunnison County Approval Required - Duplex Lot, Multi-Family Tract, Clubhouse Tract, Maintenance Tract and Lodge Tract.....	22
Article V	23
General Restrictions	
General.....	23
Building Siting.....	23
Setback Restrictions.....	23
Minimum and Maximum Size of Dwelling Units	24
Building Location	25
Primary Dwelling Unit to be Constructed First	26
Scale and Form	26
Continuity of Construction	26
Repetitive Design and Continuous Wall Restrictions	27
Building Height	27
Exterior Wall Materials	29
Exterior Colors.....	31
Reflective Finishes	31
Exterior Trim.....	31
Foundations.....	34

Roofs	34
Energy Conservation	36
Fire Protection	36
Accessory Structures	37
Storage Areas	37
Spark Arrestors	37
Exterior Lighting	37
Exterior Antennae.....	38
Housing Numbers.....	38
Grading.....	38
Retaining Walls	39
Exterior Signs	39
Solar Access	40
Fences.....	40
Awnings.....	40
Pools	41
Hot Tubs.....	41
Recreational Equipment.....	41
Outdoor Fire Appliances.....	41
Parking	41
Open Space	41
Viewing Platforms.....	41
Solar Panels	41
Lot Designation	42
Gazebos and Pergolas	42
Article VI	44
Construction Regulations	
Construction Hours.....	44
Silt and or Control Fencing.....	44
Snow Removal	44
Construction Trailers, Portable Field Offices, Unit or Complex Designation Signs and Contractors Business Display Signs	44
Storage of Materials and Equipment.....	44
Debris and Trash Removal.....	44
Sanitary Facilities	45
Parking Areas	45
Concrete.....	45
Excavated Materials	45
Damaged Property	45
Blasting.....	45

Conduct and Behavior	45
Stop Work Authority	45
Housing	46
Pets	46
Site Cleanliness Requirements	46
Article VII	47
Landscaping, Screening and Exterior Displays	
General.....	47
Clearing of Trees and Vegetation Prior to Completion of Construction	47
Conservation of Landscape Materials	48
Landscaping Required	48
Single-Family and Duplex Lots	49
Multi-Family Tracts	50
Landscaping Maintenance	51
Revisions to Landscaping, Including Tree Removal	52
Screening	52
Weed Management	53
Exterior Displays	53
Article VIII	54
Drainage	
General.....	54
Single-Family or Duplex Lots	54
Multi-Family, Lodge, Maintenance, and Clubhouse Tracts	55
Article IX	56
Driveways and Parking Areas	
Single-Family or Duplex Lots	56
Multi-Family, Lodge, Maintenance and Clubhouse Tracts	57
Article X	58
Power, Phone, Natural Gas and Cable Television	
Article XI	59
Effective Date	
Certification	60

Design Guidelines

AUTHORITY

The Skyland Community Association is the entity designated by the Declaration of Protective Covenants, SKYLAND, FILINGS 1, 2, AND 3, having the responsibility for enforcement and implementation of the Covenants. The Covenants were adopted recognizing that it is impracticable to address all issues that might arise concerning the use and enjoyment of property within SKYLAND, FILINGS 1, 2, AND 3. To enhance the ability to address problems as they arise, the Skyland Community Association, having the power and authority to do so, has adopted these Design Guidelines consistent with the Declaration of Protective Covenants, for the purpose of enhancing and perfecting the value, desirability, and attractiveness of SKYLAND, FILINGS 1, 2, AND 3. 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. The Design Guidelines shall also set forth the various fees to be charged to property owners for review of plans and specifications.

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.

ARTICLE I

PURPOSE AND PHILOSOPHY OF DESIGN GUIDELINES

Purpose

It is the intention of this instrument to set forth certain standards for the design and construction of housing and other structures, driveways and parking areas, drainage improvements, and the installation of landscaping and other screening features within SKYLAND, FILINGS 1, 2, and 3. The "Design Guidelines" have been developed in conjunction with the "Declaration of Protective Covenants" for SKYLAND, FILINGS 1, 2, AND 3 and designed to ensure that the design and use of materials for all improvements within SKYLAND, FILINGS 1, 2, AND 3, conform and harmonize with the natural rural surroundings.

Owners are advised that the Design Guidelines do not address every requirement or obligation imposed by the Covenants. Therefore, knowledge of the Covenants and these Design Guidelines is important for understanding all regulations applicable to SKYLAND, FILINGS 1, 2, AND 3.

Design Philosophy

The design style of Skyland should be based upon the heritage of its location in the mountains of the American West. The romantic yet elegantly rustic lodges like the Awahnee at Yosemite, Old Faithful Lodge at Yellowstone, Timberline at Mt. Hood, and the alpine shelters and lodges of Glacier Park establish this design theme. The simple, direct, yet picturesque ranch buildings further defines this western heritage still seen on the lower mountain slopes and valleys of the Gunnison Valley.

While the design style has its origin in the early, rustic mountains and structures of American West, the overall design goal for Skyland is to create innovative structures and architectural solutions which respond to current lifestyles and incorporate up-to-date building technology. The intent is not to mimic the false fronts of cowboy towns, recreate rustic lodges or reproduce simple log cabins. Rather, design solutions should advance an architecture that responds to its location and respects its regional heritage.

The Architecture style uses natural materials from the area and which have an appropriate scale to the surrounding mountains. Stone abutments, large timber trusses and heavy log framing are examples of materials typically associated with this theme.

In the broadest sense, the design style of Skyland is based on a respect for the natural environment and the introduction of buildings in harmony with their setting. Buildings should complement rather than overpower the landscape.

This style calls for buildings to blend with their sites so that when viewed from a distance, overall building forms and massings respond to natural landforms and topography. Buildings should step with the site, accomplishing level changes through composition of forms rather than massive site grading. Building forms and rooflines should relate to surrounding landforms. Harsh angular forms that are in conflict with natural slopes should be avoided. The use of exterior materials and colors with ties to indigenous site characteristics will lessen the visual impact of buildings and allow a strong integration of landscape and structure.

Overall, the building forms at Skyland should be understated and simple with extended eaves on pitched gable or hip roofs. The architecture is enriched by handcrafted details that thematically convey an understanding of the region's history, wildlife, and flora. Details may be expressed in ironwork, carved wood, etched glass, stone woodwork, trim and joinery.

The Design Review Committee is authorized by the Skyland Community Association Board of Directors to interpret this design philosophy when reviewing building plans during the design review process. The committee is empowered to make a final decision regarding approval of plans based on their interpretation that the design philosophy has been satisfied.

ARTICLE II

DEFINITIONS

1. **Caretaker's Apartment.** A living unit containing no more than 900 square feet, preferably no more than 600 square feet. A caretaker's apartment shall contain no more than one bedroom and one bathroom.
2. **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.
3. **Declaration of Protective Covenants.** A separate document entitled "Declaration of Protective Covenants, SKYLAND FILINGS 1, 2, AND 3" which has been recorded with the Gunnison County Clerk and Recorder and runs with all lands located within SKYLAND, FILINGS 1, 2, AND 3.
4. **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. **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.
6. **Gross Residential Square Footage.** The usable floor space within dwelling units including exterior walls, excluding porches and screened-in porches, carports, garages, decks, and areas less than 5 feet in finished height. Elevator square footage counts on one floor. Square footage of stairs count on each floor minus space under the stairs that is less than 5 feet in height.
7. **Indigenous Species.** Any species of flora naturally occurring within Gunnison County, Colorado.
8. **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 request shall be in writing approved by the manager, Design Review Committee chairperson or designee.

9. Lot Coverage. Building square footage within the foundation of the house, including garage plus screened-in porches, pop-outs, covered porches and gazebos/pergolas.

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

11. Owner. The owner of record, whether a person, firm, corporation, or partnership, of fee simple title to any tract or lot in SKYLAND, FILINGS 1, 2, AND 3.

12. 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.

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

14. Set Back. Distance from any part of the structure to the property line or right-of-way line.

15. 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.

16. 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.

17. **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.

18. **Skyland, FILINGS 1, 2, AND 3**. All lands included within the boundaries of SKYLAND, FILINGS 1, 2, AND 3, Gunnison County, Colorado, as shown on the plat thereof as recorded with the Gunnison County Clerk and Recorder.

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

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

21. **Solar Access**. The right of one property owner to not have his residential building blocked from the sun by buildings or structures on other lots.

22. **Town house/Town home**. One or more buildings each containing one or more residential units in which 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.

23. **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.

24. **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.

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

ARTICLE III

DESIGN REVIEW AND CONSTRUCTION PROCESS – SUBMITTALS AND REVIEW, APPROVAL AND CONSTRUCTION

1. Approval of Design Review Committee Required. No building or other structure, including but not limited to dwellings, commercial or office buildings, barns, stables, outbuildings, swimming pools, hot tubs, tennis courts, recreation equipment, parking areas, fences, walls, garages, drives, flagpoles, curbs, patios or walks, signs 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 Appendices

- A. Declaration of Protective Covenants and Amendments
- B. Design Review Process
- C. Design Review Packet Acknowledgement
- D. Design Review Committee and Board of Directors Not Liable
- E. Application for Design Review
- F. Preliminary Review Checklist
- G. Design Review Guidelines Checklist
- H. Landscape Point Schedule
- I. Weed Management Plan
- J. Applications for Water and Sewer Service
- K. Water and Sewer Tap Permits
- L. Skyland Metropolitan and East River Regional Sanitation Districts Rules and Regulations

- M. Skyland Project Information and Acknowledgement of Construction Regulations
- N. Pre-construction Meeting Checklist
- O. Design Review Approval
- P. Performance Refund Checklist – Final Inspection
- Q. Design Review Process – Flow Diagram

3. The Skyland Community Association Design, Review and Approval Process

A. Design Review Packet. May be picked up at the Skyland Community Association Office. Execution of Acknowledgement of received Design Review Packet, Liability Waiver forms, and Application for Design Review required – Appendices C, D, and E.

B. Preliminary Review. Submit Preliminary Review Design Package above, along with Building Plans, Preliminary Design Review Checklist, and a check made out to the Skyland Community Association for the design review fee to the manager. The Building Plans shall include a site plan, floor plans, elevation plans, and roof plan. Submittal of the Project Plans shall be one (1) 24 x 36 inch copy, five (5) 8½ x 11 inch (or larger) copies, and electronic PDF files. The complete package must be submitted prior to scheduling the preliminary review meeting. Once the preliminary design review package is received and approved for review, a preliminary Design Review meeting will be scheduled to evaluate the design. During this meeting the Design Review Committee will give guidance on overall design theme and the areas that are not consistent with these Design Guidelines.

C. Final Review. Submit final design plans. One (1) plan shall be 24 x 36 inches, five (5) sets shall be 8½ x 11 inches or larger and electronic PDF files shall be submitted as well. Upon review of the Final Design Package, the Skyland Community Association manager will request any further information needed or request any changes or additional information needed as a result of the Preliminary Design Review meeting. The final review meeting will be scheduled after all final review materials are received.

D. Performance Deposit, Tap Fees (Application and Permits), Acknowledgement of Construction Regulations Form and Approval Letter. Once final design review is approved, payment of the performance deposit and tap fees is required. The

Acknowledgement of Construction Regulations form, (Appendix M) shall also be completed. The manager will then have available an approval letter. A preconstruction meeting will be scheduled between the manager, contractor and owner.

E. Plan Submittal and Review. No submittal shall be considered complete until receipt of a plan meeting all plan submission requirements under Article IV below and summarized in Appendix F, “Design Review Committee - Preliminary Review Checklist”.

F. 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 that 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.

G. 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.

H. Committee Action. Within 60 days of the date of final 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 guarantee, 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 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.

4. Requirements Upon Plan Approval

A. Staking. 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 and Duplex Lots. Upon the approval of construction plans and specifications, the lot owner shall be required to escrow funds to guarantee completion of the approved project in accordance with Skyland Design Guidelines, Skyland Protective Covenants, and approved plans and specifications. A deposit of \$2.00 per square foot of living area for each single-family lot and duplex lot shall be submitted to the Skyland Community Association, which shall hold said deposit in an escrow account until satisfactory completion of the project. Refund of the performance guarantee is dependent on meeting the following requirements:

a) Design standards have been met and constructed to the approved plans and design guidelines,

- b) The disturbed areas of the site revegetated per the approved landscaping plan and an entire construction cleanup completed,
- c) Requirements of the Skyland Metropolitan District and East River Regional Sanitation District have been met,
- d) Landscaping meets the requirements set forth in this document and the approved project plans and,
- e) The Skyland Community Association will hold in an escrow account 30% of the total performance guarantee funds for one year after completion of the landscaping plan to insure adequate growth and maturity of all plant materials.

If the owner fails to meet any of these requirements during or after the construction period, the Skyland Community Association is hereby authorized to use the escrow funds and if necessary, place a lien on said owner's property to properly complete or correct the aspect of the project not meeting Skyland guidance documents, or approved plans and specifications for said lot. Prior to any action commencing as stated herein, the owner and or contractor will be given notice and provided an opportunity to be heard. The Design Review Committee will listen and review the circumstances and shall have the right to suspend any action as they deem necessary.

2) For Multi-Family, Lodge, Maintenance and Clubhouse Tracts. Upon approval of the plans, specifications and cost estimates by the Design Review Committee and prior to the start of construction, the builder or tract developer shall deposit with the Design Review Committee a suitable performance guarantee in an amount approved by the Committee in the form of an irrevocable letter of credit, performance bond, or cash. Said performance guarantee shall be payable to the Skyland Community Association, and shall be in an amount adequate to cover the cost of all driveway and parking lot construction, drainage improvement construction, landscaping and complete site cleanup following construction. The Design Review Committee will hold the performance guarantee until all of said improvements have been completed in conformity with the approved plans and specifications and all 5 criteria are met per

the paragraph above regarding performance guarantee requirements for single-family and duplex lots alike.

C. 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.

D. Variances. Where circumstances create hardships, the Design Review Committee may allow reasonable variances to any of the provisions contained in this instrument on such terms and conditions as it shall require; provided, that no such variance shall be finally allowed until 14 days after the Design Review Committee shall have posted two notices of such proposed variance and published such notice in a newspaper of local circulation in Gunnison County. After the 14-day period has elapsed, the Design Review Committee shall consider all objections raised and make a final decision on the variance. Before the variance is allowed, the Board of Directors of the Skyland Community Association shall consider the decision of the Design Review Committee and make a final determination.

E. 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 or manager in writing for approval.

F. 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, FILINGS 1, 2, AND 3, 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. See Appendix D.

G. 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.

H. Pre-Construction Check. At least three business days prior to commencement of construction the owner shall notify the Committee so that it can make a visual inspection of the Lot and complete the “Pre-Construction Meeting Checklist” (Appendix N) to insure that the final building layout and staking 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. A complete set of the County approved construction documents will be delivered to the Committee prior to or during the Pre-Construction Meeting. 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 or manager for approval prior to initiating such changes and/or additions.

I. 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.

J. Completed Work: Single-Family and Duplex Lots

1) Upon completion of any Dwelling or other improvement for which the Committee gave final approval, the Owner shall give written notice of completion to the Committee.

2) 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 or manager 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.

3) 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.

4) 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.

K. Final Inspection: Multi-Family Tract, Clubhouse Tract, Maintenance Tract and Lodge Tract. Upon completion of all construction within these tracts, the manager, Design Review Committee or its designee will perform a final inspection to insure that all construction has been completed in compliance with the approved plans and specifications. If all work is found to be satisfactory the Design Review Committee will provide the tract owner with a written certificate of compliance.

ARTICLE IV

PLAN SUBMISSION REQUIREMENTS

Prepared by Professionals. Plans submitted to the Skyland Design Review Committee must be prepared and stamped by a licensed architect. Architects must attend or be available to participate at all design review meetings. All site plans, except for landscaping plans, must be prepared and stamped by a qualified licensed architect or civil engineer.

1. Plan Contents Requirements: Single-Family and Duplex Lots. A separate, shorter and more streamlined set of submission requirements has been designated for single-family and duplex lots only. These submission requirements do not apply to multi-family tracts, maintenance tracts, lodge tracts or clubhouse tracts. The lot owner must submit, as a minimum, the following (see Appendix F):

A. Site Plans. One (1) “professionally prepared” copy, at a scale of 1-inch equals 20 feet or longer, including:

- 1) Name, address and phone number of lot owner, lot identification number for SKYLAND, FILINGS 1, 2, AND 3;
- 2) North arrow;
- 3) Boundaries of lot or lots to be built upon, with indication of required setback lines as a fine dotted line;
- 4) Existing topography as a dashed line and proposed topography as a solid line, with two feet 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;
- 5) All significant existing vegetation with notations as to which is proposed to be removed or cut down and which is to be retained;
- 6) General features such as rock outcrops and meadows, existing drainage courses;

- 7) Outlines of all proposed buildings and structures including decks, porches, patios, walls, fences, storage and utility areas, enclosures, hallways, breezeways, sheds, garages, dog runs, pools, hot tubs, recreational equipment, paths, walks, steps;
- 8) Proposed driveways and parking areas with notation as to grade and surfacing materials;
- 9) Proposed location of all underground utility connection lines, including water, sewer, phone, power, natural gas and cable television, and drainage improvements. Proposed location of exterior connection for above-ground telephone and cable and above-the-ground utility meters including but not limited to electric, natural gas and water remote read out;
- 10) Proposed landscaping, including the varieties and approximate sizes of plants, trees, and grass or other vegetation to be planted;
- 11) Proposed exterior lighting fixtures;
- 12) Proposed colors of all exterior surfaces (stone, windows, siding, fascia, doors etc.);
- 13) Utility easements.

B. Building Plans. One (1) reproducible 24 x 36 inch original, five (5) 8½ x 11 inch (or larger) copies, and electronic PDF files of complete architectural plans and specifications for each building or structure, to include:

- 1) Four (4) principal elevation drawings at a scale of ⅛ or ¼ 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 and railings, attached accessory structures, and solar equipment. Samples or separate cut-sheets of any of the above may be required;
- 2) Floor plans at a scale of ⅛ or ¼ inch equals one foot in sufficient detail to determine whether minimum square footage requirements are being met;

- 3) Roof plan at a scale of $\frac{1}{8}$ or $\frac{1}{4}$ inch equals one foot in sufficient detail to determine the different roof planes, overhangs, and ensure that all of the structure is within the building envelope;
- 4) A specification list identifying all materials proposed for use, including color samples of paints and stains to be used on any exterior surfaces;
- 5) 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. A professional engineer registered in the State of Colorado must prepare the geology and soils report.

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, if required by the Design Review Committee. The Design Review Committee may require silt fencing to prevent erosion and or control sedimentation. Fencing may also be required to delineate areas that are not to be disturbed on construction sites.

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. The fee to be charged was established by the Board of Directors of the Skyland Community Association and is equal to \$0.22 per square foot of living area for single-family and duplex lots and includes three meetings of the Design Review Committee. If additional SPECIAL meetings are necessary, the Design Review Committee reserves the right to charge additional fees to cover the cost of those meetings. 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 a three dimensional illustration or model and any other materials or information it deems necessary to enforce the provisions and achieve the purposes of these Design Guidelines.

2. Plan Contents Requirements: Multi-Family Tract, Clubhouse Tract, Maintenance Tract and Lodge Tract. These submission requirements do not apply to single-family or duplex lots. The purpose of this more detailed review is to ensure that development of each of the tracts within SKYLAND, FILINGS 1, 2, AND 3, is planned, designed, and constructed in accordance with the overall objectives of SKYLAND, FILINGS 1, 2, AND 3. Submission for tract development approval shall include, as a minimum, the following (see Appendix F):

A. Site Plans: One (1) “professionally prepared” copy, at a scale of 1-inch equals 20 feet or longer, including:

- 1) Name, address and phone number of the tract owner, tract identification number for Skyland, Filings 1, 2, and 3;
- 2) North arrow;
- 3) Boundary of tract or tracts to be built upon, with indication of the required setback lines as a fine dotted line;
- 4) Existing topography as a dashed line and proposed topography as a solid line, with two feet contour intervals, in the area of the proposed structure or structures and extending fifty feet from all sides of the proposed structure(s), and also, in any area where earthwork is proposed such as along access driveways, fills, and regraded areas;
- 5) All significant existing vegetation on the tract with notations as to which is proposed to be removed or cut down and which is to be retained;
- 6) General features such as rock outcrops and meadows, existing drainage courses;
- 7) Outlines of proposed buildings and structures including decks, porches, patios, walls, fences, storage and utility areas,

enclosures, hallways, breezeways, sheds, garages, dog runs, pools, hot tubs, recreational equipment, paths, walks, steps;

8) Proposed driveways, parking areas and culverts with notation as to grade and surfacing materials;

9) Proposed location of all underground utility connection lines including water, sewer, phone, power, natural gas, cable television, and drainage improvements. Proposed location of exterior connection for above-ground telephone and cable and above-the-ground utility meters including but not limited to electric, natural gas and water remote readout;

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

11) Proposed exterior lighting fixtures such as street or building lights;

12) Proposed colors of all exterior surfaces (stone, windows, siding, fascia, doors, etc.);

13) Utility easements;

14) A three-dimensional illustration or model of the master plan of existing and proposed buildings may be required.

B. Utility Plans. Complete engineering plans and specifications, prepared by a Professional Engineer, registered in the State of Colorado, for water and sewer main extensions, driveways, parking areas, and drainage improvements to include:

1) Size and type of pipe, fittings, valves, fire hydrants, depth of cover, service line hook-ups, and point or points of connection to existing system;

2) Plan and profile sheets for sewer main extensions that indicate size and type of pipe, manholes, and other appurtenances, proposed grade, service line hook-ups, and point or points of connection to existing system;

3) Plan and profile sheets for driveways, parking areas and

culverts that indicate proposed grade line, approach to existing roadway system, drainage improvements, proposed surfacing, and pavement marking;

4) Specifications governing the materials and installation methods to be utilized during construction;

5) A detailed engineers' cost estimate.

At the discretion of the Design Review Committee, installation design drawings prepared by the appropriate utility company, for power, phone, natural gas and cable television which indicate location of lines, size and type of lines, junction boxes, building hook-ups, and connection to existing distribution cables.

C. Building Plans. One (1) reproducible 24 x 36 inch original, five (5) 8½ x 11 inch (or larger) copies, and electronic PDF files of complete architectural plans and specifications including a color artist's rendering for each building or structure to include:

1) Four principal elevation drawings at scale of ⅛ or ¼ 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 and railings, accessory structures, and solar equipment. Samples or separate cut-sheets of any of the above may be required;

2) Floor plans at a scale of ⅛ or ¼ inch equals one foot in sufficient detail to determine basic building layouts and square footages;

3) Roof plan at a scale of ⅛ or ¼ inch equals one foot in sufficient detail to determine the different roof planes and ensure that all of the structure is within the building envelope;

4) Specifications relating to all materials and proposed methods of construction;

5) All other data required by the Gunnison County Building Department prior to issuance of a building permit;

6) A detailed foundation plan with all necessary information to

determine adequacy of foundation to support proposed structures prepared by a Professional Engineer, registered in the State of Colorado;

7) A site specific geology and soils report must be prepared by a Professional Engineer, registered in the State of Colorado which should address building foundation requirements, driveway and parking lot requirements, and problems, which may be encountered during development of the tract.

D. 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. The fee established by the Skyland Board of Directors is \$0.17 per square foot of living area for multi-family lots and includes three meetings of the Design Review Committee. If additional SPECIAL meetings are necessary, the Design Review Committee reserves the right to charge additional fees to cover the cost of those meetings. Said fee may vary for different projects, dependent upon the costs expected to be incurred by the Design Review Committee in obtaining adequate professional advice regarding any problems relating to any particular site or project.

E. Timetable. The applicant shall also submit a statement as to planned starting and completion dates of buildings, utilities and landscaping, including any staggered phasing of sections of a tract, and estimated dates of utility hook up.

3. Gunnison County Approval Required - Duplex Lot, Multi-Family Tract, Clubhouse Tract, Maintenance Tract and Lodge Tract. Developers of these tracts will be required to obtain a Land Use Change Permit from Gunnison County, Colorado. Skyland Properties, a Colorado limited partnership has previously obtained a Land Use Change Permit for the entirety of SKYLAND, FILINGS 1, 2, AND 3. 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, FILINGS 1, 2, AND 3. 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, FILINGS 1, 2, AND 3, 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. "Stock" or "catalog" plans and specifications are discouraged and will receive critical scrutiny to assure compatibility with the site.
- 2. Building Siting.** Most building sites in Skyland have some degree of slope, and therefore, the locations of buildings and site improvements are a key component of the design process. 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 landforms, drainage patterns, topography, vegetation, views, and sun exposure. Buildings should step rather than rely on extensive site grading. Building forms and rooflines should relate to site contours and surrounding landforms. Exposed building profiles atop ridgelines and harsh angular forms that 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. Setback Restrictions.** The following set back restrictions shall apply within SKYLAND, FILINGS 1, 2, AND 3:

 - A.** There shall be a 10-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 and Duplex Lots, no residential or building

structures of any kind may be constructed nearer than 30 feet to that boundary of such lot that adjoins a platted road, or nearer than 25 feet from that boundary of said lot which adjoins the golf course. The set back for all structures and improvements from all other lot boundaries shall be 15 feet.

C. For Multi-Family, Lodge, Maintenance and Clubhouse Tracts, the set back for any residential or buildings structures from any lot boundary adjacent to a platted road shall be 50 feet; from all other boundaries, the set back shall be 25 feet.

D. In the event a Duplex Lot or Multi-Family Tract is re-subdivided into two 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, East River Regional Sanitation District and the Design Review Committee.

F. All measurements for set back restriction will be from the eve of the structure, or in the case of decks, from the point closest to the property line.

4. Minimum and Maximum Size of Dwelling Units. Gross residential square footage shall be determined as defined in Article II, Definitions – Number 6.

A. Single-Family Lot. The total gross residential floor area shall not be less than 2,500 square feet excluding caretaker's apartment, porch, garage and basement nor more than 9,000 square feet, including a caretaker's apartment but excluding the first 1,000 square feet of an attached 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 1,500 square feet, excluding decks.

The total gross residential floor area for lots S-63, S-64, S-78 and S-79 shall not be less than 2,000 square feet. 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 1,200 square feet, excluding decks.

The total gross residential floor area for lots S-55 through S-62, S-75

through S-77 and S-80 shall not be less than 1,800 square feet. 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 1,080 square feet, excluding decks.

If lots S-55 through S-64 and S-75 through S-80 have homes constructed equal to or larger than 2,500 square feet, the main floor footprint must equal 1,500 based on the criteria above.

B. Duplex Lot. If two primary dwelling units are constructed on any duplex lot the gross residential floor area of each unit shall not be less than 1,800 square feet, excluding porch, garage and basement, no more than 3,750 square feet, excluding the first 600 square feet of an attached garage and in such event, no caretaker's unit or apartment shall be permitted. Buildings of more than one story shall have a main floor footprint, as determined by the Design Review Committee, of not less than 1,000 square feet per unit, excluding garage and porch. If only one primary dwelling unit, with or without a caretaker's apartment is constructed on any duplex lot, the floor area requirements for a Single-Family Lot shall apply.

C. Multi-Family. The gross residential floor area of each multi-family condominium or apartment unit constructed on a Multi-Family Tract, exclusive of garage and porch, shall be not 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.

The gross residential floor area of a multi-family building shall not exceed 10,000 square feet, excluding attached garages unless the garage area is greater than 600 square feet per unit.

D. Lodge Tract. The gross residential floor area for each living unit constructed within the Lodge Tract shall be not less than 450 square feet.

The gross residential floor area of a multi-family building shall not exceed 10,000 square feet, excluding garages.

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 caretaker's apartment, garage or any other structure 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 landforms. The underlying rectilinear form should have the visual impression of "growing" out of the site. A strong, horizontally proportioned massive base can reinforce this impression. A box like appearance is discouraged.

8. Continuity of Construction. All building and structure construction and alteration work shall be pursued diligently. Each primary structure on a single-family or duplex lot shall be entirely completed within twenty (20) months after commencement of construction. One four (4) month "winter weather window" shall be allowed for construction commencing in the fall. This "winter weather window" will allow commencement of an approved construction timetable to be completed prior to the winter season thus allowing a building site to sit idle for four months if desired. The "winter weather window" shall be added to the 20-month construction period for a total construction timeline of 24 months. Prior to and during this 4-month "idle" time, the building site must adhere to certain conditions as determined by the Design Review Committee, its designee or manager.

If the applicant determines that 20 months is an inadequate duration to complete the project, they may request an extension during the design review process. The request will be reviewed by the Design Review Committee, who will take into account the project's size, complexity, and site conditions.

If construction is not completed within the 20-month time frame and an extension not approved during the design review process, a \$500 impact fee will be imposed and subsequent fees levied as shown below. Prior to the impact fee being imposed, the contractor and owner will be noticed and provided an opportunity to be heard regarding the fee. The design review committee will listen and review the circumstances and shall have the right to waive or modify the fee.

- 30 days after scheduled completion date = \$500
- 60 days after scheduled completion date = \$1,000

For each subsequent 30-day period the fee will be that of the previous 30-day period plus an additional \$500. i.e. for 90 days - \$1,500, for 120 days - \$2,000 etc.

For construction on multi-family, maintenance and clubhouse tracts, a specified construction completion time period will be designated when the Design Review Committee approves the plans and specifications for said tract. The fee schedule for single-family and duplex lots described in the previous paragraph shall be enforced.

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. House designs that are essentially identical to either nearby houses (such as a series of houses built by one contractor from standard plans or pre-fabricated kits) will not be permitted. In the case of single-family units of a similar design, there must be significant external individual variations making each unit unique. Long, continuous exterior wall surfaces are discouraged and the committee reserves the right to approve or deny this element based on review of submitted plans.

C. "Mirror image" or symmetrical duplex units will not be permitted.

D. Condominium, townhouse, and apartment 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. | Maintenance | Thirty-two (32) feet. |
| D. | Clubhouse Tract | Fifty (50) feet. |

E. Multi-Family Tracts
1, 2 and 3 Thirty-five (35) feet.

F. Multi-Family Tracts
4, 5 and 6 Forty-five (45) feet.

G. 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.

H. **Exceptions to Height Limit.** Structures or portions of structures with sloping roofs may exceed the height limit in accord with the following schedule. Any exception authorized by this subparagraph shall not constitute a change of height limit but shall authorize a building height exceeding the prescribed height limit only for that portion of a structure to which this subparagraph applies. This subparagraph shall apply to gable, hip or shed roofs, but shall not apply to mansard roofs or to any roof structure which does not extend to a peak at a slope of two (2) feet vertical to twelve (12) feet horizontal, or greater.

Schedule of Exceptions To Height Limit

Vertical rise per Twelve feet horizontal	Permitted additional height
2 feet	1 foot
4 feet	2 feet
5 feet	3 feet
6 feet	4 feet
7 feet	5 feet
8 feet	6 feet
9 feet	7 feet
10 feet	8 feet
11 feet	9 feet
12 feet	10 feet
13 feet or greater	12 feet maximum

11. Exterior Wall Materials

A. Theme. A major component of the design theme is the use of natural materials that are an outgrowth of their setting. A limited range of exterior wall materials, the use of similar colors, and simple, additive building forms will establish an architectural image that will complement and blend into the natural landscape.

B. 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 landforms. The underlying rectilinear form should have the visual impression of “growing” out of the site. This impression can be reinforced by following the natural contours of the site and portraying a strong, horizontally proportioned massive base.

C. Materials. Acceptable exterior wall materials include stone, stucco and wood. Either stone or stucco shall be used as an expression of mass; heavy timber or log framing may be used to express structural form; wood siding may be used for exterior sheathing; and board trim may be used for detail areas such as fascia, eave, corner and window trim. In all cases, the use of exterior wall materials shall accurately convey the structural integrity of the residence. The use and composition of these materials are described in the following sections.

D. Log. Logs may be used as stacked load bearing walls, but when expressed on the building exterior, logs must be set on a stone base. In such cases, stone should comprise at least 25% of the exterior wall area. Logs should express a massive, hand-hewn appearance. Typical minimum dimension of at least 14 inches in diameter is encouraged. Logs are to be hand hewn to reflect the natural shape, grain, and inconsistencies of timber. Turned or “manufactured” logs of uniform profile, finish and radius shall not be used. Logs may be hewn round or rectangular and joints may have chinking or may be fitted into an interlocking profile without chinking.

E. Stone. The use of stone is required to be at least 25% of the exterior surface, excluding windows and doors. Stone provides a physical link with the natural characteristics of a site and also serves to visually anchor a building to the ground. When used, stone should be incorporated around the base of the building to establish a strong sense of mass and performance. Imitation stone and brick are

prohibited. The use of boulders and large rocks to visually “anchor” corners and ground levels of rock walls, fireplaces, and landscape improvement is encouraged. Stone should have the appearance of being self-supporting through the natural forces of mass and gravity.

F. Stucco. Stucco may be used as an exterior wall material. In such cases, the stucco shall be finished in an “earth tone” color that is compatible with the natural soils and rocks on the site. When stucco is used, it should convey a visual impression of “mass: by forming eased or rounded corners and deeply set reveals for windows and doors. Stucco should be integrated throughout the building to establish a coherent composition of materials. When stucco is used, at least 25% of the exterior wall area excluding windows must be stone to form a strong visual base for the building.

G. Modular Masonry. Modular masonry units such as brick, concrete block, or ceramic tile are not consistent with the architectural theme for exterior materials and should not be exposed to view.

H. Lintels and Sills. In “mass” walls of stone or stucco the use of lintel and sills at door and window openings is strongly encouraged. These lintel and sill members shall be detailed and proportioned so as to appear structurally sound. Lintels and sills may be made of hewn timbers, logs cut stone, or natural stone.

I. Exterior Wood. Wood siding can be used very effectively to reinforce the architectural style, particularly when used to sheath secondary portions of buildings such as gables, dormers and soffits. Generally, no more than 75% of any exterior wall surface shall be wood siding and in such cases the remaining wall area must be stone to provide a visual base to support the wood sheathing of the building. Woods should be selected that will age to a beautiful blend of natural colors if left untreated, or if treated with wood preservatives or semi-transparent stains. The use of paint on wood siding is generally not consistent with the architectural theme.

For siding, boards of six or eight inch width should be used with profiles of channel rustic, shiplap, tongue and groove or board and batt.

Cedar shakes or shingles may be used in lieu of wood siding on secondary wall areas, such as dormers and gables. Rectangular or half round shingles may be used. Heavy timber, logs, and glue-lam

beams can be used to express the structural framing of the building, particularly as trusses, lintels, sills, beams, purlins and rafters. Fascia boards shall have a minimum dimension of 2 inches thick by 10 inches wide. The scale of these members should be consistent with their structural insertion.

J. Prohibited Wall Materials. In order to further define the design theme and establish continuity between buildings, exterior wall material is generally limited to the materials described above. At the discretion of the Design Review Committee, materials other than those specifically listed may be approved. The following materials are inappropriate and are specifically prohibited:

- 1) Plastic materials
- 2) Imitation stone or brick
- 3) Concrete, either masonry units, precast, or formed
- 4) Cinder block
- 5) Metal siding
- 6) Plywood or composition siding, T-111 and other hardboard products
- 7) Asbestos shingles or asbestos appearing shingles

12. Exterior Colors. Muted natural or earth tone colors shall be encouraged for all buildings and structures. Contrasting color schemes are encouraged. 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 fascias, flashing, wall and roof vents, metal enclosures, and other items shall be pre-oxidized or painted an approved color. The use of patinated copper in flashing, deck rails, or other areas approved by the Design Review Committee is permitted.

14. Exterior Trim

A. Theme. The design theme for Skyland calls for a high level of quality in exterior materials and details. Details provide the opportunity to present the skill of the designer and craftsman while expressing the heritage, cultural folklore, and artistry of the architectural style. Many opportunities can be exploited to enrich building details. Among these are windows and doors, gates, balconies and railings, decks and patio surfaces, chimneys and dormers, corbels, artwork and lighting. In

concert with the overall architectural style, details should be consistent in their origin and interpretation throughout the building. Functional details such as window boxes and shutters are encouraged, however, shutters must be proportioned to cover their respective windows. The design of functional hardware is encouraged.

B. Windows and Doors. Windows and doors offer the opportunity to provide individual character and refinement of scale by introducing openings and patterns on stucco and stone walls. In keeping with the design theme, consideration should be given to establishing a pattern or rhythm on primary facades, while being responsive to interior function and view opportunities.

C. Windows. Within wood, timber or log walls, windows should respond to the expressed framing and proportions of the wall. Windows in wood walls can be used as single openings or in combinations to create a series of windows, or as panes of glass to create a transparent wall between well-proportioned timbers or log framing.

When used in stucco or stonewalls, windows should be “set within the wall” rather than designed as repetitive, linear rows of continuous windows or “curtain walls”. Bay windows may be used to enhance views and provide interest to exterior walls. Dormers should generally be used in lieu of skylights for both functional and style reasons.

D. Window Casings. Window casings shall be made of wood with exterior finishes stained, painted or clad in metal or vinyl. Colors and clad windows must be factory applied. Mirrored or reflective glass is prohibited.

E. Scale. In order to maintain a smaller scale, large window openings should be composed of smaller panes of glass.

F. Exterior Main Entrance and Exterior Doors. The main entrance and main entry door are an important design element of the home. These elements must be distinctive in nature, pronounced and draw attention to this portion of the home. 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. Doors should be made of wood, glass or metal. Hardware for exterior doors and windows; including hinges, latches, handles and pulls should be

designed with artistic expression and constructed of material such as wrought iron, bronze or copper. Garage doors for vehicles shall be constructed of wood, or the exterior surface faced with wood, not metal or other materials.

G. Decks and Balconies. Decks and balconies are very characteristic of the design theme and when properly located on sunny exposures, can provide pleasant outdoor spaces. Decks and balconies must relate to the scale and massing of the major architectural forms of the building. Examples of architectural forms include, but are not limited to, horizontal beams, corbels, bracing material etc. i.e., design elements that are substantial structural components directly related to the scale and mass of the deck. Balconies can either be recessed into the wall mass or projected from exterior walls. Decks with tall slender columns are prohibited and thick, “heavy in nature” support posts are recommended. Long, vertical support posts must be interrupted to prevent a strong verticality of an exterior deck. Long continuous expanses of horizontal balconies or decks are not allowed and may be “broken” utilizing jogs along the deck’s length. When a projected balcony is used, consideration must be given to protection from snow shedding from overhead roofs. The Design Review Committee may require a portion of the entire “deck” area to be covered by a roof. Synthetic material for exterior deck floorboards may be used with prior approval of the Design Review Committee.

H. Deck and Balcony Railings. Railings offer an opportunity to express individual character within the context of the design theme. Balconies enclosed with solid walls are prohibited. The use of framing material for balcony railings is not permitted. Wood or metal railings may be used. Structural elements, including the top rails must be sized to appear appropriately massive.

I. Chimneys. Chimneys are a strong visual element of a home and an important aspect of the design theme. They should relate in form and materials to the design style of the primary structure. Typically, chimneys should be constructed of stone with cut stone caps or decorative metal spark arrestors as required by fire code. Decorative structures covering spark arrestors, chimney pipes and or caps must also relate in form and materials to the design style of the primary structure. These structures, including framing members, must be “heavy in nature” and be of substantial “mass” consistent with materials used on the primary structure. Fireplace flues as well as

mechanical flues and vents should be consolidated and enclosed with chimneys. All exposed metal flues or pipes on the roof shall be enclosed or painted to match the approved roof color.

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

16. Roofs

A. Roofs. Roofs are a very prominent visual element of a building and provide a strong unifying characteristic between buildings. Consistent roof forms are also an important element in support of the design style. A simple pattern of primary and secondary roof forms, dormers, and a limited palette of materials and colors are the primary design objectives for roofs. Rooflines longer than 50 feet must be offset, and or include a “break”.

B. Form. Roof forms should be relatively simple and limited to gable, hip and shed type roofs. In order to assure interesting form and reduction of visual scale, roofs should be comprised of primary and secondary roof forms. Secondary roof forms must be subservient to primary roof forms. Primary roof overhangs of at least 24", secondary roof overhangs of at least 17" and wide fascias should also be incorporated into the design of roofs. Flat roofs are not permitted as a primary roof form.

C. Parameters. For shed roofs, no more than 40% of the total roof may be designed as a single-plane. For gable roofs, no more than 75% of the total roof may be designed as a single gable. Hip roofs shall not be the primary roof design element and should have minimal distance “runs”. The composition, scale and proportion of secondary roofs shall not be more than 49% of the total roof area.

D. Snow Shedding. The design of roofs should give strong consideration to snow accumulation and shedding. Entryways, garages and pedestrian areas should be protected from potential snow shedding. This can be achieved most effectively by the form and slope of the primary or secondary roof.

E. Truss and Gable Design. Truss and gable detail should contain heavy timbers and add richness to the overall design of the building. The detail shall be supportive in nature, provide a structural

function to the building and supplement the entire design theme of the building.

F. Dormers. Roof dormers are an important architectural characteristic of the design theme, and as such they should be designed relative to the style, appearance, and overall proportional balance of the volumes and surfaces of the building. The design of dormers should be functional to allow window openings and head heights for upper level or loft living spaces. They can also be used to bring natural light into multi-story living spaces and to provide protection to entryways, decks and garages. Dormers should generally be used in lieu of skylights for both function and style reasons. Dormer forms may be gable, hip or shed. Dormers should be designed and located relative to the style and overall proportional balance of the roof and building. Shed dormers should not exceed more than 2/3 of the primary roof plane. In order to maintain a simple roof form and effectively break up the mass of the building, the front face of large shed dormers should be at least 2 feet back from the edge of the roof.

G. Ancillary Roof Elements. Roofs should be relatively simple and as such; the design of ancillary elements such as flues, vents, mechanical equipment, snow fences and clips, heat tapes and lightening rods is very important in order to minimize roof clutter. Ancillary elements should be designed to be compatible with the primary roof and to not create a visual distraction. All flues and vents should be consolidated and enclosed in a structure compatible with the overall roof form. In the event that the consolidation and enclosure of all flues and vents is not feasible, the Design Review Committee may approve unenclosed flues and vents provided they are small in size and painted to match the roof color.

H. Pitch. Primary roof structures shall have a pitch of a least 7:12. The roof pitch of secondary roofs shall be complementary to the primary roof. This is not to imply that the pitch of secondary roofs must be the same as primary roofs. Secondary roof pitches may vary from the primary roof. With the exception of small flat roof sections, the pitch of secondary roofs shall be at least 3:12.

I. Cold Roof Design. Cold roofs are strongly encouraged in order to prevent or reduce ice damming and icicle buildup on eaves. Cold roof design should include a continuous airflow space between eave vents and ridge vents. Attention should be given to the venting of dormers, secondary roof areas, and hip ridges to prevent heat build-up

or lack of airflow. If cold roofs are not used, full ice and water guard coverage will be necessary.

J. Loading. All roofs shall be designed to comply with Gunnison County loading requirements.

K. Roof Materials. Roofing materials consisting of fireproofed wood shingles, natural slate, tile or clay are allowed. Non-reflective or pre-patinaed metal roofs with a natural finish may be approved as an acceptable roof material on a case-by-case basis. Roofs shall be of a muted earth tone color theme, within the range established for the exterior walls of buildings. Asbestos shingles, asbestos appearing shingles, synthetic materials and, except as above described, metal roofs, are prohibited. If an excessively similar pattern of roof designs occurs, the Design Review Committee in its sole discretion will have the authority to determine on a case-by-case basis if a roof material is allowed.

17. Energy Conservation. Buildings within Skyland should be designed to conserve energy throughout the life of the structure. The following principles should be incorporated in the architectural design:

A. Solar Heating. Passive design should consider window size, orientation, and shading devices. Direct solar gain surfaces should be considered for south facing areas.

B. Entryways. Entryways should be protected from wind exposure and the use of airlock vestibules is encouraged.

C. Landscaping. Plantings of deciduous trees can provide summer shade and allow winter sun on south exposures while conifers can provide winter wind protection on north exposures.

D. Sealing. Openings in exterior walls must be completely caulked and sealed.

E. Barriers. Air and filtration barriers should be used on all outside walls not clad in stone or stucco.

18. Fire Protection. A sprinkler fire suppression system is strongly recommended for all newly constructed buildings. All newly constructed buildings must meet the regulations of the Skyland Metropolitan District and Crested Butte Fire Protection District. All new plans must be submitted to the

Crested Butte Fire Protection District to determine if a fire suppression system will be required.

19. Accessory Structures. Structures such as care takers apartments, 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.

20. Storage Areas. Site design shall provide storage areas for trash cans, utility transformers, snow, and firewood hidden and screened from the view of vehicular or pedestrian ways and adjacent properties by plantings, enclosures, fences, berms or by location.

21. Spark Arrestors. Spark arrestors are required for all chimneys.

22. Exterior Lighting. Exterior lighting is to be kept to a minimum, meet applicable local building codes and be consistent with good safety practices. The method shall be that exterior light fixtures direct light downward. No exterior light whose direct source is visible from the street or neighboring property or which produces excessive glare to pedestrian or vehicular traffic will be allowed.

A. All light bulbs must be recessed into the fixtures as far as possible and must use an A19 standard size bulb; unless the fixture is specifically designed for a specialized bulb which cannot be changed out for something larger.

B. Outdoor spotlight(s) must be operated with a timer or motion sensor that contains an automatic device to shut off the spotlight(s). Outdoor spotlight(s) must be shielded and directed downwards (45 degrees or less from vertical).

C. Indirect sources and horizontal full cut-off fixtures are required to reduce glare and provide general ambient light.

D. Use of other than white or color corrected high intensity lamps, as exterior lights will not be allowed.

E. Seasonal holiday lighting is an exception, but is only allowed to be illuminated between November 15th and January 31st, and must be removed by May 1st.

F. Sodium, mercury vapor, or bare HID (High Intensity Discharge) yard lights are not allowed.

G. The address of each building shall be illuminated via a switched light so as to be visible from the adjacent roadway.

H. Plans submitted to the Design Review Committee that alter the exterior of an existing structure will require that the new exterior lighting direct light downward. If the existing exterior lighting on the previously approved structure does not direct light downward, such existing lighting must be modified or replaced with exterior lighting that is consistent with the requirements within this section. This will be a requirement for approval of the addition/alteration plans.

I. Landscaping plans that include lighting installed for safety purposes must be submitted with preliminary plans.

23. Exterior Antennae. No exterior antennae or satellite dishes shall be allowed except those that meet the following requirements:

A. Shall be fixed, with maximum one (1) meter in diameter or diagonal measurement;

B. Color shall blend with building color; except white square internet receivers are permitted;

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

D. If items A, B and C are satisfied, the Design Review Committee shall not impose restrictions that void any manufacture warranties to exterior antennas and or in conflict with any existing state or federal laws regarding antennas.

24. Housing Numbers. The committee recommends that each single-family and duplex dwelling unit install a lighted house or unit number visible at night from the roadway, conforming to a design and location approved by the Design Review Committee.

25. Grading. Grade changes, cut, fill and soil removal shall be minimized in site design. Cut and fill slopes should be no steeper than 2:1 (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. Grading shall not impact or encroach upon adjacent lots.

26. 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.

27. Exterior Signs. All exterior signs for new and existing single-family, duplex, town home/townhouse and multi-family projects must be approved by the Design Review Committee and meet the specifications stated herein. All identification signs on unsold lots owned by the developer (ND Enterprises or successor) must be approved by the Design Review Committee and meet the specifications stated herein. The Design Review Committee as well as the Board of Directors of the Skyland Community Association must approve all signs on open space.

Unless otherwise approved by the Design Review Committee all signs which are permanent in nature shall be wood framed, down-lighted or unlighted, mounted on a wood or rock base having the following characteristics:

A. On single-family and duplex lots one sign with no more than 6 square feet of space on each side upon which the address, inhabitant's name or project name and/or symbol maybe contained. The permitted height of the sign will be determined at time of approval and may vary based on the topography of the lot on which it will be located.

B. On multi-family tracts one sign with no more than 16 square feet of space on each side upon which the project name and/or symbol and address may be contained. The top of the sign, including the support, shall be no more than 7 feet in height.

C. On developer owned lots no more than 2.25 square feet of space on each side of the sign on which the lot number and an identification symbol may be contained. On non-developer owned lots, the owner may install a 2.25 square foot sign identifying the physical address of the property. The sign, including the support, shall be no more than 5 feet in height. Lot identification signs shall be removed when the initial sale of the lot has been completed. With prior approval of the Design

Review Committee a project identification sign for a tract containing multiple lots may be erected at the entrance to the tract.

D. On construction sites a single temporary sign with no more than 6 square feet of space on each side. Information contained on the sign shall include the project address and, at the owner's option the project name. The permitted height of the sign will be determined at time of approval and may vary based on the topography of the site. The sign will be of professional quality on materials approved by the Design Review Committee.

E. All signs not prohibited in the Skyland Protective Covenants require approval of the Design Review Committee. Speed Limit and Stop signs require approval by the Skyland Metropolitan District.

28. 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.

29. Fences. The design and location of fencing shall be submitted and approved by the Design Review Committee prior to installation. Fences shall be reviewed on a case by case basis and, if permitted, shall be framed totally of natural stone and/or wood materials or faced with natural stone and/or wood material. Any exposed metal mesh material shall have a pre-patinaed finish. Subject to the approval of the Design Review Committee as to design, size and location, fencing will be permitted to enclose a small portion of a yard, or to enclose a patio, pool or dog run. Privacy fences of more than six (6) feet in height and open fences of more than (4) feet in height will not be permitted. Privacy fences must be attached and adjacent to the home. Fencing must be in harmony with the exterior design and materials of the residence, and may not obstruct the natural view of adjoining properties.

30. Awnings. All awnings shall be submitted to the Design Review Committee for approval and meet the following criteria:

- A.** Frames shall be constructed of wood or non-reflective 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;
- D.** Professionally manufactured and installed.

- 31. 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.
- 32. Hot Tubs.** The Design Review Committee must approve the location and appearance of all outdoor hot tubs. Hot tubs must be screened from the golf course and adjacent owners and must blend with building color. The exterior surface area must be covered with an earth-tone color wood siding or earth-tone recycled material. 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.
- 33. 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.
- 34. Outdoor Fire Appliances.** All permanently installed exterior barbeque fire appliances must be reviewed and approved by the Design Review Committee.
- 35. Parking.** Each single-family and two-family (duplex) residential building shall have at least two parking spaces per unit within a fully enclosed garage. All multi-family residential buildings, including, without limitation, apartments and condominiums, shall have at least two parking spaces per dwelling unit, at least one of which shall be within a fully enclosed garage.
- 36. Open Space.** At least seventy-five percent (75%) of a lot on which a single floor structure is constructed shall be left open and not built upon and at least eighty-five (85%) of a lot on which a multi-floor structure is constructed shall be left open and not built upon. Screened-in porches are included in this calculation, open exterior decks are not.
- 37. Viewing Platforms.** Viewing platforms may be approved and installed at the sole discretion of the Design Review Committee.
- 38. Solar Panels.** Subject to Design Review Committee (DRC) approval, solar panels may be used if they are integrated into the architecture or landscaping. Mounted panels that attach to the building at angles and pitches inconsistent with the surrounding structure are not permitted.

The design and location of solar panels must be submitted and approved by the DRC prior to installation. The DRC recognizes that there are several methods to install solar panels and the installation method will be reviewed on a case-by-case basis. The proposed method of installation i.e., ground, roof or wall must be reviewed and considered during the preliminary design phase/review of a new home(s), proposed remodel or proposed new installation of solar panels at an existing home(s) and be incorporated into the construction and or site planning and landscaping design.

The DRC has established a set of criteria utilized in determining the appropriate method of installation. This criteria includes but is not limited to:

- A.** Visibility of proposed solar panel style and location from the streets, golf courses, neighbors, open space areas or other commonly traveled ways;
- B.** Solar panels frames, mounting brackets and associated hardware shall not be reflective, shiny or contrasting in appearance to the structure. These materials must blend into the site and or structure and match existing building materials;
- C.** Solar panels shall be integrated into the existing natural features of the site and or landscaping plan. Landscaped screening of the panel is required to incorporate the panel into the site and landscaping while allowing the panel to maximize its solar efficiency;
- D.** Solar panels shall lie flat on the roof surface. Roof design should include the best pitch within the permitted range to achieve appropriate solar exposure. Roof top panels which are raised and supported at an angle different than the roof plan will not be permitted;
- E.** Solar panels may not protrude higher than the ridge of the roof installed upon.

39. Lot Designation. Lot boundary corners must be marked with 5 foot metal "T" posts driven into the ground 1 to 1½ feet and building envelope corners must be marked with 3 foot 2-inch by 2-inch wood lath material. No flagging material of any kind shall be tied to lot corner and or lot building envelope stakes. Flagging may only be used for specific engineered projects requiring a licensed surveyor and must be removed within 30 days of installation.

40. Gazebos and Pergolas. The Design Review Committee must

approve gazebos and pergolas. If approved, the square footage of the pergola or gazebo will be included in the Lot Coverage calculation used to determine the required open space percentage for the lot. If the lot has a platted building envelope, the gazebo or pergola must be constructed within the envelope. For lots without a building envelope, the construction of a gazebo or pergola must satisfy the setback requirements in Article V, “General Restrictions” paragraph 3.

ARTICLE VI

CONSTRUCTION REGULATIONS

Construction. The following restrictions apply to the construction of all buildings and structures within SKYLAND, FILINGS 1, 2, AND 3:

1. **Construction Hours.** Construction is permitted from 7am – 6pm Monday through Saturday and work is not permitted on Sunday.
2. **Silt and or Control Fencing.** Silt and or control fencing may be required to delineate areas that are not to be disturbed on construction sites.
3. **Snow Removal.** Snow may be removed, or “pushed off” lots prior to commencing construction on lots within Skyland at the sole discretion of the Design Review Committee (DRC). Prior to granting approval, the applicant must present detailed plans to the DRC for review and consideration.
4. **Construction Trailers, Portable Field Offices, Unit or Complex Designation Signs and Contractors Business Display Signs.** Owners or contractors who desire to temporarily set a construction trailer , field office, unit or complex designation sign or business display sign on a construction site must first obtain written approval from the Design Review Committee (DRC). Any sign on a construction site must conform to the requirements stated within Article V, “General Restrictions”, paragraph 27, “Exterior Signs” and be approved by the DRC. The DRC, designee or manager will designate a specific location and a maximum period of use.
5. **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.
6. **Debris and Trash Removal.** Trash and debris must be placed in a dumpster that contains an integral lid(s) or a secured tarp. Owners and contractors shall clean up all trash and debris daily on the construction site and surrounding land, if blown from the site. Particular attention should be paid to site cleanup following windstorms and during spring months. The dumpster must be emptied when full. All persons are prohibited from dumping, burying or burning trash anywhere in Skyland Filings 1, 2, and 3.

Solid and liquid food wastes, including containers used for foods and liquids such as empty cans, bottles, bags, styrofoam and paper boxes, etc. must be disposed of in a “bear-proof” container approved by the Design Review Committee.

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

8. Parking Areas. Construction crews or other construction personnel shall not park on public roads or use other lots or tracts for parking purposes during construction. The applicant must establish a parking plan with the Design Review Committee, designee or manager and adhere to said plan during the construction period.

9. Concrete. Following concrete delivery to construction sites, concrete trucks may not clean trucks or dump excess concrete in Skyland roads, right of ways or easements.

10. Excavated Materials. Excess excavated materials shall be hauled from SKYLAND, FILINGS 1, 2, AND 3, or placed in areas approved by the Design Review Committee.

11. 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, the person(s) responsible will repair it promptly. The owner of the lot or tract upon which improvements are being constructed shall be responsible for damage and other violations of these construction regulations caused by such owner’s contractors, sub-contractors, employees, agents or other representatives.

12. 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. The “blasting” contractor must be licensed, provide proof of insurance and name the Skyland Community Association as an additional insured party.

13. Conduct and Behavior. All property owners in SKYLAND, FILINGS 1, 2, AND 3, shall be responsible for the conduct and behavior of their representatives, builders, contractors and subcontractors.

14. Stop Work Authority. The Design Review Committee shall at all times have the authority to stop all work on any construction site within

SKYLAND, FILINGS 1, 2, AND 3. 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.

15. 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, FILINGS 1, 2, AND 3.

16. Pets. Dogs and other pets owned by contractors or construction workers shall be prohibited from construction sites unless said contractor is the legal owner of record of such lot and on-site and controlling the pet when present where construction is taking place.

17. Site Cleanliness Requirements. When the sites building(s) receives a Temporary Certificate of Occupancy, the entire site must be cleaned and all construction materials and equipment removed within fourteen (14) days.

ARTICLE VII

LANDSCAPING, SCREENING AND EXTERIOR DISPLAYS

1. **General.** It is the intent of this article to improve the natural appearance of SKYLAND, FILINGS 1, 2, AND 3, and to maintain such appearance and maximize the seclusion of each home site from other home sites, insofar as possible. Landscaping is encouraged and 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. The transitional area between the asphalt surface of the road and the private area of a lot must contain natural vegetation. If this area is disturbed during construction, the criteria identified in Paragraph 4 below must be followed.

All references to Owner in this Article VII shall be as defined in Article II, Definitions, except with reference to developed multi-family properties designated as Condominiums (also defined), in which case the term Owner shall refer to the respective Condominium Homeowners Association.

2. **Clearing of Trees and Vegetation Prior to Completion of Construction.** At all times – prior to, and until construction is complete, 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 or Design Review Chairperson; Vice Chairperson; or Manager, if found to be Insubstantial. The purpose of tree thinning and trimming is to allow beautification, promote a more attractive and healthy landscape environment, create views, allow for better sun exposure for homes and to prevent possible damage from falling trees to houses or roads.

Within fifteen (15) days, 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, provided, however, that this clause shall not prevent Owners from stacking firewood in neat stacks on their lots. Stumps must be cut no more than 3 inches from ground level.

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 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, FILINGS 1, 2, AND 3. Prior to the fine being levied and subsequent action taken as described herein, the Owner will be given notice and provided an opportunity to be heard. The Design Review Committee will listen and review the circumstances and shall have the right to waive the fine and or subsequent actions.

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 within SKYLAND, FILINGS 1, 2, AND 3, 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. Revegetation of disturbed areas after construction must adhere to the following criteria:

(a) A grading plan is required to determine areas that will require re-establishment of lands back to its natural state. The grading plan must identify a location for storage of backfill, topsoil and areas that constitute the impacted areas (to be noted "transition zone"). The Design Review Committee reserves the right to require protective fencing to protect areas outside said transition zone;

(b) Disturbed areas must be seeded with a Skyland recommended mix, including 20% native wildflower seeds. An aggressive seed mix will be allowed for grades of 1:2 or steeper. Additional top soil may be required to encourage substantial growth;

(c) A water management plan identifying specific details for watering the new seed must be approved by the Design Review Committee;

- (d) Constructed utility trenches must adhere to the seeding and watering plan (approved by the Design Review Committee) to re-establish the pre-existing natural condition.

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. The approved landscaping plan must be completed within one year after the Certificate of Occupancy is received by the Gunnison County Building Department. The Design Review Committee, its designee or manager, must approve any revisions to the landscaping plan approved during the design review process. Required landscaping is as follows:

A. Single-Family and Duplex Lots. As a minimum, landscaping or remaining natural growth after construction shall include 3,000 points (minimum) for a single-family lot and 4,500 points (minimum) for a duplex lot. Points required are based on the square footage of the structure, i.e., if a single-family home is 3,750 square feet (per the square footage definition), 3,750 landscaping points would be required. This formula applies to duplex structures also.

A single-family lot must have at least two (2) 14-foot evergreen trees, and two (2) 12-foot evergreen trees. A duplex lot must have at least four (4) 14-foot evergreen trees and four (4) 12-foot evergreen trees. Points must be from at least four (4) categories, with a minimum of 2,000 points in the "Trees" category and 250 points from three (3) other categories.

Evergreen and Deciduous trees must be nursery-grown and satisfy minimum standards as defined and certified by the Colorado Nursery Growers Association. The Design Review Committee shall have the authority to require nursery grown trees if an owner requests approval to plant additional trees exceeding the trees and points requirements stated above. Said requests and review of additional trees will be evaluated on a case-by-case basis.

- 1) Trees (2,000 points minimum):

Deciduous	5 points per foot and 35% of total tree points
Evergreen	15 points per foot and 65% of

total tree points

2) Shrubs:

Deciduous	20 points per shrub
Evergreen	30 points per shrub

3) Dry landscaping:

Boulders	50 points per decorative boulder (minimum exposed 3 feet in diameter)
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4) Planted surface (maximum 500 points):

Sod or seeded lawn	1 point per 10 square feet
Flowers in beds	1 point per square foot
Ground cover	1 point per 10 square feet

5) Hard surfaces:

Pavers	40 points per 100 square feet
Stone Patio	40 points per 100 square feet

6) Structures:

Planters	5 points per square foot
Benches	5 points per bench

7) Existing landscaping (maximum 500 points):

Trees:	
Deciduous	5 points per foot
Evergreen	15 points per foot

Irrigated lawns should be kept to a minimum to promote water conservation within Skyland. Lawn sizes are to be in accordance with the Rules and Regulations of the Skyland Metropolitan District, and all lawns will be watered with a permanently installed, automatic, underground sprinkler system.

B. Multi-Family Tracts. The same point system and requirements set forth in Article VII, paragraph 4 and 4(A) shall apply to all multi-

family tracts with minimum of 2,000 points per unit, 6,000 points per building, including 1,000 points (minimum) from the “Trees” category and 250 points (minimum) from three (3) other categories. Each building within the multi-family tract must have a total of five (5) 14-foot evergreen trees. Points required are based on the square footage of the structure, i.e., if a multi-family unit is 2,500 square feet (per the square footage definition), 2,500 landscaping points would be required. As in single-family and duplex lots, the Skyland Metropolitan District’s Rules and Regulations will apply to multi-family tracts.

5. Landscaping Maintenance. Once construction and landscaping on any Skyland property has been completed in accordance with plans approved by the Design Review Committee, all plant material so approved shall be maintained by the Owner with normal growing and maintenance procedures. Any of the plant material that dies or is no longer of a quality that meets the American Nurseryman Association Standards shall be replaced no later than the next planting season. Owners are encouraged to improve and maintain their landscaping by performing the following without prior approval:

- (a) Addition of Insubstantial landscaping such as planting flowers, flower baskets, shrubs, and other incidental hardscaping;
- (b) Trimming the lower limbs from Aspen trees to gradually raise the canopy (Owners may remove up to one-third of the lower canopy of Aspens without prior approval. Owners are always encouraged to first consider whether trimming an Aspen will achieve the desired result as opposed to removing the tree.);
- (c) Trimming of dead limbs from evergreen trees (The removal of living limbs from evergreen trees requires prior approval by the Manager);
- (d) Removal of small “volunteer” Aspen trees;
- (e) Monitor and modify the irrigation system as needed;
- (f) Fertilize plant material as recommended by local experts;
- (g) Maintenance of shrubs and flower beds to control weeds and overgrowth;
- (h) Perform weed control for noxious weeds as needed (Owners are

referred to Appendix I, Skyland Community Association, Weed Management Plan.).

6. Revisions to Landscaping, Including Tree Removal. Incidental and minor landscaping improvements after the final construction landscape plan has been completed does not require prior approval, however, Owners should inquire with the Manager as to whether the desired changes constitute a significant alteration to the originally approved landscape plan for their property. (Condominium owners must contact their respective Condominium Homeowners Association with requests for landscaping changes, including tree removal.) Prior to significantly altering the final approved landscape plan, including tree additions, removal, relocation or replacement, the Owner must submit a plan for revised landscaping to the Manager, who may in turn refer it to the Design Review Committee for approval. Such plan which is submitted for approval shall, as a minimum, result in overall landscaping for the Owner's property which meets the standards set forth above in Paragraph 4(A) for Single-Family and Duplex Lots and Paragraph 4(B) for Multi-Family Tracts. If the plan for the revision of landscaping requests the removal of any existing trees, living or dead, then the plan must provide for the replacement of those trees, on a tree-for-tree basis, somewhere on the Owner's property. If the evergreen number and height requirements of Paragraphs 4(A) and 4(B) do not supersede, then the replacement tree shall be of the same type as the removed tree and shall be at least 12 feet high (regardless of the height of the removed tree), unless the removed tree was smaller than 12 feet, in which case the replacement tree shall be approximately the same height as the tree which was removed.

In extenuating circumstances, the Design Review Committee has the authority to modify these guidelines, on a case-by-case basis, in order to approve a landscape revision plan which is not in full compliance with the guidelines. The Design Review Committee and the Manager will monitor the implementation of the approved changes.

Owners are reminded that the Skyland Covenants provide details as to penalties for violation of the Design Review Guidelines.

7. Screening. Utility meters, garbage and rubbish areas, clotheslines, air conditioning equipment, pool filters, dog runs, hot tubs, recreational equipment 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 that conform to 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.

8. Weed Management. Appendix I titled “Weed Management Plan” describes the weed management plan approved by the Skyland Community Association Board of Directors. The goal of the plan is to prevent and or control the growth of noxious weeds within Skyland. The Design Review Committee is hereby authorized to enforce this plan.

9. Exterior Displays. Personal items of substantial size and shape displayed on a lot’s exterior land and or attached to a structure in Skyland must be approved by the Design Review Committee. These items must reflect the design style of Skyland and be based upon the western heritage of Skyland’s location in the mountains of the American West. The Design Review Committee reserves the right to require dimensioned drawings, artist’s renderings and or other information deemed necessary, of the proposed item(s) prior to granting approval.

ARTICLE VIII

DRAINAGE

1. **General.** There are several minor drainage ways that work their way across SKYLAND, FILINGS 1, 2, AND 3. These minor drainage ways are either the result of perennial springs that originate within SKYLAND, FILINGS 1, 2, AND 3, or storm runoffs with tributary areas lying outside the boundaries of SKYLAND, FILINGS 1, 2, AND 3. 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, FILINGS 1, 2, AND 3.

2. **Single-Family or Duplex Lots.** Where private access driveways approach the public road system, provision must be made to prevent blockage of the roadway ditch system. Therefore, a side culvert must be provided at all private driveways where they meet the existing public road. Normally a twelve (12) inch diameter corrugated metal pipe (CMP) will adequately handle expected storm flow. However, under certain circumstances where large tributary areas exist or perennial flows are present, a larger culvert will be required. Where private access driveways meet private roadways in multi-family or duplex projects within Skyland, normally a twelve (12) inch diameter CMP should be installed. However, under certain circumstances, this may not be necessary. In such circumstances, the Design Review Committee, its designee or manager must be consulted to evaluate and determine if a CMP should be installed.

The Design Review Committee may be consulted on drainage issues and may require certain minimum standards; however, each owner shall be responsible for consulting independent professionals to determine necessary culvert size and other drainage requirements. All private driveway culverts shall be installed at the flow line of the roadway ditch in line with that ditch or where the fill slope meets the native ground when a ditch does not exist. No house, garage or other structure can be built within a drainage easement nor may any fill material which will impede the flow of storm drainage be placed in a channel or swale along any identified drainage way.

In the design of storm drainage improvements for any tract with Skyland, every effort should be made to utilize existing ditches and watercourses, and to prevent soil erosion. The Design Review Committee will not approve the plans and specifications for any tract until adequate provision for storm

drainage has been made. The Design Review Committee will disapprove any plans and specifications containing inadequate provision for storm drainage.

3. Multi-Family, Lodge, Maintenance, and Clubhouse Tracts. It is anticipated that storm drainage within these tracts will be adequately handled through the proper design and use of swales, ditches, culverts, and channels. However, under certain circumstances, curb and gutter and storm sewers may be required to properly handle storm drainage within some tracts.

In the design of storm drainage improvements for any tract within SKYLAND, FILINGS 1, 2, AND 3, every effort should be made to utilize existing ditches and water courses, and to prevent soil erosion.

The Design Review Committee will not approve the plans and specifications for any tract 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, FILINGS 1, 2, AND 3.

ARTICLE IX

DRIVEWAYS AND PARKING AREAS

1. **Single-Family or Duplex Lots**. Access to primary dwelling units on single-family or duplex lots shall be by a single driveway that allows easy access to the public road system via the secondary road access. When driveways are considered during the design review process, the following factors will be taken into consideration:
 - A. The minimum surface width of the driveway must comply with the Gunnison County Road and Bridge department's specifications;
 - B. Good visibility and sight distance should be obtained along the public roadway together with an intersection as close to 90 degrees as possible;
 - C. All driveways shall have a maximum gradient of 11%. Driveways shall not exceed a grade of 4% for a minimum of 30 feet from the intersection with the edge of the road. Grades and distances will be measured at the centerline of the driveway. The Design Review Committee is authorized by the Skyland Metropolitan District to consider variances. The Design Review Committee may consider modifications to the driveway request, including additional requirements in order to comply with the snowplowing of the Skyland Metropolitan District roads and the Crested Butte Fire Protection District Guidelines;
 - D. Driveways on steep terrain should not run perpendicular to land contours, and all cut and fill slopes should be as flat as possible and revegetated. Interference with natural drainage flows should be avoided;
 - E. On steep terrain, where driveway construction will be expensive, lot owners should consider building driveways jointly with adjacent lot owners;
 - F. All driveways must be paved. A hot bituminous pavement (HBP) or concrete surface course (but excluding chip and seal) shall be used. Chip and seal may be used as an overlay to existing pavement. Paving of a driveway (whether new construction or existing

construction) shall be at the sole expense of the lot owner and completed within one year of receiving a certificate of occupancy.

2. Multi-Family, Lodge, Maintenance, and Clubhouse Tracts. Detailed plans and specifications for driveways and parking areas within tracts 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. For multi-family tracts, at least two, off road, parking spaces shall be provided for each dwelling unit. For the clubhouse tract, maintenance tract and lodge tract, adequate off street parking must be provided for the sizes and types proposed. The following factors will be taken into consideration during the review of driveways and parking areas for tracts:

- A.** The minimum surface width of the driveway(s) must comply with the Gunnison County Road and Bridge department's specifications;
- B.** Good visibility and sight distance along the public roadway and a degree of intersection as close to 90° as possible;
- C.** Gradients should not exceed 11% anywhere along the driveway and must be at or near 4% within 30 feet of the public roadway shoulder. The Design Review Committee is authorized by the Skyland Metropolitan District to consider variances if the gradient exceeds 4% within 30 feet of the public roadway shoulder;
- D.** Driveways on steep terrain should not run perpendicular to land contours, and all cut and fill slopes should be as flat as possible and revegetated;
- E.** For each tract, access to the public road should be limited to three driveways;
- F.** Adequate landscaping shall be required in order to break up, and to screen to the extent feasible, all parking areas;
- G.** All driveways and access drives must be paved. A hot bituminous pavement (HBP) or concrete surface course (but excluding chip and seal) shall be used. Paving of driveway(s), access drives and parking area(s) shall be at the sole expense of the tract owner and completed within one year after completion of the last building with the designated tract noted above.

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 to 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, FILINGS 1, 2, AND 3. Overhead lines or wires, poles or any other aboveground appurtenances, except junction boxes, are strictly forbidden within SKYLAND, FILINGS 1, 2, AND 3.

ARTICLE XI

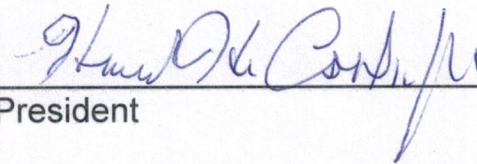
EFFECTIVE DATE

These Design Guidelines shall be effective as of and apply to all construction commenced after October 12, 2016. 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 18 months of approval.

CERTIFICATION

The foregoing Design Guidelines were duly adopted by the Board of Directors of Skyland Community Association, a Colorado non-profit corporation, at a meeting held on October 12, 2016.

SKYLAND COMMUNITY ASSOCIATION,
A Colorado non-profit corporation

By: 

President